

DOCKET NO. D-1993-040-3

DELAWARE RIVER BASIN COMMISSION

**United Corrstack, LLC.
Groundwater Withdrawal
City of Reading, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by United Corrstack, LLC (UC) to the Delaware River Basin Commission (DRBC or Commission) on December 7, 2012 for renewal of an allocation of groundwater and a groundwater water withdrawal project (Application). The project was previously approved by the Commission on September 3, 2003 in Docket No. D-1993-040 Renewal.

The Application was reviewed for continued inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on May 7, 2013.

A. DESCRIPTION

1. Purpose. The purpose of this project is for renewal of a groundwater withdrawal allocation to continue to supply up to 17.856 million gallons per month (mgm) of groundwater to the docket holder's manufacturing facility for industrial processes from existing Well No. 1 without an increase in the existing allocation.

2. Location. The project well and the facility are located in the Schuylkill River Watershed in the City of Reading, Berks County, Pennsylvania. The Schuylkill River near the project site is designated by the Pennsylvania Department of Environmental Protection (PADEP) as supporting Warm Water Fishes (WWF). The project well is completed in Middle-Cambrian carbonate rocks of the Lebanon Valley Sequence.

Specific location information has been withheld for security reasons.

3. Area Served. Well No. 1 supplies water exclusively to the docket holder's manufacturing facility. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical features.**

a. **Design criteria.** UC utilizes Well No. 1 as a source of water for industrial processes in the recycling and manufacturing of corrugated cardboard products. Existing average and maximum water demands are 0.3 million gallons per day (mgd) and 0.576 mgd, respectively. To supplement the water needed for industrial process and operation of the docket holder's boiler, approximately 0.053 mgd of water is purchased from the City of Reading. The applicant does not project an increase in future water demand. The allocation of 17.856 mgm should be sufficient to meet the future demands of UC.

b. **Facilities.** The existing project well has the following characteristics:

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
1	268'	179'	400 gpm	1993

The well is metered.

Prior to entering the distribution system, the water is not treated.

The project well is located outside of the 100-year flood elevation.

c. **Other.** Wastewater is conveyed to the City of Reading sewage treatment facility most recently approved by DRBC Docket No. D-1986-028 CP on September 17, 1986. The PADEP issued its most recent NPDES Permit No. PA0026549 on April 10, 2001 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

d. **Cost.** This is an existing project. There are no costs associated with the renewal of this approval.

B. **FINDINGS**

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

This project consists of an existing withdrawal of groundwater from Well No. 1. The docket holder has requested an allocation for existing Well No. 1 based on existing water use and the previously approved allocation. This rate is provided in Decision Condition II.d. in the Decision Section of this docket. As the existing water withdrawal has already been realized by the local hydrologic system, there should be no significant impacts from continued withdrawals from the existing system wells.

The docket holder estimates that the project withdrawals, used for the purpose of recycling and manufacturing corrugated cardboard products, result in a consumptive use of 20 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-1993-040-3, Docket No. D-1993-040 Renewal is terminated and replaced by Docket No. D-1993-040-3.

II. The project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. The docket holder shall register with and report to the PADEP all surface and groundwater sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The wells and operational records shall be available at all times for inspection by the DRBC.

c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month, the combined withdrawal from all well sources shall not exceed 17.856 million gallons. No well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
1	400 gpm	17.856 mgm

e. The wells shall be equipped with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and ½ inch ID drop pipes as repairs or modifications are made at each existing well.

f. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent

performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

g. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

h. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

i. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

j. Sound practices of excavation, backfill and reseeded shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

k. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

l. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

m. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

n. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

o. If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing uses of ground or surface water, or if the docket holder receives a complaint by any existing ground or surface water users within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by any ground or surface users within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Section at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the docket holder shall provide written notification to all potentially impacted users of wells or surface water supplies of the docket holder's responsibilities under this condition. Any ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

p. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

q. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

r. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE: May 8, 2013

EXPIRATION DATE: May 8, 2023