

DOCKET NO. D-1992-001 CP-3

DELAWARE RIVER BASIN COMMISSION

**Borough of Richland
Groundwater Withdrawal
Millcreek Township, Lebanon County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Steckbeck Engineering & Surveying, Inc. on behalf of the Borough of Richland to the Delaware River Basin Commission (DRBC or Commission) on July 1, 2015 (Application), for a renewal and approval of an existing allocation of groundwater and review of a groundwater withdrawal project. This docket was previously approved by the Commission on July 19, 2006. The project wells were reviewed under the Pennsylvania Safe Drinking Water Act for public water supply permits and approved by the Pennsylvania Department of Environmental Protection (PADEP) on April 1, 2011 (PADEP Permit No. 3810506 MA).

The Application was reviewed for continuation in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Lebanon County Planning and Zoning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on May 11, 2016.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew the approval of an existing supply of groundwater to the docket holder's public water supply system from existing Wells 2, 3, 6 and an existing spring. The total allocation of groundwater will remain 5.4 million gallons per month (mgm). The Borough of Richland is not requesting an increase in groundwater withdrawal allocation from that contained in its prior approval.

2. Location. The project wells are located in the Mill Creek Watershed, in Millcreek Township, Lebanon County, Pennsylvania. Wells 2 and 3 are completed in Crystalline Rock and Well 6 is completed in the Hardyston Formation. Mill Creek near the project site is designated by the Pennsylvania Department of Environmental Protection (PADEP) as Warm Water Fishes (WWF) and Migratory Fishes (MF).

Specific location information has been withheld for security reasons.

3. Area Served. The docket holder's water distribution system serves the Borough of Richland as shown on a map entitled "Figure 1", submitted with the Application. For the

purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the Decisions section of this docket.

4. Physical features.

a. Design criteria. The Borough of Richland supplies water to an estimated population of 1,500 via 586 domestic and 46 commercial connections. The average and maximum groundwater demand for this project are 0.086 million gallons per day (mgd) and 0.242 mgd, respectively. The docket holder estimates an increase in average demand over the next ten years. The projected average and maximum demand is estimated to be 0.089 mgd and 0.242 mgd, respectively. The allocation of 5.4 mgm should be sufficient to meet the future demands of the Borough of Richland system.

The spring water flows by gravity from the spring structure into a covered reservoir through an 8-inch pipe. During the seasonal periods of high spring flow, all of the water produced by the spring is not used by the Richland system. Excess water in the reservoir currently overflows through a 10-inch pipe. It flows to an inlet which then discharges on the Richland property. The water is absorbed into the ground prior to running off the property.

b. Facilities. The existing project wells have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH / CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
2	546	376' / 6"	80	1942
3	668	152' / 6"	60	1958
6	649	303' / 9"	80	1999

Since the previous docket approval Wells Nos. 1, 4 and 5 have been sealed and abandoned.

SPRING ID.	YIELD CAPACITY	YEAR DEVELOPED
Spring	0.173 mgd	Pre-1960

All wells and water service connections are metered, except for the spring. The Borough of Richland measures spring water usage by subtracting the amount of water produced and metered by the wells from the total amount of water sold to their customers.

Prior to entering the distribution system, all wells are treated by chlorination and corrosion control.

The project wellheads are located above the 100-year flood elevation.

The water system is not presently interconnected with any other distribution system.

The Borough of Richland storage facilities total 0.516 mg, which is approximately 3.5 days of supply.

c. **Other.** Wastewater is conveyed to the Borough of Myerstown sewage treatment facility most recently approved by DRBC Docket No. D-1974-176 CP-3 on September 12, 2012. The PADEP issued its most recent NPDES Permit No. PA0021075 on June 20, 2014 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from this project.

d. **Relationship to the Comprehensive Plan.** The Borough of Richland Wells 2, 3 and the existing spring were included in the Comprehensive Plan via DRBC Docket No. D-1968-079 CP, issued on May 22, 1968. Docket No. D-1992-001 CP continued the approval of these sources and was issued on February 23, 1994. The Borough of Richland Well 6 was included in the Comprehensive Plan via DRBC Docket No. D-1992-001 CP-2, issued on July 19, 2006. Issuance of this docket will continue the groundwater withdrawal project in the Comprehensive Plan.

B. FINDINGS

Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the Water Code states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance (Section 2.1.8.C). Water audits shall be submitted annually to the Commission by March 31. The Borough of Richland submitted their most recent Water Audit on March 31, 2015.

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

The docket holder estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 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-1992-001 CP-3 below:

a. The project described in Docket No. D-1992-001 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in D-1992-001 CP-3; and

b. Docket No. D-1992-001 CP-2 is rescinded and replaced by Docket No D-1992-001 CP-3.

c. The project and the appurtenant facilities described in the Section entitled “Physical features” above shall be added to the Comprehensive Plan.

II. The project as described in the Section entitled “Physical features” above is approved pursuant to Section 3.8 of the *Compact*.

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

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

c. The wells and spring 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 sources shall not exceed 5.4 million gallons. No source shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM INSTANTANEOUS RATE (GPM)	MONTHLY ALLOCATION (MG)
2	80	3.456
3	60	1.300
6	80	3.456
Spring	120	5.200

e. The wells shall be equipped with a readily accessible capped port and drop pipe so that water levels may be measured under all conditions.

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. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

h. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

i. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the Water Code, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. Water audits shall be submitted annually to the Commission by March 31.

j. 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.

k. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. The docket holder shall 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.

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

n. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

o. 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.

p. 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*.

q. 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.

r. 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.

s. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing uses of ground or surface water, or if the permit holder receives a complaint from an existing ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director, and unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the Executive Director.) In addition, the permit holder shall provide written notice to all potentially affected water users of the permit holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the permit holder's project withdrawal shall be repaired, replaced or mitigated at the permit holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by

the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct the permit holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement or mitigation.

t. 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.

u. 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.

v. 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: June 15, 2016

EXPIRATION DATE: June 15, 2026