

DOCKET NO. D-2001-005 CP-2

DELAWARE RIVER BASIN COMMISSION

Special Protection Waters

Village of Monticello

Surface Water and Groundwater Withdrawal

Village of Monticello, and Town of Thompson, Sullivan County, New York

PROCEEDINGS

This docket is issued in response to an Application submitted by Barton and Loguidice, D.P.C. on behalf of the Village of Monticello (the Village or docket holder) to the Delaware River Basin Commission (DRBC or Commission) on August 11, 2015 for approval of an allocation of groundwater and surface water and review of an existing groundwater and surface water withdrawal project and a service area expansion (Application). The surface water withdrawal and Kiamesha Lake water treatment facility were approved by the New York Department of Conservation Water Power and Control Commission (NYDCWPCC) on July 12, 1955 (Water Supply Application No. 2792). An additional source of water diverted from a branch of Kiamesha Creek into Kiamesha Lake was approved the New York Department of Conservation Water Resources Commission (NYDCWRC) on December 3, 1964. The groundwater withdrawals were approved by the New York State Department of Environmental Conservation (NYSDEC) in permits WSA No. 7036 and WSA No. 9562 issued on January 24, 1981 and December 5, 1997, respectively.

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 Sullivan 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 11, 2016.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve an existing surface water and groundwater withdrawal project to supply up to 27.9 million gallons per month (mgm) of groundwater from Wells Nos. 1, 2 and 3; up to 47.43 mgm (1.53 mgd) of surface water from Intake No. 2 in Kiamesha Lake except that during the summer season when the allocation may be temporarily increased to 62 mgm (2 mgd); and the diversion of up to 360 million gallons per year of water from an unnamed tributary (UNT) of Kiamesha Creek into Kiamesha Lake for use in the docket holder's public water distribution system. The docket also approves an expansion of the docket holder's service area to include a new water district located in the Town of Thompson, Sullivan County, New York. Although all sources have been previously approved by

the State of New York, only the groundwater supply was approved by the Commission. There are no increases in the allocations previously approved by the Commission and/or the State of New York.

2. Location. Kiamesha Lake, the diversion from a branch of Kiamesha Creek and the water treatment facility are located in the Town of Thompson, Sullivan County, New York. Kiamesha Lake is located on Kiamesha Creek in the Sheldrake Creek Watershed, which is part of the Neversink River Watershed. Wells Nos. 1, 2, and 3 are located in the Village of Monticello within the Black Brook Watershed. Black Brook flows to the Mongaup River just above the Rio Reservoir. The surface water withdrawals are located within the drainage area to the section of the non-tidal Delaware River known as the Middle Delaware and the groundwater wells are located within the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware, both of which are designated as Special Protection Waters. Kiamesha Lake is classified by the NYSDEC as a Class A water body.

Specific location information has been withheld for security reasons.

3. Area Served. The Village's water supply system serves water to the Village of Monticello and will be expanded to serve the new Adelaar Resort Water District located in the Town of Thompson, Sullivan County, New York. The service area is outlined on maps entitled "Village of Monticello Water Distribution System" and "Adelaar Resort Water District Boundary and Sketch Plan" submitted with the Application. 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. The system currently serves water to an estimated population of approximately 6,465 persons on 1,479 domestic service connections and 613 commercial service connections and records an existing average and maximum daily water demand of 0.974 million gallons per day (mgd) and 1.363 mgd, respectively. Over 90 percent of the total demand is met by a surface water intake on Kiamesha Lake. Wells Nos. 1, 2 and 3 provide the remainder of the demand. Based on 2015 water usage records, total monthly withdrawals range from 24.5 million gallons per month (mgm) to 34.7 mgm. Approximately 95 percent of the usage was met by surface water from Kiamesha Lake. The docket holder projects the 10-year average and maximum water demands for its current exiting service area to increase to 1.099 mgd and 1.635 mgd, respectively.

In addition to the Village demands, a new water district was created to serve a land development project known as the Adelaar Resort that is located on the former Concord Resort property. The first phase of the development includes a casino and hotel. Average and maximum water demands provided by the Village for all four (4) phases of the Adelaar Resort development project are 0.393 mgd and 0.795 mgd, respectively. The demands of the new service area added to the 10-year projected demands of the Village of Monticello's existing service area result in a total projected average system demand of 1.492 mgd and a total peak daily demand of 2.43 mgd. In October, 2013, the Village of Monticello entered into an

agreement to supply up to 375,000 gpd of water to the Casino and Hotel at Adelaar (Phase 1). The developer has requested to purchase additional water from the Village of Monticello in the future to supply the future phases of the development project.

b. Facilities. The existing project wells and surface water source have the following characteristics:

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
1	38'	28' / 6"	230	1979
2	39'	31' / 6"	225	1979
3	47'	36' / 6"	225	1997

INTAKE NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY	STORAGE CAPACITY	YEAR CONSTRUCTED
2	Kiamesha Lake	2.0 mgd	unknown	1950
Creek	Kiamesha Creek	gravity	unknown	1965

All wells and the Kiamesha Water Treatment Plant withdrawals from Intake No. 2 are metered.

The transfers of water from the UNT of Kiamesha Creek into Kiamesha Lake are not metered. This diversion is not used on a routine basis.

All water service connections are metered.

Prior to entering the distribution system, groundwater from Wells Nos. 1, 2 and 3 is treated by chlorination. Surface water from Kiamesha Lake is treated at the Village of Monticello Water Treatment Plant as described herein.

The project wells and water treatment plant are not located within FEMA mapped 100-year floodplains.

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

Kiamesha Lake and Water Treatment Plant

Lake Kiamesha is located in the Town of Thompson approximately one mile northeast of the Village of Monticello. Based on information in the 1955 and 1964 New York Water Supply Applications, Kiamesha Lake is a spring-fed natural body of water having a surface area of approximately 150 acres and a drainage area of about 0.75 square miles. The capacity of the lake was estimated to be about seven billion gallons. Information submitted by Monticello to the Commission in 1987 indicated that the total volume of the lake was about 1,050 mg and the

usable capacity was estimated at 590 million gallons. Based on the current Application, the actual capacity of Kiamesha Lake is unknown.

A public water supply system was first installed in Monticello around 1886. The water treatment plant was originally constructed in 1950 and expanded in 1958. The WWTP and has a rated treatment capacity of 2.0 mgd. Two intake lines (14 and 12 inches in diameter) extend into the Lake from the treatment plant. The village operates two sets of high lift pumps depending on the time of year. During summer months the first set of pumps deliver approximately 1,300 gpm from the Lake to the water treatment plant and during the winter months, the second set of pumps deliver approximately 1,050 gpm of water to the treatment plant. The water treatment plant consists of raw water pumps, coagulation through rapid mix and flocculation, clarification, sand filtration, finished water storage and disinfection. Backwash from the filter plant is directed to an above ground storage tank and is directed to a town of Thompson Wastewater Treatment Plant. After treatment, finished water gravity flows to the clear well where it is pumped to the distribution system, which includes four (4) storage standpipes with a total capacity of 1.637 mg.

Monticello is permitted by New York State to withdrawal up to 1.53 million gallons per day from Kiamesha Lake, except that during the summer season, to meet maximum demands of the system, the diversion may be temporarily increased to 2.0 mgd.

Kiamesha Creek Diversion

Monticello is permitted to divert up to 360 million gallons per year from an UNT of Kiamesha Creek into Kiamesha Lake. Based on information contained in the 1964 Water Supply Application No. 4806, the approved diversion project consists of a 7-foot high, 500-foot long earth filled dam with concrete corewall designed to impound approximately 1.2 million gallons of water over an area of approximately 4.5 acres. The drainage area above the dam is approximately 4.7 square miles. The 10-footwide spillway was constructed in the dam at the same elevation as the spillway on an existing dam approximately 4,000 feet downstream of the diversion location (Stackhouse Pond). The crest of the dam is approximately 24 inches above the spillway and the level of the intake to the inlet structure is 3 inches above the elevation of the spillway. This design allows for the flow of 3 mgd to pass over the spillway on the dam before any water is diverted to Lake Kiamesha. The inlet structure contains a gate valve to control flow into the 1,450-foot long concrete pipe that extends from the inlet to Lake Kiamesha. At full capacity, the pipe can deliver approximately 20 million gallons per day by gravity to Kiamesha Lake.

Historically, the diversion was used to supplement the Lake during dry periods and Monticello has not utilized the creek diversion in recent years. Monticello reports that no flow measurement devices are installed at the creek diversion, but any water diverted from the creek into Kiamesha Lake would be included in the total metered withdrawal from the Lake at the water treatment plant. This docket requires the Village of Monticello install and begin recording all diversions made from the creek. Within 180 days of the approval date of this docket, the docket holder shall submit an operations plan to the Commission that includes an as-built description and present day condition and working order of the creek impoundment and diversion facilities and a description and schedule of the installation of a flow metering device. The docket holder shall not divert any water from the creek into Kiamesha Lake until such time

that the plan has been approved by the DRBC Executive Director and the metering device is installed and fully operational.

c. **Other.** Wastewater from the Village of Monticello is conveyed to the Village of Monticello Wastewater Treatment Plant (WWTP) most recently approved by DRBC Docket No. D-1981-038 CP-3 on June 10, 2015. The NYSDEC issued its most recent SPDES Permit No. NY0022454 on July 1, 2010 (modified January 1, 2013) for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the existing project. Wastewater from the new Adelaar Resort Water District will be conveyed to the Kiamesha Lake Wastewater Treatment Plant, which is owned and operated by the Town of Thompson. The Kiamesha Lake WWTP was most recently approved by DRBC Docket No. D-89-11 CP on May 25, 1994.

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

e. **Relationship to the Comprehensive Plan.** The docket holder's surface water withdrawal was included in the Comprehensive Plan as part of Addendum No. 1 of Phase 1, Section VII-Pre Existing Projects via resolution R-62-14 approved on July 25, 1962. Wells Nos. 1 and 2 were previously included in the Comprehensive Plan by the Commission in Docket No. D-81-5 CP on March 25, 1981. Well No. 3 was added to the Comprehensive Plan by the Commission in Docket No. D-2001-5 CP on December 18, 2001. Issuance of this docket will continue approval of the existing surface water and groundwater sources in the Comprehensive Plan (See Condition C.I.c in the Decision section).

B. **FINDINGS**

Special Protection Waters

In 1992, the DRBC adopted Special Protection Waters requirements, as part of the DRBC *Water Quality Regulations* (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap were classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations* that provide increased protection for waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for Special Protection Waters designation and clarity on definitions and terms were updated for the entire program.

Article 3.10.3A.2.e.1). and 2). of the *Water Quality Regulations, Administrative Manual - Part III*, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source

Pollution Control Plan that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of Special Protection Waters.

The docket holder's existing groundwater wells and service area located in the western and southern portion of the Village of Monticello are located within the drainage area of the Mongaup River above the Swinging Bridge Reservoir and Rio Reservoir. These reservoirs are part of the Mongaup Reservoir system listed as one of the major surface water impoundments in Section 3.10.3A.2.g.5) and the docket holder's water supply project in this area is exempt from the NPSPCP requirements, as outlined in Article 3.10.3A.2. of the Commission's WQR.

The Kiamesha Lake and the branch of Kiamesha Creek diversion sources and the portion of the Village's service area located in the eastern part of the Village of Monticello as well as the new Adelaar Resort Water District in the Town of Thompson are located in the drainage area of Sheldrake Creek and Neversink River and are not exempt from the NPSPCP requirements discussed above. Since this project does entail additional construction and expansion of service areas and there are new or increased non-point source loads associated with this approval, the non-point source pollution control plan requirement is applicable at this time.

The docket holder submitted the Stormwater Pollution Prevention Plans (SWPPP's) prepared for Phase 1 of the EPT Concord Resort development. The SWPPPs were prepared in compliance with the NYSDEC SPDES General Permit 0-10-001 and are acceptable and fulfill the Commission's NPSPCP requirements. Additional SWPPP's prepared for subsequent phases of the development must be submitted to the Commission prior to the start of construction. Accordingly, Special Condition C.II.z. has been included in the Decision section of this docket.

Existing Water Allocations

New York State Department of Conservation Water Power and Control Commission and Water Resource Commission and the NYSDEC approved allocations of surface and groundwater. On July 12, 1955, New York DCWPCC (Water Supply Application No. 2792) approved a surface water withdrawal from Kiamesha Lake of up to 1.53 mgd, except that during the summer season, to meet maximum demands on the system, the diversion may be temporarily increased to 2 mgd. Although the New York State approval did not define the summer season, for purposes of this docket approval it is assumed that the summer season is the period from June 20 through September 22. On December 3, 1964, New York State DCWRC (Water Supply Application No. 4806) approved an additional source of water diverted into Kiamesha Lake from an UNT of Kiamesha Creek. While the approval did not specifically condition an allocation for the diversion, the approval indicated that the project was designed to provide a total of 360 mgd to meet estimated future demands.

This project consists of an existing withdrawal of surface water from Kiamesha Lake and groundwater from Well Nos. 1, 2 and 3. In its Application, the Village requested a total of 87 mg/30 days (2.0 mgd from Kiamesha Lake and 0.9 mgd total from the three wells). The requested allocation corresponds to the sum of previous New York State approved maximum surface water allocation from Kiamesha Lake of 2.0 mgd (summer season only) and maximum wellfield (groundwater) allocation of 625 gpm or 0.9 mgd. Based on supplemental application

information submitted to the Commission, the 10-year projected maximum daily demand was estimated at 2.43 mgd (75.33 mgm). The Commission bases water allocations on ten-year projected maximum use estimates. Therefore, the total system allocation of 75.33 mgm granted herein satisfies the docket holder's ten year projected maximum use. The docket holder's daily allocations provided by this docket are the same as previously approved by the State of New York.

Kiamesha Lake Capacity and Demands

Based on information in the New York State permits and information submitted by the docket holder, the safe yield of Kiamesha Lake was previously estimated to be approximately 1.0 mgd (365 million gallons per year) or approximately 1.5 mgd (548 million gallons per year) with the diversion of 360 million gallons per year from the branch of Kiamesha Creek. The docket holder's 10-year average daily demand is projected to be 1.492 mgd (545 million gallons per year). The annual allocation of 547.5 million gallons per year provided by this docket is based on the preliminary safe yield estimate.

The Kiamesha Artesian Spring Water Company (KASWC) is also permitted to take up to 195 gpm or 100 million gallons per year from Lake Kiamesha for public water supply purposes. An Engineering Report previously submitted to the Commission indicated that Monticello's total permitted annual withdrawal of 601 million gallons per year combined with KASWC's permitted annual withdrawal exceeds the safe yield of the lake by approximately 150 million gallons per year (0.4 mgd). The above safe yield estimates do not consider the additional water that may be available from Monticello's and KASWC's groundwater supplies to offset surface water use.

As previously stated, the docket holder has entered into an agreement to supply up to 0.375 mgd of water to the new Adelaar Resort development and indicated that the developer has requested additional water in the future. Prior to supplying additional surface water through water service agreements in excess of the previously executed 375,000 gpd amount, the docket holder shall provide a report to the Commission that updates the safe yield analysis of Kiamesha Lake that demonstrates additional yield is available as required by Condition C.II.h.

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 Village of Monticello submitted its most recent water audit on January 20, 2016.

The DRBC estimates that the project withdrawals, used for the purpose of public 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 is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

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-2001-005 CP-2 below:

a. The project described in Docket No. D-2001-5 CP is removed from the Comprehensive Plan to the extent that they it is not included in Docket No. D-2001-005 CP-2; and

b. Docket No. D-2001-5 CP is terminated and replaced by Docket No. D-2001-005 CP-2.

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

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. Docket approval is subject to all conditions, requirements, and limitations imposed by the NYSDEC and NYSDOH, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall also satisfy annual withdrawal, capacity and conservation reporting requirements in the form and manner prescribed by NYSDEC’s Division of Water in accordance with NYCRR Part 601.5(a).

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

c. The wells and intakes 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 Kiamesha Lake and the groundwater sources shall not exceed 75.33 million gallons. No intake or well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

SOURCE ID	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
Intake 2 Kiamesha Lake	2.0 mgd (June 20 through September 22) 1.53 mgd (all other days)	62 mgm (June 20 through September 22) 47.43 mgm (all other days)

WELL NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION	WELL FIELD ALLOCATION
Well No. 1	230 gpm	10.26 mgm	625 gpm or 27.9 mgm
Well No. 2	225 gpm	10.04 mgm	
Well No. 3	225 gpm	10.04 mgm	

Additionally, the withdrawal from Intake No. 2 from Kiamesha Lake shall not exceed 547.5 million gallons per year and the diversion of water into Kiamesha Lake from the UNT of Kiamesha Creek shall not exceed 360 million gallons per year.

e. The wells shall be equipped, where possible, with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes as repairs or modifications are made at each existing well 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 NYSDEC annually and shall be available at any time to the Commission if requested by the Executive Director.

g. Within 180 days of the approval date of this docket, the docket holder shall submit an operations plan to the Commission that includes an as-built description and present day condition and working order of the Kiamesha Creek impoundment and diversion facilities and a description and schedule of the installation of a flow metering device. The docket holder shall not divert any water from the UNT of Kiamesha Creek into Kiamesha Lake until such time that the plan has been approved by the DRBC Executive Director and the metering device is installed and fully operational.

h. Prior to supplying additional surface water through water service agreements in excess of the previously executed 375,000 gpd amount, the docket holder shall provide a report to the Commission that updates the safe yield analysis of Kiamesha Lake that demonstrates additional yield is available.

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

j. 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 NYSDEC, 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.

k. 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.

l. 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).

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

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 New York 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 New York to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

v. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

w. 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