

DOCKET NO. D-1992-052-3

DELAWARE RIVER BASIN COMMISSION

**Longwood Gardens, Inc.
Groundwater Withdrawal
East Marlborough Township, Chester County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by TRC Environmental Corporation on behalf of Longwood Gardens, Inc. (LGI) to the Delaware River Basin Commission (DRBC or Commission) on April 16, 2014 (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 September 3, 2003.

The Application was reviewed for continuation and approval under Section 3.8 of the Delaware River Basin *Compact*. The Chester County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on June 9, 2015.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve the renewal of an existing supply of groundwater for potable water and irrigation of the docket holder's Longwood Gardens property from existing Wells Nos. B170, B172, B94, B31, B169A, B161WG, 169B, B65, B46, T48, T49A, T49B and B106. The total allocation of groundwater will remain 8.68 million gallons per month (mgm). LGI 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 West Branch Red Clay Creek Watershed, in East Marlborough Township, Chester County, Pennsylvania. Project wells are completed in Granitic Gneiss. The West Branch Red Clay Creek near the project site is designated by the Pennsylvania Department of Environmental Protection (PADEP) as supporting Trout Stocking Fishes (TSF) and Migratory Fishes (MF).

Specific location information has been withheld for security reasons.

3. Service area. The project withdrawals will be used to supply potable water and water for irrigation to the Longwood Gardens property as shown on a map entitled "Longwood Gardens Water Service Area Map", submitted with the Application.

4. **Physical features.**

a. **Design criteria.** The project wells serves potable water to an estimated 2,500 visitors and staff through 30 service connections to the facilities on-site and irrigates approximately 50 acres of ornamental horticultural display gardens. Potable water is supplied by Wells B170 and B172 only. Well No B169A also serves as an emergency supply for potable water. The other project wells supply water for the irrigation system.

The average and maximum demand is 0.12 million gallons per day (mgd) and 0.213 mgd, respectively. The docket holder projects an average and maximum water demand of 0.213 mgd and 0.28 mgd, respectively, by the year 2025. The allocation of 8.68 million gallons per month (mgm) should be sufficient to meet the future demands of the LGI water system.

b. **Facilities.** The docket holder's existing wells have the following characteristics:

WELL NO.	DEPTH (FEET)	PUMP CAPACITY (GPM)	YEAR DRILLED
B170	450	175	1950
B172	123	175	1954
B94	60	112	1921
B31	242	250	1989
B169A	168	50	1963
B161WG	67	25	1925
169B	225	55	1996
B65	240	39	2000
B46	185	75	1941
T48	Unknown	Unknown	Unknown
T49A	Unknown	Unknown	1999
T49B	150	Unknown	1999
B106	403	15	2010

The wells are metered, except for wells T48, T49A and T49B. Well No. T48 serves potable water to the single tenant house. Wells Nos. T49A and T49B serve water to the American Public Garden Association (APGA) house for irrigation and potable water use, respectively.

The project facilities are above the 100-year flood elevation.

Prior to entering the distribution system, the potable groundwater is disinfected via chlorination and the irrigation water is untreated.

The irrigation system is presently interconnected with Aqua PA distribution system for emergency use only.

c. **Other.** Wastewater from the site is conveyed to the LGI sewage treatment facility most recently approved by DRBC Docket No. D-1987-053 on June 22, 1988. The PADEP received an application WQM Permit No. 1587416 and it is currently pending. The treatment facility has adequate capacity to receive wastewater from the project.

B. FINDINGS

The DRBC estimates that the project withdrawals, used for the purpose of potable water and irrigation, result in a consumptive use of 10 and 90 percent of the total water use, respectively. 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-1992-052-3 below, Docket No. D-1992-052 RENEWAL is terminated and replaced by Docket No. D-1992-052-3.

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. 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 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 withdrawal from the wells shall not exceed 8.68 mgm. The wells shall not be pumped above the maximum instantaneous rates and monthly allocations as indicated below:

WELL NO.	INSTANTANEOUS RATE (GPM)	MONTHLY ALLOCATION (MILLION GALLONS)
B170	175	1.447
B172	175	1.447
B94	112	0.93
B31	250	2.067
B169A	50	0.413
B161WG	25	0.207
169B	55	0.413
B65	39	0.31
B46	75	0.62
T48	25	0.207
T49A	39	0.31
T49B	25	0.207
B106	15	0.103

e. If possible, 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 annually by June 30, to the PADEP. Withdrawal records shall be available at any time to the Commission if requested by the Executive Director.

g. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall 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 incorporate and implement reasonable conservation practices and measures consistent with efficient utilization of water resources.

i. No new water service connections shall be made to the 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.

j. 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.

k. 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 permit. 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*.

l. 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.

m. 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.

n. 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.

o. 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.

p. 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.

q. 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 10, 2015

EXPIRATION DATE: June 10, 2025