

DOCKET NO. D-1993-027-3

DELAWARE RIVER BASIN COMMISSION

**Blue Mountain Water Cooperative
Ground Water Withdrawal
Tilden Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Blue Mountain Water Cooperative (BMWC) to the Delaware River Basin Commission (DRBC or Commission) on June 26, 2014 for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application). The most recent Public Water Supply Operation of Facilities Permit was issued by the Pennsylvania Department of Environmental Protection (PADEP) on September 26, 2012 (Permit No. 0609507), subject to approval by the DRBC.

The Application was reviewed 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 June 9, 2015.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew the approval to continue to supply up to 5.17 million gallons per month (mgm) of groundwater to the docket holder's non-transient, non-community public water system from existing Wells Nos. 1, 2 and 5 with no increase in allocation. This docket also approves a previous expansion of the docket holder's service area to an additional commercial development located northwest of the previously approved Tilden Industrial Park service area.

2. Location. The project wells are completed in the Hamburg Sequence and are located in the Pigeon Creek – Schuylkill River Watershed in Tilden Township, Berks County, Pennsylvania. The Schuylkill River and unnamed tributary to the Schuylkill River near the project site are designated by the Pennsylvania Department of Environmental Protection (PADEP) as supporting Warm Water Fishes and migratory fishes (WWF, MF).

Specific location information has been withheld for security reasons.

3. Area Served. The docket holder's public water system supplies water to the Tilden Industrial Park and an adjoining commercial development northwest of the Tilden Industrial Park as outlined on an aerial photograph map entitled "Blue Mountain Water Cooperative" 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 docket holder's three well public water system supplies water to customers located in the Tilden Industrial Park where it is used for commercial purposes, industrial cooling, irrigation, fire suppression and potable use. The water supply system currently serves water to its customers through 43 commercial connections, 2 industrial connections, 8 irrigation connections and 17 fire service connections and records an existing average and maximum daily water demand of 0.086 million gallons per day (mgd) and 0.314 mgd, respectively. In 2014, the average and peak monthly water usage was approximately 2.5 mgm and 3.5 mgm, respectively. The docket holder projects the 10-year average and maximum daily water demand to increase to 0.099 mgd and 0.337 mgd, respectively. The continued allocation of 5.17 mgm should be sufficient to meet the future monthly demands of the Blue Mountain Cooperative public water supply system.

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

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
1	303'	127' / 6"	110 gpm	1989
2	303'	100' / 6"	110 gpm	1989
5	308'	127' / 8"	135 gpm	1991

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water is treated with orthophosphate, soda ash and sodium hypochlorite.

The project is not located in a FEMA mapped floodplain.

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

c. Other. Wastewater is conveyed to the Hamburg Municipal Authority sewage treatment facility most recently approved by DRBC Docket No. D-1992-073 CP-3 on July 14, 2010. Staff are reviewing the renewal application and the project has been scheduled to be included on the June 2015 Commission Hearing. The PADEP issued its most recent NPDES Permit No. PA0021601 on October 30, 2009 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the existing project.

d. Cost. There are no costs associated with this renewal project.

B. FINDINGS

This project consists of an existing withdrawal of groundwater from Well Nos. 1, 2 and 5. The instantaneous allocations provided by this docket are based on the installed pump capacity. The docket holder has requested monthly allocations for existing Well Nos. 1, 2 and 5 based on existing water use. These rates are provided in Decision Condition II.d. in the Decision section of this docket. As the existing water withdrawals have already been realized by the local hydrologic system, there should be no significant impacts from continued withdrawals from the existing system wells.

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 BMWC shall submit their water audit for calendar year 2015 by March 31, 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-1993-027-3 below:
 - a. Docket No. D-93-27-2 is terminated and replaced by Docket No. D-1993-027-3.
- 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 in its Public Water Supply Permit and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's. 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 5.17 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	110 gpm	3.10 mg
2	110 gpm	3.10 mg
5	135 gpm	5.17 mg

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 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. The first water audit for calendar year 2015 shall be submitted by March 31, 2016.

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 to the satisfaction of the PADEP, a drought or other water supply emergency plan.

m. 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.

n. 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.

o. 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*.

p. 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.

q. 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.

r. 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.

s. 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.

t. 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.

u. 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: July 20, 2025