

DOCKET NO. D-2014-020-1

DELAWARE RIVER BASIN COMMISSION

Special Protection Waters

**Villa Roma Country Club, Inc.
Groundwater and Surface Water Withdrawal
Town of Delaware, Sullivan County, New York**

PROCEEDINGS

This docket is issued in response to an Application submitted by Villa Roma Country Club, Inc. (Villa Roma or docket holder) to the Delaware River Basin Commission (DRBC or Commission) on September 19, 2014 for approval of an allocation of groundwater and surface water and review of a groundwater and surface water project (Application). Public Water Supply Permit No. NY5207183 for the groundwater well system was issued by the New York State Department of Health (NYSDOH) on January 21, 2003.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Sullivan County Division of Planning and Environmental Management 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 an existing groundwater and surface water withdrawal of up to 12.276 million gallons per month (mgm) to supply domestic, irrigation, and/or snow making water from Wells Nos. 2, 4, 6, 7, 8, 9, 10, 12, and 13, as well as Pond Intakes Nos. 11 and 15.
- 2. Location.** The nine (9) project wells are completed in the Honesdale Formation. The two (2) pond intakes are located in the Jones Brook Watershed. All eleven (11) withdrawal sources are located within the drainage area to the Upper Delaware Special Protection Waters (SPW), in the Town of Delaware, Sullivan County, New York. Specific location information has been withheld for security reasons.
- 3. Area Served.** The docket holder's system will continue to supply domestic, irrigation, and/or snow making water to Villa Roma Resorts, located in the Town of Delaware, Sullivan County, New York. The service area is outlined on a map entitled "Water Distribution System" 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 potable water distribution system is supplied by withdrawals from Wells Nos. 2, 4, 6-10, and 12. Villa Roma Resorts records an existing maximum potable water demand of 0.170 million gallons per day (mgd). Well No. 13 as well as Pond Intakes Nos. 11 and 15 supply irrigation water to the docket holder's golf course. To date the maximum water demand for the golf course has been 0.216 mgd. The docket holder projects the 10-year maximum water demand for the potable water distribution system and irrigation system to increase to 0.180 mgd and 0.241 mgd, respectively. The allocation of 12.276 mgm should be sufficient to meet the current and future demands.

b. **Facilities.** The 9 existing wells and 2 existing pond intakes have the following characteristics:

WELL NO.	DEPTH (FEET)	DIAMETER (INCHES)	PUMP CAPACITY (GPM)	YEAR DRILLED
2	394	6	8	1960
4	402	6	72	1983
6	725	6	20	1983
7	435	8	65	1987
8	350	8	100	1991
9	475	8	70	1987
10	250	8	10	1988
12	350	8	21	1997
13	165	6	6	---

INTAKE NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY (MGD)	YEAR CONSTRUCTED
11	Pond	0.85	1960
15	Pond	0.35	1960

The docket holder supplies water for snow making from its potable water distribution system when necessary.

Pond Intakes Nos. 11 and 15 are located above the River Master's gauging station at Montague and are exempt from DRBC surface water charges.

All wells are metered.

Prior to entering the distribution system, potable water is treated by chlorination.

The Villa Roma Resort is not located in the 100-year floodplain.

- c. **Other.** Wastewater is conveyed to the docket holder's on-site wastewater treatment plant (WWTP), which was last approved by the Commission via Docket No. D-1988-007 on March 11, 2015.
- d. **Cost.** There are no construction costs associated with this existing withdrawal.

B. **FINDINGS**

The purpose of this docket is to approve an existing groundwater and surface water withdrawal of up to 12.276 mgm to supply domestic, irrigation, and/or snow making water from Wells Nos. 2, 4, 6, 7, 8, 9, 10, 12, and 13, as well as Pond Intakes Nos. 11 and 15.

In 1992, the DRBC adopted SPW 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 *WQR* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation and clarity on definitions and terms were updated for the entire program.

Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR* states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) 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 SPW. The wells and surface water intakes providing water supply to the docket holder's service area are located within in the drainage area to SPW. Since this project does not entail additional construction and/or expansion of facilities/service areas (i.e., there are not any new or increased non-point source loads associated with this approval), the NPSPCP requirement is not applicable at this time. Accordingly, DECISION Condition II.q. has been included in this docket.

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

This project consists of an existing withdrawal of groundwater from 8 wells for potable water and snow making, as well as 1 well and 2 pond intakes for golf course irrigation. The docket holder has requested allocations for the existing wells and ponds based on existing water

use and the potential for a slight increase in the future. These rates are provided in DECISION Condition II.d. of this docket.

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-2014-020-1 below, the project and appurtenant facilities as described in 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 NYSDOH in its Public Water Supply Permit, 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 *WQR* of the DRBC.

d. During any month the combined withdrawal from all well and pond intake sources shall not exceed 12.276 million gallons. During any month groundwater well water withdrawn for potable use and/or snow making shall not exceed 5.58 million gallons. During any month withdrawals from Well No. 13, Pond Intake No. 11, and Pond Intake No. 15 shall not exceed 7.47 million gallons. No well or pond intake shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM INSTANTANEOUS RATE (GPM)	MONTHLY ALLOCATION (MILLION GALLONS)
2	8	0.176
4	72	1.610
6	20	0.446
7	65	0.145
8	100	2.232
9	70	1.562
10	10	0.223
12	21	0.468
13	6	0.268

INTAKE NO.	MAXIMUM INSTANTANEOUS RATE (GPM)	MONTHLY ALLOCATION (MILLION GALLONS)
11	590	7.47
15	243	7.47

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 NYSDEC 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 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.

i. The docket holder shall implement to the satisfaction of the NYSDEC, 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 NYSDEC on the actions taken pursuant to this program and the impact of those actions as requested by the NYSDEC.

j. 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).

k. 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 *WQR* of the Commission.

l. 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.

m. 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*.

n. 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.

o. 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.

p. 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.

q. 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 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.

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: June 10, 2015

EXPIRATION DATE: June 10, 2025