

DOCKET NO. D-1992-072 CP-2

DELAWARE RIVER BASIN COMMISSION

Special Protection Waters

**Borough of East Stroudsburg
Groundwater Withdrawal**

Borough of East Stroudsburg, Monroe County, Pennsylvania

PROCEEDINGS

This docket is issued in response to a revised Application submitted by the Borough of East Stroudsburg (the Borough) to the Delaware River Basin Commission (DRBC or Commission) on October 11, 2013 for renewal of an allocation of groundwater and review of groundwater withdrawal project. The project groundwater withdrawal was last approved by the Pennsylvania Department of Environmental Protection (PADEP) on December 9, 1999 (Permit No. 4599501) and by the Commission on December 8, 1999 (Docket No. D-92-72 CP).

The application was reviewed for continued inclusion of the project in the Comprehensive Plan and approval under Section 3.8 of the Delaware River Basin Compact. The Monroe 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 10, 2014.

A. DESCRIPTION

- 1. Purpose.** This is an application for the renewal of a groundwater withdrawal allocation to continue to withdrawal up to 58.28 million gallons per month (mgm) of groundwater from existing Well Nos. PW-1, PW-2, PW-3, and PW-4 for public water supply (the "Project").
- 2. Location.** The Project wells are located in the Borough of East Stroudsburg in the Brodhead Creek watershed. Well Nos. PW-1 and PW-2 are completed in the Buttermilk Falls Formation and Well Nos. PW-3 and PW-4 are completed in the Pleistocene Sand and Gravel Aquifer. All groundwater withdrawals are located within the drainage area to the section of the non-tidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters. Specific location information has been withheld for security reasons.

3. **Area Served.** The docket holder's groundwater wells as well as the other Approved Source, as described below, will continue to serve existing developments in the Borough of East Stroudsburg, Monroe County, Pennsylvania. The service area is outlined on a map entitled "East Stroudsburg Borough, Water Allocation Permit Renewal Map" submitted with the Application. The Borough maintains a 0.25 mgd bulk water sales agreement and 1.2 mgd emergency interconnections with the Brodhead Creek Regional Authority (see Docket D-1991-001 CP-3). 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 Borough currently provides public water for a population of approximately 16,906 people via 2,992 service connections with an average and maximum water demand of 1.567 million gallons per day (mgd) and 1.885 mgd, respectively. The 10-year average and maximum water demand is estimated to be 2.121 mgd and 2.552 mgd, respectively.

b. **Facilities.**

The existing Project wells have the following characteristics:

WELL/INTAKE NO.	DEPTH	CASING / SCREEN LENGTH	PUMP/INTAKE CAPACITY	YEAR DRILLED
PW-1	720'	38.5'	200 GPM	1971
PW-2	705'	41'	105 GPM	1971
PW-3	112'	106' / 106' - 112'	350 GPM	1983
PW-4	120'	92.5' / 92.5' - 117.5'	653 GPM	1996

All withdrawals and water service connections are metered.

All withdrawn water is chlorinated, and the withdrawal from Well No. PW-3 and Well No. PW-4 is treated for iron and manganese removal prior to entering the distribution system.

The Project well heads are located above the 100 year flood elevation.

Other Approved Source. The Borough maintains another Approved Water Source consisting of the surface water withdrawal in the Sambo Creek watershed, in Smithfield and Middle Smithfield Townships, in Monroe County, Pennsylvania. This source appears in the DRBC Comprehensive Plan. The Sambo Creek is supplemented with flow from a diversion located in the Michael Creek watershed, Middle Smithfield Township, Monroe County, Pennsylvania (see Resolution No. 64-12 and Docket No. D-64-56). This water source and supplement are supported by a system of two (2) reservoirs, including two (2) dams on the

Sambo Creek, a diversion structure on the Michael Creek to the Sambo Creek, a finished water storage reservoir, and associated water transmission and distribution infrastructure. Based on the applicant's current projections of demand, the maximum total water supply system withdrawal from all sources approved for use by the Borough will remain at 77.5 mgm. The Other Approved Source, along with the Project, constitute the Borough's public water system (the "Public Water System").

c. **Other.** The majority of wastewater generated from the Public Water System is conveyed to the East Stroudsburg sewage treatment facility most recently approved by DRBC Docket No. D-87-15 CP (Revised) on March 25, 1987. The PADEP issued its most recent NPDES Permit No. PA0020168, on August 30, 2010 for this treatment facility. A lesser portion of wastewater generated from the Public Water System is conveyed to the Smithfield Township Sewer Authority sewage treatment facility most recently approved by DRBC Docket No. D-1992-017 CP-1 on June 24, 2002. The PADEP issued its most recent NPDES Permit No. PA0061361 on September 29, 2011 for this treatment facility. The sewage treatment facilities have adequate capacity to receive wastewater from the Project.

d. **Cost.** As this is an existing Project with no new facilities, there are no Project costs associated with the review and renewal of this existing Project.

e. **Relationship to the Comprehensive Plan.** The docket holder's existing wells were previously included in the Comprehensive Plan via Docket No. D-75-147 CP, D-84-63 CP, and D-92-72 CP that were issued on January 28, 1976, February 27, 1985, and December 8, 1999, respectively. The applicant's surface water supply is included in the Comprehensive Plan Addendum No. 1, Phase I, Section VII "Pre-Existing Projects" adopted July 25, 1962. The Sambo Creek withdrawal and the Michael Creek diversion are also referenced in DRBC Docket No. D-64-56, issued in connection with DRBC's approval of the construction of the Borough's water filtration plant and reservoirs.

B. FINDINGS

Background

The existing Well Nos. PW-1 and PW-2 were added to the docket holder's system in 1976 and existing Well No. PW-3 was added in 1984, to augment surface water supplies. Well No. PW-4 was first proposed in 1992 after the 1991 drought year, but was not approved by DRBC until the 1999 drought reconfirmed that the reliability of the existing public water supply system decreased during drought periods.

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 wells, surface water intakes, diversions, and reservoirs providing water supply to the docket holder are located within in the drainage area to the Special Protection Waters. As this project does not entail additional construction and expansion of facilities or service areas and there is not any expected new or increased non-point source pollution loads associated with this approval, the non-point source pollution control plan requirement is not applicable at this time. Additionally, the Borough has enacted Ordinance No. 976 to adopt the Brodhead Creek Watershed Act 167 Storm Water Management Plan, which includes non-point source pollution control Best Management Practices that the Commission has found to meet the NPSPCP requirement ("the Ordinance"). Special Condition C.II.y. in the Decision section of this docket provides that prior to allowing connections from new developments, the docket holder shall confirm that each such development is in compliance with the Ordinance.

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

The DRBC 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-1992-072 CP-2 below:

a. The Project described in Docket No. D-92-72 CP is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1992-072 CP-2; and

b. Docket No. D-92-72 CP is terminated and is replaced by Docket No. D-1992-072 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 PADEP in its public water supply and water allocation permits, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall register with the PADEP all surface and ground water 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 diversion structure, intakes, wells and operational records associated with the Project 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 the Sambo Creek Intake and the Project shall not exceed 77.5 million gallons, which is based on the applicant's current projections of demand.

e. During any month, the combined withdrawal from all wells shall not exceed 58.28 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
PW-1	200 gpm	8.9 mgm
PW-2	105 gpm	4.7 mgm
PW-3	350 gpm	15.6 mgm
PW-4	653 gpm	29.1 mgm

f. In accordance with Section 2.1.8 A. of the Commission's *Rules of Practice and Procedure* (RPP), if at any future time the Project is changed substantially from the Project as described in this docket, it will be deemed to constitute a new and different project for the purposes of Article 11 of the *Delaware River Basin Compact* and will require Commission amendment of the Comprehensive Plan. In accordance with the same section of the RPP, whenever a change to the Project is made, the sponsor must advise the Executive Director, who will determine whether the change is deemed substantial for purposes of this provision.

g. 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.

h. 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.

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 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.

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. 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.

m. 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).

n. The docket holder shall continue to 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.

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

p. Sound practices of excavation, backfill, and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

q. 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.

r. 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.

s. 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*.

t. 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.

u. 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 ensure the proper control, use and management of the water resources of the Basin.

v. 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 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.

w. 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.

x. 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.

y. In accordance with Section 3.10.3 e.1)(d) of the Water Quality Regulations (WQR), the Project is subject to the requirement that the sponsor submit a Non-Point Source Management Plan that controls any new or increased non-point source loads generated within portions of the Project service area that are also located within the drainage area of Special Protection Waters (SPW). As noted above, the Borough of East Stroudsburg has enacted Ordinance No. 976, adopting the Brodhead Creek Watershed Act 167 Storm Water Management Plan, which includes non-point source pollution control Best Management Practices that the Commission has found to meet the NPSPCP requirement (“the Ordinance”). Because the Project service area lies entirely within the drainage area of SPW, prior to allowing connections from new developments, the docket holder shall confirm that such development is in compliance with the Ordinance.

z. 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 11, 2014

EXPIRATION DATE: June 10, 2024