

DOCKET NO. D-2001-012 CP-2

DELAWARE RIVER BASIN COMMISSION

**Borough of Leesport
Groundwater Withdrawal
Leesport Borough and Ontelaunee Township,
Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by SSM Group, Inc. on behalf of the Borough of Leesport (docket holder) to the Delaware River Basin Commission (DRBC or Commission) on September 23, 2013 for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application). The most recent Public Water Supply Permit approving the operations of facilities was issued by the Pennsylvania Department of Environmental Protection (PADEP) on March 21, 2013 (Permit No. 0610539 MA).

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 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 10, 2014.

A. DESCRIPTION

1. Purpose. The purpose of this project is to renew the approval to withdraw up to 16.37 million gallons per month (mgm) of groundwater from existing wells Nos. 3, 4 and 5 for use in the docket holder's community public water supply system. The allocation approved by this docket is a reduction from the previous allocation of 18 million gallons per 30 days (18.6 mgm) approved in DRBC Docket No. D-2001-12 CP. Wells Nos. 1 and 2 have been physically disconnected from the water supply system and this docket rescinds the previous withdrawal approval and removes these sources from the Comprehensive Plan.

2. Location. The project wells are completed in the Hamburg Sequence and the Ontelaunee Formation in the Schuylkill River Watershed in Ontelaunee Township and Leesport Borough, Berks County, Pennsylvania. The Schuylkill River near the project site is designated by the Pennsylvania Department of Environmental Protection (PADEP) as supporting Warm Water Fishes (WWF) and Migratory Fishes (MF).

Specific location information has been withheld for security reasons.

3. Area Served. The docket holder supplies water to all of Leesport Borough and the adjacent portions of Ontelaunee Township and Bern Township all in Berks County, Pennsylvania. The service area is outlined on a map entitled “DRBC Permit Renewal Existing Service Area and Well Locations” 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 approximately 2,010 customers on 821 domestic service connections, 44 commercial service connections and 2 industrial service connections and records an existing average and maximum water demand of 0.198 million gallons per day (mgd) and 0.497 mgd, respectively. The docket holder projects the 10-year average and maximum water demand to increase to 0.210 mgd and 0.528 mgd, respectively. The allocation of 16.37 mgm should be sufficient to meet the future demands of the Borough of Leesport water supply system.

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

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
3	165'	70' / 6"	125	1967
4	575'	58' / 12"	190	1989
5	502'	120' / 8"	200	2000

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water is chlorinated.

The project wells are not located within FEMA mapped flood hazard areas.

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

c. Other. With the exception of several residences with on-lot septic systems, Wastewater is conveyed to the Leesport Borough Authority sewage treatment facility most recently approved by DRBC Docket No. D-2001-21 CP on December 18, 2001. The PADEP issued its most recent NPDES Permit No. PA0070149 on March 4, 2011 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

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

e. **Relationship to the Comprehensive Plan.** Wells Nos. 1, 2 and 3 were previously included in the Comprehensive Plan by DRBC Docket No. D-67-236 CP. Well No. 4 was included in the Comprehensive Plan by Docket No. D-86-78 CP, but it failed to produce upon start-up and was never used. A replacement well also named Well No. 4 was approved and included in the Comprehensive Plan by Docket No. D-90-13 CP on April 25, 1990. Well No. 5 was included in the Comprehensive Plan by Docket No. D-2001-12 CP on October 31, 2001. The project wells described by this docket (Wells Nos. 3, 4 and 5) will continue to be included in the Comprehensive Plan upon approval of this docket.

B. **FINDINGS**

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

Wells Nos. 1 and 2, have been physically disconnected from the Borough of Leesport's water supply system. Special Condition No. 2 of PADEP Permit No. 0610539 rescinded the authority to use Wells Nos. 1 and 2 as permitted sources.

In its Application, the Borough of Leesport requested to retain the previously approved allocation of 18 mg/30 days (0.6 mgd). However, the estimated ten-year projected maximum water use as stated in the Application is 16.37 mgm (0.528 mgd). The Commission bases water allocations on ten-year projected maximum use estimates. The allocation of 16.37 mgm granted herein satisfies the docket holder's ten year projected maximum use.

This project consists of an existing withdrawal of groundwater from Well Nos. 3, 4 and 5. The docket holder has requested monthly allocations for existing Wells Nos. 3, 4, and 5 based on the installed pump capacity. However, the individual instantaneous and corresponding monthly well allocations approved by this docket were limited to the maximum instantaneous rates approved in PADEP Permit No. 0610539. These rates are provided in Decision Condition C.II.e. 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 Borough of Leesport submitted their most recent Water Audit on March 31, 2014.

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-2001-012 CP-2 below:

a. The projects described in Docket Nos. D-67-236, D-86-78 CP, D-90-13 CP, D-90-13 CP (REN) and D-2001-12 CP are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2001-012 CP-2; and

b. Docket Nos. D-67-236, D-86-78 CP, D-90-13 CP, D-90-13 CP (REN) and D-2001-12 CP are terminated and replaced by Docket No. D-2001-012 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 Permits, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

b. 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).

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

d. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

e. During any month, the combined withdrawal from all well sources shall not exceed 16.37 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
3	100 gpm	4.464 mgm
4	150 gpm	6.696 mgm
5	200 gpm	8.928 mgm

f. 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.

g. 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.

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

i. 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.

j. 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.

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 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.

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

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 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.

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 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.

v. 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.

w. The docket holder owes a remaining balance of \$2,000 for this docket renewal. The balance shall be paid within sixty (60) days of issuance of this docket (August 10, 2014) or fees may be assessed in accordance with the Commission's Penalty Matrix.

BY THE COMMISSION

APPROVAL DATE: June 11, 2014

EXPIRATION DATE: June 11, 2024