

DOCKET NO. D-2001-015 CP-4

DELAWARE RIVER BASIN COMMISSION

Southeastern Pennsylvania Ground Water Protected Area

**Superior Water Company
Main, Center Point and Ivy Ridge Systems**

**Groundwater Withdrawal
Douglass, New Hanover, Upper Fredrick and Worcester Townships,
Montgomery County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Castle Valley Consultants, Inc. on behalf of Superior Water Company (SWC or Docket Holder) to the Delaware River Basin Commission (DRBC or Commission) on January 31, 2014 for a renewal and approval of an allocation of groundwater and review of a groundwater withdrawal project in the Ground Water Protected Area of Southeastern Pennsylvania. The prior docket was approved by the Commission on March 2, 2011. The new project well (Well No. SWC-12 also referred to as the Jr HS Well) was approved by the Pennsylvania Department of Environmental Protection (PADEP) on May 13, 2014, but it is withholding the issuance of Public Water Supply Permit No. 4614501 until the project is approved by the Commission.

The application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 and for a withdrawal permit under Section 10.3 of the *Delaware River Basin Compact*. The Montgomery 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 approve the withdrawal of up to 7.1 million gallons per month (mgm) of groundwater for the docket holder's public water supply distribution system from new Well No. SWC-12 and to retain the existing total allocation of 36.82 mgm of groundwater from 10 existing wells. The new source will be operated as a reserve source rather than a primary source to supplement the SWC water supply system without an increase in the total system groundwater withdrawal allocation.

2. **Location.** Well No. SWC-12 is located in the Swamp Creek Watershed in New Hanover Township, Montgomery County, Pennsylvania. The ten other project wells are located in the Swamp Creek, Minister Creek, Scioto Creek and Zacharias Creek Watersheds in New Hanover, Douglass, Upper Fredrick and Worcester Townships, Montgomery County, Pennsylvania. The SWC wells are completed in the Brunswick Formation. The exception to this is Well No. CP-9 which is completed in the mixed zone of the Brunswick and Locketong Formations.

Specific location information has been withheld for security reasons.

3. **Area Served.** The docket holder's wells serve portions of Douglass, New Hanover, Upper Pottsgrove, Lower Pottsgrove, Upper Fredrick and Worcester Townships, Montgomery County as shown on a plan entitled "Index Plan: Distribution Maps" and "Center Point Farms Service Area Map" submitted with the Application.

SWC is extending a water main from its main system to provide a potable supply of water to approximately ten residences with contaminated wells. The majority of the homes are located within SWC's existing service area in New Hanover Township. A small number of homes are located just outside (to the west) of the current service area along Hofmansville Road in New Hanover Township. The water line extension project was selected as the best mitigation alternative and was funded by the Commonwealth of Pennsylvania using funds made available through the ACT 13 regulations.

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.** This docket includes three separate SWC water distribution systems: the Main System, Ivy Ridge System and the Center Point System. The Main System serves customers in portions of Douglass, New Hanover, Upper Pottsgrove and Lower Pottsgrove Townships with groundwater from Wells Nos. SWC-1, SWC-2, SWC-4, SWC-5, SWC-8 SWC-10, SWC-11 and SWC-12. Historically, the main system was comprised of three separate subsystems (Lohmiller, Winding Creek and Hunters Run) all of which have been interconnected and are now collectively referred to the Main System. The Ivy Ridge System supplied by Wells Nos. IR-1 and IR-2 serves a 45-lot single family residential subdivision located in Upper Frederick Township, Montgomery County, PA. The Center Point System supplied by Well CP-9 serves a 177-unit townhome community located in Worcester Township, Montgomery County, Pennsylvania. These two small isolated systems are not interconnected to SWC's main system.

The SWC distribution systems serve an estimated population of 7,500 persons via 3,355 residential and commercial service connections, with an average and maximum demand of 0.489 mgd and 1.081 mgd, respectively. The docket holder projects the 10-year average and maximum demand to increase to 0.611 mgd and 1.352 mgd as a result of an additional 839 service connections. The allocation of 36.82 mgm should be sufficient to meet the future demands of the SWC systems.

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

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	GEOLOGIC FORMATION	YEAR DRILLED
SWC-1	215'	38'8"	200 gpm	Brunswick	1988
SWC-2	350'	40'8"	100 gpm	Brunswick	1989
SWC-4	311'	53'8"	300 gpm	Brunswick	1986
SWC-5	298'	104'10"	50 gpm	Brunswick	1991
SWC-8	300'	55'8"	280 gpm	Brunswick	1975
SWC-10	600'	62'8"	400 gpm	Brunswick	1997
SWC-11	385'	101'8"	135 gpm	Brunswick	2000
CP-9	272'	105'8"	40 gpm	Locketong	1996
IR-1	485'	52'6"	20 gpm	Brunswick	1997
IR-2	500'	63'6"	20 gpm	Brunswick	1997
SWC-12	347'	unknown / 8"	160 gpm	Brunswick	1974

All wells and all water service connections are metered.

All well water is treated by chlorination prior to entering the distribution system. In addition, water from Wells Nos. SWC-2, 4, 5, 10 and CP-9 are treated for arsenic reduction.

The project facilities are located outside the 100-year flood hazard area.

The Center Point System contains an emergency interconnection with North Penn Water Authority.

c. **Other.** Wastewater from the Main System is conveyed to the New Hanover Township Authority sewage treatment facility and the Berks-Montgomery Municipal Authority sewage treatment facility which received approval most recently under Section 3.8 of the Compact by DRBC Dockets Nos. D-99-40 CP-2 and D-00-70 CP on December 12, 2006 and February 28, 2001, respectively. The PADEP issued its most recent NPDES Permit No. PA0057819 on August 27, 2009 for the New Hanover Township Authority sewage treatment facility. The PADEP issued its most recent NPDES Permit No. PA0024180 on January 1, 2009 for the Berks-Montgomery Municipal Authority sewage treatment facility. Both sewage treatment facilities have adequate capacity to receive wastewater from the project.

Wastewater originating from the Center Point distribution system (Well No. CP-9) is conveyed to the Worcester Township Valley Green sewage treatment facility which received approval most recently under Section 3.8 of the Compact by DRBC Docket No. D-92-36 CP on May 26, 1993. The PADEP issued its most recent NPDES Permit No. PA0050393 on September 14, 2011. The Worcester Township wastewater treatment facility has adequate capacity to receive wastewater from the project.

Wastewater from the Ivy Ridge distribution system is conveyed to the Upper Frederick Township - Ivy Ridge sewage treatment facility which has a design capacity of 0.0215 mgd. The PADEP issued its most recent NPDES Permit No. PA0057061 on January 12, 2012. The Upper Frederick Township – Ivy Ridge sewage treatment facility has adequate capacity to receive wastewater from the project.

d. **Cost.** The overall cost of this project is estimated to be \$191,595.

e. **Relationship to the Comprehensive Plan.** The existing project water facilities were previously included in the Comprehensive Plan by the following DRBC Dockets:

Docket No.	Date Approved	Approved Wells
D-89-83 CP	January 12, 1990	SWC-2 and SWC-3
D-90-37 CP	August 8, 1990	SWC-1
D-94-58 CP	February 22, 1995	SWC-1, SWC-2, SWC-3, SWC-4, SWC-8, and SWC-5
D-97-26 CP	December 17, 1997	SWC-1, SWC-2, SWC-4, SWC-5, SWC-8, and SWC-10
D-2001-15 CP	October 31, 2001	SWC-1, SWC-2, SWC-4, SWC-5, SWC-8, SWC-10, and SWC-11
D-2001-015 CP-2	July 14, 2010	SWC-1, SWC-2, SWC-4, SWC-5, SWC-8, SWC-10, SWC-11, CP-9, IR-1, and IR-2

B. FINDINGS

The docket holder proposes to incorporate the existing well located on the campus of Boyertown Jr. High School as a public water supply well to supplement their existing Main distribution system. The well will be operated as a reserve rather than a primary supply source and the total allocation of groundwater approved by this docket is not an increase to the previously approved total groundwater allocation. The well has been out of service for a number of years since the school connected to the SWC system. The docket holder has requested a maximum allocation of 7.14 mgm (160 gpm), but the proposed average daily usage is 0.0528 mgd based on a 5.5-hour daily production period. Prior to use, the well will be rehabilitated with a new watertight locking cover, pump and treatment equipment.

SWC-12 Pumping Test

A 72-hour pumping test was conducted on Well SWC-12 from December 10 to December 13, 2012 at a continuous pumping rate of 160 gallons per minute (gpm). Prior to the pumping test, the static water level in SWC-12 was approximately 12.5 feet below top of casing (btoc). After 72 hours of continuous pumping, the water level was 55.3 feet btoc, for a total

drawdown of approximately 42.8 feet. After the pumping test, water levels recovered 90 percent in less than 6 hours.

A precipitation event (0.77 inches) occurred prior to and during the startup period of the pumping test. The precipitation event did not appear to have adversely affect the results of the pumping test as only minimal and temporary rises in water levels were observed in the monitoring wells and the duration of the pumping test was extended from 48 hours to 72 hours. No other precipitation was recorded during the pumping test.

A total of 7 monitoring wells (existing domestic wells) were monitored before, during and after the test. Drawdown was observed in monitoring well MW-1 (8.8 feet) and MW-3 (approximately 1 foot). Additionally, water levels in monitoring well MW-6 showed a minor decline and recovery (less than 1 foot) during the pumping test. The withdrawals from the pumping well did not appear to affect the other wells monitored during the test.

The drawdown and recovery data recorded at the pumping well and MW-1 was used to estimate aquifer parameters in the vicinity of the pumping well. The geometric mean transmissivity and storativity values were 1,242 square feet per day and 4.23×10^{-4} , respectively. The 72-hour specific capacity of the pumping well was 3.7 gpm/foot of drawdown.

Based on the aquifer testing performed at the site, the proposed groundwater withdrawal should not cause adverse long-term impacts to the area. Extrapolations of the drawdown data for a period of 180-days of continuous pumping at a rate of 160 gpm during a period of no significant recharge, resulted in 45 feet of drawdown (water level of 57.5 feet btoc) and 12.3 feet of drawdown (water level of 32.5 feet) in SWC-12 and MW-1 respectively. Based on the measured depth of MW-1, an approximate 53.5 foot water column would be maintained after 180-days of continuous pumping at a rate of 160 gpm, during a period of no significant recharge.

The report acknowledged that it is difficult to predict the response of every well in the area in relationship to future water withdrawals and precipitation trends at the site and that the potential exists for shallow wells on neighboring properties to be impacted by the groundwater withdrawal during peak use and/or extended drought. The consultant recommended that four domestic monitoring wells located near SWC-12 (Monitoring Well Nos. 12-1, 12-2, 12-3 and 12-6) be added to SWC's existing long-term monitoring program (see Condition C.II.n.).

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. SWC submitted their most recent Water Audit on March 25, 2014.

Ground Water Protected Area

The project is located within the Southeastern Pennsylvania Ground Water Protected Area delineated by the DRBC pursuant to *Compact* Section 10.2. Tests conducted by the docket holder indicate the operation of this project will not create a local water shortage. The project is designed to conform to the requirements of the *Water Code*, *Water Quality Regulations* and *Ground Water Protected Area Regulations (GWPAR)* of the DRBC.

Review and analysis of the application pursuant to Section 6.D. of the *GWPAR* result in the following:

1. The withdrawal is consistent with the Commission's Comprehensive Plan and the policies and purposes of these regulations.
2. Opportunities to satisfy water requirements on a timely basis from existing available supplies and facilities have been explored and found infeasible.
3. The withdrawal, in conjunction with other withdrawals in the applicable ground water basin, should not exceed withdrawal limits of the ground water basin, aquifer or aquifer system.
4. The withdrawal should not significantly impair or reduce the flow of perennial streams in the area.
5. Existing ground and surface water withdrawals should not be adversely impacted, or will be otherwise assured of adequate supplies in accordance with the requirements of Section 10 of the *GWPAR*.
6. The withdrawal should not cause substantial, permanent adverse impact to the overlying environment.
7. The docket holder adopted and will implement conservation and management programs as required by Section 7 of the *GWPAR*.

SWC Wells Nos. SWC-2, SWC-4, SWC-5, SWC-8 and SWC-10 are located in the Swamp - Minister Creeks subbasin (No. 18), where total net annual groundwater withdrawal (203 mgy) is less than the withdrawal limit set in Section 6.I of the *GWPAR* (729 mgy). The total annual groundwater allocation from these wells is limited to 250 mgy, a fraction of which will be returned to groundwater. However, even if no water from this project were returned to groundwater, the total net annual groundwater withdrawal from this subbasin would remain below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the withdrawals from Wells Nos. SWC-2, SWC-4, SWC-5, SWC-8 and SWC-10, in conjunction with other withdrawals in the subbasin, are in accordance with the requirements of Section 6.I of the *GWPAR*.

SWC Wells Nos. IR-1, IR-2 and SWC-11 are located in the Swamp – Scioto Creeks subbasin (No. 52), where total net annual groundwater withdrawal (84 mgy) is less than the withdrawal limit set in Section 6.I of the *GWPAR* (994 mgy). The total annual groundwater

allocation from these three wells is 88.3 mgy, a fraction of which will be returned to groundwater. However, even if no water from this project were returned to groundwater, the total net annual groundwater withdrawal from this subbasin would remain below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the withdrawals from Wells Nos. IR-1, IR-2, and SWC-11, in conjunction with other withdrawals in the subbasin, are in accordance with the requirements of Section 6.I of the *GWPAR*.

Well Nos. SWC-1 and SWC-12 are located in the Swamp – Middle Creeks subbasin (No. 15), where total net annual groundwater withdrawal (79 mgy) is less than the withdrawal limit set in Section 6.I of the *GWPAR* (1,898 mgy). The total annual groundwater allocation from these wells is 176 mgy, a fraction of which will be returned to groundwater. However, even if no water from this project were returned to groundwater, the total net annual groundwater withdrawal from this subbasin would remain below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the withdrawal from Well No. SWC-1, in conjunction with other withdrawals in the subbasin, is in accordance with the requirements of Section 6.I of the *GWPAR*.

The project Well No. CP-9 is located in the Lower Reach Skippack Creek subbasin (No. 60), where total net annual groundwater withdrawal (91 mgy) is less than the withdrawal limit set in Section 6.I of the *GWPAR* (1,426 mgy). The total annual groundwater allocation from this well is 16.8 mgy, a fraction of which will be returned to groundwater. However, even if no water from this project were returned to groundwater, the total net annual groundwater withdrawal from this subbasin would remain below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the withdrawal from Well No. CP-9, in conjunction with other withdrawals in the subbasin, is in accordance with the requirements of Section 6.I of the *GWPAR*.

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 to 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-2001-015 CP-4 below:
 - a. The project described in Docket No. D-2001-015 CP-3 are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2001-015 CP-4; and;
 - b. Docket No. D-2001-015 CP-3 is terminated and replaced by Docket No. D-2001-015 CP-4.

c. The project and the appurtenant facilities described in the Section A “Physical features” shall be added to the Comprehensive Plan.

II. The project as described in the Section A “Physical features” is approved pursuant to Section 3.8 of the *Compact* and is granted this withdrawal permit pursuant to Section 10.3 of the *Compact* and *GWPAR*, 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. Within 60 days (August 10, 2014), the docket holder shall provide written confirmation to the Commission that it has registered and reported with 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 withdrawals from the following wells shall not exceed the instantaneous rate and monthly allocation as indicated below:

WELL NO.	INSTANTANEOUS ALLOCATION (GPM)	MONTHLY ALLOCATION (MILLION GALLONS)
SWC-1	200	7.6
SWC-2	100	3.0
SWC-4	300	8.9
SWC-5	50	2.2
SWC-8	150	6.7
SWC-10	400	9.6
SWC-11	135	5.6
SWC-12	160	7.1
CP-9	40	1.4
IR-1	20	0.9
IR-2	20	0.9

Additionally, Wells Nos. SWC-1, 2, 4, 5, 8, 10 and 11 and 12 serving the Main System shall not exceed 33.66 mgm and Wells Nos. IR-1 and IR-2 serving the Ivy Ridge System shall not exceed 1.76 mgm. In addition, the total withdrawal from all wells shall not exceed 36.82

mgm and the total annual withdrawal from Wells Nos. SWC-2, 4, 5, 8 and 10 located in Subbasin No. 18 shall not exceed 250 million gallons per year.

e. The wells shall be equipped with readily accessible capped ports and 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 annually by March 31 to the Bureau of Watershed Management, PADEP. Withdrawal records 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. 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.

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.

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

l. In accordance with DRBC Resolution No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the Bureau of Watershed Management, 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.

m. The docket holder shall implement to the satisfaction of the Bureau of Watershed Management, PADEP, a 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 Bureau of Watershed Management, PADEP, on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

n. A long-term monitoring program is required to obtain data on ground water and surface water hydrologic conditions in the project area. The docket holder shall continue to implement the long-term monitoring program as modified to include additional monitoring wells near Well No. SWC-12 as described in a letter dated April 8, 2014 submitted by the docket holder's consultant. This program will include the following:

1. **Ground Water Level Monitoring** – A total of 22 monitoring wells (Monitoring Wells Nos. 4-1, 11-6, 11-4, 5-1, 5-5, 10-2, 10-1, 10-3, 10-3a, 8-5, 8-4, 8-2, 8-6, 1-1, 9-4, 9-5, 9-9, 9-13, 12-1, 12-2, 12-3 and 12-6) shall be measured on a monthly basis to estimate annual groundwater fluctuations caused by seasonal changes and/or production well pumping, and detect water level declines that may affect the performance of public and private wells in the area of the Superior Water Company wells.

o. **Reports** - All monitoring data, including records required in Conditions "f." and "n." herein shall be submitted to the Commission annually, due by May 1. The docket holder is encouraged to submit the annual report electronically. The report shall be prepared by a hydrogeologist and shall assess the effects of well withdrawals on hydrologic conditions in the area. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the hydrogeologist or required by the Executive Director.

p. The Executive Director may modify the monitoring program or temporarily suspend or modify this docket at any time if review of the hydrologic data and/or any other information indicates such action is necessary or appropriate.

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

r. 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.

s. 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.

t. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder's professional engineer for the project. The Statement must (a) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (b) report the project's final construction cost as such cost is defined by the project review fee schedule in effect at the time application was made; and (c) indicate the date

on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the applicant to calculate the DRBC project review fee, the statement must also include (d) the amount of any outstanding balance owed for DRBC review. Such outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project's final cost, using the formula and definition of "project cost" set forth in the DRBC's project review fee schedule in effect at the time application was made. This docket approval shall expire three years from the date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

u. 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* and the *GWP*AR.

v. 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.

w. The docket holder shall incorporate and implement reasonable conservation practices and measures consistent with efficient utilization of water resources.

x. 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.

y. 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 in accordance with Section 10B of the *GWP*. 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.

z. 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.

aa. 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.

bb. 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 11, 2024