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DOCKET NO. D-1975-078 CP-5

DELAWARE RIVER BASIN COMMISSION

Special Protection Waters

**Aqua Pennsylvania, Inc. - Waymart Division
Groundwater Withdrawal and Importation
Waymart Borough and Canaan Township, Wayne County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by East Latitude, LLC on behalf of Aqua Pennsylvania, Inc. (Aqua PA) to the Delaware River Basin Commission (DRBC or Commission) on June 23, 2016 (Application), for renewal of an allocation of ground water and review of a ground water withdrawal project. This docket was previously approved by the Commission on September 16, 2015. The project wells were reviewed under the Pennsylvania Safe Drinking Water Act for public water supply permits and approved by the Pennsylvania Department of Environmental Protection (PADEP) as follows:

WELL NO.	PADEP PERMIT NO.	PADEP APPROVAL DATE
1 and 2	6404501	October 11, 2004
3	2640032	February 14, 2011
4	6475501	September 3, 1975
6	Under Review	Pending
Spring	2640032	July 2, 2012

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Wayne County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on May 16, 2018.

A. DESCRIPTION

1. **Purpose.** The purpose of this project is to renew the approval of an existing groundwater and spring withdrawal of up to 22.28 million gallons per month (mgm) for the docket holder's public water supply system from existing Wells 2, 3, 4 and an existing spring source. The docket holder is requesting an increase in allocation for Well 3 from 2.676 mgm to 3.5 mgm. The project also includes an existing importation of 0.494 million gallons per day (mgd) of groundwater from the Susquehanna River Basin.

2. **Location.** The project wells are located in the Van Auken Creek Watershed, in the Duncannon, Polar Gap and Packerton members of the Catskill Formation in Waymart Borough and Canaan Township, Wayne County, Pennsylvania. Van Auken Creek is designated by the PADEP as a High Quality-Trout Stocked Fishery (HQ-TSF). The wells are located within the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

Specific location information has been withheld for security reasons.

3. **Area Served.** The docket holder serves public water to portions of Waymart Borough and Canaan Township, Wayne County, Pennsylvania as outlined on a map entitled "Service Area Plan, Aqua Pennsylvania, Inc." submitted as part of 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 an estimated population of 1,450 through 499 service connections, 101 commercial and 5 industrial connections with an average and maximum water demand of 0.175 million gallons per day (mgd) and 0.296 mgd, respectively. The docket holder projects an average and maximum water demand of 0.426 mgd and 0.688 mgd, respectively, by the year 2028. The system allocation will remain the same as the previous allocation. The allocation of 22.28 mgm should be sufficient to meet the future demands of the Aqua PA Waymart Division.

b. **Facilities.** The project sources have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
2	Unknown	Unknown	40	Unknown
3	Unknown	Unknown	100	Unknown
4	298	47' / 8"	200	1975
6	940	100' / 10"	250	2014

INTAKE NO.	DISCHARGE WATER BODY	PUMP CAPACITY	SAFE YIELD	YEAR CONSTRUCTED
Spring	Van Auken Creek	80 gpm	Unknown	Unknown

All water service connections are metered.

All withdrawals are metered.

Prior to entering the distribution system, the water is treated with sodium hypochlorite.

The project well heads are above the 100-year flood elevation.

The Waymart Division water system is presently interconnected with the Aqua PA SCI Waymart System which provides up to 0.494 mgd of groundwater from wells in the Susquehanna River Basin (SRB) to the Pennsylvania State Correctional Institution at Waymart (SCI) and the Federal Bureau of Prisons Facility (FBOP facility). Both facilities are located in the Delaware River Basin (DRB) in Canaan Township, Wayne County, Pennsylvania. DRB sources described in this docket are included in the Waymart Division System (PWSID No. PA2640032)

c. **Other.** Wastewater is conveyed to the Waymart Area Authority sewage treatment facility most recently approved by DRBC Docket No. D-2002-032 CP-2 on September 10, 2014. The PADEP issued its most recent NPDES Permit No. PA0046353-A1 on July 28, 2014 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the project.

d. **Cost.** The overall cost of the new well is estimated to be \$180,000.

e. **Relationship to the Comprehensive Plan.** The docket holder's sources were previously included in the Comprehensive Plan by DRBC Dockets Nos. D-1975-078 CP-1, D-1975-078 CP-2, D-1975-078 CP-3 and D-1975-078 CP-4 approved by the Commission on June 17, 1975, September 26, 2007, May 10, 2012 and September 16, 2015, respectively. Issuance of this docket will continue the groundwater withdrawal and importation project in the Comprehensive Plan.

B. FINDINGS

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 providing water supply to the docket holder are located within in the drainage area to the Special Protection Waters. Since this project does not entail additional construction and expansion of facilities and there are not potentially new or increased non-point source loads associated with this approval, the non-point source pollution control plan requirement is not applicable at this time.

Groundwater Importation

The Aqua PA Waymart Division water system is presently interconnected with the Aqua PA SCI Waymart System which provides up to 0.494 mgd of groundwater from wells in the SRB to the SCI and the FBOP facility. Both facilities are located in the DRB in Canaan Township, Wayne County, Pennsylvania. The withdrawal and exportation of groundwater from the SRB was approved by the Susquehanna River Basin Commission (SRBC) in Docket No. 20030805 on August 14, 2003. Wastewater for both facilities is conveyed to the Waymart Area Authority sewage treatment facility located within the DRB. As the FBOP facility has filled to capacity, demand on the SCI Waymart system has at times exceeded the limits of the SRBC docket. The increased allocation granted in this Waymart Division docket (Docket No. D-1975-078 CP-4) will help to address the occasional shortfall in supply to the FBOP from the out-of-basin sources by increasing available supply to the FBOP through the Waymart Division and SCI Waymart (Well 6) sources in the DRB. The continued importation of water to the DRB from sources outside of the DRB reduces reliance on in-basin sources. No significant benefit or impairment is incurred to the basin from the ongoing importation of water from the Aqua SCI Waymart System wells located in the SRB.

Well 3 Long-term Hydrogeologic Evaluation

Beginning on October 2 March 30, 2017 and running through April 30, 2017 (32 days), a long-term pumping test was conducted to assess withdrawal capabilities of Well 3 and the underlying aquifer characteristics and potential impacts to the local hydrologic system Well 3 did not run continuously over the 32-day period, it was off for approximately 5.52 days (intermittently), due to automated shutoffs based on Waymart storage being full. During the times when it was pumping it was running at a constant rate of approximately 79 gallons per minute (gpm). Discharge from the pumping well was conveyed directly into the Aqua PA Waymart distribution system.

Groundwater response monitoring was conducted in the pumping well (Well 3), Well 2 (monitored electronically), the Spring (monitored electronically) and a private residential well located at 137 Carbondale Road (monitored electronically). Observation points ranged in distance to the pumping well from approximately 216 feet (137 Carbondale Road) to approximately 250 feet (the Spring).

When the pumping test started, Well 3 was already in operation at a rate of 79 gpm and the pumping water level in was approximately 180 feet below top of casing (btoc). During the intermittent shutoffs the water level returned to static quickly which is around 95 feet btoc. To evaluate the potential impact of Well 3 on the neighboring residential well (137 Carbondale Road), a detailed monitoring figure was developed that focused on the period where Well 3 was intermittently pumped, to be able to see impacts of the active withdrawals and shutdown alongside the residential well. When Well 3 was shut off, there is an approximate, and consistent trend of an approximate 0.8 to 1.0-foot rise in the water level in the residential well. This shows some connection between the wells, but this is an extremely limited impact and the hydrographs clearly do not indicate a progressive decline of the residential well based on the long-term operational test.

The DRBC has reviewed the Supplemental Data Letter Report for the Well 3 long-term pumping test. No adverse impacts are expected to occur to the local hydrologic system due to the pumping from Well 3.

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. Aqua PA submitted their most recent Water Audit on March 30, 2018.

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 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-1975-078 CP-5 below:

a. The project described in Docket No. D-1975-078 CP-4 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1975-078 CP-5; and

b. Docket No. D-1975-078 CP-4 is terminated and replaced by Docket No. D-1975-078 CP-5.

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 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 *Water Quality Regulations* of the DRBC.

d. During any month, the combined withdrawal from all sources shall not exceed 22.28 million gallons. No source shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

SOURCE	MAXIMUM INSTANTANEOUS RATE (GPM)	MONTHLY ALLOCATION (MGM)
Well 2	40	1.116
Well 3	100	3.500
Well 4	200	7.492
Well 6	250	10.602
Spring	80	1.426

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 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.

j. 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 implement the long-term monitoring program as recommended by the docket holder in the Hydrogeological Report of Well 6 which includes the domestic well located at 401 South Street

and the domestic well located at 381 South Street which was monitored during the long-term pumping test of Well 6. This program will include the following:

1. **Ground Water Level Monitoring** – Two (2) monitoring wells shall be measured to estimate annual ground water 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 respective areas surrounding the Aqua PA production wells.
2. **Reports** - All monitoring data, including records required in Conditions “f.” and “l.” herein shall be submitted to the Commission annually, due by April 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.
3. 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.
 - k. 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.
 1. 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).
 - m. 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.
 - n. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.
 - o. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

p. 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.

q. 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.

r. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 CFR 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges 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, 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.

s. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations. (see 18 CFR 401.43).

t. This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

u. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

v. 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*.

w. 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.

x. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing

uses of ground or surface water, or if the permit holder receives a complaint from an existing ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director, and unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the Executive Director.) In addition, the permit holder shall provide written notice to all potentially affected water users of the permit holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the permit holder's project withdrawal shall be repaired, replaced or mitigated at the permit holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct the permit holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement or mitigation. 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.

y. 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.

z. 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 Non-Point Source Pollution Control Plan (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.

aa. 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:

EXPIRATION DATE: June 13, 2028

DRAFT