

DOCKET NO. D-1998-007-3

DELAWARE RIVER BASIN COMMISSION

**Southeastern Pennsylvania
Ground Water Protected Area**

**Macoby Run Golf Course, Inc.
Groundwater Withdrawal
Marlborough Township, Montgomery County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by AECOM on behalf of Macoby Run Golf Course (MRGC) to the Delaware River Basin Commission (DRBC or Commission) on September 18, 2017 (Application), 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. This docket was previously approved by the Commission on September 24, 2008.

The Application was reviewed for 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 May 16, 2018.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to renew the approval of an existing groundwater withdrawal of up to 3.875 million gallons per month (mgm) to irrigate the Macoby Run golf course from existing Well PW-1.
- 2. Location.** The project well is located in the Macoby Creek Watershed, in Marlborough Township, Montgomery County, Pennsylvania. Well PW-1 is completed in the Brunswick Formation. Macoby Creek near the project site is designated by the Pennsylvania Department of

Environmental Protection (PADEP) as supporting Trout Stocking Fishes (TSF) and Migratory Fishes (MF).

Specific location information has been withheld for security reasons.

3. **Area Served.** The project withdrawals will only be used to supply water to the docket holder’s golf course irrigation system. 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.** MRGC golf course is an 18-hole golf course located on 197 acres, and consists of approximately 36 acres of fairways and tees and 5 acres of greens. The allocation of groundwater herein will only serve golf course irrigation. The potable water at the golf course’s clubhouse is provided by an on-site well that is used only for potable water.

The average and maximum demand is 0.054 million gallons per day (mgd) and 0.121 mgd, respectively. The docket holder does not expect an increase in the 10-year average or maximum daily demand. MRGC is not requesting an increase in groundwater and surface water withdrawal allocations from that contained in its prior approval. The allocation of 3.875 million gallons per month (mgm) should be sufficient to meet the future demands of the MRGC system.

The golf course uses water from a man-made off stream storage irrigation pond. Water in the pond is supplemented by groundwater from well PW-1. Groundwater is pumped from Well PW-1 during the irrigation season which generally runs from April to September. The groundwater withdrawal is metered and discharged into the irrigation pond, the water from the pond is then pumped through another meter and used to irrigate the golf course. The irrigation pond has a storage capacity of approximately 3.5 million gallons (mg).

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

WELL ID.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
PW-1	400	41’/ 8”	87	1995

POND ID.	PUMP CAPACITY (GPM)	STORAGE CAPACITY (MG)	YEAR CONSTRUCTED
Pond	400	3.5	1996

The project well and irrigation pond are metered.

Well water is not treated prior to entering the distribution system.

The project facilities are above the 100-year flood elevation.

The irrigation system is not presently interconnected with any other distribution system.

- c. **Other.** Wastewater is conveyed to an on-site subsurface septic system.
- d. **Cost.** There is no construction cost associated with this project.

B. **FINDINGS**

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 groundwater 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*. There have been no reported complaints of well interference since the last approval of this renewal project. No adverse impact is anticipated due to continued operation of this project.
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*.

The docket holder's withdrawals were approved by the Commission in Docket No. D-1998-007-1 and D-1998-007-2 on August 12, 1998 and September 24, 2008, respectively. Issuance of this docket will continue the approval of this groundwater withdrawal project.

The MRGC is located in the Perkiomen-Macoby Creek subbasin (Subbasin No. 14), where total net annual ground water withdrawal (161.1 mgy) is significantly less than the withdrawal limit set in Section 6.I of the *GWPAR* (1,669 mgy). The docket holder is requesting a monthly allocation of 3.875 mgm, which equates to 23.25 million gallons per year (mgy) (6 months x 3.875 mgm), 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 well below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the withdrawals from Well PW-1, in conjunction with other withdrawals in the subbasin, are in accordance with the requirements of Section 6.I of the *GWPAR*.

The DRBC estimates that the project withdrawals, used for the purpose of golf course irrigation, result in a consumptive use of 90 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 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-1998-087-3 below, Docket No. D-1998-087-2 is terminated and replaced by Docket No. D-1998-087-3.

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.

b. The well, pond and operational records shall be available at all times for inspection by the DRBC.

c. The well and pond 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 total withdrawal from the wells and pond shall not exceed 3.875 mgm or 23.25 mgy (3.875 mgm x 6 months). The wells and pond shall not be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL OR INTAKE NO.	INSTANTANEOUS RATE (GPM)	MONTHLY ALLOCATION (MILLION GALLONS)
PW-1	87	3.875
Pond	400	3.875

e. The well 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 annually by June 30, to the 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 implement to the satisfaction of the 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 PADEP, on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

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

j. 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.

k. 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 *GWPAR*.

l. 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 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. 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.

p. 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.

q. 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*.

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 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.

w. 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.

x. 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. 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