

**DOCKET NO. D-1995-058 CP-3**

**DELAWARE RIVER BASIN COMMISSION**

**Borough of Fleetwood  
Groundwater Withdrawal  
Borough of Fleetwood, Ruscombmanor and Richmond Townships,  
Berks County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted by ARRO Consulting, Inc. on behalf of the Borough of Fleetwood to the Delaware River Basin Commission (DRBC or Commission) on March 1, 2016 for renewal of an allocation of groundwater and review of a groundwater withdrawal project (Application). The project was previously approved by the Commission on February 28, 2007. The project wells and springs 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:

<b>WELL NO.</b>	<b>PADEP PERMIT NO.</b>	<b>PADEP APPROVAL DATE</b>
1, 2 and 6	0670503	December 1970
10	0690511	December 1991
12	0691515	December 1991
13	0695509	Unknown
14	0693502	September 1993
15	0606509	August 2000
Springs 10, 11 and 12	0670503	December 1970
All Sources	WA-525	Approval Pending

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 August 16, 2017.

**A. DESCRIPTION**

**1. Purpose.** The purpose of this project is to approve a decrease in withdrawal allocation from 56.2 million gallons per month (mgm) to 22.61 mgm of groundwater for the docket holder's public water supply distribution system from existing Wells 1, 2, 6, 10, 12, 13, 14, 15 and Springs 10, 11, and 12.

**2. Location.** The project wells and springs are located in the Willow Creek Watershed. All of the wells and springs are located in Ruscombmanor Township, except for Well 15 which is located in Richmond Township and Well 13 which is located in the Borough of Fleetwood, all in

Berks County, Pennsylvania. Willow Creek near the project site is designated by the PADEP as supporting Cold Water Fishes (CWF) and Migratory Fishes (MF). The project wells are completed in Granitic Gneiss, except for Well 13 which is completed in the Leithsville Formation and Well 15 which is completed in the Allentown Formation.

Specific location information has been withheld for security reasons.

**3. Area Served.** The docket holder's distribution system supplies water to the Borough of Fleetwood and adjacent portions of Ruscombmanor and Richmond Townships, Berks County, Pennsylvania, as shown on the map entitled "Fleetwood Borough Water System Service Area Map" 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 Borough of Fleetwood system currently serves an estimated population of 4,085 through 1,604 domestic service connections and an additional 70 commercial connections, 8 industrial and 30 other connections with an average and maximum water demand of 0.635 million gallons per day (mgd) and 1.741 mgd, respectively. The docket holder projects an average and maximum water demand of 0.729 mgd and 1.890 mgd, respectively, by the year 2026. The allocation of 22.61 mgm should be sufficient to supply the docket holder's public water supply system. The reduction in withdrawal allocation is based on the allocation that will be approved in PADEP Water Allocation Permit No. WA-525 (22.61 mgm or 0.7294 million gallons per day (mgd)).

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

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
1	120	Unknown/ 8"	100	1970
2	140	80'/ 8"	45	1970
6	300	160'/ 8"	35	1970
10	300	63'/ 6"	100	1991
12	360	82'/ 8"	100	1991
13	400	106'/ 8"	300	1995
14	420	62'/ 8"	210	1993
15	700	83'/ 8"	600	2000

SPRING NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY (GPM)	7Q10 FLOW AT INTAKE (MGD)	YEAR CONSTRUCTED
10	Willow Creek	60	0.136	1991

SPRING NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY (GPM)	7Q10 FLOW AT INTAKE (MGD)	YEAR CONSTRUCTED
11	Willow Creek	40	0.187	1991
12	Willow Creek	40	0.187	1991

The three (3) springs are all located in well houses and act like wells. The springs have not been used in years.

All water service connections are metered.

All wells and springs are metered.

Prior to entering the distribution system, the water is chlorinated and fluoridated. Seaquest corrosion inhibitor is also added to all water prior to entering the distribution system.

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

**c. Other.** Wastewater is conveyed to the Fleetwood Borough Authority sewage treatment facility most recently approved by DRBC Docket No. D-1987-054 CP-5 on December 10, 2014. The PADEP issued its most recent NPDES Permit No. PA0021636 on December 23, 2009 for this treatment facility. The facility is currently operating under an “administratively extended” permit. A renewal application was received on June 30, 2014 and is currently under review. The treatment facility has adequate capacity to receive wastewater from the proposed project.

**d. Cost.** There is no associated cost with this project.

**e. Relationship to the Comprehensive Plan.** The Borough of Fleetwood’s existing water supply facilities, were previously included in the Comprehensive Plan by Dockets Nos. D-1970-184 CP-1, D-1987-076 CP-1, D-1990-084 CP-1, D-1991-060 CP-1 and D-1993-022 CP-1, approved on November 24, 1970, November 24, 1987, March 27, 1991, December 11, 1991 and August 4, 1993, respectively. These dockets were rescinded and replaced by Docket No. D-1995-058 CP-1, which also approved Well No. 13 on May 22, 1996. The approval was continued by Docket No. D-1995-058 CP-2 on February 28, 2007. Issuance of this docket will continue the approval of this groundwater and surface water withdrawal project.

## **B. FINDINGS**

### **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 Fleetwood submitted their most recent Water Audit on March 30, 2017.

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

The docket holder estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 18.4 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-1995-058 CP-3 below:

a. The projects described in Docket No. D-1995-058 CP-2 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1995-058 CP-3; and

b. Docket No. D-1995-058 CP-2 is terminated and replaced by Docket No. D-1995-058 CP-3.

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.

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

c. The wells and springs 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 well and spring sources shall not exceed 22.61 mgm. No well or spring source shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

<b>WELL NO.</b>	<b>MAXIMUM INSTANTANEOUS RATE</b>	<b>MONTHLY ALLOCATION</b>
1	100	2.940
2	45	0.960
6	35	1.562
10	100	1.800
12	100	4.464
13	300	13.392
14	210	6.750
15	600	20.850
Spring 10	60	2.678
Spring 11	40	1.500
Spring 12	40	1.500

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 annually by March 31, 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 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 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 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.

l. 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.

m. 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.

n. The area served by this project is limited to the service area as described above. Any expansion beyond this area is subject to review in accordance with Section 3.8 of the *Compact*.

o. 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.

p. 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).

q. 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).

r. 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).

s. 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 right 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.

t. 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 docket 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 docket 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 certified mail or email (using addresses posted on the DRBC website); or (b) written notice in accordance with the preceding clause 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 docket holder shall provide written notice to all potentially affected water users of the docket holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the docket holder's project withdrawal shall be repaired, replaced or mitigated at the docket 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 docket holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement or mitigation.

u. 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.

v. 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.

w. 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: September 13, 2017**

**EXPIRATION DATE: September 13, 2027**