

DOCKET NO. D-2014-016-1

DELAWARE RIVER BASIN COMMISSION

**Giorgio Foods, Inc.
Groundwater Withdrawal
Maidencreek Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Brinjac Engineering, Inc. on behalf of Giorgio Foods, Inc. to the Delaware River Basin Commission (DRBC or Commission) on August 7, 2014 for approval of an allocation of groundwater and review of a groundwater water withdrawal project (Application).

The Application was reviewed 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 September 15, 2015.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to approve a withdrawal of up to 14.0 million gallons per month (mgm) of groundwater from existing Wells Nos. 1, 2 and 3 for industrial process, cooling and potable use at the docket holder's existing food processing facility.
2. **Location.** The project wells are completed in the Leithsville Formation and are located in the Willow Creek Watershed in Maidencreek Township, Berks County, Pennsylvania. The Willow Creek near the project site is designated by the Pennsylvania Department of Environmental Protection (PADEP) as a high quality – cold water fishery (HQ-CWF). Specific location information has been withheld for security reasons.
3. **Area Served.** The groundwater withdrawals will continue to serve the Giorgio Foods facility. The service area is outlined on a map entitled "DRBC Groundwater Withdrawal Application Site Location and Service Area" 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 project wells supply water for industrial processes (approximately 60 %), industrial cooling (approximately 30 %) and potable use (approximately 10 %) at the food processing facility where vegetables are cleaned, cooked and packaged for distribution.

Water withdrawals are not currently metered. The docket holder provided estimates of groundwater usage calculated from metered effluent flow data. Because the effluent data includes precipitation that cannot be accurately estimated, actual groundwater withdrawals may be less than the withdrawals estimated by the docket holder. From 2010 through 2014, estimated monthly withdrawals ranged from 5.30 mgm to 14.73 mgm and averaged 9.05 mgm. Annually, the estimated average daily water demand ranges between 0.228 mgd and 0.327 mgd. The docket holder projects the 10-year annual average water demand to increase to 0.400 mgd, a 22 percent increase from the historic average annual daily water demands. The allocation of 14.0 mgm approved by this docket is based on the maximum estimated monthly withdrawals without significant precipitation contribution to the effluent flows used to estimate groundwater withdrawals. The docket holder believes this allocation should be sufficient to meet the future monthly demands of the Giorgio Foods processing facility.

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

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
1	252'	114' / 8"	200 gpm	1989
2	141'	unknown / 6"	130 gpm	1989
3	200'	164' / 6"	100 gpm	1989
Fire Well 1	145'	130' / 12"	1,000 gpm	2006
Fire Well 2	130'	115.5' / 12"	1,000 gpm	2007
Fire Well 3	170'	119.5' / 12"	1,000 gpm	2007
Auxiliary Well	138'	116.5 / 8"	9 gpm	2005

Currently the wells are not metered. Meters will be installed on Wells Nos. 1, 2 and 3 as part of the water system improvement project scheduled in 2016.

Prior to entering the distribution system, the water is sand filtered and chlorinated.

The project wells are not located in a FEMA mapped floodplain.

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

Fire Wells 1, 2, 3 and the Auxiliary Well are used only for fire suppression purposes. These wells are tested for approximately 5 minutes once per month to ensure proper working condition.

c. **Other.** Process and domestic wastewater is conveyed to the docket holder's industrial wastewater treatment plant most recently approved by DRBC Docket No. D-1988-043-4 on December 10, 2014. The PADEP issued its most recent NPDES Permit No. PA00053091 on February 25, 2011 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the existing project.

d. **Cost.** The construction cost of this project which was completed in 1989 was estimated to be approximately \$115,000.

B. **FINDINGS**

The groundwater withdrawals are not presently metered. The docket holder indicated that separate totalizing flow meters will be installed on each source as part of a water system upgrade in 2016 and the usage will be reported to PADEP. Condition C.I.f. in the Decision section of this docket requires that separate flow meters be installed on Wells Nos. 1, 2 and 3 and used for water usage reporting purposes before June 16, 2016.

The docket holder submitted a report entitled "Fire Flow Protection Well Construction Summary" dated March 2007. The report summarized the well construction and the results of pumping tests completed on the fire wells. The report recommended that unused test wells be properly abandoned to protect the water quality of the aquifer. Commission staff concur with this recommendation and have included Condition C.I.g. that requires the docket holder to properly abandon all unused test wells within 3 years of the approval date of this docket. Wells should be abandoned in accordance with PADEP Water-Well Abandonment Guidelines available on the Pennsylvania Department of Conservation and Natural Resources (DCNR) website. (http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_006802.pdf)

The total monthly allocation provided by this docket is based on the estimated historical water usage provided by the docket holder. Individual well rates and allocations are based on the installed pumping capacity. The existing pumps will be replaced in kind, during the 2016 system upgrade project with no increase in capacity. Information submitted by the docket holder indicates that prior to being placed into operation in January 1989, Wells Nos. 1, 2 and 3 were subjected to short pumping tests at rates of 217 gallons per minute (gpm), 130 gpm and 150 gpm, respectively; however little to no supporting data is available. The docket holder has used these sources on a daily basis through the present time with no known instances of well interference. Instantaneous rates and monthly allocations are provided in Condition II.d. in the Decision Section of this docket. As the existing water withdrawals have already been realized by the local hydrologic system, there should be no significant impacts from continued withdrawals from the existing system wells.

The docket holder estimates that the project withdrawals, used for the purpose of industrial processes, cooling and potable use at the facility, 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-2014-016-1 below, 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 and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall register with and report to the PADEP all 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 combined withdrawal from Wells 1, 2 and 3 shall not exceed 14.0 million gallons. No well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
1	200 gpm	8.9 mgm
2	130 gpm	5.8 mgm
3	100 gpm	4.4 mgm
Fire Well 1	Fire Suppression Purposes Only	
Fire Well 2	Fire Suppression Purposes Only	
Fire Well 3	Fire Suppression Purposes Only	
Auxiliary Well	Fire Suppression Purposes Only	

e. The wells shall be equipped, where possible, with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes as repairs or modifications are made at each existing well so that water levels may be measured under all conditions.

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. Separate flow meters on Wells Nos. 1, 2 and 3 shall be installed and used for water usage reporting purposes before June 16, 2016. The docket holder shall notify the Commission upon installation of the flow meters.

g. The docket holder shall properly abandon all unused test wells within 3 years of the approval date of this docket (by September 16, 2018).

h. 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.

i. 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).

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

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. 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.

m. 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*.

n. 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.

o. 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.

p. If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing uses of ground or surface water, or if the docket holder receives a complaint by any existing ground or surface water users within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by any ground or surface users within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Section at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the docket holder shall provide written notification to all potentially impacted users of wells or surface water supplies of the docket holder's responsibilities under this condition. Any ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

q. 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.

r. 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.

s. 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 16, 2015

EXPIRATION DATE: September 16, 2025