

DOCKET NO. D-1964-036 CP-2

DELAWARE RIVER BASIN COMMISSION

**Southeastern Pennsylvania
Ground Water Protected Area**

**Pottstown Borough Authority
Surface Water Withdrawal
Borough of Pottstown, Montgomery County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Cardno BCM on behalf of the Pottstown Borough Authority (PBA) to the Delaware River Basin Commission (DRBC or Commission) on July 22, 2013 (Application), for a renewal and approval of an allocation of surface water and review of a surface water withdrawal project in the Ground Water Protected Area of Southeastern Pennsylvania. The prior docket was approved by the Commission on July 22, 1964. The project intake was reviewed under the Pennsylvania Safe Drinking Water Act for public water supply permits and approved by the Pennsylvania Department of Environmental Protection (PADEP) on May 12, 2014, but it withholding the issuance of Public Water Supply Permit No. WA-1-B 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 December 9, 2014.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to approve the renewal of an existing supply of surface water to the docket holder's public water supply distribution system an existing surface water intake on the Schuylkill River. The total allocation of surface water will remain 243.2 million gallons per month (mgm). The PBA is not requesting an increase in surface water withdrawal allocation from that contained in its prior approval.

2. **Location.** The project is located in the Schuylkill River Watershed, in the Borough of Pottstown, Montgomery County, Pennsylvania. The Schuylkill River near the project site is designated by the PADEP as supporting Warm Water Fishes (WWF).

Specific location information has been withheld for security reasons.

3. **Area Served.** The docket holder’s water distribution system serves the Borough of Pottstown, portions of Lower Pottsgrove, Upper Pottsgrove, Douglass and West Pottsgrove Townships as shown on a map entitled “Location Map & Service Area Map”, submitted with the Application.

4. **Physical features.**

a. **Design criteria.** The PBA currently serves an estimated population of 32,516 through 11,841 service connections with an average and maximum water demand of 2.541 million gallons per day (mgd) and 7.740 mgd, respectively. The docket holder projects an average and maximum water demand of 2.608 mgd and 7.850 mgd, respectively, with a population of 33,348 by the year 2024.

The docket holder has a Certificate of Entitlement (Certificate No. 136) from the Commission for withdrawal from their surface water source, Schuylkill River. The entitlement allows the docket holder to withdraw up to 36.480 million gallons per month consumptive and 206.720 million gallons per month non-consumptive.

b. **Facilities.** The docket holder’s existing surface water intake has the following characteristics:

INTAKE NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY (GPM)	7Q10 FLOW AT INTAKE (CFS)	YEAR CONSTRUCTED
1	Schuylkill River	8,500	381	1965

The surface water withdrawals are metered.

Prior to entering the distribution system, the surface water is treated by the following processes; coagulation, flocculation, sedimentation, filtering and disinfection.

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

System storage facilities have the capacity of 7.7 million gallons (mg), which is equivalent to approximately 2.0 days’ supply.

The PBA water distribution system is presently interconnected with North Coventry Municipal Authority. The interconnection has a capacity of 1.5 mgd and is used on a regular basis.

c. **Other.** Wastewater is conveyed to the PBA sewage treatment facility most recently approved by DRBC Docket No. D-1989-055 CP-2 on July 14, 2010. The PADEP issued its most recent NPDES Permit No. PA0026786 on November 1, 2009 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from this project.

The surface water is conveyed to the PBA water filtration plant facility most recently approved by DRBC Docket No. D-1964-036 CP on September 23, 1964. The PADEP issued its most recent NPDES Permit No. PA0052647 on June 8, 2012 for the discharge of backwash from this facility.

d. **Relationship to the Comprehensive Plan.** The docket holder's surface water intake was previously included in the Comprehensive Plan by Docket No. D-1964-036 CP, approved on July 22, 1964. Issuance of this docket will continue the public water supply distribution system in the Comprehensive Plan.

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. 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 PBA submitted their most recent Water Audit on May 2, 2013.

PBA shall pay for surface water use in excess of 36.480 mgm consumptive use and 206.720 mgm non-consumptive use as shown in the Certificate of Entitlement No. 136 in accordance with the provisions of *Administrative Manual Part III Basin Regulations – Water 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.

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*.

C. DECISION

I. Effective on the approval date for Docket No. D-1964-036 CP-2 below:

a. The project described in Docket No. D-1964-036 CP-1 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1964-036 CP-2; and

b. Docket No. D-1964-036 CP-1 is terminated and replaced by Docket No. D-1964-036 CP-2; and

c. The project and the appurtenant facilities described in the Section A “Physical Features” of this docket 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*, 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 11, 2014), the docket holder shall provide written confirmation to the Commission that it has registered and reported with PADEP their surface water source described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The surface water intake and operational records shall be available at all times for inspection by the DRBC.

c. The surface water intake 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 surface water intake shall not exceed 243.2 mgm. The intake shall not be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

INTAKE NO.	INSTANTANEOUS RATE (GPM)	MONTHLY ALLOCATION (MILLION GALLONS)
1	8,500	243.2

e. The docket holder shall pay for surface water use in excess of 36.480 mgm consumptive use and 206.720 mgm non-consumptive use as shown in the Certificate of Entitlement No. 136 in accordance with the provisions of *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

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. 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. 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.

l. 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.

m. 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.

n. 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.

o. 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.

p. 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* and the *GWPAR*.

q. 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.

r. 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.

s. 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 wells or surface water supplies, or if the docket holder receives a complaint by any user of wells or surface water supplies within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by users of wells or surface water supplies within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. Any well or surface water supply which is substantially adversely affected, or rendered dry or otherwise unusable 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 *GWPAR*. 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. The Executive Director may modify or suspend this docket approval, or require mitigating measures, pending additional review.

t. 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.

u. 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.

v. 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: December 10, 2014

EXPIRATION DATE: June 11, 2024