

**DOCKET NO. D-1980-025-2**

**DELAWARE RIVER BASIN COMMISSION**

**Special Protection Waters**

**Rock-Tenn Company  
Surface Water and Groundwater Withdrawal  
Smithfield Township, Monroe County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted by RockTenn Company (RockTenn or docket holder) to the Delaware River Basin Commission (DRBC or Commission) on May 13, 2014 for renewal of an allocation of surface water and groundwater and review of a surface water and groundwater water withdrawal project (Application).

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Monroe County Planning Board 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 project is to renew and approve an increase in the allocation of surface water from 13.89 mg/30 days (14.353 mgm) to 15.438 mgm from the Mill Intake on Brodhead Creek for non-contact cooling and industrial processes and an increase in the allocation of groundwater from 0.0039 mg/30 days (0.004 mgm) to 0.186 mgm from two wells for potable use at the docket holder's paper board mill. The increase in the surface water allocation is due to modifications of its wastewater treatment facility which when completed will require additional process water to operate.

**2. Location.** The surface water intake is located on the Brodhead Creek and the project wells are completed in the Ridgely Formation through Coeymans Formations, undivided in the Lower Brodhead Creek Watershed in Smithfield Township, Monroe County, Pennsylvania within the drainage area to the Middle Delaware, which is designated as Special Protection Waters (SPW). Brodhead Creek at the project site is designated by the Pennsylvania Department of Environmental Protection (PADEP) as a cold water fishery and migratory fishery (CWF-MF).

Specific location information has been withheld for security reasons.

3. **Area Served.** Water from Brodhead Creek and the wells is used only for non-contact cooling, industrial processes and potable use at the docket holder's paper board mill. 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 docket holder manufactures coated recycled paper board in their Stroudsburg Mill. Existing average and maximum surface water demands are 0.388 mgd and 0.474 mgd, respectively. Approximately 73 percent of the water withdrawn is used for non-contact cooling purposes and the remainder is used for industrial processes. Following the completion of the wastewater treatment plant modifications that will require more process water to operate, Rock-Tenn projects the 10-year average and maximum surface water demand to increase to 0.412 mgd and 0.498 mgd, respectively. The WWTP modifications are described in detail in DRBC Docket No. D-2006-041-2, approved December 4, 2013. RockTenn expects to bring the wastewater treatment plant online in late December 2014.

Water used for NCCW and industrial purposes is supplied by the Mill intake on Brodhead Creek. Water from the Brodhead Creek intake enters the pump house after passing through gross contaminant screens to prevent branches, leaves and ice from damaging the processing equipment. Two pumps within the Mill Pump House (one active pump, one emergency backup pump) convey the water approximately 300 feet through a 10-inch stainless steel pipe to additional screens to remove finer debris. RockTenn also maintains a separate intake approximately 350 feet upstream from the Mill Intake on Brodhead Creek for fire suppression purposes only. The intake transfers water to a 1.08 million gallon capacity impoundment adjacent to the Brodhead Creek.

The Warehouse Well serves water to the bathroom fixtures and showers within the docket holder's facility. The Boiler House Well serves as an emergency backup to the Warehouse Well and has not operated since the Rock-Tenn Company purchased the Stroudsburg Mill from the Packaging Corporation of America in 1984. Current groundwater demands for potable use at the mill is up to 0.006 mgd and the docket holder does not expect the demands to increase within the next 10 years. Therefore, the allocation of 0.186 mgm (0.006 mgd) should be sufficient to meet the future potable demands of the mill.

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

INTAKE ID.	WITHDRAWAL WATER BODY	PUMP CAPACITY	7Q10 FLOW AT INTAKE	YEAR CONSTRUCTED
Mill	Brodhead Creek	1,215 gpm	51 cfs	1940
Fire	Brodhead Creek	2,000 gpm	51 cfs	unknown

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
Warehouse Well	60'	40' / 6"	10 gpm	1940
Boiler House Well	600'	50' / unknown	No pump installed	1967

\*Boiler House well is not used, but is retained for a backup supply.

The Mill Intake and active well are metered.

Prior to entering the distribution system, surface water is treated with an ultraviolet (UV) disinfection system.

A portion of the subject property including the surface water intake is located within the 100-year flood plain of Brodhead Creek.

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

c. **Other.** Process wastewater is currently collected and transported off-site for treatment and disposal at DRBC and PADEP-approved, in-basin facilities. After the completion of the wastewater treatment plant modifications, the process wastewater will be conveyed to the docket holder's industrial wastewater treatment plant most recently approved by DRBC Docket No. D-2006-041-2 on December 4, 2013. The PADEP issued its most recent NPDES Permit No. PA0012963 on May 7, 2013 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project. After treatment, the industrial wastewater will be mixed with the non-contact cooling water and discharged to Brodhead Creek through Outfall No. 001, which is located approximately 600 feet downstream from the Mill Intake. Sanitary wastewater is pumped to a holding tank, which is pumped out when it is full.

d. **Cost.** There are no construction costs related to this renewal project.

## 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 surface water intake and wells providing water supply to Rock-Tenn are located within in the drainage area to the Special Protection Waters.

The stormwater management ordinance requirements contained in the Brodhead-McMichael Creek Watershed Act 167 Plan (Act 167 Plan), approved by the PADEP on March 10, 2006, satisfy the NPSPCP of the Commission. The municipality in which Rock-Tenn facility is located (Smithfield Township) has adopted and implemented a stormwater ordinance in accordance with the Act 167 Plan. Accordingly, Condition C.II.t. has been included in this docket.

### **Consumptive Use and Surface Water Charges**

Water withdrawn from Brodhead Creek is used for NCCW purposes (approximately 73 percent of the total water withdrawal) and industrial purposes (approximately 27 percent of the total withdrawal) at the mill. The consumptive loss of the water used for NCCW purposes is nearly zero percent and the consumptive loss of water used for industrial processes at the mill is approximately 82 percent. The upgraded wastewater treatment plant requires an additional 0.03 mgd of water for operation. This water will pass through the system and be discharged to Brodhead Creek with little or no additional consumptive losses. Following the completion of the wastewater treatment plant modifications, it is estimated that the consumptive loss of water used for process will decrease from 82 percent to 63 percent and the total consumptive use at the facility will decrease from approximately 23 percent to approximately 20 percent of the total water surface water withdrawn from Brodhead Creek. 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 docket holder shall continue to pay for surface water use in accordance with the provisions of Resolution No. 74-6, as amended as described in Condition C.I.f. in the DECISION section of this docket.

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-1980-025-2 below, Docket No. D-80-25-1 is rescinded and replaced by Docket No. D-1980-025-2.

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

c. The intakes and 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 withdrawal from the Mill Intake shall not exceed 15.438 million gallons and the withdrawal from the Warehouse Well and the Boiler House Well shall not exceed 0.186 million gallons and the total withdrawal from the Mill Intake and groundwater sources shall not exceed 15.624 million gallons. No source shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

<b>SOURCE NO.</b>	<b>MAXIMUM INSTANTANEOUS RATE</b>	<b>MONTHLY ALLOCATION</b>
Mill Intake	875 gpm	15.438 mgm
Fire Intake	Fire Suppression Purposes Only	
Warehouse Well	10 gpm	0.186 mgm
Boiler Room Well	300 gpm	0.186 mgm

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 docket holder shall pay for surface water use in accordance with Administrative Manual – Part III Basin Regulations – Water Supply Charges.

g. 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.

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. 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.

l. 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*.

m. 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.

n. 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.

o. 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.

p. 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.

q. 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.

r. Compliance with the Brodhead and McMichael Creeks Stormwater Management Ordinance satisfies the Non-Point Source Pollution Control Plan requirements and meets the general requirements of Article 3.10.3.A.2.e.1 of the Commission's Water Quality Regulations for the Area Served as described in A.3 above in Smithfield Township.

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: December 10, 2014**

**EXPIRATION DATE: December 10, 2024**