

DOCKET NO. D-1999-056 CP-2

DELAWARE RIVER BASIN COMMISSION

**West Deptford Township
River Winds of West Deptford
Surface Water Withdrawal
West Deptford Township, Gloucester County, New Jersey**

PROCEEDINGS

This docket is issued in response to an Application submitted by Alaimo Group on behalf of West Deptford Township (docket holder) to the Delaware River Basin Commission (DRBC or Commission) on February 12, 2014 for renewal of an allocation of surface water and review of a surface water withdrawal project (Application). The project surface water withdrawal was approved by the New Jersey Department of Environmental Protection (NJDEP) Water Allocation Permit No. 4073PS on April 4, 2003, subject to approval by the DRBC. The NJDEP Water Allocation Permit expires in May 2015.

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 Gloucester County Planning Department 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 the approval to withdrawal a total of up to 17.0 million gallons per month (mgm) of surface water from the Delaware River and a storage pond for irrigation of an existing golf course and in the future, additional areas at the River Winds of West Deptford. The allocation is not an increase in the previously approved allocation.
- 2. Location.** The intake on the Delaware River is situated in an artificial cove, in Water Quality Zone 4 at river mile 91.3 in West Deptford Township, Gloucester County, New Jersey. The river water is pumped to a storage pond situated on the existing golf course from where it then pumped into the golf course irrigation system.

Specific location information has been withheld for security reasons.

3. **Area Served.** Water withdrawn for the Delaware River and storage pond is currently used only for irrigation of the existing golf course. Should other areas on the property be developed in the future, the water may be used to irrigate an additional 59 acres of the adjacent residential, community, and commercial River Winds Project property and other grounds of the "River Winds at West Deptford" development. The service area is shown on an aerial photograph 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 River Winds Project is a multi-use, public and private development located on approximately 416 acres of a former dredge spoil disposal area along the Delaware River bounded by Woodbury Creek and Main Ditch in West Deptford Township, Gloucester County, New Jersey. To date, only portions of the development have been constructed including an 18-hole golf course, Community Center, restaurant and Township athletic fields. The irrigation system was designed to meet the needs of the entire River Winds project; however, only the golf course is currently irrigated with water from the Delaware River intake and storage pond. Additional underground irrigation systems were installed in the landscaped areas surrounding the Community Center and the Township athletic fields, but have not been connected to the on-site irrigation system and are irrigated with public water. These areas as well as other commercial and residential areas will be incorporated into the Township's irrigation system as the other areas on the site are developed.

Approximately 66 acres of the River Winds Golf Course is irrigated seasonally, generally from April through October. Based on withdrawal records provided by West Deptford to the NJDEP, the average and peak irrigation demands over the last 6 years were 5.12 mgm and 13.6 mgm, respectively. The docket holder has requested to retain the existing allocation of 17 mgm to account for the possibility of additional development requiring additional irrigation within the next 10 years. The continued allocation of 17 mgm should be sufficient to meet the future demands of the golf course and potential additional irrigation needs.

Water is withdrawn through a 21 inch diameter, double-screened intake in an artificial cove of the Delaware River estuary when the water depth is greater than 3 feet at the withdrawal point. Due to daily tidal fluctuations, the available time period to withdraw water under these conditions is limited to 13 hours per day. The river pumping station withdraws water at a rate of up to 1,625 gpm at a velocity of less than 0.5 feet per second. Water is pumped via a 16 inch diameter pipe to a 3 acre, 1.68 mg storage pond located on the River Winds Golf Course. Some of the on-site storm water runoff is also routed to the irrigation storage pond for use with the project withdrawal. Three pumps totaling 2,500 gpm supplies the golf course irrigation system and in the future may supply additional irrigation water to the Township athletic fields and other River Winds at West Deptford grounds.

Operation of irrigation withdrawal from the pond is such that the applicant must account for any use of stormwater captured in the pond so that the total combined use from both sources does not exceed 17 mg per month. NJDEP requires reporting of both the monthly diversion of

water from the Delaware River and the corrected diversion from the storage pond. The corrected diversion is calculated by subtracting the Delaware River withdrawal from the storage pond withdrawal that month.

b. **Facilities.** The existing project intakes have the following characteristics:

INTAKE NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY	7Q10 FLOW AT INTAKE	YEAR CONSTRUCTED
1 (Delaware River)	Delaware River	1,625 gpm	3,534 cfs	2003
A,B and C (Storage Pond)	Constructed Pond	2,500 gpm	Not Applicable	2003

The withdrawal from the Delaware River and the storage pond are metered.

An additional meter has been installed to meter the township zone (currently unused) and golf course separately.

The water is for irrigation purposes only and is not treated prior to use.

The project is not located in the 100-year floodplain.

c. **Other.** Potable water supply to the project is provided by the West Deptford Township Water Department, which operates a 6-well public water supply system, which was most recently approved by DRBC Docket No. D-79-82 CP-4 on May 10, 2007. Wastewater from the River Winds at West Deptford is conveyed to the Gloucester County Utilities Authority sewage treatment facility most recently approved by DRBC Docket No. D-1990-074 CP-4 on May 8, 2013. The NJDEP issued its most recent NJPDES Permit No. NJ0024686 on May 12, 2010 and amended on November 12, 2010 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the existing project.

d. **Cost.** There are no project costs associated with this renewal project.

e. **Relationship to the Comprehensive Plan.** The project was previously included in the Comprehensive Plan by the Commission in Docket No. D-99-56 CP, approved May 8, 2003.

B. **FINDINGS**

The docket holder designed the irrigation project so it did not use potable water from its public water supply wells in the Potomac-Raritan-Magothy (PRM) formation for irrigation.

The docket holder's New Jersey Water Allocation Permit expires in May 2015. Renewal Application is required to be submitted prior to March 31, 2015.

The project is located in Water Supply Critical Area 2, as designated by the State of New Jersey, and the proposed surface water withdrawal has been proposed and designed so as to prevent adversely affecting that aquifer (Potomac-Raritan-Magothy).

The project is located within Planning Area 17 of the New Jersey Statewide Water Supply Plan and meets the requirements and objectives of the plan.

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 NJDEP water allocation is for a limited period and is not subject to automatic renewal. The permittee is in a Critical Area designated by the State of New Jersey and is subject to such requirements as may be necessary pursuant to N.J.A.C. 7:19-8.

At the project withdrawal site, the Delaware River is tidal and its flow is regulated by upstream reservoir releases. The Trenton low flow target is 2,500 cfs (1.62 billion gallons per day). The addition of the tidal tributaries upstream of the discharge location at their Q7-10 flow and the low flow Trenton target and regulated mainstem withdrawals and discharges results in a low-flow of approximately 3,534 cfs (2.28 billion gallons per day) for the Delaware River at the discharge location (River Mile 91.3).

Surface Water Charges

The docket holder shall pay for surface water use in accordance with the provisions of Resolution No. 74-6, as amended as described in Condition C.e. in the DECISION section.

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-1999-056 CP-2 below:

a. The project described in Docket No. D-99-56 CP is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1999-056 CP-2; and

b. Docket No. D-99-56 CP is terminated and replaced by Docket No. D-1999-056 CP-2.

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 NJDEP in its Water Allocation Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

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

c. The intakes 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 sources (Delaware River and Storage Pond) shall not exceed 17.0 million gallons. The combined monthly withdrawal shall be calculated as the sum of the Delaware River withdrawal and the monthly withdrawal of the storage pond minus the withdrawal from the Delaware River that month. No intake shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

INTAKE NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
1 (Delaware River)	1,625 gpm	17.0 mg
A, B and C (Storage Pond)	2,500 gpm	17.0 mg

e. The docket holder shall pay for surface water use in accordance with 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 to the NJDEP quarterly and shall be available at any time to the Commission if requested by the Executive Director.

g. The docket holder shall implement to the satisfaction of the NJDEP, 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 NJDEP on the actions taken pursuant to this program and the impact of those actions as requested by the NJDEP.

h. 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).

i. The docket holder shall continue to implement its Water Conservation Plan as approved by NJDEP, and shall report to the NJDEP on actions taken pursuant to this program and the impact of those actions as requested by the NJDEP.

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

k. Sound practices of excavation, backfill and reseeded shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

l. 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.

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 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*.

o. 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.

p. 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.

q. 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.

r. 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.

s. During any water emergency or other non-emergency declaration by the Governor of New Jersey, NJDEP or the Commission, water service or use by the project docket holder pursuant to this docket approval shall be subject to any order or restriction governing those non-essential uses specified by the NJDEP to the extent that they may be applicable, and to any other emergency resolutions or orders adopted by the Commission..

t. 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