

**DOCKET NO. D-2014-001 CP-1**

**DELAWARE RIVER BASIN COMMISSION**

**Municipal Authority of the Borough of Minersville  
Surface Water Withdrawal  
Cass Township, Schuylkill County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted by Entech Engineering, Inc. on behalf of the Municipal Authority of the Borough of Minersville (MABM) to the Delaware River Basin Commission (DRBC or Commission) on December 2, 2013 for approval of an allocation of surface water and review of a surface water withdrawal project (Application). The surface water withdrawal project 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 June 24, 2004 (PADEP Permit No. 3540035).

The Application was reviewed for inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Schuylkill 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 project is to approve the withdrawal of up to 35.371 million gallons per month (mgm) of surface water to the docket holder's public water supply distribution system from existing surface water Intake No. 3 on Dyer Run Reservoir.
- 2. Location.** The project intake is located in the Schuylkill River Watershed in Cass Township, Schuylkill County, Pennsylvania. The Schuylkill River near the project site is designated by the PADEP as supporting Cold Water Fishes (CWF).

Specific location information has been withheld for security reasons.

3. **Area Served.** The docket holder’s water distribution system serves the Borough of Minersville and portions of Cass, Branch and Norwegian Townships. The service area is outlined on a map entitled Municipal Authority of the Borough of Minersville – Water Distribution Service Boundary “” 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 MABM system currently serves water to approximately 7,764 customers on 3,235 domestic service connections and records an existing average and maximum water demand of 0.772 million gallons per day (mgd) and 1.122 mgd, respectively. The docket holder projects the 10-year average and maximum water demand to increase to 0.785 mgd and 1.141 mgd, respectively. The allocation of 35.371 mgm is sufficient to meet the projected future demands of the MABM system.

The MABM system is made up of two reservoirs (Reservoirs Nos. 3 and 4) that supply water to the docket holder’s distribution system. Reservoir No. 4 is located approximately 1.5 miles upstream from the water treatment plant. Reservoir No. 3 is located adjacent to the treatment plant. Water from Reservoir No. 4 flows to Reservoir No. 3 by gravity. Water from Reservoir No. 3 is pumped to the water treatment plant to be treated and distributed to MABM customers.

The docket holder has a Certificate of Entitlement (Certificate No. 121) from the Commission for withdrawal from their surface water source, Wheelers Creek, Wagoners Creek and Dyers Run. The entitlement allows the docket holder to withdraw up to 4.560 million gallons per month consumptive and 41.040 million gallons per month non-consumptive without being subject to the Commission’s water supply charge.

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

<b>INTAKE NO.</b>	<b>WITHDRAWAL WATER BODY</b>	<b>PUMP CAPACITY (MGD)</b>	<b>YEAR CONSTRUCTED</b>
3	Dyer Run	1.5	2000

All water service connections are metered.

Prior to entering the distribution system, the raw water will be treated with lime and alum. The surface water is then treated with chlorine, phosphate and soda ash.

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

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

c. **Other.** Wastewater is conveyed to the Minersville Sewer Authority sewage treatment facility most recently approved by DRBC Docket No. D-1970-201 CP-2 on September 12, 2013. The PADEP issued its most recent NPDES Permit No. PA0027693 on July 31, 2013 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

d. **Relationship to the Comprehensive Plan.** The project was not formerly included 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. 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 (Condition II.1. in the Decision section of this docket).

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*.

MABM shall pay for surface water use in excess of 4.560 mgm consumptive use and 41.040 mgm non-consumptive use as shown in the Certificate of Entitlement No. 121 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 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-2014-001 CP-1 below:

a. 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, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

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 35.371 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)
3	1,500	35.371

e. The docket holder shall pay for surface water use in excess of 4.560 mgm consumptive use and 41.040 mgm non-consumptive use as shown in the Certificate of Entitlement No. 121 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 June 30, 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 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.

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. The docket holder shall incorporate and implement reasonable conservation practices and measures consistent with efficient utilization of water resources.

n. No new water service connections shall be made to the 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.

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 docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this permit. 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* 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 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.

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 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.

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 non-essential 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: December 10, 2024**