

This DRAFT Docket has been prepared for the purposes of the scheduled public hearing and may be substantially modified as a result of the public hearing process prior to Commission action. (EE)

1/20/2026 11:22

DOCKET NO. D-2012-009-3

DELAWARE RIVER BASIN COMMISSION

Located in Drainage Area to Special Protection Waters

Dorney Park & Wildwater Kingdom Groundwater Withdrawal South Whitehall Township, Lehigh County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on February 26, 2025 and supplemented with revised information on September 16, 2025 for the renewal of an allocation of groundwater and review of a groundwater withdrawal project (Application). The existing groundwater withdrawal was approved by the Commission on June 11, 2014.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Lehigh Valley Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on February 4, 2026.

A. DESCRIPTION

- Purpose.** The purpose of this docket is to renew the approval of a groundwater withdrawal of up to 8.0 million gallons per month (mgm) of groundwater from existing Wells 1, 4, 5, 7 and 9 for irrigation, non-contact cooling, water rides and features at the docket holder's amusement park. The allocation is a reduction from the previous approved allocation of 13.14 mgm and is based on revised demands.
- Location.** The project wells are completed in the Allentown Formation and are located in the Cedar Creek Watershed in South Whitehall Township, Lehigh County, Pennsylvania within the drainage area to Lower Delaware Special Protection Waters (SPW).

Specific location information has been withheld for security reasons.

- Area Served.** The docket holder's wells serve only non-potable water to the park for irrigation, non-contact cooling, water rides and water features. For the purpose of defining Area

Served, the Application is incorporated herein by reference consistent with conditions contained in Section C. DECISION of this docket.

4. Design Criteria. Dorney Park has used groundwater for its attractions since its inception in 1870. Groundwater was also relied upon for all attractions until the waterpark was built in 1985. With the increased water demand of the water park, Dorney Park opted to purchase municipal water from South Whitehall Township instead of seeking additional sources of supply. From 1999 to the present, all potable water used in the park has been purchased from South Whitehall Township. South Whitehall Township's water distribution system was most recently approved by the Commission via Docket No. D-1991-082 CP-4 on June 7, 2023.

Dorney Park has a total of eight (8) wells on the park property (Wells. 1, 2, 3, 4, 5, 6, 7, and 9) that can be utilized for non-potable water supply. Wells 2, 3, and 6 are not currently being used, but remain as emergency back-up wells. Well 8 has been decommissioned and is no longer used. Dorney Park records an existing average and maximum groundwater demand of 0.095 million gallons per day (mgd) and 0.489 mgd, respectively. Dorney Park projects the 10-year average and maximum groundwater demands will increase to 0.105 mgd and 0.589 mgd, respectively. The current peak monthly groundwater demand is reported to be 7.5 mgm and is projected to increase to 8.0 mgm in 10 years. The allocation provided by this docket is based on the docket holders 10-year projected peak monthly demand estimate of 8.0 mgm which should be sufficient to meet the future self-supplied groundwater demands of the amusement park.

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

WELL NO.	WELL DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
1 Greenhouse Well	125'	unknown / 6"	12 gpm	unknown
2	80'	unknown / 6"	65 gpm	unknown
3	85'	unknown / 6"	65 gpm	unknown
4 TCM Raceway Well	100'	unknown / 6"	65 gpm	unknown
5 TCM Makeup	13'	13' / 48"	490 gpm	unknown
6	85'	unknown / 6"	65 gpm	unknown
7 Camp Snoopy Well	105'	unknown / 6"	65 gpm	unknown
9 WWK Well	295'	70' / 8"	300 gpm	2013

All wells are metered.

Groundwater is not treated.

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

The docket holder purchases potable water from South Whitehall Township (SWT). The SWT water system was approved in DRBC Docket No. D-1991-082 CP-4 on June 7, 2023.

6. Other. Wastewater is conveyed to the City of Allentown sewage treatment facility most recently approved by DRBC Docket No. D-97-14 CP on August 6, 1997. The PADEP issued NPDES Permit No. PA0026000 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the existing project.

B. FINDINGS

1. Special Protection Waters

In 1992, the DRBC amended its *Water Quality Regulations (WQR)* by the addition of regulations for the protection of Special Protection Waters (SPW), designed to maintain the quality of interstate waters where existing quality is better than the established stream quality objectives. As the result of its initial classifications and subsequent amendments, the Commission has designated the entire non-tidal main stem Delaware River from Hancock, New York to Trenton, New Jersey as SPW. DRBC's SPW regulations apply within the designated reaches and their drainage area.

The wells providing water supply to the docket holder are located within the drainage area to SPW. Sections 3.10.3A.2.e.1) and 2) of the *WQR* state that projects subject to review under Section 3.8 of the Compact that are located within the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) 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 SPW. Since this project involves the renewal of an approval for existing activities and does not entail additional construction or expansion of facilities or create new or increased non-point source loads, the NPSPCP requirement is not applicable at this time. Condition C.21. of this docket provides that at such time, if ever, as additions to the area served by the docket holder's withdrawals are proposed, the docket holder will be required to demonstrate compliance with an approved NPSPCP in accordance with DRBC's SPW regulations.

2. Other Findings

This project consists of an existing withdrawal of groundwater from Wells 1, 4, 5, 7, and 9. The individual allocations for two of the wells have been adjusted based on actual use. The monthly individual well allocation for Well 5 was reduced from the previously approved rate of 9.2 mgm to 7.2 mgm and the allocation for Well 9 was increased from 1.24 mgm to 2.6 mgm. This well was previously tested at a rate of 300 gpm and historically operated at up to 2.6 mgm. The docket holder has requested to retain the previously approved allocations for the remaining wells. These rates are provided in Decision Condition C.3 in the Decision Section of this docket.

The project is designed to conform to the requirements of the *Water Code (WC)* and *Water Quality Regulations (WQR)* 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

Effective on the approval date for Docket No. D-2012-009-3 below, Docket No. D-2012-009-2 is terminated and replaced by Docket No. D-2012-009-3. The project and appurtenant facilities as described in in Section A.4. (Design Criteria) and A.5. (Facilities) are approved subject to the following conditions, pursuant to Section 3.8 of the *Compact*:

Monitoring and Reporting

1. The docket holder shall continue to 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).

2. The project withdrawals shall be metered by means of an automatic continuous recording device, flow meter, or other method, and shall be measured to within 5 percent of actual flow. Meters or other methods of measurement shall be subject to approval and inspection by the PADEP as to the type, method, installation, maintenance, calibration, reading and accuracy. A record of biweekly 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.

Other Conditions

3. During any month, the combined withdrawal from all well sources shall not exceed 8.0 million gallons. No well shall be pumped above the maximum rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
1	12	0.1
4	65	0.9
5	490	7.2
7	65	0.3
9	300	2.6

* Based on a 24-Hour Average

4. This approval shall expire on the expiration date set forth below unless prior thereto the docket holder has applied to the Commission to renew or extend this approval.

5. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 C.F.R. 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges in the event of untimely submittal of its renewal application whether DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. If the docket holder has not applied to renew the docket or the DRBC is unable to reissue the docket before the expiration date below, the terms and conditions of the current docket will remain fully effective and enforceable pending the renewal of the docket.

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

7. The wells shall be operated at all times to comply with the requirements of the *WC* and *WQR* of the DRBC.

8. The wells shall be equipped, where possible, with readily accessible capped ports and minimum $\frac{1}{2}$ 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.

9. 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).

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

11. 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.

12. 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.

13. 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*.

14. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations. (see 18 CFR 401.43).

15. This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

16. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 C.F.R. 401.43).

17. 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 to ensure the proper control, use and management of the water resources of the Basin.

18. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing uses of ground or surface water, or if the docket holder receives a complaint from an existing ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director, and unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the Executive Director.) In addition, the docket holder shall provide written notice to all potentially affected water users of the docket holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the docket holder's project withdrawal shall be repaired, replaced or mitigated at the docket holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following

notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct the docket holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement, or mitigation.

19. 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.

20. 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.

21. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e or receive written confirmation from the Executive Director of the DRBC that the new service area complies with a DRBC approved NPSPCP.

22. 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:

EXPIRATION DATE: **March 4, 2036**