

DOCKET NO. D-2003-023-4

DELAWARE RIVER BASIN COMMISSION

**East Penn Manufacturing Company
Groundwater Withdrawal
Richmond Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on June 7, 2024 for renewal of an allocation of groundwater and review of a groundwater withdrawal project (Application).

The Application was reviewed for approval under Section 3.8 and for a withdrawal permit under Section 10.3 *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on February 5, 2025.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to approve the renewal of an existing supply of groundwater to the docket holder's Lyon Station industrial facility for industrial processes, cooling, and potable use; from existing Wells 2, 4, 5, 6, 7, 8, 9, 10 and 11. The total allocation of groundwater will remain 31.0 million gallons per month (mgm).
- 2. Location.** The project wells are completed in the Leithsville Dolomite Formation, except for Well 8 which is completed in Granitic Gneiss. The wells are located in the Moselem Creek Watershed, in Richmond Township, Berks County, Pennsylvania.

Specific location information has been withheld for security reasons.

- 3. Area Served.** The project withdrawals will be used to supply water to the docket holder's manufacturing facility system only. 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.** The project wells supply water for industrial processes (approximately 65%), industrial cooling (approximately 15%) and potable use (approximately 20%) in the manufacturing of lead-acid batteries.

The average and maximum demand is 0.498 million gallons per day (mgd) and 0.791 mgd, respectively. The docket holder projects an average and maximum water demand of 0.648 mgd and 1.028 mgd, respectively, by the year 2035. The allocation of 31.0 mgm should be sufficient to meet the future demands of the docket holder's system.

5. **Facilities.** The docket holder's existing well has the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
2	348	231' / 6"	40	1962
4	541	198' / 12"	45	1969
5	521	191' / 10"	230	1974
6	745	238' / 10"	205	1977
7	235	Unknown / 6"	25	Unknown
8	304	90' / 8"	40	1991
9	495	197' / 10"	230	2003
10	693	220' / 8"	300	2008
11	742	201' / 8"	230	2013

All wells are metered.

Prior to entering the distribution system, Well 6 is treated with carbon adsorption to treat volatile organic compounds (VOCs). All water that is intended for potable use is treated with ultraviolet light disinfection.

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

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

6. **Other.** Wastewater is conveyed to the Lyons Borough Municipal Authority sewage treatment facility most recently approved by DRBC Docket No. D-1994-080 CP-5 on March 8, 2023. The Pennsylvania Department of Environmental Protection (PADEP) issued its most recent NPDES Permit No. PA0085171 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

B. FINDINGS

The docket holder estimates that the project withdrawals, used for the purposes of industrial processes, cooling, and potable use, result in a consumptive use of 55%, 45% and 10%, respectively, of the total water use. The DRBC definition of consumptive use is defined in Basin Regulations-Water Supply Charges 18 C.F.R. 420.1(d).

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-2003-023-4 below, Docket No. D-2003-023-3 is terminated and replaced by Docket No. D-2003-023-4. 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. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted for surface water withdrawals by the designated agency PADEP if maintenance of the 5 percent performance is not technically feasible or economically practicable.] 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.
- 3.** The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.
- 4.** A long-term monitoring program is required to obtain data on groundwater and surface water hydrologic conditions in the project area. The docket holder shall continue to

implement the long-term monitoring program as submitted by the docket holder in a report dated July 2024. This program will include the following:

- A. Groundwater Level Monitoring** – The docket holder shall monitor thirty-two (32) wells identified in the above referenced report to estimate annual groundwater fluctuations caused by seasonal changes and/or production well pumping, and detect water level declines that may affect the performance of public and private wells in the area of the docket holder’s wells.
- B. Reports** - All monitoring data, including records required in Condition 4. herein shall be submitted to the Commission annually, due by April 1. The docket holder is encouraged to submit the annual report electronically. The report shall be prepared by a hydrogeologist and shall assess the effects of well withdrawals on hydrologic conditions in the area. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the hydrogeologist or required by the Executive Director.
- C.** The Executive Director may modify the monitoring program or temporarily suspend or modify this docket at any time if review of the hydrologic data and/or any other information indicates such action is necessary or appropriate.

Other Conditions

5. During any month, the combined withdrawal from all well sources shall not exceed 31.0 million gallons. No well shall be pumped above the maximum rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MG)
2	40	1.080
4	45	1.080
5	230	10.800
6	205	4.320
7	25	1.080
8	40	0.860
9	250	10.800
10	505	21.800
11	250	11.160

* Based on a 24-Hour Average

6. 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.

7. 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.

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

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

10. 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.

11. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

12. 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).

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

14. 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.

15. 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.

16. 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*.

17. 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).

18. 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).

19. 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).

20. 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.

21. 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.

22. 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.

23. 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 12, 2035

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