

DOCKET NO. D-2009-002 CP-2

DELAWARE RIVER BASIN COMMISSION

Located in Drainage Area to Special Protection Waters

**Buck Hill Falls Company
Groundwater & Surface Water Withdrawal
Barrett Township, Monroe County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on March 13, 2024 for renewal of an allocation of groundwater and surface water and review of a groundwater and surface water withdrawal project (Application). The Pennsylvania Department of Environmental Protection (PADEP) approved Public Water Supply Permit No. 4592503 for this project on June 9, 1993

The Application was reviewed for continuation of this project in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Monroe 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 renew the approval of a combined allocation of 15.5 million gallons per month (mgm) of groundwater from existing Well 2 and surface water from two existing intakes on Buck Hill Creek (Intakes 1 and 2) and Big Spring for public water supply and golf course irrigation. The PADEP's water supply permit for BHFC states that Big Spring provides about 120,000 gallons per day (gpd) and is limited by the 4" irrigation pipe that transports this water to the water filtration plant (WFP).

2. Location. Well 2 is completed in the Long Run and Walcksville Members of the Catskill Formation. The well and surface water sources are located in the Upper Brodhead Creek Watershed in Barrett Township, Monroe County, Pennsylvania within the drainage area of the Middle Delaware Special Protection Waters (SPW). Buck Hill Creek near the project site is designated by the PADEP as Exceptional Value (EV).

Specific location information has been withheld for security reasons.

3. Area Served. The docket holder will continue to serve the Buck Hill Falls community and golf course. The area served is outlined on a figure entitled Service Area submitted with the Application. 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 system currently serves water to approximately 311 domestic service connections and 15 commercial service connections and records an existing average and maximum daily water demand of 0.176 million gallons per day (mgd) and 0.281 mgd, respectively. The average and peak daily golf course irrigation demands are reported to be 0.056 mgd and 0.212 mgd, respectively. The docket holder does not anticipate any significant increases in water demand over the next 10 years. The total combined allocation of 15.5 mgm should be sufficient to meet the docket holder’s future water demands.

5. **Facilities.** The existing project well has the following characteristics:

WELL ID	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
Well 2	300 feet	68' / 10"	100 gpm	1956

The existing project surface water intakes and spring have the following characteristics:

SOURCE ID	WITHDRAWAL WATER BODY	PUMP CAPACITY	7Q10 FLOW AT INTAKE (CFS)	YEAR CONSTRUCTED
Intake 1	Buck Hill Creek	288 gpm (gravity)	0.21	1902
Intake 2	Buck Hill Creek	116 gpm	0.36	unknown
Big Spring	---	200 gpm (gravity)	NA	1955

7Q10 Flow estimated using USGS Streamstats

All water service connections are metered.

All sources are metered.

Prior to entering the water distribution system, the water from Buck Hill Creek (Intake No. 1) and Big Spring is treated with soda ash, alum, prechlorine feed, and polymer feed at the docket holder’s water filtration plant (WFP). The WFP discharges to a 16,000 gallon backwash holding tank that discharges to the docket holder’s wastewater treatment plant (WWTP), which was approved via Docket No. D-2009-001 CP-2 on July 13, 2011.

Water from Well No. 2 is treated with sodium hypochlorite prior to entering the water distribution system.

The project well and the WFP that receives water from Intake No. 1 and Big Spring are above the 100-year flood elevation.

Intake No. 1 and Big Spring are gravity fed systems to the WFP. PADEP's Water Supply Permit No. 4592503, approved on June 9, 1993, does not include pass-by restrictions on the docket holder's Intake No. 1 or Big Spring.

Intake No. 2 is used to supply the docket holder's 70 acre golf course with irrigation water. This docket includes the preparation of an operations plan and requires future pass-by restrictions on this intake.

6. Other. Wastewater is conveyed to the docket holder's existing sewage treatment facility most recently approved by DRBC Docket No. D-2009-001 CP-4 on June 8, 2022. The PADEP issued NPDES Permit No. PA0029483 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the existing project.

7. Relationship to the Comprehensive Plan. The project was previously included in the Comprehensive Plan by the Commission in Docket No D-2009-002 CP-1 approved on March 11, 2015. Issuance of this docket will continue the withdrawal project in the Comprehensive Plan.

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 and surface water intakes providing water supply to the docket holder are located within the drainage area to the Middle Delaware 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.30. 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. 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. The docket holder submitted their most recent Water Audit on March 27, 2024.

3. Surface Water Charges / Entitlement

On January 14, 2016, DRBC issued Certificate of Entitlements Nos. 395 and 396 to the docket holder. Certificate of Entitlement No. 395 entitled the docket holder to use, withdraw or divert up to 14.4 million gallons of surface water per month from Buck Hill Creek (Intake 1) or Big Spring in any combination without charge. Certificate of Entitlement No. 396 entitled the docket holder to use, withdraw or divert up to 1.64 million gallons of surface water per month from Buck Hill Creek (Intake 2) for irrigation of Buck Hill Golf Club without charge. The docket holder shall pay for surface water use in excess of amounts listed in Entitlements Nos. 395 and 396 in accordance with the provisions of 18 C.F.R. Part 420 as described in Section C. DECISION condition C.3.

4. Passby Flow

The docket holder's surface water withdrawal from Buck Hill Creek Intake 2 for golf course irrigation will be subject to pass-by flow requirements. The estimated contributing drainage area to Buck Hill Creek above the surface water intake is approximately 6.16 square miles. The estimated seven-day low flow with a recurrence interval of 10 years (Q_{7-10}) at the point of withdrawal is 0.36 cubic feet per second (cfs) or 0.23 mgd. The project withdrawal must not cause the stream flow in Buck Hill Creek to be less than 0.36 cfs at the point of taking and daily withdrawal rates shall be reduced as appropriate to ensure that a minimum of 0.36 cfs passes by the intake. Withdrawals shall cease entirely if the 24-hour average flow as measured below the intake, less the withdrawal, is 0.36 cfs or less. Whenever the stream flow below the intakes is less than 0.36 cfs, no withdrawal from the creek shall be made and the entire natural stream flow must be allowed to pass. If natural streamflow drops below 0.36 cfs, withdrawals shall not resume until

flow in Buck Hill Creek as measured below the intake is greater than 0.53 cfs for at least a 24-hour period.

Within 12 months of the date of approval of this Docket, the docket holder shall submit an Operation Plan, subject to approval by the Executive Director of the DRBC, which shall include a means to monitor and report the passby flow. The plan may propose the use of an existing representative USGS gage for surrogate real time monitoring purposes in accordance with Section C. DECISION condition C.7. in this docket.

5. Other Findings

The DRBC estimates that the project withdrawals, used for the purpose of public supply and golf course irrigation, result in consumptive uses of 10 percent and 90 percent of the total water used for these purposes, respectively. 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-2009-002 CP-2 below, the project described in Docket No. D-2009-002 CP-1 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2009-002 CP-2; Docket No. D-2009-002 CP-1 is terminated and replaced by Docket No. D-2009-002 CP-2; and the project and the appurtenant facilities described in in Section A.4. (Design Criteria) and A.5. (Facilities) shall be continued in the Comprehensive Plan. 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 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.

3. The docket holder shall pay for surface water use in excess of the amounts listed in Certificate of Entitlements Nos. 395 and 396 in accordance with *Basin Regulations – Water Supply Charges 18 C.F.R. Part 420*.

4. 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.

5. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the *Water Code (WC)*, 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.

6. 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.

7. Within 12 months of the date of approval of this Docket, the docket holder shall submit an Operation Plan, subject to approval by the Executive Director of the DRBC, which shall include a means to monitor and report the passby flow. The plan may propose the use of an existing representative USGS gage for surrogate real time monitoring purposes.

Other Conditions

8. During any month, the combined withdrawal from all surface water and groundwater sources shall not exceed 15.5 million gallons and the combined withdrawal from Big Spring, Intake 1 and Intake 2 shall not exceed 12.855 million gallons. No source shall be pumped above the maximum rate and monthly allocation as indicated below:

SOURCE ID	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
Well 2	100 gpm	4.464
Buck Hill Creek Intake 1	288 gpm	12.855
Big Spring	200 gpm	8.928
Buck Hill Creek Intake 2	116 gpm	5.178

* Based on a 24-Hour Average

9. In accordance with 18 C.F.R. 401.8. of the Commission’s *Rules of Practice and Procedure (RPP)*, if at any future time the Project is changed materially from the Project as described in this docket, it will be deemed to constitute a new and different project for the purposes of Article 11 of the Delaware River Basin Compact and will require Commission amendment of the Comprehensive Plan. In accordance with the same section of the RPP, whenever a change to the Project is made, the sponsor must advise the Executive Director, who will determine whether the change is deemed materially for purposes of this provision.

10. 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.

11. 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 .

12. The project withdrawal must not cause the average daily streamflow to be less than 0.36 cfs (0.23 mgd) at the point of taking (Buck Hill Creek Intake 2). Whenever the average daily streamflow, less the withdrawal, is below the Intake 2 is less than this amount, no withdrawal shall be made and the entire natural streamflow must be allowed to pass.

13. The wells and surface water intakes and operational records shall be available at all times for inspection by the DRBC.

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

- 15.** 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.
- 16.** Each new water service connection shall include a water meter in accordance with the DRBC’s Resolution No. 87-7 (Revised).
- 17.** 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).
- 18.** The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.
- 19.** 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.
- 20.** 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.
- 21.** 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.
- 22.** 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*.
- 23.** 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).
- 24.** 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).
- 25.** 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).

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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: March 12, 2025

EXPIRATION DATE: March 12, 2035