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DOCKET NO. D-2007-022 CP-2

DELAWARE RIVER BASIN COMMISSION

**UMH Properties, Inc.
Inclusion into Comprehensive Plan
Vineland City, Cumberland County, New Jersey**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on May 2, 2018 for renewal of a groundwater project and for inclusion of the project in the Comprehensive Plan (Application). The docket holder's existing groundwater withdrawals will continue to be regulated by the New Jersey Department of Environmental Protection (NJDEP) in accordance with the NJDEP Water Allocation Permit No. 5399, Fairview Manor MHP. This permit was most recently renewed on, December 4, 2018 and became effective on January 1, 2019. The project will continue to be regulated by NJDEP in accordance with the Administrative Agreement (AA) between DRBC and NJDEP dated March 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 Cumberland County Planning Board has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on February 13, 2019.

A. DESCRIPTION

1. Purpose. The purposes of this docket are to include the docket holder's existing public water supply project in the Comprehensive Plan and to approve the withdrawal of up to 6.0 mgm of groundwater from existing Wells 1 and 2, located within the Delaware River Basin. The docket holder's existing groundwater withdrawals also operate with the approval of the NJDEP. They will continue to be regulated in accordance with the March 2015 Administrative Agreement between the Commission and the NJDEP.

2. Location. The project wells located in the DRB are completed in the Kirkwood-Cohansey Formation and are located in the Cohansey Watershed in Vineland City, Cumberland County, New Jersey.

Specific location information has been withheld for security reasons.

3. **Area Served.** Wells 1 and 2 will continue to serve as the water supply for Fairview Manor Mobile Home Park. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in Section C. DECISION.

4. **Design criteria.** The applicant’s public water supply system currently serves an estimated population of 1,268 through 320 domestic service connections. The system has average and maximum water demands of 0.0931 million gallons per day (mgd) and 0.1393 mgd, respectively. The docket holder projects an average and maximum water demand of 0.1029 mgd and 0.1539 mgd, respectively, by the year 2028. Based on these projections, an allocation of 6.0 mgm is deemed to be sufficient to meet the docket holder’s future demands.

5. **Facilities.** The existing project wells located in the DRB have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
1	165	145’/6”	300	1972
2	152	132’/6”	100	1982

Water service connections are not metered

All wells are metered.

Prior to entering the distribution system, the water is treated with lime for pH control, activated charcoal for volatile organic compound (VOC) control and sodium hypochlorite for disinfection.

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

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

6. **Other.** Wastewater is conveyed to the Landis Sewer Authority sewage treatment facility most recently approved by DRBC Docket No. D-1986-052 CP on December 23, 1986. The NJDEP issued its most recent NJPDES Permit No. NJ0025364 on August 22, 2014 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

7. **Relationship to the Comprehensive Plan.** The docket holder’s wells will be included in the Comprehensive Plan via this docket approval.

B. FINDINGS

1. 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. UMH submitted their most recent Water Audit on February 15, 2018.

2. Water Allocation

The docket holder's water use from Wells 1 and 2 is not expected to exceed 6.0 mgm. Accordingly, the docket holder requested a monthly allocation of 6.0 mgm in its Application. The docket holder's existing groundwater withdrawal is also operated under NJDEP Permit No. 5399 and will continue to be regulated by NJDEP in accordance with the March 2015 Administrative Agreement between the DRBC and the NJDEP. As such, this allocation may change as a result of future permit actions by NJDEP (See Condition C.4.).

3. Service Metering

Individual service connections for the system are not metered. Section 2.50.1 of the DRBC Water Code (incorporated by reference at 18 CFR 410), adopted in 2001, required in relevant part that service meters be installed within ten years on all existing public water systems distributing water supplies in excess of an average of 100,000 gpd. Under New Jersey regulations at N.J.A.C. 7:19-6.5(a)5., water systems with fewer than 500 service connections may be exempted from service metering where it is demonstrated that metering is not practical and it is shown that the annual average daily water use by the system does not exceed 75 gallons per person per day. The Commission concurs in New Jersey's determination that the docket holder's system currently meets these criteria. The Commission further finds that the docket holder's demonstrated use of 75 gallons per person per day or less is a reasonable use of water. The Commission thus waives the requirement for service metering in this instance.

4. Other

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*.

With the exception of individual service connections (a requirement waived in this instance), 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

Effective on the approval date for Docket No. D-2007-022 CP-2 below, the project and the appurtenant facilities as described in Section A.4. (Design Criteria) and A.5. (Facilities) shall be added to the Comprehensive Plan. Docket No. D-2007-022-1 is terminated and replaced by Docket No. D-2007-022 CP-2. 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. 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 NJDEP a 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.

2. 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.

3. 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 NJDEP 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 NJDEP quarterly and shall be available at any time to the Commission at the request of the Executive Director.

Other Conditions

4. During any month, the total withdrawal of groundwater from wells in the Delaware River Basin shall not exceed 6.0 million gallons. This allocation may be modified as a result of future

permit actions by NJDEP in accordance with the March 2015 Administrative Agreement between the DRBC and the NJDEP.

- 5.** The wells and operational records shall be available at all times for inspection by the DRBC.
- 6.** The well shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.
- 7.** The wells shall be equipped with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and ½ inch ID drop pipes as repairs or modifications are made at each existing well.
- 8.** 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.
- 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 NJDEP, 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 401.35).

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 CFR 401.35).

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 in order to insure 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. 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 13, 2019

DRAFT