

DOCKET NO. D-1990-027 CP-2

DELAWARE RIVER BASIN COMMISSION

**Pennsylvania American Water Company – Royersford Lock 57 Water Treatment Plant
Surface Water Withdrawal
East Vincent Township, Chester County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on December 22, 2023 for renewal of an allocation of surface water and review of a surface water withdrawal project (Application). The surface water withdrawal project was approved by the Pennsylvania Department of Environmental Protection (PADEP) on August 2, 2023 (Permit No. WA-46-149F).

The Application was reviewed for continuation of this project in the Comprehensive Plan and for approval under Section 3.8 and for a withdrawal permit under Section 10.3 of the *Delaware River Basin Compact*. The Chester County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on May 8, 2024.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew the approval of an existing surface water withdrawal with an increase in allocation from 5.0 million gallons per day (mgd) (155 million gallons per month (mgm)) to 6.6 mgd (204.6 mgm) to supply the docket holder's Royersford public water supply distribution system from an existing surface water intake on the Schuylkill River. The docket holder is also planning to construct the Lock 57 water treatment plant (WTP) and a new intake at the facility to replace their Shady Lane WTP and intake. The docket holder plans to construct a new WTP and surface water intake so that they can withdrawal additional water from the Schuylkill River and treat it.

2. Location. The project is located in the Schuylkill River Watershed in East Vincent Township, Chester County, Pennsylvania. The Schuylkill River near the project site is designated by the PADEP as supporting Warm Water Fishes (WWF) and Migratory Fishes (MF).

Specific location information has been withheld for security reasons.

3. **Area Served.** The docket holder’s Royersford District serves Royersford Borough, Limerick Township and portions of Upper Providence and Lower Pottsgrove Townships in Montgomery County, Pennsylvania. The docket holder’s system also serves Spring City Borough, East Vincent Township and portions of East Coventry, East Pikeland, Schuylkill and West Vincent Townships in Chester County, Pennsylvania. The area served is outlined on a map entitled “Water Franchise Areas – Royersford District Pennsylvania” 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 docket holder’s system currently serves water to approximately 42,497 customers on 16,619 domestic, 1,218 commercial, 22 industrial and 43 other/institutional service connections and records an existing average and maximum water demand of 2.897 million gallons per day (mgd) and 3.473 mgd, respectively. The docket holder projects the population served to increase to 62,300 and the 10-year average and maximum water demand to increase to 4.488 mgd and 6.6 mgd, respectively. The allocation of 204.6 mgm should be sufficient to meet the future demands of the docket holder’s public water supply system.

The surface water withdrawal is supplemented by groundwater from four (4) wells owned by the docket holder. The wells were most recently approved in other dockets as described below:

WELL NO.	DRBC DOCKET NO.	DATE APPROVED
1	D-1972-092 CP	September 27, 1972
3	D-1973-066 CP	April 25, 1973
4	D-1973-014 CP (REV)	February 23, 1977
EP-1	D-1986-059 CP-4	September 8, 2022

This system is also interconnected with Phoenixville Borough public water supply system at three (3) points and the Norristown Borough system. The docket holder purchases on average 1.3787 mgd of water from these interconnections.

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

INTAKE NO.	WITHDRAWAL SOURCE	PUMP CAPACITY (GPM)	7Q10 FLOW AT INTAKE (CFS)	YEAR CONSTRUCTED
Lock 57 WTP	Schuylkill River	4,583	276	Future Construction

The docket holder is currently withdrawing water from an intake located at the Shady Lane WTP. The existing intake for the Shady Lane WTP will be taken out of service when the new intake at Lock 57 WTP is put into operation.

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water will be treated by powdered activated carbon for removal of organic compounds, coagulation, flocculation, sedimentation, and filtration for removal of suspended solids, phosphate for corrosion control and ultraviolet treatment and sodium hypochlorite for disinfection.

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

System storage facilities have the following capacities:

STORAGE FACILITY	CAPACITY (MG)
Limerick Tank	1.0
Black Road Tank No. 1	1.5
Black Road Tank No. 2	1.5
Mingo Tank	0.4
Limerick Tank T2	0.75
Merlin Hills Tank	0.2
Dunlap Reservoir	3
TOTAL:	8.35

The storage facilities of 8.35 mg are approximately 1.27 days of supply for the docket holder's system.

The water system is presently interconnected with Phoenixville Borough water public water supply system and the Norristown Borough system.

6. **Other.** Wastewater is conveyed to the following sewage treatment facilities:

SEWAGE TREATMENT FACILITY	DRBC DOCKET NO.	DOCKET APPROVAL DATE	PADEP NPDES PERMIT NO.
Lower Perkiomen Valley Region Sewer Authority Oaks WWTP	D-2001-042 CP-6	June 10, 2020	PA0026964
Limerick Township Municipal Authority King Road WWTP	D-2003-016 CP	January 21, 2004	PA0051934
Aqua PA Possum Hollow Road WWTP	D-2001-023 CP	October 31, 2001	WQM 0058041
Pottstown Borough WWTP	D-1989-055 CP-4	September 10, 2020	PA0026786
PAWC Royersford WWTP	D-2006-045 CP-4	March 8, 2023	PA0021512

SEWAGE TREATMENT FACILITY	DRBC DOCKET NO.	DOCKET APPROVAL DATE	PADEP NPDES PERMIT NO.
North Coventry Township Municipal Authority WWTP	D-1997-001 CP-5	June 7, 2023	PA0025437
Phoenixville Borough Sewage Authority WWTP	D-1967-080 CP-5	March 8, 2023	PA0027154
Spring City Municipal Authority WWTP	D-1974-061 CP-6	June 9, 2021	PA0028614
Valley Forge Sewer Authority WWTP	D-1995-006 CP-5	December 11, 2019	PA0043972

All the WWTPs discharge to the Schuylkill River which is designated by the PADEP as Warm Water Fishes (WWF) and Migratory Fishes (MF).

7. **Relationship to the Comprehensive Plan.** The project was previously included in the Comprehensive Plan by the Commission in Docket No. D-1990-027 CP-1 approved on September 26, 1990. Issuance of this docket will continue the withdrawal project in the Comprehensive Plan.

B. **FINDINGS**

To meet current and future water system demands, the docket holder evaluated feasible alternatives to increase source of supply capacity. The plan is to increase the treatment capacity of the PAWC Shady Lane WTP, by constructing the new Lock 57 WTP at a nearby site to the existing WTP. The proposed capacity of the new Lock 57 WTP will be 6.6 mgd.

Based on a “base growth” demand projection scenario performed by the docket holder, the projected 2045 average daily demand for the Royersford System is 5.81 mgd and the maximum demand is 8.72 mgd. The existing Shady Lane WTP cannot be easily expanded, so the plan is to construct the new Lock 57 WTP. The capacity of the new WTP is to be 6.6 mgd, which capacity will satisfy approximate 2045 average day demands by the plant alone and maximum day demands in conjunction with supply from Wells 1, 4, and EP-1 and the existing interconnections with the docket holder’s Norristown system. The recommended plant capacity of 6.6 mgd will require the docket holder to obtain at least 1.6 mgd additional allocation from the Schuylkill River and that is the reason for the request to increase the surface water withdrawal allocation from 5.0 mgd to 6.6 mgd.

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. The docket holder submitted their most recent Water Audit on April 1, 2024.

2. Surface Water Charges

The docket holder shall pay for surface water use in accordance with Basin Regulations-Water Supply Charges 18 C.F.R. Part 420. See Section C. DECISION Condition C.3.

3. Other Findings

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 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-1990-027 CP-2 below, the project described in Docket No. D-90-27 CP is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1990-027 CP-2; Docket No. D-90-27 CP is terminated and replaced by Docket No. D-1990-027 CP-2; and the project and the appurtenant facilities described 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 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 pay for surface water use in accordance with *Basin Regulations – Water Supply Charges 18 C.F.R. Part 420*.

4. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date. Within 30 days of the date of project completion, the docket holder shall notify the DRBC of the project completion date.

5. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder responsible agent for the project. The Statement must (a) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (b) report the project’s final construction cost as such cost is defined by the project review fee schedule in effect at the time application was made; and (c) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the applicant to calculate the DRBC project review fee, the statement must also include (d) the amount of any outstanding balance owed for DRBC review. Such outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated based on the project’s final cost, using the formula and definition of “project cost” set forth in the DRBC’s project review fee schedule in effect at the time application was made.

6. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; and (2) indicate the date on which the project was (or is to be) placed in operation.

7. This approval of the construction related to the facilities described in this docket shall expire three years from the approval date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

8. 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.

9. 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.

10. 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.

11. The docket holder shall continue to implement its Water Conservation Plan as approved by the 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.

Other Conditions

12. During any month, the withdrawal from Lock 57 WTP intake shall not exceed 204.6 million gallons (6.6 mgd). The source shall not be pumped above the maximum rate and monthly allocation as indicated below:

INTAKE NO.	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
Lock 57 WTP	4,583	204.6

* Based on a 24-Hour Average

13. 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 substantially 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 substantial for purposes of this provision.

14. Section 2.3.10 of the Commission’s *Rules of Practice and Procedure* (18 C.F.R. 401.41), limiting the Commission’s approval to three years in the absence of an expenditure of substantial funds by the project sponsor in reliance on the approval, is hereby waived for good cause shown in accordance with Section 2.9.3 (18 C.F.R. 401.123) of the same regulations. 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.

15. 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 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, the terms and conditions of the current docket will remain fully effective and enforceable pending the grant or denial of the application for docket approval.

16. The surface water intake and operational records shall be available at all times for inspection by the DRBC.

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

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

19. 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).

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

21. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

22. 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.

23. 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.

24. 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*.

25. 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).

26. 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).

27. 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).

28. 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.

29. 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.

30. 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.

31. 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.

32. 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: June 5, 2034

DRAFT