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DOCKET NO. D-1998-019 CP-3

DELAWARE RIVER BASIN COMMISSION

**Warwick Township Water & Sewer Authority
Water Supply Interconnection Project
Warwick Township, Bucks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on November 29, 2021 for renewal of a water allocation interconnection project (Application).

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 Bucks 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 11, 2022.

A. DESCRIPTION

- Purpose.** The purpose of this docket is to renew the approval of a water supply interconnection to receive up to 24.8 mgm of potable water from Aqua Pennsylvania (Aqua PA) and up to 24.8 mgm from North Wales Water Authority (NWWA), for a total of up to 49.6 mgm.
- Location.** The project interconnection with Aqua PA is located in Warwick Township, Bucks County, Pennsylvania. The water mains run along various local and state roads from County Line Road in Warminster Township, Bucks County northward to Bristol Road and off-road northward to the site of the authority's water storage tank on Dark Hollow Road in Warwick Township, as shown in the interconnection route map submitted with the previous application. The interconnection with NWWA is located approximately 120 feet northwest of the intersection of Bristol Road and Long Pond Drive in Warwick Township, Bucks County, which is also shown in the interconnection route map submitted with the previous application.

Specific location information has been withheld for security reasons.

- Area Served.** The docket holder's water distribution system will continue to serve customers in Warwick Township, Bucks County, Pennsylvania. For the purpose of defining Area

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

4. Design Criteria. The docket holder supplies potable water to an estimated population of 12,060 via 4,128 domestic, 136 commercial and 14 institutional and other connections. The average and maximum groundwater demand for this project are 0.835 million gallons per day (mgd) and 1.600 mgd, respectively. The docket holder projects an average and maximum water demand of 0.849 mgd and 1.600 mgd, respectively, by the year 2032. The requested allocation of 49.6 mgm will be sufficient to meet the future demands.

5. Facilities. The docket holder's system is connected to the Aqua PA system via a water main on County Line Road, Warminster Township northward to the docket holder's water storage tank on Dark Hollow Road in Warwick Township. There are 16-inch diameter cement-lined ductile iron pipes that run along various local and state roads and right-of-ways. The docket holder utilizes a potable water interconnection with Aqua PA as its primary supply to service its existing customers.

The Authority's water interconnection with NWWA provides an additional means of potable water transmission to the docket holder's system. NWWA has an existing 16-inch water main at the intersection of Bristol Road and Long Pond Drive in Warwick Township, Bucks County, an 8-inch ductile iron pipe main was connected and runs approximately 80 linear feet to a meter vault.

The docket holder's system is also connected to the Warminster Municipal Authority system for emergency purposes only. There are two interconnections with Warminster, one metered to supply up to 0.05 mgd and another to supply up to 0.200 mgd.

All water service connections are metered.

The potable water received from the interconnections has been treated by the water purveyors supplying the water to the docket holder's system.

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

Storage facilities consist of three storage tanks with a combined capacity of 1.2 million gallons (mg), which is approximately 1 days' supply for the docket holder's system.

6. Other. Wastewater is conveyed to the docket holder's Fish Creek sewage treatment facility which received approval most recently under Section 3.8 of the *Compact* by DRBC Docket No. D-1996-059 CP on April 30, 1997. The treatment facility is approved by PADEP NPDES Permit No. PA0050148. The treatment facility has adequate capacity to continue to receive wastewater from this project.

Wastewater is also conveyed to the docket holder's Country Crossing sewage treatment facility which received approval most recently under Section 3.8 of the *Compact* by DRBC Docket

No. D-1999-051 CP-4 on October 27, 1999. Treatment facility is approved by PADEP NPDES Permit No. PA0056421. The treatment facility has adequate capacity to continue to receive wastewater from this project.

7. **Relationship to the Comprehensive Plan.** The docket holder's water distribution system and interconnection were previously included in the Comprehensive Plan by DRBC Docket No. D-1998-019 CP, which was approved on June 24, 1998. The interconnection was continued in the Comprehensive Plan in Docket No. D-1998-019 CP-2 on December 5, 2012. The docket holder's wells were previously included in the Comprehensive Plan by DRBC Docket No. D-1994-072 CP, which was approved on September 19, 1996. DRBC Docket No. D-1994-072 CP was rescinded in Docket No. D-1998-019 CP-2, because the Authority ceased operation of their wells. Issuance of this docket will continue the public water supply distribution system in the Comprehensive Plan.

B. **FINDINGS**

The project water supply transfer is designed to conform to the requirements of the Water Policy of the Commission, including *Water Code (WC)* Article 2.40, regarding regionalization to support regional solutions to water collection and distribution problems. The project is designed to conform to the requirements of the *WC* and the *Water Quality Regulations (WQR)* of the DRBC.

1. **Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd**

Section 2.1.8 of the *Water Code (WC)* 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 31, 2021.

2. **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 Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact to 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-1998-019 CP-3 below, the project described in Docket No. D-1998-019 CP-2 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1998-019 CP-3; Docket No. D-1998-019 CP-2 is terminated and replaced by Docket No. D-1998-019 CP-3; 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 interconnection 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 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. 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.

4. 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.

5. 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.

6. 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.

Other Conditions

7. During any month, the interconnection water use shall not exceed 23.56 million gallons with a monthly allocation as indicated below:

SOURCE ID.	MAXIMUM RATE (MGD)	MONTHLY ALLOCATION (MGM)
Interconnection	1.50	23.56

8. 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 CFR 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 or not DRBC issues a reminder notice in advance of the deadline, or the docket holder receives such notice. In the event that 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 against the docket holder pending the grant or denial of the application for docket approval.

9. The operational records shall be available at all times for inspection by the DRBC.

10. The interconnection shall be operated at all times to comply with the requirements of the WC and WQR of the DRBC.

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 *WQR* 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. In accordance with 18 CFR 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.

18. 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).

19. 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).

20. 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).

21. 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.

22. 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.

23. 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.

24. 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: June 8, 2022