

DOCKET NO. D-2012-021 CP-2

DELAWARE RIVER BASIN COMMISSION

**Bucks County Water & Sewer Authority
Water Supply Interconnection Project**

Hulmeville Borough, Langhorne Borough, Langhorne Manor Borough, Lower Southampton Township, Middletown Township, Pennel Borough, Bensalem Township, Northampton Township, Upper Southampton Township, Falls Township, Newtown Borough, Newtown Township, Lower Makefield Township, and Bristol Township, Bucks County and Lower Moreland Township Montgomery County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on December 6, 2021 for renewal of a water allocation interconnection project (Application). The Subsidiary Water Allocation Permit was reviewed under the Pennsylvania Safe Drinking Water Act and approved by the Pennsylvania Department of Environmental Protection (PADEP) in correspondence dated August 22, 2012, to Bucks County Water & Sewer Authority (BCWSA) (Permit No. WA-09-1005).

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 and Montgomery County Planning Commissions have 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

1. Purpose. The purpose of this docket is to renew the approval of a water supply interconnection to receive up to 10.0 million gallons per day (mgd) of potable water through an existing interconnection with North Wales Water Authority (NWWA) to supply the docket holder's Southwest Region Water System. The water will be supplied from the Forest Park Water Treatment Facility (FPWTF) (Docket Nos. D-1965-076 CP-8 and D-1965-076 CP-9), which is jointly owned by the NWWA and North Penn Water Authority (NPWA).

2. Location. The project interconnection with NWWA from FPWTF is located at the intersection of County Line Road and Valley Road on the border of Warminster and Warrington

Townships in Bucks County and Horsham Township in Montgomery County, Pennsylvania. Potable water from the FPWTP, which is located in Chalfont, Bucks County will be transported through water mains to the Bucks County Water and Sewer Authority (BCWSA) water main along County Line Road to the Feasterville Water Tank.

Specific location information has been withheld for security reasons.

3. Area Served. The docket holder's service area is the portion of Lower Bucks County which is bound by the Delaware River to the south, the Poquessing Creek and City of Philadelphia to the west, Warminster and Warwick Townships to the north and the Neshaminy Creek and Middletown Township to the east. The docket holder serves the following municipalities: Hulmeville Borough, Langhorne Borough, Langhorne Manor Borough, Lower Southampton Township, Middletown Township, Pennel Borough, Bensalem Township, Northampton Township, Upper Southampton Township, Falls Township, Newtown Borough, Newtown Township, Lower Makefield Township, and Bristol Township, Bucks County and Lower Moreland Township Montgomery County, Pennsylvania as indicated on the map titled "Bucks County Water & Sewer Authority Southwest Region Water System" submitted with the application. 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 192,147 via 14,848 domestic, 1,356 commercial, 61 industrial and 80 institutional and other connections. The docket holder's system has an average daily bulk purchase and average daily bulk sale of 10.6 million gallons per day (mgd) and 3.75 mgd, respectively. The docket holder projects an average daily bulk purchase and average daily bulk sale of 15.6 mgd and 4.8, respectively, by the year 2032.

5. Facilities. The docket holder's system is connected to the Aqua Pennsylvania (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 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.

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.

The water system is presently interconnected with the following:

WATER COMPANY	AVERAGE DAILY BULK PURCHASE (MGD)	AVERAGE DAILY BULK SALE (MGD)	STATUS
Lower Bucks County Joint Municipal Authority	0.56	-	Regular
Falls Township	0.003	-	Regular
North Wales Water Authority	10.0	-	Regular
Aqua PA – Montgomery County	-	-	Emergency
Aqua PA - Bensalem	-	-	Emergency
Upper Southampton Municipal Authority	-	0.99	Regular
Northampton Township Municipal Authority	-	1.53	Regular
Newtown Artesian Water Company	-	1.18	Regular
Borough of Hulmeville	-	0.05	Regular

System storage facilities have the following capacities:

LOCATION	CAPACITY (MG)
Siles Tank #1 – Brownsville Road	2.0
Siles Tank #2 – Brownsville Road	2.0
Middletown Tank #1 – Old Lincoln Highway	3.5
Middletown Tank #2 – Old Lincoln Highway	2.0
Oxford Valley Tank	2.0
Feasterville Tank	2.0
TOTAL:	13.40

6. Other. Wastewater is conveyed to the Philadelphia Water Department's (PWD) Philadelphia Northeast Wastewater Treatment facility which received approval most recently under Section 3.8 of the *Compact* by DRBC Docket No. D-1970-052 CP-2 on December 11, 2019. The treatment facility is approved by PADEP NPDES Permit No. PA0026689. The treatment facility has adequate capacity to continue to receive wastewater from this project.

Wastewater is also conveyed to the Lower Bucks County Joint Municipal Authority treatment facility which received approval most recently under Section 3.8 of the *Compact* by DRBC Docket No. D-1993-068 CP-3 on December 13, 2017. Treatment facility is approved by PADEP NPDES Permit No. PA0026468. The treatment facility has adequate capacity to continue to receive wastewater from this project.

7. Relationship to the Comprehensive Plan. The Forest Park Water Treatment Facility was included into the Comprehensive Plan in Docket Nos. D-1965-076 CP-8 and D-1965-076

CP-9, which were approved on February 18, 1981 and March 16, 2005, respectively. The docket holder's interconnection was previously included in the Comprehensive Plan by DRBC Docket No. D-2012-021 CP-1, which was approved on December 5, 2012. Issuance of this docket will continue the public water supply distribution system in the Comprehensive Plan.

B. FINDINGS

The NWWA and NPWA have entered into a Water Purchase Agreement with the docket holder on December 21, 2010, in which NWWA and NPWA agree to each make 5.0 mgd of capacity available to the docket holder on an annual basis for a total of 10.0 mgd. Commission approval of this interconnection allocation is restricted to the 10 mgd being contracted and does not approve or commit the Commission to approve any potential future need to expand the treatment capacity of the FPWTP or the Point Pleasant Pumping Station water withdrawal allocation from the Delaware River (D-1965-076 CP-8). Commission judgment on any such projects will be made only after the referenced docket holders of such projects conclude that such expansions are necessary, submit an application(s) and supporting materials, and the Commission reviews the applications and completes its public process.

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 17, 2022.

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-2012-021 CP-2 below, the project described in Docket No. D-2012-021 CP-1 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2012-021 CP-2; Docket No. D-2012-021 CP-1 is terminated and replaced by Docket No. D-2012-021 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 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 day period, the interconnection water use shall not exceed 10.0 million gallons with a monthly allocation not to exceed 310.0 million gallons per month (mgm) as indicated below:

SOURCE ID.	MAXIMUM RATE (MGD)	MONTHLY ALLOCATION (MGM)
Interconnection	10.0	310.0

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

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

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

11. 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).

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

13. 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.

14. 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.

15. 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*.

16. 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.

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 401.35).

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 CFR 401.35).

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: June 8, 2022