

DOCKET NO. D-1972-146-3

DELAWARE RIVER BASIN COMMISSION

Located in Drainage Area to Special Protection Waters

**Saputo Cheese USA, Inc.
Groundwater Withdrawal
Town of Delhi, Delaware County, New York**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on July 16, 2025, for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application). The project was first approved by the Commission on November 8, 1972, via Docket No. D-72-146 and renewed on September 14, 2016 (Docket No. D-1972-146-2).

The Application was reviewed for approval under Section 3.8 and for a withdrawal permit under Section 10.3 *Delaware River Basin Compact*. The Delaware County Planning Department has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on August 5, 2026.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew a groundwater withdrawal of up to 20.0 million gallons per month (mgm) of groundwater from existing wells 1, 2, 3 and 4 for use at the docket holder's dairy processing manufacturing facility. The allocation is a reduction from the allocation of 29 mgm previously approved by the Commission and is based on projected demands.
2. **Location.** The project wells are completed in unconsolidated sand and gravel in the West Branch Delaware River Watershed in the Town of Delhi, Delaware County, New York. The project is located within the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware that the Commission has designated as Special Protection Waters (SPW).

Specific location information has been withheld for security reasons.

3. **Area Served.** The four (4) existing wells will continue to serve the docket holder's dairy processing manufacturing facility. 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 produces aerosol whipped cream toppings, flavored milks and cooking creams at the facility. Groundwater is used for industrial processes, incorporation into products, used in evaporative condensers and for potable purposes and general cleaning of the plant. The facility has an existing average and maximum daily water demand of 0.376 million gallons and 0.402 million gallons, respectively. The docket holder estimates the 10-year future water demand to increase to 16.8 million gallons per month (0.542 mgd) based on historic production trends and potential increases in demand. The allocation of 20 mgm approved by this docket provides the requested operational buffer which should be sufficient to meet future production demands.

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

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
1	68	Unknown / 10"	440 gpm	After 1961
2	72	Unknown / 10"	475 gpm	After 1961
3	77	Unknown / 10"	420 gpm	After 1961
4	81	Unknown / unknown	620 gpm	unknown

The withdrawals are metered.

Prior to entering the distribution system, the water is chlorinated.

The project wells are outside the 100-year floodplain.

6. **Other.** Sanitary and plant process wastewater is conveyed to the Village of Delhi wastewater treatment plant (WWTP) most recently approved by DRBC Docket No. D-2001-033 CP-3 on July 10, 2013, modified and reissued on March 31, 2015, as Docket No. D-2001-033 CP-4. The NYSDEC issued SPDES Permit No. NY0020265 for this treatment facility. The treatment facility has adequate capacity to continue receive wastewater from the existing project.

Previously, non-contact cooling water (NCCW) from the facility was discharged to the West Branch Delaware River at the project site. The NCCW discharge was most recently approved by DRBC Docket No. D-70-177 (Revised) on December 12, 1972. The NYSDEC issued SPDES Permit No. NY0068292 for this discharge. The docket holder reported that the NCCW water system was removed in 2023 and no discharges have occurred since that time. The docket holder continues to maintain the NYSDEC SPDES permit in case it is needed again in the future.

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 providing water supply to the docket holder are located within the drainage area to 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.

The Saputo facility is located above the Cannonsville Reservoir (a listed impoundment in Section 3.10.3A.2.g.5 of the Commission's WQR). Therefore, a NPSPCP is not required for this facility.

2. Other Findings

Prior to November 2025, water usage was calculated based on the sum of chart recorder measurements of the amount of water discharged through the plant's NCCW system and metering of wastewater conveyed to the Village of Delhi WWTP and the water that is incorporated as an ingredient in the product based on production volume. In October 2025, the docket holder installed a meter that measures the volume of water withdrawn from the combination of its four (4) wells. The wells are located near one another and are screened in a sand and gravel aquifer, and a single meter that measures the combined groundwater withdrawals is considered adequate currently.

The docket holder has recently completed production plant upgrades that eliminated the need for single pass and non-contact cooling processes. As a result of the plant upgrades water usage has declined.

This project consists of an existing withdrawal of groundwater from wells 1, 2, 3 and 4. The docket holder requested individual well allocations based on existing pump capacities and a total combined allocation of 29 mgm, which was previously approved by the Commission. However, the estimated ten-year projected maximum water demand provided by the docket holder is 16.8 mgm. As the Commission bases water allocations on ten-year projected maximum use estimates, the allocation of 20 mgm granted herein satisfies the docket holder's ten year projected maximum demands use and provides a reasonable operational buffer requested by the docket holder.

The project is designed to conform to the requirements of the *Water Code (WC)* and *Water Quality Regulations (WQR)* of the DRBC.

The project as approved herein does not impair or conflict with the Comprehensive Plan.

C. DECISION

Effective on the approval date for Docket No. D-1972-146-3 below, Docket No. D-1972-146-2 is terminated and replaced by Docket No. D-1972-146-3. The project and appurtenant facilities as described 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 satisfy annual withdrawal, capacity and conservation reporting requirements in the form and manner prescribed by NYSDEC's Division of Water in accordance with NYCRR Part 601.5(a).
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. Meters or other methods of measurement shall be subject to approval and inspection by the NYSDEC 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 NYSDEC annually and shall be available at any time to the Commission if requested by the Executive Director.

Other Conditions

3. During any month, the combined withdrawal from all well sources shall not exceed 20.0 million gallons. No well shall be pumped above the maximum rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
1	440	19.64
2	475	20.0
3	420	18.75
4	620	20.0

* Based on a 24-Hour Average

4. 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.

5. 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.
6. The wells and operational records shall be available at all times for inspection by the DRBC.
7. The wells shall be operated at all times to comply with the requirements of the *WC* and *WQR* of the DRBC.
8. 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.
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. 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.
11. 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.
12. 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*.
13. 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).
14. 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).

15. The docket holder shall request a name change 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).

16. 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.

17. 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 docket 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.

18. 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.

19. For the duration of any drought emergency declared by either New York 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 New York to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

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: September 2, 2026

EXPIRATION DATE: September 2, 2036