

DOCKET NO. D-2004-026-3

DELAWARE RIVER BASIN COMMISSION

**Ledgerock Golf Club
Groundwater Withdrawal
Cumru Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on August 23, 2023 for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application).

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on August 7, 2024.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew the approval to continue to withdraw up to 8.525 million gallons per month (mgm) of groundwater from existing Wells IW-1 and IW-2 for golf course irrigation.

2. **Location.** The project wells are completed in the Hammer Creek Formation and are located in the Angelica Creek-Schuylkill River Watershed in Cumru Township, Berks County, Pennsylvania.

Specific location information has been withheld for security reasons.

3. **Area Served.** The project withdrawals will continue to be used only to supply water to the docket holder's golf course irrigation system. 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.** Ledgerock consists of an 18-hole golf course, practice range and club house facility situated on approximately 212 acres. Approximately 83 acres, including 35 acres of fairways, 8 acres of tees and greens and 40 acres of roughs, lawns and natural fescue grass areas require irrigation. Water used for irrigation is pumped from a 5.0 mg capacity (4.0 mg usable), lined storage pond, which was constructed as part of the golf course. The storage pond is supplied by groundwater pumped from Wells IW-1 and IW-2; however, Well IW-2 is a back-up supply well that has been used on only a limited basis.

The average and maximum daily demands are 0.116 million gallons per day (mgd) and 0.650 mgd, respectively. The golf course turf is grown-in and no additional water demand is expected in the future. The requested allocation of 8.525 mgm of groundwater should be sufficient to continue to meet the irrigation demands of the golf course.

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

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
IW-1	460	50' / 8"	540 gpm	2003
IW-2	525	35' / 8"	70 gpm	2003

All wells are metered.

Groundwater is not treated prior to irrigation.

The project wells are not located in the 100-year floodplain.

6. **Other.** Potable water is supplied by four (4) domestic wells on the property at rates below the Commission's regulatory threshold for review. Domestic wastewater is disposed via two onsite septic systems.

B. **FINDINGS**

This project consists of an existing withdrawal of groundwater from Well No. IW-1. Well IW-2 is retained only for redundancy while maintenance is needed on Well IW-1. The docket holder has requested to maintain the current individual and total allocations for existing Wells IW-1 and IW-2. These rates are provided in Condition C.4. in the Decision Section of this docket. As the existing water withdrawals have already been realized by the local hydrologic system and there is no increase to the individual or total groundwater allocations, there should be no significant impacts from continued withdrawals at the site.

The previous docket approved an instantaneous rate of 540 gpm and provided a daily withdrawal limit of 0.650 million gallons. The instantaneous rate was based on the installed pump capacity and the daily limit was based on the historical operational rate. DRBC dockets now specify a maximum pumping rate which is based on a 24-hour average rate. The maximum rate specified by this docket is 451 gpm, which is equivalent to the previously approved maximum daily rate of 0.650 million gallons included in the previous docket.

The DRBC estimates that the project withdrawals, used for the purpose of golf course irrigation, result in a consumptive use of 90 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-2004-026-3 below, Docket No. D-2004-026-2 is terminated and replaced by Docket No. D-2004-026-3. 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. 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. The docket holder shall pay for surface water use that exceeds the amount of water withdrawn from Wells IW-1 and IW-2 in accordance with *Basin Regulations – Water Supply Charges 18 C.F.R. Part 420*.

Other Conditions

4. During any month, the combined withdrawal from all well sources shall not exceed 8.525 million gallons. No well shall be pumped above the maximum rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MG)
IW-1	451	8.525
IW-2	70	1.829

* Based on a 24-Hour Average

5. 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 materially 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 materially for purposes of this provision.

6. 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 five 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.

7. 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

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

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

10. 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.

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 *Water Quality Regulations* 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. 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).

17. 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).

18. 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).

19. 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.

20. 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.

21. 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.

22. 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.

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: September 5, 2024

EXPIRATION DATE: September 5, 2034