

DOCKET NO. D-2004-039 CP-3

DELAWARE RIVER BASIN COMMISSION

Located in Drainage Area to Special Protection Waters

**Bucks County Water and Sewer Authority – New Hope System
Groundwater and Surface Water Withdrawal
New Hope Borough, Bucks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on March 7, 2024 for renewal of an allocation of groundwater and surface water and review of a ground and surface water withdrawal project (Application). The groundwater withdrawal project was approved by the Pennsylvania Department of Environmental Protection (PADEP) on June 22, 2005 (Permit No. 0905504). The surface water withdrawal project was approved by the PADEP on March 4, 2024 (Permit No. WA09-775B).

The Application was reviewed for continuation of the project in the Comprehensive Plan and for approval under Section 3.8 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 August 7, 2024.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew the approval of an existing supply of water to the docket holder's public water supply distribution system from existing Wells Riverwoods 2C, Riverwoods 3B, Morrissey B, Morrissey C, New Hope Manor C, Well A and a surface water intake on the Delaware River. The total allocation of groundwater will remain 14.78 million gallons per month (mgm).
2. **Location.** The project wells are completed in the Brunswick Formation and are located in the Rabbit Run and Delaware River Watersheds, within the drainage area to the Lower Delaware Special Protection Waters, in New Hope Borough, Bucks County, Pennsylvania. Rabbit Run near the project site is designated by the PADEP as supporting Trout Stocking Fishes (TSF) and Migratory Fishes (MF). The Delaware 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 distribution system supplies water to New Hope Borough, Bucks County, Pennsylvania. The area served is outlined on a map entitled "New Hope/ Solebury Service Area – Water" 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 operates six (6) existing wells and a surface water intake on the Delaware River in their New Hope public water supply system. The system currently serves water to approximately 1,734 customers via 540 domestic service connections, 121 commercial and 6 other/institutional connections. The docket holder records an existing average and maximum water demand of 0.170 million gallons per day (mgd) and 0.214 mgd, respectively. The docket holder projects an average and maximum water demand of 0.249 mgd and 0.304 mgd, respectively, by the year 2034. The requested allocation of 14.78 mgm should be sufficient to meet the future demands of the docket holder.

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

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
Riverwoods 2C	550	84' / 8"	30	1999
Riverwoods 3B	760	60' / 10"	81	1995
Morrissey B	500	64' / 10"	110	2003
Morrissey C	462	64' / 10"	30	2003
New Hope Manor C	393	66' / 10"	122	2004
Well A	450	60' / 10"	170	2001

INTAKE NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY (GPM)	7Q10 FLOW AT INTAKE (CFS)	YEAR CONSTRUCTED
Delaware River Intake	Delaware River	75	607.6	1986

All water service connections are metered.

All wells and the intake are metered.

Prior to entering the distribution system, the water will be treated by disinfection with liquid sodium hypochlorite. Water from the Delaware River Intake will be treated with potassium permanganate, caustic soda, aluminum sulfate and chlorine.

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

The water system is presently interconnected with the Village II Community Association system for emergency use.

6. **Other.** Wastewater is conveyed to the Lambertville Municipal Utilities Authority sewage treatment facility most recently approved by DRBC Docket No. D-1969-150 CP-2 on July 11, 2012. The New Jersey Department of Environmental Protection (NJDEP) issued its most recent NJPDES Permit No. NJ0020915 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

7. **Relationship to the Comprehensive Plan.** The project was previously included in the Comprehensive Plan by the Commission in Docket No. D-2004-039 CP-1, which was approved on September 26, 2005. The project was continued in the Comprehensive Plan and Well A was added to the system in Docket No. D-2004-039 CP-2, which was approved on March 11, 2015. Issuance of this docket will continue the withdrawal project in the Comprehensive Plan.

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 and surface water intake 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.

Since this project involves the renewal of an approval for existing activities and does not entail additional construction or expansion of facilities or create new or increased non-point source loads, the NPSPCP requirement is not applicable at this time. Condition C.28. of this docket provides that at such time, if ever, as additions to the area served by the docket holder's withdrawals are proposed, the docket holder will be required to demonstrate compliance with an approved NPSPCP in accordance with DRBC's SPW regulations.

2. 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 March 6, 2024.

3. 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.4.

4. 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-2004-039 CP-3 below, the project described in Docket No. D-2004-039 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2004-039 CP-3; Docket No. D-2004-039 CP-2 is terminated and replaced by Docket No. D-2004-039 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 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. A long-term monitoring program is required to obtain data on ground water and surface water hydrologic conditions in the project area. The docket holder shall continue to implement the long-term monitoring program as submitted in reports dated December 6, 1995 (Riverwoods 3B); February 24, 2000 (Riverwoods 2C); September 2003 (New Hope Manor C) and November 2003 (Morrissey B and Morrissey C). This program will include the following:

A. Groundwater Level Monitoring - Nineteen (19) monitoring wells shall be measured to estimate annual groundwater fluctuations caused by seasonal changes and/or production well pumping and detect water level declines that may affect the performance of public and private wells in the respective areas surrounding the docket holder's production wells.

B. Reports - All monitoring data, including records required in Conditions "2" and "3" herein shall be submitted to the Commission annually, due by April 1. The docket holder is encouraged to submit the annual report electronically. The report shall be prepared by a hydrogeologist and shall assess the effects of well withdrawals on the local hydrogeologic system. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the hydrogeologist or required by the Executive Director.

C. The Executive Director may modify or extend the monitoring program or temporarily suspend or modify this docket at any time if review of the hydrologic data and/or any other information indicates such action is necessary or appropriate.

4. The docket holder shall pay for surface water use in accordance with *Basin Regulations – Water Supply Charges 18 C.F.R. Part 420*.

5. 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.

6. 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.

7. 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.

8. 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

9. During any month, the combined withdrawal from all well and intake sources shall not exceed 14.78 million gallons. No well or intake shall be pumped above the maximum rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
Riverwoods 2C	30	1.339
Riverwoods 3B	81	3.616
Morrissey B	110	3.1
Morrissey C	30	1.30
New Hope Manor C	122	5.446
Well A	170	7.589
Delaware River Intake	75	3.348

* Based on a 24-Hour Average

10. 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.

11. 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.

12. 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.

13. The wells, surface water intake, facility and operational records shall be available at all times for inspection by the DRBC.

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

15. The wells shall be equipped with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and ½ inch ID drop pipes as repairs or modifications are made at each existing well.

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

17. 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).

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

19. 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.

20. 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.

21. 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*.

22. 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).

23. 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).

24. 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).

25. 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.

26. 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.

27. 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.

28. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e or receive written confirmation from the Executive Director of the DRBC that the new service area complies with a DRBC approved NPSPCP.

29. 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