

DOCKET NO. D-1967-022-3

DELAWARE RIVER BASIN COMMISSION

Lower Delaware Special Protection Waters

**Saucon Valley Country Club
Surface Water and Groundwater Withdrawal
Upper Saucon Township, Lehigh County and
Lower Saucon Township, Northampton County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on December 1, 2022 for renewal of an allocation of surface water and review of a new groundwater withdrawal project (Application).

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Lehigh Valley Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on August 9, 2023.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew the approval of an allocation of 34.5 million gallons per month of surface water from existing intakes 1 and 2 and to approve the withdrawals from new intake 3 located in an expanded irrigation pond and new wells TW-1, TW-3 and TW-8 for alternative backup groundwater supply. The total surface water allocation from intakes 1, 2 and 3 will remain at the currently approved allocation of 34.5 mgm. The total allocation of groundwater from the new groundwater sources is 36.143 mgm to account for water lost to evaporation and leakage from the proposed expanded irrigation pond. Groundwater will be used when surface water from Saucon Creek is not available due to low flow restrictions.

2. **Location.** The existing surface water intakes (Intakes 1 and 2) are located on Saucon Creek, the proposed intake (Intake 3) is located in an off-stream man-made irrigation pond and the proposed wells (TW-1, TW-3 and TW-8) are completed in the Allentown and Epler Formations and are located in the Saucon Creek Watershed in Upper Saucon Township, Lehigh County and Lower Saucon Township, Northampton County, Pennsylvania, within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters. Saucon Creek at the project site is classified by the Pennsylvania Department of Environmental Protection (PADEP) as supporting Cold Water Fishes (CWF).

Specific location information has been withheld for security reasons.

3. Area Served. The existing project surface water withdrawals and proposed groundwater withdrawals will serve only the docket holder's golf club. 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. Currently, surface water withdrawals from Saucon Creek provide irrigation water for the docket holder's four golf courses; the Old Course, the Grace Course, the Weyhill Course, and the 6-hole course. The four golf courses consist of approximately 521 irrigated acres including 90 acres of fairways, 20 acres of tees, 11 acres of greens, and 400 other irrigated acres of roughs, landscaping features, etc. Present average and maximum daily water demands are 0.335 million gallons per day (mgd) and 1.053 mgd, respectively. The maximum daily irrigation demand for all courses during seasonably dry summer months is reported to be approximately 1.3 million gallons per day (mgd). The docket holder requested to retain the total surface water allocation of 34.5 mgm which should be sufficient to meet the irrigation demands.

Currently the sole source of irrigation water is surface water from Saucon Creek. Water is withdrawn from Saucon Creek through Intake 1 (1,500 gpm) and Intake 2 (3,500 gpm) and pumped directly into the irrigation system. The total allocation of surface water from the intakes is 34.5 mgm.

The docket holder proposes irrigation system improvements designed to provide an alternative groundwater supply for use when surface water withdrawals from Saucon Creek are restricted due to low flow conditions. The docket holder plans to expand the existing man-made Weyhill 1 Pond for use as an off-channel irrigation pond, increasing the area of the pond from approximately 1 acre to 2.6 acres, resulting in a total storage volume of 6.9 million gallons. The existing pumping system for Intake 2 will be replaced with new submersible pumps with a combined maximum pumping rate of 1,500 gpm, which is less than the current pump capacity of 3,500 gpm. Water from Intake 2 will be transferred into the irrigation pond. A new intake (Intake 3) will be constructed in the irrigation pond to transfer water to the golf course irrigation system. Additionally, the existing inflow and outflow culverts connecting Weyhill 1 Pond to Saucon Creek will be modified to include isolation valves to prevent the entry and exit of surface water between Weyhill 1 Pond and Saucon Creek, when the pass-by flow condition is in effect.

During periods when the pass-by-flow condition is not triggered, surface-water storage in Weyhill 1 Pond will be augmented using pumped surface-water from Intake 2. When flows in Saucon Creek are not adequate to meet passby flow conditions, the docket holder will reduce its surface water withdrawals accordingly and begin augmenting the Weyhill 1 Pond with groundwater from the irrigation wells to maintain the flow in the Saucon Creek above the passby flow. Additionally, the docket holder will close the isolation valves preventing any interconnection between Weyhill 1 Pond and Saucon Creek. When flows in Saucon Creek cannot be maintained above the passby flow, no surface water withdrawals will be made and the irrigation water for the entire property will be withdrawn directly from Weyhill 1 Pond supplied by groundwater pumped from irrigation wells TW-1, TW-3 and TW-8 to the irrigation pond. The proposed project and operational plan for the pond and wells will allow the Club to continue irrigating the golf course when withdrawal from Saucon Creek is prohibited.

The docket holder requested a daily combined groundwater allocation of 1.353 million gallons per day, which exceeds the maximum anticipated daily withdrawal from the irrigation pond of 1.3 million gallons by 53,000 gallons. The additional water will be used on an as needed basis to augment water loss from evaporation and leakage to maintain a functional pond stage.

5. Facilities. The existing and proposed project surface water intakes and project wells will have the following characteristics:

INTAKE NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY	7Q10 FLOW AT INTAKE (CFS)	YEAR CONSTRUCTED
1	Saucon Creek	1,500 gpm	7.8	1948
2	Saucon Creek	1,500 gpm(1)	9.9	1965
3	Weyhill 1 Pond	3,000 gpm	Not applicable	Estimated 2023-2024

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM) (2)	YEAR DRILLED
TW-1	510	43' / 8"	460 gpm	2021
TW-3	92	62' / 8"	303 gpm	2021
TW-8	140	103' / 8"	358 gpm	2021

(1) Proposed pump capacity listed. Current Intake 2 pump capacity is 3,500 gpm.

(2) Pumps not yet installed. 48-hour pumping test rates listed.

All intakes and wells will be metered.

The surface water intakes and Weyhill 1 Pond are located in the 100-year floodplain.

6. Other. Wastewater from the project is conveyed to the Upper Saucon Township sewage treatment facility which received approval most recently under Section 3.8 of the Compact by DRBC Docket No. D-2003-005 CP-1 on June 26, 2003. The treatment facility is approved by PADEP NPDES Permit No. PA0053147. The treatment facility has adequate capacity to continue to receive wastewater from the project.

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 surface water intakes 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 additional construction and/or expansion of facilities and creates new or increased non-point source loads, the NPSPCP requirement is applicable at this time. The docket holder submitted Erosion and Sediment Control Plans and Post Construction Stormwater Management plans for the water withdrawal project. Staff reviewed the plans and find them to be in accordance with DRBC's SPW regulations. Section C. DECISION condition C.31 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. Flood Plain Regulations

The previous docket indicated that the project intakes and pump houses are located within the floodway in the 100-year flood plain elevation. Upon review of detailed flood hazard area mapping submitted with this application, the Intake 2 Pump House is located in the flood hazard area, but outside of the mapped floodway. Intake 2 is located in the floodway.

The intakes and Intake 1 pump house are prior non-conforming structures according to the *DRBC Administrative Manual-Part III Basin Regulation-Flood Plain Regulations* adopted November 10, 1976 by the Commission. As such, these structures may not be expanded, except that they may be modified, altered or repaired to incorporate flood proofing measures provided such measures do not raise the level of the 100-year flood and if destroyed or damaged by any means, including a flood, to the extent of 50 percent or more of its market value at that time, may not be restored, repaired, reconstructed or improved except in conformity with the provisions of these regulations as described in Section C. DECISION condition C.14.

The proposed improvements to the irrigation system will result in a total disturbance area of approximately 7.16 acres, of which 3.45 acres is located within the regulated floodway. There will be no disturbance to Saucon Creek. The installation of new submersible pumps within the existing Intake #2 pump chambers avoids any need for direct disturbance to the Saucon Creek channel and bank. The proposed modifications to the existing pond inflow and outflow culverts will be completed where the existing culverts enter and leave the Weyhill 1 Pond, which also avoids any need for direct disturbance to Saucon Creek.

The new pumping system will be installed within the existing Pump House and no new buildings or placement of significant impervious cover will be required for the project. The only proposed structures required for installation within the floodway and 100-year flood plain are two, 4-foot by 4-foot, concrete sumps that will be installed within Weyhill 1 Pond at the locations along the bank where groundwater from the irrigation wells will be discharged into the pond. The concrete sumps will prevent scouring of the pond banks, allow for easier maintenance of the well-pump discharge pipe outfalls and provide visual indication that the irrigation wells are operational. The existing inflow and outflow culverts to Saucon Creek will be equipped with below-grade gate valves housed in either small concrete below-grade enclosures or irrigation control boxes. All excavated sediments from the pond expansion area and residual backfill from the related utility trenching will be re-used onsite within the proposed sediment deposition area, located outside of the 100-year flood plain. As the project will not result in the establishment of significant new areas of impervious surfaces, the proposed irrigation system improvements will not increase runoff or flooding of Saucon Creek. The project complies with the DRBC, *Administrative Manual – Part III, Basin Regulations – Floodplain Regulations*.

3. Well TW-1, TW-3 and TW-8 Hydrogeologic Evaluation

On September 20 to September 22, 2021, a 48-hour simultaneous pumping test was conducted to assess withdrawal capabilities of Wells TW-1, TW-3 and TW-8 and to identify any potential pumping-induced impacts to the local hydrologic system. The pumping rate of test wells TW-1, TW-3 and TW-8 was 460 gallons per minute (gpm), 303 gpm and 358 gpm, respectively (total of 1,121 gpm). Discharge from the pumping wells was routed up to 4,500 feet through a 12-inch diameter temporary discharge pipe to a downgradient area along Saucon Creek outside of the area of influence of the pumping wells.

The observation network was designed to monitor surface-water levels in surrounding wetlands, streams and ponds, groundwater levels in the bedrock aquifer and overburden sediments, and streamflow. In addition to the three pumping wells, a total of 12 off site private wells, 11 piezometers in Saucon Creek and nearby ponds, one overburden monitoring well and 6 stream gaging stations were monitored during the pumping test. All wells and piezometers were monitored electronically using pressure transducers and datalogger and verified using manual measurements.

Prior to the start of the pumping test, the water level in Well TW-1 was 12.10 feet below top of casing (btoc). Drawdown after approximately 48 hours of pumping at a rate of 460 gpm, was 14.49 feet (water level of 26.59 feet btoc). Prior to the start of the pumping test, the static water level in Well TW-3 was 27.16 feet btoc. Drawdown observed at TW-3 after approximately 48 hours of pumping at a rate of 303 gpm, was 11.88 feet (water level of 39.04 feet btoc). Prior to the start of the pumping test, the static water level in Well TW-8 was 76.85 feet btoc. After approximately 48 hours of pumping well TW-8 at a rate of 358 gpm, the observed drawdown was 11.48 feet (water level of 88.33 feet btoc). The specific capacity of wells TW-1, TW-3 and TW-8 at the end of the 48-hour pumping test were 35.9 gpm/ft, 25.5 gpm/ft and 31.2 gpm/ft, respectively. Long-term projections based on 180-days of continuous pumping of well TW-1 at 460 gpm, TW-3 at 303 gpm and Well TW-8 at 358 gpm, with no aquifer recharge, resulted in projected water levels of 35.9 feet, 47.4 feet and 92.7 feet respectively. The projected water levels will remain above the shallowest water bearing zones encountered in each well.

Drawdown because of the pumping test withdrawals were observed in the Thulin Well (0.7 feet) and the Weiland Well (1.2 feet). The Thulin Well is approximately 900 feet northeast of well TW-8 and the Weiland Well is located between Wells TW-1 and TW-8. Based on the operational drawdown observed during pumping cycles for these wells and the reported pump setting information, the operation of the docket holder's irrigation wells should not impact the operation of the private off-site irrigation wells. No pumping induced impacts were discernable in the 10 other private off-site wells monitored during the pumping test.

No discernable evidence of pumping induced impacts to groundwater levels, stream stage heights, or streamflow were observed at any monitoring locations along Saucon Creek. Additionally, no pumping induced impact was observed in the surface water and shallow groundwater at the western end of the Weyhill pond, offsite quarry pond, Weyhill 6 pond and Weyhill 4 Pond. Approximately 1.4 feet of drawdown was observed in the shallow groundwater beneath the eastern end of the Weyhill 1 Pond (PZ-2) and is attributed to the operation of Well TW-1 located approximately 300 feet to the northwest. The surface water within the Weyhill 1 Pond was not impacted by pumping.

Commission staff have reviewed the Hydrogeologic Report for Irrigation Wells. No adverse impacts are expected to occur to the local hydrologic system due to the withdrawals from the proposed irrigation wells.

4. Drought Management and Contingency Plans (DMCPs) for Water Withdrawal greater than 1 mgd

Section 2.3.5.1 C. of the Commission's *Rules of Practice and Procedure (RPP)*, requires industrial and commercial water withdrawals in excess of one million gallons per day to develop a contingency plan including emergency conservation measures to be instituted in the event of a Commission declared drought or other water shortage. Resolution No. 83-14 amended the Commission's *Water Code* (Section 2.1.4) to include the conservation goal of a 15 percent reduction in depletive use during drought conditions. The docket holder submitted a Drought Management and Contingency Plan with the Application. During a drought emergency consistent

with Pennsylvania Code, Chapter 119, Section 4, irrigation will be limited to green, tees and fairways and water will be applied at an average daily rate that does not exceed 70 percent of the calendar month average for the preceding 5 years, less the water used to irrigate areas other than greens, tees and fairways. Irrigation will occur between the hours of 5:00 PM and 10:00 AM except when syringing with a hand-held hose equipped with automatic shutoff nozzle limited to between 10:00 AM and 5:00 PM, and to less than 15 minutes per day per area and watering new seed/sod areas limited to between 10:00 AM and 5:00 PM, and for less than 15 minutes per day in each area. The docket holder shall implement the DMCP upon direction by the Executive Director. (See Section C. DECISION condition C.7).

5. Surface Water Charges / Entitlement

On December 5, 2012, DRBC issued Certificate of Entitlement No. 394 to the docket holder. The Certificate of Entitlement entitles the docket holder to withdrawal 6.5 mgm (5.85 mgm consumptive use and 0.65 mgm non-consumptive use) from Saucon Creek without surface water charges for irrigation on the Old Course, the Grace Course and the 6-hole Course. The docket holder shall pay for all withdrawn surface water used to irrigate the Weyhill Golf Course and withdrawn surface water in excess of 5.85 mgm consumptive use and 0.65 mgm non-consumptive use, used to irrigate the Old Course, the Grace Course and the 6-hole Course in accordance with the provisions of 18 C.F.R. Part 420 as described in Section C. DECISION condition C.8.

6. Passby Flow

The docket holder's surface water withdrawal is subject to a passby flow requirement. The estimated contributing drainage area to Saucon Creek above Intake No. 2 (the downstream intake) is approximately 29 square miles. The estimated seven-day low flow with a recurrence interval of 10 years (Q7-10) at the point of withdrawal is 9.87 cubic feet per second (cfs) or 6.38 million gallons per day (mgd). These values are based on data generated from the United States Geological Survey (USGS) StreamStats. The project withdrawal must not cause the stream flow in Saucon Creek to be less than 9.87 cfs at the point of taking at Intake No. 2 and daily withdrawal rates shall be reduced as appropriate to ensure that the withdrawal does not result in flow less than 9.87 cfs from passing the intake. Withdrawals shall cease entirely if the flow as measured below Intake No. 2, less the withdrawal from both intakes, is 9.87 cfs or less. Whenever the stream flow below the intakes is less than 9.87 cfs, no withdrawal from the creek shall be made and the entire natural stream flow must be allowed to pass. No withdrawals shall be made until flow in Saucon Creek as measured below the intake is at least 16.55 cfs.

Saucon Creek is an ungagged stream. The docket holder proposes using nearby USGS Gaging Station 01452500 Monocacy Creek at Bethlehem, Pennsylvania as a reference gage for monitoring the pass-by-flow trigger. USGS Gaging Station 01452500 is located approximately 6 miles north of the Intake No. 2 on the Monocacy Creek. The watershed for Monocacy Creek is approximately 44.5 sq. mi. (square miles), compared to the watershed for Saucon Creek at Intake No. 2 of 28.9 sq. mi. and has a similar average slope. Comparison of streamflow data for Saucon

Creek at SG-4 (near intake 2) to streamflow recorded at approximately the same time at the Monocacy Creek station shows a good correlation between the gages.

Based on information in the Application and an Operations Plan submitted to the Commission on July 10, 2023, the docket holder will utilize the USGS Water Alert Application to monitor corresponding flows in Monocacy Creek. When the flows in Monocacy Creek are 48.14 cfs or lower, the docket holder will close the new valves on the influent and effluent culverts to Weyhill 1 Pond to isolate the pond from Saucon Creek and begin reducing withdrawals from Saucon Creek to maintain flow above the passby flow. Any additional irrigation water needed for the course would then be supplied by irrigation wells TW-1, TW-3 and TW-8. When flows in Monocacy Creek decline to 29.19 cfs (equivalent to the passby flow of 9.87 cfs in Saucon Creek), all surface water withdrawals will cease and groundwater from the irrigation wells would be used to irrigate the entire property.

The docket holder is required to prepare a Final Operations Plan detailing the procedures used to monitor, report, and comply with the passby flow requirement. Within three months of the date of approval of this Docket, the docket holder shall submit a Final Operation Plan, subject to approval by the Executive Director of the DRBC, which shall include a means to monitor, report, and comply with the pass-by flow. The pass-by requirement will become effective upon the date prescribed in the Executive Director's approval of the plan in accordance with Section C. DECISION condition C.13.

7. Other Findings

The DRBC estimates that the project withdrawals, used for the purpose of 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.

No wetlands will be impacted by the project.

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-1967-022-3 below, Docket No. D-1967-022-2 is terminated and replaced by Docket No. D-1967-022-3. 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. Within 60 days (November 6, 2023), the docket holder shall provide written confirmation to the Commission that it has registered and reported with 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. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted for surface water withdrawals by the designated agency (PADEP) if maintenance of the 5 percent performance is not technically feasible or economically practicable. 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 all withdrawn surface water used to irrigate the Weyhill Golf Course and withdrawn surface water in excess of 5.85 mgm consumptive use and 0.65 mgm non-consumptive use, used to irrigate the Old Course, the Grace Course and the 6-hole Course in accordance with *Basin Regulations – Water Supply Charges 18 C.F.R. Part 420*.

4. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date. Within 30 days of the date of project completion, the docket holder shall notify the DRBC of the project completion date.

5. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; and (2) indicate the date on which the project was (or is to be) placed in operation.

6. This approval of the construction related to the facilities described in this docket shall expire three years from the approval date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

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 implement the DMCP upon direction by the Executive Director.

Other Conditions

9. During any month, the combined maximum surface water withdrawal from Intakes 1 and 2 on Saucon Creek shall not exceed 34.5 million gallons. During any month, the combined maximum withdrawal from Intakes 1 and 3 shall not exceed 34.5 million gallons. No intake or well shall be pumped above the maximum rate and monthly allocation as indicated below:

SOURCE ID	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)	COMBINED MONTHLY ALLOCATION (MGM)
Intake 1 (Saucon Creek)	1,500	34.5	34.5
Intake 2 (Saucon Creek)	1,500	34.5	
Intake 3 (Weyhill Pond)	3,000	34.5	
Well TW-1	460	20.53	36.14
Well TW-3	303	13.53	
Well TW-8	358	15.98	

* 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 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.

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 three 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 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 pending the grant or denial of the application for docket approval.

13. The project withdrawal must not cause the stream flow in Saucon Creek to be less than 9.87 cfs at the point of taking at Intake 2 and daily withdrawal rates shall be reduced as appropriate to ensure that the withdrawal does not result in flow less than 9.87 cfs from passing the intake. Withdrawals shall cease entirely if the flow as measured below the intake, less the withdrawal from both intakes, is 9.87 cfs or less. Whenever the stream flow below the intakes is less than 9.87 cfs, no withdrawal from the creek shall be made and the entire natural stream flow must be allowed to pass. If the flow in Saucon Creek drops below 9.87 cfs absent the surface water withdrawals, no surface water withdrawals shall be made until flow in Saucon Creek as measured below the intake is at least 16.55 cfs. Within three months of the date of approval of this Docket, the docket holder shall submit a Final Operation Plan, subject to approval by the Executive Director of the DRBC, which shall include a means to monitor, report, and comply with the pass-by flow. The pass-by requirement will become effective upon the date prescribed in the Executive Director's approval of the plan.

14. The intakes and Intake 1 pump house are located within the floodway in the 100-year flood plain elevation. These are prior non-conforming structures according to the DRBC Administrative Manual-Part III Basin Regulation-Flood Plain Regulations adopted November 10, 1976 by the Commission. As such, these structures may not be expanded, except that they may be modified, altered or repaired to incorporate flood proofing measures provided such measures do not raise the level of the 100-year flood and if destroyed or damaged by any means, including a flood, to the extent of 50 percent or more of its market value at that time, may not be restored, repaired, reconstructed or improved except in conformity with the provisions of these regulations.

15. The wells and surface water intakes and operational records shall be available at all times for inspection by the DRBC.

16. The wells and surface water intakes shall be operated at all times to comply with the requirements of the *WC* and *WQR* of the DRBC.

17. 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.

18. 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).

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

20. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

21. 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.

22. 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.

23. 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*.

24. 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).

25. 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).

26. 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).

27. 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.

28. 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.

29. 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.

30. 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.

31. Prior to constructing any new facilities, 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 construction of new facilities complies with a DRBC approved NPSPCP.

32. 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 7, 2023

EXPIRATION DATE: September 7, 2033