

DOCKET NO. D-2003-006 CP-3

DELAWARE RIVER BASIN COMMISSION

Drainage Area to the Special Protection Waters

**Pennsylvania American Water Company – Mid-Monroe Water System
Groundwater Withdrawal
Smithfield and Middle Smithfield Townships, Monroe County, Pennsylvania**

PROCEEDING

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on June 2, 2021 for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application). The groundwater withdrawal project was approved by the Pennsylvania Department of Environmental Protection (PADEP) on January 30, 2013 (Permit No. 2450119) for the Mid-Monroe wells and on December 7, 2010 (Permit No. 2450051) for Birch Acres Well 2.

The Application was reviewed for continuation of this project in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Monroe 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 9, 2023.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew the approval of an existing supply of groundwater for the docket holder's Mid-Monroe public water supply distribution system from existing Wells 1, 2, 3, 5 and Birch Acres Well 2. The total allocation of groundwater will remain at 9.63 million gallons per month (mgm).

2. Location. Project Wells 1, 2, 3 and 5 are completed in the Lower Member, Mahantango Formation and are located in the Pond Creek Watershed in Middle Smithfield Township, Monroe County, Pennsylvania. Birch Acres Well 2 is completed in the Buttermilk Falls/Esopus Formation and is located in the Sambo Creek Watershed in Smithfield Township, Monroe County, Pennsylvania. The docket holder's service area is located within the drainage area to the section of the non-tidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters. Pond Creek near the project site is designated by the PADEP as High-Quality stream that supports Cold Water and Migratory Fishes (HQ-CWF, MF). Sambo Creek near the project site is designated by the PADEP as supporting Cold Water Fishes (CWF) and Migratory Fishes (MF).

Specific location information has been withheld for security reasons.

3. **Area Served.** The system wells supply the docket holder's Mid-Monroe distribution system which serves water to portions of Middle Smithfield and Smithfield Townships. The service area is outlined on a map entitled "Mid-Monroe Service Area Map" 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 five (5) existing production wells in the Mid-Monroe public water supply system. The system currently serves water to approximately 1,990 customers via 709 domestic service connections and 14 commercial connections. The docket holder records an existing average and maximum water demand of 0.142 million gallons per day (mgd) and 0.319 mgd, respectively. The docket holder projects an average and maximum water demand of 0.216 mgd and 0.655 mgd, respectively, by the year 2033. The current allocation of 9.63 mgm should be sufficient to meet the future demands of the docket holder.

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

WELL NO.	DEPTH (FEET)	CASED DEPTH / CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
1	300	50'/8"	123	1990
2	500	50'/8"	40	1992
3	753	97'/8"	65	2002
5	805	50'/8"	65	2002
Birch Acres Well 2	52	52'/6"	50	1956

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water from Birch Acres Well 2 is chlorinated. Water from the Mid-Monroe wells is chlorinated and is treated for iron and manganese via greensand filtration (Wells 1 and 2) and sequestration (Wells 3 and 5).

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

The water system is not presently interconnected with any other distribution system.

The storage facilities for the system are 0.551 mg which is approximately 3.5 days of supply for the docket holder's system.

6. **Other.** Wastewater is conveyed to the Middle Smithfield Township (Fernwood) sewage treatment plant most recently approved by DRBC Docket No. D-1990-080 CP-4 on December 12, 2018. A renewal application for this facility was received on December 22, 2022. The Middle Smithfield Township (Fernwood) sewage treatment plant is anticipated to be presented for approval at the December 6, 2023 Commission Hearing. The PADEP issued NPDES Permit No. PA0060089 for this facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

7. **Relationship to the Comprehensive Plan.** The docket holder's existing wells were previously included in the Comprehensive Plan as follows:

DOCKET NO.	APPROVAL DATE
D-1990-077 CP-1	June 24, 1992
D-1994-028 CP-1	September 19, 1996
D-2003-006 CP-1	January 19, 2005
D-2003-006 CP-2	May 10, 2012

Issuance of this docket will continue the public water supply distribution system 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 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.24. 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 (WC)* 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 28, 2023.

3. 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 is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* 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-2003-006 CP-3 below, the project described in Docket No. D-2003-006 CP-2 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2003-006 CP-3; Docket No. D-2003-006 CP-2 is terminated and replaced by Docket No. D-2003-006 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. 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 Bureau of Watershed Management, 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 Bureau of Watershed Management, 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 month, the combined withdrawal from all well sources shall not exceed 9.63 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	123	5.49
2	40	1.79
3	65	2.9
5	65	2.9
Birch Acres Well 2	50	2.23

*Based on a 24-Hour Average

8. 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 CFR 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.

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

10. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

11. 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.

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

13. 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).

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

15. 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.

16. 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.

17. 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*.

18. 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).

19. 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).

20. 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 401.43).

21. 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.

22. 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.

23. 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.

24. 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 is in compliance with a DRBC approved NPSPCP.

25. 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.

26. 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.

BY THE COMMISSION

APPROVAL DATE: September 7, 2023

EXPIRATION DATE: September 7, 2033