

**DOCKET NO. D-2003-013 CP-8**

**DELAWARE RIVER BASIN COMMISSION**

**Southeastern Pennsylvania  
Ground Water Protected Area**

**Buckingham Township  
Groundwater Withdrawal  
Buckingham Township, 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 17, 2023, for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application). The project wells were reviewed under the Pennsylvania Safe Drinking Water Act for a public water supply construction permit and approved by the Pennsylvania Department of Environmental Protection (PADEP) as follows:

<b>WELL NO.</b>	<b>PADEP PERMIT NO.</b>	<b>PADEP APPROVAL DATE</b>
BV-1 and BV-2, CS-1 to CS-3, F-1 to F-4, FS-1 and FS-2	0988511	9/8/1989
F-4 and F-5	0904503	8/9/2004
F-6 and F-7	0905505	7/20/2005
FG-1 and FG-2	0906505	12/5/2006
CS-5	0905508	12/21/2005
F-8	0908510	1/30/2009
CS-4	0912534	7/15/2013
L-1, L-2 and L-3	-	Pending Review

The Application was reviewed for continuation of this project in the Comprehensive Plan and for approval under Section 3.8 and for a withdrawal permit under Section 10.3 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 9, 2023.

**A. DESCRIPTION**

**1. Purpose.** The purpose of this docket is to renew the approval of an existing supply of groundwater for public water supply from existing Wells BV-1, BV-2, CS-1 through CS-5, F-1 through F-8, FS-1, FS-2, FG-1, FG-2, L-1, L-2 and new Well L-3. The total allocation of groundwater will remain 43.4 million gallons per month (mgm). The approval will also remove Well F-9 from the docket.

**2. Location.** The project wells are located in the Pine Run, Neshaminy Creek, Mill Creek, Lahaska Creek, Watson Creek and Robin Run Watersheds in Buckingham Township, Bucks County, Pennsylvania. The Buckingham Township wells are located in the Stockton, Brunswick and Lockatong Formations, except for Well No. F-8 and new Well L-3 which are located in the Limeport Formation (limestone) as shown in the table below in Section A.5.

The creeks near the project site are designated by the PADEP as supporting the following:

<b>CREEK</b>	<b>PADEP DESIGNATION</b>
Pine Run	Warm Water Fishes, Migratory Fishes (WWF, MF)
Neshaminy Creek	Trout Stocking Fishes, Migratory Fishes (TSF, MF)
Mill Creek	Warm Water Fishes, Migratory Fishes (WWF, MF)
Lahaska Creek	Cold Water Fishes, Migratory Fishes (CWF, MF)
Watson Creek	Cold Water Fishes, Migratory Fishes (CWF, MF)
Robin Run	Warm Water Fishes, Migratory Fishes (WWF, MF)

Specific location information has been withheld for security reasons.

**3. Area Served.** The docket holder's water distribution system serves portions of Buckingham Township as shown on a map entitled "Water Service Areas", 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's water distribution system consists of six separate systems located throughout the township: the Buckingham Village, Cold Spring, Furlong, Fieldstone, Lahaska and Mill Creek (formerly known as Forest Grove) systems (their wells are labeled BV, CS, F, FS, L and FG respectively).

The docket holder currently owns and operates the following systems:

1. Buckingham Village System (BV-1 and BV-2)
2. Furlong Water System (F-1 through F-8)
3. Cold Spring Water System (CS-1 through CS-5)
4. Fieldstone Water System (FS-1 and FS-2)

Buckingham Township operates the Mill Creek (Forest Grove System) and has agreements to accept dedication when offered. Currently the system is starting the dedication process and the Township expects to see dedication in 2024.

The Lahaska system is currently owned and operated by the Peddler's Village Partnership (Wells L-1, L-2 and proposed L-3). Buckingham Township has accepted partial dedication of the piping network and the storage tank. Buckingham Township has an agreement in place to accept dedication, at their discretion, when all of requirements have been achieved (Well L-3 completed, permitted and operational).

Buckingham Township currently serves an estimated population of 8,680 through 3,256 domestic service connections, 48 commercial connections and 352 other types of connections (such as fire hydrants) with an average and maximum water demand of 0.560 million gallons per day (mgd) and 1.257 mgd, respectively. The docket holder projects an average and maximum water demand of 0.596 mgd and 1.382 mgd, respectively, with an increase in population to 9,205 on 3,456 domestic connections, 58 commercial connections and 365 other types of connections by the year 2033. The current allocation of 43.4 mgm should be sufficient to meet the future demands of the docket holder.

5. **Facilities.** The docket holder's existing wells have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	GEOLOGIC FORMATION	YEAR DRILLED
BV-1	240	141'8"	52	Stockton	1988
BV-2	240	142'8"	52	Stockton	1988
CS-1	405	75'8"	120	Stockton	1986
CS-2	555	83'8"	400	Stockton	1989
CS-3	400	116'8"	210	Stockton	1981
CS-4	400	98'12"	200	Stockton	2001
CS-5	480	21'15" and 52'10"	75	Stockton	2004
F-1	365	60'10"	175	Brunswick	1996
F-2	497	42'8"	83	Brunswick/Lockatong	1996
F-3	400	82'10"	75	Lockatong	1999
F-4	450	40'10"	104	Brunswick	2001
F-5	505	60'8"	50	Brunswick	2001
F-6	625	50'6"	30	Lockatong	2002
F-7	500	50'10"	50	Lockatong	2002
F-8	86	40'6"	200	Limeport	1988
FS-1	335	30'8"	85	Stockton	1981
FS-2	250	30'8"	85	Stockton	1981
FG-1	603	103'8"	70	Brunswick	2002
FG-2	603	106'8"	45	Brunswick	2005
L-1	250	70'8"	75	Stockton	1966
L-2	567	140'8"	55	Stockton	1996
L-3 (new)	764	500' / 6"	58	Limeport	2022

All wells and water service connections are metered.

All wells are treated by chlorination, filtration through a 1-micron cartridge and ultraviolet (UV) disinfection prior to entering the distribution system.

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

System storage facilities have the following capacities:

LOCATION	CAPACITY (MG)
Cold Spring	0.815
Furlong	1.015
Buckingham Village	0.313
Lahaska	0.300
Mill Creek	0.183
<b>TOTAL:</b>	<b>2.626</b>

The docket holder's water distribution system is presently interconnected with the Doylestown Township Municipal Authority system. The docket holder's Cold Spring water system currently has an emergency interconnection with the Fieldstone system. Also, the Buckingham Village system has been interconnected with the Furlong system.

**6. Other.** Wastewater from the Buckingham Village and Lahaska service areas is conveyed to the Buckingham Village sewage treatment facility which operates in series with the Furlong sewage treatment facility, discharging to the Furlong spray field approximately six months per year. This facility received approval most recently under Section 3.8 of the *Compact* by DRBC Docket No. D-1998-049 CP on August 8, 1999. The PADEP issued NPDES Permit No. PA0052353 for this treatment facility. Wastewater from the Furlong service area is conveyed to the Furlong sewage treatment facility which received approval most recently under Section 3.8 of the *Compact* by DRBC Docket No. D-2004-015 CP-4 on March 10, 2021. The PADEP issued WQ Part II Permit No. 0903418 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the project.

Wastewater from the Cold Spring and Fieldstone service areas is discharged to three separate systems: the Fieldstone, Cold Spring, and Chalfont-New Britain sewage treatment facilities, which received approval most recently under Section 3.8 of the *Compact* by DRBC Dockets Nos. D-1995-043 CP on October 25, 1995, D-1993-082 CP on August 10, 1994, and D-1999-063 CP-4 on September 11, 2019, respectively. The PADEP issued WQM Permits Nos. 0995418 and 0996405 and NPDES Permit No. PA0025917, respectively for the treatment facilities. All three treatment facilities have adequate capacity to receive wastewater from the proposed projects.

Wastewater from the Mill Creek service area will be discharged to the Mill Creek sewage treatment facility to be constructed within the residential development with a design capacity of 23,000 gallons per day. The capacity of this proposed treatment plant is below the Commission's review threshold. The PADEP issued WQM Permit No. 0906404 for this facility. The treatment facility has adequate capacity to receive wastewater from the project.

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

Docket No.	Date Approved	Approved Wells
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D-1991-087 CP	June 24, 1992	CS-1, CS-2 and CS-3
D-1992-002 CP	August 12, 1992	CS-1, CS-2, CS-3, BV-1 and BV-2
D-1997-049 CP	June 24, 1998	CS-1, CS-2, CS-3, BV-1, BV-2, F-1, F-2, FS-1, FS-2, L-1 and L-2
D-2000-038 CP	April 19, 2001	CS-1, CS-2, CS-3, BV-1, BV-2, F-1, F-2, F-3, FS-1, FS-2, L-1 and L-2
D-2003-013 CP-1	October 27, 2004	CS-1, CS-2, CS-3, BV-1, BV-2, F-1, F-2, F-3, F-4, F-5, FS-1, FS-2, L-1 and L-2
D-2003-013 CP-2	September 26, 2005	CS-1, CS-2, CS-3, BV-1, BV-2, F-1, F-2, F-3, F-4, F-5, F-6, F-7, FS-1, FS-2, L-1 and L-2
D-2003-013 CP-3	February 28, 2007	CS-1, CS-2, CS-3, BV-1, BV-2, F-1, F-2, F-3, F-4, F-5, F-6, F-7, FS-1, FS-2, L-1, L-2, FG-1 and FG-2
D-2003-013 CP-4	May 10, 2007	CS-1, CS-2, CS-3, CS-5, BV-1, BV-2, F-1, F-2, F-3, F-4, F-5, F-6, F-7, FS-1, FS-2, L-1, L-2, FG-1 and FG-2
D-2003-013 CP-5	May 6, 2009	CS-1, CS-2, CS-3, CS-5, BV-1, BV-2, F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, FS-1, FS-2, L-1, L-2, FG-1 and FG-2
D-2003-013 CP-6	March 6, 2013	CS-1, CS-2, CS-3, CS-4, CS-5, BV-1, BV-2, F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, FS-1, FS-2, L-1, L-2, FG-1 and FG-2
D-2003-013 CP-7	September 10, 2014	CS-1, CS-2, CS-3, CS-4, CS-5, BV-1, BV-2, F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, FS-1, FS-2, L-1, L-2, FG-1 and FG-2

Issuance of this docket will continue the withdrawal project in the Comprehensive Plan.

## **B. FINDINGS**

### **1. Ground Water Protected Area**

The project is located within the Southeastern Pennsylvania Ground Water Protected Area delineated by the DRBC pursuant to *Compact* Section 10.2. Tests conducted by the docket holder indicate the operation of this project will not create a local water shortage.

Review and analysis of the application pursuant to Section 6.D. of the *GWP* result in the following:

**1.** The withdrawal is consistent with the Commission's Comprehensive Plan and the policies and purposes of these regulations.

2. Opportunities to satisfy water requirements on a timely basis from existing available supplies and facilities have been explored and are being utilized.
3. The withdrawal, in conjunction with other withdrawals in the applicable groundwater basin, should not exceed withdrawal limits of the groundwater basin, aquifer or aquifer system.
4. The withdrawal should not significantly impair or reduce the flow of perennial streams in the area.
5. Existing ground and surface water withdrawals should not be adversely impacted or will be otherwise assured of adequate supplies in accordance with the requirements of Section 10 of the *GWPAR*. No adverse impact is anticipated due to continued operation of this project.
6. The withdrawal should not cause substantial, permanent adverse impact to the overlying environment.
7. The docket holder adopted and will implement conservation and management programs as required by Section 7 of the *GWPAR*.

The docket holder's Wells BV-1, BV-2, F-1 through F-5, F-8, FG-1, FG-2, L-1, L-2, and L-3 are located in the Mill Creek subbasin (Subbasin No. 16), where total net annual groundwater withdrawal (235.19 million gallons per year (mgy)) is significantly less than the withdrawal limit set in Section 6.I of the *GWPAR* (427.25 mgy). The docket holder is requesting a monthly allocation of up to 35.604 mgm (1,254 mgy), a fraction of which will be returned to groundwater. Historically, the docket holder has withdrawn significantly less than the total amount requested in this basin. However, even if no water from this project were returned to groundwater, the total net annual groundwater withdrawal from this subbasin would remain well below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the withdrawals from the docket holder's wells, in conjunction with other withdrawals in the subbasin, are in accordance with the requirements of Section 6.I of the *GWPAR*.

The docket holder's Wells CS-1, CS-2, CS-3, CS-4 and CS-5 are located in the Pine Run (Subbasin No. 3), where total net annual groundwater withdrawal (492.34 mgy) is less than the withdrawal limit set in Section 6.I of the *GWPAR* (791 mgy). The docket holder is requesting a monthly allocation of up to 41.6 mgm (499.22 mgy), a fraction of which will be returned to groundwater. However, even if no water from this project were returned to groundwater, the total net annual groundwater withdrawal from this subbasin would remain well below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the withdrawals from the docket holder's wells, in conjunction with other withdrawals in the subbasin, are in accordance with the requirements of Section 6.I of the *GWPAR*.

The docket holder's Wells F-6, F-7, FS-1 and FS-2 are located in the Warwick Neshaminy Creek subbasin (Subbasin No. 5), where total net annual groundwater withdrawal (172.13 mgy) is significantly less than the withdrawal limit set in Section 6.I of the *GWPAR*.

(1,181 mgd). The docket holder is requesting a monthly allocation of up to 4.76 mgd (57.14 mgd), a fraction of which will be returned to groundwater. Historically, the docket holder has withdrawn significantly less than the total amount requested in this basin. However, even if no water from this project were returned to groundwater, the total net annual groundwater withdrawal from this subbasin would remain well below the withdrawal limits set in Section 6.I of the *GWP*. Therefore, the withdrawals from the docket holder's wells, in conjunction with other withdrawals in the subbasin, are in accordance with the requirements of Section 6.I of the *GWP*.

## **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 28, 2023.

## **3. Pond Interference**

Wells F-4 and F-5 were temporarily restricted to 2.678 mgd in Docket No. D-2003-013 CP-5 until a mitigation plan was approved by the Executive Director and the property owner at 3929 Upper Mountain Road, Buckingham, PA. The mitigation plan was required in response to a pond interference complaint located at 3929 Upper Mountain Road. With the approval of the mitigation plan, the temporary allocation restrictions on Wells F-4 and F-5 were removed. The Township is required to continue operating the mitigation plan that was approved by DRBC after consultation with the owner of the pond in 2010. Under the approved mitigation plan, during the months of June through November 1, the Township pumps water from a well located on a remote property into an unnamed creek that feeds the subject pond. Buckingham Township has been submitting pumping data to indicate they are pumping in accordance with the mitigation plan (See Section C. DECISION condition C.7).

## **4. Well L-3 Hydrogeologic Evaluation**

On November 28, 2022 through December 1, 2022, a 72-hour pumping test was conducted to assess groundwater withdrawal capabilities of Well L-3 and the underlying aquifer characteristics and potential impacts to the local hydrologic system. The average pumping rate of the test on Well L-3 was 57.6 gallons per minute (gpm). Discharge from the pumping well was conveyed through a 2-inch diameter pipe approximately 50 feet southwest and into a dry intermittent channel. Water from the stormwater basin was then discharged to a pond on a dammed portion of Lahaska Creek. Well L-3 was pumped for a total period of 4,320 minutes.

Groundwater response monitoring was conducted in the pumping well (Well L-3) and Monitoring Wells L-1, L-2, Old Well No. 3 and the Midway Fire Company well. All wells were monitored electronically and manually. Monitoring Wells L-1, L-2, Old Well No. 3 and the Midway Fire Company well are located approximately 362 feet, 715 feet, 411 feet and 1,355 feet from the pumping well, respectively.

Prior to the start of the pumping test, the water level in Well L-3 was 74.28 feet below top of casing (btoc). Maximum drawdown observed at the pumping well, after approximately 72 hours of pumping at an average rate of 57.6 gpm, was 1.59 feet (water level of 75.87 feet btoc). No discernable drawdown was observed in any of the monitoring wells due to the pumping of Well L-3.

The observed drawdown data was used to calculate aquifer parameters to characterize the underlying aquifer. A Transmissivity value for the Well L-3 test data was 4,032 ft<sup>2</sup>/day from Well L-3 data using the Cooper-Jacob straight line method at an average test rate of 57.6 gpm. Since there was no drawdown observed in any of the monitoring wells, storativity could not be calculated.

Commission staff have reviewed the Hydrogeologic Report for the Well L-3 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to the pumping from Well L-3.

## **5. 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 (WC)*, *Water Quality Regulations (WQR)* and *Ground Water Protected Area Regulations (GWPAR)* of the DRBC.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact to 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-2003-013 CP-8 below, the project described in Docket No. D-2003-013 CP-7 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2003-013 CP-8; Docket No. D-2003-013 CP-7 is terminated and replaced by Docket No. D-2003-013 CP-8; 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 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 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.

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.

7. The docket holder shall continue to follow the mitigation plan required from the Settlement Agreement dated June 22, 2009. The mitigation plan is explained in correspondence from the Commission dated September 24, 2010. The mitigation plan requires the docket holder to pump groundwater from a well located on a remote property at a rate of 8 to 10 gallons per minute for 12 hours at night per day, into an unnamed creek that feeds the subject pond during the months of June through November 1.

8. 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 by the docket holder entitled "Township of Buckingham/ Water Supply – Well Monitoring Program" dated March 21, 2005, and revised August 17, 2005. In addition, the docket holder shall continue to monitor wells that have been impacted from the continued use of the docket holder's production wells. The docket holder will also monitor the Hearthstone Pond well and the domestic well located at 4747 Cold Spring Creamery Road, as recommended in the Hydrogeologic Report of Well No. CS-4 and the Zimmerman well which was monitored during the long-term pumping test of Well F-8. This program will include the following:

1. **Groundwater Level Monitoring** – Thirty-seven (38) monitoring wells shall be measured to estimate annual ground water 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 Buckingham Township production wells.
2. **Reports** - All monitoring data, including records required in Conditions "2" and "8" 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 hydrologic conditions in the area. 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.
3. The Executive Director may modify 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.

**Other Conditions**

9. During any month, the combined withdrawal from all well sources shall not exceed 43.4 million gallons (520.8 mgd). No well shall be pumped above the maximum rate and monthly allocation as indicated below:

WELL NO.	INSTANTANEOUS ALLOCATION (GPM)*	MONTHLY ALLOCATION (MILLION GALLONS)
BV-1	65	1.653
BV-2	65	1.653
CS-1	190	5.353
CS-2	520	17.773
CS-3	210	6.200
CS-4	250	8.928
CS-5	75	3.348
FS-1	120	0.930
FS-2	120	0.930
L-1	95	3.307
L-2	70	2.455
FG-1	90	1.033
FG-2	70	1.033
F-1	242	4.857
F-2	83	1.199
F-3	75	1.643
F-4	104	3.565
F-5	50	1.788
F-6	30	0.670
F-7	50	2.232
F-8	200	8.928
L-3 (new)	57.6	2.49

\*Based on a 24-Hour Average

In addition, the total withdrawal from Wells CS-1 through CS-5 shall not exceed 19.22 mgd. The total withdrawal from Wells L-1 and L-2 shall not exceed 3.307 mgd. The total withdrawal from Wells FG-1 and FG-2 shall not exceed 1.033 mgd. The total withdrawal from Wells F-1 through F-9 shall not exceed 15.3 mgd.

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. 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.

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

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

14. 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.

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

16. 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).

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

18. 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.

19. 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.

20. 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*.

21. 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).

22. 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 401.35).

23. 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 401.35).

24. 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 in order to ensure the proper control, use and management of the water resources of the Basin.

25. 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.

**26.** 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.

**27.** 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.

**28.** 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