

DOCKET NO. D-2014-016-2

DELAWARE RIVER BASIN COMMISSION

**Giorgio Foods, Inc.
Groundwater Withdrawal
Maidencreek Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on September 16, 2024 and revised on October 3, 2024 for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application).

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on August 6, 2025.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew the approval of a groundwater withdrawal of up to 14.0 million gallons per month of groundwater from existing wells 1, 2 and 3 for food processing, equipment cleaning and potable use at the docket holder's existing food processing facility

2. **Location.** The project wells are completed in the Leithsville Formation and are located in the Willow Creek Watershed in Maidencreek Township, Berks County, Pennsylvania.

Specific location information has been withheld for security reasons.

3. **Area Served.** The groundwater withdrawals will continue to serve the Giorgio Foods facility. The facility is shown on an aerial photo image in Section D, Site Location Maps submitted as part of 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 project wells supply water for food processing, equipment washing and potable use in the docket holder's food processing facility where vegetables are cleaned, cooked and packaged for distribution. The present average and maximum daily water demands are reported to be 0.253 million gallons per day (mgd) and 0.33 mgd, respectively. The docket holder expects the 10-year average and maximum daily demands to increase to 0.286 mgd and 0.374 mgd, respectively. The continued allocation of 14.0 mgm should be sufficient to meet the future demands of the facility.

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

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
1	252'	114' / 8"	160 gpm ⁽¹⁾	1989
2	141'	unknown / 6"	110 gpm ⁽¹⁾	1989
3	200'	164' / 6"	75 gpm ⁽¹⁾	1989
Fire Well 1	145'	130' / 12"	1,000 gpm	2006
Fire Well 2	130'	115.5' / 12"	1,000 gpm	2007
Fire Well 3	170'	119.5' / 12"	1,000 gpm	2007
Auxiliary Well	138'	116.5' / 8"	9 gpm	2005

(1) Pumping rate based on PADEP records

Wells 1, 2, and 3 are metered.

Prior to entering the distribution system, the water is treated by two multimedia filters, two ion-exchange units and disinfected with sodium hypochlorite.

The project wells are not located in a flood hazard area.

Fire Wells 1, 2, 3 and the Auxiliary Well are used only for fire suppression purposes. These wells are tested for approximately 5 minutes once per month to ensure proper working condition.

6. **Other.** Process water and domestic wastewater is conveyed to the docket holder's industrial wastewater treatment plant most recently approved by DRBC Docket No. D-1988-043-7 on September 8, 2022. The Pennsylvania Department of Environmental Protection (PADEP) issued NPDES Permit No. PA0053091 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the proposed project.

B. **FINDINGS**

The docket holder estimates that the project withdrawals, used for the purpose of industrial food processing, results 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).

This project consists of an existing withdrawal of groundwater from Wells 1, 2 and 3. As the existing water withdrawals have already been realized by the local hydrologic system, there should be no significant impacts from continued withdrawals from the existing system wells.

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-2014-016-2 below, Docket No. D-2014-016-1 is terminated and replaced by Docket No. D-2014-016-2. 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.

Other Conditions

3. During any month, the combined withdrawal from Wells 1, 2 and 3 shall not exceed 14.0 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	160 gpm	7.1 mgm
2	110 gpm	4.9 mgm
3	75 gpm	3.4 mgm
Fire Well 1	Fire Suppression Purposes Only	
Fire Well 2	Fire Suppression Purposes Only	
Fire Well 3	Fire Suppression Purposes Only	
Auxiliary Well	Fire Suppression Purposes Only	

* Based on a 24-Hour Average

4. 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.
5. 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.
6. The wells and operational records shall be available at all times for inspection by the DRBC.
7. The wells shall be operated at all times to comply with the requirements of the *WC* and *WQR* of the DRBC.
8. The wells shall be equipped, where possible, with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes as repairs or modifications are made at each existing well so that water levels may be measured under all conditions.
9. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).
10. 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).
11. The docket holder shall implement to the satisfaction of the PADEP a drought or other water supply emergency plan.
12. 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.
13. 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.
14. 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*.

15. 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).

16. 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).

17. 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).

18. 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.

19. 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.

20. 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.

21. 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.

22. 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 10, 2025

EXPIRATION DATE: September 10, 2035