DOCKET NO. D-2003-036 CP-3

DELAWARE RIVER BASIN COMMISSION

Located Within Drainage Area to Special Protection Waters

Community Utilities of Pennsylvania, Inc. - Penn Estates
Groundwater Withdrawal
Stroud Township, Monroe County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on October 17, 2018 for renewal of an allocation of groundwater and review of a groundwater withdrawal project (Application). Pennsylvania Department of Environmental Protection (PADEP) issued its most recent Public Water Supply Permit for the operation of the facility on October 25, 2016 (Permit No. 2450065).

The Application was reviewed for continued inclusion in the Comprehensive Plan and for approval under Section 3.8 of the Delaware River Basin Compact. 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 14, 2019.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew the approval of a combined groundwater withdrawal of up to 12.426 million gallons per month (mgm) from existing Wells 2, 3, 4, 5, 6, 7 and 8 for use in the docket holder’s public water supply system.

2. **Location.** The project wells are completed in the Towamensing Member and Walcksville Member of the Catskill Formation and in the Trimmers Rock Formation and are located in the Lower Brodhead Creek and Lower Pocono Creek Watersheds in Stroud Township, Monroe County within the drainage area to the Middle Delaware, which the Commission has classified as Special Protection Waters. The unnamed tributary to Brodhead Creek located in the northern part of the project site and Wigwam Run, a tributary to Pocono Creek in the southern part of the project site are designated by the PADEP as High Quality Waters (HQ) supporting Cold Water Fishes (CWF) and migratory fishes (MF).

Specific location information has been withheld for security reasons.
3. **Area Served.** The project wells supply groundwater to the Penn Estates development as outlined on a map entitled “Location Map”, dated October 12, 2018 submitted with the Application. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Design criteria.** The Penn Estates community is a second home and year-round residential development. The system currently serves approximately 1,719 residential service connections and 8 commercial connections. The existing average and maximum daily water demands are reported to be 0.360 million gallons per day (mgd) and 0.537 mgd, respectively. Monthly demands over the last five years averaged approximately 9.0 million gallons per month with a peak month of 11.6 million gallons. The docket holder does not anticipate any growth over the next 10-years and the requested continued allocation of 12.426 mgm is sufficient to meet the present and future demands of the project.

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

<table>
<thead>
<tr>
<th>WELL NO.</th>
<th>DEPTH (FEET)</th>
<th>CASED DEPTH/ CASING DIAMETER</th>
<th>PUMP CAPACITY (GPM)</th>
<th>YEAR DRILLED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>338</td>
<td>20&quot; / 6&quot;</td>
<td>65 gpm</td>
<td>1981</td>
</tr>
<tr>
<td>3</td>
<td>385</td>
<td>20&quot; / 6&quot;</td>
<td>60 gpm</td>
<td>1981</td>
</tr>
<tr>
<td>4</td>
<td>300</td>
<td>61&quot; / 6&quot;</td>
<td>45 gpm</td>
<td>1985</td>
</tr>
<tr>
<td>5</td>
<td>250</td>
<td>142&quot; / 6&quot;</td>
<td>85 gpm</td>
<td>1987</td>
</tr>
<tr>
<td>6</td>
<td>600</td>
<td>60&quot; / 8&quot;</td>
<td>16 gpm</td>
<td>1998</td>
</tr>
<tr>
<td>7</td>
<td>400</td>
<td>52&quot; / 8&quot;</td>
<td>100 gpm</td>
<td>2003</td>
</tr>
<tr>
<td>8</td>
<td>1,096</td>
<td>56&quot; / 8&quot;</td>
<td>50 gpm</td>
<td>2007</td>
</tr>
</tbody>
</table>

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, all water is treated by sodium hypochochlorite for disinfection. Additionally, water from Well 6 is treated for iron and manganese sequestration.

The project wells are not located in flood hazard areas.

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

6. **Other.** Wastewater is conveyed to the Penn Estates Utilities, Inc. sewage treatment facility most recently approved by DRBC Docket No. D-1999-020 CP-4 on June 14, 2017. The PADEP issued its most recent NPDES Permit No. PA0060283 on August 27, 2012 for this treatment
facility. The treatment facility has adequate capacity to continue to receive wastewater from the proposed project.


### B. FINDINGS

1. **Special Protection Waters**

   In 1992, the DRBC adopted Special Protection Waters requirements, as part of the DRBC Water Quality Regulations (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap were classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

   On July 16, 2008, the DRBC approved amendments to its Water Quality Regulations that provide increased protection for waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for Special Protection Waters designation and clarity on definitions and terms were updated for the entire program.

   Article 3.10.3A.2.e.1) and 2). of the Water Quality Regulations, Administrative Manual - Part III, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source Pollution Control Plan 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 Special Protection Waters. The wells providing water supply to the docket holder are located within the drainage area to the Special Protection Waters. Since no additional growth is anticipated, the project does not currently entail additional construction and expansion of facilities. As such, the non-point source pollution control plan requirement is not applicable at this time. Accordingly, Special Condition C.26. has been included in the Decision section of this docket.

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 29, 2019.

3. Other Findings

As described in Docket No. D-2003-036 CP-2, in order to maintain water levels in Well No. 8 above the critical water bearing zone, the docket holder has installed a data logger in the well and has integrated it with the supervisory control and data acquisition (SCADA). The system is programmed to automatically shut the well pump off when the water level in Well 8 reaches 200 feet below top of casing. The SCADA controlled transducer set with the above mentioned parameters must remain active and operational in Well No. 8 at all times, unless otherwise directed by the Executive Director of the DRBC.

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.

This project consists of an existing withdrawal of groundwater from Well Nos. 2, 3, 4, 5, 6, 7 and 8. The docket holder has requested monthly allocations and maximum rates for the existing wells based on previously approved allocations. The rates and allocations are provided in Decision Condition C.7. in the Decision Section of this docket. 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.

Although the total combined withdrawals have not exceeded the approved total system allocation of 12.426 mgm, withdrawals at several of the individual wells have exceeded the approved monthly allocations from time to time. The docket holder indicated that they continue to focus on leak detection and have purchased additional equipment to identify leaks more quickly to reduce water withdrawals. Additionally, variable frequency drives have been installed at some of the wells to better control pumping rates and remain below the approved individual well allocations. Within 5 years of the approval date of this docket (September 11, 2024), the docket holder shall submit an update to the Commission describing and evaluating the effectiveness of its continued leak detection program. If individual well allocations continue to be exceeded in the future, the docket holder may need to apply to the Commission for an increase in individual well allocation.

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-2003-036 CP-3 below, the project described in Docket No. D-2003-36 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2003-036 CP-3; Docket No. D-2003-36 CP-2 is terminated and replaced by Docket No. D-2003-036 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 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 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.
6. Within 5 years of the approval date of this docket (September 11, 2024), the docket holder shall submit an update to the Commission describing and evaluating the effectiveness of its continued leak detection program.

**Other Conditions**

7. During any month, the combined withdrawal from all well sources shall not exceed 12.426 million gallons. No well shall be pumped above the maximum rate and monthly allocation as indicated below:

<table>
<thead>
<tr>
<th>WELL NO.</th>
<th>MAXIMUM RATE (GPM)</th>
<th>MONTHLY ALLOCATION (MGM)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>40</td>
<td>1.116</td>
</tr>
<tr>
<td>3</td>
<td>43</td>
<td>0.837</td>
</tr>
<tr>
<td>4</td>
<td>35</td>
<td>1.550</td>
</tr>
<tr>
<td>5</td>
<td>60</td>
<td>2.480</td>
</tr>
<tr>
<td>6</td>
<td>56</td>
<td>2.480</td>
</tr>
<tr>
<td>7</td>
<td>90</td>
<td>4.030</td>
</tr>
<tr>
<td>8</td>
<td>38</td>
<td>1.697</td>
</tr>
</tbody>
</table>

8. Withdrawals from Well No. 8 shall be restricted by a pressure transducer integrated into a SCADA system. The SCADA system will shut the pump in Well No. 8 down when water levels as measured at the pressure transducer reach a maximum of 200 feet btoc. This will maintain water levels in the well above the most productive water bearing zone located at 200 feet btoc. The SCADA controlled transducer set with the above mentioned parameters will remain active and operational in Well No. 8 at all times, unless otherwise directed by the Executive Director of the DRBC.

9. 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 or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that 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 against the docket holder pending the grant or denial of the application for docket approval.

10. The wells and operational records shall be available at all times for inspection by the DRBC.
11. The wells shall be operated at all times to comply with the requirements of the Water Code and Water Quality Regulations of the DRBC.

12. 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.

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

14. 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).

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

16. 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.

17. 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.

18. 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.

19. 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).

20. 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).

21. 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).

22. 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 insure the proper control, use and management of the water resources of the Basin.

23. 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.

24. 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.

25. 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.

26. 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.
27. Renewal of this docket does not resolve violations, if any, by the docket holder that may have occurred prior to this renewal or that may be ongoing (“prior or ongoing violations”) of provisions of the Delaware River Basin Compact (“Compact”) or of any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or ongoing violations.

28. 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 11, 2019

EXPIRATION DATE: September 11, 2029