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DOCKET NO. D-2013-020-3

DELAWARE RIVER BASIN COMMISSION

Located in Drainage Area to Special Protection Waters

**BlueTriton Brands, Inc.
Groundwater Withdrawal and Discharge
Washington 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 18, 2025, for renewal of an allocation of groundwater and review of a groundwater withdrawal and discharge project (Application). The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0275794 for this discharge.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Lehigh County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on November 4, 2026.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew the approval of an existing groundwater withdrawal of up to 11.696 million gallons per month (mgm) from Well IW-1 and the discharge of the withdrawn groundwater to Greenwalk Creek. The project will continue to intercept groundwater containing elevated concentrations of total dissolved solids (TDS), sulfate and calcium, apparently emanating from upgradient former slate mining areas to manage the docket holder's downgradient existing sources.

2. **Location.** The withdrawal and discharge project is located in the Waltz Creek Watershed in Washington Township, Northampton County, Pennsylvania. Well IW-1 is screened in the unconsolidated sand and gravel deposits overlying the Martinsburg Formation. The project withdrawals and discharges are located within the drainage area to the Lower Delaware Special Protection Waters (SPW).

Groundwater withdrawn from Well IW-1 is discharged to the land surface onto rocks at the edge of the Greenwalk Creek at River Mile 190.65 – 4.59 – 2.35 – 1.67 (Delaware River – Martins Creek – Waltz Creek – Greenwalk Creek) via Outfall 001 as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 51' 47"	75° 13' 43"

3. Area Served. The project withdrawals and discharges are used only for the purpose of intercepting and removing groundwater containing elevated TDS concentrations at the project site as delineated on various maps included in 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 currently withdraws groundwater from three (3) (Boreholes B-1, B-2 and B-3) that are associated with springs located on the Greenwaltz Springs Facility property located in the Greenwalk Creek watershed in Washington Township, Northampton County, Pennsylvania. Docket No. D-1998-055-7, issued by the Commission on June 5, 2024, allows the docket holder to withdraw up to a combined total of 17.05 mgm of groundwater from the three spring water boreholes.

As part of its routine monitoring, the docket holder detected increases in TDS, sulfate and calcium concentrations of groundwater flowing toward its spring water sources, with concentrations in certain monitoring wells approaching federal and state drinking water standards. Expanded sampling in 2013 found that groundwater with elevated TDS, sulfate and calcium was naturally discharging via springs that feed Greenwalk Creek.

In June 2013, the docket holder informed PADEP of the changes in groundwater quality and in the water quality of Greenwalk Creek. Based on subsequent investigations conducted by PADEP, it appears that constituents in certain spoil material placed in an abandoned, water-filled slate quarry located upgradient of the Greenwaltz Springs Facility is the cause of the elevated concentrations. Constituents in the spoil material used for quarry reclamation had oxidized to form gypsum; and upon placement of this material in the water-filled quarry, the material leached relatively high levels of sulfate, calcium and magnesium resulting in elevated sulfate, calcium and TDS concentrations in the quarry water. Back filling of the abandoned quarry commenced in April 2011 and continued until suspended at PADEP's direction in late June 2013. Water containing elevated TDS, sulfate, and calcium from the quarry area continues to flow into and through a buried sand and gravel aquifer toward the Greenwaltz Springs sources. Additionally, surface water from the former quarry at times flows from the toe of a waste slate pile into Greenwalk Creek.

In August 2013, NWNA drilled an interception well (IW-1) to mitigate impacts of elevated inorganic constituents on NWNA's spring sources. Well IW-1 is screened in the sand and gravel aquifer, which is believed to convey most of the impacted groundwater from the upgradient quarry. The well intercepts a portion of the groundwater plume emanating from the quarry and discharges it directly to Greenwalk Creek. The continued withdrawals will allow the docket holder to remove additional constituent mass from the aquifer to limit further migration toward the borehole sources.

Water pumped from well IW-1 is not treated as it contains the same dissolved constituents as are present in the groundwater and currently discharging to Greenwalk Creek at some on-site springs.

Initially, discharge from Well IW-1 was conveyed approximately 300 feet via overland pipe to a 15 square foot stone-lined discharge structure located approximately 50 feet from the bank of Greenwalk Creek. Prior to 2020, the docket holder relocated the IW-1 discharge from the stone-lined energy dissipater to a cobbled creek bed area approximately 800 feet to the south. The reason for relocating the discharge is that during low groundwater conditions, Greenwalk Creek is dry at the former discharge location. Under these conditions, water from IW-1 infiltrates back into the aquifer which negates the influence of IW-1 to protect water quality at the docket holder's boreholes. At the proposed downstream discharge location there is flow in the Creek even during low groundwater conditions. Water is piped to the downstream discharge location using lay flat hose placed on the ground surface to avoid any ground disturbance along the route of the hose. The hose outlet is positioned to direct the discharge onto cobbles at the edge of the creek channel, so that flow is dispersed and there is no erosion created by the discharge.

5. Facilities. The existing project well has the following characteristics:

WELL NO.	DEPTH / DIAMETER	SCREENED INTERVAL	PUMP CAPACITY	YEAR DRILLED
IW-1	50' / 8"	40' to 50' bgs*	300 gpm	2013

*bgs - below ground surface

Well IW-1 is metered.

The project is not located within FEMA-mapped flood hazard areas.

The facility is not staffed 24 hours per day nor is it equipped with a remote alarm or emergency generator. The pumping and subsequent discharge of groundwater stops in the event of a power failure. The facility discharges groundwater which includes no additives nor treatment of the groundwater. As such, a remote alarm, emergency power and an emergency management plan are not required.

6. NPDES Permit / DRBC Effluent Requirements. NPDES Permit No. PA0275794 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting cold water fishes (CWF) and migratory fishes (MF). EFFLUENT TABLE C-1 included in Section C. DECISION condition C.1. of this docket, contains effluent requirements for DRBC parameters that must be met as a condition of this approval. Effluent requirements for Outfall No. 001 are based on a discharge rate of 0.377 mgd.

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 groundwater withdrawal and discharge project is 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.25. of this docket provides that prior to commencing construction of 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 new service area complies with a DRBC approved NPSPCP.

2. Other Findings

In consideration of the scope of the project, the Commission does not require monitoring of BOD₅, total suspended solids, ammonia nitrogen, or fecal coliform as the discharge involves untreated groundwater which is already naturally discharging to the receiving stream.

NPDES Permit No. PA0275794 also requires that the docket holder monitor for pH, temperature, dissolved oxygen and total dissolved solids in Greenwalk Creek upstream and downstream of the groundwater discharge and monitor total dissolved solids at the weir located on Greenwalk Creek above its confluence with Waltz Creek. PADEP requires that the field measurements and water sample collections occur at a minimum frequency of 2 times per month and the results must be reported monthly as a supplement to the PADEP discharge monitoring report.

The in-stream sample data shall be made available to the Commission at the request of the Executive Director. The docket holder shall continue to submit the required monitoring results of

parameters contained in EFFLUENT TABLE C-1 electronically to the Commission on an annual basis (see Section C. DECISION Condition C.1).

The DRBC estimates that the project withdrawals, used for the purpose of groundwater interception and discharge, result in a consumptive use of nearly zero (0) percent of the total water withdrawal. 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 nearest surface water intake of record for public water supply is located on the Delaware River approximately 14 River Miles downstream of the docket holder's groundwater discharge and is operated by Easton Suburban Water Authority.

The project is designed to conform to the requirements of the *Water Code (WC)* and *Water Quality Regulations (WQR)* of the DRBC.

The effluent limits in the NPDES Permit conform with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge that meets the effluent requirements as set forth in the Commission's *Water Quality Regulations (WQR)*.

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-2013-020-3 below, Docket No. D-2013-020-2 is terminated and replaced by Docket No. D-2013-020-3. 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 comply with the requirements contained in the EFFLUENT TABLES below. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email aemr@drbc.gov on the **Annual Effluent Monitoring Report Form** located at this web address: <https://www.nj.gov/drbc/programs/project/docket-app-info.html#3>. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations. The following average

monthly effluent limits are among those listed in the NPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE C-1: DRBC Parameters Included in NPDES Permit

OUTFALL 001 (Well IW-1 Discharge)		
PARAMETER	LIMIT	MONITORING
Flow (MGD)	Report	As required by NPDES Permit
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Dissolved Solids	1,000 mg/l	As required by NPDES Permit

* See DECISION Condition C.5.

2. 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).

3. 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 weekly 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

4. The well shall not be pumped above the maximum rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
IW-1	262 gpm	11.696 mgm

* Based on a 24-Hour Average

5. The docket holder may request permission from the Executive Director to perform specific conductance monitoring in lieu of TDS monitoring. The request shall be made in writing and shall include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow specific conductance monitoring in lieu of TDS monitoring.

6. 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.
7. 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.
8. The facility and operational records shall be available at all times for inspection by the DRBC.
9. The well and facility shall be operated at all times to comply with the requirements of the *WC* and *WQR* of the DRBC.
10. 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.
11. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).
12. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.
13. 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.
14. The docket holder shall discharge wastewater in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.
15. 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.
16. 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*.

17. The docket holder is permitted to treat and discharge wastewater as set forth in the Area Served Section of this docket, which incorporates by reference the Type of Discharge and Service Area sections of the docket holder's Application to the extent consistent with all other conditions of this section. Any expansion beyond that 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 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).

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. 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.

25. Prior to commencing construction of 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 new service area complies with a DRBC approved NPSPCP.

26. 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:

EXPIRATION DATE: December 3, 2036