

**DOCKET NO. D-1985-080-5**

**DELAWARE RIVER BASIN COMMISSION**

**Boyertown Foundry Company  
Groundwater Withdrawal  
Boyertown Borough, Berks County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on March 14, 2022 (Application) for renewal of an allocation of groundwater and review of a groundwater withdrawal project.

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 November 9, 2022.

**A. DESCRIPTION**

1. **Purpose.** The purpose of this project is to renew the approval of an existing groundwater withdrawal of up to 3.54 million gallons per month (mgm) to supply industrial cooling water to the docket holder's facility from existing Well 1A.
2. **Location.** The project well is completed the Leithsville Dolomite Formation and is located in the Swamp Creek Watershed in Boyertown Borough, Berks County, Pennsylvania. Swamp Creek near the project site is designated by the PADEP as supporting Cold Water Fishes (CWF) and Migratory Fishes (MF).

Specific location information has been withheld for security reasons.

3. **Area Served.** The project withdrawal will only supply water to the non-contact cooling system of the docket holder's facility. 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 docket holder's facility is a factory that produces metal castings. The allocation of groundwater from Well 1A is for the use of non-contact cooling of the facility only; potable water for the plant is served by public water. The facility has an average and maximum demand of 0.043 million gallons per day (mgd) and 0.057 mgd, respectively. The docket holder estimates no future increase in demand. The allocation of 3.54 mgm should be sufficient to meet the future demands of the docket holder's system. Water for domestic supply is supplied by the Borough of Boyertown distribution system.

5. **Facilities.** The docket holder’s existing well has the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
1A	298	36’/Unknown	100	1985

The well is metered.

Prior to entering the distribution system, the water will not be treated.

The project wellhead is above the 100-year flood elevation.

The docket holder’s facility presently gets its potable from the Borough of Boyertown System (DRBC Docket No. D-1980-074 CP).

6. **Other.** Wastewater is conveyed to the Borough of Boyertown wastewater treatment facility most recently approved by DRBC Docket No. D-1973-199 CP-5 on June 9, 2021. The wastewater treatment facility is approved by PADEP NPDES No. PA0024376. The treatment facility has adequate capacity to receive wastewater from the proposed project.

## B. **FINDINGS**

The Boyertown Foundry Company facility has been in operation since the 1920s, previously operated by different owners. There have been no reported water supply problems or complaints of interference to neighboring wells since 1985 when the project well was approved by the Commission.

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

The docket holder estimates that the project withdrawals, used for the purpose of industrial cooling, 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 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-1985-080-5 below, Docket No. D-1985-080-4 is terminated and replaced by Docket No. D-1985-080-5. 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 biweekly 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. 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.

**Other Conditions**

4. During any month, the withdrawal from Well 1A shall not exceed 3.54 million gallons. The well shall not be pumped above the maximum rate and monthly allocation as indicated below:

<b>WELL NO.</b>	<b>MAXIMUM RATE (GPM)*</b>	<b>MONTHLY ALLOCATION (MGM)</b>
1A	100	3.54

\*Based on a 24-Hour Average

5. Section 2.3.10 of the Commission's *Rules of Practice and Procedure (RPP)* (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.

6. 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 or not 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.

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

8. The well shall be operated at all times to comply with the requirements of the *WC* and *WQR* of the DRBC.

9. The well 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.

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

11. 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 *WQR* of the Commission.

12. 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.

13. 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*.

14. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations. (see 18 C.F.R. 401.43).

15. 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 C.F.R. 401.35).

16. 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. 401.35).

17. 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.

18. 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.

**19.** 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.

**20.** 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: December 7, 2022**

**EXPIRATION DATE: December 7, 2032**