

DOCKET NO. D-1989-040 CP-3

DELAWARE RIVER BASIN COMMISSION

**Southeastern Pennsylvania
Ground Water Protected Area**

**Aqua Pennsylvania, Inc. – Spring Run System
Groundwater Withdrawal
West Bradford and Newlin Townships, Chester County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on November 21, 2018 and revised applications were submitted on June 24, 2021 and June 8, 2022 for renewal of an allocation of groundwater and review of a groundwater withdrawal project (Application). The groundwater withdrawal project was approved by the Pennsylvania Department of Environmental Protection (PADEP) on October 2, 1998 (Permit No. 1598510). The docket holder submitted a Public Water Supply Major Amendment application to the PADEP for Embreeville Wells 1R and 2 on May 17, 2022, and it is currently under 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 Chester 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 to renew the approval of an existing groundwater withdrawal with an increase in allocation from 23.1 mg/30 days to 37.0 mgm to supply the Aqua Pennsylvania's (Aqua PA) Spring Run public water supply distribution system from Wells UG-1, UG-2, UG-3, UG-8, UG-9 and UG-10 which were previously approved and Wells Embreeville Nos. 1R and 2 that were not previously approved. Embreeville Well 2 is a pre-Compact well and Embreeville Well 1R is a new well that will replace Pre-Compact Embreeville Well 1. The approval will also remove Wells UG-4, UG-5, UG-6, UG-7, UG-11, UG-12, UG-13, UG-14, UG-15, UG-16, UG-17 and UG-18 from the docket.

2. Location. Project wells UG-1, UG-2, UG-3 UG-8, UG-9 and UG-10 are completed in the Wissahickon Formation and Embreeville Wells 1R and 2 are completed in the Cockysville Marble all are located in the West Branch Brandywine Creek Watershed in West Bradford and Newlin Townships, Chester County, Pennsylvania. The West Branch Brandywine Creek near the project site is designated by the PADEP as supporting Trout Stocking Fishes (TSF) and Migratory Fishes (MF).

Specific location information has been withheld for security reasons.

3. **Area Served.** The docket holder’s wells serve West Bradford Township with some additional territory enclosed in East Fallowfield, Newlin, Pocopson and East Bradford Townships as delineated as Aqua PA UGS South on the service area map entitled “Aqua Pennsylvania Southeastern Division Distribution System” submitted with the renewal 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 docket holder supplies potable water to an estimated population of 7,611 via 3,099 domestic connections, 55 commercial connections and 160 other public and institutional connections. The average and maximum groundwater demand for this project are 0.430 million gallons per day (mgd) and 1.620 mgd, respectively. The docket holder projects an average and maximum water demand of 0.505 mgd and 1.850 mgd, respectively, by the year 2032. The allocation of 37.0 mgm should be sufficient to meet the future demands of the docket holder’s water distribution system.

The Spring Run water distribution system currently receives on average 0.252 mgd of water from the docket holder’s Ingram’s Mill water treatment plant, which is sourced from surface water outside of the Spring Run System. Within the next 10 years, the addition and subsequent rehabilitation/improvements to the Embreeville wells, Aqua PA intends to source supply locally for demand in Spring Run System and reduce regular utilization of the Ingram’s Mill interconnection, which is needed elsewhere in the docket holder’s Main system.

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

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
UG-1	320	61’/8”	100	1975
UG-2	360	54’/8”	100	1978
UG-3	440	23’/8”	100	1972
UG-8	305	50’/8”	100	1977
UG-9	305	41’/8”	50	1977
UG-10	260	78’/8”	75	1977
Embreeville Well 1R (new)	203	100’/ 12”	996	2020
Embreeville Well 2	170	57’/8”	352	1956

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water will be chlorinated.

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

The water system is presently intraconnected with the Aqua Pennsylvania Ingrams Mill system to be used as a backup source.

6. **Other.** Wastewater is conveyed to the Utilities Inc. of Pennsylvania sewage treatment facility most recently approved by DRBC Docket No. D-1980-058 on March 25, 1981. The PADEP issued its most recent NPDES Permit No. PA0043982 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the project. Wastewater in the project service area is conveyed to on-lot septic systems.

7. **Relationship to the Comprehensive Plan.** The project was previously included in the Comprehensive Plan by the Commission in Docket Nos. D-1966-110 CP, D-1989-040 CP and D-1989-040 CP RENEWAL approved on July 20, 1966, October 25, 1989 and February 22, 1995 respectively. Issuance of this docket will continue the withdrawal project in the Comprehensive Plan.

B. **FINDINGS**

The Spring Run distribution system historically consisted of twenty-two (22) wells, one (1) of which is included in Docket D-1966-110 CP and eighteen (18) of which are included in Docket D-1989-040 CP. The well included in D-1966-110 CP is designated Well No. 1 which has been taken out of service and abandoned. Of the eighteen (18) wells listed in Docket D-1989-040 CP, six (6) wells still exist and are in use and the remainder have been taken out of service and reportedly abandoned. Two of the remaining wells (Embreeville Wells 1 and 2) were part of a pre-Compact water system and had not been previously approved by DRBC. The wells replaced a pre-Compact surface water withdrawal from the West Branch of the Brandywine River. These wells have been in use for over 20 years as part of the Spring Run system and are located outside the Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA). Embreeville Well 1R will replace Embreeville Well 1.

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 *Ground Water Protected Area Regulations (GWPAR)* 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 ground water basin, should not exceed withdrawal limits of the ground water 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*. There have been no reported complaints of well interference since the initial 1989 approval of this renewal project. 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 UG-8, UG-9 and UG-10 are located in the West Branch Brandywine-Broad Run subbasin (Subbasin No. 35), where total net annual ground water withdrawal (207.4 million gallons per year (mgy)) is significantly less than the withdrawal limit set in Section 6.I of the *GWPAR* (3,172.8 mgy). The docket holder is requesting a monthly allocation of up to 6.508 mgm (78.096 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 UG-1, UG-2 and UG-3 are located in the West Branch Brandywine-Beaver Run (Subbasin No. 78), where total net annual ground water withdrawal (384.01 mgy) is significantly less than the withdrawal limit set in Section 6.I of the *GWPAR* (2,813.3 mgy). The docket holder is requesting a monthly allocation of up to 9.225 mgm (110.7 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*.

Embreeville Well 1R and 2 are located in the West Branch of the Brandywine-Broad Run subbasin (Subbasin No. 35), although they are not located within the boundary of the SEPA GWPA. The SEPA GWPA boundary follows the West Bradford Township boundary, portions of the Spring Run service area, like Newlin Township where these two wells are located are outside the SEPA GWPA.

2. Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the *Water Code (WC)* 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 17, 2022.

3. Hydrogeologic Evaluations

Embreeville Well 1R

On October 6 through October 9, 2020, a 72-hour pumping test was conducted to assess withdrawal capabilities of Embreeville Well 1R and the underlying aquifer characteristics and potential impacts to the local hydrologic system. The average pumping rate of the test on Embreeville Well 1R was approximately 996 gallons per minute (gpm). Discharge from the pumping well was conveyed approximately 220 southeast and into the West Branch Brandywine Creek. The end of the discharge pipe was perforated to spread the discharge volume and velocity over a 10-foot section of the creek bottom to ensure no erosion or sedimentation occurred. A Temporary Discharge Approval was obtained from the PADEP Clean Water Program for this discharge method and receiving stream. Embreeville Well 1R was pumped for a total period of 4,320 minutes.

Groundwater response monitoring was conducted in the pumping well (Embreeville Well 1R) and seven (7) Monitoring Wells including Embreeville Well 1, Embreeville Well 2, a Newlin Township well and four (4) neighboring domestic wells (all monitored electronically and manually). Monitoring Wells were located from approximately 20 feet (Embreeville Well 1) to 3,100 feet (Onreal Well) from the pumping well.

Surface water response monitoring was conducted in the natural wetlands located 1,300 feet north of the pumping well. The monitoring points included a below grade piezometer and still well in ponded water. Man-made wetlands surrounding Embreeville Well 1 and 1R were also monitored at four (4) monitoring locations at distances of 260 feet northwest (SW-1), 55 feet east (SW-2), 100 feet south (PZ-3), and 300 feet south (SW-4) of the pumping well. At SW-1,

SW-2, and SW-3 a stilling well was installed in the ponded water; at PZ-3 a piezometer was constructed within the clay liner to evaluate possible head decline and potential leakage. Electronic dataloggers were used to record water levels and programmed at a 10-minute frequency at all monitoring locations.

Prior to the start of the pumping test, the water level in Embreeville Well 1R was 8.95 feet below top of casing (btoc). Maximum drawdown observed at the pumping well, after approximately 72 hours of pumping at a rate of approximately 996 gpm, was 45.41 feet (water level of 54.36 feet btoc). Drawdown as a result of pumping was observed in Observation Well Embreeville Well 1 and with approximately 12.0 feet of drawdown. Drawdown at Observation Well Embreeville Well 2 as a result of pumping at Embreeville Well 1R was estimated to be 6.0 feet. There was no discernible effect at any of the other groundwater monitoring points.

There was no discernible effect at any of the wetland monitoring points. Based on this data, the natural and man-made wetland hydrology does not appear to be in hydraulic connection with the interval of the bedrock aquifer accessed by Embreeville Well 1R.

The observed drawdown data was used to calculate aquifer parameters to characterize the underlying aquifer. The median transmissivity value for the Embreeville Well 1R test data was 23,000 ft²/d using various methods including Cooper-Jacob, Theis, Theis Distance-Drawdown and Theis Residual Drawdown methods, at the test rate of 996 gpm. A median Storativity was calculated to be 8.4×10^{-5} from the drawdown in Observation Wells Embreeville Wells 1 and 2, which is consistent with confined aquifers.

The Commission has reviewed the Hydrogeologic Report for the Embreeville Well 1R pumping test. No adverse impacts are expected to occur to the local hydrologic system due to the pumping from Embreeville Well 1R.

Embreeville Well 2

From July 20, 2017 through July 24, 2017, a long-term pumping test was conducted to assess withdrawal capabilities of Embreeville Well 2 and the underlying aquifer characteristics and potential impacts to the local hydrologic system. The additional 72 hours of pumping was performed because the generator shutdown for approximately 192 minutes, 23 hours into the pumping test and was restarted. Once restarted, the pre-shutdown pumping water level trend quickly resumed. A large rain event occurred from July 24th through July 25th, but it did not appear to influence the results of the pumping test. The average pumping rate of the test on Embreeville Well 2 was approximately 352 gpm. The discharge was conveyed approximately 900 feet to the north and discharged into the West Branch Brandywine Creek. The end of the discharge was perforated to spread the discharge volume and velocity over a 10-foot section of the creek bottom to ensure no erosion or sedimentation occurred. A Temporary Discharge Approval was obtained (November 18, 2016, and renewed on July 18, 2017, due to the delay of the aquifer test) from the PADEP Clean Water Program for this discharge method and receiving stream. Embreeville Well 2 was pumped for a total period of 5,940 minutes.

Groundwater response monitoring was conducted in the pumping well (Embreeville Well 2) and Monitoring Wells including Embreeville Well 1 and the Tenant Well (domestic well) (all monitored electronically and manually). Monitoring Wells were located approximately 850 feet (Embreeville Well 1) and 1,360 feet (Tenant Well) from the pumping well.

Surface water response monitoring was conducted in the West Branch Brandywine Creek. Also, a nested set of piezometers was installed on the east side of the creek within a ponded area of the constructed wetlands. Electronic dataloggers were used to record water levels and programmed at a 10-minute frequency at all monitoring locations.

Prior to the start of the pumping test, the water level in Embreeville Well 2 was 12.72 feet below top of casing (btoc). Maximum drawdown observed at the pumping well, after approximately 99 hours of pumping at a rate of 352 gpm, was 74.44 feet (water level of 87.16 feet btoc). Drawdown as a result of pumping was observed in Monitoring Well Embreeville Well 1 with approximately 2.0 feet of drawdown. There was no discernible effect at Tenant Well.

There was no discernible effect at any of the wetland monitoring points. Based on this data, the wetland hydrology does not appear to be in hydraulic connection with the interval of the bedrock aquifer tapped by Embreeville Well 2.

The observed drawdown data was used to calculate aquifer parameters to characterize the underlying aquifer. The median transmissivity value for the Embreeville Well 2 test data was 7,400 ft²/d using the Cooper-Jacob and Theis Residual Drawdown methods, at the test rate of 352 gpm. Storativity was calculated from the drawdown in Monitoring Well Embreeville Well 1. Two (2) values were calculated using different methods were 0.0014 and 0.011 which are in the range of semi-confined to confined aquifers.

The Commission has reviewed the Hydrogeologic Report for the Embreeville Well 2 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to the pumping from Embreeville Well 2.

4. Monitoring Network

Although adverse impacts to the local hydrologic system were not observed in either of the Embreeville Well 1R or Embreeville Well 2 pumping tests, a monitoring network has been included as described in Section C. DECISION condition C.3 of this Docket. The docket holder may submit a summary report of all the monitoring network water level data and production well withdrawal data to request to have the monitoring network requirement removed from this docket after five (5) years of monitoring provided the collective data indicates that the withdrawals from these two wells are not adversely impacting the local hydrologic system. If there is any indication that the withdrawals from these two well are adversely impacting the local hydrologic system, the monitoring network shall remain in effect.

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, Water Quality Regulations* and *Ground Water Protected Area Regulations* 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-1989-040 CP-3 below, the project described in Docket Nos. D-1966-110 CP and D-1989-040 CP RENEWAL are removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1989-040 CP-3; Docket No. D-1966-110 CP and D-1989-040 CP RENEWAL are terminated and replaced by Docket No. D-1989-040 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. A long-term monitoring program is required to obtain data on groundwater and surface water hydrologic conditions in the project area. The docket holder shall implement the long-term monitoring program as submitted by the docket holder in a letter dated September 14, 2022. This program will include the following:

A. Groundwater Level Monitoring - The docket holder shall monitor the two (2) wells (900 Stargazers Road and the Tenant House owned by the Township) to estimate annual groundwater 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 area of the docket holder's Embreeville production wells.

B. Reports - All monitoring data, including records required in Conditions "2." and "3." 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.

C. 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. The docket holder may submit a summary report of all the monitoring network water level data and production well withdrawal data to request to have the monitoring network requirement removed from this docket after five (5) years of monitoring provided the collective data indicates that the withdrawals from these two wells are not adversely impacting the local hydrologic system.

4. 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.

5. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the *Water Code (WC)*, 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.

6. 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.

7. 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.

Other Conditions

8. During any month, the combined withdrawal from all well sources shall not exceed 37.0 million gallons (444 mgd). No well shall be pumped above the maximum rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
UG-1	100	2.183
UG-2	100	2.582
UG-3	100	4.460
UG-8	100	3.214
UG-9	50	1.647
UG-10	75	1.647
Embreeville Well 1R	996	37.0
Embreeville Well 2	352	15.71

* Based on a 24-Hour Average

9. In accordance with 18 CFR 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.

10. 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.

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 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.

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 WC and WQR 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 C.F.R. 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 C.F.R. 401.43).

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 C.F.R. 401.43).

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 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.

BY THE COMMISSION

APPROVAL DATE: December 7, 2022

EXPIRATION DATE: December 7, 2032