

DOCKET NO. D-1981-071 CP-6

DELAWARE RIVER BASIN COMMISSION

Located in Drainage Area to Special Protection Waters

**Borough of Jim Thorpe
Surface Water and Groundwater Withdrawal
Borough of Jim Thorpe, Carbon County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on December 10, 2024 for renewal of an allocation of groundwater and surface water and review of a groundwater and surface water withdrawal project (Application). The Pennsylvania Department of Environmental Protection (PADEP) issued its most recent Public Water Supply Operation Permit No. 3130043 for the groundwater wells on March 16, 2010. Water Allocation Permit No. WA13-69B was issued by PADEP on October 30, 1990 for the surface water supply.

The Application was reviewed for continuation of this project in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Carbon 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 5, 2025.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to renew the approval of a surface water withdrawal of up to 10.0 million gallons per month (mgm) from an existing intake on Mauch Chunk Creek for use in the docket holder's West Side Public Water System and a groundwater withdrawal of up to 10.0 mgm from Wells 1 and 4 for use in the docket holder's East Side Public Water System. Although the approved maximum rates remain unchanged, the monthly allocations are reductions from the previously approved allocations because of decreased 10-year projected demands.
- 2. Location.** The existing project intake is located on Mauch Chunk Creek, a tributary to the Lehigh River, approximately 1.5 miles downstream from the Mauch Chunk Reservoir. Based on the PADEP Existing Use Table, last revised on July 21, 2025, Mauch Chunk Creek at the withdrawal site has an Existing Use Designation of HQ-CWF, MF and supports a Class A

population of wild trout. The project wells are completed in the Mauch Chunk Formation and located in the drainage area of Silkmill Run in the Mauch Chunk Creek-Lehigh River Watershed. The intake and wells are located within the drainage area to the Lower Delaware Special Protection Waters (SPW) in the Borough of Jim Thorpe, Carbon County, Pennsylvania.

Specific location information has been withheld for security reasons.

3. Area Served. The docket holder supplies water to two separate non-interconnected service areas, the East Side System and the West Side System. Wells 1 and 4 serve the eastern half of the Borough of Jim Thorpe (East Side System), which is separated from the western half (West Side System) by the Lehigh River. The western portion of the Borough of Jim Thorpe is served by the Mauch Chunk Creek surface water withdrawal. The service area is shown on a map entitled "Borough of Jim Thorpe Carbon County, Pennsylvania Water Service Area Civil" submitted with 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 East Side System groundwater supply currently serves water to approximately 2,854 persons on 879 domestic service connections, 83 commercial service connections, one industrial service connection and 5 institutional service connections and records an existing average and maximum daily water demand of 0.1026 million gallons per day (mgd) and 0.1472 mgd, respectively. The docket holder projects the 10-year average and maximum daily water demand to increase to 0.1288 mgd and 0.1759 mgd, respectively. The total groundwater allocation of 10.0 mgm should be sufficient to meet the future demands of the East Side System.

The West Side System surface water supply currently serves water to approximately 2,274 persons on 686 domestic service connections, 90 commercial service interconnections, 1 industrial service connection and 1 institutional service connection and records an existing average and maximum daily water demand of 0.084 million gallons per day (mgd) and 0.124 mgd, respectively. The docket holder projects the 10-year average and maximum water demand to increase to 0.111 mgd and 0.184 mgd, respectively. The allocation of 10.00 mgm should be sufficient to meet the future demands of the West Side System.

5. Facilities.

East Side System

The east side system is served by wells. The existing project wells have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
1	408'	16' / 10"	260 gpm	1920
4	450'	53' / 8"	350 gpm	1980

All Wells are metered

All East Side System service connections are metered

Prior to entering the distribution system, the water is chlorinated.

The project wells and treatment facilities are located outside of the mapped 100-year floodplain of Silkmill Run.

West Side System

The West Side System is served by surface water withdrawn from Mauch Chunk Creek. The existing intake has the following characteristics:

INTAKE NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY	7Q10 FLOW AT INTAKE (CFS)	YEAR CONSTRUCTED
1	Mauch Chunk Creek	0.505 mgd	1.38 cfs ⁽¹⁾ 0.892 mgd	1968

(1) Low flow statistics calculated using USGS Streamstats v.3.0.

Withdrawals from the intake are metered.

All water service connections are metered.

Prior to entering the distribution system, the water is treated as described below.

The water treatment plant is located along the Mauch Chunk Creek, but is located outside its mapped 100-year floodplain.

The Borough of Jim Thorpe Westside System obtains its water supply from a small intake dam on Mauch Chunk Creek, about 1-mile downstream of the Mauch Chunk Creek Reservoir owned by the Carbon County Commissioners. The Mauch Chunk Creek Reservoir, constructed in May of 1968, is a multipurpose reservoir and makes releases to control low flow in Mauch Chunk Creek. The Mauch Chunk Reservoir has a normal surface area pool of 320 acres and a storage of 1.36 billion gallons. The DRBC Comprehensive Plan has recorded a water supply storage of 375 acre-feet of water supply capacity or 122 million gallons. PADEP previously determined that a minimum continuous flow of 0.58 mgd is assured downstream of the dam through an orifice in the sluice gate on the downstream pond drain discharge. In addition, a gated 8-inch orifice (18 inches below the normal pool) can be used for releasing 122 million gallons of water supply storage for the Borough of Jim Thorpe when required.

At the small intake dam on Mauch Chunk Creek, raw water is withdrawn through an 8-inch diameter pipe equipped with a top mounted wedge wire intake screen and is treated at a the existing 0.5-mgd capacity Borough of Jim Thorpe water treatment plant located about ½ mile east of the intake. Water from Mauch Chunk Creek enters the treatment plant where it is pre-screened and chemical additions of sodium permanganate, soda ash, chlorine and polyaluminum chloride are mixed with the water prior to entering one of two Roberts inline filter units each with a capacity of 350 gpm. The filters have an upflow adsorption clarifier section and a downflow mixed media filter section. The filter units are backwashed to a backwash tank and then discharged to the Jim Thorpe sanitary sewer system. Following filtration, the water is treated for pH adjustment and corrosion control and chlorinated prior to discharging into the clearwell and then the 1.0 mg concrete storage tank.

6. Other. Wastewater from the East and West Side Systems is conveyed to the Borough of Jim Thorpe Wastewater Treatment Plant most recently approved by DRBC Docket No. D-1996-019 CP-4 on September 7, 2023. The PADEP issued NPDES Permit No. PA0021873 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the existing project.

7. Relationship to the Comprehensive Plan. Existing Wells 1 and 4 and the Mauch Chunk surface water withdrawal were previously included in the Comprehensive Plan by the Commission in Docket No. D-81-71 CP on August 5, 1982 and Docket No. D-90-22 CP on October 24, 1990, respectively. The Mauch Chunk Watershed Project was included in the Comprehensive Plan for conservation measures, flood control, water supply and recreation by DRBC Docket No. D-65-108 on December 29, 1965. Issuance of this docket will continue the withdrawal project in the Comprehensive Plan.

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 wells and surface water intakes providing water supply to the docket holder are 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.27. of this docket provides that at such time, if ever, as additions to the area served by the docket holder's withdrawals are proposed, the docket holder will be required to demonstrate compliance with an approved NPSPCP in accordance with DRBC's SPW regulations.

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 22, 2024.

3. PADEP Water Allocation Permit and Passby Requirements

PADEP Water Allocation Permit No. WA13-69C issued to the Borough of Jim Thorpe on April 16, 2020 grants the right to withdraw up to a maximum of 425,000 gpd from Mauch Chunk Creek for use in the West Side System. The Water Allocation Permit requires a flow of not less than 1.88 mgd (2.92 cfs) be allowed to pass the Mauch Chunk Creek intake at all times. When streamflow below the intake is less than this amount, the withdraw must be reduced to maintain 1.88 mgd in the stream channel below the intake. The PADEP Water Allocation Permit expires on April 16, 2045.

4. Surface Water Charges / Entitlement

DRBC Certificate of Entitlement No. 309, entitles the Borough of Jim Thorpe to withdrawal up to 12.2 million gallons per month (1.22 mgm consumptive use and 10.98 mgm non-consumptive use) from the Mauch Chunk Creek Intake without surface water charges. The docket holder shall pay for surface water use in excess of 1.22 mgm consumptive use and 10.98 mgm non-consumptive use from the water diversion in accordance with the provisions of 18 C.F.R. Part 420 as described in Section C. DECISION condition C.27.

The docket holder's East Side System was previously supplied by reservoirs on Ruddles Run. These reservoirs were taken out of service in 1993. The DRBC Certificate of Entitlement

No. 303 previously issued for the Ruddles Run Intake was rescinded by the Executive Director on November 14, 2005.

5. Other Findings

In its Application, the docket holder requested to retain the groundwater and surface water allocations of 12.4 mgm and 13.175 mgm, respectively. The Commission typically bases water allocations on ten-year projected maximum use estimates, with some minor flexibility for municipal public water purveyors. The allocations granted herein satisfies the docket holder's ten year projected maximum use.

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 Basin Regulations-Water Supply Charges 18 C.F.R. 420.1(d).

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

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

Effective on the approval date for Docket No. D-1981-071 CP-6 below, the projects described in Docket No. D-1981-071 CP-5 are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1981-071 CP-6; Docket No. D-1981-071 CP-5 is terminated and replaced by Docket No. D-1981-071 CP-6; and the projects and the appurtenant facilities described in in Section A.4. (Design Criteria) and A.5. (Facilities) shall be continued in the Comprehensive Plan. The projects 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. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted for surface water withdrawals by the designated agency (PADEP) if maintenance of the 5 percent

performance is not technically feasible or economically practicable. 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. The docket holder shall pay for surface water use in excess of 1.22 mgm consumptive use and 10.98 mgm non-consumptive use from Mauch Chunk Creek in accordance with *Basin Regulations – Water Supply Charges 18 C.F.R. Part 420*.

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.

Other Conditions

7. During any month, the combined withdrawal from all well sources shall not exceed 10.0 million gallons and the withdrawal from Mauch Chunk Creek Intake 1 shall not exceed 10.0 million gallons. No source shall be pumped above the maximum rate and monthly allocation as indicated below:

SOURCE ID	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
Intake 1, Mauch Chunk Creek	295 gpm	10.00 mgm
Well 1	260 gpm	7.3 mgm
Well 4	350 gpm	7.4 mgm

* Based on a 24-Hour Average

8. In accordance with 18 C.F.R. 401.8. of the Commission's *Rules of Practice and Procedure (RPP)*, if at any future time the Project is changed materially 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 materially for purposes of this provision.
9. 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.
10. 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.
11. The wells, surface water intake and operational records shall be available at all times for inspection by the DRBC.
12. The wells and surface water intake shall be operated at all times to comply with the requirements of the *WC* and *WQR* of the DRBC.
13. 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.
14. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).
15. 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).
16. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.
17. 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.

18. 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.

19. 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*.

20. 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).

21. 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).

22. 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).

23. 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.

24. 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.

25. 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.

26. 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.

27. 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 complies with a DRBC approved NPSPCP.

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:

EXPIRATION DATE: December 10, 2035