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DOCKET NO. D-1991-058 CP-7

DELAWARE RIVER BASIN COMMISSION

**Maidencreek Township Authority
Groundwater Withdrawal
Maidencreek Township, 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 11, 2025 for an increase of an allocation of groundwater and review of a groundwater withdrawal project and approval of a new interconnection with Muhlenberg Township Authority (Application). The Public Water Supply Permit No. 0622514 was issued by Pennsylvania Department of Environmental Protection (PADEP) on May 22, 2023 for the construction of Wells 6 and 7. The proposed interconnection project requires approval by the PADEP. The interconnection project requires approval by the PADEP. The docket holder will prepare final plans for the interconnection and submit the required PADEP permit application upon approval by the Commission.

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 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 5, 2025.

A. DESCRIPTION

1. **Purpose.** The purpose of this project is to approve an increase in allocation from 23.46 million gallons per month (mgm) to 68.10 mgm of groundwater from existing wells 2, 3, 5, 6 and 7 used for public water supply and approval of a new interconnection with Muhlenberg Township Authority. The increase in allocation will allow the docket holder to provide up to 1,000 gpm (44.64 mgm) of water to Muhlenberg Township Authority through the proposed new interconnection.

2. **Location.** The existing project wells are completed in the Epler, Allentown and Ontelaunee Formations and are located in the Willow and Lower Maiden Creek Watersheds in Maidencreek Township, Berks County, Pennsylvania.

Specific location information has been withheld for security reasons.

3. Area Served. The docket holder serves water to portions of Maidencreek Township. The service area is shown on a map entitled “Maidencreek Township Authority, Water Service Area Map”, dated April 7, 2020 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 system currently serves water to approximately 8,721 persons on 2,686 domestic service connections, 108 commercial and 9 industrial service connections and records an existing average and maximum water demand of 0.471 million gallons per day (mgd) and 0.748 mgd, respectively. The present peak monthly use is reported at 0.517 mgd or 16.03 mgm. The docket holder projects the 10-year average and maximum daily water demand within its service area to increase to 0.639 mgd and 1.012 mgd, respectively. The peak monthly use is projected to increase to 0.702 mgd or 21.76 mgm. In the future, the docket holder plans to provide up to 1,000 gpm (44.64 mgm) through a bulk water sale agreement with Muhlenberg Township Authority through a new proposed interconnection. The requested allocation of 68.10 mgm is sufficient to meet the docket holder’s 10-year peak monthly demand of 21.8 mgm and the bulk sale of up to 44.64 mgm of water to Muhlenberg Township Authority.

The proposed interconnection to supply water to Muhlenberg Township Authority is designed to enhance and supplement Muhlenberg’s existing water supply. Muhlenberg Township Authority’s public water system is supplied by nine existing groundwater sources. DRBC Docket No. D-2001-030 CP-3, approved on June 12, 2019 provided an allocation of 119.9 mgm. If critical wells or pumps would fail, Muhlenberg Township Authority may fail to provide an adequate quantity of water to its customers. Additionally, maintenance of Muhlenberg Township Authority’s high-capacity wells is difficult while still providing a continuous supply of water to the system. Muhlenberg Township Authority has evaluated other locations for new well sites, but have challenges and complexities associated with these options. Muhlenberg Township Authority has determined that an interconnection is the best viable option to create a better water supply for its community.

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

WELL NO.	DEPTH (FEET)	CASED DEPTH (FEET) / CASING DIAMETER (INCHES)	PUMP CAPACITY (GPM)	YEAR DRILLING COMPLETED
2	297	134 / 8	250	1973
3	338	292 / 12	1,600	1990
5	831	125 / 10	500	2004
6	380	120 / 10	600	2016
7	379	160 / 12	1,000	2016

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water is disinfected using chlorine gas and sodium fluoride added. Additionally, the water from Well 5 is treated by ion exchange for nitrate removal.

The project facilities are not located in a flood hazard area.

A new interconnection with Muhlenberg Township Authority is proposed. The interconnection will allow for the bulk sale of up to 1,000 gpm of water to Muhlenberg Township Authority but will be designed such that the flow may be reversed to provide water to the docket holder for emergency purposes.

6. Other. Wastewater from the docket holder's area served is conveyed to the Maidencreek Township Authority sewage treatment facility most recently approved by DRBC Docket No. D-2000-028 CP-4 on June 9, 2021. PADEP has issued NPDES Permit No. PA0070271 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the existing project.

Wastewater generated from the water supplied to Muhlenberg Township Authority through the new interconnection will be conveyed to the City of Reading Fritz Island sewage treatment facility most recently approved by DRBC Docket No. D-1986-028 CP-5 on June 5, 2024. The PADEP issued NPDES Permit No. PA0026549 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the Muhlenberg wastewater service area.

8. Relationship to the Comprehensive Plan. The docket holder's existing water supply wells were previously included in the Comprehensive Plan by Dockets Nos. D-74-28 CP, D-91-58 CP, D-91-58 CP Renewal, D-91-58 CP-3, D-91-58 CP-4 and D-1991-058 CP-6. Issuance of this docket will continue the withdrawal project in the Comprehensive Plan.

B. FINDINGS

1. 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 February 11, 2025.

2. Other Findings

Docket D-1991-058 CP-6 approved new Wells 6 and 7. The wells have been registered with PADEP in accordance with PADEP Chapter 110 regulations.

The docket holder's existing groundwater sources have adequate pumping capacity to support the requested increase in allocation. The monthly allocations provided by Docket D-1991-058 CP-6 for Wells 6 and 7 were limited by the docket holder's 10-year projected demands. The results of pumping tests completed on Wells 6 and 7 are detailed in DRBC Docket D-1991-058 CP-6.

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-1991-058 CP-7 below, the project described in Docket No. D-1991-058 CP-6 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1991-058 CP-7; Docket No. D-1991-058 CP-6 is terminated and replaced by Docket No. D-1991-058 CP-7; and the project and the appurtenant facilities described in in Section A.4. (Design Criteria) and A.5. (Facilities) shall be added to the Comprehensive Plan. 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 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. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; and (2) indicate the date on which the project was (or is to be) placed in operation.

4. This approval of the construction related to the facilities described in this docket shall expire five years from the approval date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

5. 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.

6. 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.

7. 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.

8. 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

9. During any month, the combined withdrawal from all well sources shall not exceed 68.10 million gallons. No well shall be pumped above the maximum rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
Well 2	250 gpm	11.16
Well 3	1,600 gpm	68.10
Well 5	500 gpm	22.32
Well 6	600 gpm	26.78
Well 7	1,000 gpm	44.64

* Based on a 24-Hour Average

Additionally, Wells 6 and 7 shall not be pumped simultaneously at a combined rate exceeding 1,400 gpm (62.496 mgm).

10. 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.

11. 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.

12. 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 .

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

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

15. 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.

- 16.** Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).
- 17.** 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).
- 18.** The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.
- 19.** Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.
- 20.** 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.
- 21.** 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.
- 22.** 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*.
- 23.** 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).
- 24.** 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).
- 25.** 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).
- 26.** 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.
- 27.** 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.

28. 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.

29. 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.

30. 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