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DOCKET NO. D-2013-019 CP-2

DELAWARE RIVER BASIN COMMISSION

Special Protection Waters

**City of Port Jervis
Reservoirs 1, 2 and 3 and
Surface Water Withdrawal
Town of Deerpark, Orange County, New York**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on January 1, 2025 and supplemented on June 25, 2025 for renewal and increase of an allocation of surface water and review of a surface water withdrawal project (Application). The acquisition of the water supply system by Port Jervis was approved by the State of New York Water Power and Control Commission in a decision dated April 13, 1929 (Water Supply Application No. 500). An expansion of the service area into an area outside the city limits in the Town of Deerpark, Orange County, New York was approved by the State of New York Water Resources Commission in a decision dated November 1, 1960 (Water Supply Application No. 3874). The project was reviewed by the Commission in accordance with the administrative agreement between the DRBC and the New York State Department of Environmental Conservation (NYSDEC) dated, March 2016.

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 Orange County Department of Planning 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 an existing surface water supply project and approve an increase in allocation from 51.5 million gallons per month (mgm) to 73.78 mgm of surface water from the existing Reservoir 1 Intake for public water supply. The allocation increase is due to ongoing expressed interest from residential and commercial developers who wish to bring additional business to the City which will increase the overall water demand. Reservoir 1 is supplemented when necessary, with water from two additional interconnected reservoirs (Reservoirs 2 and 3). The docket holder also owns and maintains a surface water intake

on the Neversink River and additional water storage in Boehmler Pond for emergency backup purposes.

2. Location. The three project surface water reservoirs, Boehmler Pond, and the Neversink River Intake are located in the Town of Deerpark, Orange County, New York north and east of the City of Port Jervis. Reservoirs 1 and 2, Boehmler Pond and the Neversink River Intake are located in the Lower Neversink River Watershed and Reservoir 3 is located in the Shingle Kill-Delaware River Watershed, in the drainage area of the portion of the non-tidal main stem Delaware River known as the Middle Delaware, which the Commission has designated as Special Protection Waters (SPW). Specific information is provided in the table below:

Reservoir/ Intake	Waterbody	River Mile	Watershed	NYSDEC Waterbody Classification (Downstream)
Reservoir 1	UNT to Gold Creek	252.64 - 1.70 – 0.30 – 1.27 (Delaware River – Neversink River – Gold Creek – UNT to Gold Creek)	Lower Neversink River Watershed	Class C
Reservoir 2	Gold Creek	252.64 - 1.70 – 2.36 – 0.70 – 2.77 (Delaware River – Neversink River – Gold Creek – Martin Lake – Gold Creek)	Lower Neversink River Watershed	Class C(T)
Reservoir 3	UNT to the Delaware River	257.17 - 2.08 (Delaware River – UNT to Delaware River)	Shingle Kill-Delaware River Watershed	Class C(TS)
Boehmler Pond	Gold Creek	252.64 - 1.70 – 2.36 – 0.70 – 2.77-0.6-1.3 (Delaware River – Neversink River – Gold Creek – Martin Lake – Gold Creek – Reservoir 2 – Gold Creek)	Lower Neversink River Watershed	Class AA
Neversink River Intake	Neversink River	252.64 – 1.96 (Delaware River – Neversink River)	Lower Neversink River Watershed	Class B

Specific location information has been withheld for security reasons.

3. Area Served. Port Jervis serves potable water from their intake in Reservoir 1 via their water treatment plant to customers located in the City of Port Jervis and a limited area in the Town of Deerpark, Orange County, New York. The area served is generally shown plans entitled “Water Mains, Gates, etc.” 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 Port Jervis public water system currently serves a population of approximately 8,625 on 3,300 domestic and commercial service connections and records an existing average and maximum water demand of 0.910 million gallons per day (mgd) and 1.320 mgd, respectively. Port Jervis projects the 10-year average and maximum water demand to increase to 1.921 mgd and 2.382 mgd, respectively. The increase is due to an increase in population and additional commercial and industrial developments including an advanced manufacturing facility specializing in semiconductor production. The anticipated development will result in additional demands totaling 0.898 to 0.939 mgd, of which 0.800 mgd will be used by the advanced manufacturing facility. The allocation of 73.78 mgm granted herein should be sufficient to meet the City's future monthly water demands.

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

INTAKE NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY	7Q10 FLOW AT INTAKE (CFS)	YEAR CONSTRUCTED
Reservoir 1	Reservoir 1	4320	NA	1870
Neversink River	Neversink River	4320	69.4	1999

Reservoirs

The Port Jervis surface water supply is obtained from a drainage area of approximately 5 square miles, over half of which is owned by the docket holder. The lowest of the three reservoirs (Reservoir 1) is located at the head of the Port Jervis Reservoir Avenue Water Filtration Plant. Reservoir No. 1, constructed in 1870, has an estimated capacity of 60 mg and a drainage area of 1.78 square miles. The reservoir is formed by an earthen dam and concrete spillway. Water is gravity fed from Reservoir No. 1 to the Water Filtration Plant. Reservoir No. 2, constructed in 1880, is formed by an earthen dam with a concrete spillway, stores an estimated 350 mg and has a drainage area of 1.77 square miles. Water from Reservoir No. 2 is transferred to Reservoir No. 1 via a 10-inch diameter wrought iron pipe that discharges water to the tributary above Reservoir No. 1. Reservoir No. 3, constructed in 1900, is formed by an earthen dam and concrete spillway. The reservoir holds an estimated 360 mg of water and has a drainage area of 1.46 square miles. Water from Reservoir No. 3 is also diverted to the tributary above Reservoir No. 1 via 12-inch cast iron pipe and open ditch. Port Jervis can also make releases from a secondary surface water source (Boehmler Pond) into Reservoir No. 2 or 3, if necessary.

The reservoir capacities listed above are estimates contained in New York State Water Supply Applications No. 500 and No. 3874. Narrative in the New York State Water Supply Application No. 3874 indicates that in 1932 the capacity of Reservoir No. 2 was increased from 220 mg to 350 mg by reconstructing the dam and raising the spillway. Information from

NYSDEC's Inventory of Dams database lists the normal and maximum storage volumes of Reservoir No. 1 at 65 mg and 179 mg, respectively. Reservoir No. 2's normal and maximum storage volumes are listed at 86 mg and 310 mg, respectively. The normal storage volume of Reservoir No. 3 is listed at 399 mg and the maximum storage volume of the reservoir is listed at 512 mg. Port Jervis has not modified the storage capacity of the reservoirs since 1932.

Neversink River Intake

Port Jervis also owns an intake on the Neversink River, which it maintains only for emergency supply purposes. In the past when water demands were greater, the intake was regularly used by the City to meet its demands; however, the intake has not been used since 1946. In 1999, the intake was cleaned and repaired and new piping was installed to connect the backup supply to the City's water filtration plant. If needed, up to 3.0 mgd (the pump capacity) of water from the Neversink River can be routed to the water filtration plant.

Water Filtration Plant

Raw water from the intake at Reservoir No. 1 is delivered by gravity to the Port Jervis Water Filtration Plant. The plant was constructed in 1991 and has a design capacity of 3.0 million gallons per day. Water is treated with aluminum chlorhydroxide and polymer, when necessary for coagulation of particulate and organic matter. The clarified water is then treated with ozone for oxidation, and disinfection, removal of inorganics, destruction of microorganisms and protozoa along with removal of taste, odor and color. The water is then filtered to remove the remaining particulate and organic matter. Prior to entering the distribution system additions of sodium hydroxide, sodium hypochlorite and orthophosphate are added for pH adjustment, additional disinfection and corrosion control. Backwash from the filtering process is discharged to the public sewer system.

The Reservoir No. 1 intake is metered.

All water service connections are metered.

The water filtration plant building is located outside of the FEMA mapped 100-year floodplain.

6. **Other.** Wastewater from the docket holder's public water supply system is conveyed to the New York City Department of Environmental Protection Port Jervis wastewater treatment plant most recently approved by DRBC Docket No. D-2004-028 CP-3 on March 12, 2014. The NYSDEC has issued SPDES Permit No. NY0026522 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

7. **Relationship to the Comprehensive Plan.** The City of Port Jervis' water supply from Sparrowbush Creek was incorporated in the Comprehensive Plan by Resolution 62-14, approved July 25, 1962. The withdrawal project including Reservoirs 1, 2 and 3 and the Neversink River and Boehmler Pond sources were included in the Commission's Comprehensive Plan upon

approval DRBC Docket No. D-2013-019 CP-1 on March 11, 2015. 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 surface water sources 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.25. 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 28, 2024.

3. Neversink River Intake

The drainage area above the emergency intake on the Neversink River is 326 square miles. The estimated 7Q-10 flow at the intake is 69.4 cubic feet per second (cfs). The Neversink River Intake may be used only for emergency water supply purposes. Prior to initiating any withdrawals

from the Neversink River Intake, Port Jervis shall obtain all necessary approvals from NYSDEC and NYSDOH. Port Jervis shall also notify the DRBC and the USGS Deputy Delaware River Master and NYSDEC's Regional Water Engineer at its Region 3, White Plains Office within 24 hours of initiating the withdrawal from the Neversink River Intake as described in Condition C.6 in the Decision section of this docket.

4. Water Allocation and Reservoir Status

The allocation of 73.78 (2.38 mgd) approved by this docket is slightly less than the estimated safe yield of the reservoir system (2.4 mgd) based on information provided in NYS Water Allocation Application No. 500. Additionally, staff note that this safe yield estimate provided in Application No. 500 predated the expansion of Reservoir 2 in 1932 that increased its storage capacity from 220 mg to 350 mg. While the docket holder's water filter plant was approved by the Orange County Health Department for a maximum design flow of 3 mgd and the surface water system is approved by NYSDEC to withdrawal up to 3.0 mgd, DRBC staff recommend that no additional increases in allocation above what is approved in this docket be approved in the future unless the docket holder performs an evaluation of its reservoir storage volumes and safe yield analysis.

5. Other Findings

The docket holder recently closed on financial agreements for grant money through the Water Infrastructure Improvement Act and the Bipartisan Infrastructure Law. The city is scheduled to use this money to replace all water meters within city limits. The anticipated start and end dates are between December 2025 and December 2026.

Currently only the largest water customers are billed based on usage. The docket holder is scheduled to implement a new billing platform and charge all customers based on usage. It is anticipated that the building platform will be implemented between July 2027 and December 2027.

Because of the location above the River Master's gaging station at Montague, the surface water withdrawn is exempt from charge.

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 docket holder's projected demand includes the demands from an advanced manufacturing facility with a docket holder estimated consumptive use of 2.5 percent of the total water used for this purpose. 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-2013-019 CP-2 below, the project described in Docket No. D-2013-019 CP-1 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2013-019 CP-2; Docket No. D-2013-019 CP-1 is terminated and replaced by Docket No. D-2013-019 CP-2; 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 satisfy annual withdrawal, capacity and conservation reporting requirements in the form and manner prescribed by NYSDEC's Division of Water in accordance with NYCRR Part 601.5(a).
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 (NYSDEC) 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 NYSDEC 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 NYSDEC annually and shall be available at any time to the Commission if requested by the Executive Director.
3. 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 NYSDEC, 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.
4. 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.

Other Conditions

5. During any month, the combined withdrawal from the Reservoir 1 intake and the Neversink River Intake shall not exceed 73.78 million gallons. No source shall be pumped above the maximum rate and monthly allocation as indicated below:

INTAKE ID	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
Reservoir No. 1	2083 gpm	73.78
Neversink River	2083 gpm	73.78

* Based on a 24-Hour Average

6. The Neversink River intake shall be used only for emergency purposes. Prior to initiating any withdrawals from the Neversink River Intake, Port Jervis shall obtain all necessary approvals from NYSDEC and NYSDOH. In addition, Port Jervis shall notify the DRBC Operations Section at 609-883-9500, extension 232 or 219 and the USGS Deputy Delaware River Master at 570-296-7213 and NYSDEC's Regional Water Engineer at its Region 3, White Plains Office within 24 hours of the initiation of the withdrawal from the Neversink River Intake.

7. No increases in allocation above the 73.78 million gallons per month approved herein shall be approved until and unless the docket holder determines the capacity of the reservoirs and provides an updated safe yield analysis.

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 reservoirs, intakes and operational records shall be available at all times for inspection by the DRBC.

12. The surface water intakes shall be operated at all times to comply with the requirements of the *WC* and *WQR* of the DRBC.
13. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).
14. 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).
15. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.
16. 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.
17. 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.
18. 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*.
19. 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).
20. 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).
21. 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).
22. 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.
23. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

24. For the duration of any drought emergency declared by either New York 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 New York to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

25. 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.

26. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: December 10, 2035