

**DOCKET NO. D-74-157 CP-2**

**DELAWARE RIVER BASIN COMMISSION**

**Located Within the Drainage Area of Special Protection Waters**

**Village of Margaretville**

**Ground Water Withdrawal**

**Village of Margaretville, Delaware County, New York**

**PROCEEDINGS**

This docket is issued in response to an Application referred to the Delaware River Basin Commission (DRBC or Commission) pursuant to an Administrative Agreement under Sections 2-3.4 (a) and 2-3.7 of the *Administrative Manual - Part II, Rules of Practice and Procedure* by the New York State Department of Environmental Conservation (NYSDEC) for renewal of an allocation of ground water and review of a ground water withdrawal project on March 21, 2008 (Application). The project withdrawal was approved by the NYSDEC on January 11, 2008 (Permit No. 11,058), subject to approval by the DRBC.

The Application was reviewed for continued approval under Section 3.8 of the *Delaware River Basin Compact*. The Delaware County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on July 16, 2008.

**A. DESCRIPTION**

- 1. Purpose.** The purpose of this project is to continue to supply up to 18.529 million gallons per 30 days (mg/30 day) of water to the Village of Margaretville public water supply distribution system from existing Well No. Park Street and replacement Well No. Fair Street without an increase in the existing allocation of ground water.
- 2. Location.** The project wells are located in the East Delaware Branch Watershed, above the Pepacton Reservoir in the sand and glacial till Formations.

Specific location information has been withheld for security reasons.

- 3. Area Served.** The docket holder serves water to the Village of Margaretville as indicated on the map entitles "Margaretville Supply Wells" submitted as part of the 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. Physical features.**

**a. Design criteria.** The Village of Margaretville supplies water to an estimated population of 643 via 298 service connections with an average and maximum demand of 2.82 mg/ 30 days and 7.02 mg/ 30 days, respectively. The docket holder projects a ten year future and average and maximum water demand of 2.97 and 10.35 mg/30 days, respectively.

**b. Facilities.** The existing and replacement project wells have the following characteristics:

<b>WELL NO.</b>	<b>DEPTH</b>	<b>CASED DEPTH/ CASING DIAMETER</b>	<b>PUMP CAPACITY</b>	<b>YEAR DRILLED</b>
Ball Park	48'	48'/8"	300 gpm	1974
Fair Street	84'	84'/8"	128 gpm	2005

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water will be treated by Sodium Hypochlorite.

The project well house is above the 100-year flood elevation.

The water system is not presently interconnected with any other system.

**c. Other.** Wastewater is conveyed to the Margaretville-Arville Sewage Treatment Plant most recently approved by DRBC Docket No. D-94-78 CP on April 26, 1995. The NYSDEC issued its most recent SPDES Permit No. NY0026531 on March 7, 1995 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

**d. Cost.** The overall cost of this project is estimated to be \$416,800.

**e. Relationship to the Comprehensive Plan.** The project wells were previously included within the Comprehensive Plan by Docket Nos. D-65-25 CP and D-74-157 CP on April 21, 1965 and July 23, 1975, respectively.

## **B. FINDINGS**

In 1992, the DRBC adopted Special Protection Waters requirements, as part of the DRBC *Water Quality Regulations* (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

This project is located in the drainage area above Pepacton Reservoir and therefore is not subject to NPSPCP requirements.

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

The DRBC estimates that the project withdrawals, used for the purpose of water supply, result in a consumptive use of five percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

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

## **C. DECISION**

- I. Effective on the approval date for Docket No. D-74-157 CP-2 below:
  - a. The projects described in Docket Nos. D-65-25 CP and D-74-157 CP are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-74-157 CP-2.
  - b. Docket Nos. D-65-25 CP and D-74-157 CP are terminated and replaced by Docket No. D-74-157 CP-2.
  - c. The project and the appurtenant facilities described in the Section A "Physical features" shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the NYDEC in its water supply permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

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

c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any 30-day period, the withdrawal from Well No. Park Street and Well No. Fair Street shall not exceed 13.0 million gallons and 5.529 million gallons, respectively. The withdrawal from both wells shall not exceed 18.529 million gallons.

e. The wells shall be equipped with readily accessible capped ports and 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 drop pipes as repairs or modifications are made at each existing well.

f. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. 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.

g. Each new water service connection shall include a water meter in accordance with the DRBC’s Resolution No. 87-7 (Revised).

h. In accordance with DRBC Resolution No. 87-6 (Revised), 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 unaccounted-for 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.

i. The docket holder shall implement to the satisfaction of the NYSDEC, the 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 NYSDEC on the actions taken pursuant to this program and the impact of those actions as requested by the NYSDEC.

j. 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).

k. The docket holder shall continue to implement its Water Conservation Plan as approved by NYSDEC, and shall report to the NYSDEC on actions taken pursuant to this program and the impact of those actions as requested by the NYSDEC.

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

m. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

n. 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.

o. 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.

p. 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*.

q. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below (unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. 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 this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

r. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

s. If the operation of this project significantly affects or interferes with any domestic or other existing wells or surface water supplies, or if the docket holder receives a complaint by any user of wells or surface water supplies within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by users of wells or surface water supplies within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Branch at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the docket holder shall provide written notification to all potentially impacted users of wells or surface water supplies of the docket holder's responsibilities under this condition. Any well or surface water supply which is substantially adversely affected, or rendered dry or otherwise unusable as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required. 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.

t. The docket holder and any other person aggrieved by a reviewable action or decision taken by the Executive Director or Commission pursuant to this docket may seek an administrative hearing pursuant to Articles 5 and 6 of the Commission's *Rules of Practice and Procedure*, and after exhausting all administrative remedies may seek judicial review pursuant to Article 6, section 2.6.10 of the *Rules of Practice and Procedure* and section 15.1(p) of the Commission's *Compact*.

**BY THE COMMISSION**

**APPROVAL DATE: July 16, 2008**

**EXPIRATION DATE: July 16, 2018**