

**DOCKET NO. D-91-65 CP-3**

**DELAWARE RIVER BASIN COMMISSION**

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

**Hazleton City Authority  
Ground Water Withdrawal and Exportation  
Lausanne Township, Carbon County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by the Hazleton City Authority on September 17, 2007 for renewal of ground water and review of a ground water withdrawal project previously approved by the DRBC on May 28, 1997. The project well was approved by the PADEP on December 18, 1991, (Permit No. 1391503), subject to approval by the DRBC.

The Application was reviewed for continuation of the project in the Comprehensive Plan and 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 July 16, 2008.

**A. DESCRIPTION**

- 1. Purpose.** The purpose of this project is to continue to supply up to 3.6 million gallons per 30 days (mg/30 days) of water to supplement the Hazleton City Authority's (HCA) distribution system from Buck Mountain Well No. 1 without an increase in the previously approved allocation and exportation of water from the Delaware River Basin.
- 2. Location.** The project well is in the Schafer's Run Watershed, a tributary to Buck Mountain Creek in the Mauch Chunk Formation. The well is located in the drainage area of the Lower Delaware Special Protection Waters. Specific location information has been withheld for security reasons.
- 3. Area Served.** The HCA serves water to portions of Lausanne Township in Carbon County, and Foster Township, Luzerne County, both in Pennsylvania, as described in Dockets Nos. D-90-10 CP and D-79-87 CP (Supplement) approved January 30, 1991 and January 17, 1982, respectively. 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 HCA water distribution system supplies water throughout the entire Hazleton City Authority service area which is supplied by four existing surface water sources (Quakake Creek, Beisels Run, Dreck Creek and Buck Mountain Run) and Buck Mountain Well No.1, which is located within the Delaware River Basin (DRB) (Docket No. D-90-10 CP). After the discovery of Giardia Lamblia cysts in three of the HCA's reservoirs in 1986, the HCA entered into a Consent Adjudication (CA) with PADEP on February 3, 1988. The CA stipulated that all existing surface water supplies must receive water treatment, including filtration and disinfection or be replaced with ground water supplies. During the development of treatment feasibility plans, the HCA concluded that its existing sources were inadequate to supply projected demands during drought periods. The HCA interim solution was to drill Buck Mountain Well No. 1 to supplement their projected demands. An alternative was a proposal for withdrawal of 1 mgd from Wetzel Creek in the DRB which was later abandoned as it was shown that Wetzel Creek could not supply a reliable, significant, safe yield. The development of ground water sources, which is considered to be an essential part of HCA's on-going alternative water source development program, has yet to show promise that significant yields are available in the Susquehanna River Basin. The HCA constructed a water filtration plant (which has been in operation for approximately 15 years) that treats both surface water and the groundwater supplied by Buck Mountain Well No.1.

**b. Facilities.** The HCA's project well has the following characteristics:

| <b>WELL NO.</b>     | <b>DEPTH</b> | <b>CASED DEPTH</b> | <b>PUMP CAPACITY</b> | <b>YEAR DRILLED</b> |
|---------------------|--------------|--------------------|----------------------|---------------------|
| Buck Mountain No. 1 | 270'         | 27'                | 240 gpm              | 1991                |

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water from Buck Mountain Well No.1 is directed to the Hazleton City Authority's water filtration plant for treatment prior to entering the HCA's distribution system.

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

The water system is not presently interconnected, as the Pardeesville Association's system was incorporated into the HCA system several years ago.

c. **Other.** Wastewater is conveyed to the Greater Hazleton Joint Sewage Authority sewage treatment facility which is located outside of the Delaware River Basin. The PADEP issued NPDES Permit No. PA0026921 on January 15, 2005 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

e. **Relationship to the Comprehensive Plan.** The Hazleton City Authority Buck Mountain Water Supply well was previously included in the Comprehensive Plan by Docket Nos. D-79-87-CP (Supplement) on January 27, 1982, and the project well were included in the Comprehensive Plan by Docket No. D-91-65 CP on January 22, 1992.

## **B. FINDINGS**

On January 19, 2005, September 26, 2005, September 27, 2006, September 26, 2007 and May 14, 2008, the DRBC approved interim amendments to its *Water Quality Regulations* that provide increased protection for downstream waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for Special Protection Waters designation.

Article 3.10.3A.2.e.1) and 2) of the *Water Quality Regulations, Administrative Manual - Part III*, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source Pollution Control Plan 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 Special Protection Waters. The well providing water supply to the Hazleton City Authority is located within the drainage area to the Special Protection Waters. Since this project does not entail additional construction and expansion of facilities/service areas (i.e., there aren't any] new or increased non-point source loads associated with this approval), the non-point source pollution control plan requirement is not applicable at this time. Accordingly, Special Conditions II.s. has been included in the Decision section of this docket.

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

Project withdrawals are used for the purpose of public water supply predominantly outside for the Delaware River Basin, and the consumptive use is estimated to be in excess of 90 percent of the total water use.

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-91-65 CP-3 below:

a. The projects described in Docket Nos. D-90-10 CP, D-79-87 CP (Supplement) and D-91-65 CP RENEWAL are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-91-65 CP-3.

b. Docket Nos. D-90-10 CP, D-79-87 CP (Supplement) and D-91-65 CP RENEWAL are terminated and replaced by Docket No. D-91-65 CP-3.

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 PADEP and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall register with the PADEP all ground water sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

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 the Buck Mountain Well No. 1 shall not exceed 3.6 million gallons.

e. The well shall be equipped with readily accessible capped port and drop pipe 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 PADEP 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 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 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 PADEP, 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 PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

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 implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

l. 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.

m. 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.

n. 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*.

o. 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.

p. 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.

q. 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.

r. 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.

s. 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 is in compliance with a DRBC approved NPSPCP.

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**