

DOCKET NO. D-2002-4 CP-2

DELAWARE RIVER BASIN COMMISSION

**Tidewater Utilities, Inc.
Ground Water Withdrawal – Rehoboth-Lewes District
Lewes/Rehoboth, Sussex County, Delaware**

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 Delaware Department of Natural Resources and Environmental Control (DNREC) on March 3, 2008 (Application), for renewal of an allocation of ground water and review of a ground water withdrawal project, originally approved by the DRBC on May 31, 2002. The project was approved by the DNREC on February 22, 2008 (Permit No. 01-0020M2), 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 Sussex County Planning Department 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 increase the existing withdrawal from 7.95 million gallons per thirty days (mg/30 days) to 52.056 mg/30 days from one existing well and three new wells to supply the docket holder's Rehoboth-Lewes District public supply distribution system.
- 2. Location.** The project wells located in the Broadkill River Watersheds, in the Columbia-Pocomoke and Beaverdam Formations. Specific location information has been withheld for security reasons.
- 3. Area Served.** The wells supply water to the docket holder's Rehoboth-Lewes District service area as outlined on a map entitled "DRBC Watershed Map; Rehoboth District" submitted with 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 docket holder has an existing average and maximum water demand of 18.09 mg/30 days and 25.54 mg/30 days, respectively, serving the Rehoboth-Lewes District. A ten-year future water demand projection provided by the docket holder indicates average and maximum water demands of 38.86 mg/30 days and 52.06 mg/30 days, respectively. Docket No. D-2002-04 CP had approved two wells, Wells Nos. L5 and L9, to serve the district. Well No. L9 has been abandoned. Well No. L5 has been renamed as Well No. 74787.

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

WELL NO.	DEPTH (FEET)	CASED DEPTH (FEET)/ CASING DIAMETER (INCHES)	PUMP CAPACITY (GPM)	YEAR DRILLED
193788	200	115 / 10	315	2003
193789	170	120 / 10	300	2003
74787 (Formerly L5)	123	113 / 8	260	1989
184338	120	35 / 10	330	2002

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water will be treated by sodium hypochlorite and sodium hydroxide.

The project wells are above the 100-year flood elevation.

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

c. **Other.** The majority of wastewater from the project service area is treated by on-site disposal systems; the remainder, estimated at less than 90,000 gpd, is conveyed to a wastewater treatment facility located outside of the Delaware River Basin. Since the overall discharge outside the Delaware River Basin is less than 100,000 gpd, the project is not considered a substantial exportation.

- d. **Cost.** The overall cost of the new wells is estimated to be \$115,000.
- e. **Relationship to the Comprehensive Plan.** The docket holder’s existing well was previously approved by DRBC Docket No. D-2002-4 CP.

B. FINDINGS

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

The DNREC water allocation is valid for a period of 30 years from date of issue, with review every five years.

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of ten 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.

A short-term pumping test was conducted on Wells Nos. 193788, 139789, and 184338 to assess impact to nearby water resources. No monitoring wells were observed during the test. Drawdown in each of the wells at the conclusion of the test was 17.9 feet, 1.95 feet and 27.47 feet, respectively. No adverse impact is anticipated with the operation of these wells. The docket holder must conduct a 48-hour pumping test prior to an application for an increase in allocation or the addition of any new wells to the distribution system.

C. DECISION

- I. Effective on the approval date for Docket No. D-2002-4 CP-2 below:
 - a. The projects described in Docket No. D-2002-4 CP is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2002-4 CP-2 and
 - b. Docket No. D-2002-4 CP is terminated and replaced by Docket No. D-2002-4 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 DNREC in its Public Water Allocation 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. 193788 shall not exceed 13.608 million gallons, the withdrawal from Well No. 193789 shall not exceed 12.96 million gallons, the withdrawal from Well No. 74787 shall not exceed 11.232 million gallons, the withdrawal from Well No. 184338 shall not exceed 14.256 million gallons and the total combined withdrawal from all wells shall not exceed 52.056 million gallons.

e. Prior to adding any new wells to the Rehoboth-Lewes District distribution system or seeking any increase in allocation from existing wells the docket holder must conduct a 48-hour pumping test on the new well(s) as outlined in the *Application for a Ground and/or Surface Water Withdrawal in the Delaware River Basin*.

f. 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.

g. 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 DNREC annually and shall be available at any time to the Commission if requested by the Executive Director.

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

i. In accordance with DRBC Resolution No. 87-6 (Revised), the docket holder shall continue to implement to the satisfaction of the DNREC, 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.

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

k. 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).

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

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

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

o. 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.

p. 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.

q. 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*.

r. 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.

s. 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.

t. 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.

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

v. 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