

**DOCKET NO. D-2007-32-1**

**DELAWARE RIVER BASIN COMMISSION**

**Mays Landing Sand and Gravel Corporation  
Surface Water Withdrawal  
Mauricetown Township, Cumberland County, New Jersey**

**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 Jersey Department of Environmental Protection (NJDEP) for review and approval of a surface water withdrawal received on May 8, 2008 (Application). The project was approved by the NJDEP on March 1, 2008 (Permit No. 2436P).

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Cumberland 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 supply up to 112.3 million gallons per 30 days (mg /30 days) of water from surface water Intake No. Dredge 1 for sand and gravel processing.
2. **Location.** The project surface water intake is located in the Maurice River Watershed in a surface water pond formed through historical quarrying practices. It is presently fed by, and in equilibrium with groundwater beneath the site. Specific location information has been withheld for security reasons.
3. **Area Served.** The Surface water Intake No. Dredge 1 will serve only the Mays Landing Sand and Gravel processing facility as outlined on a map entitled "2007-2011 Resource Extraction Site Map" 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 Mays Landing Sand and Gravel facility utilizes one surface water intake from an onsite pond; this pond was formed through historical quarrying practices and is presently fed by and in equilibrium with groundwater beneath the site. The docket holder's existing average and maximum demand is 3.2 mgd and 4.5 mgd, respectively. The docket holder

is not requesting an increase in allocation. The processing facility sand is dredged and pumped via a 7000 gpm intake from one pond to a large holding container. The slurry is left to sit while the water drains back to recycle the pond. The drained sand and gravel is then transferred for processing.

**b. Facilities.** The existing project surface water intake has the following characteristics:

<b>INTAKE NO.</b>	<b>PUMP CAPACITY</b>	<b>YEAR DRILLED</b>
Intake No.1	7000 gpm	N/A

The docket holder also operates a ground water well at 20 (gpm) which is used for potable water the cumulative withdrawal is less that 100,000 gallons per day and can be considered regulated.

The surface water intake is equipped with hourly meters.

The project is above the 100-year flood elevation.

**B. FINDINGS**

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 withdrawal, used for the purpose of sand and gravel processing, results in a consumptive use of 5 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.

The project location is below River Mile 38 and, as the Executive Director may determine, on the basis of hydrologic studies, would have no discernable effect upon the maintenance of the salt front below the mouth of the Schuylkill River and is exempt from surface water charges as defined in Article 5.33.D of the *Administrative manual –Basin Regulations – Water Supply Charges*.

**C. DECISION**

I. Effective on the approval date for Docket No. D-2007-32-1 below, 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 NJDEP in its Water Allocation permit and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

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

c. The well and intake 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 Intake No. Dredge 1 shall not exceed 112.3 million gallons. Well No. 1 is limited to 20 gpm and shall only be used for potable water service.

e. 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 NJDEP quarterly and shall be available at any time to the Commission if requested by the Executive Director.

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

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

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

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

j. 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.

k. 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*.

l. 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.

m. 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.

n. 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 Section 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. During any water emergency or other non-emergency declaration by the Governor of New Jersey, NJDEP or the Commission, water service or use by the project docket holder pursuant to this docket approval shall be subject to any order or restriction governing those non-essential uses specified by the NJDEP to the extent that they may be applicable, and to any other emergency resolutions or orders adopted by the Commission.

u. 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**