

**DOCKET NO. D-1980-007 CP-5**

**DELAWARE RIVER BASIN COMMISSION**

**Southeastern Pennsylvania  
Ground Water Protected Area**

**Pennsylvania Department of Conservation and Natural Resources  
Bureau of State Parks – French Creek State Park  
Ground Water Withdrawal  
Union Township, Berks County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on August 22, 2020 for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application).

The Application was reviewed for continuation of the project in the Comprehensive Plan and for approval under Section 3.8 and for a withdrawal permit under Section 10.3 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on February 10, 2021.

**A. DESCRIPTION**

- 1. Purpose.** The purpose of this docket is to renew the approval to continue to supply water to French Creek State Park from its two existing wells, Wells A and B. The total allocation of groundwater will remain 3.10 million gallons per month (mgm).
- 2. Location.** The project wells are completed in the Hammer Creek Formation and are located in the French Creek Watershed, in Union Township, Berks County, Pennsylvania. French Creek near the project site are all designated by the Pennsylvania Department of Environmental Protection (PADEP) as Exceptional Value (EV) and Migratory Fishes (MF).

Specific location information has been withheld for security reasons.

- 3. Area Served.** The docket holder's wells serve the French Creek State Park in Union Township, Berks County, Pennsylvania, as shown on a map entitled "French Creek State Park" submitted with the Application. The groundwater withdrawals are used for the purposes of potable and sanitary services associated with recreational camping and park use. 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. **Design Criteria.** French Creek State Park serves a seasonal population and demand fluctuates greatly during the year. French Creek State Park consists of 8,000 acres of land surrounded by rural lands. During the peak summer months of May through September, average and maximum demand is 1.14 mgm and 2.69 mgm, respectively; fall and winter demand is significantly less. The docket holder does not project an increase in water use demand over the next 10 years. The allocation of 3.1 mgm should be sufficient to meet the future demands of the docket holder's system.

5. **Facilities.** The docket holder's existing wells have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
A	250	59'8"	150	1969
B	250	43'8"	100	1969

All wells and all water service connections are metered.

Well water is treated by chlorination prior to entering the distribution system.

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

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

6. **Other.** Wastewater is conveyed to the French Creek State Park sewage treatment facility which received approval most recently under Section 3.8 of the *Compact* by DRBC Docket No. D-1980-006 CP-1 on February 18, 1981. The PADEP issued its most recent Water Quality Management (WQM) Permit No. 1580403 on January 22, 1980 for this treatment facility. The treatment facility has a 0.14 mgd design capacity and presently treats approximately 0.06 mgd. Treated effluent is spray irrigated on an 18.5-acre wooded area on Mount Pleasure within the Park. The treatment facility has adequate capacity to receive wastewater from this project.

7. **Relationship to the Comprehensive Plan.** The docket holder's existing wells were previously included in the Comprehensive Plan as follows:

Docket No.	Date Approved	Approved Wells
D-1980-007 CP	August 27, 1980	A and B
D-1980-007 CP Renewal	June 27, 1985	A and B
D-1980-007 CP Renewal 2	June 27, 1990	A and B
D-1980-007 CP Renewal 3	November 15, 2000	A and B
D-1980-007 CP-4	May 11, 2011	A and B

Issuance of this docket will continue the withdrawal project in the Comprehensive Plan.

## **B. FINDINGS**

### **1. Ground Water Protected Area**

The project is located within the Southeastern Pennsylvania Ground Water Protected Area delineated by the DRBC pursuant to *Compact* Section 10.2. Tests conducted by the docket holder indicate the operation of this project will not create a local water shortage. The project is designed to conform to the requirements of the *Water Code (WC)*, *Water Quality Regulations (WQR)* and *Ground Water Protected Area Regulations (GWPAR)* of the DRBC.

Review and analysis of the application pursuant to Section 6.D. of the *GWPAR* result in the following:

1. The withdrawal is consistent with the Commission's Comprehensive Plan and the policies and purposes of these regulations.
2. Opportunities to satisfy water requirements on a timely basis from existing available supplies and facilities have been explored and are being utilized.
3. The withdrawal, in conjunction with other withdrawals in the applicable groundwater basin, should not exceed withdrawal limits of the groundwater basin, aquifer or aquifer system.
4. The withdrawal should not significantly impair or reduce the flow of perennial streams in the area.
5. Existing ground and surface water withdrawals should not be adversely impacted or will be otherwise assured of adequate supplies in accordance with the requirements of Section 10 of the *GWPAR*. There have been no reported complaints of well interference since the water distribution system's original 1980 approval of this project. No adverse impact is anticipated due to continued operation of this project.
6. The withdrawal should not cause substantial, permanent adverse impact to the overlying environment.
7. The docket holder adopted and will implement conservation and management programs as required by Section 7 of the *GWPAR*.

The docket holder's Wells A and B are located in the Upper Reach French Creek subbasin (Subbasin No. 23), where total net annual ground water withdrawal (13.9 million gallons per year (mgy)) is significantly less than the withdrawal limit set in Section 6.I of the *GWPAR* (1,726 mgy). The docket holder is requesting a monthly allocation of up to 3.1 mgm (37.2 mgy), a fraction of which will be returned to groundwater. However, even if no water from this project were returned to groundwater, the total net annual groundwater withdrawal from this subbasin would remain well below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the

withdrawals from Wells 11, 12 and 13, in conjunction with other withdrawals in the subbasin, are in accordance with the requirements of Section 6.I of the *GWPAR*.

The DRBC estimates that the project withdrawals, used for the purpose of potable and sanitary services associated with recreational camping and park use, result in a consumptive use of 10 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 to 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-1980-007 CP-5 below, the project described in Docket No. D-1980-007 CP-4 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1980-007 CP-5; Docket No. D-1980-007 CP-4 is terminated and replaced by Docket No. D-1980-007 CP-5; 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 continue to report to the PADEP all surface and groundwater sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).
- 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. Meters or other methods of measurement shall be subject to approval and inspection by the PADEP 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 PADEP 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 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 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, 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.

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

### **Other Conditions**

6. During any month, the combined withdrawal from all well sources shall not exceed 40.3 million gallons (483.6 mgy). No well shall be pumped above the maximum rate and monthly allocation as indicated below:

<b>WELL NO.</b>	<b>MAXIMUM RATE (GPM)*</b>	<b>MONTHLY ALLOCATION (MGM)</b>
8A	380	12.40
11	240	8.89
12	275	10.64
13	200	6.72
14	250	6.20

\*Based on a 24-Hour Average

7. 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 CFR 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 or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. 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 the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

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

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

**10.** The wells shall be equipped with readily accessible capped ports and minimum ½ inch inner diameter (ID) 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 ½ inch ID drop pipes as repairs or modifications are made at each existing well.

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

**12.** 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).

**13.** The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

**14.** 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.

**15.** 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.

**16.** 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*.

**17.** 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).

**18.** 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).

**19.** 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 CFR 401.43).

**20.** 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.

21. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing uses of ground or surface water, or if the docket holder receives a complaint from an existing ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director, and unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the Executive Director.) In addition, the docket holder shall provide written notice to all potentially affected water users of the docket holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the docket holder's project withdrawal shall be repaired, replaced or mitigated at the docket holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct the docket holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement or mitigation.

22. 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.

23. 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: March 10, 2021**

**EXPIRATION DATE: March 10, 2031**