

DOCKET NO. D-1991-065 CP-4

DELAWARE RIVER BASIN COMMISSION

Drainage Area to the Special Protection Waters

Hazleton City Authority

Surface Water and Groundwater Withdrawal and Water Exportation

**Packer, Lehigh, Lausanne Townships, Carbon County, and Hazle Township, Luzerne County
Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on January 13, 2016, amended June 11, 2020 for renewal and an increase of an allocation of surface water and groundwater and review of a water withdrawal project (Application). The Buck Mountain Well was approved by the Pennsylvania Department of Environmental Protection (PADEP) on December 18, 1991, (Permit No. 1391503). The Dreck Creek and Hudsondale Sources were approved by the PADEP on November 23, 1981 (Water Allocation Permit No. WA-184). The discharge of water from the Lehigh River to the Dreck Creek Reservoir was approved by PADEP (NPDES Permit No. PA0063011) on January 8, 2019. PADEP approval for the increase of allocation from the Lehigh River is pending.

The Application was reviewed for continued inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Carbon County and Luzerne County Planning Commissions have 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 approve an increase in water withdrawal allocation from 2.5 mgd to 5.0 mgd from the existing Lehigh River intake and renew the approval of water withdrawal allocations of 3.60 million gallons per day (mgd) of water from Quakake Creek and Biesels Run combined (collectively referred to as the Hudsondale Sources), 4.75 mgd from the Dreck Creek Reservoir and 3.72 million gallons per month (mgm) from Buck Mountain Well No. 1 for public water supply. The water withdrawn will continue to be exported out of the Delaware River Basin (DRB) to a wastewater treatment plant located in the Susquehanna River Basin (SRB). The exportation of up to a maximum of 10.97 mgd (340.07 mgm) of water approved by this docket is a sum of the previously approved individual source allocations and is not an increase in the previously approved exportation amount. The increase in the Lehigh River source allocation is needed to meet increasing population growth and new industrial and commercial development. The docket combines several former DRBC approvals into one consolidated withdrawal docket.

2. Location. The docket holder's service area and water sources are located in multiple municipalities in Carbon and Luzerne Counties Pennsylvania within the DRB and the SRB. The DRB sources include the Quakake Creek Reservoir and Beisel's Run (collectively known as the Hudsondale sources), Dreck Creek Reservoir, Lehigh River and the Buck Mountain Well No. 1. The SRB sources include the Barnes Run Reservoir, Mount Pleasant Reservoir, the Barnes Run Well 3 and Mount Pleasant Wells 2, 5, 6 and 11. The docket holder also has several unused reservoirs in the DRB and SRB. Water from all of the surface water and groundwater sources is pumped to a raw water holding reservoir known as the Roan Reservoir and treated at the docket holder's water treatment plant in the City of Hazleton, Luzerne County, Pennsylvania from where it is distributed throughout the system.

The locations of the DRB Sources are provided below:

The Hudsondale sources include the Quakake Reservoir intake structure west of Hudsondale, on Quakake Creek at river mile 183.66 - 56.1 - 4.5 - 2.4 (Delaware River – Lehigh River – Black Creek – Quakake Creek) and the Beisel's Run intake structure is south of Hudsondale at river mile 183.66 - 56.1 - 4.5 - 2.4 - 0.4 (Delaware River – Lehigh River – Black Creek – Quakake Creek – Beisel's Run). Both are in Packer Township, Carbon County, Pennsylvania. Quakake Creek at the project site is designated by PADEP as High Quality Waters Supporting Cold Water Fishes and Migratory Fishes (HQ-CWF, MF).

The Dreck Creek reservoir and Intake Structure is on Dreck Creek, east of the City of Hazleton at river mile 183.66 - 56.1 - 7.0 - 2.9 - 1.3 (Delaware River – Lehigh River – Black Creek – Hazle Creek – Dreck Creek) in Hazle Township, Luzerne County. Dreck Creek is a tributary to Hazle Creek. Hazle Creek is designated by PADEP as High Quality Waters Supporting Cold Water Fishes and Migratory Fishes (HQ-CWF, MF).

The Lehigh River intake structure is located at River Mile 183.66 - 62.7 (Delaware River – Lehigh River), near the town of Rockport in Lehigh Township, Carbon County, Pennsylvania. The intake is just downstream of the confluence of Buck Mountain Creek and the Lehigh River. Lehigh River at the intake location is designated by PADEP as High Quality Waters Supporting Cold Water Fishes and Migratory Fishes (HQ-CWF, MF).

The Buck Mountain Well No. 1 is completed in the Mauch Chunk Formation in the Schafer Run Watershed in Lausanne Township, Carbon County, Pennsylvania. Schafer Run, a tributary to Buck Mountain Creek is designated by PADEP as High Quality Waters Supporting Cold Water Fishes and Migratory Fishes (HQ-CWF, MF).

Specific location information has been withheld for security reasons.

3. Area Served. The docket holder’s Hazleton City Division HCA service area includes municipalities within Luzerne and Carbon Counties. The docket holder serves Hazleton City, parts of the Townships of Hazle, Butler, Foster and Sugarloaf, the Boroughs of West Hazleton and Jeddo all in Luzerne County and the Townships of Banks, Packer, and Lausanne in Carbon County. The HCA also sells bulk water to the Borough of Beaver Meadows, Eckley Village and CAN DO, Inc. for distribution in their own systems.

Of those areas served by the HCA, the Boroughs of Jeddo and West Hazleton and Sugarloaf Township are entirely within the SRB in Luzerne County. The Borough of Beaver Meadows and Packer Township are entirely within the DRB in Carbon County. The City of Hazleton in Luzerne County is approximately evenly divided between the two drainage basins, while approximately 75 percent of Hazle Township (also in Luzerne County) is in the SRB. The Township of Banks, Carbon County is almost entirely within the DRB.

The service area is shown on a map entitled “Hazleton City Authority Overall Service Area Map” dated May 28, 2021, 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. Design criteria. The system currently serves water to approximately 14,806 customers on 13,648 domestic service connections, 998 commercial service connections, 160 industrial service connections and records an existing average and maximum water demand of 6.679 million gallons per day (mgd) and 7.939 mgd, respectively. The docket holder projects the 10-year average and maximum water demand to increase to 10.470 mgd and 12.445 mgd, respectively. The increased demands are based on a 10 percent growth factor over the next 10 years that includes development within the existing service area, in addition to 3.0 mgd for a new customer in the existing Humboldt Industrial Park and 1.0 mgd for an approved 800-acre new Business/Industrial Park.

A total DRB Source allocation was not specified in previous DRBC approvals. This docket approves a total DRB source allocation of 13.47 mgd or 417.57 mgm, which is the sum of the previously approved individual DRB source allocations plus the additional request of 2.5 mgd withdrawal from the Lehigh River. The total amount of water exported from the Basin remains limited to the previously approved total DRB source allocation of 10.97 mgd or 340.07 mgm).

5. Facilities. The existing project sources have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)
Buck Mountain No. 1	270	27' / 8"	240

INTAKE ID	WITHDRAWAL SOURCE	STORAGE CAPACITY	7Q10 FLOW AT INTAKE (CFS)
Dreck Creek	Dreck Creek Reservoir	490 mg	0.293 cfs 0.189 mgd
Hudsondale	Quakake Creek Reservoir and Beisels Run	8.75 mg	2.63 cfs 1.70 mgd
Lehigh River	Lehigh River	n/a	61.8 cfs 39.95 mgd

5.1 Quakake Creek and Beisel's Run (Hudsondale Sources). The Quakake Creek Reservoir is an 8.75 million gallon impoundment on Quakake Creek with a drainage area of 16.3 square miles. Water from the impoundment is taken through a tower containing three separate chambers, two for withdrawing water from different levels and one for downstream releases and draining the reservoir.

The Beisel's Run intake is located on a 0.09 million gallon intake dam with a drainage area of 2.8 square miles. Biesel's Run flows into Quakake Creek immediately below the Quakake Intake dam. Pipelines transfer the water from Biesel's Run and Quakake Creek to wet wells at the Hudsondale pumping Station. The station has three (3) 1,600 gpm pumps, two electric and one diesel driven in case of power failure. The two pumps operating in parallel have a combined capacity of 2,500 gpm (3.6 mgd). Water is piped through an intermediate pump station in Beaver Meadows Borough to the Roan Reservoir at the water treatment plant.

5.2 Dreck Creek Reservoirs. The Dreck Creek source consists of two impoundments in series with a total storage capacity of 490 million gallons and a drainage area of 2.8 square miles. Water is transferred from the lower reservoir (Reservoir G) to the Roan Reservoir at the water treatment plant through a 20-inch diameter pipeline. Dam G includes a drain line and recording flow meter to ensure a minimum conservation release occurs. The rehabilitation of the dams (Dams F and G) is described and approved in Docket No. D-82-37 CP.

5.3 Lehigh River Intake. The Lehigh River intake is located on the west bank of the Lehigh River near Rockport in Lehigh Township, Carbon County, Pennsylvania just downstream of the confluence of the Buck Mountain Creek and the Lehigh River. The Lehigh River Intake is a concrete structure approximately 30 long by 5 feet high. The submerged intake portal is screened and protected by wire crate gabions and lined with large boulder rip-rap. Water from the intake is piped to the Dreck Creek Reservoir. Water can also be directly discharged from the Lehigh to the Roan Reservoir at the water treatment plant, but normally it is transferred to the Dreck Creek Reservoir.

The pumps currently installed in the Lehigh River Pumping Station have a pumping capacity of approximately 3.7 mgd with two pumps operational for a 24 hour period. Historically, the pump station operation and maintenance has required the pumps to be removed

and serviced in a 3 to 5 year cycle. HCA anticipates upgrading each pump as they are pulled and serviced to increase pumping capacity to approximately 5.0 mgd with two pumps operating for a 24 hour period. In addition, this project also includes the construction of a potential new water pipeline from Dreck Creek to the existing Water Treatment Plant and a new booster station to allow the Lehigh River and Dreck Creek allocations to be used independently and simultaneously.

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water is treated at the existing water treatment plant and chlorinated.

The docket holder provides bulk water service to the Borough of Beaver Meadows (0.09 mgd) and the Greater Hazleton Community Area New Development Organization, Inc. (maximum of 0.350 mgd).

The docket holder also owns and operates three stand-alone groundwater supplied public water systems known as the Delano-Park Place, the Derringer-Fern Glen and the Tomhicken Systems. The systems are located outside the DRB or supply quantities of water below the Commission's threshold for review of groundwater or surface water withdrawals.

6. Other. All wastewater from the project service area is conveyed to the Greater Hazleton Joint Sewage Authority sewage treatment facility which is located outside the DRB. The PADEP approved the discharge from the facility in NPDES Permit No. PA0026921. The treatment facility has adequate capacity to continue receiving wastewater from the existing project. Wastewater from the bulk sales to Beaver Meadows Borough is treated at the Beaver Meadows Municipal Authority WWTP (PADEP NPDES Permit No. PA0021199), which discharges to Beaver Creek in the DRB. Wastewater from the bulk sales to CAN DO, Inc. is treated at the CAN DO, Inc. Humbolt Industrial Park WWTP (PADEP Permit No. PA0060046) located outside the DRB.

7. Relationship to the Comprehensive Plan. The Quakake Creek and Beisel's Run supply system (Hudsondale Sources) were included in the Comprehensive Plan by Docket No. D-79-87 CP, on January 23, 1980. Dreck Creek Reservoirs were included in the Comprehensive Plan by Docket No. D-79-87 CP (Supplement) on January 27, 1982. The Dreck Creek Dams and reservoirs were modified and the project included in the comprehensive plan by docket No. D-82-37 CP on September 22, 1982, with amendments Nos. 1, 2 and 3 to that docket included in the Comprehensive Plan on September 14, 1983; November 30, 1983; and June 27, 1984; respectively. The Lehigh River Source was included in the Comprehensive Pan by Docket No. D-90-10 CP on January 30, 1991. Buck Mountain Well No. 1 was included in the Comprehensive Plan by Docket No. D-91-65 CP on January 22, 1992. The projects described in Dockets D-90-10 CP, D-79-87 CP (Supplement) were terminated and removed from the Comprehensive Plan by Docket No. D-91-65-CP-3, approved on July 16, 2008.

The Lehigh River intake structure is located within the section of the Lehigh River designated as Scenic River which was included in the Comprehensive Plan by Docket No. D-78-56 CP on September 26, 1979.

B. FINDINGS

1. Special Protection Waters

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 were 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.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations* that provide increased protection for 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 and clarity on definitions and terms were updated for the entire program.

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 sources providing water supply to the docket holder and service area are located within in the drainage area to the Special Protection Waters.

This project also includes the construction of a potential new water pipeline from Dreck Creek to the existing Water Treatment Plant and a new booster station to allow the Lehigh River and Dreck Creek allocations to be used independently and simultaneously. Under the current piping configuration, the docket holder's transfer of Lehigh River and Dreck Creek Reservoir sources is limited to the Dreck Creek's booster pumping station capacity of 4.75 mgd. The docket holder is also initiating a dam improvement project which will include improvements to Dreck Creek Reservoir to address withdrawal capacity.

Since this project will entail additional construction and expansion of facilities and there are new or increased non-point source loads associated with this approval, the non-point source pollution control plan requirement is applicable at this time. Accordingly, Special Conditions C.10. and C.34. have been included in the Decision section of this docket.

2. Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the Water Code states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to 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 AWWA guidance (Section 2.1.8.C). Water audits shall be submitted annually to the Commission by March 31. The docket holder submitted their most recent Water Audit on February 27, 2020.

Based on information reported to PADEP, the docket holder's water losses exceed 20 percent of the total usage. Water audit information submitted to DRBC confirms the PADEP finding. PADEP Permit No. WA-40B requires that the docket holder initiate a study to develop a plan to reduce its unaccounted-for water loss and shall reduce such loss to a level of 20 percent or less within 5 years of the approval date of permit. DRBC staff concur with this condition and require that the docket holder submit a copy of the approved water loss reduction plan to the Commission and provide progress updates on an annual basis (see Section C. DECISION Condition C.9.).

3. Surface Water Charges / Entitlements

On July 14, 1980, DRBC issued two Certificate of Entitlements (Nos. 360 and 363) to the docket holder. Certificate of Entitlement No 360 entitled the docket holder to use, withdraw or divert up to 6.922 mgm non-consumptive use and up to 56.006 mgm consumptive use without charge from Dreck Creek in Hazle Township, Luzerne County, Pennsylvania. Certificate of Entitlement No. 363 entitled the docket holder to use, withdraw or divert up to 6.554 mgm non-consumptive use and up to 53.030 mgm consumptive use without charge from Quakake Creek at Hudsondale combined with Beisel's Run Intake in Packer Township, Carbon County, Pennsylvania. These two Certificate of Entitlements remain active.

On July 14, 1980, the Commission issued Certificate of Entitlements Nos. Nos. 362 and 361 to the docket holder for the Buck Mountain Creek in Lausanne Township, Carbon County, Pennsylvania and the Quakake Creek about 5.3 miles upstream from Hudsondale in Packer Township, Carbon County Pennsylvania. These two sources are no longer in operation and this docket terminates Certificate of Entitlement Nos. 361 and 362 (see Section C. DECISION Condition C.23).

The docket holder shall pay for all water withdrawn from the Lehigh River that is discharged to either Dreck Creek or the water filtration plant (see Section C. DECISION Condition C.3). The docket holder shall pay for all surface water use in excess of the consumptive use and non-consumptive use listed in Entitlement Nos. 360 and 363 in accordance with the provisions of 18 CFR Part 420 as described in Section C. DECISION Condition C.4.

4. Conservation Release / Passby Flow

PADEP Water Allocation Permit Nos. WA-184 and WA-184A and DRBC Docket Nos. D-79-87 CP (Supplement) and D-90-10 CP contained conservation release / passby requirements for the three Delaware River Basin surface water withdrawals. The docket holder's sources will continue to be subject to the same previously approved conservation release / passby flow requirements as outlined below.

A flow of not less than 82.7 cfs or 53.4 mgd must be allowed to pass the Lehigh River Intake whenever water is withdrawn from the intake. When streamflow below the intake is less than this amount, no water may be withdrawn and the entire natural flow be allowed to pass the intake. The passby flow at the intake was equivalent to the proposed higher conservation release of the Francis E. Walter Reservoir (after proposed modification) of 63 cfs plus an incremental Q7-10 of 19.7 cfs based on the additional uncontrolled drainage area of 140.9 square miles between the dam and the Lehigh River Intake. Although the additional proposed water supply storage in F.E. Walter reservoir was not created, the same higher passby flow is retained in this docket (see Section C. DECISION Condition C.14.).

The minimum flow of 2.63 cfs (1.70 mgd), which is equivalent to the Q7-10 flow, must be allowed to pass at the confluence of Biesel's Run and Quakake Creek (Hudsondale Sources). When the flow is less than that amount the entire flow of Quakake Creek must be allowed to pass the taking point and no withdrawal is permitted. (see Section C. DECISION Condition C.15).

A continuous flow of not less than 0.426 cfs (0.275 mgd) must be maintained directly downstream from the Lower Dreck Reservoir at all times. The conservation release was based on PADEP calculations that considered the natural Q7-10 and available storage in the Dreck Creek Reservoirs. (see Section C. DECISION Condition C.16.).

5. Water Importation/Exportation

Wastewater from the project service area will continue to be conveyed to the Greater Hazleton Joint Sewer Authority WWTP in the SRB. The exception to this is wastewater originating from the bulk sale of water to Beaver Meadows Borough, which is treated and discharged within the DRB. This volume is less than 1 percent of the total DRB system allocation. The diversion of DRB wastewater was first approved by DRBC Docket No. D-64-41 on December 29, 1964. In that docket, it is concluded that the diversion of DRB water to the SRB (proposed at that time), could be compensated for by releases from the Beltzville Reservoir (completed in 1971).

Neither a total DRB Source allocation nor a total water exportation quantity were specified in previous DRBC approvals. The total water exportation approved by this docket is 10.97 mgd (340.07 mgm), which is the sum of the previously approved DRB sources. The increased

withdrawal from the Lehigh River will not result in an increase in the amount exported from the basin.

6. Other Findings

The DRBC estimates that the project withdrawals used for the purpose of public water supply result in a consumptive use of 100 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 is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

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

Effective on the approval date for Docket No. D-1991-065 CP-4 below, the projects described in Docket Nos. D-79-87, D-79-87 (Supplement), D-90-10 CP, and D-91-65-CP-3, are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1991-065 CP-4; Docket No(s). D-79-87, D-79-87 (Supplement), D-90-10 CP, and D-91-65-CP-3 are terminated and replaced by Docket No. D-1991-065 CP-4; 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. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted for surface water withdrawals by the designated agency (PADEP) if maintenance of the 5 percent performance is not technically feasible or economically practicable. 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. The docket holder shall pay for all water withdrawn from the Lehigh River that is discharged to either Dreck Creek or the water filtration plant in accordance with *Administrative Manual – Part III Basin Regulations – Water Supply Charges 18 CFR Part 420*.

4. The docket holder shall pay for all surface water use in excess of the consumptive use and non-consumptive use listed in Entitlement Nos. 360 and 363 in accordance with *Administrative Manual – Part III Basin Regulations – Water Supply Charges 18 CFR Part 420*.

5. 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.

6. 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.

7. The docket holder shall implement to the satisfaction of the Bureau of Watershed Management, PADEP, a 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 Bureau of Watershed Management, PADEP, on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

8. 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.

9. The docket holder shall report to the Commission annually on the progress made to reduce system water losses.

10. At least 60-days prior to start of any system improvements including water pipeline construction and reservoir improvements, the docket holder shall submit for approval by the Executive Director of the DRBC, a Non-Point Source Pollution Control Plan (NPSPCP) that includes post-construction stormwater management plans in accordance with Article 3.10.3A.2.e.1). and 2). of the *WQR*. The Executive Director can, for good cause, extend the date of the NPSPCP submission.

Other Conditions

11. During any month, the combined withdrawal from all DRB sources shall not exceed 417.57 million gallons. No source shall be pumped above the maximum rate and monthly allocation as indicated below:

SOURCE ID	MAXIMUM DAILY RATE (MGD)	MONTHLY ALLOCATION (MGM)
Hudsondale Sources (Quakake Creek and Biesel's Run combined)	3.60	111.60
Dreck Creek	4.75	147.25
Lehigh River	5.00	155.00
Buck Mountain Well No. 1	0.346	3.72

12. During any month, the maximum exportation of water from DRB sources shall not exceed 340.07 million gallons.

13. 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.

14. A flow of not less than 53.4 mgd (82.7 cfs) shall be allowed to pass the Lehigh River Intake whenever water is withdrawn at the intake. When streamflow below the intake is less than 53.4 mgd, no water may be withdrawn and the entire natural flow shall be allowed to pass the intake.

15. A minimum flow of 1.70 mgd must be allowed to pass at the confluence of Biesel's Run and Quakake Creek. When the flow is less than that amount, the entire flow of Quakake Creek shall be allowed to pass the taking point and no withdrawal is permitted.

16. A continuous flow of not less than 0.426 cfs (0.275 mgd) shall be maintained immediately downstream from the Lower Dreck Creek Reservoir at all times.

17. The wells surface water intakes and operational records shall be available at all times for inspection by the DRBC.

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

19. The wells shall be equipped, where possible, with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes as repairs or modifications are made at each existing well so that water levels may be measured under all conditions.

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

21. 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).

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

23. Certificates of Entitlement Nos. 361 and 362 are terminated upon the approval date of this docket.

24. 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.

25. 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.

26. 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*.

27. 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).

28. 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).

29. 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).

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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: June 9, 2021

EXPIRATION DATE: June 9, 2031