

DOCKET NO. D-2010-013-2

DELAWARE RIVER BASIN COMMISSION

**Southeastern Pennsylvania
Ground Water Protected Area**

**Butter Valley Golf Port
Groundwater and Surface Water Withdrawal
Upper Hanover Township, Montgomery County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on May 22, 2020 for renewal of an allocation of groundwater and review of a groundwater water withdrawal project in the Ground Water Protected Area of Southeastern Pennsylvania (Application). The groundwater withdrawal project was approved by the Commission on May 11, 2011.

The Application was reviewed for approval under Section 3.8 and for a withdrawal permit under Section 10.3 of the *Delaware River Basin Compact*. The Montgomery County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on May 12, 2021.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew the approval to withdraw up to 4.65 million gallons per month (mgm) of groundwater from Well B and up to 5.89 million gallons per month of surface water from Pond Intake Nos. 1 and 2 for golf course irrigation. The groundwater is used to supplement the surface water sources and the total combined allocation of groundwater and surface water remains at the previously approved total combined allocation of 5.89 mgm.

2. Location. The golf course is located in Upper Hanover Township, Montgomery County Pennsylvania about one mile east of Bally Borough. The project well and two surface water intakes are located in the West Branch Perkiomen Watershed, up stream of Green Lane reservoir. The project well is completed in the Brunswick Formation. The unnamed tributary of the West Branch Perkiomen Creek is designated by the Pennsylvania Department of Environmental Protection (PADEP) as supporting Cold Water Fishes and Migratory Fishes (CWF, MF).

Specific location information has been withheld for security reasons.

3. Area Served. The surface water and groundwater withdrawals serve the irrigation needs of the Butter Valley Golf Port, located in Upper Hanover Township, Montgomery County, Pennsylvania. 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 Butter Valley Golf Port is an existing 18-hole golf course situated on approximately 190 acres in Upper Hanover Township, Montgomery County, Pennsylvania. Approximately 80.6 acres of fairways, 1.5 acres of tees, and 1.8 acres of greens (total of 83.9 acres) require irrigation. Irrigation water is supplied by two off-stream, constructed ponds that are supplemented with groundwater as needed.

The two irrigation ponds are located in the southern portion of the site adjacent to an unnamed tributary to the West Branch Perkiomen Creek. The stream flows north to south through the eastern part of the golf course, past the two irrigation ponds, and converges with the West Branch Perkiomen Creek approximately 900 feet south of the golf course. Water to the ponds is supplied by a combination of surface water diverted from the tributary into the northern-most pond and inflow from the shallow groundwater system. The stream diversion consists of a gravity-fed pipe and intake located approximately 125 feet north of the northern-most pond (Pond No. 1). Water from the northern pond drains through a standpipe into the southern pond (Pond No. 2). Excess water exits the southern pond through a standpipe back into the tributary near the southern corner of the property. Supplemental water from Well B is discharged directly into pond No. 2 as needed. Based on irrigated acreage and needs, the peak irrigation water demand is 5.89 mgm.

5. **Facilities.** The existing project wells and intakes have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
Well B	597'	61' / 8"	115	2008

INTAKE NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY (GPM)	STORAGE VOLUME	YEAR CONSTRUCTED
Pond No. 1	Constructed pond	1,000	0.122 mg	Unknown
Pond No. 2	Constructed pond	1,000	1.64 mg	Unknown

All sources are metered.

The irrigation ponds and surface water intakes are located in the 100-year flood plain. The surface water pumps and irrigation Well B are located outside of the 100-year flood plain.

The residential and clubhouse wells are not metered. Domestic water use is estimated at 8,000 gpd.

6. **Other.** Domestic water for the club house and on-site residential units are supplied by two (2) individual wells. The use is estimated to be 8,000 gpd and is below the threshold for Commission review. Wastewater from the clubhouse and residential units located on the property is disposed of in on-lot septic systems.

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.

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 ground water basin, should not exceed withdrawal limits of the ground water 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 initial 2011 approval of this renewal 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 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.

The Butter Valley Golf Port is located in the West Branch Perkiomen Creek subbasin, where total net annual groundwater withdrawal of 10 mgy (Year 2018) is less than 1 percent of the withdrawal limit set in Section 6.I of the GWPARG (2,087 mgy). The docket holder is requesting the renewal of an annual allocation of 27.9 mgy (4.65 mgm times 6 months), 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 below the withdrawal limits set in Section 6.I of the GWPARG. Therefore, the withdrawals from Well B, in conjunction with other withdrawals in the subbasin, are in accordance with the requirements of Section 6.I of the GWPARG.

The DRBC estimates that the project withdrawals, used for the purpose of golf course irrigation, result in a consumptive use of 90 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*.

2. Surface Water Charges

The docket holder shall pay for surface water use in accordance with the provisions of Resolution No. 74-6, as amended as described in Condition C.4 in the DECISION section.

3. Other Findings

The docket holder is required to continue the groundwater level monitoring program as described in Section C. DECISION Condition C.3.

In 2011, the PVC inlet pipe in the stream channel was fitted with a 90-degree elbow raising the pipe to approximately 1 inch above the stream bed to limit the amount of diversion during low flows. This docket requires that the elevation of the PVC inlet in the stream be maintained at least 1 inch above the stream bed at all times as described in Section C. DECISION Condition C.10.

The project is designed to conform to the requirements of the *Water Code (WC)* and *Water Quality Regulations (WQR)* and *Ground Water Protected Area Regulations (GWPARG)* 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-2010-013-2 below, Docket No. D-2010-013-1 is terminated and replaced by Docket No. D-2010-013-2. 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 biweekly 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. A groundwater monitoring program is required to obtain data on groundwater conditions in the project area. This program will include the following:

A. **Ground Water Level Monitoring** – Water levels shall be measured in the B. Gehman Well, Weiss Well, Schoenly Well, B.V. Rental House Well and Well B to estimate annual ground water fluctuations caused by seasonal changes and/or production well pumping, and detect water level declines that may adversely affect groundwater levels in the project area. The water levels shall be measured monthly from May through October.

B. **Reports** - All monitoring data, including records required in Condition C.2. herein shall be submitted to the Commission in an annual report due March 31. The docket holder is encouraged to submit the annual report electronically. The report shall be prepared by a hydrogeologist and shall assess the effects of well withdrawals on the local hydrogeologic system. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the hydrogeologist or required by the Executive Director.

C. The Executive Director may modify or extend the monitoring program or temporarily suspend or modify this docket at any time if review

of the hydrologic data and/or any other information indicates such action is necessary or appropriate.

4. The docket holder shall pay for surface water use in accordance with *Administrative Manual – Part III Basin Regulations – Water Supply Charges 18 CFR Part 420*.

Other Conditions

5. During any month no source shall be pumped above the maximum rate and monthly allocation as indicated below:

SOURCE ID	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
Well B	124	4.65
Pond Intake No. 1	1,000	1.24
Pond Intake No. 2	1,000	4.65
Residential Well	Domestic Use Only	
Clubhouse Well	Domestic Use Only	

* Based on a 24-Hour Average

In addition, the total groundwater withdrawal from Well B shall not exceed 27.90 mgy (4.65 times 6 months).

6. 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.

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

8. The wells and surface water intakes shall be operated at all times to comply with the requirements of the *WC* and *WQR* of the DRBC.

9. 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.

10. The elevation of the PVC inlet in the stream shall be maintained at least 1 inch above the stream bed at all times.

11. 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.

12. 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.

13. 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*.

14. 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).

15. 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 401.35).

16. 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 401.35).

17. 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.

18. 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.

19. 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.

20. 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.

21. 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