

DOCKET NO. D-2000-065-3

DELAWARE RIVER BASIN COMMISSION

**M.C. Resource Development Company
Groundwater Withdrawal
East Brunswick Township, Schuylkill County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on September 14, 2020, for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application). The project groundwater withdrawal was previously approved by the Pennsylvania Department of Environmental Protection (PADEP) on April 28, 2003 (Permit No. 3546482). By letter dated January 28, 2015, the PADEP relinquished its public water supply permit as the project no longer met PADEP's definition of a Public Water Supply. The docket holder still has environmental and administrative obligations associated with the operations of the Project including continued adherence with the conservation-bypass requirement. Additionally, the docket holder continues to maintain its PADEP Chapter 110 registration and reports usage annually.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Schuylkill County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on August 11, 2021.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to renew the approval of an existing groundwater withdrawal of up to 7.13 million gallons per month (mgm) from existing wells Pine Valley 1 and 2 (PV-1 and PV-2) used to supply the docket holder's bulk water withdrawal and hauling operation.
- 2. Location.** The project wells are located adjacent to the existing Pine Valley Farm Spring No. 1 in the Indian Run watershed in East Brunswick Township, Schuylkill County, Pennsylvania. Indian Run is a tributary to the Little Schuylkill River. Indian Run is classified by PADEP as supporting both Cold Water and Migratory Fishes (CWF, MF). The project wells are completed in the Bloomsburg Formation Specific location information has been withheld for security reasons.
- 3. Area Served.** The project wells supply water for the docket holder's bulk water withdrawal and hauling operation. Groundwater is withdrawn, treated and hauled from the project facility to water bottlers under contract with the docket holder to accept the water for

bottling purposes. The docket holder currently provides bulk water to Niagara Bottling, LLC in Fogelsville, Pennsylvania; Crossroads Beverage Group in Reading, Pennsylvania; Premium Beverage Group in Allentown, Pennsylvania; and Lucerne Foods in Hatfield Pennsylvania. All of these bottling plants are located in the Delaware River Basin. 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 project withdrawals groundwater from the Bloomsburg Shale, bedrock source aquifer via wells PV-1 and PV-2. The aquifer supplies water to the Pine Valley Farm Spring No. 1 also located on the property. Wells PV-1 and PV-2 are situated approximately 275 feet apart and located adjacent to the existing Pine Valley Farm Spring. The spring is not utilized directly for water supply. The spring discharges to an unnamed tributary of Indian Run. Water for bottling is pumped directly from wells PV-1 and PV-2 utilizing submersible pumps, to a twelve-inch diameter PVC pipe that conveys the raw water by gravity approximately 3,200 feet to the treatment and load-out facility. The transmission pipe is buried at least three feet below ground surface and crosses under Indian Run and Pine Valley Road. The treatment facility is housed in an above-ground, 144 square foot prefabricated building. Treated water is conveyed directly from the treatment system to tanker truck for distribution to water bottling facilities.

The docket holder records an existing average and maximum water demand of 0.150 million gallons per day (mgd) and 0.230 mgd, respectively. The docket holder projects the 10-year average water demand to increase to 0.167 mgd. The maximum water demand is expected to remain at 0.230 mgd. The allocation of 7.13 mgm should be sufficient to meet the future demands of MCRD.

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

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
PV-1	300'	80'/6"	110 gpm	1999
PV-2	300'	81'/8"	90 gpm	1999

The wells are independently metered.

Each load of water removed from the property is individually logged into a remote database and is recorded based on the plated capacity of the hauling vehicle.

Water is treated via sand filtering and ultraviolet light disinfection prior to load-out.

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

B. FINDINGS

1. Previous Pumping Test Summary

A 48-hour pumping test was conducted on Wells PV-1 and PV-2 from May 5 to May 6, 1999. Each well was simultaneously pumped at a constant rate of 80 gpm for a combined rate of 160 gpm. Water levels and flow rate were monitored at each well. Approximately 155 feet of drawdown was observed in Well No. PV-1 and 67 feet of drawdown was observed in Well No. PV-2 during pumping. Two shallow observation wells (PZ-1 and PZ-2) were monitored to observe the effects of pumping on the Pine Valley Spring No. 1 with no measurable drawdown observed. No other wells were monitored during the pump test.

The former PADEP permit for the facility limited the withdrawals from wells PV-1 and PV-2 to a combined yield of 160 gpm which is consistent with the combined pumping test rate and equates to a withdrawal of 7.13 mgm.

The project is located in a rural area on the 230-acre Pine Valley Farm property. The project site is bordered by State Game Lands and small farms with the closest domestic well located approximately 1,000 feet away. The owners of this well declined monitoring during the 48-hour pumping test.

The PADEP Hydrological Review determined that there are no significant surface water impacts, protection zones affected, wetlands impacts, or vicinity well interference expected within the combined total use allowed. The former PADEP permit for the facility included a special condition that required a conservation bypass of 56.1 gpm (0.125 cfs) be maintained in the unnamed tributary immediately downstream from the Pine Valley Spring during production from wells PV-1 and PV-2. When stream flow in the unnamed tributary is less than 56.1 gpm (0.125 cfs), no water may be withdrawn from wells PV-1 and PV-2. MCRD augments flow in the unnamed tributary from wells PV-1 and PV-2 when withdrawals occur to meet the required conservation bypass. Flow is measured at a flume installed downstream of the Pine Valley Spring and augmentation discharge location. Although PADEP has revoked its public water supply permit, PADEP requires the docket holder to continue to adhere with the conservation-bypass requirement of 56.1 gpm.

2. Other Findings

The DRBC estimates that the project withdrawals, used for the purpose of water bottling, 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 (WC)* and *Water Quality Regulations (WQR)* 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-2000-065-3 below, Docket No. D-2000-065-2 is terminated and replaced by Docket No. D-2000-065-3. 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. 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.

Other Conditions

4. During any month, the combined withdrawal from all well sources shall not exceed 7.13 million gallons. No well shall be pumped above the maximum rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
PV-1	110	3.57
PV-2	90	3.57

* Based on a 24-Hour Average

Additionally, the combined withdrawal rate from Wells PV-1 and PV-2 shall not exceed 160 gpm or 0.230 million gallons per day.

5. 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.

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

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

8. 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.

9. 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).

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

11. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

12. 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.

13. 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.

14. 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*.

15. 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).

16. 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).

17. 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).

18. 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.

19. 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.

20. 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.

21. 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.

22. 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: September 9, 2021

EXPIRATION DATE: September 9, 2031