

DOCKET NO. D-98-7-2

DELAWARE RIVER BASIN COMMISSION

Ground Water Protected Area

**Floyd G. Hersh, Inc.
Macoby Run Golf Course
Ground Water Withdrawal
Marlborough Township, Montgomery County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by URS Corporation on behalf of the Macoby Run Golf Course (MRGC) on April 16, 2008 (Application), for renewal of an allocation of ground water and review of a ground water withdrawal project in the Ground Water Protected Area of Southeastern Pennsylvania. This project was previously approved by the DRBC on August 12, 1998.

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 September 24, 2008.

A. DESCRIPTION

1. Purpose. The purpose of this project is to continue to supply water from Well PW-1 for the irrigation of the applicant's existing 18-hole golf course.

The continued total allocation of ground water is 3.75 mg/30 days.

2. Location. The project well is located in the Macoby Creek Watershed, in the Brunswick Formation, in Marlborough Township, Montgomery County, Pennsylvania within the Southeastern Ground Water Protected Area.

Specific location information has been withheld for security reasons.

3. **Area Served.** Well PW-1 supplies water for irrigation of the docket holders existing Macoby Run Golf Course, as delineated on the map (Figure 1) 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 docket holder currently operates an 18-hole golf course consisting of 30 acres of fairways, 9.5 acres of tees and greens, and 25 acres of other irrigated areas. The golf course uses water from a man-made storage pond supplied by ground water withdrawal from Well PW-1. The ground water is pumped from Well PW-1 during the irrigation season (generally April to November). The ground water withdrawal is metered and discharged into the storage pond. Water from the pond is pumped through a metered discharge and used to irrigate the MRGC.

b. **Facilities.** The docket holder's existing well has the following characteristics:

| WELL NO. | DEPTH | CASED DEPTH/ CASING DIAMETER | PUMP CAPACITY | YEAR DRILLED |
|----------|-------|------------------------------------|------------------|-----------------|
| PW-1 | 400' | 41' / 8" | 69 gpm | 1995 |

All well and pond withdrawals are metered.

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

c. **Other.** Wastewater is disposed via an on-site sub-surface system.

d. **Cost.** The overall cost of this project is estimated to be \$5,000.

B. FINDINGS

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*, *Water Quality Regulations* 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 found infeasible.
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 August 12, 1998 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.

Well PW-1 is located in the Perkiomen-Macoby Creek subbasin, where total net annual ground water withdrawal (173.72 mgy) is less than the withdrawal limit set in Section 6.I of the *GWPAR* (1,669 mgy). The docket holder is requesting an annual allocation of 30 mgy, a fraction of which will be returned to ground water. However, even if no water from this project were returned to ground water, the total net annual ground water withdrawal from this subbasin would remain below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the withdrawals from Well PW-1, in conjunction with other withdrawals in the subbasin, are in accordance with the requirements of Section 6.I of the *GWPAR*.

The docket holder estimates that the project withdrawals, used for the purpose of irrigation for the 18-hole MRGC, 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*.

C. DECISION

I. Effective on the approval date for Docket No. D-98-7-2 below; Docket No. D-98-7 is terminated and replaced by Docket No. D-98-7-2.

II. The project as described in the Section A “Physical features” is approved pursuant to Section 3.8 of the *Compact* and is granted this withdrawal permit pursuant to Section 10.3 of the *Compact* and *GWP*AR, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall register with the PADEP all surface and ground water sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

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

c. The well 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 total withdrawal from PW-1 shall not exceed 3.75 million gallons.

e. The well shall be equipped with a readily accessible capped port and drop pipe so that water levels may be measured under all conditions.

f. The docket holder currently pays for surface water use in accordance with provisions of Resolution No. 74-6, as amended. The docket holder is charged the net difference between the ground water withdrawal and the amount pumped from the surface holding pond to irrigate the MRGC.

g. The project withdrawals shall be separately 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

Bureau of Watershed Management, PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

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

i. 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).

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

k. In accordance with DRBC Resolution No. 87-6 (Revised), the docket holder shall continue to implement to the satisfaction of the Bureau of Watershed Management, 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 unaccounted-for 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.

l. 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.

m. A long-term monitoring program is required to obtain data on ground water and surface water hydrologic conditions in the project area. The docket holder shall continue to implement the long-term monitoring program as submitted by the docket holder in their application dated February 16, 1998. This program includes the following:

1. **Ground Water Level Monitoring** – Six monitoring wells shall be measured to estimate annual ground water fluctuations caused by seasonal changes and/or production well pumping, and detect water level declines that may affect the performance of public and private wells in the areas adjacent to the docket holder's production wells.

2. **Reports** - All monitoring data, including records required in Conditions "g." and "m." herein shall be submitted to the Commission. 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 hydrologic conditions in the area. 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.

n. The Executive Director may modify 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.

o. 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.

p. 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.

q. 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* and the *GWPAR*.

r. 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.

s. The docket holder shall incorporate and implement reasonable conservation practices and measures consistent with efficient utilization of water resources.

t. 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.

u. 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 in accordance with Section 10B of the *GWPAR*. 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.

v. 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.

w. 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:

EXPIRATION DATE: September 24, 2018