

DOCKET NO. D-2007-22-1

DELAWARE RIVER BASIN COMMISSION

**UMH Properties, Inc.
Ground Water Withdrawal
Vineland City, Cumberland County, New Jersey**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by GPM Associates, Inc. on behalf of UMH Properties, Inc. on June 6, 2007 (Application), for review of a proposed ground water withdrawal. The project ground water withdrawal was approved by the New Jersey Department of Environmental Protection (NJDEP) on April 8, 2008, effective on May 1, 2008 (Permit No. WAP070001), subject to approval by the DRBC.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Cumberland County Department of Planning and Development 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 approve a ground water withdrawal of 6.0 mg/30 days to the docket holder's Fairview Manor Mobile Home Park. The total yearly withdrawal shall not exceed 46.0 mg.
2. **Location.** The project wells are located in the Cohansey Watershed, in the Kirkwood-Cohansey Formation, in Vineland City, Cumberland County, New Jersey. Specific location information has been withheld for security reasons.
3. **Area Served.** Wells Nos. 1 & 2 will continue to serve as the water supply for Fairview Manor Mobile Home Park. 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 proposes to continue to operate two wells with an estimated average and maximum water demand of 3.8 mg/30 days and 5.8 mg/30 days respectively. The docket holder is requesting a 6.0 mg/30 days limit.

b. **Facilities.** The proposed project wells have the following characteristics:

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
1	165	145'6"	300 gpm	1972
2	152	132'6"	100 gpm	1982

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water will be treated by lime and sodium hypochlorite.

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

c. **Other.** Wastewater is conveyed to the Landis Sewer Authority sewage treatment facility most recently approved by DRBC Docket No. D-1986-52 CP-2 on September 24, 2008. The NJDEP issued its most recent NJPDES Permit No. NJ0025364 on November 26, 2007 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

d. **Cost.** The overall cost of the proposed wells is estimated to be \$50,000.

B. FINDINGS

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

The withdrawal is new to the Commission, but the wells have been in operation for several decades. No interference complaints have been filed to date and pump tests have not been requested because pump capacities are not being altered during the updating process for these wells.

The docket holder estimates that the project withdrawals, used for the purpose of domestic supply, result in a consumptive use of 15 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-2007-22-1 below, the project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the NJDEP in its Water Allocation permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

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

c. The wells 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 withdrawal from all well sources shall not exceed 6.0 million gallons. In addition, the total withdrawal from all wells shall not exceed 46.0 mg/year.

e. The wells shall be equipped with readily accessible capped ports and drop pipes so that water levels may be measured under all conditions.

f. Upon completion of construction of the approved project, the docket holder shall submit a statement to the DRBC, signed by the docket holder’s engineer or other responsible agent, advising the Commission that the construction has been completed in compliance with the approved plans, giving the final construction cost of the approved project and the date the project is placed in operation.

g. This docket approval shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

h. The project withdrawals shall be 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 NJDEP quarterly and shall be available at any time to the Commission if requested by the Executive Director.

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

j. In accordance with DRBC Resolution No. 87-6 (Revised), the docket holder shall continue to implement to the satisfaction of the NJDEP, 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.

k. The docket holder shall implement to the satisfaction of the NJDEP, the 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 NJDEP on the actions taken pursuant to this program and the impact of those actions as requested by the NJDEP.

l. 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).

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

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

o. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

p. 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.

q. 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.

r. 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*.

s. 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.

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. 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. During any water emergency or other non-emergency declaration by the Governor of New Jersey, NJDEP or the Commission, water service or use by the project docket holder pursuant to this docket approval shall be subject to any order or restriction governing those non-essential uses specified by the NJDEP to the extent that they may be applicable, and to any other emergency resolutions or orders adopted 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

DRAFT