

DOCKET NO. D-2008-16-1

DELAWARE RIVER BASIN COMMISSION

**Fralinger Farms
Ground Water Withdrawal
Hopewell Township, Cumberland County, New Jersey**

PROCEEDINGS

This docket is issued in response to an Application submitted by Fralinger Farms to the Delaware River Basin Commission (DRBC or Commission) on May 2, 2008, for an allocation of ground water and review of a ground water withdrawal project (Application). The project was approved by the New Jersey Department of Environmental Protection (NJDEP) on December 18, 2007 (Permit No. CU0253), 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

- Purpose.** The purpose of this project is to supply up to 18.75 million gallons per thirty days (mg/30 days) of water to the docket holder's fruit tree farm through fifteen existing wells. The allocation reflects a reduction from the docket holder's requested allocation of 78.6 mg/30 days.
- Location.** The project wells are located in the Cohansey River Watershed, in the Kirkwood-Cohansey Formation. Specific location information has been withheld for security reasons.
- Area Served.** The wells serve the docket holder's fruit tree farm only. 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 operates fifteen existing wells as sources of supply to irrigate approximately 283 acres of fruit trees. The existing maximum water demand is 18.75 mg/30 days. The docket holder does not anticipate an increase in water demand within the next ten years.

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

WELL NO.	DEPTH (FEET)	PUMP CAPACITY	YEAR DRILLED
1 (Perry)	80	200	1992
2 (Vineyard)	60	150	1994
3 (Gandy)	66	150	1998
4 (Gandy)	60	100	1998
5 (Vineyard)	80	50	1994
6 (Home)	63	300	1997
7 (Home)	63	318	1961
8 (Loew)	65	180	1996
9 (Vineyard)	80	50	1989
10 (Morton)	65	75	1983
11 (Uhland)	80	300	2001
12 (Barbeck)	80	40	1994
13 (Farm House)	60	18	1957
14 (Home)	60	300	2003
15 (Vineyard)	65	65	2005

All wells are metered.

Prior to entering the distribution system, the water is not treated.

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

The water system is not presently interconnected with any other distribution system.

B. FINDINGS

The docket holder requested an allocation of 78.6 mg/30 days. The docket holder has estimated that their ten year projected maximum water use will be 18.75 mg/30 days, as indicated in the Application. The Commission bases water allocations on ten year projected maximum use. The 18.75 mg/30 days allocation satisfies the docket holder's ten year projected maximum use. The NJDEP has allocated 78.6 million gallons per month to the docket holder.

The docket holder has been operating the irrigation wells without DRBC approval since as early as 1957, though the majority of wells have been in operation since the mid-1990's. No reports of adverse impact have been received. No adverse impact is anticipated with the continued operation of this project.

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

The DRBC estimates that the project withdrawals, used for the purpose of agricultural 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*.

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

I. Effective on the approval date for Docket No. D-2008-16-1 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 Agricultural Water Usage Certification 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 the project wells shall not exceed the maximum allocations indicated below:

- Well No. 1 shall not exceed 7.538 million gallons
- Well No. 2 shall not exceed 7.328 million gallons
- Well No. 3 shall not exceed 4.606 million gallons
- Well No. 4 shall not exceed 3.350 million gallons
- Well No. 5 shall not exceed 1.256 million gallons
- Well No. 6 shall not exceed 5.863 million gallons
- Well No. 7 shall not exceed 8.794 million gallons
- Well No. 8 shall not exceed 5.863 million gallons
- Well No. 9 shall not exceed 3.141 million gallons
- Well No. 10 shall not exceed 2.094 million gallons
- Well No. 11 shall not exceed 9.213 million gallons
- Well No. 12 shall not exceed 3.141 million gallons
- Well No. 13 shall not exceed 7.203 million gallons
- Well No. 14 shall not exceed 8.794 million gallons
- Well No. 15 shall not exceed 0.419 million gallons

During any 30-day period, the total combined withdrawal from all wells shall not exceed 18.75 million gallons.

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. The existing wells shall be metered or records maintained of the pumping rates, dates and elapsed hours of operation 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.

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

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

i. 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.

j. 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*.

k. 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.

l. 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.

m. 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.

n. 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.

o. 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