

DOCKET NO. D-2024-001-CP-1

DELAWARE RIVER BASIN COMMISSION

Located in Drainage Area to Special Protection Waters

Laurel Pipeline Company, L.P.

Buckeye Laurel Maintenance and Improvement Project

Temporary Water Exportation

Lower Macungie and Upper Milford Townships, Lehigh County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on October 22, 2024 for approval of a temporary exportation of water from the Delaware River Basin (DRB) to the Ohio River Basin (ORB) and review of a temporary water exportation project (Application).

The Application was reviewed for inclusion of this project in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Lehigh Valley Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on May 7, 2025.

A. DESCRIPTION

1. **Purpose.** The purpose of this project is to hydrostatically pressure test a portion of the docket holder's existing hazardous liquid pipeline. Up to 5.28 million gallons of water will be purchased over a two-day period from the Lehigh County Authority for hydrostatic testing purposes. After hydrostatic testing is complete, the water will be discharged in the ORB. The purpose of this docket is to describe the project and approve the temporary exportation of water from the DRB.

2. **Location.** The water used to hydrostatically test the pipeline will be sourced from an existing water supply connection with Lehigh County Authority at the Buckeye Macungie Terminal located in Lower Macungie and Upper Milford Townships, Lehigh County, Pennsylvania (PA). The pipeline to be hydrostatically tested is located between Sinking Spring Station in Sinking Spring Borough, Berks County, PA (in the DRB) and the Duncansville Terminal, in Blair Township, Blair County, PA (Susquehanna River Basin). After testing is complete the water will be discharged at the Coraopolis Terminal in Coraopolis Borough, Allegheny County, PA (the ORB).

3. **Area Served.** Water from the DRB will be used to test a 137.4-mile section of the docket holder's pipeline system, the majority of which is located outside of the DRB. The portion of the pipeline to be tested is situated between Spinking Spring, PA and Duncansville, PA as shown on a map submitted with the Application. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in Section C. DECISION of this docket.

4. **Design Criteria.** The applicant proposes to purchase up to 5.28 million gallons of water from Lehigh County Authority to perform a hydrostatic test of a 137.4-mile section of an existing 20-inch diameter and 24-inch diameter hazardous liquid pipeline. The water will be obtained from an existing hydrant at the Buckeye Macungie Terminal Facility where it will be transferred to existing tanks on the property. The water will be transferred from the hydrant to existing tanks at an estimated rate of 2,000 gallons per minute. Based on this rate, the water transfer is not anticipated to exceed 48-hours. The water will be stored in the tank(s) at the site until the start of the hydrostatic testing activities at which time the water will be transferred from the tanks into the pipeline and used to fill the pipeline from east to west. The pipeline will be hydrostatically tested in 4 segments from east to west. After testing is complete the water will be removed from the pipeline and discharged at an existing terminal facility located in the ORB.

5. **Facilities.** The existing facilities include an existing water supply connection and water storage tanks at the Buckeye Macungie Terminal Facility, the Laurel Pipeline System and discharge facility at the Coraopolis Terminal. The water supply connection, temporary storage tanks and easternmost pipeline segment to be tested is located in the DRB.

6. **Other.** Water will be provided by Lehigh County Authority (LCA). LCA's groundwater withdrawal and interconnection with City of Allentown's surface water supply system is detailed in DRBC Docket No. D-2001-020 CP-6 approved on March 11, 2020. After testing the water will be discharged out of basin at the Buckeye Coraopolis/Pittsburgh Terminal located in Coraopolis Borough, Allegheny County, PA under PADEP NPDES Permit No. PA0096474.

7. **Relationship to the Comprehensive Plan.** The short-term and temporary water exportation project will be included in the Comprehensive Plan upon approval of this docket.

B. FINDINGS

1. Special Protection Waters

In 1992, the DRBC amended its *Water Quality Regulations (WQR)* by the addition of regulations for the protection of Special Protection Waters (SPW), designed to maintain the quality of interstate waters where existing quality is better than the established stream quality objectives. As the result of its initial classifications and subsequent amendments, the Commission has designated the entire non-tidal main stem Delaware River from Hancock, New York to Trenton, New Jersey as SPW. DRBC's SPW regulations apply within the designated reaches and their drainage area.

The LCA groundwater and surface water sources, the water supply connection and temporary water storage tanks at the Buckeye Macungie Terminal are located within the drainage area to SPW. Sections 3.10.3A.2.e.1) and 2) of the *WQR* state that projects subject to review under Section 3.8 of the Compact that are located within the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of SPW.

This project does not entail any construction or expansion activities nor any new water withdrawals or discharges within the DRB and will not create any new or increased non-point source loads in DRB SPW areas. Stormwater discharges from the existing Buckeye Macungie Terminal are regulated by PADEP NPDES Permit No. PA0053813.

2. Surface Water Charges

A portion of the water (approximately 75 percent) supplied by LCA is obtained from surface water sources. The docket holder shall pay for surface water use in accordance with Basin Regulations-Water Supply Charges 18 C.F.R. Part 420. See Section C. DECISION condition C.1.

3. Water Exportation

This project requires exportation of up to 5.28 million gallons of water from the DRB over an approximate 34-day period. Based on the anticipated schedule, pipeline water filling operations are to begin on August 27, 2025, and out of basin discharge will occur on September 30, 2025.

According to section 2.30.2 of the commission's *Water Code* a proposed new exportation of basin water that is subject to review under the compact and implementing regulations may be approved by the Commission after consideration of the factors set forth at section 2.30.3 if the sponsor demonstrates that the exportation of basin water is required to meet public health and safety needs on a temporary, short term, or emergency basis.

As detailed below, the project sponsor has demonstrated that the exportation of water for hydrostatic testing purposes is required to meet public health and safety needs on a temporary short-term basis and therefore may be approved by the Commission.

Commission staff have reviewed the project pursuant to the requirements A.1 through A.10 contained in Section 2.30.3 (Importation and Exportation of Water) of the Delaware River Basin *Water Code (WC)* and have determined that while there have been no indications that the line has existing integrity issues, the project is being performed to ensure the future integrity and safety of this actively used pipeline. The exportation of up to 5.28 million gallons of water is short term and temporary and unlikely to have an adverse impact on existing or future water availability, aquatic ecosystems, water quality and waste assimilation, salinity, water uses protected by the Comprehensive Plan or DRB Compact, or passby or instream flow requirements contained in DRBC regulations or project approvals.

Due to the geographic location of the line and the sequence in which the line is to be tested, the withdrawal from within the Delaware Basin and discharge elsewhere will result in the least environmental impacts as there will be no impacts to surface waters required nor trucking of water to an injection site as there is an available hydrant at the Macungie facility which will result in no additional carbon emissions or additional truck traffic to source the required water.

Viable fill points are limited to the location of existing valve sites along the length of the pipeline. Laurel Pipeline Company evaluated water withdrawal locations near valve sites in the vicinity of Raystown Lake as they provided possible sources of the volume of water required for testing. These withdrawal locations were excluded because the distances from the water sources were too great and required piping and pump set up with potential to impact surrounding environmentally sensitive habitats including wetlands and adjacent shorelines. Additionally, equipment and piping set up required to perform the necessary fill had the potential to impact public recreation at Raystown Lake during peak usage season. The proposed Macungie fill location utilizing water provided by LCA is unlikely to result in impacts to wetlands or waterways.

4. Other Findings

The DRBC estimates that the exportation of water from the basin, used for the purpose of hydrostatic testing, will result in a consumptive use of 100 percent of the total water use. The DRBC definition of consumptive use is defined in Basin Regulations-Water Supply Charges 18 C.F.R. 420.1(d).

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-2024-001 CP-1 below, the project and the appurtenant facilities as described in Section A.4. (Design Criteria) and A.5. (Facilities) shall be added to the Comprehensive Plan. 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 quantity of water used shall be determined by meters, or other methods approved by the Commission, installed, maintained and read by or on behalf of the docket holder. Meters or other methods of measurement shall be subject to approval and inspection by the Commission as to installation, maintenance and reading. Within 30 days of the completion of the exportation of water from the Basin, the docket holder shall pay for surface water use in accordance with Basin Regulations – Water Supply Charges 18 C.F.R. Part 420.

Other Conditions

2. The total volume of water obtained from LCA and exported from the DRB shall not exceed 5.28 million gallons.

3. In accordance with 18 C.F.R. 401.8. of the Commission’s Rules of Practice and Procedure (RPP), if at any future time the Project is changed materially from the Project as described in this docket, it will be deemed to constitute a new and different project for the purposes of Article 11 of the Delaware River Basin Compact and will require Commission amendment of the Comprehensive Plan. In accordance with the same section of the RPP, whenever a change to the Project is made, the sponsor must advise the Executive Director, who will determine whether the change is deemed materially for purposes of this provision.

4. This approval shall expire on the expiration date set forth below unless prior thereto the docket holder has applied to the Commission to renew or extend this approval.

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

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

7. 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.

- 8.** 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*.
- 9.** 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).
- 10.** 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).
- 11.** 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 C.F.R. 401.43).
- 12.** 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 to ensure the proper control, use and management of the water resources of the Basin.
- 13.** 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.
- 14.** 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.
- 15.** 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 11, 2025

EXPIRATION DATE: December 31, 2025