

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



October 20, 2006

TO ALL CONCERNED:

At the September 13, 2006 meeting, the draft minutes of the June 14, 2006 Commission meeting were approved as written. Please attach this notice to your copy of the June 14, 2006 minutes.

- DRAFT -

SUSQUEHANNA RIVER BASIN COMMISSION
1721 N. FRONT ST.
HARRISBURG, PA 17102

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION
September 13, 2006
#2006-03**

The meeting was held at the Holiday Inn Chesapeake House, 1007 Beards Hill Road, Aberdeen, Maryland.

ROLL CALL

Commissioners Present

Mr. Kenneth P. Lynch, Director, Region 7, N.Y.
Dept. of Environmental Conservation (NYDEC)

Ms. Cathleen C. Myers, Dep. Sec. for Water
Management, Pa. Department of Environmental
Protection (PADEP)

Dr. Robert M. Summers, Dir., Water Mgt. Admin.,
Maryland Dept. of the Environment (MDE)

Col. Peter W. Mueller, District Engineer, USACE,
Baltimore District

**Alternate Commissioners
and Advisors Present**

Mr. William A. Gast, Chief, Division of Water Use
Planning, PADEP

Mr. Matthew G. Pajerowski, Chief, Water Policy
and Security Division, MDE

Ms. Amy M. Guise, Chief, Civil Project
Development Branch, USACE, Baltimore District

Staff Present

Mr. Paul O. Swartz, Executive Director

Mr. Thomas W. Beauduy, Deputy Director

Mr. Michael G. Brownell, Chief, Water Resources
Management Division

Ms. Susan S. Obleski, Director of Communications

Mr. David W. Heicher, Chief, Watershed
Assessment and Protection

Mr. Duane A. Friends, Chief Admin. Officer

Mr. Richard A. Cairo, General Counsel

Ms. Deborah J. Dickey, Secretary to the Comm.

INTRODUCTION/WELCOME

Chairman Lynch welcomed the audience to the Commission meeting and Commissioner Summers issued a special welcome to the State of Maryland. The Chairman then allowed the other members of the Commission to introduce themselves and describe the work that they do for their particular member jurisdictions. In their remarks, all the members emphasized the importance of working together to manage the water resources of an interstate river basin and protect the Chesapeake Bay. The Commission is the institutional device that best facilitates this cooperation. The members also complimented staff on the job they do in assisting the commissioners and keeping them informed on the issues.

With the Commission meeting in Maryland, the Executive Director took a few moments to recount the Commission's many activities relating to the protection of the Chesapeake Bay. He noted that the Susquehanna River Basin Compact mandated that the Commission take into account the receiving waters of the Chesapeake Bay in its Comprehensive Plan and referred to portions of the Plan that address Bay concerns, including sections that set goals for the restoration of migratory fishes.

ACTION ITEMS

1. Minutes of the June 14, 2006 Commission Meeting

On a motion by Commissioner Summers, seconded by Commissioner Myers, the minutes of the regular business meeting of June 14, 2006 were unanimously adopted as written.

2. Hydrologic Conditions Report

Water Management Division Chief Michael Brownell presented information on current hydrologic conditions in the basin. To assess these conditions, the Commission monitors precipitation, stream flows and groundwater levels.

This was a reporting period filled with extremes. The month of June began giving every indication of a prolonged summer dry spell. Toward the end of the month, however, an unnamed storm system set up in the Atlantic to the east and south of the Carolinas that, over a five-day period, pumped massive amounts of moisture into the Delaware and Susquehanna River Basins. Some areas received as much as four inches of rain per hour.

The eastern Susquehanna basin in New York State was the hardest hit area in the basin, receiving record breaking flooding that reached the 450-year to 500-year flood frequency level. Flood waters lapped at the top of the levees in Binghamton. There were three deaths in New York and ten deaths overall in the basin. While there was considerable flood damage reported, it is estimated that \$1 billion in damages was prevented by local and regional flood protection projects.

Following the events of late June, the basin slipped back into a dry weather pattern that saw almost a month pass without significant rainfall of any kind. Then Tropical Storm Ernesto made its appearance, bringing wet weather back to the region, though not causing any serious flooding. Drought conditions are not expected to reoccur for the remainder of the year. In summary, it appears that 2006 will be near normal in amounts of precipitation, though, as in 2005, this normal level will be achieved via extremes of wet and dry weather.

3. Evaluation of the June 2006 Flood Event

The Commission presented an evaluation of the record breaking June 2006 flood event. The session began with each of the commissioners describing the effects of the flood in their jurisdictions and the responses of their governments to the flooding.

In New York, where flooding struck the hardest, state officials focused on ensuring that local flood control projects were operating effectively. A number of important tasks had to be accomplished by state flood crews, including the placement of 11 stop logs in the overnight hours ahead of flood crests. The local projects performed very well, preventing untold amounts of damage in communities like Binghamton, where water lapped at the top of the levee system. Following the flooding, state officials turned their attention to assisting municipalities in compiling their damage claims for federal assistance.

Chairman Lynch mentioned that his Department worked with the Environmental Protection Agency on potential waste and chemical contamination hazards related to the flooding. The U.S. Army Corps of Engineers also assisted the state in assessing local flood control structures to ensure that they were performing as expected.

Commissioner Myers thanked the Commission staff for their efforts to keep people informed during the flood event. The Pennsylvania Emergency Management Agency coordinated very well with its federal counterpart, FEMA. There was a great deal of cross border cooperation between Pennsylvania and New York officials on things like emergency flood relief. The flood event also drew attention to small flood control projects built by the U.S. Dept. of Agriculture's Natural Resources Conservation Service (NRCS). Many of these projects are badly in need of repair, though funding is not available to make these repairs. State officials are hopeful that the U. S. Army Corps of Engineers will be able to lend a hand.

Commissioner Summers noted that flooding in Maryland was less serious. The biggest problem associated with the June flooding was the debris slug that ended up in the lower river and Chesapeake Bay. This was the largest source of complaints in Maryland.

The last major flood in the Maryland portion of the basin was the ice jam flood of 1996. After that flood, a system of communication was put into effect to alert downstream communities like Port Deposit of impending floods. The problem now is with reinforcing perceptions of flood danger which have faded over the last ten years. That is where continuing education of public officials and maintenance of an effective warning system are important.

Col. Mueller commented on the operation of federal flood control projects. They all performed as they were intended to perform. Precipitation was so intense that East Sidney Lake actually spilled water for the first time in its history. In all, federal flood control projects had prevented about \$450 million in flood damages in New York and \$475 million in Pennsylvania.

The Executive Director then turned to the results of two post flood community dialogue sessions that the Commission conducted in August. The sessions focused on two main questions: 1) How well did the flood forecast and warning system work; and 2) How well did structural flood control measures work? Several facts were revealed, including:

- There are some widely held misconceptions on flood prevention such as the belief that dredging river and stream beds will have a long term benefit to reduce flood damages.
- Continuing education of the public and public officials on the hazards of flooding is very important.
- Changing storm paths can greatly complicate forecasting efforts.
- The Susquehanna River Flood Forecast & Warning System (SFFWS) is geared to forecasts on the main stem and larger tributaries and did not perform as well in forecasting flooding on headwaters streams. Forecasting on headwaters streams only produced lead times of 2 to 3 hours, not nearly enough time for effective flood damage reduction measures to be implemented.
- There was one particularly stark example of a situation where nine hours of lead time (instead of 2 or 3 hours) could have saved \$20 million in damages and the attendant loss of jobs.
- There were some communication breakdowns, including a breakdown between municipal and county officials. A communication breakdown led some people to mistakenly conclude that the spill at East Sidney was a dam failure.
- There is a need to designate a flood emergency contact person in each municipality.
- There is a need to review the 911 emergency system with respect to flood emergencies.
- Emergency officials need better communication channels to the U.S. Army Corps of Engineers.
- More money should be invested in pumps for municipalities.

- There is a need for better gaging on small streams and for a new gridded model for small stream forecasts.
- A new gridded model should be developed for forecasting on small streams.
- The National Weather Service should provide river flow data in interagency conference calls that include the U.S. Army Corps of Engineers.

Andrew Dehoff, Director of Planning and Operations, SRBC Water Resources Management Division, described how important upgrades have been made to the SFFWS with the extra funding that was provided through the efforts of Senator Barbara Mikulski. The upgrades included the replacement and the installation of new rain gages and data transmitters. Despite these improvements, there is still the need to replace 18 more rain gages and 25 more data transmitters.

Additional funding also went to outreach efforts, such as “Turn Around, Don’t Drown” TV spots. Director of Communications Susan Obleski played a video clip of a recent SRBC-produced public service announcement regarding the dangers of driving through flooded roadways. Other media are also being used, including the SRBC web site, radio and movie theatres.

Mr. Dehoff continued that there is a great deal of concern that the U.S. House version of the appropriation bill for the National Weather Service does not contain a separate line item appropriation for the SFFWS. He presented a resolution (Exhibit A) expressing the profound concern of the Commission regarding elimination of this line item and making additional recommendations for improvements to the SFFWS. The resolution also directs the SRBC staff to conduct a comprehensive evaluation of the June 2006 flood event and report back to the Commission with further recommendations.

On a motion by Commissioner Myers, seconded by Commissioner Summers, this resolution was unanimously adopted by the Commission.

4. Water Quality Impacts to the Chesapeake Bay from the June 2006 Flood

Rich Batiuk, Associate Director for Science, Chesapeake Bay Program gave a 10-minute presentation on the impacts of the June flood event on the Chesapeake Bay. As he pointed out, a major flood can have devastating impacts on the Bay, setting back years of water quality improvements. Fortunately, though this flood occurred at a time when the Bay is vulnerable to flooding impacts, it now appears from the data gathered in the aftermath that the damage to the Bay’s ecosystem was minimal.

The Bay demonstrated a great deal of resiliency in coming back quickly from the blow dealt by the flood. This resiliency can likely be traced to the ongoing efforts to restore the Bay that have brought back the bay grasses and reduced nutrient and sediment loads. Commissioner Myers agreed that the efforts that Pennsylvania and other Bay states have made appear to be making a difference.

5. Public Hearing

a. Project Applications

The Commission convened a public hearing on project applications before the Commission for review and approval.

Michael Brownell first provided some background information on the Commission's review authority and its consumptive use and water withdrawal regulations. The main purpose of these regulations is to avoid adverse environmental impacts and conflicts among users, particularly during periods of drought and low flow. Cumulative impacts are also considered. He explained the methods available for compliance with the consumptive use regulation, including discontinuance of use, provision of storage water, and payment into the SRBC Water Management Fund to enable purchase of water storage for release during low flow periods.

Mr. Brownell listed the standard requirements for each project sponsor, including: 1) notice of application; 2) coordination with member jurisdictions; 3) aquifer tests for groundwater withdrawals; 4) metering, monitoring, and reporting of water use; 5) mitigation or other special conditions where there is a potential for adverse impacts; 6) a right of inspection to insure compliance; 7) water conservation standards; and 8) docket reopening authority.

The dockets recommended for action included the following eight projects¹:

- Mansfield Borough Municipal Authority (Exhibit B1)
- Tunkannock Borough Municipal Authority (Exhibit B2)
- EP FCL, LLC dba Ron Jaworski's Edgewood in the Pines (Exhibit B3)
- Bedford Township Municipal Authority Schaffer Tract (Exhibit B4)
- Bedford Township Municipal Authority Hotel Well (Exhibit B5)
- Monroe Valley Golf Course (Exhibit B6)
- Dairy Farmers of America, Inc. (Exhibit B7)
- Manheim Borough Authority (Exhibit B8)

Mr. Brownell went on to describe the projects and the proposed conditions of approval for each.

On a motion by Commissioner Summers, seconded by Commissioner Myers, the Commission unanimously approved the staff recommendations for all the dockets presented.

b. Settlement Offer – Empire Kosher Poultry, Inc.

Empire Kosher Poultry, Inc. of Lebanon, Pa. submitted a settlement offer to the Commission under which the company would pay the Commission \$35,339.20, including 6%

¹ Docket decisions are not included with the hard copy of the minutes. However, they are available upon request and at www.srbc.net.

interest. The settlement related to violations alleged by SRBC staff involving reported exceedences of the maximum groundwater withdrawal limit and metering requirement contained in Commission Docket No. 20030809. The Commission staff worked with the company for about three months to resolve the violations. Staff recommended acceptance of the settlement offer.

On a motion by Commissioner Myers, seconded by Commissioner Summers, the Commission unanimously accepted the settlement offer submitted by Empire Kosher Poultry, Inc.

6. Grant and Contract Approvals

Watershed Assessment and Protection Chief Dave Heicher presented a list of grants and contracts for Commission approval/ratification.

a. Paxton Creek Watershed Stormwater Project - Grant

Under a USEPA Chesapeake Bay Targeted Watershed Grant, the Commission, in cooperation with the National Fish and Wildlife Foundation (NFWF), PADEP, USEPA, the Paxton Creek Watershed and Education Association, five Dauphin County, Pa. municipalities and other public and private entities, will develop a watershed remediation plan for Paxton Creek which flows through the Harrisburg metropolitan area. The Commission is contributing \$15,000 toward the project, with the remaining \$1.45 million coming from other partners. The grant scored 10 out of 10 on the Commission's grant evaluation scale. Commissioner Myers added that this is one of her favorite Growing Greener projects and that PADEP hopes that this project will serve as a regional model for other urban/suburban watersheds.

b. Science in Motion (SIM), Susquehanna University - Grant

Science in Motion at Susquehanna University and the Commission will continue the second year of a project to engage teachers and secondary science students in water quality data collections and reporting. The data will be included in the SRBC water quality data base. Science in Motion is contributing \$33,960 to the project and SRBC \$21,040.

c. West Branch AMD - Grant

In coordination with Trout Unlimited, PADEP, PADCNR and the West Branch Task Force and West Branch Citizens Committee, SRBC will develop a remediation strategy for areas of the West Branch Susquehanna River affected by acid mine drainage. The strategy will focus on water quality improvement and utilizing limited remediation dollars in the most effective manner possible. Details on the West Branch Strategy appear in the March 15, 2006 meeting minutes. The strategy will be prepared under a \$122,000 grant from Trout Unlimited.

d. Authorization for the Executive Director to Sign Pennsylvania Agricultural Consumptive Use Contract - Contract

Staff has been working with PADEP to develop a scope of work and a contract to provide water storage to compensate for Pennsylvania's agricultural consumptive use. Treated mine water would be the likely source of compensation. The funding for this \$6.1 million project was authorized in Pennsylvania's FY-07 approved budget.

On a motion by Commissioner Myers, seconded by Commissioner Summers, the Commission unanimously ratified the three grants and authorized the Executive Director to execute a contract with Pennsylvania for agricultural consumptive use compensation.

7. Appointment of Secretary to the Commission

Richard A. Cairo became outside counsel to the Commission on August 14, 2006 and no longer serves as Secretary to the Commission, though he will act in a supportive role to that position. The Executive Director recommended the appointment of Deborah J. Dickey as Secretary to the Commission. Deborah Dickey is a long time employee of the Commission who has an established record of excellent service.

On a motion by Commissioner Summers, seconded by Commissioner Myers, Deborah J. Dickey was unanimously appointed as the Secretary to the Commission.

8. Recognition of Major General William T. Grisoli

The Commission recognized and honored United States Member Major Gen. William T. Grisoli for his commitment and dedicated service to the Commission. Commissioner Mueller, who is now the new Baltimore District Commander, USACE accepted this honor on behalf of Gen. Grisoli, who could not be present at this meeting. General Grisoli was scheduled to depart his post as North Atlantic Division Commander, USACE in the very near future. Commissioner Mueller noted that Gen. Grisoli strongly supports the work that is being done by the Commission. That is why he advocated cooperation between the Commission and federal agencies and was an active participant in all Commission business.

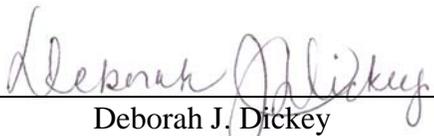
ADJOURNMENT

There being no further business before the Commission, the Chairman adjourned the meeting at 11:04 a.m.

NEXT MEETING

The next regular meeting of the Commission is tentatively scheduled for December 5, 2006 in Harrisburg, Pennsylvania.

Date Adopted



Deborah J. Dickey
Secretary to the Commission

RESOLUTION NO. 2006-05

A RESOLUTION of the Susquehanna River Basin Commission reiterating its profound concern regarding the proposed elimination of a line item appropriation for the Susquehanna River Flood Forecasting and Warning System by the U.S. House of Representatives and making additional recommendations for improvements to flood forecasting and warning in the Susquehanna River Basin.

WHEREAS, the Susquehanna River Basin (the “basin”) is one of the most flood prone watersheds in the United States, with average annual flood damages of approximately \$150 million; and

WHEREAS, as recently as June 2006, record flooding in the Upper Susquehanna River Basin, and major, moderate to minor flooding in other portions of the Susquehanna Basin caused the loss of 10 lives, substantial damage to public and private facilities and economic disruption; and

WHEREAS, the Susquehanna River Flood Forecasting and Warning System (SFFWS), during its 20 years of operation, has helped save lives and has reduced average annual flood damages by \$32 million, giving it a benefit-to-cost ratio of 20-to-1; and

WHEREAS, the SFFWS has certain critical operation and maintenance demands that require a minimum level of funding to maintain the SFFWS; and

WHEREAS, the Susquehanna River Basin Commission (the “Commission”) was instrumental in the initiation of the SFFWS in the 1980s and has previously expressed its formal support for adequate funding of the SFFWS in Commission Resolution No. 99-01 of January 14, 1999 as reaffirmed by the Commission on February 6, 2003; and

WHEREAS, by Resolution No. 2003-12 of December 11, 2003, the Commission further expressed its concern regarding the FY 2004 elimination of a line item appropriation for the SFFWS by the U.S. House of Representatives; and

WHEREAS, only through the recent action of the U.S. Senate was a line item appropriation restored to the SFFWS in FY 2006; and

WHEREAS, the U.S. House of Representatives, as set forth in House Report 109-520 accompanying HR 5672, the Science, State, Justice, Commerce and Related Agencies Appropriation Act, has again eliminated the line item appropriation for the SFFWS, instead indicating its expectation that the National Oceanic and Atmospheric Administration (NOAA) will support upgrades to the SFFWS within the amount provided for Advanced Hydrologic Prediction Services (AHPS); and

WHEREAS, this action by the U.S. House will force SFFWS to compete with the nationwide demands on the National Weather Service (NWS) budget and is therefore likely to

result in a reduction in the level of funding for the SFFWS, further compromising its already tenuous finances; and

WHEREAS, reduced funding could force discontinuance of stream gages and delay the maintenance of other important SFFWS infrastructure, thereby reducing the SFFWS' ability to provide timely and accurate flood forecasts, and contributing to the likelihood of increased loss of life, injury and flood damage; and

WHEREAS the U.S. Senate, as stated in Senate Report 109-280 accompanying the Senate version of the Science, State, Justice, Commerce, and Related Agencies Appropriation Act, provides a line item appropriation to the SFFWS in the amount of \$2 million for FY 2007; and

WHEREAS, Members of Congress representing the Susquehanna Basin have consistently recognized the importance of the SFFWS and have advocated funding for it; and

WHEREAS, the Commission conducted two community dialogue meetings on August 15 and 16, 2006 to solicit input from local and state officials on the performance of the SFFWS and structural flood control measures; and

WHEREAS, input from the community dialogue meetings, along with an evaluation of the performance of the SFFWS in the June 2006 flood event, suggests a need for certain improvements to the SFFWS and other flood related procedures in such areas as hydrologic monitoring, generation of forecasts and warning products, warning dissemination, and interagency communications and operations.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission expresses its profound concern regarding the FY 2007 elimination of the line item appropriation for the SFFWS by the U.S. House of Representatives.
2. The Commission strongly urges the Congress of the United States to adopt the position of the U.S. Senate providing a line item appropriation in the amount \$2 million to the SFFWS for FY 2007 as the final conference committee action, and that Congress provide a line item appropriation in all subsequent budget years.
3. The Commission staff is directed to conduct a comprehensive evaluation of the June 2006 flood event and report back to the members of the Commission with further recommendations.
4. The Commission further requests that the National Weather Service and other participating agencies adopt a list of "Recommendations for Improvements to Flood Forecasting and Warning in the Susquehanna River Basin" that is attached hereto as Exhibit A and made a part of this Resolution.

5. This Resolution shall be effective immediately and shall be forwarded to the appropriate Members of Congress, the NWS and other SFFWS participating agencies for their immediate consideration.

Date: September 13, 2006

A handwritten signature in black ink, appearing to read "Kenneth P. Lynch", written over a horizontal line.

Kenneth P. Lynch, Chairman

EXHIBIT A

Recommendations for Improvements to Flood Forecasting and Warning in the Susquehanna River Basin

Preliminary recommendations based on initial discussions of the June 28-30, 2006, flood event.

Hydrologic Monitoring:

- Address limitations of the use of radar to track observed rainfall.
- Modify stream gages to ensure continued usefulness at high water levels:
 - Elevate gage floors at Vestal and Conklin gages;
 - Increase flood-proofing of gage houses where needed; and
 - Extend rating curves where needed (8 gages in Upper Susquehanna).
- Evaluate the need for additional gaging:
 - Susquehanna River at Binghamton (full-time gage);
 - Chenango River at Norwich (new gage); and
 - Swatara Creek at Middletown (new gage).

Generation of Forecasts and Warning Products:

- Provide more frequent updates of river stages and flood forecasts.
- Modify graphical forecast products to display the range of river forecasts at each site, instead of one discrete forecasted stage.
- Evaluate the need for additional forecast locations:
 - Lackawanna River;
 - Codorus Creek near York; and
 - Susquehanna River at Binghamton.
- Refine techniques for monitoring and forecasting flash flooding.

Warning Dissemination:

- Address inadequacies in data transmissions and DCP communications to agencies.
- Increase public outreach and education related to NWS forecasts:
 - Improve understanding of NWS predicted flood characterization (minor, moderate, severe);
 - Emphasize that river forecasts generally cover a range of 2 to 3 feet; and
 - Increase public and agency understanding of the QPF and its use in forecasts.
- Use mapping technology to better communicate the potential for flood inundation:
 - Provide inundation mapping of populated areas subject to flooding; and
 - Provide inundation mapping for water treatment and wastewater treatment plants subject to flooding.
- Improve accessibility of forecasts over the Internet.
- Provide direct dissemination of forecasts to SRBC.

Interagency Communications and Operations:

- Enhance communications between NWS and USACE flood control facility operators.
- Make available real-time information on road and bridge closures to facilitate USGS operations and measurements during flood events.
- Include PEMA and SRBC in conference calls held between NWS and the county EMAs.
- Solicit feedback on problems and potential improvements from flooded communities.
- Perform a detailed evaluation of the performance of the Susquehanna FFWS during the June 2006 event.
- Coordinate with state agencies responsible for water/wastewater treatment to assess water quality concerns associated with flooded facilities.

Water Quality Monitoring/Reporting:

- Perform bacteriological monitoring at select locations during and post-flood events to assess water quality impacts to recreational uses.
- Report nutrient and sediment load data routinely gathered during flood events for each individual event.



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20060901

Approval Date: September 13, 2006

MUNICIPAL AUTHORITY OF THE BOROUGH OF MANSFIELD

Groundwater Withdrawal (30-Day Average) of 0.252 mgd from Well 2,
and a Total Groundwater System Withdrawal Limit (30-Day Average)
of 0.255 mgd, for Public Water Supply,
Richmond Township, Tioga County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawals. The Commission received the application on January 16, 2003.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of groundwater for distribution in a public water supply system.

Location. The project is located in the Chemung River Subbasin, HUC 02050104, Tioga River Watershed, Richmond Township, Tioga County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.252 million gallons per day (mgd) from Well 2. Well 2 was drilled and developed in 1997 and put into service in 2000, but has not been reviewed and approved by the Commission. Currently, the Municipal Authority of the Borough of Mansfield (Authority) is supplied with groundwater from Wells 1 and 2, and surface water from Webster Reservoir.

The Authority also has developed another groundwater source, Well 3. Commission staff advised the Authority that Well 3 may not be pumped until appropriate applications have been submitted, and the use of the well has been reviewed and approved by the Commission.

Well 2 was completed as an 8-inch-diameter screened well within glacial outwash and has 10 feet of screen set from 33 to 43 feet below ground surface (bgs).

The public water supply system has an existing average daily demand of 0.237 mgd and an existing maximum daily demand of 0.317 mgd. The average and maximum daily demands are projected to grow to 0.281 and 0.377 mgd, respectively, by 2030.

Pumping Test. The project sponsor has requested that the pumping test requirement be waived for Well 2. According to the project sponsor, Well 2 has been operating as a water supply source for more than 5 years, pumping at a maximum rate of 175 gallons per minute (gpm), without any reports of adverse impact to any groundwater user or environmental uses (streams or wetlands). The project sponsor submitted several years of operational data, including daily production rates, static water levels, and pumping water levels, as well as a 1989 pumping test report for Well 2 in support of its waiver request. Commission staff reviewed these data and recommends waiving the testing requirements.

Coordination. Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) Northcentral Region Office (NCRO) during review of the project. Well 2 currently is operated under a PADEP public water supply permit, issued on January 19, 2000 (Permit No. 5999501), at a maximum rate of 175 gpm (which is equivalent to 0.252 mgd).

Findings

The project is subject to Commission approval and reporting requirements, as per Commission Regulation §803.43.

Commission staff recommends waiving the constant-rate pumping test requirement for Well 2.

Historic operational data and the well log indicate that Well 2 draws water from a highly transmissive glacial outwash deposit that lies within a valley-fill aquifer. Based on the review of the groundwater availability analysis submitted by the project sponsor, Commission staff concludes that the groundwater withdrawal from Well 2 will not have a significant adverse impact on private water supply wells or water resources in the area.

Commission staff recommends approval of a maximum instantaneous pumping rate of 175 gpm for Well 2, the maximum rate at which Well 2 has been historically used.

Commission staff recommends approval of a 30-day average withdrawal of 0.252 mgd from Well 2, and a total system groundwater withdrawal limit of a 30-day average of 0.255 mgd from all wells. Commission staff recommends that the project sponsor maintain the appropriate metering on Well 2, accurate to within five (5) percent. Well 1 must also be metered to insure the total system groundwater withdrawal does not exceed the recommended limit. Daily flow meter readings of Well 1 and 2 should be collected and reported to the Commission annually.

The system groundwater withdrawal limit of 0.255 mgd is adequate to supply the Borough of Mansfield with its current needs without using the existing surface water allocation

permit for Webster Reservoir. However, the Authority should conduct a water needs assessment to find new sources of water to meet the projected system demand.

The project is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(a). The water system is 100 percent metered and the system estimates its unaccounted for water loss at 18.8 percent, which is in compliance with this regulation.

While the project's groundwater withdrawal from Well 2 has been in noncompliance with Commission regulations, no adverse impacts have been identified associated with the withdrawal. The project sponsor has cooperated with Commission staff and has indicated a willingness to submit all appropriate applications in a timely manner for Well 3.

The project sponsor has paid the appropriate application fee pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

This project is not required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and will not significantly affect the water resources of the basin.

Decision

1. The project's groundwater withdrawal of 0.252 mgd (30-day average) from Well 2, and a total system groundwater withdrawal limit of 0.255 mgd (30-day average) from Wells 1 and 2, is approved pursuant to Article 3, Section 3.10, of the Compact.

2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.

3. The project sponsor shall comply with all Commission regulations, including groundwater withdrawal reporting requirements, as per Commission Regulation §803.43.

4. The project sponsor shall maintain separate metering on Wells 1 and 2, accurate to within five (5) percent, to measure its groundwater withdrawal.

5. The project sponsor shall keep daily records of the metered withdrawals in Wells 1 and 2, and weekly water levels in Well 2. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Monitoring reports are due within sixty (60) days after the close of the preceding year.

6. The maximum instantaneous rate of production from Well 2 shall not exceed 175 gpm.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a).

8. The constant-rate pumping test requirement specified in Commission Regulation §803.43(b) is hereby waived for Well 2.

9. If the Commission determines that the operation of the project's groundwater withdrawal from Well 2 adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

10. Pursuant to Article 12, Section 12.2, of the Compact, this project is hereby included in the Commission's Comprehensive Plan.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained. Such employees or agents shall be authorized to conduct tests or sampling; to take photographs; to perform measurements, surveys, and other tests; to inspect the methods of construction, operation, or maintenance; to inspect all measurement equipment; to audit, examine, and copy books, papers, and records pertinent to any matter under investigation; and to take any other action necessary to assure that the project is constructed, operated, or maintained in accordance with the terms and conditions of this approval or any other rule, regulation, or order of the Commission.

13. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

14. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

15. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

16. This approval is effective until September 13, 2031. The project sponsor shall submit a renewal application by March 13, 2031, and obtain Commission approval prior to continuing operation beyond September 13, 2031.

17. If the project is discontinued for such a period of time and under such circumstances that an abandonment of the project may reasonably be inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

By the Commission:

Dated: September 13, 2006



Kenneth P. Lynch, Chair
New York Commissioner



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20060902

Approval Date: September 13, 2006

TUNKHANNOCK BOROUGH MUNICIPAL AUTHORITY

Groundwater Withdrawal (30-Day Average) of 0.144 mgd from Well 3R,
and a Total System Withdrawal Limit (30-Day Average) of 0.300 mgd,
for Public Water Supply,
Tunkhannock Borough, Wyoming County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawals. The Commission received the application on April 15, 2005, and supplemental information on October 12, 2005 and March 14, 2006.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of groundwater for distribution in a public water supply system.

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050106, Tunkhannock Creek Watershed, Tunkhannock Borough, Wyoming County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.173 million gallons per day (mgd) from Well 3R. Tunkhannock Borough Municipal Authority (TBMA) will use the well as a source for the public water supply system that currently relies on five wells: Well 1 (Hill 1), Well 2 (Hill 2), Well 3 (Swale Brook), Well 4 (Ravine), and Well 5 (Sunnyside). Well 3R is proposed as a replacement well for Well 3, which is reportedly out of alignment and contains sand, limiting the size and depth of the pump setting. Upon approval from the regulatory agencies, Well 3 will be properly decommissioned.

Commission staff recommends approval of an average daily withdrawal of less than the requested amount in consideration of the potential risk to water quality in the aquifer and potential surface water impacts, as described below.

The use of Wells 1, 3, and 4 predate the effective date of Commission Regulation §803.43, relating to groundwater withdrawal. The Commission previously approved Wells 2 and 5 as Commission Docket No. 20030806 on August 14, 2003.

Well construction information and other information are summarized in the table below.

Well No.	Date of Initial Use	Diameter (inches)	Depth (feet)	Pump Capacity (gpm)	Rated Capacity 2002 (gpd)	Notes
Well 1 (Hill Well 1)	1922	10	415	115	165,600	Grandfathered
Well 2 (Hill Well 2)	1982	8	560	60	86,400	Approved
Well 3 (Swale Brook)	1951	6	344	61	87,840	Grandfathered
Well 3R (Swale Brook)	2004	8	395	--	--	Pending
Well 4 (Ravine)	1969	6	400	60	86,400	Grandfathered
Well 5 (Sunnyside)	1979	8	450	56	80,640	Approved
gpm - gallons per minute gpd - gallons per day						

Well 3R is located 55 feet northeast of existing Well 3, which is located approximately 1,800 feet north of the intersection of Pennsylvania Routes 6 and 29 in downtown Tunkhannock and 400 feet west near the confluence of Swale Brook and an unnamed tributary.

Well 3R is drilled in the Catskill Formation, which consists predominantly of shale, siltstone, and fine-grained sandstone. Structurally, bedding is relatively flat-lying with a slight dip to the south-southeast towards the Susquehanna River. Overburden (till) is approximately 115 feet thick at the well site. The well is cased with 8-inch steel casing to a depth of 135 feet, and has an open-rock borehole from a depth of 135 feet to the bottom of the well at 395 feet.

TBMA provides water service to all of Tunkhannock Borough and parts of Tunkhannock Township. The average daily demand of the TBMA system for 2003 was approximately 0.265 mgd, and projected average daily demand through 2030 is 0.300 mgd.

Wastewater is discharged either to on-lot septic systems or treated at the Tunkhannock Borough Municipal Authority's wastewater treatment plant and discharged to Tunkhannock Creek, downgradient from the site of Well 3R.

Pumping Test. A 48-hour constant-rate pumping test of Well 3R was conducted on October 4-6, 2004, with prior Commission approval. In addition to the pumping well, Well 3 and the School Well were monitored during the test. Swale Brook upstream and downstream of

Well 3R, two tributaries to Swale Brook, and nearby wetlands also were monitored for impacts due to pumping.

Pumping at a rate of 130 gpm, drawdown at the end of the test in the pumping well was approximately 78 feet below ground surface (bgs). A recharge boundary was encountered during the pumping test after approximately 1,680 minutes of pumping at a constant rate of 130 gpm.

Pumping of Well 3R caused substantial drawdown at Well 3 and minimal observed impact (1 foot of drawdown) at the School Well. Groundwater flow likely follows bedding plane partings, and detectable impacts were observed in the shallow groundwater system and Swale Brook (upstream), in addition to the deep system. Wetland impacts, if any, were not clearly defined during testing due to antecedent rain events.

Coordination. Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) Northeast Region Office (NERO) during review of the project. PADEP staff has reviewed this docket for consistency with its requirements.

Findings

The project is subject to Commission approval and reporting requirements, as per Commission Regulation §803.43.

Commission staff reviewed the groundwater availability analysis, pumping test results, and supporting information submitted by the project sponsor. Based on this information, Commission staff concludes that Well 3R likely draws water from an unconfined fractured rock aquifer, having dominant permeability controlled by openings along the relatively flat-lying bedding planes and near-vertical fractures.

The unidentified recharge boundary encountered after 1,680 minutes of pumping is most probably the Susquehanna River; however, there is ample water available in this reach and no passby flow is required.

Commission staff recommends that the maximum instantaneous rate of production from Well 3R not exceed 120 gpm. Likewise, Commission staff recommends approval of a 30-day average withdrawal rate of 0.144 mgd, which is less than the requested quantity of 0.173 mgd. The project sponsor should install appropriate metering on Well 3R, monitor withdrawals daily, and report these data quarterly.

Commission staff recommends that Well 3 should be properly decommissioned and abandoned in accordance with American Water Works Association (AWWA) standards.

The projected average daily demand through 2030 is 0.300 mgd. Commission staff recommends approval of a total system withdrawal of 0.300 mgd, which is consistent with the sustainable yields of existing sources and will satisfy the projected system demand through 2030.

The project is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(a). The water system is 100 percent metered, which is in compliance with this regulation, but TBMA indicated that over the past 11 years there has been an apparent decrease in water use of approximately 1 percent, which is attributed to aging meters at residential properties. In 2004, the system estimated an unaccounted for water loss of approximately 20 percent, which is the maximum set forth in Commission Regulation §804.20(a)(1).

The project sponsor has paid the appropriate application fee in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

This project is not required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and will not significantly affect the water resources of the basin.

Decision

1. The project's groundwater withdrawal of 0.144 mgd (30-day average) from Well 3R, and a total system withdrawal limit (30-day average) of 0.300 mgd, are approved pursuant to Article 3, Section 3.10, of the Compact.
2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.
3. The project sponsor shall comply with all Commission regulations, including groundwater withdrawal reporting requirements, as per Commission Regulation §803.43.
4. The project sponsor shall keep daily records of the metered withdrawal and weekly water levels in Well 3R. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Annual monitoring reports are due within sixty (60) days after the close of the preceding year.
5. The project sponsor shall install a meter, accurate to within five (5) percent, on Well 3R. The project sponsor shall notify the Commission, in writing, when the meter is installed.
6. The maximum instantaneous rate of production from Well 3R shall not exceed 120 gpm.

7. Within one (1) year of PADEP's issuance of an operations permit, the project sponsor shall properly decommission and abandon Well 3 in accordance with AWWA standards. The project sponsor shall notify the Commission, in writing, when the well is decommissioned.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a).

9. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

10. Pursuant to Article 12, Section 12.2, of the Compact, this project is hereby included in the Commission's Comprehensive Plan.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. This approval shall not become effective until the project sponsor certifies to the Commission that it has received a permit from PADEP authorizing the construction of the water supply facilities related to this application.

13. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained. Such employees or agents shall be authorized to conduct tests or sampling; to take photographs; to perform measurements, surveys, and other tests; to inspect the methods of construction, operation, or maintenance; to inspect all measurement equipment; to audit, examine, and copy books, papers, and records pertinent to any matter under investigation; and to take any other action necessary to assure that the project is constructed, operated, or maintained in accordance with the terms and conditions of this approval or any other rule, regulation, or order of the Commission.

14. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing penalties, regardless of the period of noncompliance.

15. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

16. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

17. This approval is effective until September 13, 2031. The project sponsor shall submit a renewal application by March 13, 2031, and obtain Commission approval prior to continuing operation beyond September 13, 2031.

18. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or such approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

By the Commission:

Dated: September 13, 2006



Kenneth P. Lynch, Chair
New York Commissioner



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Docket No. 19980102-2

Approval Date: January 15, 1998

Modification Date: February 21, 2002

Modification Date: September 13, 2006

EP FCL, LLC
dba RON JAWORSKI'S EDGEWOOD IN THE PINES

Consumptive Water Use of up to 0.360 mgd, for Golf Course Irrigation,
Butler Township, Luzerne County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received notification of the transfer of ownership on October 3, 2005, and the application to request a modification to its surface water withdrawal on July 14, 2006.

Description

Purpose. The Commission originally approved this project on January 15, 1998, as Docket No. 19980102 (Docket), and increased the approved quantity of consumptive water use on February 21, 2002. The purpose of the application is to request approval of modifications (quantity and rate) to reduce the withdrawal from Nescopeck Creek.

Findings

The project was originally approved for a daily consumptive water use of up to 0.090 million gallons per day (mgd) of water, and later approved for an increase in consumptive water use of up to 0.360 mgd from Nescopeck Creek for golf course irrigation. According to Commission staff analysis, streamflow in Nescopeck Creek would not be sufficient to maintain the recommended passby flow rate and meet the golf course irrigation needs. Based on this finding, Commission staff recommended that the project sponsor initiate a study to identify other sources of supply to provide water during times when Nescopeck Creek was unavailable.

On October 3, 2005, Orix Capitol Markets requested a formal transfer of the ownership of the Edgewood in the Pines Golf Club. The new owner was listed as EP FCL, LLC, and this docket modification is issued in that name.

Water for the irrigation system is withdrawn from the Nescopeck Creek, a warm water, trout-stocked fishery. Historically, the withdrawals from the creek were accomplished via two pumps that had a combined capacity of 780 gallons per minute (gpm). These pumps withdrew surface water from the creek and pumped the water directly on the course for irrigation. There were no passby structures or engineering controls to regulate the rate of withdrawal from the creek, and the four off-stream ponds located on the golf course were not used for irrigation water storage.

Based on the findings of the Alternative Water Supply Study, the project sponsor proposes to continue to use Nescopeck Creek as its source to supply irrigation water at the golf course, but at a reduced rate. The project sponsor has installed a new pump at its intake that has a capacity of 220 gpm. A withdrawal at a rate of 220 gpm is less than 10 percent of the Q7-10 flow of Nescopeck Creek at the point of taking and, therefore, requires no passby. The Q7-10 flow of Nescopeck Creek was determined to be 5.3 cubic feet per second (cfs), or 2,379 gpm.

Surface water withdrawn from Nescopeck Creek will be discharged into one of four storage ponds. The ponds are interconnected and drain via gravity, and have a combined storage capacity of 2.40 million gallons and a total surface area of 2.52 acres. A new pump, capable of pumping at a rate of 600 gpm and equipped with a variable frequency drive to regulate flows, was installed in the downgradient storage pond to irrigate the golf course.

Meters have been installed on both of the new pumps: the new transfer pump in Nescopeck Creek and the irrigation pump. All water evaporated from the ponds, in addition to the water that is withdrawn from the ponds and used for golf course irrigation, is considered to be used consumptively.

The project is subject to water conservation requirements, as per Commission Regulation §804.20(b).

The project sponsor has paid the appropriate application fee pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03.

The requirement for proofs of notification as required by Commission Regulation §803.25 has been waived.

In accordance with Commission Regulation §803.30(a), the prior Docket approval is effective until January 15, 2023. Commission staff recommends the duration of this docket modification be consistent with the term of the prior Docket approval.

The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 19980102, as approved on January 15, 1998, and subsequently modified on February 21, 2002, is hereby modified to approve a withdrawal from Nescopeck Creek of up to 220 gpm, pursuant to Article 3, Section 3.10, of the Compact.

2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.

3. Conditions “a,” “d,” and “h” of Commission Docket No. 19980102, as approved on January 15, 1998, and subsequently modified on February 21, 2002, are hereby rescinded.

4. The project sponsor shall keep daily records of the project’s consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage ponds plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.

5. The project sponsor shall keep daily records of the project’s water pumpage from Nescopeck Creek and shall provide the results to the Commission quarterly, and as otherwise required. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

6. To satisfy the Commission’s current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. For payment purposes, the daily quantity of water consumptively used shall be the quantity of evaporative loss from the four on-site ponds plus the quantity pumped from the irrigation system pump, as it is removed from the storage pond. Payments shall be made quarterly and shall be calculated by applying this rate to the amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission’s discretion.

7. All other conditions and requirements of Docket Nos. 19980102 and 19980102-1 not inconsistent herewith shall remain effective.

8. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or

revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

9. All other conditions in Commission Docket No. 19980102 not inconsistent herewith shall remain effective.

10. Based on Commission Regulation §803.30(a), this approval is effective until January 15, 2023. The duration of this docket modification is in accordance with the term of the prior Docket approval. The project sponsor shall submit a renewal application by July 15, 2022, and obtain Commission approval prior to continuing operation beyond January 15, 2023.

11. If the project is discontinued for such a time and under such circumstances that an abandonment of the project may reasonably be inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

By the Commission:

Dated: September 13, 2006



Kenneth P. Lynch, Chair
New York Commissioner



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Docket No. 20060904

Approval Date: September 13, 2006

BEDFORD TOWNSHIP MUNICIPAL AUTHORITY— SCHAFER TRACT WELLS 1 AND 2

Groundwater Withdrawals (30-Day Averages) of 0.288 mgd from Schaffer Tract Well 1 and 0.288 mgd from Schaffer Tract Well 2, for Public Water Supply, Bedford Township, Bedford County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawals. The Commission received the applications on October 18, 2005.

Description

Purpose. The purpose of the applications is to request approval for the withdrawal of groundwater for distribution in a public water supply system.

Location. The project is located in the Juniata Subbasin, HUC 02050303, Dunning Creek Watershed, Bedford Township, Bedford County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day averages) of 0.288 million gallons per day (mgd) from Schaffer Tract Well 1 and 0.288 mgd from Schaffer Tract Well 2. The wells will be part of the Bedford Township Municipal Authority's (BTMA's) public water supply system.

BTMA also has submitted a groundwater withdrawal application requesting a 30-day average daily withdrawal of 0.432 mgd from the Bedford Springs Hotel Well 1. This well is scheduled for separate Commission action at the September 2006, meeting.

The Schaffer Tract wells were drilled 310 feet apart and sited along a fracture trace. Well 1 was completed as an open borehole well, constructed with 358.5 feet of 8-inch-diameter casing set into the top of the Ridgeley Formation, drilled to a depth of 447 feet below ground surface (bgs). The upper water-bearing zones in the Marcellus and Onondaga Formations were

cased due to water quality considerations. The open borehole (358.5 feet to 447 feet bgs) reportedly spans the entire thickness of the Ridgeley sandstone and the upper 5 feet of the Shriver limestone. Water-bearing zones were encountered throughout the Ridgeley Formation at depths of 359 to 370 feet, 385 to 386 feet, 400 to 407 feet, and 417 to 427 feet bgs.

Well 2 was completed as an open borehole well, constructed with 254 feet of 8-inch-diameter casing set into the top of the Ridgeley Formation and drilled to a depth of 405 feet bgs. The upper water-bearing zones in the Marcellus and Onondaga Formations were cased off due to water quality considerations. The open borehole (254 feet to 405 feet bgs) reportedly spans the entire thickness of the Ridgeley sandstone and the upper 61.5 feet of the Shriver limestone. Water-bearing zones were encountered within the Ridgeley Formation at depths of 254 to 271 feet, 284.5 to 285 feet, 288 to 288.5 feet, 294 to 296 feet, 303 to 306 feet, and 312 to 314 feet bgs.

Currently, BTMA relies on groundwater withdrawals from Bowman Wells 1 and 2 (Commission Docket No. 19990502) and an interconnection with the Bedford Borough Authority (Commission Docket No. 19930906) to meet their water supply needs. Commission approvals allow withdrawals of 0.210 mgd through the interconnection, 0.160 mgd from Bowman Well 1, and 0.100 mgd from Bowman Well 2.

BTMA provides water service to most of Bedford Township. The current average daily demand is approximately 0.209 mgd and projected average daily demand through 2030 is 0.513 mgd. Wastewater will be treated at Bedford Borough's wastewater treatment plant and discharged to Dunning Creek approximately 18,500 feet downgradient and to the south of the Schaffer Tract wells.

Pumping Test. A pumping test of Schaffer Tract Wells 1 and 2 was conducted on September 11-17, 2004, with Commission approval, as follows: after background monitoring demonstrated groundwater levels were in recession, Well 1 was pumped at a constant rate of 200 gallons per minute (gpm) for 28 hours; then Wells 1 and 2 were pumped simultaneously, both at constant rates of 200 gpm, for the next 48 hours. After 76 hours of pumping Well 1 and 48 hours of pumping Well 2, both wells were shut off and the recovery was monitored for 16 hours.

In addition to the pumping wells, seven domestic wells, two wetland piezometers, and U.S. Geological Survey stream gage on the Dunning Creek at Belden were monitored during the test. The seven monitored residential wells were selected from a survey of residents within a 2,500-foot radius of the wells, and were located to the northwest, west, southwest, and south of the production wells. No monitoring wells were available to the east and the north.

The wells will likely draw water from extensive distances to the north and south of the well field and, in time, will induce recharge from Dunning Creek. After 76 hours of pumping Well 1 and 48 hours of pumping Well 2, the total drawdowns within pumping Wells 1 and 2 were 39 and 57.5 feet, respectively. Only wells that tap the Ridgeley Formation were influenced by the Schaffer Tract wells, and three of the residential wells monitored showed drawdown (total drawdown in these wells ranged from 0.97 to 3.20 feet).

Several residential wells that tap the Ridgeley may require mitigation if available drawdown is limited due to well depth. Commission staff recommends, and the project sponsor has agreed, to offer connection to the public water supply system to the three residents whose wells showed drawdown during the testing. Documentation of these offers and mitigation should occur prior to the operation of the new wells.

Coordination. Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) Southcentral Region Office (SCRO) during review of the project. PADEP staff has reviewed this docket for consistency with its requirements.

Findings

The project is subject to Commission approval and reporting requirements, as per Commission Regulation §803.43.

Commission staff reviewed the groundwater availability analysis, pumping test results, and supporting information submitted by the project sponsor. The aquifer test highlights the confined nature of the Ridgeley sandstone and demonstrated the effects of operating the two wells as a well field, the predicted preferential drawdown to the north and south along strike, the amount of well interference between Wells 1 and 2, and the effects of the well field on local groundwater users.

Based on this information, Commission staff concludes that the Schaffer Tract Wells 1 and 2 should be approved at the requested 30-day average withdrawal rates of 0.288 mgd, each.

Commission staff recommends that the maximum instantaneous pumping rates for the Schaffer Tract Wells 1 and 2 not exceed 200 gpm, each.

The project is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(a). The water system is 100 percent metered, which is in compliance with this regulation. BTMA reports unaccounted for water losses of 28 percent, which exceeds the 20 percent maximum set forth in Commission Regulation §804.20(a)(1). Commission staff recommends that the project sponsor work to reduce system losses to 20 percent or less over the next 5 years. The project sponsor should report to the Commission annually on the progress made pursuant to this requirement.

The project sponsor has paid the appropriate application fee pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

This project is not required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and will not significantly affect the water resources of the basin.

Decision

1. The project's groundwater withdrawals of 0.288 mgd (30-day average) from Schaffer Tract Well 1 and 0.288 mgd (30-day average) from Schaffer Tract Well 2 are approved pursuant to Article 3, Section 3.10, of the Compact.

2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.

3. The project sponsor shall comply with all Commission regulations, including groundwater withdrawal reporting requirements, as per Commission Regulation §803.43.

4. The project sponsor shall keep daily records of the metered withdrawals and weekly water levels in both Schaffer Tract Wells 1 and 2. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Annual monitoring reports are due within sixty (60) days after the close of the preceding year.

5. Within sixty (60) days from the date of this approval, the project sponsor shall install separate meters, accurate to within five (5) percent, on each of the Schaffer Tract Wells 1 and 2. The project sponsor shall notify the Commission, in writing, when the meters are installed.

6. Within sixty (60) days from the date of this approval and prior to the operation of Schaffer Tract Wells 1 and 2, the project sponsor shall submit plans for mitigation of the three residential wells along bedding strike to the northwest and southeast of Schaffer Tract Wells 1 and 2 for Commission staff review and approval. These plans shall identify a schedule for the mitigation.

7. The maximum instantaneous rates of production from Schaffer Tract Wells 1 and 2 shall not exceed 200 gpm and 200 gpm, respectively.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a). The project sponsor shall have reduced system losses and achieved 100 percent compliance with the requirements by September 13, 2011. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement. Annual reports are due within sixty (60) days after the close of the preceding year.

9. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

10. Pursuant to Article 12, Section 12.2, of the Compact, this project is hereby included in the Commission's Comprehensive Plan.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. This approval shall not become effective until the project sponsor certifies to the Commission that it has received a permit from PADEP authorizing the construction of the water supply facilities related to this application.

13. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained. Such employees or agents shall be authorized to conduct tests or sampling; to take photographs; to perform measurements, surveys, and other tests; to inspect the methods of construction, operation, or maintenance; to inspect all measurement equipment; to audit, examine, and copy books, papers, and records pertinent to any matter under investigation; and to take any other action necessary to assure that the project is constructed, operated, or maintained in accordance with the terms and conditions of this approval or any other rule, regulation, or order of the Commission.

14. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing penalties, regardless of the period of noncompliance.

15. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

16. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

17. This approval is effective until September 13, 2031. The project sponsor shall submit a renewal application by March 13, 2031, and obtain Commission approval prior to continuing operation beyond September 13, 2031.

18. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or such approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

By the Commission:

Dated: September 13, 2006

A handwritten signature in cursive script, appearing to read "Kenneth P. Lynch", written in black ink over a horizontal line.

Kenneth P. Lynch, Chair
New York Commissioner



SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

Phone (717) 238-0423 • Fax (717) 238-2436

Web <http://www.srbc.net>

Docket No. 20060905

Approval Date: September 13, 2006

BEDFORD TOWNSHIP MUNICIPAL AUTHORITY— HOTEL WELL 1

Groundwater Withdrawal (30-Day Average) of 0.367 mgd
from the Bedford Springs Hotel Well 1,
for Public Water Supply,
Bedford Township, Bedford County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawals. The Commission received the application on May 30, 2006.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of groundwater for distribution in a public water supply system.

Location. The project is located in the Juniata Subbasin, HUC 02050303, Shobers Run Watershed, Bedford Township, Bedford County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.432 million gallons per day (mgd) from Hotel Well 1. The well will be part of the Bedford Township Municipal Authority's (BTMA's) public water supply system and primarily used to supply the newly renovated Bedford Springs Hotel.

Commission staff recommends approval of a reduced quantity that meets the projected demand through 2030, as described below.

BTMA also has submitted groundwater withdrawal applications for the Schaffer Tract Wells (Wells 1 and 2), requesting 30-day average daily withdrawals of 0.288 mgd from each well. These wells are scheduled for separate Commission action at the September 2006, meeting.

Hotel Well 1 is located in Shobers Run Valley and penetrates the Ridgely sandstone where the formation is deeply buried beneath a thick sequence of the Marcellus and Onondaga Formations. In this area, the Ridgely sandstone aquifer is highly fractured and deeply weathered. The well is constructed as a triple-cased, screened and gravel-packed well to isolate the Ridgely sandstone aquifer from poor quality water in the overlying confining beds and to stabilize the borehole from flowing sands. The well construction included 6-inch-diameter stainless steel screen that extends from 160 to 260 feet below ground surface within a 12-inch-diameter borehole. Following completion of construction, the well began to flow artesian at a rate of 150 gallons per minute (gpm).

Currently, BTMA relies on groundwater withdrawals from Bowman Wells 1 and 2 (Commission Docket No. 19990502) and an interconnection with the Bedford Borough Authority (Commission Docket No. 19930906) to meet their water supply needs. Commission approvals allow withdrawals of 0.210 mgd through the interconnection, 0.160 mgd from Bowman Well 1, and 0.100 mgd from Bowman Well 2.

The Bowman Wells, Schaffer Tract Wells, and the interconnection with Bedford Borough Authority are utilized to service the southeastern, eastern, and northeastern parts of the township. Hotel Well 1 will be used primarily to supply the Bedford Springs Hotel Authority in the southwestern part of the township, which will utilize a storage tank with a 0.533-million-gallon capacity to be located on a hill next to Black Spring. Hotel Well 1 will be interconnected to the Bedford Borough Authority, as approved by the Pennsylvania Department of Environmental Protection (PADEP) on June 28, 2006.

BTMA provides water service to most of Bedford Township. The current average daily demand is approximately 0.209 mgd and projected average daily demand through 2030 is 0.513 mgd. Wastewater will be treated at Bedford Borough's wastewater treatment plant and discharged to Dunning Creek, approximately 2.87 miles northwest of Hotel Well 1.

Pumping Test. A 75.5-hour constant-rate pumping test of Hotel Well 1 was conducted on January 25-28, 2006, with prior Commission approval. In addition to the pumping well, six domestic wells, two weirs on unnamed tributaries to Shobers Run, two streamside piezometers along Shobers Run, and a stream gage on Shobers Run were monitored during the test.

Pumping at a rate of 300 gpm, the total drawdown at the end of the 75.5-hour test within the pumping well was 10.35 feet. Drawdown within the well was a consistent logarithmic decline of 1.6 feet per log cycle for the first 10 hours of pumping, after which this rate of decline decreased to 0.4 feet per log cycle, indicating that the cone of depression either induced leakage from the confining beds or intercepted a recharge boundary. Water quality may be affected by this recharge over time, depending on its source and, as such, water quality changes in this well should be closely monitored during the first year of operation.

No impacts were observed in any of the surface water monitoring points. Drawdown was observed in three of the six residential wells monitored. Total drawdown in these three wells ranged from 0.19 to 0.30 feet, and ceased at the onset of leakage after 10 hours of pumping. This level of impact is considered to be negligible.

Coordination. Commission staff has coordinated with the PADEP Southcentral Region Office (SCRO) during review of the project. PADEP staff has reviewed this docket for consistency with its requirements.

Findings

The project is subject to Commission approval and reporting requirements, as per Commission Regulation §803.43.

Commission staff reviewed the groundwater availability analysis, pumping test results, and supporting information submitted by the project sponsor. Based on this information, Commission staff concludes that Hotel Well 1 likely draws water from a leaky, confined to semi-confined aquifer.

Commission staff recommends that this well should be approved at the requested maximum instantaneous pumping rate of 300 gpm.

The project sponsor reported that projected average daily demand through 2030 from Hotel Well 1 is 0.367 mgd. Although the project sponsor requested a withdrawal of 0.432 mgd as a 30-day average from Hotel Well 1, Commission staff recommends approval of 0.367 mgd. The total system withdrawal should be approved for 0.993 mgd from the groundwater sources: the Bowman Wells, the Schaffer Tract Wells, and Hotel Well 1. This system limit is consistent with the sustainable yields of existing sources and will satisfy the projected system demand through 2030.

The project is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(a). The water system served by Hotel Well 1 will be 100 percent metered, which is in compliance with this regulation. Although this part of the system will be newly installed and records of unaccounted for water losses do not include this area, BTMA's reports unaccounted for water losses of 28 percent, which exceeds the 20 percent maximum set forth in Commission Regulation §804.20(a)(1). Commission staff recommends that the project sponsor work to reduce system losses to 20 percent or less over the next 5 years. The project sponsor should report to the Commission annually on the progress made pursuant to this requirement.

The project sponsor has paid the appropriate application fee pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

This project is not required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and will not significantly affect the water resources of the basin.

Decision

1. The project's groundwater withdrawal of 0.367 mgd (30-day average) from Hotel Well 1 is approved pursuant to Article 3, Section 3.10, of the Compact.

2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.

3. The project sponsor shall comply with all Commission regulations, including groundwater withdrawal reporting requirements, as per Commission Regulation §803.43.

4. The project sponsor shall keep daily records of the metered withdrawals and weekly water levels in Hotel Well 1. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Annual monitoring reports are due within sixty (60) days after the close of the preceding year.

5. The project sponsor shall install a meter, accurate to within five (5) percent, on Hotel Well 1. The project sponsor shall notify the Commission, in writing, when the meter is installed.

6. The maximum instantaneous rate of production from Hotel Well 1 shall not exceed 300 gpm.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a). The project sponsor shall have reduced system losses and achieved 100 percent compliance with the requirements by September 13, 2011. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement. Annual reports are due within sixty (60) days after the close of the preceding year.

8. The project sponsor shall monitor shallow groundwater quality and otherwise assess the potential impact of the recharge boundary for a period of at least one (1) year. A water quality monitoring plan shall be submitted to the Commission within sixty (60) days of docket approval. This plan shall include a schedule for implementation of the plan, and the plan shall be executed upon Commission approval. The monitoring results shall be documented in an interpretive report due sixty (60) days after the one-year monitoring period, or otherwise as directed by Commission staff. Should the monitoring prove to be inconclusive with respect to water quality impacts, the Commission reserves the right to require additional monitoring, as necessary.

9. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

10. Pursuant to Article 12, Section 12.2, of the Compact, this project is hereby included in the Commission's Comprehensive Plan.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. This approval shall not become effective until the project sponsor certifies to the Commission that it has received a permit from PADEP authorizing the construction of the water supply facilities related to this application.

13. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained. Such employees or agents shall be authorized to conduct tests or sampling; to take photographs; to perform measurements, surveys, and other tests; to inspect the methods of construction, operation, or maintenance; to inspect all measurement equipment; to audit, examine, and copy books, papers, and records pertinent to any matter under investigation; and to take any other action necessary to assure that the project is constructed, operated, or maintained in accordance with the terms and conditions of this approval or any other rule, regulation, or order of the Commission.

14. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing penalties, regardless of the period of noncompliance.

15. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

16. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

17. This approval is effective until September 13, 2031. The project sponsor shall submit a renewal application by March 13, 2031, and obtain Commission approval prior to continuing operation beyond September 13, 2031.

18. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or such approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

By the Commission:

Dated: September 13, 2006



Kenneth P. Lynch, Chair
New York Commissioner



SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B6

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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Web <http://www.srbc.net>

Docket No. 20020817-1

Approval Date: August 15, 2002

Modification Date: September 13, 2006

MONROE VALLEY GOLF COURSE

Surface Water Withdrawal of up to 0.221 mgd from East Pond, When Available;
Surface Water Withdrawal of up to 0.221 mgd from West Pond, When Available;
and a Total Combined Surface Water Withdrawal of up to 0.532 mgd, When Available,
from East Pond, West Pond, and Monroe Creek;
and Consumptive Water Use of up to 0.532 mgd, for Golf Course Irrigation,
Swatara Township, Lebanon County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval; §803.42, relating to the consumptive use of water; and §803.44, relating to surface water withdrawals. The Commission received the application to request a withdrawal from East and West Ponds on July 14, 2006.

Description

Purpose. The Commission originally approved the project on August 15, 2002, as Docket No. 20020817 (Docket). This docket modification approves the requested withdrawals from East and West Ponds as a water source for the project.

Findings

The project was originally approved for a maximum daily withdrawal of 0.532 million gallons per day (mgd) of water from Monroe Creek, when available, and the consumptive use of that water of up to 0.532 mgd. According to Commission staff analysis, approximately 45 percent of the time streamflow in Monroe Creek would not be sufficient to maintain the recommended passby flow rate and meet the golf course irrigation needs. Based on this finding, Commission staff recommended that the project sponsor initiate a study to identify other sources of supply to provide water during times when Monroe Creek was unavailable.

Commission staff approved an alternative water supply plan for the project on April 7, 2006, and in so doing, obligated the project sponsor to install weirs to measure the inflow and outflow of each of the ponds.

East and West Ponds are on-stream storage ponds located on two unnamed tributaries to Monroe Creek. When full, East Pond contains 2.2 million gallons of available storage and West Pond contains 3.3 million gallons of storage. The project sponsor has agreed to maintain the ponds to insure the continued availability of storage.

The project sponsor has requested a maximum day withdrawal from both East and West Ponds of 0.221 mgd, and a combined withdrawal from all sources of up to 0.532 mgd. The project sponsor proposes to use temporary pumping facilities to move water from the ponds to the irrigation system.

Commission staff recommends approval of the requested quantities. The project sponsor should separately meter the quantity of water withdrawn from each of the ponds and the stream.

Commission staff finds the combined total withdrawal of 0.442 mgd from East and West Ponds meets the peak day demand approved under the Docket.

The project sponsor is proposing to withdraw water from two on-stream ponds, located on unnamed tributaries to Monroe Creek. These withdrawals will each operate at a rate of 460 gallons per minute (gpm). Monroe Creek is classified as a warm water fishery (WWF) (Title 25, Chapter 93, Pa. Code).

The proposed withdrawal from the storage ponds is greater than 10 percent of the Q7-10 flow for Monroe Creek at the point of withdrawal, thereby requiring passby flows to protect aquatic resources and downstream users. Based on the stream's classification and the anticipated associated fishery, and the project's geographic location in the watershed, Commission staff recommends that the project sponsor allow a passby flow of not less than 20 percent of annual average daily flow (ADF).

Because the project sponsor is using on-stream ponds as its supplemental sources of water, the passby criteria must be modified to accommodate conditions when natural streamflow is less than 20 percent ADF. Therefore, Commission staff recommends that the project sponsor allow a downstream release of water from East Pond of 0.15 cubic feet per second (cfs) (65 gpm), or an amount equal to the inflow of the stream to the pond when streamflow is less than 0.15 cfs (65 gpm). Commission staff also recommends that the project sponsor allow a downstream release of water from West Pond of 0.32 cfs (145 gpm), or an amount equal to the inflow of the stream to the pond when streamflow is less than 0.32 cfs (145 gpm).

Commission staff recommends that the project sponsor incorporate passby flow devices on the unnamed tributaries to Monroe Creek to protect aquatic resources. The project sponsor should submit its design and a proposed construction schedule for review and approval by Commission staff prior to any construction. Following approval, the project sponsor should complete construction in accordance with the approved schedule and certify to the Commission

that construction has been completed in accordance with the approved design. The project sponsor must maintain the passby systems, keeping them fully functional and free of debris.

The project sponsor currently allows for a passby flow of 971 gpm (2.16 cfs) on Monroe Creek, as required by Decision Item “f” of Commission Docket No. 20020817. The project sponsor has requested that the passby flow rate be reduced to 913 gpm (2.03 cfs) to account for evaporation from upstream storage impoundments in place prior to 1971, the effective date of the consumptive water use regulation. Commission staff concurs and recommends the docket be revised to require a passby flow of 913 gpm (2.03 cfs).

The project is subject to water conservation requirements, as per Commission Regulation §804.20(c).

The project sponsor has paid the appropriate application fee pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

In accordance with Commission Regulation §803.30(a), the prior Docket approval is effective until August 15, 2027. Commission staff recommends the duration of this docket modification be consistent with the term of the prior Docket approval.

The project is physically feasible, does not conflict with or adversely affect the Commission’s Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 20020817, as approved August 15, 2002, is hereby modified to approve withdrawals of up to 0.221 mgd from East Pond and 0.221 mgd from the West Pond, when available, pursuant to Article 3, Section 3.10, of the Compact.

2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.

3. Conditions “c,” “f,” and “I” of Commission Docket No. 20020817, as approved August 15, 2002, are hereby rescinded.

4. The project sponsor shall allow a flow to pass in Monroe Creek directly below the intake structure of not less than 2.03 cfs (913 gpm). When the streamflow below the intake is less than this amount, the withdrawal shall be reduced to maintain 2.03 cfs (913 gpm) in the stream channel below the intake. When the natural flow is equal to or less than 2.03 cfs (913 gpm), no water may be withdrawn, and the entire natural flow shall be allowed to pass the intake structure to maintain such natural flow in the channel below the intake as may prevail above. The project sponsor shall modify its interim passive passby flow device accordingly. The project sponsor shall complete construction in accordance with the approved design and shall certify to the Commission that construction has been completed in accordance with the

approved design. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval.

5. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the surface water withdrawals on East and West Ponds, accurate to within five (5) percent, and keep daily records of the project's surface water withdrawals from all sources (East Pond, West Pond, and Monroe Creek). The project sponsor shall notify the Commission, in writing, when the meters are installed. The project sponsor shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

6. The project sponsor shall allow a downstream release of water from East Pond of 0.15 cfs (65 gpm), or when streamflow into East Pond is less than 65 gpm, an amount equal to the total instream flow entering East Pond. The project sponsor shall install flow measurement devices that measure the inflow and outflow of the pond. The project sponsor shall keep daily records of the inflow and outflow of the pond during the irrigation season, and shall report the data to the Commission quarterly, and as otherwise required.

7. The project sponsor shall allow a downstream release of water from West Pond of 0.32 cfs (145 gpm), or when streamflow into West Pond is less than 145 gpm, an amount equal to the total instream flow entering West Pond. The project sponsor shall install flow measurement devices that measure the inflow and outflow of the pond. The project sponsor shall keep daily records of the inflow and outflow of the pond during the irrigation season, and shall report the data to the Commission quarterly, and as otherwise required.

8. The project sponsor shall submit its designs and a proposed construction schedule for the flow measurement devices at East and West Ponds within sixty (60) days of the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The passby flow measurement systems shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby system and the flow measurement devices at any time.

9. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

10. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties.

Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

11. All other conditions in Commission Docket No. 20020817 not inconsistent herewith shall remain effective.

12. Based on Commission Regulation §803.30(a), this approval is effective until August 15, 2027. The duration of this docket modification is in accordance with the term of the prior Docket approval. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

By the Commission:

Dated: September 13, 2006



Kenneth P. Lynch, Chair
New York Commissioner



SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B7

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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Web <http://www.srbc.net>

Docket No. 20021206-1

Approval Date: December 12, 2002

Modification Date: September 13, 2006

DAIRY FARMERS OF AMERICA, INC.

Consumptive Water Use of up to 0.500 mgd, for Manufacture of Beverages,
Lower Allen Township, Cumberland County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to consumptive use of water. The Commission received the modification application on July 25, 2006.

Description

Purpose. The purpose of the application is to request approval to increase from 0.168 million gallons per day (mgd) to 0.500 mgd consumptive use of water for manufacture of beverages. This docket modification rescinds certain provisions, revises the project features in the docket, and approves the requested increase in consumptive water use.

Findings

The project's modification is subject to Commission approval and reporting requirements, as per Commission Regulation §803.42.

All water that is incorporated into beverages or used in evaporative cooling of the product and the building is considered to be used consumptively. The project sponsor will maintain the existing meters, accurate to within five percent, to calculate consumptive water use.

The project currently is approved to consumptively use up to 0.168 mgd, and has requested the increase to meet the existing production capabilities of the facility. Water is supplied to the facility by the Pennsylvania-American Water Company—West Shore/Riverton Division (PAWC) public water supply system. The water is metered as it enters the facility and is used for the manufacturing process, non-contact process cooling, boiler makeup, plant cleaning, and sanitary purposes. Water also is incorporated into coffee-flavored dairy beverages.

The consumptive use of water by the project is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor will continue to make quarterly payments to the Commission in lieu of providing actual compensation water.

Commission staff recommends that all other conditions in Commission Docket No. 20021206 that are not inconsistent with this docket action should remain effective.

The project is subject to water conservation requirements as per Commission Regulation §804.20(b).

The project sponsor has paid the appropriate application fee pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

Based on Commission Regulation §803.30(a), the prior docket approval is effective until December 12, 2027. Commission staff recommends the duration of the docket approved be consistent with the prior docket approval. The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 20021206, as approved December 12, 2002, is hereby modified to approve an increase in consumptive water use of up to 0.500 mgd, for manufacture of beverages, pursuant to Article 3, Section 3.10, of the Compact.
2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.
3. Condition "h" of Commission Docket No. 20021206, as approved December 12, 2002, is hereby rescinded.
4. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
5. The project sponsor shall comply with Commission water conservation requirements, as per Commission Regulation §804.20(b).
6. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or

revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

7. All other conditions in Commission Docket No. 20021206 not inconsistent herewith shall remain effective.

8. Based on Commission Regulation §803.30(a), this approval is effective until December 12, 2027. The project sponsor shall submit a renewal application by June 12, 2027, and obtain Commission approval prior to continuing operation beyond December 12, 2027. The duration of this docket modification is in accordance with the term of the prior docket approval.

By the Commission:

Dated: September 13, 2006



Kenneth P. Lynch, Chair
New York Commissioner



SUSQUEHANNA RIVER BASIN COMMISSION

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Web <http://www.srbc.net>

Docket No. 20060906

Approval Date: September 13, 2006

MANHEIM BOROUGH AUTHORITY

Groundwater Withdrawal (30-Day Average) of 0.936 mgd from Well 6,
and a Total System Withdrawal Limit (30-Day Average) of 0.936 mgd,
for Public Water Supply,
Manheim Borough, Lancaster County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawals. The Commission received the application on December 23, 2005.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of groundwater for distribution in a public water supply system.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Chiques Creek Watershed, Manheim Borough, Lancaster County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.936 million gallons per day (mgd) from Well 6. Manheim Borough Authority (MBA) will use the well as a source for the public water supply system that currently relies on one well, Well 4 (approved for a withdrawal of 0.936 mgd as Commission Docket No. 19811204). MBA also currently has approval to operate two surface water withdrawals (Rife Run and a quarry) that predate the Commission's regulatory authority. MBA supplies water to sections of Manheim Borough, Penn Township, and Rapho Township. MBA proposes Well 6 to be a redundant well for Well 4.

The Commission previously approved Well 6 on September 16, 1993, as Commission Docket No. 19930902. However, the docket approval expired under Commission Regulation §803.30(b), when the project sponsor failed to connect the well to the water supply system after three years. The project sponsor was advised to reapply for the source when the

project sponsor initiated permitting of the well with the Pennsylvania Department of Environmental Protection (PADEP).

Well 6 is located near the confluence of Rife Run and Chiques Creek, approximately 400 feet south of Well 4, west of Logan Park and Chiques Creek. Well 6 was drilled in May 1989 in the Epler Formation, which is comprised of interbeds of various carbonate lithologies ranging from pure limestone to dolomite. The well is cased with 12-inch steel casing to a depth of 77 feet, and has an open-rock borehole from a depth of 77 feet to the bottom of the well at 215 feet below ground surface (bgs). A water-bearing zone reportedly yielding 2,000 gallons per minute (gpm) was encountered between 205 and 206.5 feet.

MBA has an average daily water demand of 0.636 mgd and has projected an increased demand of 0.936 mgd by 2030. The current maximum daily water demand is 1.010 mgd and is projected to be 1.400 mgd in 2030. The growth for the system will be focused mainly in Penn Township and to a lesser degree in Rapho Township.

Reportedly, 100 percent of the area served by public water also is served by public sewer. Wastewater from the water system is discharged to the sanitary sewer system and treated at MBA's wastewater treatment facility, which is located on Chiques Creek, approximately 440 feet downstream of Wells 4 and 6.

Pumping Test. The project sponsor submitted the results of two 48-hour constant-rate pumping tests of Well 6, neither conducted with prior Commission approval. Well 6 initially was tested in August 1989 at a rate of 900 gpm. A second pumping test was conducted in April 2004 at a constant pumping rate of 600 gpm. In addition to the pumping well, Well 4, a pasture well, an overbank piezometer at Chiques Creek, and a piezometer at the quarry were monitored during the second test.

Pumping at a rate of 600 gpm, drawdown at the end of the test in the pumping well was approximately 3.27 feet bgs. A recharge boundary was encountered within the first 10 minutes of pumping. Pumping of Well 6 caused drawdown at Well 4 and at the pasture well (1.93 feet of drawdown), and drawdown in the two piezometers.

Groundwater flow likely follows bedding plane partings and fractures, as detectable impacts were observed in the shallow groundwater system, Chiques Creek (upstream), and the quarry, in addition to the deep groundwater system.

Coordination. Commission staff has coordinated with the PADEP Southcentral Region Office (SCRO) during review of the project. PADEP staff has reviewed this docket for consistency with its requirements.

Findings

The project is subject to Commission approval and reporting requirements, as per Commission Regulation §803.43.

Commission staff recommends waiving the constant-rate pumping test requirement for Well 6.

Commission staff reviewed the groundwater availability analysis, historic pumping test results, and supporting information submitted by the project sponsor. Based on this information, Commission staff concludes that Wells 4 and 6 likely draw water from the same groundwater flow system and should be approved as a well field. The operation of Wells 4 and 6 both impact Chiques Creek and the quarry.

Commission staff recommends approval of a maximum instantaneous pumping rate of 650 gpm for Well 6, which is equal to the maximum rate at which Well 4 has been used and is consistent with the approval by PADEP.

Based on a review of the testing data and an analysis of groundwater availability, Commission staff finds that Well 6 receives water from Chiques Creek through induced infiltration upgradient of where the carbonate lithologies intersect the creek. The project's requested groundwater withdrawal of 650 gpm is greater than 10 percent of the Q7-10 flow (0.4389 cubic feet per second [cfs] or 197 gpm) at a location adjacent to Well 6.

Based on the stream's classification as Warm Water Fishery (WWF) (Title 25, Chapter 93, Pa. Code) and the anticipated associated aquatic resources, Commission staff recommends that the project sponsor allow a passby flow of not less than 20 percent of the annual average daily flow (ADF) to protect downstream withdrawals and instream uses, including the dilution needs of the downstream wastewater treatment plant.

Commission staff recommends that the project sponsor use the nearby U.S. Geological Survey (USGS) gaging station on the Conestoga River as a reference gage for the operation of Well 6. The mean ADF at the Conestoga River gage (near Lancaster, Pennsylvania) is 399 cfs or 179,071.2 gpm; using the 20 percent ADF passby requirement, the passby trigger at the Conestoga River gage would be 79.8 cfs or 35,814.4 gpm.

Commission staff recommends approval of a 30-day average withdrawal of 0.936 mgd from Well 6, and a total system groundwater withdrawal limit of a 30-day average of 0.936 mgd from both wells. Commission staff recommends that the project sponsor maintain the appropriate metering on Well 4 using the meter at the water treatment plant, accurate to within five (5) percent. Well 6 should be individually metered in compliance with Commission regulations. Daily flow meter readings of Wells 4 and 6 should be collected and reported to the Commission annually.

The system groundwater withdrawal limit of 0.936 mgd is adequate to supply Manheim Borough with its current needs without using the existing surface water allocation permit for Rife Run, or the emergency use of withdrawals from the quarry. MBA intends to replace its withdrawal from both surface water sources with the withdrawal from Well 6.

The project is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(a). The water system is 100 percent metered, which is in

compliance with this regulation, and the system estimates its current unaccounted for water loss at 46 percent. The unaccounted for water losses exceed the 20 percent maximum set forth in Commission Regulation §804.20(a)(1), and Commission staff recommends that the project sponsor work to reduce system losses to 20 percent or less over the next 5 years. The project sponsor should report to the Commission annually on the progress made pursuant to this requirement.

Commission staff recommends that the pasture well be properly decommissioned and abandoned in accordance with American Water Works Association (AWWA) standards.

The project sponsor has paid the appropriate application fee pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

This project is not required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and will not significantly affect the water resources of the basin.

Decision

1. The project's groundwater withdrawal of 0.936 mgd (30-day average) from Well 6, and a total system withdrawal limit (30-day average) of 0.936 mgd, are approved pursuant to Article 3, Section 3.10, of the Compact.

2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.

3. The project sponsor shall comply with all Commission regulations, including groundwater withdrawal reporting requirements, as per Commission Regulation §803.43.

4. The project sponsor shall keep daily records of the metered withdrawal and weekly water levels in Well 6. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Annual monitoring reports are due within sixty (60) days after the close of the preceding year.

5. The project sponsor shall install a meter, accurate to within five (5) percent, on Well 6. The project sponsor shall notify the Commission, in writing, when the meter is installed.

6. The maximum instantaneous rate of production from Well 6 shall not exceed 650 gpm.

7. The project sponsor shall cease all withdrawals from Well 6 when the streamflow, as measured at USGS stream gage 01576500 on the Conestoga River near Lancaster, Pennsylvania, is less than 35,814.4 gpm (79.8 cfs), and shall not reinstate withdrawals until streamflow is above 35,814.4 gpm (79.8 cfs). The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a). The project sponsor shall have reduced system losses and achieved 100 percent compliance with the requirements by September 13, 2011. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement. Annual reports are due within sixty (60) days after the close of the preceding year.

9. Within one (1) year of the date of this approval, the project sponsor shall decommission and abandon the pasture well in accordance with AWWA standards. The project sponsor shall notify the Commission, in writing, when the work is completed.

10. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

11. Pursuant to Article 12, Section 12.2, of the Compact, this project is hereby included in the Commission's Comprehensive Plan.

12. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

13. This approval shall not become effective until the project sponsor certifies to the Commission that it has received a permit from PADEP authorizing the construction of the water supply facilities related to this application.

14. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained. Such employees or agents shall be authorized to conduct tests or sampling; to take photographs; to perform measurements, surveys, and other tests; to inspect the methods of construction, operation, or maintenance; to inspect all measurement equipment; to audit, examine, and copy books, papers, and records pertinent to any matter under investigation; and to take any other action necessary to assure that the project is constructed, operated, or maintained in accordance with the terms and conditions of this approval or any other rule, regulation, or order of the Commission.

15. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing penalties, regardless of the period of noncompliance.

16. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

17. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

18. This approval is effective until September 13, 2031. The project sponsor shall submit a renewal application by March 13, 2031, and obtain Commission approval prior to continuing operation beyond September 13, 2031.

19. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or such approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

By the Commission:

Dated: September 13, 2006



Kenneth P. Lynch, Chair
New York Commissioner