

# Susquehanna River Basin Commission

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*a water management agency serving the Susquehanna River Watershed*



November 4, 2002

TO ALL CONCERNED:

At the October 10, 2002 meeting, the draft minutes of the August 15, 2002 Commission meeting were approved as written. Please attach this notice to your copy of the August 15, 2002 minutes.

- DRAFT -

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

**MINUTES OF THE  
SUSQUEHANNA RIVER BASIN COMMISSION**

**October 10, 2002**  
#2002-10

The meeting was held at the Holiday Inn Arena, 2-8 Hawley Street, Binghamton, N.Y. Chairman Hicks called the meeting to order at 8:35 a.m.

**ROLL CALL**

**Commissioners Present**

*Mr. John T. Hicks*, Director, Region 8  
N.Y. Dept. of Environmental Conservation  
*Mr. William A. Gast*, Chief, Division of Water Use  
Planning, Pa. Dept. of Environmental Protection  
*Mr. Matthew G. Pajerowski*, Chief  
Water Rights Division, Md. Dept. of the  
Environment

**Alternate Commissioners  
and Advisors Present**

*Mr. Scott J. Foti*, Regional Flood Control Engr.  
N.Y. DEC, Region 8  
*Ms. Stacey E. Brown*, Team Leader  
U.S. Army Corps of Engineers, Baltimore District

**Staff Present**

*Mr. Paul O. Swartz*, Executive Director  
*Mr. Thomas W. Beauduy*, Deputy Director  
*Mr. David W. Heicher*, Chief  
Watershed Assessment & Protection Division  
*Mr. Glen R. DeWillie*, Chief  
Water Resources Management Division  
*Ms. Janet L. Thigpen*, SRBC N.Y. Representative

*Mr. Duane A. Friends*, Chief Admin. Officer  
*Mr. Richard A. Cairo*, Counsel/Secretary  
*Ms. Deborah J. Dickey*, Executive Administrator  
*Ms. Susan S. Obleski*, Director of  
Communications

**Also Attending**

*Mr. Wes Coleman*, Chief, Civil Project  
Development Branch, USACE Baltimore District

## **INTRODUCTION/WELCOME**

Chairman Hicks introduced the members of the Commission and the Executive Director. He also noted the presence in the audience of Ms. Sandra Allen, the recently-appointed Director of the N.Y. Dept. of Environmental Conservation's Division of Water. The federal government was not represented at this meeting.

## **MINUTES OF AUGUST 15, 2002 COMMISSION MEETING**

On a motion by Commissioner Gast, seconded by Commissioner Pajerowski, the minutes of the regular business meeting of August 15, 2002, were unanimously adopted as written.

## **WILLIAM JEANES AWARD**

This award is given to a private citizen who has made outstanding efforts to advance the purposes of the Susquehanna River Basin Compact. It is named in honor of Mr. William Jeanes, a public-minded private citizen who was deeply devoted to protecting the Susquehanna River watershed and the Chesapeake Bay. Mr. Jeanes co-founded the Upper Chesapeake Watershed Association.

Chairman Hicks announced that the second William Jeanes Award was being presented to Mr. Harry Barnes, of Broome County. Working through the Broome/Tioga Board of Cooperative Educational Services (BOCES) office and other educational channels, Mr. Barnes has devoted countless hours to environmental education. His outreach to young persons on the importance of the Susquehanna River, its tributaries and the Chesapeake Bay, is particularly praiseworthy. As part of that effort, Mr. Barnes raised \$200,000 for a program allowing local students to monitor area streams. Mr. Barnes was present to receive the award.

## **HYDROLOGIC CONDITIONS REPORT**

Newly-appointed SRBC Water Resources Management Chief Glen DeWillie reported on hydrologic conditions. The cumulative deficit in precipitation in the Susquehanna River Basin reaching back to the late 90s continues to exact a heavy toll on current hydrologic conditions. Streamflows are below long-term averages in every subbasin. Ground-water levels are at near normal levels in the northern part of the basin; however, moving south, there is a progressive departure from normal.

Emergency declarations remain in effect in the lower basin counties, with most of the rest of the basin in either watch or warning status. Rainfall in September temporarily increased streamflow levels, but these levels quickly fell back below normal due to poor baseflow conditions. The National Oceanic and Atmospheric Administration is predicting that this region will, in the long term, break out of these drought conditions, but there appears to be little hope of short-term relief without substantial autumn and winter precipitation. *(Note: The effects of rainfall events occurring over the basin in the days following this meeting are being evaluated as these minutes go to press.)*

## **ACTION ITEMS**

### **a. Contract/Grant Approvals**

SRBC Watershed Assessment & Protection Chief David Heicher asked the Commission to ratify the following contract/grants:

#### **Pennsylvania Growing Greener Grants**

1. **Water Budget** – With a \$121,000 grant from the Pa. DEP Growing Greener Program, the Commission is proposing to develop a water budget/resource protection plan for the municipalities of Manheim, Lititz and Ephrata, located in Lancaster County, Pa. The SRBC would contribute \$51,071 to the effort. This project scored 8 out of 10 on the SRBC Grant Evaluation Form.

2 **Susquehanna Watershed Streamside Cleanup Program & Training Academy** – The Commission staff has developed a pilot program to establish a Streamside Cleanup Training Academy and mini-grant program to help educate and empower local organizations for streamside cleanup in the Pennsylvania portion of the basin. Growing Greener will contribute \$181,196 and SRBC will invest \$25,000 in the effort. This project scored 10 out of 10 on the SRBC Grant Evaluation Form.

3 **Pennsylvania Watershed Conference** – This project will provide public outreach and education on various watershed management issues. SRBC staff will complete the public outreach work leading up to the conference. The Growing Greener Program will finance \$73,035 of the cost and the SRBC will contribute \$5,000. This project scored 7 out of 10 on the SRBC Grant Evaluation Form.

#### **U.S. EPA Comprehensive Analysis of Tidal & Nontidal Tributary Water Quality Habitat and Living Resources Status, Trends and Linkages**

This project will provide an update on the status and trends in water quality habitat and aquatic resources for the period of 1985 to 2002 for six SRBC data collection sites. The U.S. EPA will finance \$14,390 of the costs and the SRBC will contribute \$3,597. This project scored 10 out of 10 on the SRBC Grant Evaluation Form.

#### **Hydrologics, Inc. Conowingo Pool Study Contract Amendment**

This is an amendment of an existing contract with Hydrologics, Inc. of Columbia, Maryland to provide additional services in connection with the production of a Conowingo Pool Operations Plan. The amendment provides for an additional \$31,600, for a total contract cost of \$220,000.

On a motion by Commissioner Pajerowski, seconded by Commissioner Gast, the Commission unanimously ratified these contracts/grants and the amendment of the Hydrologics, Inc. contract.

**b. 2003 Commission Meeting Dates**

On a motion by Commissioner Gast, seconded by Commissioner Pajerowski, the Commission unanimously adopted a proposed schedule of dates and locations for Commission meetings in 2003 (Exhibit A).

**c. Audit Report – FY 2002**

The Chief Administrative Officer presented the audit report for FY-2002, which ended on June 30, 2002. The Susquehanna River Basin Compact requires an independent audit of Commission records each fiscal year. The firm of Hamilton and Musser prepared the audit report. It completed audits of the Commission's general fund, its grant records and its water management fund. This audit will meet the single audit requirements of grant contracts. The firm gave the Commission the best audit report that an agency can receive.

Overall, there was a \$53,000 deficit in the general fund and a \$276,000 surplus in the Water Management Fund. The two major expenditures out of the Water Management Fund were \$240,000 for water storage at Curwensville Reservoir and \$717,000 for the George B. Stevenson Feasibility Study. The expenditure for George B. Stevenson was mixed with other funds coming from the Pa. DEP grant for the George B. Stevenson Feasibility Study.

On a motion by Commissioner Pajerowski, seconded by Commissioner Gast, the audit report was unanimously accepted and approved by the Commission.

**d. Cafeteria Plan/Flexible Spending Account**

The Chief Administrative Officer presented a resolution (Exhibit B) adopting the SRBC Combination Salary Reduction Cafeteria Plan. This IRS-approved plan will allow SRBC staff the option of setting up pre-tax salary deduction accounts to pay for child care expenses, certain health insurance premiums and medical expenses not covered by health insurance policies. This will save on the amount of federal income tax paid by employees. It will also save the Commission money on social security tax withholding. The maximum amount that can be withheld for the program is \$3,000 and the minimum amount is \$300. The program will require employees to monitor their accounts carefully to ensure that the funds are fully used.

On a motion by Commissioner Gast, seconded by Commissioner Pajerowski, the Commission unanimously approved the resolution. Commissioner Pajerowski added that the State of Maryland adopted such a cafeteria plan and that it has worked very well for Maryland employees.

**e. Public Hearing–Project Review**

The Commission convened a public hearing. Using Microsoft PowerPoint slides containing geographic and statistical information, Deputy Director Beauduy presented the proposed docket decisions for 25 projects. Most of these consisted of golf course applications

that had been submitted to the Commission as part of the Compliance Incentive Program (CIP), which provided an amnesty period for non-compliant projects to apply for Commission approval without penalty. Over 200 applications were submitted under this program. These are being processed in accordance with established deadlines for Pennsylvania and New York applications. Processing of the Pennsylvania applications is nearly complete, clearing the way for the docketing of CIP applications from New York in the very near future. No New York applications had been docketed for today's meeting, however. The applications are as follows:

- Towanda Country Club
- Elkview Country Club
- Glen Oak Country Club
- Elmhurst Country Club
- Berwick Golf Club
- Eagle Rock Resort & Utilities, Inc.
- Clearfield Municipal Authority
- Bucknell University
- College Township Water Authority
- Toftrees Resort and Conference Center
- State College Elks Country Club
- Mt. Union Municipal Authority
- Bedford Spgs. GC-Bedford Spgs. Redev. Auth.
- Augusta Spring Water
- Shade Mountain Golf Course
- Blue Ridge Country Club
- Galen Hall Country Club, Inc.
- Valley Green Golf Club
- Alumax Mill Products, Inc.
- Nissin Foods Co. USA, Inc.
- Conestoga Country Club
- Millersville University
- Cadbury Beverages, Inc.
- York Water Company
- Flatbush Golf Course

\*Docket decisions not included with minutes. However, they are available upon request and at [www.srbc.net](http://www.srbc.net).

All dockets and any accompanying written comments from the public had been provided to the commissioners in advance of this meeting. Of the original 26 projects scheduled for action at the Commission meeting, the staff was recommending the tabling of one project, the West Cocalico Township Authority. The project sponsor had not yet provided a study of possible bog turtle habitat at that site, and it is therefore not prudent for the Commission to act until that study is available.

Before proceeding with a description of each docket, Mr. Beauduy provided some background information on the Commission's review authority, water use regulations and procedures. The purposes of these regulations are 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, provision of storage water and payment of a consumptive use fee into the SRBC Water Management Fund. Unless otherwise noted, projects described by Mr. Beauduy chose payment of the consumptive use fee as their compliance method.

Mr. Beauduy listed the standard requirements for each project sponsor including: 1) notice of application, 2) coordination with member jurisdictions, 3) pumping tests for ground-water withdrawals, 4) metering, monitoring and reporting of water use, 5) mitigation where there is a potential for adverse impacts, 6) water conservation, and 7) docket reopening authority.

He then briefly reviewed and summarized each of the dockets before the Commission. There were a number of special notes on several projects including:

1. Shade Mountain Golf Course – The project sponsor had failed to provide the newspaper notice of application as generally required by Commission regulations. Staff was nevertheless recommending that the Commission waive the notice requirement, because no adjoining landowner had indicated any problems with the project.
2. Valley Green Golf Course/Conestoga Country Club – Both of these projects are withdrawing more from streams that are inadequate to support their use and meet instream needs standards. Therefore, under the proposed dockets, the exiting withdrawals from those streams are limited to four years and the project sponsors are given two years to identify other sources of water. If alternative sources are not located, withdrawals from the streams will have to cease when the flow reaches 20 percent of average daily flow (ADF).
3. Millersville University – The project sponsor mistakenly believed that it was eligible for the CIP for an unapproved increase in use that traces back to January 2001. The staff recommended a settlement involving payment of consumptive use fees dating back to January 2001. The project sponsor has been cooperative in correcting this oversight.
4. Cadbury Beverages, Inc. – The project sponsor’s well field located on the valley floor of Opossum Creek has actually lowered the water table below the level of Opossum Creek and has turned an area of natural ground-water discharge into an area of recharge. Therefore, Opossum Creek and its tributaries are actually losing flow as they pass through the area. The staff recommended, as an interim measure, that the project sponsor allow a minimum stream passby flow downstream from the well field equal to the calculated Q7-10 (average 7-day, 10-year low flow). When streamflow is less than Q7-10, all ground-water withdrawals should cease unless flow augmentation is provided to Opossum Creek to maintain streamflow downstream of the impacted reach equal to the flow that exists above it. As in Item 2 above, the project sponsor is given two years to investigate water supply options. At the end of the 4-year interim period, the project sponsor shall either restore the water table such that ground-water withdrawals will no longer affect streamflows (*this language is an amendment offered by Pennsylvania Commissioner Gast*), terminate the existing ground-water pumping, or allow a passby flow on the stream of not less than 20 percent of ADF.
5. York Water Company – A special condition was added preventing the project sponsor from using its proposed withdrawal from the Susquehanna River to build storage in its reservoirs when flows on the river fall to the seasonally adjusted Federal Energy Regulatory Commission (FERC) minimum flow referred to as the Q-FERC flow. The project sponsor could still use withdrawals to maintain reservoir levels. The project sponsor will also institute in-system conservation measures when Q-FERC

flows occur. The project sponsor already has a very effective voluntary conservation program in effect. The Commission's approval will not become effective until the project sponsor obtains an NPDES permit for its discharge of river water into its reservoir. Also, extension of service to any areas outside the Susquehanna River Basin will have to be approved by the Commission.

Commissioner Pajerowski asked why the minimum flow set for the Eagle Rock Resort application is 45 percent of ADF instead of 20 percent as in most other dockets. Mr. Beauduy explained that 20 percent is the default requirement, but that an IFIM analysis in this case indicated that 45 percent is the appropriate level for this cold-water fishery.

On a motion by Commissioner Gast, seconded by Commissioner Pajerowski, the Commission unanimously adopted the staff recommendations for all of the above dockets, including the tabling of the West Cocalico Township Authority application and the minor amendment of the Cadbury Beverages, Inc. application.

#### **PUBLIC COMMENTS**

No public comments were offered.

#### **ADJOURNMENT**

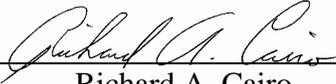
There being no further business before the Commission, Chairman Hicks adjourned the meeting at 10:31 a.m. The special focus group session on "*Considering Innovative Technologies for Developing Additional Water Supplies Through Storage, Reuse, Conservation and Wetlands Construction*" followed at 11:00 a.m. A separate summary of those proceedings is available upon request to the Commission.

#### **NEXT MEETING**

The next regular meeting of the Commission is tentatively scheduled for December 12, 2002 in Lancaster, Pa.

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Date Adopted

  
Richard A. Cairo  
General Counsel/Secretary to the Commission

October 10, 2002

The Commission has been meeting on an "Every Other Month" basis. It will follow the same schedule for 2003.

**The Commission meeting dates for 2003 are:**

February 6 (Harrisburg, Pa.)  
April 10 (Altoona or Huntingdon, Pa.)  
June 12 (Corning, N.Y.)  
August 14 (Clarks Summit, Pa.)  
October 9 (Oneonta, N.Y.)  
December 11 (Northeast, Cecil Co., or Baltimore, Md.)

RESOLUTION NO. 2002-10

A RESOLUTION of the Susquehanna River Basin Commission adopting the SRBC Combination Salary Reduction Cafeteria Plan.

WHEREAS, the Commission wishes to adopt a cafeteria plan allowing employees the option of setting up pre-tax salary deduction accounts to pay for child care expenses, health insurance premiums and un-reimbursable medical expenses.

NOW THEREFORE BE IT RESOLVED THAT:

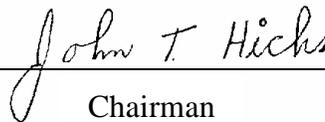
1. The Commission hereby adopts the plan known as the SRBC Combination Salary Reduction Cafeteria Plan, substantially in the form presented to the Commission, which Plan is adopted effective as of January 1, 2003, and a copy of which Plan is attached hereto and made a part of the minutes; and

2. Benefit Design Specialists, Inc. is hereby appointed as Plan Service Provider of the Plan to serve for such term and to have such powers and duties as are set forth in the Plan; and

3. Full power and authority are hereby conferred upon the Executive Director and Chief Administrative Officer of this Commission to implement, administer and execute amendments to such Plan within the general intent and purpose thereof in order that the Plan shall qualify under the provisions of §125 of the Internal Revenue Code, as amended.

4. This Resolution shall be effective immediately.

Date: October 10, 2002

  
Chairman

**Docket No. 20021001**  
**Approval Date: October 10, 2002**

**TOWANDA COUNTRY CLUB**

Consumptive Water Use of Up to 0.195 mgd, for Golf Course Irrigation,  
Wysox Township, Bradford County, Pennsylvania

**Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 25, 2000.

**Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways, at an existing 18-hole golf course.

**Location.** The project is located in the Middle Susquehanna Subbasin, HUC 02050106, Little Wysox Creek Watershed, Wysox Township, Bradford County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.195 million gallons per day (mgd). Based on irrigation data for the year 2001 submitted by the project sponsor, the project has a maximum average 30-day consumptive use of water of 0.133 mgd and a peak-day consumptive water use of 0.177 mgd. The primary source of water is three spring-fed ponds. Water also can be withdrawn from Little Wysox Creek (locally known as Lanning Creek) and from an on-site well. The surface-water and ground-water withdrawals predate Commission Regulations §803.44 and §803.43, respectively, and have not increased more than 0.100 mgd since the effective dates of the regulations.

The project was constructed as a nine-hole golf course in 1925, and has been in continuous operation since that time. The irrigation of the greens and tees began in 1925. The original irrigation system consisted of a gravity-fed system supplied by a reservoir located on the hillside north of the golf course. The golf course was expanded to 18 holes in 1963. The current automatic, double-row irrigation system was installed in 1997. Fairway irrigation began in 1997.

The project sponsor has constructed three off-stream ponds to provide for water storage on-site. The three ponds are linked in series and supply the irrigation system. The pond that is

lowest in elevation in the series (Pond 1) serves as the primary storage pond. Pond 1 was constructed in 1969. Pond 2 was constructed between 1977 and 1994. Pond 3 was constructed in 1994. The ponds have been excavated into stratified drift and intercept shallow ground water, as well as capture surface runoff from adjacent upland areas. Based on the information supplied by the project sponsor, the Commission staff has determined that the ponds have a total surface area of 1.8 acres and an estimated storage capacity of approximately 6.6 million gallons of water. The project sponsor has sufficient storage on-site for approximately 50 days of irrigation, based on the maximum average 30-day use of 0.133 mgd.

Irrigation water is pumped from the primary storage pond directly into the irrigation system, as needed, to irrigate greens, tees, and fairways. Water is withdrawn from the pond using two 40-horsepower turbine pumps, located in a pumphouse approximately 300 feet east of the primary storage pond. The project sponsor has withdrawn water from the pond since the pond was constructed in 1969. A meter is installed in-line on the outlet to the irrigation system.

Water also can be withdrawn from the Little Wysox Creek using a 15-horsepower pump installed on the stream bank at the thirteenth hole and discharged into Pond 3. This withdrawal began approximately in 1990.

A well, drilled prior to 1971, is located east of the clubhouse, adjacent to the swimming pool. A pumping test performed in 1987 reported a yield of 75 gallons per minute (gpm).

### **Findings**

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

All water evaporated from Ponds 2 and 3, as well as water used for golf course irrigation, is considered to be used consumptively. Water evaporated from the ponds will be calculated by the project sponsor employing a methodology acceptable to the Commission. The irrigation system is equipped with a single meter that measures the quantity of water withdrawn from the primary storage pond and used for irrigation.

The project sponsor has requested a consumptive water use approval of up to 0.195 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current peak-day use of 0.177 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive use of water exceed or be expected to exceed 0.195 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has agreed to the project sponsor's calculated pre-1971 consumptive use of water of 0.034 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. The evaporative losses from Ponds 2 and 3, constructed after 1971, are subject to Commission

Regulation §803.42, relating to consumptive use of water. Pond 2 is 0.8 acres in size, and Pond 3 is 0.6 acres in size.

The project sponsor operates a surface-water intake on Little Wysox Creek. Little Wysox Creek is classified as a warm-water fishery (WWF) (25 Pa. Code Chapter 93). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Little Wysox Creek to be 0.063 cubic feet per second (cfs) (28.3 gpm) at the point of withdrawal. The project sponsor's withdrawal is greater than 10 percent of Q7-10 flow (0.004 mgd) at the point of withdrawal, and a passby flow is required. In order to protect downstream users, habitat, and aquatic resources, Commission staff recommends that the project sponsor allow a minimum passby flow of 20 percent annual average daily flow (ADF) and cease all withdrawals when streamflow is less than 20 percent ADF. Commission staff recommends that the U.S. Geological Survey's stream gage 01516500, located on Corey Creek near Mainesburg, Pa., be used as the reference gage, and has calculated the 20 percent ADF at this gage to be 2.52 cfs (1,131 gpm).

The project sponsor currently does not meter the actual quantity of surface water withdrawn from Little Wysox Creek, and has no records associated with the surface-water intake that could be used to estimate the withdrawal from the creek. Commission staff recommends that the project sponsor install appropriate metering, and provide to the Commission documentation of the surface-water withdrawal.

The project's ground-water withdrawal has been in operation since 1947, and is not metered. The on-site well can be used to fill the storage Pond 3, if needed. The project sponsor has reported that the well is utilized at less than 100,000 gallons in excess of the grandfathered amount of 34,000 gallons during a 24-hour period and, therefore, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the project sponsor does not currently meter the actual quantity of ground water withdrawn, and has no records associated with the well that could be used to estimate the withdrawal from the well, Commission staff recommends that the project sponsor install appropriate metering, and provide to the Commission documentation of the well's usage.

The project's consumptive use of water above the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the quantity of water used for irrigation minus the pre-1971 consumptive use of 0.034 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001. In accordance with the CIP, payment to the Commission, as a method of compensation for the project's consumptive water use, shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

### **Decision**

The project's consumptive water use of up to 0.195 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. 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. The daily quantity of water consumptively used shall be the quantity of evaporative loss from storage Ponds 2 and 3, plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the ponds.

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the on-site well, accurate to within five (5) percent, to measure its ground-water withdrawal. The project sponsor shall keep daily records of the project's ground-water withdrawal, and shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds or is expected to exceed the threshold contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the surface-water withdrawal, accurate to within five (5) percent, and keep daily records of the project's surface-water withdrawal. The project sponsor shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the surface-water withdrawal exceeds or is expected to exceed the threshold contained in Commission Regulation §803.44, the project sponsor shall submit the appropriate application for review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

e. The project sponsor shall keep daily records of readings from the U.S. Geological Survey's stream gage 01516500 on Corey Creek near Mainesburg, Pa., during the irrigation season, and shall report the data to the Commission quarterly, and as otherwise required.

f. The project sponsor shall cease all withdrawals from Little Wysox Creek when the streamflow, as measured at the U.S. Geological Survey's stream gage 01516500 on Corey Creek near Mainesburg, Pa., is less than twenty (20) percent annual average daily flow, which is equal to 2.52 cfs (1,131 gpm).

g. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of evaporative loss from storage Ponds 2 and 3, plus the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.034 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

h. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

i. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission, as a method of compensation for the project's consumptive water use, shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used, in excess of the grandfathered quantity of 0.034 mgd, during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (g) above.

j. 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.

k. 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.

l. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

m. 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.

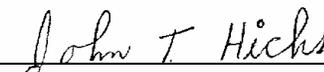
n. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

o. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

p. 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: October 10, 2002

  
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 John T. Hicks, Chairman  
 New York Commissioner

**Docket No. 20021002**

**Approval Date: October 10, 2002**

**ELKVIEW COUNTRY CLUB**

Consumptive Water Use of Up to 0.277 mgd, for Golf Course Irrigation,  
Greenfield and Fell Townships, Lackawanna County, Pennsylvania

**Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 24, 2000.

**Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**Location.** The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Fall Brook Watershed, Greenfield and Fell Townships, Lackawanna County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.277 million gallons per day (mgd). Based on irrigation data for the years 2000 and 2001 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.086 mgd and current peak-day consumptive water use to be 0.252 mgd.

The source of water is an existing withdrawal from Crystal Lake that predates Commission Regulation §803.44, relating to surface-water withdrawals. The withdrawal has not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation, and therefore, is not subject to the regulation.

The project was constructed as a 9-hole golf course in 1919, and has been in continuous operation since that time. The course was expanded to 18 holes in 1959. The irrigation of the greens and approximately half of the tees began in 1959. In 1985, the irrigation system was expanded to include the remainder of the tees and the fairways.

Water for the irrigation system is withdrawn from Crystal Lake and directly applied to the golf course through the irrigation system. Crystal Lake is adjacent to the golf course property. The lake has a surface area of approximately 191 acres and holds approximately 425 million gallons of water. The project sponsor has withdrawn irrigation water from Crystal Lake since 1959. The current surface-water withdrawal is accomplished using a pumping station containing two pumps with a combined capacity of 700 gallons per minute (gpm). The irrigation system is equipped with a flow meter.

### **Findings**

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

All water used for golf course irrigation is considered to be used consumptively. The pumping station is equipped with a meter that measures the quantity of water pumped to the irrigation system. Crystal Lake predates the Commission's consumptive use regulations and, therefore, the project sponsor is not required to provide compensation for evaporative losses from the lake.

The project sponsor has requested a consumptive water use approval of up to 0.277 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current peak-day use of 0.252 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.277 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff and the project sponsor have agreed to a pre-1971 consumptive water use of 0.012 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.012 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

The project's surface-water withdrawal from Crystal Lake has been in operation since 1959 with no passby controls in use at the site. The project sponsor reports that an agreement existed with the former owner of the lake, Pennsylvania Gas & Water Company (PG&W), for the project's use of water from the lake. In the 1990s, PG&W was sold to Pennsylvania-American Water Company (PAWC), who assumed all rights, contracts, and easements to the waters of Crystal Lake. PAWC operates Crystal Lake as a public water supply for the Carbondale portion of its Scranton system.

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

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 called for in 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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001.

### **Decision**

The project's consumptive water use of up to 0.277 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. 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. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.

c. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.012 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

d. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

e. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.012 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

f. 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.

g. 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.

h. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

i. 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.

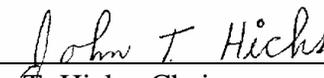
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

l. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 20021003**  
**Approval Date: October 10, 2002**

**GLEN OAK COUNTRY CLUB**

Ground-Water Withdrawal of 0.500 mgd (30-Day Average),  
and a Consumptive Water Use of Up to 0.500 mgd, for Golf Course Irrigation,  
Abington Township, Lackawanna County, Pennsylvania

**Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.43, relating to ground-water withdrawals. The Commission received the consumptive water use application on August 25, 2000, and the ground-water withdrawal application on March 3, 2002.

**Description**

**Purpose.** The purpose of the applications is to request approval for a ground-water withdrawal and the consumptive use of that water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**Location.** The project is located in the Middle Susquehanna Subbasin, HUC 02050106, Ackerly Run Watershed, Abington Township, Lackawanna County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive water use of up to 0.500 million gallons per day (mgd) and a ground-water withdrawal (30-day average) of 0.500 mgd. Based on irrigation data submitted by the project sponsor, the project has a maximum average 30-day consumptive use of water of 0.177 mgd and a current peak-day consumptive water use of 0.350 mgd.

Irrigation water is withdrawn from a pond that is constructed near the practice range of the golf course. The pond receives water primarily from Well 2 (drilled in 1980), with the option of receiving water from a second well (Well 1, drilled in 1953). Ground water is the primary source of water to meet the golf course irrigation demands. Well 1 has a reported yield of 120 gallons per minute (gpm) and is used primarily for the clubhouse. Well 2 has a reported yield of 175 gpm. Irrigation water usage is metered.

The project began operating in 1951, and has been in continuous operation since that time. The irrigation of greens and tees began in 1953. The irrigation system was expanded to

include fairway irrigation in 1982. The project sponsor currently is upgrading the irrigation system. Water for the irrigation system is withdrawn by two 60-horsepower electric pumps (combined 1,100 gpm) and pumped to the irrigation system. The project sponsor completed construction of the storage pond in 2001, as part of the irrigation system upgrade, and has withdrawn water from the storage pond beginning in 2002. The golf course storage pond has a total surface area of approximately 0.85 acres, and has an approximate storage capacity of 2.8 million gallons, which is sufficient storage for approximately 16 days of irrigation, based on the maximum average 30-day use of 0.177 mgd.

Ground water is withdrawn from Well 2 and discharged to the storage pond, as needed, for the irrigation system. Well 1 will be used as a backup to Well 2. The total pumping capacity of the two wells, as reported by the project sponsor, is 340 gpm. The withdrawal from Well 1 is metered, and the withdrawal from Well 2 is not metered.

### **Findings**

The project is subject to Commission approval and reporting requirements, as per Commission Regulations §803.42 and §803.43, respectively.

All water evaporated from the pond, as well as water withdrawn from the pond and used for golf course irrigation, is considered to be used consumptively. Water evaporated from the pond will be calculated by the project sponsor employing a methodology acceptable to the Commission. The irrigation system is equipped with a meter that measures the quantity of water withdrawn from the storage pond.

Commission staff has calculated pre-1971 consumptive water use of 0.062 mgd for the project and, for purposes of this docket, this quantity of water is considered “grandfathered” and is exempt from water compensation requirements.

The project’s ground-water withdrawal from Well 1 has been in operation since 1953 and is metered. It appears from the available data that the project relied almost exclusively on ground water withdrawn from Well 1 during the summer months prior to 1978. It is assumed that the grandfathered consumptive use amount of 62,000 gpd also applies to the ground-water withdrawal from Well 1. The project sponsor has reported that the wells are currently utilized at a combined maximum average 30-day rate of 0.177 mgd, which is in excess of 100,000 gpd above the grandfathered amount of 62,000 gpd and, therefore, subject to Commission Regulation §803.43.

Well 2 was drilled in 1980, and the testing, as required in Commission Regulation §803.43, was not done on the well. A ground-water availability analysis was requested by Commission staff, and has been submitted by the project sponsor. The project sponsor has requested a waiver of the pumping test requirement. Commission staff, after review of the ground-water availability analysis, recommends that, in-lieu-of a pumping test, nearby wells be monitored for 30 consecutive days during peak irrigation use to document any adverse impacts associated with Well 2 use. In this regard, Commission staff recommends that the project sponsor prepare and submit a monitoring plan for Commission staff review and approval.

Commission staff recommends that the project sponsor install appropriate metering on Well 2 and provide to the Commission documentation of the wells' combined usage.

The project sponsor has requested a consumptive water use approval of up to 0.500 mgd. Based on an analysis of irrigation records and the irrigation design documents supplied by the project sponsor, Commission staff is recommending approval of the requested quantity. Should the project's future consumptive water use exceed or be expected to exceed 0.500 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.062 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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 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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001.

### **Decision**

The project's ground-water withdrawal of 0.500 mgd (30-day average) and consumptive water use of up to 0.500 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42, and ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.

b. 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. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage pond plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the pond.

c. Within sixty (60) days of the date of this approval, the project sponsor shall install and maintain metering on Well 2, accurate to within five (5) percent, and keep daily records of the project's ground-water withdrawal and shall provide the results to the Commission quarterly, and as otherwise required.

d. The project sponsor shall keep daily records of the metered withdrawal and weekly water levels from Wells 1 and 2. The required reporting data shall be submitted to the Commission quarterly, and as otherwise required. The project sponsor shall maintain the existing meter, accurate to within five (5) percent, on Well 1. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

e. The maximum instantaneous rate of production from Well 1 shall not exceed 120 gpm, and Well 2 shall not exceed 175 gpm.

f. The project sponsor shall submit a monitoring plan for Commission staff's review and approval within one hundred twenty (120) days that provides for 30 days of continuous monitoring to document any adverse impacts associated with the wells' use. Following the monitoring period, the project sponsor shall prepare and submit a report documenting the findings.

g. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage pond plus the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.062 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

h. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

i. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.062 mgd. during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (g) above.

j. If the Commission determines that the operation of the project's ground-water withdrawal from Wells 1 and 2 adversely affects any existing ground-water or surface-water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

k. 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.

l. 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.

m. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

n. 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.

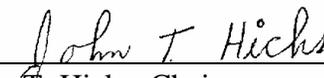
o. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

p. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

q. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 20021004**  
**Approval Date: October 10, 2002**

## **ELMHURST COUNTRY CLUB**

Consumptive Water Use of Up to 0.396 mgd, for Golf Course Irrigation,  
Roaring Brook Township and Moscow Borough, Lackawanna County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 23, 2000.

### **Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 21-hole golf course.

**Location.** The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Roaring Brook Watershed, Roaring Brook Township and Moscow Borough, Lackawanna County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.396 million gallons per day (mgd). Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.090 mgd and current peak-day consumptive water use to be 0.360 mgd, based on the project sponsor's reported irrigation system pump capacity and current irrigation practices.

The primary source of water for the irrigation system is an existing withdrawal from an on-stream pond that predates Commission Regulation §803.44, relating to surface-water withdrawals. The withdrawal has not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation, and therefore, an approval under the regulation is not required. The project sponsor also operates two on-site wells.

The project was constructed as a 9-hole golf course in 1929, and has been in continuous operation since that time. The course was expanded to 18 holes in the 1950s and to 21 holes in 1994. Hand watering of greens began in the 1960s using water withdrawn from an on-stream pond. An irrigation system for the greens, tees, and fairways of the golf course was installed in

1983, which was extended to include the three additional holes in 1994. The irrigation system was upgraded to its current double-row configuration on six fairways in 2000 and 2001.

The project sponsor utilizes a series of three on-stream ponds located in the headwaters of Van Brunt Creek to provide for irrigation water storage on-site. The ponds, identified by the project sponsor as the Swamp, Pond 1 and Pond 2, are linked, and the pond that is lowest in elevation (Pond 2) serves as the primary storage pond for the irrigation system. The project sponsor reports that the three storage ponds existed prior to 1971. Commission staff has calculated that the three on-stream ponds have a total surface area of approximately 2.6 acres, and a total estimated usable storage capacity of 2.0 million gallons. The project sponsor has sufficient storage on-site for approximately 22 days of irrigation, based on the average 30-day consumptive use of 0.090 mgd.

Ground water is withdrawn from two on-site wells and discharged to Pond 1 to supplement the surface-water withdrawal, as needed, for the irrigation system. Well 1 was drilled in 2000, and Well 2 was drilled in the early 1980s. The total pumping capacity of the two wells, as reported by the project sponsor, is approximately 185 gallons per minute (gpm); however, the project sponsor has reported that the wells are utilized at less than 100,000 gallons per day (gpd) on a 30-day average. The ground-water withdrawal for the irrigation system is not metered.

Water for the irrigation system is withdrawn from the primary storage pond (Pond 2) using a pumping station containing one 75-horsepower and one 25-horsepower centrifugal pump, with a total capacity of 750 gallons per minute (gpm). The pumping station currently is not equipped with a flow meter to measure the quantity of water pumped to the irrigation system. The project sponsor has withdrawn water from the on-stream storage ponds since the 1960s with no passby structures or engineering controls in place at the point of withdrawal.

### **Findings**

The project is subject to Commission approval and reporting requirements, as per Commission Regulations §803.42.

All water withdrawn from the storage ponds and used for golf course irrigation is considered to be used consumptively. Water withdrawn from the primary storage pond currently is not metered. In accordance with the Commission's consumptive water use reporting requirements, staff recommends that the project sponsor install a meter on the irrigation system to measure the quantity of water withdrawn from the primary storage pond and used for irrigation. The three storage ponds predate the Commission's consumptive use regulation; therefore, the project sponsor is not required to provide compensation for the evaporative losses from the ponds.

The project sponsor has requested a consumptive water use approval of up to 0.396 mgd. Based on an analysis of irrigation data supplied by the project sponsor and the current irrigation practices, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current peak-day use of 0.360 mgd.

This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.396 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff and the project sponsor have agreed to a pre-1971 consumptive water use of 0.008 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the quantity of water used for irrigation minus the pre-1971 consumptive use of 0.008 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

The project's primary source of water is an existing withdrawal from an on-stream pond, located on Van Brunt Creek, that predates Commission Regulation §803.44, relating to surface-water withdrawals, and has not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation. Therefore, Commission staff finds that this withdrawal does not require an approval under Commission Regulation §803.44.

The project's surface-water withdrawal has been in operation since the 1960s with no passby criteria in use at the site. Van Brunt Creek is classified as high quality water, and supports a Class A, cold-water fishery (HQ-CWF) (25 Pa. Code Chapter 93). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Van Brunt Creek, on which the primary storage pond is located, to be 0.021 cubic feet per second (cfs) (9.4 gpm) at the point of withdrawal. The surface-water withdrawal is accomplished with a pumping station that has a capacity of 750 gpm. The withdrawal from the primary storage pond is greater than 10 percent (0.94 gpm) of the Q7-10 for Van Brunt Creek at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users.

Based on the project's classification as CWF, its geographic location in the watershed and the anticipated associated fishery of brown trout and combined species of fish, Commission staff used the Instream Flow Incremental Methodology (SRBC Publication No. 191, May 1998) to determine the appropriate passby flow requirement. Commission staff recommends that the project sponsor allow a passby flow of not less than 25 percent of annual average daily flow (ADF), which equals 0.212 cfs (95 gpm). Because the project sponsor is using on-stream ponds as its source of water, the passby criteria must be modified to accommodate conditions when natural streamflow is less than 25 percent ADF. Therefore, staff recommends that the project sponsor allow a downstream release of water from the primary storage pond of 0.212 cfs (95 gpm), or an amount equal to the inflow of the stream to the most upstream pond (Swamp), when streamflow is less than 0.212 cfs (95 gpm).

Commission staff recommends that the project sponsor incorporate a passby flow device 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 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 project sponsor must maintain the passby system, keeping it fully functional and free of debris.

The project's ground-water withdrawal has been in operation since the early 1980s, but is not metered. The two on-site wells are used to fill Pond 1 and supplement Van Brunt Creek inflow, as needed. The project sponsor has reported that the wells are utilized at less than 100,000 gpd on a 30-day average and, thus, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the project sponsor currently does not meter the actual quantity of ground water withdrawn, and the wells are capable of producing approximately 266,400 gpd, Commission staff recommends that the project sponsor install the appropriate metering to provide to the Commission documentation of the wells' combined usage.

If the ground-water withdrawal exceeds or is expected to exceed 100,000 gpd on a 30-day average (3,000,000 gallons in any consecutive 30-day period), the project sponsor must submit a ground-water withdrawal application to the Commission.

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

The project sponsor has elected to pay the application fee in installments, 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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

## Decision

The project's consumptive water use of up to 0.396 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. Within sixty (60) days from the date of this approval, the project sponsor shall install and then maintain a meter, accurate to within five (5) percent, on the irrigation system to measure the quantity of water pumped from the storage pond to the irrigation system.

c. 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. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall install and maintain metering on the irrigation system, accurate to within five (5) percent.

d. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the two on-site wells, accurate to within five (5) percent, to measure its ground-water withdrawal. The project sponsor shall keep daily records of the project's ground-water withdrawal and shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

e. The project sponsor shall allow a downstream release of water from the primary storage pond of 0.212 cfs (95 gpm), or when streamflow into the most upstream pond known as the Swamp is less than 95 gpm, an amount equal to the total inflow of the stream to the pond (the Swamp). The project sponsor shall install flow measurement devices that measure the inflow and outflow of the pond system. The project sponsor shall keep daily records of the inflow and outflow of the pond system, and shall report the data to the Commission quarterly, and as otherwise required.

f. The project sponsor shall submit its design and a proposed construction schedule for the flow measurement devices 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 system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and the flow measurement devices at any time.

g. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.008 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

h. The project sponsor may pay the application fee in installments, 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 paid two annual installments and shall be invoiced for the balance over the next year.

i. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

j. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.008 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (g) above.

k. 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.

l. 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.

m. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

n. 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.

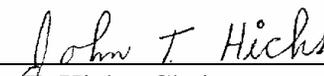
o. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

p. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

q. 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: October 10, 2002

  
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 John T. Hicks, Chairman  
 New York Commissioner

**Docket No. 20021005**  
**Approval Date: October 10, 2002**

**BERWICK GOLF CLUB**

Consumptive Water Use of Up to 0.355 mgd, for Golf Course Irrigation,  
Briar Creek Township, Columbia County, Pennsylvania

**Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 14, 2000.

**Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**Location.** The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Briar Creek Watershed, Briar Creek Township, Columbia County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.355 million gallons per day (mgd). The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.110 mgd and current peak-day consumptive water use to be 0.322 mgd.

The primary source of water is an existing withdrawal from the East Branch of Briar Creek. The withdrawal predates Commission Regulation §803.44, relating to surface-water withdrawals. The withdrawal has not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation, and therefore, is not subject to the regulation.

A well is located on the property. According to the project sponsor, the well was drilled as an alternate water source for the irrigation system but has never been equipped with a pump, electrical power or piping.

The project was constructed in the 1920s and completed as an 18-hole golf course in 1955. The golf course has been in continuous operation since that time. The original irrigation system watered the greens and tees of nine holes and was installed in 1950. The system was expanded to its current configuration in June 1971. The current irrigation system is not equipped with a meter and is scheduled to be replaced by spring 2003.

Water for the irrigation system currently is withdrawn from the East Branch of Briar Creek and stored in a pond. The gravity-fed withdrawal is equipped with uncalibrated passby controls. Water is pumped from the pond to the golf course's irrigation system, which is not equipped with a totalizing meter.

According to the project sponsor, the storage pond was constructed prior to 1971, and has a maximum depth of 4 feet. Commission staff has calculated that the storage pond has a surface area of 1.5 acres and, based on an average depth of approximately 3 feet, the storage pond has a maximum storage capacity of approximately 1.47 million gallons. This is sufficient storage for approximately 13 days of irrigation, based on the maximum average 30-day use of 0.110 mgd.

### **Findings**

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

All water withdrawn from the storage pond and used for golf course irrigation is considered to be used consumptively. The irrigation system is not equipped with a meter that measures the quantity of water withdrawn from the pond and used for irrigation. Commission staff recommends that the project sponsor install appropriate metering prior to using the irrigation system for the 2003 irrigation season. Since the storage pond predates the Commission's consumptive water use regulation, the project sponsor is not required to provide compensation for evaporative losses from the pond.

The project sponsor has requested approval of a consumptive water use of up to 0.355 mgd. Based on an analysis of irrigation records supplied by the project sponsor and the intention to install a new irrigation system, Commission staff is recommending approval of up to 0.355 mgd, which represents an increase of approximately 10 percent above the current estimated peak day use of 0.322 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed, or be expected to exceed 0.355 mgd, the project sponsor must apply for a modification to this docket at that time.

The Commission staff has calculated a pre-1971 consumptive water use of 0.054 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project sponsor currently does not meter the quantity of water withdrawn from the East Branch of Briar Creek. Commission staff recommends that the project sponsor install appropriate metering and monitor the stream withdrawal.

The project sponsor operates a surface-water intake on the East Branch of Briar Creek without sufficient engineering controls in place to ensure a passby flow at the site. The East Branch of Briar Creek is classified as a Class C, cold-water fishery (CWF) (25 Pa. Code Chapter 93). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for the East Branch of Briar Creek to be 0.633 cubic feet per second (cfs) (284 gallons per minute

(gpm)) at the point of withdrawal. The project sponsor's maximum day withdrawal of 0.355 mgd, if used for irrigation over a 24-hour period, results in a surface-water withdrawal rate of approximately 246 gpm. This rate of withdrawal is greater than 10 percent of the Q7-10 flow for the East Branch of Briar Creek (28.4 gpm) at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users. Staff recommends that the project sponsor allow a passby flow of not less than the Q7-10 flow, which equals 0.633 cfs (284 gpm), and to cease all withdrawals when streamflow is less than 0.633 cfs.

According to staff's analysis, approximately 5 percent of the time streamflow will not be sufficient to allow the recommended passby flow rate and meet the golf course irrigation needs.

Commission staff recommends that the project sponsor modify its withdrawal to allow a minimum stream passby flow equal to the calculated Q7-10 flow of 0.633 cfs (284 gpm) and to cease all withdrawals when streamflow is less than the Q7-10 flow. The project sponsor should submit its design for necessary flow measurement devices and a proposed construction schedule within 60 days following Commission action for review and approval by Commission staff prior to any construction.

The project does not currently, nor has it historically withdrawn ground water. Although an on-site well has been installed for this purpose, the project sponsor has reported that the well has never been connected to the irrigation system or equipped with a pump. Should the well be connected to the irrigation system, the project sponsor must apply for a modification to this approval.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.054 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

The project sponsor has elected to pay the application fee in installments, 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 paid one annual installment and will be invoiced for the remaining two payments. 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.

## Compliance Incentive Program

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001.

### Decision

The project's consumptive water use of up to 0.355 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. Within sixty (60) days from the date of this approval, the project sponsor shall install and then maintain a meter, accurate to within five (5) percent, on the irrigation system to measure the quantity of water pumped from the pond to the irrigation system.

c. 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. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.

d. If the on-site well is connected to the irrigation system or equipped with a pump, the project sponsor shall submit the appropriate application for modification of this approval for review and approval by the Commission.

e. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the surface-water withdrawal, accurate to within five (5) percent, and keep daily records of the project's surface-water withdrawal. The project sponsor shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the surface-water withdrawal exceeds the threshold contained in Commission Regulation §803.44, the project sponsor shall submit the appropriate application for review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

f. The project sponsor shall allow a flow of not less than 0.633 cfs (284 gpm) to pass in the East Branch of Briar Creek directly below the intake. The project sponsor shall reduce its withdrawals, as necessary, to allow this amount of flow to pass unless natural streamflow is equal to or less than this amount, at which times the project sponsor shall cease all withdrawals. The project sponsor shall install flow measurement devices that measure the streamflow directly below the intake, keep daily records of streamflow during the irrigation season, and report the data to the Commission quarterly, and as otherwise required.

g. The project sponsor shall submit its design and a proposed construction schedule for the flow measurement devices within sixty (60) days from 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 system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and the flow measurement devices at any time.

h. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.054 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

i. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

j. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.054 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (h) above.

k. The project sponsor may pay the application fee in installments, 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 paid one annual installment and shall be invoiced for the remaining two payments.

l. 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.

m. 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.

n. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

o. 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.

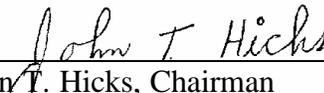
p. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

q. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

r. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 20021006**  
**Approval Date: October 10, 2002**

## **EAGLE ROCK SKI AND GOLF RESORT**

Ground-Water Withdrawal of 0.800 mgd (30-Day Average) From an Abandoned Quarry, and a Consumptive Water Use of Up to 0.450 mgd, for Snowmaking and Golf Course Irrigation, Black Creek and Hazle Townships, Luzerne County, and East Union Township, Schuylkill County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.43, relating to ground-water withdrawals. The Commission received the applications for the consumptive use of water and for the ground-water withdrawal on August 25, 2000.

### **Description**

**Purpose.** The purpose of the applications is to request approval for a ground-water withdrawal and the consumptive use of that water for snowmaking at an existing ski area and for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**Location.** The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Tomhicken Creek Watershed, Black Creek and Hazle Townships, Luzerne County, and East Union Township, Schuylkill County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for a withdrawal of 0.800 million gallons per day (mgd) of water (30-day average) from an abandoned quarry (strip mine), and a ground-water consumptive use of water of up to 0.450 mgd. Based on golf course irrigation data submitted by the project sponsor for the year 2002, the golf course has a maximum average 30-day consumptive use of water of 0.129 mgd and a current peak-day consumptive water use of 0.268 mgd. Daily-metered data for snowmaking were not available, however, the project sponsor estimates a peak-day consumptive water use of 0.450 mgd and a peak-day withdrawal of 2.0 mgd.

The primary source of water is an abandoned quarry that is located at the headwaters of an unnamed tributary to Tomhicken Creek. The abandoned quarry receives water from ground water and stormwater runoff. A meter for irrigation and snowmaking water usage was installed in 2001.

The project sponsor constructed the ski area in 1997, which has been in continuous operation since that time. The 18-hole golf course was constructed from 1997 to 1999, and has been in continuous operation since that time. As part of these projects, the project sponsor used an abandoned quarry with no significant surface-water inflow to provide water at the site. Commission staff has calculated the surface area of the quarry pond to be 5.7 acres. The volume available for use is approximately 36 million gallons, which is sufficient storage for approximately 202 days of golf course irrigation, based on the estimated maximum 30-day average use, or 18 days of snowmaking, based on the peak-day usage of 2.0 mgd. The project sponsor has withdrawn water from the quarry over the life of the projects without maintaining any passby or constant release of water to the unnamed tributary to Tomhicken Creek.

One pump station, installed in 1997, provides water for golf course irrigation and snowmaking. Water is pumped directly from the abandoned quarry to either the snowmaking equipment or the irrigation system. Distribution is regulated by valves. Current water withdrawal from the abandoned quarry is accomplished via a three-pump system that has a rated capacity of 2,250 gpm.

### **Findings**

The project is subject to the Commission approval and reporting requirements, as per Commission Regulations §803.42 and 803.43, respectively.

All water withdrawn from the abandoned quarry and used for golf course irrigation is considered to be used consumptively. Water withdrawn from the abandoned quarry and used for snowmaking is considered to be used consumptively at a rate of 22 percent of total withdrawal. The irrigation and snowmaking systems have a meter that measures the quantity of water pumped.

The project sponsor has requested a consumptive water use approval of up to 0.450 mgd. Based on an analysis of data supplied by the project sponsor, Commission staff is recommending approval of the requested amount. Should the project's future consumptive water use exceed or be expected to exceed 0.450 mgd, the project sponsor must apply for a modification to this docket at that time.

The unnamed tributary to Tomhicken Creek is classified as a cold-water fishery (CWF) (25 Pa. Code Chapter 93) with an annual average daily flow (ADF) rate at the site of 0.482 cubic feet per second (cfs), or 216 gallons per minute (gpm). Commission staff has calculated the 7-day 10-year low flow (Q7-10) in the unnamed tributary to Tomhicken Creek to be 0.025 cfs, or 11.2 gpm. Based on the project's classification as CWF and Pennsylvania Fish and Boat Commission's determination that it is a Class D wild trout stream, its geographic location in the watershed and the anticipated associated fishery of brown trout and combined species of fish, Commission staff used the Instream Flow Incremental Methodology (SRBC Publication No. 191, May 1998) to determine the appropriate instream flow requirement for the unnamed tributary to Tomhicken Creek at this site. Based on the findings from the methodology, Commission staff recommends a passby flow of 45 percent of annual ADF, which is equal to

97.4 gpm. This will allow for no more than a 15 percent loss of habitat in the unnamed tributary to Tomhicken Creek.

The sole source of water is a ground-water withdrawal from an abandoned quarry that has no significant surface-water inflow. According to Commission staff's analysis, quarry storage will not be sufficient to meet the project sponsor's snowmaking needs while allowing for the release of water from the dam to mitigate the ground-water withdrawals impact to the unnamed tributary to Tomhicken Creek. Based on this finding, Commission staff recommends that the project sponsor initiate a study to identify that sufficient storage exists to maintain the release or identify other sources of water to address this deficiency.

Commission staff recommends, as an interim measure, that the project sponsor allow a release of water equal to the calculated Q7-10 flow at the quarry outfall of 11.2 gpm, pending the results of the water supply study. This interim protective measure shall expire two years from the date of this approval.

The project's consumptive use of water for golf course irrigation and 22 percent of the water used for snowmaking is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used.

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

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 called for in 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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water withdrawn and consumed in violation of Commission Regulations §803.42 and §803.43 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

## Decision

The project's ground-water withdrawal of up to 0.800 mgd (30-day average) from the abandoned quarry, and the consumptive water use of up to 0.450 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42, and ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.

b. 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. The daily quantity of water consumptively used shall be the quantity withdrawn from the quarry and pumped to the irrigation system and 22 percent of that pumped to the snowmaking system. The project sponsor shall maintain metering on the irrigation and snowmaking systems, accurate to within five (5) percent.

c. The project sponsor shall keep daily records of the metered withdrawal from the abandoned quarry and weekly water levels from the abandoned quarry. The required reporting data shall be submitted to the Commission quarterly, and as otherwise required. The project sponsor shall maintain the existing meter, accurate to within five (5) percent, on the pumping station. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. The maximum instantaneous rate of production from the abandoned quarry shall not exceed 2,250 gpm.

e. The project sponsor shall maintain a downstream release of water from the abandoned quarry of 0.217 cfs (97.4 gpm). The project sponsor shall install flow measurement devices that measure the outflow of the abandoned quarry. The project sponsor shall keep daily records of the outflow of the abandoned quarry and shall report the data to the Commission quarterly, and as otherwise required, except as provided for in condition (h).

f. The project sponsor shall submit its design and a proposed construction schedule for the flow measurement devices 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 flow release system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and the flow measurement devices at any time.

g. The project sponsor shall immediately initiate a study to investigate the adequacy of the abandoned quarry source and identify that sufficient on-site storage exists or develop a plan to address any supply deficiencies. The results of this study and a plan to address any supply deficiencies shall be submitted to the Commission within six (6) months from the date of this

approval. The plan shall be accompanied by the appropriate application(s) needed for the approval of any supplemental sources identified in the plan.

h. The project sponsor shall, as an interim measure, be allowed to continue to withdraw water from the abandoned quarry during times when streamflow leaving the quarry is less than 45 percent of ADF, but is not less than the calculated Q7-10 flow of 11.2 gpm, pending the results of the water supply study. This interim protective measure shall expire two (2) years from the date of this approval.

i. 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. The daily quantity of water consumptively used shall be the quantity withdrawn from the quarry and pumped to the irrigation system and 22 percent of that pumped to the snowmaking system. Payments shall be made quarterly and shall be calculated by applying this rate to the daily 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

j. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(b) and (c).

k. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (i) above.

l. 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.

m. 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.

n. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

o. 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.

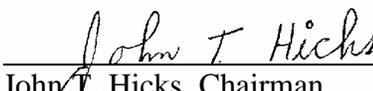
p. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

q. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

r. 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: October 10, 2002

  
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 John T. Hicks, Chairman  
 New York Commissioner

**Docket No. 20021007**  
**Approval Date: October 10, 2002**

**CLEARFIELD MUNICIPAL AUTHORITY**

Ground-Water Withdrawal (30-Day Average) of 0.684 mgd from  
Moose Creek Well 3, for Public Water Supply,  
Lawrence Township, Clearfield County, Pennsylvania

**Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to ground-water withdrawals. The Commission received the application on April 17, 2002.

**Description**

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

**Location.** The project is located in the West Branch Susquehanna Subbasin, HUC 02050201, Moose Creek Watershed, Lawrence Township, Clearfield County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the withdrawal (30-day average) of 0.684 million gallons per day (mgd) of water from Moose Creek Well 3. Moose Creek Well 3 was drilled and constructed in May 2000 to supplement the existing water sources and help ease water shortages during droughts. The municipal water supply system has an existing average daily demand of 1.3 mgd and an existing maximum daily demand of 1.65 mgd. The maximum daily demand is not projected to increase by 2025. The project sponsor currently serves Clearfield Borough and part of Lawrence Township. The system is 100 percent metered.

The Clearfield Municipal Authority (CMA) has a reservoir, (Montgomery Run Reservoir) and three existing wells (Wells 1, 4, and 5) to supply water to a municipal water system. The reservoir predates the Commission's surface-water regulation, and does not require Commission approval. Wells 4 and 5 were approved by the Commission under Docket No. 20000201, for average daily withdrawals of 489,000 gallons and 230,000 gallons, respectively. Well 1 was approved by the Commission under Docket No. 19910704, for an average daily withdrawal of 576,000 gallons.

Moose Creek Well 3 was constructed as an 8-inch diameter bedrock well with 95 feet of 8-inch steel casing and a total depth of 325 feet. The well penetrates Recent-aged stream and floodplain sediment (15 feet), and bedrock of the Mississippian- and Upper Devonian-aged Rockwell Formation, including reddish-brown mudstone and shale (131 feet), and greenish-gray sandstone (179 feet). The mudstone and shale interval acts to retard ground-water flow between the ground surface and the major water-bearing zones in the sandstone.

The public water supply system has an existing average daily demand of 1.3 mgd and an existing maximum daily demand of 1.65 mgd. The maximum daily demand is not projected to increase by 2025. The system is 100 percent metered. The project sponsor currently serves Clearfield Borough and part of Lawrence Township.

Over 90 percent of the wastewater generated throughout the water system is discharged to the sanitary sewer system and treated at the Clearfield wastewater treatment facility, which discharges to Clearfield Creek.

**Pumping Test.** A 48-hour constant-rate pumping test was conducted June 27-30, 2000. The testing protocol was not submitted to or approved by the Commission. Pumping at an average rate of 475 gallons per minute (gpm), total drawdown was approximately 42 feet in Moose Creek Well 3. Two test wells were monitored during testing, and a staff gage and nested piezometers were installed in the Moose Creek channel immediately adjacent to Moose Creek Well 3. The end-of-test drawdown was 11 feet in Test Well 1, and 19 feet in Test Well 2. There are no existing users to be monitored or impacted. Wetlands and springs were not monitored.

**Coordination.** The project sponsor has requested approval of a Public Water Supply Permit from the Pennsylvania Department of Environmental Protection (Pa. DEP). Commission staff has coordinated with the Pa. DEP's Northcentral Regional Office during review of the project.

## Findings

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

Pumping test results, including the early drawdown stabilization in this well and the rapid recovery, indicate that Moose Creek Well 3 draws water from a semi-confined bedrock aquifer of moderate permeability and receives recharge from the aquifer up-gradient of the well in the Moose Creek Watershed.

Moose Creek Well 3 will be used to supplement the existing water sources and help ease water shortages during droughts. Therefore, the water level (piezometric head) in the aquifer, in the vicinity of Moose Creek Well 3, should be closely monitored during normal operation of the well for at least one year.

Moose Creek Well 3 is located in a remote area, so no impacts to private water supply wells are anticipated. The maximum instantaneous rate of production from Moose Creek Well 3 should not exceed 475 gpm, the pumping rate used during the constant-rate pumping test.

Moose Creek Well 3 draws water from a network of stress-relief fractures in the lower, sandy portion of the Rockwell Formation. The fractures are localized in the valley floor and along the steep valley sides. As such, the aquifer is of relatively limited extent, and recharge of the aquifer sufficient for the long-term operation of Moose Creek Well 3 may not be available during periods of severe drought.

Moose Creek Well 3 may receive water from Moose Creek and adjacent wetlands through induced infiltration up-gradient of where the aquitard mudstone and shale unit is erosionally breached, along the valley between approximately 1,500 and 1,800 feet above mean sea level (amsl). Moose Creek is classified as a high quality cold-water fishery (HQCWF) (Title 25, Chapter 93, Pa. Code). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) of Moose Creek to be 0.80 cubic feet per second (cfs) or 360 gallons per minute (gpm) at a location adjacent to Moose Creek Well 3. The project's requested ground-water withdrawal of 0.684 mgd is greater than 10 percent of the Q7-10 flow (36 gpm or 0.0518 mgd). Therefore, withdrawals from Moose Creek Well 3 may have a significant impact on the stream. The staff recommends that the stream, springs, and wetlands in the area of aquifer outcrop up-gradient of the well be monitored during the first year of operation. This monitoring is intended to provide information that was not obtained during the pumping test.

The Pa. DEP has determined that several wetland areas and a spring exist in the immediate vicinity of Moose Creek Well 3, and therefore, is requiring a wetland delineation be performed prior to its issuing a permit. Pa. DEP is requiring the monitoring of springs and wetlands in this area for impacts from pumping of Moose Creek Well 3.

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 Commission Regulation §804.20(a). The system had an unaccounted-for meter loss of 24 percent in 2000, which exceeds the 20 percent maximum set forth in Commission Regulation §804.20(a)(1). Commission staff recommends that the project sponsor be required to comply with Commission Regulation §804.20(a)(1) within 5 years, and to report annually on its actions to reduce unaccounted-for water to the required 20 percent or less standard, including its routine leak detection program.

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.

No adverse impacts on other area ground-water withdrawals are anticipated. 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

The project's ground-water withdrawal of 0.684 mgd (30-day average) from Moose Creek Well 3 is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.

b. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the Moose Creek Well 3, accurate to within five (5) percent, to measure its ground-water withdrawal. Except as required in paragraph (d) below, the project sponsor shall keep daily records of the project's ground-water withdrawal and daily water levels from the well, and shall report the data to the Commission annually, and as otherwise required. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

c. The maximum instantaneous rate of production from Moose Creek Well 3 shall not exceed 475 gpm.

d. The project sponsor shall:

1. Submit a wetlands delineation of the Moose Creek valley between 1,500 and 1,800 feet amsl, and a surface water and wetland monitoring plan within 60 days of Commission approval of the project, for Commission staff review and approval.
2. Submit the surface-water and wetland monitoring plan for Commission staff review within sixty (60) days of this approval, and implement a Commission staff-approved plan within sixty (60) days of Commission staff approval.
3. Monitor water levels in Test Wells 1 and 2 continuously, by digital recorders or another method acceptable to the Commission during the one (1)-year period of normal well operation.
4. Within ninety (90) days, following one (1) year of normal well operation and monitoring, as described in paragraphs 1, 2, and 3, above, submit an interpretive report by a licensed geologist having substantial experience in ground-water/surface-water interaction.
5. Following the continuous monitoring period prescribed in paragraph (3) above, keep daily records of the metered withdrawal and daily water levels from Moose Creek Well 3 and daily water levels from Test Wells 1 and 2. The required reporting data shall be submitted to the Commission annually, and as otherwise required. The project sponsor shall maintain the existing meter, accurate to within five (5) percent, on Moose Creek Well 3. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(a). The project sponsor shall have reduced the unaccounted-for water to 20 percent or less by October 10, 2007. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement. The project sponsor must petition the Commission for an extension should unforeseen events occur that preclude compliance with the October 10, 2007 deadline.

e. At the end of the one (1)-year monitoring period, or earlier if warranted, Commission staff will determine whether the ground-water withdrawal causes substantial adverse impact to the surface water. The Commission reserves the right to require additional monitoring, as necessary.

f. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(a). The project sponsor shall have reduced the unaccounted-for water to 20 percent or less by October 10, 2007. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement. The project sponsor must petition the Commission for an extension should unforeseen events occur that preclude compliance with the October 10, 2007, deadline.

g. If the Commission determines that the operation of the project's ground-water withdrawal from Moose Creek Well 3 adversely affects any environmental or surface-water resources, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

h. 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.

i. 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.

j. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

k. 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.

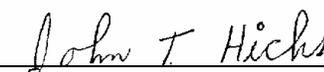
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

n. 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 applicant and approved by the Commission.

By the Commission:

Dated: October 10, 2002

  
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 John T. Hicks, Chairman  
 New York Commissioner

**Docket No. 20021008**  
**Approval Date: October 10, 2002**

**BUCKNELL UNIVERSITY**

Consumptive Water Use of Up to 0.485 mgd,  
for Golf Course Irrigation and Institutional Use,  
Lewisburg Borough and East Buffalo Township, Union County, Pennsylvania

**Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the applications for golf course irrigation on August 2, 2000, and institutional use on July 2, 2001.

**Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water at Bucknell University (the University) associated with irrigation of the golf course and athletic fields, and evaporative cooling for facility air conditioning.

**Location.** The project is located in the West Branch Susquehanna Subbasin, HUC 02050206, Susquehanna River Watershed, Lewisburg Borough and East Buffalo Township, Union County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.485 million gallons per day (mgd). Pennsylvania American Water Company–White Deer District (PAWC) provides water to the University for the campus potable water system, a portion of which is consumed for the irrigation of athletic fields and landscaped areas and for building air conditioning (via chiller cooling towers). Currently, water supplied by PAWC averages 0.283 mgd on a yearly basis, and is metered at 50 locations throughout the campus system. The University was founded in 1846.

The University's peak-day consumptive water use is estimated to be 0.442 mgd. Peak monthly consumptive water use averages 0.210 mgd. During these peak periods, cooling tower makeup, and golf course and athletic field irrigation comprise almost all of the University's consumptive water use.

Electricity for campus use is generated at a 6-megawatt, gas-fired combustion turbine power plant on campus. However, the primary combustion turbine is not water-cooled, and the heat recovery steam turbine has no consumptive water use. The University has recently completed a centralized air-conditioning system that eliminated chiller cooling towers at seven separate campus buildings. Seven additional campus buildings have individually metered separate chiller cooling tower systems. The campus central steam system has three boilers.

Water from two wells at the University (Wells 2 and 3) is used to irrigate the University's 18-hole golf course. The wells were in operation prior to July 13, 1978, the effective date of Commission Regulation §803.43, regarding ground-water withdrawals. The wells supply a 570,000-gallon storage pond located at the ninth green, from which water is pumped to irrigate the golf course. Well 2 is located adjacent to the storage pond, while Well 3 is located at the clubhouse. Well 3 has a meter installed; however, well withdrawals are not currently monitored.

Water pumped from the pond and supplied to the irrigation system has been metered and monitored since April 2001. Also, potable water from PAWC is available as a backup supply for golf course irrigation; however, this water is metered only in conjunction with the clubhouse potable water supply.

The following table provides construction information for both University wells:

Well No.	Date of Initial Use	Diameter (inches)	Depth (feet)	Pump Capacity (gallons per minute)
2	1967	7	215	60
3	June 1978	6	298	85

All of the wastewater generated at the University is discharged to the sanitary sewer system at four unmetered outfalls and is treated in the Lewisburg Area Joint Sewer Authority (the Authority) wastewater treatment facility.

### Findings

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

All water used for makeup water for chiller cooling towers, golf course irrigation, and athletic field irrigation is considered to be consumptively used. The quantities of all three categories of consumptive water use will be based on weekly- or daily-metered amounts.

The University obtains the water for its campus potable system from a public supplier. This water is metered at 50 locations throughout the campus on a monthly basis. Wastewater generated on the campus leaves the campus and is discharged to the sanitary sewer system through four unmetered outfalls.

Since the golf course storage pond at the ninth green predates the Commission's consumptive use regulation, the project sponsor is not required to provide compensation for the evaporative loss from the pond.

Additionally, Commission staff has determined that boiler feed makeup water for the steam heating of campus buildings is not consumptively used, since almost all of this water is returned to the Authority's sewer system as blowdown or condensate at individual campus buildings. Also, Commission staff has determined that consumptive water use resulting from the irrigation of ornamental plantings on campus is of a nominal amount.

Current maximum daily consumptive water use is estimated to be 0.442 mgd during peak summer days, based on current metered usage of makeup water requirements for the chiller cooling towers, and irrigation of athletic fields and the golf course. Peak monthly consumptive water use is currently estimated to be 0.210 mgd. Consumptive water use resulting from the irrigation of athletic fields, the golf course, and from chiller cooling tower makeup commonly occurs during the period from May 16 through September 15, annually.

Thus, the three categories that comprise the University's consumptive water use include makeup water for chiller cooling towers, golf course irrigation, and athletic field irrigation. All of these water uses are considered to be used consumptively.

The project sponsor has agreed to continue to meter and monitor the use of makeup water by each chiller cooling tower unit. Metered makeup water to the central air-conditioning system will be monitored and recorded on a daily basis, and metered makeup water to the seven independent chiller cooling towers at the Science Center, Physical Plant, Bertrand Library, Swartz Hall, Smith Hall (backup), Langone Center (backup), and the Dana Engineering building will be monitored and recorded on a weekly basis. Makeup water to all chiller cooling tower units is currently metered, except for the makeup water supplying the Dana Engineering building chiller cooling tower. The project sponsor has agreed to install a meter on this makeup inflow line by April 1, 2003.

Additionally, the project sponsor has agreed to continue to monitor the metered use of water for irrigating the athletic fields and golf course on a daily basis.

The project sponsor was consumptively using water at the University before January 23, 1971, the effective date of the Commission's consumptive water use regulation (Commission Regulation §803.42). The project sponsor has no records of consumptive water use from this time for makeup water used by the chiller cooling towers, but provided estimates of this prior use based on installed compressor cooling load capacity, type of chiller cooling tower system, and typical summer loading and usage rates for the cooling towers. These estimates were verified using current metered makeup flows to the chiller cooling towers. The pre-1971 consumptive water use for makeup water to the chiller cooling towers is determined to be 0.031 mgd. The pre-1971 consumptive water use of 0.025 mgd for golf course irrigation was estimated based on design flow rates for the sprinkler heads and irrigation practices for the irrigation system that existed at the time. There were no permanently-installed athletic field irrigation systems existing prior to 1971, although there were portable systems in use. The project sponsor has assumed that

pre-1971 athletic field irrigation was nominal. Commission staff concurs with this finding. The pre-1971 consumptive water use quantities of 0.031 mgd for makeup water to the chiller cooling towers and 0.025 mgd for the golf course are considered “grandfathered”, and are exempt from water compensation requirements.

The project’s consumptive use of water in excess of the grandfathered quantities is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water.

The project sponsor has proposed a spreadsheet accounting procedure quantifying the three categories of consumptive water use for quarterly reporting to the Commission. First, metered usage for the irrigation of the golf course will be monitored daily to determine the total daily consumptive water use for the golf course. The golf course’s daily grandfathered consumptive water use of 0.025 mgd will be subtracted from the total daily consumptive water use for golf course irrigation to determine the golf course consumptive water use subject to compliance compensation requirements. If the daily grandfathered amount exceeds the daily golf course consumptive water use, that day’s consumptive water use is considered to be zero.

Second, individually-metered makeup water usages for each of the independent chiller cooling tower units (currently seven) will be monitored weekly, summed, and prorated to a daily basis. This daily amount will be summed with the daily metered makeup water for the chiller cooling towers of the central air-conditioning system to obtain the daily quantity of water used for building air conditioning.

Third, metered athletic field irrigation for the football stadium practice field and west athletic fields will be separately metered, summed, and reported daily.

After summing daily consumptive water use from makeup water to the chiller cooling towers and athletic field irrigation, the daily grandfathered consumptive water use of 0.031 mgd for these two use categories is subtracted from the total daily consumptive water use on the main campus (excluding the golf course). This is the consumptive use subject to compliance compensation requirements. If the daily grandfathered amount exceeds the calculated daily consumptive water use for the main campus, that day’s consumptive water use is considered to be zero.

The daily consumptive water use for the main campus subject to compliance compensation requirements is added to the daily golf course consumptive water use subject to compliance compensation requirements to obtain the total project’s consumptive water use subject to compliance compensation requirements. Commission staff recommends approval of the project sponsor’s proposed spreadsheet accounting procedure, as described in these findings, for use in calculating daily consumptive water use for the project.

The project sponsor has requested a consumptive water use approval of up to 0.485 mgd, based on an expected increase in the future central air-conditioning system compressor cooling load capacity of 1,750 tons to serve seven proposed campus building sites. Other project

consumptive water uses, including golf course and athletic field irrigation, are expected to remain at present usage rates. Currently, maximum daily consumptive water use is 0.442 mgd during peak summer days. Should the project's future consumptive water use exceed or be expected to exceed 0.485 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's withdrawals from Wells 2 and 3 for golf course irrigation predate the Commission's ground-water regulation. Well 3 has a meter installed, but withdrawals are not monitored and recorded. Withdrawals from Wells 2 and 3 are used to fill the ninth green storage pond. All water pumped from the storage pond for golf course irrigation is metered. At peak monthly irrigation rates, the storage pond holds only a 6-day supply. During periods of drought, staff has determined that the project relies almost exclusively on ground water for the irrigation supply. Therefore, the grandfathered ground-water withdrawal from all wells is estimated to be 0.025 mgd.

Commission staff finds that the ground-water withdrawal by the project sponsor is not subject to review and approval under Commission Regulation §803.43 unless the project sponsor increases its withdrawal from Wells 2 and 3 by 100,000 gpd over its grandfathered amount (to a total of 0.125 mgd). With the addition of fairway irrigation in 1996, ground-water withdrawals increased to a 30-day average of 93,700 gpd. Therefore, the current ground-water withdrawal does not require review and approval by the Commission.

During past periods of drought, the operation of Wells 1 and 2 have possibly impacted a neighboring domestic well. Well 1 is located approximately 400 feet from this well, and Well 2 is located about 550 feet from this well. Well 3 is located 1,200 feet from the neighbor's property. As a result of its neighbor's concern, Bucknell Golf Club has voluntarily discontinued use of Well 1 and removed the pump on Well 1. In addition, Well 2 is currently used only as a backup supply to Well 3 on an as-needed basis. These voluntary constraints on ground-water withdrawals by the project sponsor have apparently avoided impacts to the neighbor's well, and no complaints have occurred during recent drought events.

The project sponsor has agreed to install a meter on Well 2 and maintain the meter on Well 3, accurate to within 5 percent, and keep a daily record of the project's ground-water withdrawals from each well. If the project sponsor should exceed the ground-water standard in Commission Regulation §803.43, the project sponsor must submit the appropriate application for review and approval by the Commission.

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

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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

### **Decision**

The project's consumptive water use of up to 0.485 mgd is approved pursuant to Article 3, Section 3.10 of the Compact, subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. 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. The daily quantity of water consumptively used for the main campus shall be the sum of the daily metered usage for all athletic field irrigation and daily metered makeup water for the chiller cooling towers of the central air-conditioning/power plant system, and weekly metered makeup water to the independent chiller cooling towers, prorated to a daily basis. The daily quantity of water consumptively used for the Bucknell Golf Course shall be the quantity pumped to the golf course's irrigation system. The project sponsor shall maintain existing and proposed metering, as required, to calculate the consumptive water use, accurate to within five (5) percent.

c. Within sixty (60) days from the date of this approval, the project sponsor shall install a meter on Well 2 and maintain metering on Wells 2 and 3, accurate to within five (5) percent, to measure its individual ground-water withdrawals from each well. The project sponsor shall keep daily records of the project's ground-water withdrawal, and shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used for the main campus shall be the sum of the daily metered usage for

all athletic field irrigation and daily metered makeup water for the chiller cooling towers of the central air-conditioning/power plant system, and weekly metered makeup water to the independent chiller cooling towers, prorated to a daily basis. The daily quantity of water consumptively used for the Bucknell Golf Course shall be the quantity pumped to the golf course's irrigation system. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantities of 0.031 mgd for the main campus and 0.025 mgd for the golf course. If the respective daily grandfathered quantity exceeds the project's respective daily consumptive water use for the main campus and the golf course, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

e. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(a) and (c).

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.031 gpd for the main campus or 0.025 mgd for the golf course, during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above. Consumptive use occurring before installation and monitoring of the proposed meters for measuring athletic field irrigation and chiller cooling tower usage shall be estimated based on design specifications and approximate operating time of athletic field irrigation systems and chiller cooling towers, and verified following meter installation and monitoring.

g. 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.

h. 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.

i. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

j. 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.

k. 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.

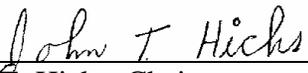
l. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

m. 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.

n. 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: October 10, 2002

  
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 John T. Hicks, Chairman  
 New York Commissioner

**Docket No. 20021009**  
**Approval Date: October 10, 2002**

## **COLLEGE TOWNSHIP WATER AUTHORITY**

Ground-Water Withdrawal (30-Day Average) of 1.8 mgd from the Rogers Well,  
for Public Water Supply,  
College Township, Centre County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to ground-water withdrawals. The Commission received the application on May 9, 2002.

### **Description**

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

**Location.** The project is located in the West Branch Susquehanna Subbasin, HUC 02050204, Spring Creek Watershed, College Township, Centre County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the withdrawal (30-day average) of 1.8 million gallons per day (mgd) from the Rogers Well. The well will be used as a source for the public water supply system that currently relies on Well SCP-1. The Commission previously approved the withdrawal from Well SCP-1 in Commission Docket No. 19990302. The Rogers Well was drilled in April and May 1998 to supplement the existing water source.

The Rogers Well was constructed as a 12-inch diameter bedrock well to 445 feet and 8-inch diameter from 445 to 465 feet, with 99 feet of 12-inch steel casing and a total depth of 465 feet. The well penetrates Ordovician-aged carbonates of the Bellefonte and Axemann Formations. The Rogers Well is located approximately 1,000 feet northwest of the Nittany Valley Mall on U.S. Route 26 and approximately 250 feet from the intersection of Shiloh and Trout Roads.

The public water supply system has an existing average daily demand of 0.886 million gallons and an existing maximum daily demand of 1.245 mgd. The maximum daily demand is

projected to grow to 1.80 million gallons by 2027. The system is 100 percent metered. The project sponsor currently serves College Township.

**Pumping Test.** Two 48-hour, constant-rate tests were conducted on the Rogers Well. The first 48-hour constant-rate pumping test was conducted on May 19, 20, and 21, 1998. The project sponsor made application to Pennsylvania Department of Environmental Protection (Pa. DEP) and to the Commission in late 2001 (approximately 2 years after the first pumping test). The Pa. DEP noted that construction of a major interchange for Interstate 99 and substantial commercial development in the vicinity of the Rogers Well may have caused changes to the surface and subsurface drainage that may have impacted the quality and quantity of water available from the Rogers Well. Therefore, Pa. DEP required a retest of the Rogers Well. A second 48-hour constant-rate pumping test was conducted on February 25, 26, and 27, 2002. The pumping test plan for the second test was approved by Commission staff under the requirements set forth in the Pumping Test Guidance. Changes required by the Commission included monitoring of Spring Creek (along strike from the well), springs and wetlands along Spring Creek, the well and springs at the Benner Spring Fish Culture Station, and the well at the Paradise Fish Hatchery. Pumping at an average rate of 2,850 gallons per minute (gpm) (4.2 mgd) produced a total of 14.5 feet of drawdown in the Rogers Well. Several homeowners' wells, located within approximately 4,000 feet of the Rogers Well, were monitored during the aquifer testing.

**Coordination.** The project sponsor has requested approval of a Public Water Supply Permit from the Pa. DEP. Commission staff has coordinated with the Pa. DEP Northcentral Regional Office during review of the project.

### Findings

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

Commission staff recommends that the Rogers Well be approved for the maximum instantaneous pumping rate of 2,850 gpm, the average pumping rate during the long-term pumping test.

Analysis of the data gathered during drilling and testing indicates that the Rogers Well taps a relatively deep, semi-confined karst aquifer. Two water-bearing horizons or aquifers were encountered in the Rogers Well. A shallow aquifer was defined by several shallow water-bearing voids and fractures encountered between 10 and 80 feet below ground surface. A deep aquifer was encountered in a void from 369 to 372 feet below ground surface. The static water level in the shallow aquifer was approximately 8 feet below ground surface and in the deep aquifer was approximately 100 feet below ground surface. The isolation of the two aquifers in the vicinity of the Rogers Well was confirmed during the pumping test by the lack of impact to wells in the upper aquifer, which includes the homeowner wells, when the Rogers Well pumped water from the lower aquifer. Neither the ground-water availability analysis for the Rogers Well, nor the pumping test provided by the project's consultant, established the adequacy of the flow system to supply water to the Rogers Well at the proposed rate.

Cedar Spring is located along Spring Creek, about 4,000 feet west of the Rogers Well. Cedar Spring was impacted during the pumping test. The project hydrogeologist noted that this was unexpected due to its relatively large distance from the Rogers Well, and its location across the strike of bedding. Drawdown was reasonably expected to be extended along the strike of the beds in which the well was drilled. Commission staff is concerned with this result because of both the potential impact to the spring and surrounding wetlands and because of what it suggests with respect to an understanding of the ground-water flow system in the vicinity of the Rogers Well.

On the weekend of March 9-10, 2002, a flow loss to a well at the Pennsylvania Fish & Boat Commission (PFBC) Paradise Hatchery resulted in the loss of approximately 55,000 fingerlings. The flow loss occurred approximately 9 days after the end of the second 48-hour pumping test conducted on the Rogers Well. However, PFBC personnel noticed that the well was being pumped within a day of the flow loss at the fish hatchery. The PFBC was led to believe that the Rogers Well may have been the cause because this was the first time that such a flow loss had occurred, that the closest high capacity well was the Rogers Well, and that the only new withdrawal in the area was the Rogers Well. The lack of detailed information on this incident precludes a determination of cause of the flow loss at the fish hatchery.

Commission staff recommends that the project sponsor:

1. Monitor and evaluate potential impacts to Cedar Spring along Spring Creek for a period of one year. Install a weir, stilling well, and data logger. The data logger should be set to record a measurement once every 10 minutes. A record of one year should be required.
2. Monitor and evaluate potential impacts to the wells at the Paradise Fish Hatchery for a period of one year. Install a data logger in each production well. The data logger should be set to record a measurement once every 10 minutes. A record of one year should be required.
3. Develop and implement a water level monitoring program. The program should provide for the permanent monitoring of water levels in the upper and lower aquifers, for the area in the township between Spring Creek and the base of the Reedsville Shale. This must be submitted to the Commission and approved by Commission staff prior to operation of the Rogers Well.

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 system losses are less than 20 percent, which is in compliance with this regulation.

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.

### **Decision**

The project's ground-water withdrawal of 1.8 mgd (30-day average) from the Rogers Well is approved pursuant to Article 3, Section 3.10 of the Compact, subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.
- b. The project sponsor shall keep daily records of the metered withdrawal and daily water levels from the Rogers Well. The required reporting data shall be submitted to the Commission annually, and as otherwise required. The project sponsor shall install and maintain a meter, accurate to within five (5) percent, on the Rogers Well. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.
- c. The maximum instantaneous rate of production from the Rogers Well shall not exceed 2,850 gpm.
- d. The project sponsor shall:
  1. Monitor and evaluate potential impacts to Cedar Spring along Spring Creek for a period of one year. The project sponsor shall install a weir, stilling well, and data logger, and shall set the data logger to record a measurement once every 10 minutes.
  2. Monitor and evaluate potential impacts to the wells at the Paradise Fish Hatchery for a period of one year. The project sponsor shall install a data logger in each production well, and shall set the data logger to record a measurement once every 10 minutes.
  3. Develop and implement a water level monitoring program that provides for the permanent monitoring of water levels in the upper and lower aquifers, for the area in the township between Spring Creek and the base of the Reedsville Shale. The project sponsor shall submit a water level monitoring program to the Commission and for approval by Commission staff prior to operating the Rogers Well.
- e. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(a).
- f. If the Commission determines that the operation of the project's ground-water withdrawal from the Rogers Well adversely affects any existing ground-water or surface-water

withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

g. 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.

h. 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.

i. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

j. 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.

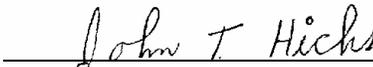
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

m. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 20021010**  
**Approval Date: October 10, 2002**

## **TOFTREES RESORT AND CONFERENCE CENTER**

Consumptive Water Use of Up to 0.270 mgd, for Golf Course Irrigation,  
Patton Township, Centre County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulation §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 21, 2000.

### **Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**Location.** The project is located in the West Branch Susquehanna Subbasin, HUC 02050204, Spring Creek Watershed, Patton Township, Centre County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.270 million gallons per day (mgd). The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.137 mgd and current peak-day consumptive water use to be 0.237 mgd. The primary water source is treated sewage effluent from The Pennsylvania State University (Penn State).

The project opened in 1968 as an 18-hole golf course. As part of the original project, the project sponsor utilized an existing natural pond for irrigation water storage. The total acreage of the storage pond is approximately 7.1 acres, with an average depth of approximately 5 feet. Based on these dimensions, Commission staff has calculated a total capacity of approximately 11.6 million gallons of water when full. The project sponsor has sufficient storage on-site to meet the project's irrigation demands for approximately 84 days, based on the documented maximum 30-day average use of 0.137 mgd.

The storage pond is filled with water primarily from treated sewage effluent from Penn State and the pond is maintained full at all times. Water is pumped from the storage pond to the golf course using an irrigation system equipped with a totalizing meter.

## Findings

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

All water withdrawn from the storage pond and used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water pumped to the system.

Commission staff has agreed to the project sponsor's calculated pre-1971 consumptive water use of 0.052 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project sponsor has requested a consumptive water use approval of up to 0.270 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 14 percent above the current peak-day use of 0.237 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.270 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to use its own storage during low flow periods. Staff has determined that the quantity of storage is sufficient to supply the golf course during drought conditions. In order for this storage to be an acceptable method of compliance with Commission Regulation §803.42, the project sponsor is limited to using one volume of the storage pond (11.6 million gallons) during periods of low flow and upon notice by the Commission. Commission staff recommends that the U.S. Geological Survey's stream gage 01546400, located on the Spring Creek at Houserville, Pa., be used as a reference gage for this project. Further, Commission staff recommends that the project sponsor limit its use of water to that contained in the storage pond when the streamflow as measured at the U.S. Geological Survey's stream gage 01546400, located on the Spring Creek at Houserville, Pa., is less than 9.7 mgd, or 15.0 cfs, the 7-day 10-year low flow (Q7-10) for the Houserville gage.

The project sponsor will need to maintain sufficient water storage in order to meet the project's demand for irrigation water. Staff recommends that the project sponsor submit documentation to Commission staff of the available on-site storage every five years.

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

The project sponsor has elected to pay the application fee in installments, 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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001.

### **Decision**

The project's consumptive use of water of up to 0.270 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. 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. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.

c. The project sponsor shall keep daily records of the project's surface-water withdrawal and shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor also shall keep daily records of readings from the U.S. Geological Survey's stream gage 01546400, located on the Spring Creek at Houserville, Pa., during the irrigation season, and shall provide the results to the Commission quarterly, and as otherwise required.

d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall use water stored in the storage pond. The project sponsor shall limit its use of water to that stored in the storage pond, 11.6 million gallons, when the streamflow, as measured at the U.S. Geological Survey's stream gage 01546400, located on Spring Creek at Houserville, Pa., is less than 9.7 mgd, or 15.0 cfs, the calculated Q7-10 for this gage, or upon notice from the Commission during periods of low flow. The project sponsor shall provide the Commission with documentation every five (5) years certifying that sufficient water storage exists in its storage pond.

e. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to penalties for its prior noncompliance.

g. The project sponsor may pay the application fee in installments, 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 paid two annual installments and shall be invoiced for the balance over the next year.

h. 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.

i. 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.

j. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

k. 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.

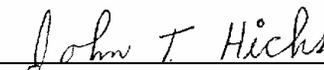
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

n. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 20021011**  
**Approval Date: October 10, 2002**

**STATE COLLEGE ELKS COUNTRY CLUB**

Consumptive Water Use of Up to 0.343 mgd, for Golf Course Irrigation,  
Harris Township, Centre County, Pennsylvania

**Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 23, 2000.

**Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**Location.** The project is located in the West Branch Susquehanna Subbasin, HUC 02050204, Spring Creek Watershed, Harris Township, Centre County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.343 million gallons per day (mgd). The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.117 mgd and current peak-day consumptive water use to be 0.314 mgd.

The primary source of water is an existing ground-water withdrawal from two on-site wells.

The project was constructed as an 18-hole golf course in 1964, and has been in continuous operation since that time. The original irrigation system was installed in 1965, and was replaced by the current system in 2000.

Water for the irrigation system currently is pumped from two unmetered on-site wells and stored in four storage ponds. Water is pumped from the ponds to the golf course's irrigation system, which is equipped with a totalizing meter.

According to the project sponsor, the two wells were installed in 1988 and are equipped with pumps that are capable of producing a total of 56 gallons per minute (gpm) (80,604 gallons per day (gpd)).

Storage Pond 13 was constructed in 1979 and has a total surface area of 0.4 acres. The remaining three irrigation ponds were constructed prior to 1971. Commission staff has calculated that the storage ponds have a maximum usable storage capacity of approximately 5.1 million gallons, which is sufficient storage for approximately 43 days of irrigation, based on the maximum average 30-day use of 0.117 mgd.

### **Findings**

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

All water evaporated from storage Pond 13, as well as water withdrawn from the storage ponds and used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water withdrawn from the ponds and used for irrigation.

Storage Pond 13 is the only storage pond that was constructed after the effective date of the Commission's consumptive water use regulation. Therefore, the project sponsor is required to provide compensation for evaporative losses only from Pond 13.

The project sponsor has requested a consumptive water use approval of up to 0.343 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of up to 0.343 mgd, which represents an increase of approximately 10 percent above the current peak-day use of 0.314 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.343 mgd, the project sponsor must apply for a modification to this docket at that time.

The Commission staff has calculated a pre-1971 consumptive water use of 0.091 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The two on-site wells are equipped with well pumps that are capable of producing a total of 56 gpm (80,604 gpd), but the project sponsor reports the wells have the potential combined yield of 117 gpm (168,480 gpd). The project sponsor currently does not meter the quantity of water withdrawn from wells. Commission staff recommends that the project sponsor install appropriate metering and monitor the well withdrawals to demonstrate compliance with Commission Regulation §803.43.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-

lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, plus the evaporative loss from storage Pond 13, minus the pre-1971 consumptive use of 0.091 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

The project sponsor has elected to pay the application fee in installments, 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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001.

### **Decision**

The project's consumptive water use of up to 0.343 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. 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. The daily quantity of water consumptively used shall be the quantity of evaporative loss from storage Pond 13, plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the pond.

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the two on-site wells, accurate to within five (5) percent, to measure its ground-water withdrawal. The project sponsor shall keep daily records of the project's ground-water withdrawal and shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for

review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of evaporative loss from storage Pond 13 plus the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.091 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

e. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.091 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above.

g. The project sponsor may pay the application fee in installments, 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 paid two annual installments and shall be invoiced for the balance over the next year.

h. 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.

i. 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.

j. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

k. 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.

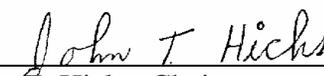
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

n. 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: October 10, 2002

  
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 John T. Hicks, Chairman  
 New York Commissioner

**Docket No. 20021012**  
**Approval Date: October 10, 2002**

## **MOUNT UNION MUNICIPAL AUTHORITY**

Ground-Water Withdrawal (30-Day Average) of 0.864 mgd from Wells 1 and 2,  
for Public Water Supply,  
Shirley Township, Huntingdon County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to ground-water withdrawals. The Commission received the application on June 27, 2002.

### **Description**

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

**Location.** The project is located in the Juniata Subbasin, HUC 02050304, Juniata River Watershed, Shirley Township, Huntingdon County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the withdrawal (30-day average) of 0.864 million gallons per day (mgd) of water from Wells 1 and 2.

The Mount Union Municipal Authority (MUMA) has relied solely on surface-water reservoirs to supply water to a municipal water system since the early 1900s, and in recent years has experienced several severe shortages. All of the existing water supply sources predate the Commission's surface-water regulation and do not require Commission approval.

The Commission issued an Emergency Certificate authorizing the temporary operation of Well 1 on August 28, 2001, based on a review of the well log and a minimal, preliminary pumping test. The Emergency Certificate was modified on December 12, 2001, to extend the authorization for the well's use until February 14, 2002.

Wells 1 and 2 were constructed as 8-inch diameter bedrock wells. The wells penetrate dark gray shales, gray limestone and interbedded light gray shale and limestone, gray to white calcareous sandstone, and brownish gray siliceous limestone. Water bearing zones were

encountered in the calcareous sandstone of the Devonian-aged Ridgeley Formation. The following table provides construction information for the MUMA wells:

Well No.	Diameter (inches)	Depth Casing (feet)	Total Depth (feet)	Water-Bearing Zones (feet below ground)	Pump Capacity (gallons per minute)
1	8	120	404	200-202, 211-225, 247-249	300
2	8	140	250	204-206, 212-247	300

Wells 1 and 2 are located approximately 300 feet south of the Juniata River in the parking lot of an industrial park (the Riverview Business Center). Well 2 is located 15 feet north of Well 1. The source of recharge to the wells is the capture of regional ground water in the Ridgeley sandstone, moving along strike of Huling Ridge, and induced infiltration from the Juniata River.

The municipal water supply system has an existing average daily demand of 0.650 mgd and an existing maximum daily demand of 0.800 mgd. The maximum daily demand is not expected to grow between the years 2002 and 2026. The project sponsor currently serves the Borough of Mount Union and part of Shirley Township.

All of the wastewater generated throughout the water system is discharged to the sanitary sewer system and treated at the Mount Union wastewater treatment facility, which discharges to the Juniata River approximately 2,000 feet upstream of Wells 1 and 2.

**Pumping Test.** A Commission-approved pumping test of 96 hours duration was conducted on December 15-22, 2001, for Wells 1 and 2. During the first 48 hours of the test, Well 1 was pumped at a constant rate of 300 gallons per minute (gpm), and Well 2 was idle. During the final 48 hours of the test, both wells pumped at 300 gpm. Pumping at an aggregate rate of 600 gpm, total drawdown at the end of the test was approximately 2 feet in Well 1 and 2.8 feet in Well 2. The Pennsylvania Department of Environmental Protection (Pa. DEP) required the construction of two shallow well/deep well pairs of monitoring wells for water quality monitoring. They were the only wells impacted during the aquifer testing.

**Coordination.** The project sponsor has requested approval of a Public Water Supply Permit from the Pa. DEP. Commission staff has coordinated with the Pa. DEP's Southcentral Regional Office during review of the project.

## Findings

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

Pumping test results, including the early drawdown stabilization in these wells and the rapid recovery, indicate that they draw water from a semiconfined bedrock aquifer of high permeability. The influence of the varying stage in the Juniata River on the water levels during

the test suggests that the wells may receive some recharge from the adjacent Juniata River during long-term use.

The maximum instantaneous rates of production from Well 1 and Well 2 should not exceed 300 gpm in each well, the pumping rates used during the constant-rate pumping test.

The project's wells may receive water from the Juniata River during extended use. The Juniata River is classified as a warm-water fishery (WWF) (Title 25, Chapter 93, Pa. Code). Commission staff has determined the 7-day 10-year low flow (Q7-10 flow) of the Juniata River to be 423 cubic feet per second (cfs), or 189,504 gallons per minute (gpm), at Mount Union. The project's requested ground-water withdrawal of 0.864 mgd is less than 10 percent of the Q7-10 flow (18,950 gpm). Therefore, withdrawals from Wells 1 and 2 should not have a significant impact on the river. The staff does not recommend that a passby flow be required for the project.

The site has riverine habitat and wetlands approximately 300 feet to the north, along the Juniata River. These are highly unlikely to be impacted by the operation of Wells 1 and 2 due to the minimal drawdown at that distance, and to the action of the river as a recharge boundary.

The project sponsor continued to operate Well 1 after its Emergency Certificate had expired. Staff does not recommend any fines or penalties be assessed. Notwithstanding the fact that the project sponsor failed to seek an extension of the emergency certificate, staff finds that the withdrawal did not cause environmental harm or impact other users.

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 system losses are less than 20 percent, which is in compliance with this regulation.

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.

No adverse impacts on other area ground-water withdrawals and on the environment are anticipated. 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**

The project's ground-water withdrawals of 0.864 mgd (30-day average) from Wells 1 and 2 are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.

b. The project sponsor shall keep daily records of the metered withdrawal and daily water levels from Wells 1 and 2. The required reporting data shall be submitted to the Commission annually, and as otherwise required. The project sponsor shall install meters, accurate to within five (5) percent, on Wells 1 and 2. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

c. The maximum instantaneous rate of production from Wells 1 and 2 shall not exceed 300 gpm in each well.

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

e. If the Commission determines that the operation of the project's ground-water withdrawals from Wells 1 or 2 adversely affects any existing ground-water or surface-water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

f. 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.

g. 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.

h. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

i. 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.

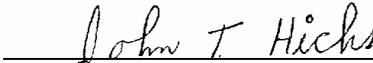
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

l. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 20021013**  
**Approval Date: October 10, 2002**

## **BEDFORD SPRINGS GOLF COURSE**

Consumptive Water Use of Up to 0.245 mgd, for Golf Course Irrigation,  
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, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 17, 2000.

### **Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**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 consumptive use of water of up to 0.245 million gallons per day (mgd). Based on irrigation data submitted by the project sponsor for year 2001, Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.089 mgd and a peak-day consumptive water use of 0.215 mgd.

The golf course was constructed in 1923, and has been in operation since that time. The irrigation system for greens and tees was installed in 1940 and upgraded to include fairways in 1969.

The project sponsor has one pumping station that is used to irrigate the golf course. Irrigation water is withdrawn from a storage pond that is constructed on an unnamed tributary to Shobers Run. The storage pond receives water from springs, two unnamed tributaries to Shobers Run, and stormwater runoff. The storage pond was constructed in the 1940s, and is currently owned by the Shobers Run Development Corp. The project sponsor has a lifetime easement to the pond and springs.

Water is pumped from the storage pond via a metered 50-horsepower (hp) electric-powered pump (550 gallons per minute (gpm)) to irrigate greens, tees, and fairways. A smaller 15-hp electric-powered backup pump (200 gpm) can be used separately or in combination to irrigate greens, tees, and fairways.

The storage pond has a surface area of approximately 3.9 acres, and stores an estimated 5.1 million gallons of water. The project sponsor has sufficient storage for 57 days of irrigation, based on the maximum average 30-day consumptive use of 0.089 mgd.

### **Findings**

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

All water withdrawn from the storage pond and used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water withdrawn from the storage pond. In accordance with the Commission's consumptive water use reporting requirements, staff recommends that the project sponsor continue to maintain the meter on the pumping station to measure the quantity of water pumped from the pond to the irrigation system. The storage pond predates the Commission's consumptive use regulations and, therefore, the project sponsor is not required to provide compensation for evaporative losses from the pond.

The project sponsor has requested a consumptive water use approval of up to 0.245 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 14 percent above the current peak-day use of 0.215 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.245 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has determined the pre-1971 consumptive water use by the project sponsor to be 60,000 gallons per day (gpd) for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation minus the pre-1971 consumptive use of 60,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

The project's surface-water withdrawal has been in operation since 1940 with no passby criteria in use at the site. Shobers Run is classified as having high quality waters, while

supporting a cold-water fishery ((HQ-CWF) (25 Pa. Code Chapter 93). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) in the unnamed tributary to Shobers Run to be 0.016 cubic feet per second (cfs) (7.2 gpm) and the annual average daily flow (ADF) rate at the site to be 0.605 cfs (272 gpm). The surface-water intake has two pumps with a combined capacity of 750 gpm. The withdrawal is greater than 10 percent of the Q7-10 flow at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users.

Based on the project's classification as CWF, its geographic location in the watershed and the anticipated associated fishery of brown trout and combined species of fish, Commission staff used the Instream Flow Incremental Methodology (SRBC Publication No. 191, May 1998) to determine the appropriate passby flow requirement. Commission staff recommends that the project sponsor allow a passby flow of not less than 34 percent of annual ADF, which equals 0.207 cfs (93 gpm). Because the project sponsor is using an on-stream pond as its source of water, the passby criteria must be modified to accommodate conditions when natural streamflow is less than 34 percent ADF. Therefore, staff recommends that the project sponsor allow a downstream release of water from the pond of 0.207 cfs (93 gpm), or an amount equal to the inflow of the stream to the pond when streamflow is less than 0.207 cfs (93 gpm).

Commission staff recommends that the project sponsor incorporate a passby flow device to protect aquatic resources. The project sponsor should submit a monitoring program of these devices or provide a new design and a proposed construction schedule for review and approval by Commission staff prior to any construction. The project sponsor should maintain the passby system, keeping it fully-functional and free of debris.

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

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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001. In accordance with the CIP, payment to the Commission, as a method of compensation for the project's consumptive water use, shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

## Decision

The project's consumptive water use of up to 0.245 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.

c. The project sponsor shall allow a flow of not less than 0.207cfs (93 gpm) to pass in the unnamed tributary of Shobers Run directly below the intake. The project sponsor shall reduce its withdrawals, as necessary, to allow this amount of flow to pass unless natural flow into the pond is equal to or less than this amount, at which times the project sponsor shall allow an amount equal to the total inflow to the pond to pass directly below the intake. The project sponsor shall install flow measurement devices that measure the inflow and outflow of the pond, keep daily records of the inflow and outflow of the pond during the irrigation season, and report the data to the Commission quarterly, and as otherwise required.

d. The project sponsor shall submit its design and a proposed construction schedule for the flow measurement devices 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 system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and the flow measurement devices at any time.

e. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.060 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

f. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

g. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.060 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above.

h. 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.

i. 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.

j. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

k. 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.

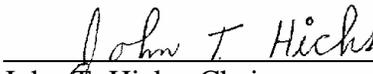
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

n. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 20021014**  
**Approval Date: October 10, 2002**

## **AUGUSTA SPRING WATER**

Consumptive Water Use of Up to 0.072 mgd for Bottled and Bulk Water Sales,  
Upper Augusta Township, Northumberland County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on July 5, 2001.

### **Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for bottled and bulk water sales.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050301, Lower Susquehanna River Watershed, Upper Augusta Township, Northumberland County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.072 million gallons per day (mgd) from Augusta Spring. The spring is used as a source of supply for bottled and bulk water sales.

The spring, located at the head of an unnamed tributary to the Susquehanna River, was first used in February 1997. The spring discharges through the gravel-lined floor of a 10- by 20-foot, covered concrete basin. Water is pumped from the spring pool to a 22,500-gallon tank, which is used for both storage and treatment by ozonation. Water from the storage tank is then pumped into tanker trucks for distribution. The water is metered as it is pumped into the tanker trucks.

**Coordination.** Commission staff has reviewed the Pennsylvania Department of Environmental Protection's (Pa. DEP) permit for this project. Pa. DEP did not require a passby flow. The spring passed SWIP (surface-water influence protocol) monitoring and was permitted as a ground-water source.

## Findings

The project's consumptive water use is subject to the Commission's consumptive water use approval and reporting requirements, as per Commission Regulation §803.42.

All water pumped to tanker trucks at the loading station is considered to be consumptively used. The project sponsor has agreed to continue to meter the quantity of water pumped to tanker trucks at the loading station.

Augusta Spring is located adjacent to and in the headwaters of an unnamed tributary to the Susquehanna River, classified as a warm-water fishery (WWF) (25 Pa. Code Chapter 93). Commission staff has determined that the subbasin in which Augusta Spring and the adjacent tributary are located has an annual average daily flow (ADF) of 0.193 mgd (134 gallons per minute (gpm)) and a Q7-10 of 0.011 cubic feet per second (cfs) (5 gpm). Spring flow has naturally varied from a high of 195 gpm (1996) to a low of 35 gpm (summer 1998) in recent years. However, there are no measurement devices currently being utilized to measure natural spring flow. Commission staff recommends flow measurement devices be installed and that the project sponsor measure and record daily flow readings.

Staff recommends that the project sponsor allow a passby flow of 20 percent of the annual ADF leaving the spring subbasin at times when water is being withdrawn from the spring.

The project sponsor and the project sponsor's engineer assert that there is less flow in the subbasin than was calculated by Commission staff. Based on this assertion, Commission staff recommends that the project sponsor initiate a study to collect the data required to determine an average daily flow in the spring subbasin. The project sponsor should submit the results of the spring subbasin flow study to Commission staff for review within one year.

Commission staff recommends, as an interim protective measure, that the project sponsor allow a passby flow equal to the calculated Q7-10 flow of the spring subbasin of 0.011 cfs (5 gpm), pending the results of the spring subbasin flow study. Staff recommends that this interim protective measure expire two years from the date of this approval.

Additionally, Commission staff recommends that the maximum instantaneous rate of taking from the spring should not exceed 68 gpm.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water pumped from the loading station.

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

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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

### **Decision**

The project's consumptive water use of up to 0.072 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements as per Commission Regulation §803.42.
- b. The project sponsor shall keep daily records of the project's consumptive water use, and the natural rate of spring flow at the start and end of each production day, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped from the loading station. The project sponsor shall maintain metering on the loading station, accurate to within five (5) percent.
- c. The maximum instantaneous rate of taking from Augusta Spring shall not exceed 68 gpm.
- d. The project sponsor shall initiate a study to identify the amount of flow in the spring subbasin for the purpose of determining an annual average daily flow. The plan of study shall be submitted to Commission staff for review and approval prior to its initiation. The completed study, including an analysis and determination of the ADF for the spring subbasin, shall be submitted to the Commission within one (1) year of the date of this approval.
- e. The project sponsor shall, as an interim protective measure, allow a passby flow equal to the calculated Q7-10 of 0.011 cfs (5 gpm) of the spring subbasin, pending the results of the subbasin flow study. The Commission reserves the right to inspect the passby flow device or alternative at any time. This interim protective measure shall expire two (2) years from the date of this approval.

f. Upon termination of the interim protective measure described in condition (e), the project sponsor shall maintain a passby flow at the spring of not less than twenty (20) percent of annual average daily flow, and shall cease all withdrawals when flow from the spring is less than twenty (20) percent ADF. Commission staff shall determine ADF following submission of the flow study by the project sponsor, as required in condition (d). The project sponsor shall design and, following staff approval, install a means of measuring the passby flow for the spring subbasin, and an appropriate spring flow measuring device (weir, flume, controlled section, etc.). The project sponsor shall submit the design and a proposed construction schedule for a modified or replacement intake structure within sixty (60) days from the date of the determination of ADF by Commission staff. The design and proposed construction schedule shall be reviewed and approved 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 system and spring flow measurement device shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device, intake structure, and flow measurement device at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval.

g. 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. The daily quantity of water consumptively used shall be the quantity pumped from the loading station. Payments shall be made quarterly and shall be calculated by applying this rate to the daily 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

i. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above.

j. 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.

k. 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.

l. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

m. 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.

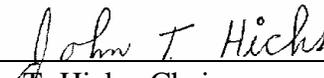
n. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

o. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

p. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 20021015**

**Approval Date: October 10, 2002**

## **SHADE MOUNTAIN GOLF COURSE**

Consumptive Water Use of Up to 0.098 mgd, for Golf Course Irrigation,  
Franklin Township, Snyder County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 28, 2000.

### **Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050301, Middle Creek Watershed, Franklin Township, Snyder County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.098 million gallons per day (mgd). The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.033 mgd and current peak-day consumptive water use to be 0.088 mgd.

The primary source of water is an existing withdrawal from an unnamed tributary to Middle Creek. The withdrawal is less than the regulatory threshold (100,000 gallons per day (gpd) on a 30-day average) contained in Commission Regulation §803.44, relating to surface-water withdrawals, and, therefore, is not subject to the regulation.

Ground water also can be withdrawn from an on-site well to supply the irrigation system. The well was installed in 2002, and can pump to the storage ponds. To date, the well has not been used by the project sponsor.

The project was completed as an 18-hole golf course in 1971, and has been in continuous operation since that time. The original irrigation system was installed in 1970, completed in 1971, and was replaced by the current system in 1991.

Water for the irrigation system currently is withdrawn from an unnamed tributary to Middle Creek, by gravity, and stored in Pond 3. The stream intake is equipped with a noncalibrated passby control. Water is pumped from Pond 3 to the golf course's irrigation system, which is equipped with a totalizing meter. The project sponsor supplements storage in two on-stream ponds (Ponds 1 and 2), which were constructed along the tributary in 1970 and located upstream from the intake to Pond 3,

According to the project sponsor, Storage Ponds 1 and 2 have a usable depth of 8 feet and 6.5 feet, respectively. Pond 3 was constructed in 1994 and has a surface area of 1.2 acres and an available water depth of 10.5 feet. Commission staff has calculated that the maximum site storage capacity of the ponds to be approximately 5.22 million gallons, which is sufficient storage for approximately 155 days of irrigation, based on the maximum average 30-day use of 0.033 mgd.

### **Findings**

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

All water evaporated from Storage Pond 3, as well as water withdrawn from the storage ponds and used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water withdrawn from Storage Pond 3 and used for irrigation. Storage Ponds 1 and 2 predate the Commission's consumptive water use regulation.

The project sponsor originally requested approval of a consumptive water use of up to 0.060 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of up to 0.098 mgd, which represents an increase of approximately 11 percent above the current peak-day use of 0.088 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.098 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor has agreed to Commission staff's calculated pre-1971 consumptive water use of 0.010 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project sponsor operates a surface-water intake on an unnamed tributary to Middle Creek without sufficient engineering controls in place to quantify the passby flow at the site. The tributary is classified as a cold-water fishery (CWF) (25 Pa. Code Chapter 93). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for the tributary to be 0.078 cubic feet per second (cfs) (35 gallons per minute (gpm)) at the point of withdrawal. The project sponsor's requested maximum day consumptive use of 0.098 mgd, if withdrawn over a 24-hour period, results in a surface-water withdrawal rate of approximately 68 gpm. This rate of withdrawal is greater than 10 percent of the Q7-10 flow for the tributary (3.5 gpm) at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users.

Based on the project's classification as CWF, its geographic location in the watershed and the anticipated associated fishery of brown trout and combined species of fish, Commission staff used the Instream Flow Incremental Methodology (SRBC Publication No. 191, May 1998) to determine the appropriate passby flow requirement. Commission staff recommends that the project sponsor allow a passby flow of not less than Q7-10, which equals 0.078 cfs (35 gpm) at the intake, and to cease all withdrawals from the stream when streamflow is less than 0.078 cfs. When streamflow is less than 0.078 cfs at the intake to Pond 3, outflow from Ponds 1 and 2 must equal inflow.

The project sponsor may transfer water from storage in Ponds 1 and 2 to the Pond 3, using the tributary, at times when the inflow to Pond 1 is below 35 gpm, provided that the inflow to Pond 1 is allowed to passby the Pond 3 intake.

Commission staff recommends that the project sponsor incorporate calibrated flow-measurement devices to ensure that passby flow requirement for the pond system is met. The project sponsor should submit its design and a proposed construction schedule within 60 days following Commission action for review and approval by Commission staff prior to any construction.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, plus the evaporative loss from Pond 3, minus the pre-1971 consumptive use of 0.010 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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 called for in Commission Regulation §803.25, with the exception of the requirement to publish notice at least once in a newspaper of general circulation in that municipality. Since no contiguous property owners commented about the project and the municipality and county received appropriate notice, staff recommends that the requirement for publishing newspaper notice be waived.

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.

## Compliance Incentive Program

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

### Decision

The project's consumptive water use of up to 0.098 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. 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. The daily quantity of water consumptively used shall be the quantity of evaporative loss from Storage Pond 3 plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the pond.

c. The project sponsor shall allow a flow of not less than 0.078 cfs (35 gpm) to pass at the intake to Pond 3. The project sponsor shall reduce its withdrawals, as necessary, to allow this amount of flow to pass. If inflow to Pond 1 is equal to or less than this amount, the project sponsor shall allow for a passby flow at the intake equal to inflow to Pond 1. Subject to that limitation, the project sponsor may release water stored in Ponds 1 and 2 and recapture that water at the intake to Pond 3 at any time. The project sponsor shall install flow measurement devices that measure the inflow of Pond 1, keep daily records of inflow and outflow during the irrigation season, and report the data to the Commission quarterly, and as otherwise required.

d. The project sponsor shall submit its design and a proposed construction schedule for the flow measurement devices within sixty (60) days from 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 flow measurement devices shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and the flow measurement devices at any time.

e. 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 in excess of the grandfathered quantity. The daily quantity of

water consumptively used shall be the quantity of evaporative loss from Storage Pond 3 plus the quantity pumped to the irrigation system. Payments shall be made quarterly and shall be calculated by applying this rate to the daily amount of water consumptively used in excess of the grandfathered quantity of 0.010 mgd 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

f. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

g. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.010 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above.

h. The newspaper notice requirement contained in Commission Regulation §803.25 is hereby waived.

i. 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.

j. 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.

k. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

l. 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.

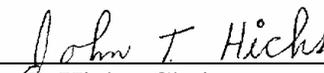
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

o. 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: October 10, 2002

  
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 John T. Hicks, Chairman  
 New York Commissioner

**Docket No. 20021016**  
**Approval Date: October 10, 2002**

## **BLUE RIDGE COUNTRY CLUB**

Consumptive Water Use of Up to 0.560 mgd, for Golf Course Irrigation,  
Lower Paxton Township, Dauphin County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 21, 2000.

### **Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Paxton Creek Watershed, Lower Paxton Township, Dauphin County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.560 million gallons per day (mgd). Based on irrigation data submitted by the project sponsor for part of the year 2002, the project has a maximum average 30-day consumptive use of water of 0.232 mgd and a current peak-day consumptive water use of 0.696 mgd. The project sponsor is aware that the historical peak-day consumptive use is in excess of the requested peak-day use and will manage its water usage to stay within the requested quantity.

Irrigation water is withdrawn from the south pond and is connected to the north pond by a 12-inch pipe. The ponds are constructed south of the eleventh green of the golf course. The north pond can receive water from four on-site wells. The south pond receives water from both the north pond and a public supplier (United Water Company). Three of the wells are located between the first and ninth fairways, have a combined reported yield of 100 gallons per minute (gpm), and are combined to provide water to the north pond. The fourth well is located next to the north pond and has a reported yield of 175 gpm.

The project began operating in 1937, and has been in continuous operation since that time. The irrigation of greens, tees, and fairways began in the 1960s. The irrigation system was

upgraded in 1998. Water is withdrawn from the storage pond by two 50-horsepower electric pumps (1,000 gpm combined) and is pumped to the irrigation system. The project sponsor has withdrawn water from the storage pond over the life of the project.

The two storage ponds have a total surface area of approximately 2.6 acres. The ponds were constructed in the 1930s. Water is withdrawn from the four on-site wells and discharged to the northern-most pond, as needed, for the irrigation system. The total pumping capacity of the four wells, as reported by the project sponsor, is 275 gpm. The ground-water withdrawal for the irrigation system is not metered.

Commission staff has calculated a maximum storage capacity for the storage ponds to be approximately 8.5 million gallons, which is sufficient storage for approximately 36 days of irrigation, based on the maximum average 30-day use of 0.232 mgd.

### **Findings**

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

All water withdrawn from the storage ponds and used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water withdrawn from the storage ponds. In accordance with the Commission's consumptive water use reporting requirements, Commission staff recommends that the project sponsor continue to maintain the meter on the pumping station to measure the quantity of water pumped from the pond to the irrigation system. Since the storage ponds predate the Commission's consumptive use regulation, the project sponsor is not required to provide compensation for the evaporative losses from the pond.

The project sponsor has requested a consumptive water use approval of up to 0.560 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of up to 0.560 mgd. Should the project's future consumptive water use exceed or be expected to exceed 0.560 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has determined the pre-1971 consumptive water use by the project sponsor to be 0.060 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation minus the pre-1971 consumptive use of 0.060 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

The project's primary sources of water for the two storage ponds are four wells and a public water supplier. The project's ground-water withdrawal has been in operation since before 1970, and it is not metered. Since the project sponsor currently does not meter the actual quantity of ground water withdrawn, and the wells are capable of producing more than 100,000 gpd, Commission staff recommends that the project sponsor install metering to provide to the Commission documentation of the well usage.

Public water is supplied to the south pond, as needed, for irrigation, and is metered. Some stormwater runoff is captured by the ponds. Commission staff has calculated a maximum storage capacity for the storage ponds to be approximately 8.5 million gallons, which is sufficient storage for approximately 36 days of irrigation, based on the maximum average 30-day use of 0.232 mgd.

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

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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001.

### **Decision**

The project's consumptive water use of up to 0.560 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
- b. 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. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the on-site wells, accurate to within five (5) percent, to measure its ground-water withdrawal. The project sponsor shall keep daily records of the project's ground-water withdrawal and shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. 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 in excess of the grandfathered quantity of 0.060 mgd. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payments shall be made quarterly and shall be calculated by applying this rate to the daily 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

e. The project sponsor shall comply with Commission water conservation requirements, as per Commission Regulation §804.20(c).

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.060 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above.

g. 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.

h. 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.

i. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

j. The Commission reserves the right to reopen any project docket and make additional orders that may be necessary to mitigate or avoid adverse impacts or otherwise to protect the public health, safety, welfare or the environment.

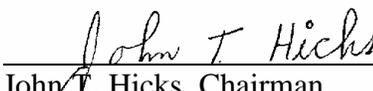
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

m. 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: October 10, 2002

  
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 John T. Hicks, Chairman  
 New York Commissioner

**Docket No. 20021017**  
**Approval Date: October 10, 2002**

## **GALEN HALL COUNTRY CLUB**

Consumptive Water Use of Up to 0.250 mgd, for Golf Course Irrigation,  
South Heidelberg Township, Berks County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 23, 2000.

### **Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Cocalico Creek Watershed, South Heidelberg Township, Berks County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.250 million gallons per day (mgd). The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.125 mgd and current peak-day consumptive water use to be 0.229 mgd.

The primary source of water is an existing withdrawal from an unnamed tributary to Little Cocalico Creek that predates Commission Regulation §803.44, relating to surface-water withdrawals. The project sponsor has not increased its withdrawal by more than 0.100 mgd since November 11, 1995, the effective date of the regulation, and therefore, is not subject to the regulation.

The project was constructed as an 18-hole golf course in approximately 1920, and has been in continuous operation since that time. The original irrigation system was installed in 1956 and upgraded in 1968 to allow for irrigation of the greens, tees, and fairways. The current irrigation system was installed in 1992.

Water for the irrigation system currently is withdrawn from an unnamed tributary to Little Cocalico Creek and stored in a pond. The withdrawal is accomplished by a 30-horsepower

pump and the intake is not equipped with metering or passby controls. Water is pumped from the storage pond to the golf course's irrigation system, which is equipped with a totalizing meter.

According to the project sponsor, the storage pond was constructed prior to 1968, and has a maximum depth of 10 feet. Commission staff has calculated that the storage pond has a surface area of 1.2 acres and, based on an average depth of approximately 5.5 feet, the storage pond has a maximum storage capacity of approximately 2.58 million gallons. This is sufficient storage for approximately 20 days of irrigation, based on the maximum average 30-day use of 0.125 mgd.

### **Findings**

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

All water withdrawn from the storage pond and used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water withdrawn from the pond and used for irrigation. Since the storage pond predates the Commission's consumptive use regulation, the project sponsor is not required to provide compensation for evaporative losses from the pond.

The project sponsor has requested a consumptive water use approval of up to 0.250 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of up to 0.250 mgd, which represents an increase of approximately 10 percent above the current peak-day use of 0.229 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed, or be expected to exceed 0.250 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has calculated a pre-1971 consumptive water use of 0.055 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project sponsor operates a surface-water intake capable of withdrawing 300 gallons per minute (gpm) from an unnamed tributary to Little Cocalico Creek without engineering controls in place to allow for a passby flow. The tributary is classified as a trout-stocked fishery (TSF) (25 Pa. Code Chapter 93). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for the tributary to be 0.041 cubic feet per second (cfs) (18.0 gpm) at the point of withdrawal. The project sponsor's surface-water withdrawal rate of 300 gpm is greater than 10 percent of the Q7-10 flow of the tributary (1.8 gpm) at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users. Staff recommends that the project sponsor allow a passby flow of not less than 20 percent of annual average daily flow (ADF), which equals 0.306 cfs (137.4 gpm), and to cease all withdrawals when streamflow is less than 0.306 cfs.

Commission staff recommends that the project sponsor modify the stream intake structure and incorporate a passive passby flow device. The project sponsor should submit its design and a proposed construction schedule within 60 days following Commission action for review and approval by Commission staff prior to any construction.

The project sponsor currently does not meter the quantity of water withdrawn from Little Cocalico Creek. Commission staff recommends that the project sponsor install appropriate metering and monitor the stream withdrawal.

According to Commission staff's analysis, approximately 14 percent of the time streamflow will not be sufficient to allow the recommended passby flow rate and meet the golf course irrigation needs. Based on this finding, Commission staff has determined that the existing 20 days of on-site irrigation water storage should be sufficient to meet the needs of the project during times of low streamflow.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.055 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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 called for in 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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

## Decision

The project's consumptive water use of up to 0.250 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. 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. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the surface-water withdrawal, accurate to within five (5) percent, and keep daily records of the project's surface-water withdrawal. The project sponsor shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the surface-water withdrawal exceeds the threshold contained in Commission Regulation §803.44, the project sponsor shall submit the appropriate application for review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. The project sponsor shall allow a flow of not less than 0.306 cfs (137.4 gpm) to pass in the unnamed tributary to Little Cocalico Creek directly below the intake. The project sponsor shall reduce its withdrawals, as necessary, to allow this amount of flow to pass unless natural streamflow is equal to or less than this amount, at which times the project sponsor shall cease all withdrawals.

e. The project sponsor shall modify or replace the stream intake structure to incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule for a modified or replacement intake structure within sixty (60) days from 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 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.

f. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used

consumptively by the project, less the grandfathered quantity of 0.055 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

g. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

h. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.055 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (f) above.

i. 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.

j. 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.

k. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the

suspension period, this approval may be revoked. 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.

l. 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.

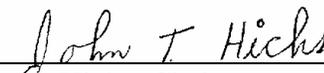
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

o. 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: October 10, 2002

  
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 John T. Hicks, Chairman  
 New York Commissioner

**Docket No. 20021019**  
**Approval Date: October 10, 2002**

## **VALLEY GREEN GOLF COURSE**

Consumptive Water Use of Up to 0.350 mgd, for Golf Course Irrigation,  
Newberry Township, York County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 23, 2000.

### **Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Fishing Creek Watershed, Newberry Township, York County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.350 million gallons per day (mgd). The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.133 mgd and current peak-day consumptive water use to be 0.330 mgd.

The primary source of water is an existing withdrawal from Fishing Creek that predates Commission Regulation §803.44, relating to surface-water withdrawals. The project sponsor has not increased its withdrawal by more than 0.100 mgd since November 11, 1995, the effective date of the regulation, and therefore, is not subject to the regulation.

The project was constructed as an 18-hole golf course in 1960, and has been in continuous operation since that time. The irrigation system for greens and tees was installed in 1967 and expanded to include fairways in 1969. According to the project sponsor, the irrigation system has remained relatively unchanged since 1969, and plans on beginning installation of a new system in 2003.

Water for the irrigation system currently is withdrawn from Fishing Creek and stored in a pond, then pumped to the golf course's irrigation system, which is equipped with a totalizing meter.

According to the project sponsor, the storage pond was constructed prior to 1971 and has a maximum depth of 7 feet. Commission staff has calculated that the storage pond has a surface area of 0.26 acres and, based on an average depth of approximately 4 feet, the storage pond has a maximum storage capacity of approximately 0.339 million gallons. This is sufficient storage for approximately 2 days of irrigation, based on the maximum average 30-day use of 0.133 mgd.

### **Findings**

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

All water withdrawn from the storage pond and used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water withdrawn from the pond and used for irrigation. Since the storage pond predates the Commission's consumptive water use regulation, the project sponsor is not required to provide compensation for evaporative losses from the pond.

The project sponsor has requested a consumptive water use approval of up to 0.350 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested quantity, which represents an increase of approximately 7 percent above the current peak-day use of 0.330 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed, or be expected to exceed 0.350 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor has agreed to Commission staff's calculated pre-1971 consumptive water use of 0.050 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project sponsor operates a surface-water intake on Fishing Creek without engineering controls in place to ensure a passby flow is maintained at the site. Fishing Creek is classified as a trout-stocked fishery (TSF) (25 Pa. Code Chapter 93). Commission staff has calculated the 7-day 10-year low flow (Q7-10) for Fishing Creek to be 0.100 cubic feet per second (cfs) (45 gallons per minute (gpm)) at the point of withdrawal. In order to achieve the maximum average 30-day average consumptive use of 0.133 mgd, the project sponsor would need to, at a minimum, maintain a constant 24-hour surface-water withdrawal rate of 84.5 gallons per minute. This rate of withdrawal is greater than 10 percent of the Q7-10 for Fishing Creek (4.5 gpm) at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users.

Commission staff recommends that the project sponsor maintain a passby flow of not less than 20 percent of annual average daily flow (ADF), which equals 2.20 cfs (987 gpm), and to

cease all withdrawals when streamflow is less than 2.20 cfs. According to staff's analysis, approximately 64 percent of the time streamflow will not be sufficient to maintain the recommended passby flow rate and meet the golf course irrigation needs. Based on this finding, Commission staff recommends that the project sponsor initiate a study to identify other sources of water to address this deficiency.

Commission staff recommends, as an interim protective measure, that the project sponsor modify its withdrawal from Fishing Creek to allow a minimum stream passby flow equal to the calculated Q7-10 flow of 0.100 cfs (45 gpm) and to cease all withdrawals when streamflow is less than the Q7-10 flow of 0.100 cfs (45 gpm). Staff recommends that the project sponsor modify its intake structure and incorporate a passive passby flow device. Further, Commission staff recommends that the project sponsor install and maintain metering on its withdrawal from Fishing Creek. This interim protective measure should expire four years from the date of this approval.

The project sponsor should submit its intake structure design and a proposed construction schedule within 60 days following Commission action for review and approval by Commission staff prior to any construction.

Further, Commission staff recommends that the project sponsor investigate alternative water supply options for the site to allow for a passby of at least 20 percent of ADF (equivalent to 2.20 cfs or 987 gpm). In this regard, the project sponsor should prepare a plan to develop alternate sources of water supply and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan should be submitted to the Commission for staff's review and approval within two years.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.050 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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 called for in 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.

## Compliance Incentive Program

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001.

### Decision

The project's consumptive use of water of up to 0.350 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. 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. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the surface-water withdrawal, accurate to within five (5) percent, and keep daily records of the project's surface-water withdrawal. The project sponsor shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. The project sponsor shall, as an interim protective measure, cease all withdrawals when streamflow is below the 7-day 10-year low flow (Q7-10) of 0.100 cfs (45 gpm). The project sponsor shall replace its intake structure and incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule within sixty (60) days from 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 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. This interim protective measure shall expire four (4) years from the date of this approval.

e. The project sponsor shall investigate alternative water supply options for the site to allow for a passby flow of not less than 2.20 cfs (987 gpm). In this regard, the project sponsor shall prepare a plan to develop alternate sources of water supply and/or develop an adequate

amount of storage to meet the irrigation demands at the site. The plan shall be submitted to the Commission within two (2) years for staff's review and approval.

f. Upon termination of the interim protective measure described in condition (d), the project sponsor shall allow a flow of not less than 2.20 cfs (987 gpm) to pass in Fishing Creek directly below the intake. The project sponsor shall reduce its withdrawals, as necessary, to allow this amount of flow to pass unless natural streamflow is equal to or less than this amount, at which times the project sponsor shall cease all withdrawals. The project sponsor shall replace its intake structure and incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule one hundred eighty (180) days before the termination of the interim protective measures 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 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.

g. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.050 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

h. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

i. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.050 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (g) above.

j. 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.

k. 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.

l. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

m. 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.

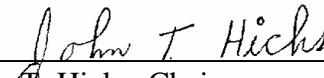
n. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

o. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

p. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 20021020**  
**Approval Date: October 10, 2002**

**ALUMAX MILL PRODUCTS, INC.**

Consumptive Water Use of Up to 0.290 mgd, for Manufacture of Aluminum  
Sheet and Plate Products,  
Manheim Township, Lancaster County, Pennsylvania

**Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on June 29, 2001.

**Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water associated with the manufacture of aluminum sheet and plate products.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Little Conestoga Creek Watershed, Manheim Township, Lancaster County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.265 million gallons per day (mgd). Alumax performs secondary smelting, rolling, and painting of aluminum to produce aluminum sheets and coil.

Water is supplied to the facility by the City of Lancaster Authority (CLA). The water is metered as it enters the facility, and is used for chiller makeup, process and exhaust cooling, and sanitary purposes. The maximum average 30-day quantity of water provided by the CLA is 0.405 mgd. Currently, the plant's maximum average 30-day consumptive water use is approximately 0.227 mgd, which occurs during the summer months. Peak-day consumptive water use is approximately 0.265 mgd, based on recent monitoring data.

Operations at the facility began in 1953. A 60-inch hot mill was installed in 1959. A 72-inch mill was installed in 1972, and an 80-inch mill in 1980. In general, hot rolling capacity essentially mirrors the consumptive use at the plant. Three mills were running in the 1980s, but the 60-inch mill has since been removed from operation.

The facility also operates two wells for sump dewatering at the foundations of the two hot mills. The water from the dewatering activity is discharged via Outfall 008 to the plant's storm sewer system, which in turn discharges to an unnamed tributary to Little Conestoga Creek.

Water discharged from these wells is subject to and regulated by National Pollution Discharge Elimination System (NPDES), permit No. PAD0087751. None of the water pumped from the foundations is used for process water, mixes with CLA-supplied water, or is discharged through the facility's wastewater effluent system. Both dewatering pumps are metered, and are regularly monitored. The pump on the 72-inch mill was installed in 1972, and predates the Commission's ground-water withdrawal regulation. It pumps approximately 15,000 gallons per day (gpd) from the sump, based on the maximum 30-day average. The dewatering pump on the 80-inch mill was installed in 1980. This well pumps approximately 76,000 gpd from the sump, based on the maximum 30-day average, which is less than the regulatory threshold contained in Commission Regulation §803.43.

All of the process and sanitary wastewater generated at the facility is discharged to the sanitary sewer system through one of two outfalls and treated at the Lancaster Area Sewer Authority's (LASA) wastewater treatment facility. Effluent from both outfalls is metered. Approximately 20 percent of the stormwater discharged from the facility is collected in an on-site retention basin of approximately 0.75 acres in size.

### **Findings**

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

All water used for makeup in the chiller cooling towers, and process and evaporative cooling is considered to be used consumptively. The project sponsor obtains water from a public water supplier. The water is metered as it enters the facility, and the meter currently is read monthly. The project sponsor measures all of the effluent discharged to the LASA's sanitary sewer system using a Palmer-Bowlus flume and a V-notch weir. The difference between the metered public water supplied to the facility and the metered outflow is the quantity of consumptive water use at the facility.

The project sponsor has been monitoring intake and effluent meters since January 2001 for the purpose of determining consumptive water use quantity at the facility, and has requested approval of a consumptive water use of up to 0.265 mgd. Consumptive water use is tied very closely to production at the facility, and production is likewise closely-related to operation of the two hot mills. The project sponsor does not anticipate installing additional hot mills over the period of this approval; therefore, production quantities and associated consumptive water use are not expected to increase significantly. There is, however, the capability of slightly higher production than recorded in recent years. Based on an analysis of the limited use records supplied by the project sponsor, Commission staff is recommending approval of up to 0.290 mgd, which represents an increase of approximately 10 percent above the current estimated peak-day use. Should the project's future consumptive water use exceed or be expected to exceed 0.290 mgd, the project sponsor must apply for a modification to this docket at that time.

Water supplied to and discharged from the facility will be measured biweekly and prorated to a daily basis to determine the project's daily consumptive water use. The project sponsor has proposed a spreadsheet accounting procedure to quantify daily consumptive water

use from the metered biweekly inflow, minus measured biweekly outflow. Commission staff recommends approval of the proposed spreadsheet accounting procedure to determine daily consumptive water use, with the understanding that all flows will be measured and recorded on the same day and at the same time of day each monitoring cycle.

Operations began at the facility in the 1950s, and the project sponsor has indicated that consumptive water use at that time was likely to have been somewhat lower than current uses due to lesser production quantities and capabilities. Process knowledge of plant equipment in 1970 suggests that the heat dissipation requirements associated with the production quantities at that time are likely proportional to current requirements. Production records show that total production output in 1970 was approximately 34 percent of total production expected this year, based on production to this date and booked orders for the remainder of the year. Therefore, the maximum 30-day average consumptive water use in 1970 can reliably be estimated at approximately 34 percent of the maximum 30-day average consumptive water use recorded this year, or 0.078 mgd. Furthermore, a 1980 Industrial Survey report, produced by the Pennsylvania Department of Environmental Resources, documented approximately 0.013 mgd associated with a wastewater lagoon, no longer in use, and various other minor uses not directly related to production. Commission staff estimates that total pre-1971 consumptive water use to be 0.091 mgd, which is considered to be “grandfathered” and exempt from water compensation requirements.

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

The wells used to dewater the hot mill sumps do not provide any process water to the facility. None of the water is consumptively used, and the ground water is not discharged through the metered effluent conveyances. The ground-water withdrawal is less than the regulatory threshold contained in Commission Regulation §803.43 and, therefore, not subject to Commission review and approval.

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

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.

## Compliance Incentive Program

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

### Decision

The project's consumptive water use of up to 0.290 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. The project sponsor shall keep biweekly records of the project's consumptive water use, prorated to a daily basis, and shall provide the daily results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity used for makeup water in chiller cooling and process and exhaust cooling. The project sponsor shall compute consumptive water use by subtracting the total quantity of metered wastewater discharged by the facility to the sanitary sewer system from the total quantity of water provided to the facility by the CLA. The project sponsor shall maintain existing metering on water entering the facility and the wastewater leaving the facility, accurate to within five (5) percent.

c. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity used for makeup water in chiller cooling and process and exhaust cooling. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, minus the grandfathered quantity of 0.091 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

d. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(b).

e. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall

provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.091 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

f. 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.

g. 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.

h. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

i. 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.

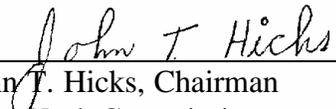
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

l. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 20021021**  
**Approval Date: October 10, 2002**

**NISSIN FOODS (USA) CO., INC.**

Consumptive Water Use of Up to 0.090 mgd, for Manufacture of Food Products,  
East Hempfield Township, Lancaster County, Pennsylvania

**Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on September 19, 2001.

**Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water associated with the manufacture of food products.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Little Conestoga Creek Watershed, East Hempfield Township, Lancaster County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.090 million gallons per day (mgd). Operations at the facility began in October 1978. Nissin Foods is a leading seller of ramen products, a packaged instant noodle.

Water is supplied to the facility by the City of Lancaster Authority (CLA). The water is metered as it enters the facility and is used for boiler make-up, equipment cleaning, sanitary purposes, or is evaporated through frying. The maximum average 30-day quantity of water provided by the CLA is 0.107 mgd. Currently, the plant's maximum average 30-day consumptive water use is approximately 0.065 mgd, which occurs during the fall/winter months. Peak-day consumptive water use is currently 0.080 mgd.

All of the wastewater generated from the facility is discharged to the sanitary sewer system and treated at the Lancaster Area Sewer Authority's (LASA) wastewater treatment facility. Effluent from the facility is metered.

**Findings**

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

The project sponsor obtains water from a public supplier. The water is metered, and the meter currently is read monthly. The project sponsor measures all of the effluent discharged to the LASA's sanitary sewer system using a flume. The difference between the metered public water supplied to the facility and the metered outflow is the quantity of consumptive water use at the facility.

Because the facility is operated on a weekly cycle, water supplied to and discharged from the facility will be measured weekly and prorated to a daily basis to determine the project's daily consumptive water use. The project sponsor has proposed a spreadsheet accounting procedure to quantify daily consumptive water use from the metered weekly inflow, minus measured weekly outflow. Staff recommends approval of the project sponsor's proposed spreadsheet accounting procedure to determine daily consumptive water use with the understanding that all flows will be measured and recorded at the same time each week.

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

The project sponsor has requested approval of a consumptive water use up to 0.080 mgd based on the limited use records available. Commission staff is recommending approval of up to 0.090 mgd, which represents an increase of approximately 12 percent above the current estimated peak-day use. Should the project's future consumptive water use exceed or be expected to exceed 0.090 mgd, the project sponsor shall apply for a modification to this docket at that time.

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

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. Staff recommends that because the project uses water provided by a public supplier, and there will be no effect on water use by contiguous property owners, the requirement to notify contiguous property owners be waived. The project sponsor has provided all other 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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of

compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

### **Decision**

The project's consumptive water use of up to 0.090 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. The project sponsor shall keep weekly records of the project's consumptive water use, prorated to a daily basis, and shall provide the daily results to the Commission quarterly, and as otherwise required. The project sponsor shall compute consumptive water use by subtracting the total quantity of metered wastewater discharged by the facility to the sanitary sewer system from the total quantity of water provided to the facility by the CLA. The project sponsor shall maintain the existing meters and measuring devices, accurate to within five (5) percent, to calculate the consumptive water use.

c. The project sponsor shall comply with water conservation requirements, as per Commission Regulation §804.20(b).

d. 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. The daily quantity of water consumptively used shall be the difference between the metered public water supplied to the facility and the measured outflow, calculated as described in condition (b) above. Payments shall be made quarterly and shall be calculated by applying this rate to the daily 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

e. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above.

f. The contiguous property owner notification requirement contained in Commission Regulation §803.25 (a) is hereby waived.

g. 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.

h. 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.

i. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

j. 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.

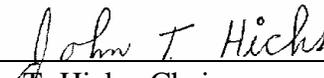
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

m. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 20021022**  
**Approval Date: October 10, 2002**

## **CONESTOGA COUNTRY CLUB**

Surface-Water Withdrawal of Up to 0.440 mgd, When Available, From Little Conestoga Creek,  
and a Consumptive Water Use of Up to 0.440 mgd, for Golf Course Irrigation,  
Manor and Lancaster Townships, Lancaster County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and 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 for the consumptive use of water on August 21, 2000, and the application for the surface-water withdrawal on April 30, 2002.

### **Description**

**Purpose.** The purpose of the application is to request approval for a surface-water withdrawal and the consumptive use of that water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Little Conestoga Creek Watershed, Manor and Lancaster Townships, Lancaster County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for a maximum daily withdrawal of up to 0.440 million gallons per day (mgd) of water from Little Conestoga Creek, when available, and a consumptive use of water of up to 0.440 mgd. Based on irrigation data submitted by the project sponsor for the year 2002, the project has a maximum average 30-day consumptive water use of 0.114 mgd and a current peak-day consumptive water use of 0.396 mgd.

The project was constructed as an 18-hole course in 1948, and has been in continuous operation since that time. As part of the project, the project sponsor constructed a surface-water intake on Little Conestoga Creek, south of the club swimming pool, to provide for irrigation water at the site. The project sponsor has withdrawn water from the stream over the life of the project with no passby structure or engineering controls in place.

The original irrigation system for greens and tees was installed in 1948. The current system, which was modified to include fairway irrigation in 1964, was updated and automated in 1994. Irrigation water is pumped directly from the stream to irrigate greens, tees, and fairways. The current water withdrawal from the stream is accomplished via a metered pumping station that has a capacity of 1,000 gallons per minute (gpm).

### **Findings**

The project is subject to Commission approval and reporting requirements, as per Commission Regulations §803.42 and 803.44, respectively.

All water withdrawn from the stream and used for golf course irrigation is considered to be consumptively used. The irrigation system has a meter that measures the quantity of water withdrawn from the stream and used for irrigation.

The project sponsor has requested a consumptive water use approval of up to 0.440 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current peak-day use of 0.396 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.440 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor has agreed to Commission staff's calculated pre-1971 consumptive water use of 0.095 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The primary source of water is an existing withdrawal from Little Conestoga Creek. Although the withdrawal predates Commission Regulation §803.44, relating to surface-water withdrawals, the project sponsor has increased its withdrawal by more than 0.100 mgd since November 11, 1995. Therefore, the project sponsor must comply with the regulation.

The project sponsor operates a surface-water intake on Little Conestoga Creek without engineering controls in place to ensure a passby flow is maintained at the site. Little Conestoga Creek is classified as a warm-water fishery (WWF) (25 Pa. Code Chapter 93). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Little Conestoga Creek to be 5.0 cubic feet per second (cfs) (2,244 gpm) at the point of withdrawal. The surface-water intake has a pumping station with the capacity of 1,000 gpm. The withdrawal is greater than 10 percent of the Q7-10 flow (0.499 cfs or 224 gpm) at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users.

Commission staff recommends that the project sponsor allow a passby flow of not less than 20 percent of annual average daily flow (ADF), which equals 10.0 cfs (4,489 gpm), and to cease all withdrawals when streamflow is less than 10.0 cfs. According to Commission staff's analysis, approximately 30 percent of the time streamflow will not be sufficient to maintain the recommended passby flow rate and meet the golf course irrigation needs. Based on this finding,

Commission staff recommends that the project sponsor initiate a study to identify other sources of water to address this deficiency.

Commission staff recommends, as an interim protective measure, that the project sponsor modify its withdrawal from Little Conestoga Creek to allow a minimum stream passby flow equal to the calculated Q7-10 flow of 5.0 cfs (2,244 gpm) and to cease all withdrawals when streamflow is less than the Q7-10 flow of 5.0 cfs (2,244 gpm). Staff recommends that the project sponsor modify its intake structure and incorporate a passive passby flow device. This interim protective measure should expire four years from the date of this approval.

The project sponsor should submit its intake structure design and a proposed construction schedule within 60 days following Commission action for review and approval by Commission staff prior to any construction.

Further, Commission staff recommends that the project sponsor investigate alternative water supply options for the site to allow for a passby of at least 20 percent of ADF (equivalent to 10.0 cfs or 4,489 gpm). In this regard, the project sponsor should prepare a plan to develop alternate sources of water supply and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan should be submitted to Commission staff for review and approval within two years.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation minus the pre-1971 consumptive use of 0.095 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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 called for in 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.

## Compliance Incentive Program

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water withdrawn and consumed in violation of Commission Regulations §803.42 and §803.44 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

### Decision

The project's surface-water withdrawal from Little Conestoga Creek of up to 0.440 mgd, when available, and the consumptive use of water of up to 0.440 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42, and surface-water withdrawal reporting requirements, as per Commission Regulation §803.44.

b. 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. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.

c. The project sponsor shall maintain metering on the surface-water withdrawal, accurate to within five (5) percent, and keep daily records of the project's surface-water withdrawal. The project sponsor shall report the data to the Commission quarterly, and as otherwise required. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. The project sponsor shall, as an interim protective measure, allow a flow of not less than 5.0 cfs (2,244 gpm) to pass in Little Conestoga Creek below the intake. The project sponsor shall reduce its withdrawals, as necessary, to allow this amount of flow to pass unless natural streamflow is equal to or less than this amount, at which times the project sponsor shall cease all withdrawals. The project sponsor shall replace its intake structure and incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule within sixty (60) days from 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 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. This interim protective measure shall expire four (4) years from the date of this approval.

e. Upon termination of the interim protective measure described in condition (d), the project sponsor shall allow a flow of not less than 10.0 cfs (4,489 gpm) to pass in Little Conestoga Creek below the intake. The project sponsor shall reduce its withdrawals, as necessary, to allow this amount of flow to pass unless natural streamflow is equal to or less than this amount, at which times the project sponsor shall cease all withdrawals. The project sponsor shall replace its intake structure and incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule one hundred eighty (180) days before the termination of the interim protective measures 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 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.

f. The project sponsor shall investigate alternative water supply options for the site to allow for a passby flow of at least 10.0 cfs (4,489 gpm) to be maintained at all times. In this regard, the project sponsor shall prepare a plan to develop alternate sources of water supply and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan shall be submitted to the Commission within two (2) years for staff's review and approval.

g. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.095 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

h. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

i. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered

quantity of 0.095 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (g) above.

j. 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.

k. 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.

l. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

m. 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.

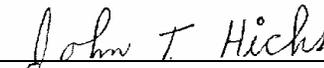
n. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

o. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

p. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 19820105**  
**Approval Date: January 14, 1982**  
**Modification Date: October 10, 2002**

**MILLERSVILLE UNIVERSITY**

Consumptive Water Use of Up to 0.253 mgd, and a  
Ground-Water Withdrawal (30-Day Average) of 0.265 mgd,  
for Institutional Water Use,  
Millersville 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, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.43, relating to ground-water withdrawals. The original Commission approval for ground-water withdrawal was issued on January 14, 1982, as Docket No. 19820105. The current modification request was received on July 2, 2001.

**Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water and an increase in the withdrawal of ground water at Millersville University (University).

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Conestoga River Watershed, Millersville Borough, Lancaster County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.253 million gallons per day (mgd) and an increase in the withdrawal from Well 1 from 0.180 mgd to 0.265 mgd (30-day-average). On January 14, 1982, the Commission approved a ground-water withdrawal (30-day average) of 0.180 mgd from the University's Well 1 (Docket No. 19820105). The University was established in 1855.

Currently, the University's maximum average 30-day consumptive water use is approximately 0.091 mgd, based on actual metered usage since September 2001. Peak-day consumptive water use is estimated to be 0.230 mgd.

Water is supplied to the University distribution system from Well 1. Withdrawals from Well 1 are metered and monitored weekly. The University's water supply system includes a

1.1 million gallon treated water storage tank (Stayer). The University also maintains four metered interconnections with the City of Lancaster Municipal Authority (CLA), as an emergency water supply to portions of the campus. During the ongoing drought of 2002, Well 1 has not had sufficient yield to supply the entire campus water demand, and about 0.060 mgd has been supplied by CLA. By October 2002, CLA will complete a new 6-inch metered interconnection with the University capable of supplying the entire campus, except for the Stayer building. This will eliminate three of the four existing interconnections serving portions of the campus.

Well 1 was drilled around 1930, and continues to supply all campus uses. Well 1 is an 8-inch diameter open rock well finished to a depth of 240 feet in the Ordovician-aged Conestoga Formation. The turbine pump on Well 1 has a capacity of 440 gallons per minute.

Consumptive water uses on campus include makeup water to the chiller cooling towers and athletic field irrigation. There is no boiler feed makeup consumptive water use at the University because all campus buildings have electric heat. Makeup water to the chiller cooling towers at eight of ten buildings currently having chiller towers is metered. In addition, all athletic field irrigation by the University is metered.

There are two constructed waterbodies on the University's campus: a 0.6-acre ornamental pond constructed prior to 1971 and a 0.5-acre environmental studies pond constructed after 1971. Both waterbodies are filled only with spring flow and stormwater runoff.

All of the wastewater generated from the University is discharged to the sanitary sewer system through three metered outfall lines and treated in the Millersville Borough Sewer Authority's wastewater treatment facility. Sanitary sewer inflow to the campus also is metered at one inflow site.

**Pumping Test.** The project sponsor conducted a 24-hour pumping test on September 20-21, 1978, for Well 1. The well was pumped at a rate of 440 gpm (0.633 mgd). The results of the pumping test indicated a total drawdown of 21 feet in Well 1, and that drawdown stabilized after 6 hours of pumping.

**Coordination.** The Pennsylvania Department of Environmental Protection (Pa. DEP) previously issued a Public Water Supply Operations Permit (Pa. DEP No. 36808) for Well 1 on March 27, 1953.

## Findings

The project is subject to Commission approval and reporting requirements, as per Commission Regulations §803.42 and §803.43, respectively.

All makeup water to the chiller cooling towers and athletic field irrigation is entirely consumptively used. Makeup water to eight of the ten building cooling towers is individually metered and recorded once a week. The project sponsor has agreed to meter and record weekly makeup water to the remaining two individual building chiller cooling towers. Makeup water to

the Ganser building chiller cooling tower will be metered prior to the 2003 cooling season. Makeup water to the new McComsey building chiller cooling tower will be metered after the new chiller cooling tower is installed, before the 2004 cooling season. The athletic field irrigation water is metered and recorded daily.

The project sponsor has requested a consumptive water use approval of up to 0.253 mgd, based on an estimated 10 percent increase in water usage over the duration of this approval. Should the project's future consumptive water use exceed 0.253 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor obtains water from one on-site well and, by October 2002, will have two interconnections with the public water purveyor that will provide an emergency supply to the entire campus. The water from both sources is metered prior to its use at the University, with well withdrawals being metered and recorded weekly, and public water supplied to the University metered and recorded quarterly.

The project sponsor was consumptively using water at the University before January 23, 1971, the effective date of Commission Regulation §803.42 concerning consumptive water use. The project sponsor does not have meter records from that time. However, the project sponsor has provided estimates of pre-1971 use based on installed compressor cooling load capacity and typical summer loading and usage patterns according to cooling degree-days. These estimates were adjusted using current metered makeup flows to the chiller cooling towers. The pre-1971 consumptive water use for athletic field irrigation was estimated, based on flow rates and irrigation practices for the equipment that existed at that time. This estimate also was adjusted using current metered athletic field irrigation data.

The project sponsor has estimated the University's pre-1971 maximum average 30-day consumptive water use to be 0.041 mgd. Staff concurs with this finding. The quantity of pre-1971 consumptive water use, 0.041 mgd, is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water.

The project sponsor has proposed a spreadsheet accounting procedure whereby the metered makeup water to the ten individual building cooling towers is recorded once a week, prorated to a daily basis and summed. The daily athletic field irrigation is then added to the calculated daily quantities of cooling tower makeup water to obtain the University's total daily consumptive water use.

After summing the daily consumptive water use from the two categories, the daily grandfathered use of 0.041 mgd is subtracted from the total quantity to obtain the project's consumptive water use that is subject to the water compensation requirements contained in Commission Regulation §803.42. If the daily grandfathered amount exceeds the project's

calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Commission staff recommends approval of this proposed accounting procedure for quantifying consumptive water use at the University, with the understanding that daily consumptive use values are computed and recorded for quarterly reporting to the Commission.

The Commission previously approved a ground-water withdrawal of up to 0.180 mgd (30-day average) from Well 1 for institutional use at the University (Docket No. 19820105). During the spring of 2001, water withdrawals from Well 1 began exceeding the amount of the approval for peak 30-day periods. Withdrawals of up to 0.230 mgd, based on a 30-day average, were made. Prior to that time, the ground-water withdrawal approval was not exceeded. Since the University's water demands continue to grow proportionally with the campus population, the project sponsor has requested an increase in the ground-water withdrawal approval from Well 1 to 0.265 mgd, based on a 30-day average.

Commission staff recommends that the 24-hour pumping test on Well 1 at a rate of 440 gpm (0.633 mgd) be accepted. The testing rate is over two times the requested approval withdrawal rate. The results of the pumping test show stabilization of the pumping water level at 21 feet in Well 1 after 6 hours, which indicates it draws water from a bedrock aquifer of high permeability. However, during the drought of 2002, Well 1 has had insufficient yield to supply the entire campus demand. The recharge area for Well 1 lies within the borough of Millersville.

During the 1970s, Millersville Borough supplied the borough's water demands (about 0.25 mgd) from five wells within the borough boundary. As late as 1994, four of the borough's wells were still being used at a total withdrawal of less than 0.050 mgd. These borough wells, and five homeowner wells on the eastern edge of the borough, are the only known wells within the recharge area of Well 1. The borough has since abandoned, capped, and sealed its wells, and is now obtaining its entire water supply from the CLA. As part of a public hearing in May 2001, the University solicited public comments on its Source Water Assessment Program for Well 1. No public comments were received. Therefore, impacts to other area wells are not expected. In addition, the only wetland within a 1,000-foot radius of Well 1 is the University's environmental studies pond.

The maximum instantaneous rate of production from Well 1 should not exceed 440 gpm, the pumping rate used during the constant-rate pumping test.

In 1982, when the ground-water withdrawal from Well 1 was approved, the consumptive water use at the University above the grandfathered amount did not exceed the threshold requiring Commission review and approval. Since that time, consumptive water use has steadily increased to a current maximum 30-day average of 0.091 mgd.

The project sponsor became aware that the project's consumptive water use was exceeding the threshold requiring Commission review and approval as a result of the Commission's Compliance Incentive Program (CIP), and promptly submitted an application for a consumptive water use approval. While the project's recent consumptive water use and its ground-water withdrawal have been in noncompliance with Commission regulations and the project does not qualify for participation in the CIP because of its prior ground-water withdrawal

approval, there have been no adverse impacts associated with the consumptive water use and ground-water withdrawal, and the project sponsor has cooperated with Commission staff during its review.

Prior to June 2001, the project's consumptive water use resulting from makeup water to the chiller cooling towers was not metered. Irrigation of the athletic fields has only been metered since July 1, 2002. Considering that the project's consumptive water use likely exceeded the threshold requiring Commission review and approval during the excessively hot summer of 1999, the project sponsor has offered a settlement of \$150.00 to the Commission. To compensate for its prior noncompliance, this settlement is equivalent to the estimated post-1971 consumptive water use fees since January 2001. Staff recommends acceptance of the settlement offer.

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

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 submitted 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 January 14, 2012. 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**

The project's ground-water withdrawal of 0.265 mgd (30-day average) from Well 1, and the consumptive water use of up to 0.253 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42, and ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.

b. 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. The daily quantity of water consumptively used shall be computed by summing metered weekly makeup water to the ten individual building cooling towers, prorated to a daily basis and summed, with daily metered irrigation water for athletic field irrigation. The project sponsor shall maintain the existing meters, accurate to within five (5) percent.

c. The project sponsor shall continue to keep weekly records of the metered withdrawal and weekly water levels from Well 1. The required reporting data shall be submitted to the Commission quarterly, and as otherwise required. The project sponsor shall maintain the existing meter, accurate to within five (5) percent, on Well 1. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. The maximum instantaneous rate of production from Well 1 shall not exceed 440 gpm.

e. 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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of makeup water to the chiller cooling towers plus the quantity pumped to the athletic field irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.041 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

f. The project sponsor has offered a settlement by agreement pursuant to Commission Regulation §805.27, in the amount of \$150.00, for its consumptive water use and ground-water withdrawal found to be in noncompliance with Commission Regulation §803.42, and is hereby accepted. Except where the full amount of same has been tendered to the Commission in advance hereof, this action shall be contingent upon, and shall not be effective until, payment of the settlement amount is made to the Commission or arrangements for such payment have been made that are acceptable to the Executive Director of the Commission. Failure to make such payment or payment arrangement with the Commission within forty-five (45) days hereof shall render this approval null and void.

g. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(a) and (c).

h. 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.

i. 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.

j. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

k. 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.

l. 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.

m. All other conditions in Commission Docket No. 19820105 not inconsistent herewith shall remain effective.

n. Based on Commission Regulation §803.30(a), this approval is effective until January 14, 2012. 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 14, 2011, and obtain Commission approval prior to continuing operation beyond January 14, 2012.

o. 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: October 10, 2002

  
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 John T. Hicks, Chairman  
 New York Commissioner

**Application 19940303**  
**Approval Date: March 10, 1994**  
**Modification Date: August 10, 2000**  
**Modification Date: October 10, 2002**

**CADBURY BEVERAGES, INC.**  
**MOTT'S ASPERS PLANT**

Consumptive Water Use of Up to 0.900 mgd, for Food Processing and Drinks,  
Menallen Township, Adams County, Pennsylvania

**Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission originally approved this project on March 10, 1994, and amended that approval on August 10, 2000, to include an increase in consumptive water use. The Commission has approved ground-water withdrawals from Wells 6, 7, 9, 10, and 11 (Commission Docket Nos. 19940303 and 20010204). The Commission received the application for modification of the approval on February 4, 2002.

**Description**

**Purpose.** The purpose of the application is to request approval for an increase in the consumptive use of water by this facility for the production of food products and the manufacture of drinks.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Opossum Creek Watershed, Menallen Township, Adams County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.900 million gallons per day (mgd). The water will be used for the production of food products and drinks. The plant's consumptive water use reaches the current approval level of 0.500 mgd during peak production days.

Cadbury Schweppes purchased the facility in 1982. The Commission approved a consumptive water use of up to 0.155 million gallons per day (mgd) in 1994. The Commission modified its approval in 2000 to increase the consumptive water use to 0.500 mgd to allow for the expansion of its fruit juice production, to account for evaporative losses associated with the wastewater treatment plant, and to account for evapotranspiration losses from the spray irrigation

and land application of treated sludge. The project sponsor completed a \$54 million, 400,000-square-foot addition in August 2002 that houses two additional juice production lines and applied for an increase in consumptive water use to allow for this expansion of production.

The project sponsor currently is relocating its wastewater outfall to meet criteria set by the Pennsylvania Department of Environmental Protection (Pa. DEP) for dilution. Treated wastewater is discharged from a pond that drains to Opossum Creek.

An on-site 5-acre, 30-million-gallon (mg) storage pond is used as an emergency supply that can be tapped for fire suppression.

### **Findings**

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

The project sponsor currently uses an accounting method that quantifies three separate categories of consumptive water use: (1) water incorporated into the product; (2) evaporation from 2.3 acres of on-site wastewater treatment facilities; and (3) evapotranspiration resulting from sludge disposal. The requested additional consumptive water use would be included in the first category, water incorporated into product.

The pre-1971 consumptive water use by the project sponsor was determined to be 0.090 mgd in the original 1994 approval, and this quantity is considered to be "grandfathered." The sum of the three categories of consumptive water use, minus 0.090 mgd, represents the project's consumptive water use that is subject to Commission Regulation §803.42. The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water.

The recent expansion of the project sponsor's fruit juice production will result in increased consumptive water use. Based on a 25-year forecast of future plant production, the project sponsor is requesting a consumptive water use approval of up to 0.900 mgd.

The project is located in a region that has been developed extensively for the irrigation of fruit tree orchards and for food (fruit) processing and drink production. Several orchards and food processing plants are located within a few miles of the project. Therefore, Commission staff requested that a special water resources study be performed in order to evaluate the potential impacts of further development of the water resources in the project area.

The special water resources study was received on July 19, 2002. Based on its review of the information submitted in this study, Commission staff concludes the following:

1. The project sponsor's well field is located on the valley floor and flood plain of Opossum Creek.

2. Ground-water withdrawal from the well field has lowered the water table below the level of Opossum Creek, several small tributaries, and wetlands. Operation of the well field has turned an area of natural ground-water discharge into an area of recharge.
3. Small tributaries lose flow when they reach the edge of the Opossum Creek valley.
4. Loss of flow from Opossum Creek occurs in the vicinity of the contact of a diabase intrusive with Triassic-aged shale, siltstone and sandstone. The loss ranges from approximately 0.25 mgd to 1 mgd.

Opossum Creek is classified as a cold-water fishery (CWF) (25 Pa. Code Chapter 93). Commission staff has calculated the 7-day 10-year low flow (Q7-10) for Opossum Creek to be 0.64 cubic feet per second (cfs) (287 gpm) downstream of the impacted reach. The proposed consumptive water use (0.900 mgd) is 218 percent of Q7-10. The induced surface-water infiltration caused by the project sponsor's ground-water withdrawal is approximately 250 gpm during Q7-10 flow events. The induced infiltration is greater than 10 percent of the Q7-10 flow (0.064 cfs, 28.7 gpm) downstream of the impacted reach, thereby requiring a passby flow to protect aquatic resources and downstream users.

Based on Opossum Creek's classification as CWF, Pennsylvania Fish and Boat Commission's determination that it is a Class D wild trout stream and the anticipated associated fishery of brown trout and combined species of fish, Commission staff recommends that the project sponsor allow a passby flow of not less than 20 percent of annual average daily flow of 4.73 cfs (2,123 gpm), immediately downstream of the impacted reach and to cease all ground-water withdrawals or provide suitable augmentation to Opossum Creek to maintain streamflow downstream of the impacted reach equal to the flow which exists immediately above the impacted reach plus the calculated baseflow contribution of the impacted reach, which is an additional 9 percent of the flow as measured at the upstream location. According to Commission staff's analysis, approximately 32 percent of the time streamflow will be less than 20 percent ADF.

Further, as a result of the special water resources study, Commission staff finds that the current ground-water withdrawal exceeds the amount of recharge available during a drought having a 1-in-10-year recurrence interval. The ground-water withdrawal is approximately 80 percent of the ground water available during an average year. Commission staff finds that the project's ground-water supply may be constrained by the quantity and/or quality of available ground water.

Commission staff recommends the following protective measures be implemented:

1. The project sponsor should, as an interim protective measure, allow a minimum stream passby flow downstream from the well field equal to the calculated Q7-10 flow of 0.64 cfs (287 gpm). When streamflow is less than the Q7-10 flow of 0.64 cfs (287 gpm), the project sponsor should cease all ground-water withdrawals or provide suitable augmentation to Opossum Creek to maintain streamflow downstream of the impacted reach equal to the flow which exists immediately above the impacted reach.

This interim protective measure should expire four years from the date of this approval.

2. The project sponsor should investigate water supply options for the site to address its existing and projected water needs while managing its ground-water withdrawal to that which can be withdrawn from the aquifer system without causing adverse lowering of ground-water levels, rendering competing supplies unreliable, causing water quality degradation that may be injurious to any existing or potential ground- or surface-water use, causing permanent loss of aquifer storage capacity, or having a substantial adverse impact on the low flow of perennial streams. The water resource development plan should be submitted within two years.

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

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. Commission staff recommends that the duration of this modification be the same as the term of the prior docket approval. All conditions in Commission Docket No. 19940303 not inconsistent with this modification remain effective.

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**

The project's consumptive water use of up to 0.900 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
- b. 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. The daily quantity of water consumptively used shall be the sum of the three categories of consumptive water use, as described in the Findings. The project sponsor shall maintain metering, accurate to within five (5) percent, to determine and record the project's withdrawals from Wells 4, 6, 7, 9, 10, and 11 and flows entering the wastewater treatment plant.
- c. The project sponsor shall, as an interim protective measure, allow a minimum stream passby flow downstream from the well field equal to the calculated Q7-10 flow, which equals 0.64 cfs (287 gpm). When streamflow is less than the Q7-10 flow of 0.64 cfs (287 gpm), the project sponsor shall cease all ground-water withdrawals or provide suitable augmentation to

Opossum Creek to maintain streamflow downstream of the impacted reach equal to the flow which exists immediately above the impacted reach. The project sponsor shall install flow measurement devices that measures the streamflow upstream and downstream from the reach impacted by its well field. The project sponsor shall submit its design and a proposed construction schedule within sixty (60) days from 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 project sponsor shall keep daily records of streamflow and shall report the data to the Commission quarterly, and as otherwise required. The flow measurement devices shall be kept fully functional and free of debris. The Commission reserves the right to inspect the flow measurement devices at any time. The project sponsor may propose an alternative to flow measurement devices to the Commission for staff review and approval. This interim protective measure shall expire four (4) years from the date of this approval.

d. The project sponsor shall investigate water supply options for the site to address its existing and projected water needs while managing its ground-water withdrawal to that which can be withdrawn from the aquifer system without causing adverse lowering of ground-water levels, rendering competing supplies unreliable, causing water quality degradation that may be injurious to any existing or potential ground- or surface-water use, causing permanent loss of aquifer storage capacity, or having a substantial adverse impact on the low flow of perennial streams. The water resource development plan shall be submitted within two years.

e. Upon termination of the interim protective measure described in condition (c), the project sponsor shall select one of the following options: (1) restore the water table in the vicinity of the diabase/shale contact or institute such other measures such that the project sponsor's ground-water withdrawal does not impact streamflow in the vicinity of the diabase/shale contact area; (2) terminate the existing ground-water pumping and replace these sources with alternate source(s), which have been approved by the Commission; or (3) allow a passby flow of not less than 20 percent ADF. If the project sponsor selects option (3), then the project sponsor shall allow a passby flow equal to 4.73 cfs (2,123 gpm) to pass downstream from the reach impacted by its well field, and when streamflow is less than 4.73 cfs (2,123 gpm), provide suitable augmentation to Opossum Creek to maintain streamflow downstream of the impacted reach equal to the flow that exists immediately above the impacted reach plus the calculated baseflow contribution of the impacted reach, which is an additional 9 percent of the flow as measured at the upstream location (109 percent of the measured upstream flow). The project sponsor shall keep daily records of streamflow and shall report the data to the Commission quarterly, and as otherwise required. If option (3) is selected, the project sponsor shall submit its design and a proposed construction schedule for the flow measurement devices one hundred eighty (180) days before the termination of the interim protective measures 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 flow measurement system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the flow-measurement system at any time. The project sponsor may propose an alternative to a flow-measurement system to the Commission for staff review and approval.

f. 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, in excess of the grandfathered quantity. For payment purposes, the daily quantity of water consumptively used shall be the sum of the water incorporated into the products, evaporation from wastewater treatment facilities and evapotranspiration resulting from sludge disposal, less the grandfathered quantity of 0.090 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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 consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

g. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(b).

h. 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.

i. 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.

j. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

k. 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.

l. 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.

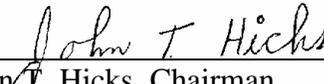
m. All other conditions in Commission Docket Nos. 19940303 and 20010204 not inconsistent herewith shall remain effective.

n. Based on Commission Regulation §803.30(a), this approval is effective until March 10, 2024. 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 September 10, 2023, and obtain Commission approval prior to continuing operation beyond March 10, 2024.

o. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner

**Docket No. 20021023**  
**Approval Date: October 10, 2002**

**YORK WATER COMPANY**

Surface-Water Withdrawal of Up to 12.0 mgd, From the Susquehanna River, and the  
Surface-Water Withdrawal of Up to 42.0 mgd, When Available,  
From South Branch Codorus Creek, for Public Water Supply,  
Lower Windsor and Spring Garden Townships, York County, Pennsylvania

**Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.44, relating to surface-water withdrawals. The Commission received the application on June 27, 2001.

**Description**

**Purpose.** The purpose of the application is to request approval for surface-water withdrawals for distribution in a public water supply system.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Susquehanna River and Codorus Creek Watersheds, Lower Windsor and Spring Garden Townships, York County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for a maximum daily withdrawal of up to 12.0 million gallons per day (mgd) from the Susquehanna River, as well as an increase in its approved withdrawal amount from South Branch Codorus Creek from 30.0 mgd to 42.0 mgd. Water would be withdrawn from the Susquehanna River in the vicinity of Long Level, Pa., from the Safe Harbor Pool (Lake Clarke), pumped a distance of approximately 13 miles, and discharged into Lake Redman. Water would be released from Lake Redman into Lake Williams and then into East Branch Codorus Creek, upstream from the confluence with South Branch Codorus Creek, and withdrawn at the existing intake (the Brillhart Pumping Station).

The project sponsor currently obtains all of its water from the Codorus Creek Watershed. The project sponsor is permitted to withdraw up to 30.0 mgd of water for public water supply from South Branch Codorus Creek (Pa. DEP Permit WA-62B, SRBC Docket No. 19920901). When the natural flow in South Branch Codorus Creek is not sufficient to meet the project sponsor's needs, the project sponsor releases water from Lake Williams and Lake Redman into

East Branch Coderus Creek upstream from the point of withdrawal. The addition of water from the Susquehanna River into Lake Redman would not change the project sponsor's current method of operation of making reservoir releases, when necessary, to supplement natural streamflow, withdrawing streamflow at the Brillhart Pumping Station, processing that water, and then pumping the treated water into its distribution system.

The two reservoirs have a combined storage of 2.231 billion gallons of water. The project sponsor has determined that to meet its future needs, it must secure an additional source of water to ensure an adequate supply for its expanding customer base. After extensive studies, the project sponsor determined that its most cost-effective alternative is to pump water from the Susquehanna River into Lake Redman in order to augment the existing supplies. The water would be piped a distance of approximately 13 miles.

**Coordination.** In accordance with a Memorandum of Understanding between the Commission and the Pennsylvania Department of Environmental Protection (Pa. DEP) regarding coordination of project review functions, the Pa. DEP submitted to the Commission for comment on March 6, 2001, a copy of the application filed by the project sponsor. Because the project has the potential to have significant impacts on other water users in the Lower Susquehanna Subbasin, as well as interstate impacts, the Commission, on April 25, 2001, notified Pa. DEP and the project sponsor that separate application, review, and approval by the Commission would be required. In addition to the separate Commission review, Commission staff provided comments to Pa. DEP on May 4, 2001, on the application submitted by the project sponsor to the Pa. DEP. The Pa. DEP Southcentral Region Office forwarded a draft allocation permit for the project on February 28, 2002, followed by revised draft permits on March 22, 2002, and on September 19, 2002, and intends to issue the permit pending final coordination.

As part of its efforts to obtain a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of the water from the Susquehanna River into Lake Redman, the project sponsor on April 16, 2002, submitted a petition to Pa. DEP's Environmental Quality Board (EQB) to redesignate as warm-water fishery (WWF) (25 Pa. Code Chapter 93) a portion of the East Branch Coderus Creek basin that includes Lake Redman and Lake Williams. A WWF designation for Lake Redman would allow the discharge of river water into Lake Redman to meet the temperature criteria without adversely affecting existing warm water conditions in the lake. The EQB accepted the project sponsor's petition for evaluation. Pa. DEP evaluated the petition and recommended to the EQB that the East Branch of the Coderus Creek basin be redesignated as a WWF, as requested by the project sponsor. On September 17, 2002, the EQB adopted DEP's recommendation as proposed rulemaking. Notice of the proposed redesignation was published in the October 5, 2002, edition of the Pennsylvania Bulletin with a 45-day public comment period.

## **Findings**

The project is subject to Commission approval and reporting requirements, as per Commission Regulation §803.44, relating to surface-water withdrawals.

Commission staff, utilizing recent U.S. Geological Survey (USGS) data and determinations, has identified the 7-day 10-year (Q7-10) low flow at the USGS stream gage 01576000 on the Susquehanna River at Marietta, Pa., as 2,710 cfs (1,750 mgd). The project sponsor's proposed 12.0 mgd withdrawal (and rate of withdrawal) is less than 10 percent of the Q7-10. Therefore, Commission staff recommends that a passby flow at the Susquehanna River point of withdrawal will not be required to protect aquatic resources and downstream users. In making this determination, Commission staff also considered that, under the current service area configuration, from 80 percent (during peak summer months) to 90 percent (based on an annual average) of the water in the water distribution system would be returned to the Susquehanna River upstream of the point of withdrawal and upstream of the Marietta gage. During declared drought periods in the Lower Susquehanna Subbasin, voluntary and possibly mandatory restrictions on nonessential uses of water should reduce water use within the water system by 10 to 20 percent, depending on the time of year, so that there are no net reductions in flows at Marietta.

The current Pa. DEP water allocation permit and the current Commission approval for the withdrawal of up to 30.0 mgd from South Branch Codorus Creek require a passby flow equivalent to the 7-day 10-year low flow (Q7-10) at the point of withdrawal, equivalent to 12.051 cfs. During its review of the application, Commission staff consulted with the Pa. Fish and Boat Commission (PFBC) regarding the appropriate passby flow. The PFBC recommends that the passby flow equivalent to Q7-10 be continued as a part of this approval. The Q 7-10 passby flow rate, although less than optimal for the South Branch Codorus Creek, is the flow rate which best balances the needs of the South Branch Codorus Creek and the inflake fisheries of Lakes Williams and Redman. Commission staff and Pa. DEP concur with this recommendation.

Commission staff recommends the project sponsor not proceed with any interconnections, extensions of service lines, expansion of service areas, execution of bulk water sale agreements, or any similar project that may result in a diversion of the waters of the Susquehanna River Basin to areas outside the Susquehanna River Basin without prior approval of the Commission.

Analysis using a hydrologic computer simulation model shows that the proposed Susquehanna River withdrawal will not impact downstream users. However, in recognition of the limited resources of the Conowingo Pool and the entire lower Susquehanna River, and in recognition of the operating requirements contained in the Federal Energy Regulatory Commission (FERC) licensing agreement for the Susquehanna Electric Company at Conowingo Dam, Commission staff recommends that withdrawals by the project sponsor be operated during times when the daily flow in the Susquehanna River, as measured at the USGS Marietta gage is below certain trigger levels established by FERC so that total storage in the project sponsor's two reservoirs does not increase as a result of pumping water from the Susquehanna River and also that the York Water Company institute voluntary water conservation measures as outlined in its Drought Contingency Plan on all its customers and interconnected water systems.

For the period 1991-2000, based on data supplied by the project sponsor and also based on annual water supply reports submitted to Pa. DEP, average daily use of water in the project sponsor's water supply distribution area was 19.326 mgd, with a low in 1992 of 18.500 mgd and

a high of 20.686 mgd in 1999. Peak-day use averaged 23.806 mgd, and ranged between 23.600 mgd (1992) and 26.008 mgd (1999). The ratio of peak-day usage to average daily usage ranged between 1.17 (1992) and 1.35 (1997). The project sponsor estimates that the year 2030 average daily demand will be 32.43 mgd, and the peak daily demand will be approximately 41.7 mgd. Commission staff has reviewed the project sponsors projection methods and data and concurs with the projections of future need. Commission staff recommends the approval of the project sponsor's requested withdrawal of up to 12.0 mgd from the Susquehanna River and the requested withdrawal of up to 42.0 mgd from South Branch Codorus Creek.

The project is subject to water conservation requirements, as per Commission Regulation §804.20(a). All customer connections within the water system are currently metered. Current estimates of unaccounted-for water are 16.73 percent, which is below the 20 percent maximum allowed in Commission Regulation §804.20(a)(1).

In the course of its environmental review, Commission staff found recorded evidence of an environmentally sensitive riverbank plant in the vicinity of the proposed intake structure. Commission staff has informed the project sponsor of this finding and recommends that the project sponsor coordinate with the Pa. Department of Conservation and Natural Resources (Pa. DCNR) concerning this riverbank plant. Further, Commission staff recommends that the project sponsor comply with all Pa. DCNR requirements for investigation, mitigation, or remediation.

The Pa. DEP proposes to issue a water allocation permit with a 25-year duration, giving the project sponsor the right to withdraw up to 12.0 mgd from the Susquehanna River and up to 42.0 mgd from South Branch Codorus Creek. The following conditions of the pending Pa. DEP allocation permit require that the project sponsor, among other things:

- Within 12 months of the date of the permit, submit proof of the method and extent of its acquisition.
- Within two years of the date of the permit, obtain a Public Water Supply Permit from the Pa. DEP Southcentral Region Office.
- Begin construction of the works necessary for the development of water supply within two years of the date of the permit, with construction being completed within two years thereafter.
- Limit its maximum daily withdrawal from South Branch Codorus Creek to a maximum of 30.0 mgd until such time as the Susquehanna River is utilized as a source of supply.
- Limit its maximum daily withdrawal from South Branch Codorus Creek at the Brillhart Pumping Station to the maximum permitted operating capacity of the project sponsor's water filtration plant. At no time, shall withdrawals be made in excess of permitted withdrawal quantities.

- When the flow in the Susquehanna River, as measured at the USGS Marietta gage, drops below the FERC trigger levels, reduce its withdrawals from the Susquehanna River so that water levels in the project sponsor's reservoirs do not increase as a result of pumping water from the Susquehanna River. The project sponsor shall install measuring devices in the reservoirs and monitor said devices during these low flow periods.
- Install measuring and recording devices to determine the amount of water withdrawn from the Susquehanna River.
- Continue to operate accurate measuring and recording devices to determine the amount of water withdrawn at all of its intakes.
- Maintain a continuous flow of not less than 6.0 cubic feet per second (cfs) in the East Branch Codorus Creek immediately downstream of Lake Williams and shall maintain accurate measurement and recording devices to measure such flows.
- Maintain a continuous flow of not less than 12.051 cfs in the South Branch Codorus Creek immediately below the Brillhart Pumping Station and shall maintain accurate measurement and recording devices to measure such flows.
- Report monthly all surface-water withdrawal amounts, passby flow quantities, and Lake Williams flow releases.
- Within one year of the date of the permit, develop an updated operations and drought contingency plan and revise such a plan every three years thereafter.
- Continue to implement water conservation plans.
- Submit an annual permit compliance report to the Pa. DEP.
- Within two years of the date of the permit, obtain a NPDES permit for the discharge of the water from the Susquehanna River into Lake Redman.

Commission staff concurs with these requirements of the pending Pa. DEP water allocation permit.

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 in Commission Regulation §803.25.

The proposed 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

The project's surface-water withdrawal from the Susquehanna River of up to 12.0 mgd, and the project's surface-water withdrawal from the South Branch Codorus Creek of up to 42.0 mgd, when available, is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including surface-water withdrawal reporting requirements, as per Commission Regulation §803.44.

b. The project sponsor shall keep daily records of the project's surface-water withdrawals from the Susquehanna River and South Branch Codorus Creek and the amount of flow in South Branch Codorus Creek downstream of the Brillhart Pumping Station and shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor also shall keep records of daily streamflows for the USGS stream gage 01576000 on the Susquehanna River at Marietta, Pa., during any time period it is withdrawing water from the Susquehanna River, and shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor shall install and maintain metering on the surface-water withdrawal from the Susquehanna River, accurate to within five (5) percent. The project sponsor shall maintain metering on the surface-water withdrawal from South Branch Codorus Creek, accurate to within five (5) percent.

c. The project sponsor shall operate its withdrawal from the Susquehanna River when the daily flow in the Susquehanna River, as measured at the USGS stream gage 01576000 on the Susquehanna River at Marietta, Pa., is less than the FERC trigger levels, as set forth in the following table, so that storage in the project sponsor's two reservoirs does not increase as a direct result of pumping water from the Susquehanna River. Additionally, if the project sponsor is withdrawing water from the Susquehanna River when flows are below FERC trigger levels, the project sponsor shall institute voluntary water conservation practices, unless voluntary or mandatory restrictions are already in place, by all customers within the York Water Company distribution system and all public water supply systems obtaining water from the York Water Company through interconnections or by other means such as bulk sales. These voluntary water conservation measures shall be those contained and instituted in accordance with the Company's Drought Contingency Plan approved by the Commonwealth of Pennsylvania in accordance with 4 Pa. Code Chapter 118.

Time Period	$Q_{\text{FERC}}$ (cfs)
April 1 – April 30	10,000
May 1 – May 30	7,500
June 1 – September 15	5,000
September 16 – November 30	3,500
December 1 – February 28/29	1,600
March 1 – March 31	3,500

The project sponsor shall record daily the storage in each reservoir during these low flow periods and report these data to the Commission quarterly, and as otherwise required.

d. The project sponsor shall coordinate with Pa. DEP and obtain an NPDES permit prior to withdrawing water from the Susquehanna River and discharging that water into Lake Redman.

e. The project sponsor shall be limited to withdrawing up to 30.0 mgd from South Branch Codorus Creek until such time as the project sponsor obtains all necessary governmental approvals for the Susquehanna River withdrawal, transmission, and discharge into Lake Redman and construction of all facilities is complete and operative so it is able to fully utilize the water pumped from the Susquehanna River

f. The project sponsor shall coordinate with Pa. DCNR on endangered species issues and obtain any necessary project approvals from Pa. DCNR prior to withdrawing water from the Susquehanna River and discharging that water into Lake Redman.

g. The project sponsor shall not proceed with any interconnections, extensions of service lines, expansion of service areas, execution of bulk water sale agreements, or any project that may result in a diversion of the waters of the Susquehanna River Basin without prior approval of the Commission.

h. The project sponsor shall allow a flow of not less than 12.051 cfs (5,400 gpm) to pass its intake in South Branch Codorus Creek. The project sponsor shall reduce its withdrawals from South Branch Codorus Creek, as necessary, to allow this amount of flow to pass unless streamflow is equal to or less than this amount, at which times the project sponsor shall cease all withdrawals. The project sponsor shall continue to maintain flow measurement devices that measure the streamflow, keep daily records of streamflow, and report the data to the Commission quarterly, and as otherwise required.

i. The project sponsor shall comply with water conservation requirements, as per Commission Regulation §804.20(a).

j. 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.

k. The project sponsor shall comply with all requirements and conditions of Pa. DEP Permit WA 67-62C, including any modifications or amendments thereto, which are hereby incorporated by reference.

l. 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, including but not limited to any authorizations or approvals that might be required from Pa. DCNR related to threatened and endangered species. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

m. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

n. The Commission reserves the right to reopen any project docket and make additional orders that may be necessary to mitigate or avoid adverse impacts or otherwise to protect the public health, safety, welfare or the environment.

o. 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.

p. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

q. 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.

r. Commission Docket 19920901 is hereby rescinded.

By the Commission:

Dated: October 10, 2002

  
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 John T. Hicks, Chairman  
 New York Commissioner

**Docket No. 20021024**  
**Approval Date: October 10, 2002**

## **FLATBUSH GOLF COURSE**

Consumptive Water Use of Up to 0.050 mgd, for Golf Course Irrigation,  
Union Township, Adams County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 18, 2000.

### **Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050306, South Branch Conewago Creek Watershed, Union Township, Adams County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.050 million gallons per day (mgd). The project sponsor calculates its maximum average 30-day consumptive water use to be 0.033 mgd and its peak-day consumptive water use to be 0.042 mgd. The irrigation water usage is metered.

The project was constructed as an 18-hole golf course in 1987, and has been in continuous operation since that time. The irrigation system currently in use was installed during golf course construction.

Water is supplied to the irrigation system from four ponds located on the golf course. The project sponsor estimates the total surface area of the ponds to be approximately 3 acres and to have an average depth of 4 feet. Commission staff has calculated that the project sponsor has approximately 3.9 million gallons of water stored on-site, which is sufficient storage for approximately 118 days of irrigation, based on the 2001 maximum average 30-day use of 0.033 mgd.

The storage pond system is filled primarily with water from surface runoff from the adjacent upland area. The project sponsor also maintains three wells that can be pumped to the storage ponds. The wells have a combined yield of 35 gallons per minute (gpm).

### **Findings**

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

All water evaporated from the storage ponds, as well as water withdrawn from the ponds and used for golf course irrigation, is considered to be used consumptively. Water evaporated from the ponds will be calculated by the project sponsor employing a methodology acceptable to the Commission. The irrigation system is equipped with a meter that measures the quantity of water pumped to the irrigation system.

The project sponsor has requested a consumptive water use approval of up to 0.050 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 19 percent above the current peak-day use of 0.042 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.050 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to use its own storage during low flow periods. Staff has determined that the quantity of storage is sufficient to supply the golf course during drought conditions. In order for this storage to be an acceptable method of compliance with Commission Regulation §803.42, the project sponsor must cease withdrawals from the three on-site wells and be limited to using water stored in the on-site ponds during periods of low flow or upon notice by the Commission.

The irrigation ponds collectively store an estimated 3.9 million gallons of water when at full capacity. This volume should provide approximately 118 days of irrigation, based on the maximum 30-day average use of 0.033 mgd. The project sponsor will need to maintain sufficient water storage in order to meet the project's demand for irrigation water. Staff recommends that the project sponsor submit documentation to Commission staff of the available on-site storage every five years.

The project's ground-water withdrawal has been in operation since 1987, and is not metered. The wells can be used to fill the storage ponds, if needed. The project sponsor has reported that the wells are utilized at less than 100,000 gallons during a 24-hour period and, therefore, this withdrawal is less than the threshold contained in Commission Regulation §803.43. Since the wells have a combined yield of 35 gpm, staff finds it unnecessary to install metering to document the wells' usage.

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

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 called for in 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.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001.

### **Decision**

The project's consumptive water use of up to 0.050 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
- b. 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. 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. Commission staff shall review and approve the method of calculation of evaporative loss from the pond system.
- c. The project sponsor shall limit its use of water to that stored on-site and cease all withdrawals from the three on-site wells when the streamflow as measured at the U.S. Geological Survey's stream gage 01574000, located on the West Conewago Creek near Manchester, Pa., is less than 10.8 cfs. The project sponsor shall keep daily records of readings from U.S. Geological Survey's stream gage during the irrigation season, and shall report the data to the Commission quarterly, and as otherwise required.
- d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, and upon notice from the Commission during periods of low flow, as described above in condition (c), the project sponsor shall use water stored in the on-site ponds and shall cease withdrawals from the three (3) on-site wells.

The project sponsor shall provide the Commission with documentation every five (5) years certifying that sufficient water storage exists in its on-site storage pond system.

e. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to penalties for its prior noncompliance.

g. 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.

h. 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.

i. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. 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.

j. 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.

k. 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

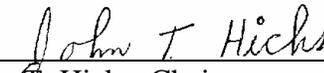
of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

m. 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: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner