

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



February 10, 2006

TO ALL CONCERNED:

At the December 14, 2005 meeting, the draft minutes of the September 14, 2005 Commission meeting were approved with the following correction: Page 6, last paragraph, 2nd line, replace the words “there are some NYDEC wells located on the property of the applicant” with the words “some of the applicant’s wells are located on state property.” Please attach this notice to your copy of the September 14, 2005 minutes.

- DRAFT -

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION
December 14, 2005
#2005-04**

The meeting was held at the Hyatt Regency Baltimore, 300 Light Street, Baltimore, Maryland. Chairman Grisoli called the meeting to order at 9:30 a.m.

ROLL CALL

Commissioners Present

Brig. Gen. William T. Grisoli, Commander, U.S. Army Corps of Engineers (USACE), North Atlantic Division

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

Mr. William A. Gast, Chief, Division of Water Use Planning, Pa. Department of Environmental Protection (PADEP)

Mr. Kendl P. Philbrick, Secretary, Md. Dept. of the Environment (MDE)

Alternate Commissioners and Advisors Present

Col. Robert J. Davis, District Engineer, USACE, Baltimore District

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

Staff Present

Mr. Paul O. Swartz, Executive Director

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

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

Ms. Susan S. Obleski, Director of Communications

Mr. Duane A. Friends, Chief Admin. Officer

Mr. Richard A. Cairo, Counsel/Secretary

Ms. Deborah J. Dickey, Executive Administrator

INTRODUCTION/WELCOME

Chairman Grisoli introduced the members of the Commission and the Executive Director.

ACTION ITEMS

1. Minutes of the September 14, 2005 Commission Meeting

Commissioner Lynch noted that the last paragraph on page 6 of the minutes should be corrected to reflect that it is some of the wells of the applicant that are located on New York State land, rather than some state wells located on the applicant's land. On a motion by Commissioner Gast, seconded by Commissioner Philbrick, the minutes of the regular business meeting of September 14, 2005 were unanimously adopted as amended by Commissioner Lynch.

2. Grant Approvals

Mr. David Heicher presented a series of grants for Commission ratification:

a. SRBC Surface Water Assessments

Under this grant from the PADEP, SRBC will conduct watershed-based surface water quality assessments in accordance with PADEP's strategy for assessing the quality of Pennsylvania's unassessed, free-flowing waters. These assessments could lead to possible deletion of some streams from the Section 303(d) impaired list. This grant scored 9 out of 10 on the SRBC grant evaluation scale. PADEP will provide \$99,275 and the Commission will contribute \$35,000.

b. Collection of DMR Data for Sources in the Lake Erie Basin

Following up work that was performed in the Susquehanna River Basin for PADEP, SRBC will use previously established protocols and procedures to collect and transfer to electronic form Discharge Monitoring Report (DMR) data for sources in the Lake Erie Basin. This grant scored 6 out of 10 on the SRBC grant evaluation scale. PADEP will provide \$25,000 with no required funds from SRBC.

c. Grant Approval—EPA FY-2006 Water Pollution Control Program

This is SRBC's mainstay water quality grant that covers a host of water quality programs conducted by the Commission including subbasin surveys, large river assessments, interstate streams monitoring, water quality coordination, TMDLs and public participation/outreach. Other work under the grant will include establishment of an early warning system on the main stem, migratory fish restoration, and aquatic nuisance species control. The USEPA will provide \$570,300 and the SRBC will contribute \$37,847. This grant scored 10 out of 10 on SRBC's grant rating scale.

d. EPA FY-2006 Chesapeake Bay Program Assessment of Sediment & Nutrient Load Reductions

This program supports the collection and analysis of Pennsylvania and New York non-tidal monitoring data to track progress toward Chesapeake 2000 restoration goals. Monitoring data from 2004 indicate a downward trend in flow adjusted concentrations of nutrients, strongly suggesting that Best Management Practices (BMPs) are having a positive effect. The USEPA will provide \$123,390 and the SRBC will contribute \$7,784. This grant scored a 10 out of 10 on the SRBC grant rating scale.

e. Chesapeake Bay Nutrient Monitoring Program

This final grant program will provide a long-term nutrient and suspended sediment database to track and better define nutrient loading dynamics for the main stem Susquehanna River and selected tributaries. It will provide another important tool in tracking efforts to improve the quality of inflows to the Bay. The PADEP will contribute the entire \$145,000 for this grant that also received 10 out of 10 on the SRBC granting rating scale.

On a motion by Commissioner Philbrick, seconded by Commissioner Lynch, all five of the grant proposals presented by Mr. Heicher were unanimously ratified by the Commission.

3. FY-2005 Audit Report

The Chief Administrative Officer presented the report of the independent auditors on the Commission's FY-2005 financial records. This audit meets the Susquehanna River Basin Compact requirement for an annual independent audit of SRBC financial records and the Single Audit Act requirements for SRBC grants.

This year's report was deemed unqualified. It is broken down into two sections, covering both the general fund and the SRBC Water Management Fund. Mr. Friends briefly reviewed the income and expenditure figures for both funds.

On a motion by Commissioner Lynch, seconded by Commissioner Philbrick, the Commission unanimously approved the audit report for FY-2005.

4. Project Review–Public Hearing

a. Project Applications

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

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

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

The dockets recommended for action included the following six projects¹:

- Village of Marathon (Exhibit A1)
- Town of Erwin (Exhibit A2)
- Elk Mountain Ski Resort, Inc. (Exhibit A3)
- Northampton Fuel Supply Co., Inc.—Loomis Bank Operation (Exhibit A4)
- Snake Spring Township Municipal Authority (Exhibit A5)
- Newport Borough Water Authority (Exhibit A6)

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

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

PRESENTATIONS & DISCUSSIONS

a. Susquehanna River Flood Forecast & Warning System: An Overview & Strategic Planning

The Executive Director and SRBC Communications Director Susan Obleski provided an overview of flooding in the Susquehanna basin and the SRBC's role in the operation of the Susquehanna River Flood Forecast and Warning System (FFWS). Flooding is one of the foremost water resources management issues in the Susquehanna basin. The basin is one of the most flood prone in the nation, with major flood events occurring on a regular basis. In all, some 83 percent of the communities in the basin are at least partially flood prone and the Susquehanna is more prone to ice jam flooding than any other river east of the Rockies.

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

At the urging of the Commission, the FFWS was established in 1986 to provide real time forecasting of flood events, thereby allowing emergency actions to prevent loss of life and injury and reduce property losses. The Commission has been an active participant ever since, coordinating agency actions, seeking Congressional line item funding for the system, and performing public information and outreach functions.

As part of the outreach effort, the Commission has established a website for the system at www.susquehannafloodforecasting.org. On the website, users can click on any of the six subbasins and obtain details on flood control structures and river forecast points. Other public information and education functions performed by the SRBC include press releases, press conferences, and op-ed pieces.

With the assistance of U.S. Senator Barbara Mikulski and other federal legislators from the basin, line item funding has been restored for the FFWS after being denied for the last two fiscal years. With this accomplishment, and the drafting of a five-year strategic plan, it is clear that 2005 has been a very productive year for the FFWS. Ms. Obleski introduced Peter Gabrielsen of the National Weather Service to describe the five-year strategic plan.

The objective of the strategic plan is to capitalize on all that has been learned over the 20 years of operating the system, to establish goals and the means of reaching those goals, and to identify opportunities to garner more support for the annual funding of the program. The impetus for this plan was the denial of line item funding in Fiscal Years 2004 and 2005, which indicated a need to better illustrate to users how the program works and its value.

Mr. Gabrielsen went on to describe how the plan will also strive to take advantage of the NWS modernization process and new technological developments that will help the system deliver even more accurate and timely forecasts. This will involve actions such as replacing aging equipment, upgrading gaging infrastructure, increasing data transmission, improving snow measurement, continuing public outreach, and developing new forecast models and high resolution graphics.

This will result in a new forecasting system capable of providing not only flood related information, but drought and other relevant water management information as well. Again, public outreach and information will be a key ingredient because of the need to educate users about all the forecasting features of the FFWS.

b. Smallmouth Bass Populations in the Susquehanna River Basin

Mr. David Heicher presented a report on columnaris, a bacterial infection affecting smallmouth bass in the main stem of the Susquehanna River, the Juniata River and, to a lesser extent, other parts of the Susquehanna River Basin during the summer of 2005. The disease, caused by a flavobacterium, affects mainly “young of the year” bass and seems to be exacerbated by high temperature, low dissolved oxygen conditions, or other environmental stress factors. Mortality associated with the disease has had some adverse impact on smallmouth populations. Once established, the disease is difficult to treat, but efforts are underway to develop a vaccine to prevent the disease.

Mr. Heicher went on to discuss other invasive species constituting potential threats to the river system, including the rusty crayfish, the flathead catfish, zebra mussels and the northern snakehead. Also of concern are pharmaceuticals like endocrine disrupters that have apparently caused bizarre biological changes in fish, such as male bass carrying eggs.

The Commission will continue to monitor these threats to the Susquehanna basin, one of the finest smallmouth bass fisheries in the world. Damage to this fishery would have serious environmental and economic development consequences.

c. New Documentary on the Susquehanna River—Looking to the River

SRBC Communications Director Susan Obleski presented a five-minute preview of a new television documentary on the Susquehanna River produced by WVIA Public Television in northeastern Pennsylvania. The documentary covers a wide range of topics, including the river's history, flooding, water quantity, water quality and the river's significance to the Chesapeake Bay.

PUBLIC COMMENTS

Mr. Gregg Confer, a representative of Elk Mountain Ski Resort, thanked the Commission staff for its diligence in reviewing Elk Mountain's project review application and placing it before the Commission for action at today's meeting. He requested the Commission's further cooperation in Elk Mountain's completion of the application requirements for other government agencies. He concluded by recommending that everyone take the opportunity to see the full presentation of "Looking to the River" that had just been previewed.

Dr. Jaime Geiger, U.S. Fish and Wildlife Service, Northeast Region, noted that the Service is seeing more and more of the kind of problems described by Dave Heicher in fish populations up and down the east coast of the United States. This may be a harbinger of more problems on the horizon and it will be necessary for the Commission and other resource agencies to maintain a state of vigilance.

ADJOURNMENT

Chairman Grisoli thanked all attendees for their participation in the meeting and their commitment to the well being of the Susquehanna River and the Chesapeake Bay, both national treasures. On a motion by Commissioner Lynch, seconded by Commissioner Philbrick, the Chairman adjourned the meeting at 10:59 a.m.

NEXT MEETING

The next regular meeting of the Commission is tentatively scheduled for March 15, 2006 in Williamsport, Pennsylvania.

Date Adopted


Richard A. Cairo
General Counsel/Secretary to the Commission



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20051201

Approval Date: December 14, 2005

VILLAGE OF MARATHON

Groundwater Withdrawal (30-Day Average) of 0.230 mgd from Well 4,
0.230 mgd from Well 5, and 0.187 mgd from Well 6,
and a Total System Withdrawal Limit (30-Day Average) of 0.300 mgd,
for Public Water Supply,
Village of Marathon, Cortland County, New York

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawals. The Commission received the applications for three wells on October 20, 2005.

Description

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

Location. The project is located in the Upper Susquehanna River Basin, HUC 02050102, Tioughnioga River Watershed, Village of Marathon, Cortland County, New York.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.230 million gallons per day (mgd) from Well 4, 0.230 mgd from Well 5, and 0.187 mgd from Well 6. Wells 5 and 6 will be used as the primary sources for the public water supply system, and Well 4 will be used as a backup supply well. Only one well at a time will be used from this well field. Thus, no two wells from the well field (Wells 4, 5, and 6) will be pumped simultaneously.

The village currently is relying on water from a single groundwater source, Well 1, which was permitted by the Commission on September 9, 1988 (Docket No. 19880602). Historically, the Village of Marathon had developed three screened wells (Wells 1, 2, and 3) that penetrate the relatively shallow glacial outwash materials that underlie the Tioughnioga River Valley. Use of

Well 2 was discontinued in 1991 due to volatile organic compound contamination. Well 3 is not used because levels of manganese exceed both federal and state drinking water standards.

Construction of Wells 4, 5, and 6 was completed on February 2, 2005, November 15, 2004, and April 14, 2004, respectively. The wells are located within a 500-foot radius, approximately 1.1 miles south of the center of the Village of Marathon and 1,000 feet east of the Tioughnioga River. Wells 4 and 5 are 10 feet apart. Both wells are completed in glacial outwash as 10-inch-diameter screened wells to depths of 53 and 53.5 feet below ground surface (bgs), and screened from 46 to 51 and 45 to 53 feet bgs, respectively.

Well 6 is located 500 feet to the south of Wells 4 and 5. The well was completed as a bedrock well to a depth of 301 feet bgs, and has an open borehole interval from 50 to 301 feet bgs.

The system currently is permitted for a maximum average daily withdrawal of 0.300 mgd. The village has one storage tank with a 500,000-gallon capacity, which can provide enough water for approximately 5 days. The Village of Marathon supplies water to a population of 1,400 and uses approximately 0.100 mgd. The average and maximum daily demands are projected to stay the same, if not decline, by 2030.

Pumping Test. A 72-hour constant-rate pumping test of Well 4 was conducted in March 2005, with prior Commission approval. The well was pumped at a rate of 225 gallons per minute (gpm) initially, but the pumping rate was reduced to 185 gpm for the final 24 hours of the test because of concerns that the elevated turbidity levels would affect the laboratory analyses of the water samples. Drawdown within Well 4 stabilized at 20.5 feet at the end of this testing. During this testing, water levels were measured in the production well, three nearby test wells, a monitoring point at a wetland, and the two residential/commercial wells.

A 74-hour constant-rate pumping test of Well 5 was started on January 17, 2005, with prior Commission approval. The well was pumped at a rate of 320 gpm, and drawdown stabilized at approximately 21 feet at the end of the pumping. During this testing, water levels were measured in the production well, four nearby test wells, two monitoring points at a wetland, and the two residential/commercial wells.

A 72-hour constant-rate pumping test of Well 6 was started on November 8, 2004, with prior Commission approval. The well was pumped at a rate of 150 gpm, and drawdown stabilized at approximately 41 feet at the end of the pumping. During this testing, water levels were measured in the production well, four nearby test wells, two monitoring points at a wetland, and the two residential/commercial wells.

Some drawdown occurred in the wetland during each of the tests; no drawdown was observed in the commercial or residential wells.

Coordination. Commission staff has coordinated with the New York State Department of Environmental Conservation (NYSDEC) Region 7 office during review of the project. Commission staff has reviewed this docket for consistency with its requirements.

Findings

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

Commission staff recommends approval of a maximum instantaneous pumping rate of 185 gpm for Well 4, 320 gpm for Well 5, and 150 gpm for Well 6, the final pumping rates during the tests.

Pumping test results indicate that all three of the wells are hydraulically connected and, in effect, constitute a well field. Withdrawing groundwater from the shallow sand and gravel wells had a direct response on the water levels in the bedrock observation wells. Withdrawing groundwater from the deeper bedrock well also affected the water levels in the shallow sand and gravel wells. The wetlands adjacent to the wells also were affected by the withdrawals from both the sand and gravel wells and the bedrock well, although drawdown as a result of pumping Well 6, the bedrock well, was substantially less than that from the sand and gravel wells. The wetland areas are likely to be impacted in the vicinity of the wells, where the wetlands occur as a thin strip of grassland on the floodplain. Historic and current agricultural activities at the site also have played a major role in the reworking of these wetlands.

Commission staff reviewed the groundwater availability analysis and supporting information submitted by the project sponsor. Commission staff has concluded that the groundwater withdrawal will not have a significant adverse impact on private water supply wells in the area, or water resources (including wetlands) in the area.

Commission staff recommends approval of a 30-day average withdrawal of 0.230 mgd from Well 4, 0.230 mgd from Well 5, and 0.187 mgd from Well 6, with the recommendation that Wells 4 and 5 should not be operated simultaneously due to their proximity and the resulting well interference. It also is recommended that a rotation schedule among the wells should be implemented, so that Well 6 is used between Wells 4 and 5, and Wells 4 and 5 are not used one after the other.

Commission staff recommends that the total system withdrawal limit (30-day average) of 0.300 mgd be retained. The project sponsor concurs that this average withdrawal rate from all sources will be adequate to supply the Village of Marathon with its projected future needs.

Commission staff recommends that the project sponsor install appropriate metering on Wells 4, 5, and 6, accurate to within five (5) percent. Daily flow meter readings of the supply wells should be collected and reported to the Commission annually.

The project is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(a). The water system is 100 percent metered, which is in compliance with this regulation, and the system had an unaccounted for water loss of 3.8 percent in 2002, which is less than the 20 percent maximum set forth in Commission Regulation §804.20(a)(1).

The project sponsor has paid the appropriate application fee in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

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

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

Decision

1. The project's groundwater withdrawal of 0.230 mgd, 0.230 mgd, and 0.187 mgd (30-day average) from Wells 4, 5, and 6, respectively, and a total system withdrawal limit of 0.300 mgd (30-day average), is approved pursuant to Article 3, Section 3.10, of the Compact.

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

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

4. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on Wells 4, 5, and 6, accurate to within five (5) percent, to measure its groundwater withdrawal. The project sponsor shall notify the Commission, in writing, when the meter is installed.

5. The project sponsor shall keep daily records of the metered withdrawals from each well and weekly water levels in Wells 4, 5, and 6. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Monitoring reports are due within sixty (60) days after the close of the preceding year.

6. The maximum instantaneous rates of production from Wells 4, 5, and 6 shall not exceed 185, 320, and 150 gpm, respectively. The wells shall not be operated simultaneously.

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

8. If the Commission determines that the operation of the project's groundwater withdrawal from Wells 4, 5, and 6 adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

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

10. 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.

11. 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.

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

13. 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.

14. 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.

15. This approval is effective until December 14, 2030. The project sponsor shall submit a renewal application by June 14, 2030, and obtain Commission approval prior to continuing operation beyond December 14, 2030.

16. 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:

A handwritten signature in black ink, appearing to read "William T. Grisoli", written over a horizontal line.

Dated: December 14, 2005

Brig. Gen. William T. Grisoli, Chair
U.S. Commissioner



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Docket No. 19990503-1

Approval Date: May 13, 1999

Modification Date: December 14, 2005

TOWN OF ERWIN

Groundwater Withdrawal (30-Day Average) of 1.150 mgd from Well 4, and a Total System Withdrawal Limit (30-Day Average) of 2.510 mgd, for Public Water Supply, Town of Erwin, Steuben County, New York

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawals. The Commission received the current modification request on August 29, 2005.

Description

Purpose. The purpose of the application is to request approval for an increase in the withdrawal of groundwater from Well 4 for distribution in a municipal water supply system. The original Commission approval for the withdrawal from Well 4 was issued on May 13, 1999, as Docket No. 19990503 (docket). In the docket, the project was approved for a groundwater withdrawal of 0.500 million gallons per day (mgd), as a 30-day average, from Well 4, subject to conditions enumerated in the docket. This docket modification rescinds certain provisions and increases the withdrawal quantity from 0.500 mgd to 1.150 mgd.

Findings

The project sponsor utilizes Well 4 to supply water to a municipal water supply system. The project's original approved quantity of 0.500 mgd reportedly was based primarily on the cost of the permitting process, and less on the projected demand of the water supply system. In the findings of the original docket, Commission staff recommended that the system cap be set at 1.000 mgd, which was the project sponsor's projected maximum daily withdrawal for the year 2020. The system capacity is 2.510 mgd.

Since Well 4 has been in service, it has become the primary source for the system. In addition to Well 4, the system is served by three wells: Wells 2, 3, and the Industrial Park Well were placed into service in 1968, 1971, and 1974, respectively, and thus predate the

Commission's groundwater withdrawal regulation. Well 4 is commonly used in conjunction with the Industrial Park Well, which has the best water quality of the four wells.

Currently, Wells 2 and 3 are used to supplement the system's supply. However, the Town of Erwin proposes to increase its withdrawal from Well 4 and use Wells 2 and 3 as backup supply wells.

Wells 2 and 3 were off-line for servicing for approximately six months in 2004 and 2005. Also in 2004, the water system for Corning, Inc.'s Sullivan Park facility was taken out of service, and the facility relied on its interconnection with the public water supply system. Withdrawals from Well 4 exceeded the approved quantity on numerous occasions during these two events. Recent combined withdrawals from the wells for the system averaged 0.570 mgd, with a maximum combined daily withdrawal of 1.145 mgd. After issuance of several notices of violation, the project sponsor made the necessary repairs to Wells 2 and 3, and has reduced its withdrawal from Well 4 to less than its approved quantity.

Well 4 is located 1,000 feet west of the Cohocton River and 2,000 feet northwest of the confluence of the Cohocton and Tioga Rivers, where they form the Chemung River. Well 4 penetrates glacial outwash deposits. Well 4 previously was tested on August 24-27, 1998, at an average rate of 1,183 gallons per minute (gpm) (1.700 mgd). During the testing, water levels were monitored in the production well, four observation wells, two industrial/commercial water supply wells, and three wetland piezometers.

Commission staff recommends that the pumping test conducted in August 1998, on Well 4, be accepted to satisfy the pumping test requirement. The requested maximum average daily withdrawal is 67 percent of the tested pumping rate. Results of the pumping test indicated no adverse affects on the local groundwater table, or on the adjacent wetlands. Further, test pits excavated in and around the wetlands adjacent to the production well, at the request of the New York State Department of Environmental Conservation, indicate that the wetlands are the result of surface water being perched above the tight soils.

Commission staff recommends that the maximum instantaneous rate of production from Well 4 shall not exceed 800 gpm.

The Town of Erwin projects maximum daily withdrawal for the year 2020 to be 3.160 mgd. Based on the proposed heavy reliance on Well 4 and the future projected needs of the Town of Erwin, Commission staff recommends approval of the requested quantity.

Commission staff recommends that the maximum daily withdrawal from Well 4 be limited to 1.152 mgd, and that total withdrawal from the system be limited to 2.510 mgd.

The withdrawal is subject to Commission water conservation requirements, as per Commission Regulation 804.20(a). The water system currently is 100 percent metered, which is in compliance. System losses are less than the 20 percent cited under Commission Regulation 804.20(a)(1).

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 2005-03. 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 May 13, 2024. Commission staff recommends the duration of the docket approved be consistent with the prior docket approval. The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 19990503, as approved May 13, 1999, is hereby modified to approve an increase in groundwater withdrawal (30-day average) to 1.150 mgd from Well 4.

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

3. Conditions "e," "f," and "i" of Commission Docket No. 19990503, as approved May 13, 1999, are hereby rescinded.

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

5. The maximum instantaneous rate of production from Well 4 shall not exceed 800 gpm.

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

7. All other conditions in Commission Docket No. 19990503, not inconsistent herewith, shall remain effective.

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

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

10. 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.

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

12. 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.

13. All other conditions in Commission Docket No. 19990503 not inconsistent herewith shall remain effective.

14. Based on Commission Regulation §803.30(a), this approval is effective until May 13, 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 November 13, 2023, and obtain Commission approval prior to continuing operation beyond May 13, 2024.

By the Commission:



Brig. Gen. William T. Grisoli, Chair
U.S. Commissioner

Dated: December 14, 2005



SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

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Docket No. 20031003-1

Approval Date: October 9, 2003

Modification Date: December 14, 2005

ELK MOUNTAIN SKI RESORT, INC.

Surface Water Withdrawal of Up to 5.760 mgd, When Available,
from an Unnamed Tributary to the East Branch of Tunkhannock Creek, and
Consumptive Water Use of Up to 1.267 mgd, of that Water for Snowmaking,
Herrick Township, Susquehanna County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.44, relating to surface water withdrawals. The current modification request was received by the Commission on October 20, 2005.

Description

Purpose. The purpose of the application is to request approval for an increase in the surface water withdrawal and consumptive water use associated with snowmaking at Elk Mountain Ski Resort, Inc. The Commission originally approved the project for a withdrawal of up to 4.550 million gallons per day (mgd) from an unnamed tributary to the East Branch of Tunkhannock Creek and consumptive water use of up to 1.000 mgd of that water on October 9, 2003, as Docket No. 20031003 (docket), subject to conditions enumerated in the docket. This docket modification increases the peak-day surface water withdrawal to 5.760 mgd and consumptive water use to 1.267 mgd, the system capacity of the preexisting snowmaking equipment, and changes certain provisions contained within the docket.

Findings

The project sponsor has requested a surface water withdrawal of up to 5.760 mgd from the main storage pond (14 acres) that is located on an unnamed tributary to the East Branch of Tunkhannock Creek. This withdrawal rate is consistent with the preexisting capacity of the snowmaking system. All water withdrawn from the storage pond and used for snowmaking is metered.

Overflow from the main storage pond discharges to an unnamed tributary to the East Branch of Tunkhannock Creek, a coldwater fishery (CWF) (Title 25, Chapter 93, Pennsylvania Code). The docket required a minimum flow of 25 percent of the annual average daily flow, or 87.3 gallons per minute (gpm), at the main pond overflow, during snowmaking operations and during pond refilling periods, to prevent loss of aquatic habitat.

However, according to Commission staff's analysis, storage in the existing pond was not sufficient to meet the project sponsor's snowmaking needs while allowing for the release of water below the dam. Construction of additional water storage is required to ensure the facility can meet the passby requirement of 25 percent average daily flow from the existing snowmaking pond during the ski season. The project sponsor cannot fully implement an alternative water supply until the 2006-2007 ski season.

Therefore, Commission staff recommends that the project sponsor allow a release of water equal to the calculated 7-day, 10-year low flow (Q7-10 flow) at the dam outfall of 11.2 gpm from the commencement of annual snowmaking operations until the pond naturally overtops from the spring thaw, as a protective interim measure. This interim protective measure equals the interim flow previously required in the docket and will allow sufficient time for the project sponsor to provide additional storage in its system. The interim protective measure should expire on December 1, 2006.

The project sponsor, as required in the docket, has investigated alternative water supply options for the site to allow for a passby of at least 25 percent of average daily flow (87.3 gpm) at all times. The project sponsor has submitted a preliminary alternative water supply plan that includes the construction of a surface water intake on the main stem of the East Branch of the Tunkhannock Creek, upstream from the confluence with the unnamed (North Elk) tributary currently utilized as the water supply source for the facility, and the construction of additional water storage associated with the proposed withdrawal. The project sponsor has submitted an application to the Commission for the withdrawal proposed in the plan, and is in the process of seeking additional required approvals from federal, state, and local agencies prior to the implementation of the plan. The construction of the new storage ponds is scheduled to be completed by December 2006. The application for the new surface water withdrawal currently is under review and will be scheduled for Commission action at a later date.

In addition, the project sponsor has installed a stream gage on an unnamed tributary to the Tunkhannock Creek (South Elk tributary), located on the project sponsor's property. Commission staff has determined that the South Elk tributary is an acceptable surrogate gage for calculation of the passby flow requirement from the storage pond.

The project's peak-day consumptive water use specified in the docket currently is up to 1.000 mgd for all water evaporated from existing Ponds 1, 2, and 3, and also 22 percent of the water withdrawn from the storage ponds and used for snowmaking. The main storage pond (14 acres), as currently configured, predates the Commission's consumptive water use regulation; therefore, the project sponsor is not required to provide compensation for the evaporative losses from this pond. The project sponsor has requested an increase of consumptive water use of up to 1.267 mgd.

Commission staff recommends that the peak-day surface water withdrawal from the existing withdrawal point should be modified to 5.760 mgd, when available, and the peak-day consumptive water use be modified to 1.267 mgd, the capacity of the existing snowmaking system, according to these findings.

Commission staff recommends that all other conditions in Commission Docket No. 20031003 that are not inconsistent with this docket action should remain effective.

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, pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2005-03. 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 October 9, 2028. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval. The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 20031003, as approved October 9, 2003, is hereby modified to approve an increase in consumptive water use of up to 1.267 mgd, and an increase in surface water withdrawal of up to 5.760 mgd, when available, from an unnamed tributary to the East Branch of Tunkhannock Creek, pursuant to Article 3, Section 3.10, of the Compact.

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

3. Conditions "f," "g," and "n" of Commission Docket No. 20031003, as approved October 9, 2003, are hereby rescinded.

4. The project sponsor shall modify its withdrawal to allow a downstream release of water from the Main Storage Pond of the calculated Q7-10 flow at the dam outfall of 11.2 gpm from the commencement of annual snowmaking operations until the pond naturally overtops from the spring thaw. This interim protective measure shall expire December 1, 2006.

5. Upon termination of the interim protective measure described in Condition 4, the project sponsor shall allow a passby flow at the main pond overflow of not less than twenty-five (25) percent of annual average daily flow, which equals 87.3 gpm. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby

flow device 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.

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

7. All other conditions in Commission Docket No. 20031003, not inconsistent herewith, shall remain effective.

8. Based on Commission Regulation §803.30(a), this approval is effective until October 9, 2028. 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 April 9, 2028, and obtain Commission approval prior to continuing operation beyond October 9, 2028.

By the Commission:



Brig. Gen. William T. Grisoli, Chair
U.S. Commissioner

Dated: December 14, 2005



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20040904-1

Approval Date: September 8, 2004

Modification Date: December 14, 2005

NORTHAMPTON FUEL SUPPLY COMPANY, INC. LOOMIS BANK OPERATION

Consumptive Water Use of Up to 0.185 mgd,
for Surface Mining of Coal Refuse Material,
Hanover Township, Luzerne County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the request for modification of the consumptive water use quantity on November 7, 2005.

Description

Purpose. The purpose of the application is to request approval for an increase in the consumptive water use associated with the surface mining of coal refuse material. The Commission originally approved the consumptive water use of up to 0.050 million gallons per day (mgd) of water on September 8, 2004, as Docket No. 20040904 (docket), subject to conditions enumerated in the docket. This docket modification increases the consumptive water use to 0.185 mgd and changes certain provisions contained within the docket.

Coordination. Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), Bureau of District Mining Operations, during review of the project. PADEP staff has reviewed this docket for consistency with its existing Surface Mining Permit No. 40940205.

Findings

The project's consumptive water use specified in the docket is for a peak day of up to 0.050 mgd for dust control and the separation and processing of coal from coal refuse material using a heavy media plant. The project sponsor obtains water from an underground mine pool that is pumped to either the heavy media plant or into water trucks for dust control on haul roads. The wastewater and fine slurry from the screening operation is re-injected into the mine pool.

The project's total consumptive water use is calculated by the daily feed material to the heavy media plant in tons, multiplied by 7.94 gallons per ton, plus the daily number of truckloads of water multiplied by the volume (4,000 gallons) of the truck.

At the time of the docket approval, consumptive water use for the screening operations was estimated by the project sponsor based on the design capacity of the screening plant, the projected number of hours of operation, and the percent moisture retained in products and waste materials, as well as experience with the operation of the portable plant at other locations. Recent increased production at the plant, resulting from more hours of plant operation, has caused increased demand for consumptive water use.

Commission staff recommends that the peak-day consumptive water use be increased to 0.185 mgd, the quantity requested by the project sponsor.

Commission staff recommends that all other conditions in Commission Docket No. 20040904 that are not inconsistent with this docket action should remain effective.

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, pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2005-03. The project sponsor requested that the Commission waive its requirement to notify contiguous property owners and has submitted proofs of all other notification, as required by Commission Regulation §803.25. Because of the nature of this modification, Commission staff recommends that the waiver be granted.

Based on Commission Regulation §803.30(a), the prior docket approval is effective until September 8, 2029. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval. The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 20040904, as approved September 8, 2004, is hereby modified to approve an increase in consumptive water use of up to 0.185 mgd, pursuant to Article 3, Section 3.10, of the Compact.
2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.
3. Condition "c" of the existing approval is hereby rescinded.

4. The project's total consumptive water use shall be calculated as the daily feed material to the heavy media plant in tons, multiplied by 7.94 gallons per ton, plus the daily number of truckloads of water multiplied by the volume of the truck.

5. The contiguous property owner notification requirements specified in Commission Regulation §803.25(a) are hereby waived.

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

7. All other conditions in Commission Docket No. 20040904, not inconsistent herewith, shall remain effective.

8. Based on Commission Regulation §803.30(a), this approval is effective until September 8, 2029. 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 March 8, 2029, and obtain Commission approval prior to continuing operation beyond September 8, 2029.

By the Commission:



Brig. Gen. William T. Grisoli, Chair
U.S. Commissioner

Dated: December 14, 2005



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Docket No. 20051202

Approval Date: December 14, 2005

SNAKE SPRING TOWNSHIP MUNICIPAL AUTHORITY

Groundwater Withdrawal (30-Day Averages) of 0.144 mgd from Well 1 and 0.144 mgd from Well 2, and a Total System Withdrawal Limit (30-Day Average) of 0.288 mgd, for Public Water Supply, Snake Spring Township, Bedford County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawals. The Commission received the application on April 1, 2005, and supporting materials on November 8, 2005.

Description

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

Location. The project is located in the Juniata River Basin, HUC 02050303, Raystown Branch of the Juniata River Watershed, Snake Spring Township, Bedford County, Pennsylvania.

Project Features. The project sponsor requested approval for the withdrawal (maximum day withdrawal) of 0.216 million gallons per day (mgd) from Well 1 and 0.144 mgd from Well 2. Commission staff is recommending approval of 30-day average withdrawals, as described below. The wells will be used as sources for a new public water supply system that is being developed to serve the rapidly growing PA Route 30 corridor extending from the Village of Hartley to Everett. All of the prospective customers currently are self-supplied, and based on observed development and projections of growth, the estimated demand for this new public water supply system is 0.250 mgd.

Wells 1 and 2, also known as the Pittman Tract wells, are located approximately 300 feet to the west of the Raystown Branch of the Juniata River. Wells 1 and 2 are located 320 feet apart and along strike from one another. Wells 1 and 2 penetrate the Upper Sandy Member of the Gatesburg Formation to total depths of 368 and 498 feet below ground surface (bgs), respectively.

Well 1 was initially drilled in January 2004, to a depth of 288 feet. The well is an 8-inch-diameter open borehole bedrock well constructed with 168 feet of casing. The well was deepened to 368 feet bgs in April 2005, to reduce the Zone 1 wellhead protection area following Pennsylvania Department of Environmental Protection (PADEP) guidance. Major yielding zones in the well were encountered at depths of 185 to 196, 199 to 222, and 249 to 288 feet bgs in the original borehole, and numerous additional water-bearing zones were encountered in the deepening of the well at 297, 306, 309, 318, 336, and 341 feet bgs. The borehole was unstable between 202 to 222 feet bgs, and has collapsed to approximately 203 feet bgs.

Well 2 was drilled in February 2004, to a depth of 498 feet. The well is an 8-inch-diameter open borehole bedrock well constructed with 250 feet of casing. The deep setting of the casing was to case off a highly fractured zone from 217 to 238.5 feet bgs with flowing sands. A single water-bearing zone was encountered below the bottom of the casing between 351 and 353.5 feet bgs.

Pumping Test. A 52-hour constant-rate pumping test of Well 1 at a rate of 150 gallons per minute (gpm) and additional testing of the well field were conducted in October 2004, without prior Commission approval. Following the pumping of Well 1, Wells 1 and 2 were pumped simultaneously for the next 50 hours, at constant rates of 150 and 100 gpm, respectively. After 102 hours of pumping Well 1 and 50 hours of pumping Well 2 at constant rates, both wells were shut off simultaneously, and monitoring of the recovery period began. In addition to the pumping wells, 12 “representative” residential wells within a 2,500-foot radius of the production wells and the river were monitored.

Pumping at an average rate of 150 gpm, drawdown at Well 1 was approximately 35 feet at the end of the first 52 hours of pumping and 40 feet after 102 hours of pumping Wells 1 and 2. Drawdown at Well 2 was 53.6 feet after the 102 hours of pumping Wells 1 and 2. The testing showed strike preferential drawdown, well interference between the production wells, and the limited impacts that the operation of the wells will have on any local groundwater users. There was no measurable change observed on the Raystown Branch of the Juniata River, but a recharge boundary was encountered within the first several hours of pumping.

A second, abbreviated constant-rate test was performed on Well 1 in May 2005, following its deepening from 288 to 368 feet bgs. This testing was performed at a constant pumping rate of 100 gpm, a reduced rate from the initial test. The goal of the test was to verify that the water quality was acceptable for the newly deepened well, not to test the characteristics of the aquifer. Only water levels in Wells 1 and 2 were monitored. A comparison of the residual drawdown plots again supported the theory that recharge was being intercepted from the river.

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

Findings

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

Commission staff finds that the testing performed on the wells, although not pre-approved, meets the Commission's requirement. However, because the Commission requires that wells be tested in their final constructed form, the highest maximum instantaneous pumping rate that Commission staff could recommend for Well 1 is 100 gpm, the rate tested in May 2005.

Pumping test results and geologic data on the well indicate that Wells 1 and 2 draw water from a leaky, confined aquifer, anisotropic (drawdown is strike preferential) fractured rock aquifer. Commission staff concludes that at the rate tested, long-term drawdown (on the order of tens of feet) could extend to distances as great as several thousand feet. Test results indicate that the area of influence for the two municipal water supply wells overlaps, potentially decreasing the amount of water available from them. The wells will capture recharge from the river, providing additional water to support the withdrawals.

Commission staff recommends approval of withdrawals from Well 1 of 0.144 mgd (as a 30-day average) and from Well 2 of 0.144 mgd (as a 30-day average). Commission staff recommends approval of a peak instantaneous pumping rate of 100 gpm for Well 1 and 100 gpm for Well 2.

Four domestic wells were impacted during the pumping test. Commission staff concludes that these impacts are minor and will not impair the homeowners' ability to continue to rely on local groundwater resource for their needs. However, Commission staff recommends that the project sponsor verify this through water level monitoring in the area of the affected wells. The monitoring should commence at least 30 days prior to the start-up of the wells, and extend for a period of at least two years, including a seasonally dry period.

Results from the monitoring should be reported on a semiannual basis (twice a year). The report should include hydrographs of the data at appropriate scales, a digital copy of the data and graphs, and a concise interpretive analysis. The monitoring should continue until such time as Commission staff is able to verify the lack of adverse impacts resulting from operation of Wells 1 and 2.

The projected average daily demand is 0.250 mgd. Commission staff recommends approval of a total system withdrawal limit of 0.288 mgd, as a 30-day average. Further, because future uses along the Route 30 corridor are still unknown, and Wells 1 and 2 are so close together, Commission staff suggests that the project sponsor continue to explore the potential for additional wells in other locations.

The project is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(a). The water system shall be 100 percent metered, which is in compliance with this regulation, and system losses shall be less than 20 percent, the maximum set forth in Commission Regulation §804.20(a)(1).

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

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

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

Decision

1. The project's groundwater withdrawal of 0.144 mgd (30-day average) from Well 1, 0.144 mgd (30-day average) from Well 2, and a total system withdrawal limit (30-day average) of 0.288 mgd are approved pursuant to Article 3, Section 3.10, of the Compact.

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

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

4. Except as provided for in Condition 8 below, the project sponsor shall keep daily records of the metered withdrawal and daily water levels in Wells 1 and 2. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Annual monitoring reports are due within sixty (60) days after the close of the preceding year.

5. Within sixty (60) days of the date of this approval, the project sponsor shall install a meter, accurate to within five (5) percent, on Wells 1 and 2. The project sponsor shall notify the Commission, in writing, when the meters are installed. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

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

7. The maximum instantaneous rate of production from Wells 1 and 2 shall not exceed 100 and 100 gpm, respectively.

8. Within sixty (60) days from the date of this approval and prior to operating the well, the project sponsor shall develop a plan for monitoring in the area of the affected domestic wells, and submit the plan for Commission staff review and approval. This plan shall include a schedule for implementation of the plan; a description of the proposed monitoring, including

locations and instrumentation; and mitigation measures for any affected wells. The overall monitoring period shall include a 30-day period prior to the initiation of operation of Wells 1 and 2, and at least two years, and during a seasonally dry period. Upon approval of the monitoring plan, the project sponsor shall implement the monitoring plan and supply the results of the monitoring to the Commission semiannually (twice a year). The monitoring results shall be documented in an interpretive report, including the monitoring data in digital and graphical form, due sixty (60) days after each monitoring period, or otherwise as directed by Commission staff. After review of the report, Commission staff will determine any modification or changes to the monitoring program based on its findings. Should the monitoring prove to be inconclusive, the Commission reserves the right to require additional monitoring, as necessary.

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

10. The project sponsor shall notify the Commission of any impacts or alleged impacts identified by or reported to the project in the area of concern addressed by the monitoring plan.

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

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

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

14. 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.

15. 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.

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

17. 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.

18. 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.

19. This approval is effective until December 14, 2030. The project sponsor shall submit a renewal application by June 14, 2030, and obtain Commission approval prior to continuing operation beyond December 14, 2030.

20. 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:



Brig. Gen. William T. Grisoli, Chair
U.S. Commissioner

Dated: December 14, 2005



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Docket No. 20051203

Approval Date: December 14, 2005

NEWPORT BOROUGH WATER AUTHORITY

Groundwater Withdrawal (30-Day Average) of 0.109 mgd from the Campbell Well,
and a Withdrawal Limit (30-Day Average) of 0.216 mgd from the
Howe Township Well Field for Public Water Supply,
Howe Township, Perry County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawals. The Commission received the application on May 23, 2005, and supplemental information on September 26, 2005. The Commission granted Newport Borough Water Authority an Emergency Certificate for temporary authorization to operate the Campbell Well on October 3, 2005.

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050304, Juniata River Watershed, Howe Township, Perry County, Pennsylvania.

Project Features. The project sponsor requested approval for the withdrawal (30-day average) of 0.165 million gallons per day (mgd) from the Campbell Well, and reduced its request to 0.109 mgd on September 26, 2005, in consideration of Commission staff concerns about the limited recharge area and well interference. The well will be used as a source for the public water supply system that currently relies on four wells (Wells 1, 10, 14, and the 6th Street Well) and a temporary surface water intake located on the Juniata River.

The Campbell Well, Well 10, and Well 14 comprise the Howe Township Well Field. The Commission previously approved a withdrawal of 0.086 mgd from Well 10 and a withdrawal of 0.140 mgd from Well 14 in Docket Nos. 19920706 and 19920506, respectively.

The Campbell Well is located approximately 1,800 feet northwest of PA Route 34 and U.S. Route 322 interchange on a hillside and within several 100 feet of several unnamed tributaries to the Juniata River.

The Campbell Well is an open-rock well, drilled to a total depth of 493 feet. The well is constructed with 8-inch-diameter steel casing to a depth of 100 feet, and is an 8-inch-diameter, open-rock borehole to 493 feet. The Campbell Well penetrates approximately 20 feet of unconsolidated overburden materials, and is completed in interbedded sandstones and shales of the Pocono, Catskill, and Trimmers Rock Formations. Major yielding zones in the well occur at 170 to 323 feet below ground surface (bgs), with the highest yielding zone located 323 feet bgs (estimated blown yield of 90 gallons per minute [gpm]). The yielding zones are stratigraphically controlled, based on the strongly directional drawdown exhibited during the pumping test.

In 2005, average daily water demand for the system was 0.250 mgd, with a maximum daily demand of 0.320 mgd. By 2030, the average and peak daily demands are expected to grow to 0.860 and 1.100 mgd, respectively. The current system capacity (1.070 mgd) is approximately equal to 4.3 times the current average demand. The Campbell Well was developed to lower the growing water deficit of the service area.

Emergency Certificate. On October 3, 2005, the Executive Director issued an Emergency Certificate for the temporary operation of the Campbell Well. The Emergency Certificate identified the limited recharge that was available to the Campbell Well, based on the proximity of Wells 10 and 14. The Emergency Certificate expires on December 14, 2005.

Pumping Test. A 72-hour constant-rate pumping test of the Campbell Well was conducted on July 20-23, 2004, with prior Commission approval. In addition to the pumping well, 6 wells were monitored: TW-B (800 feet southeast), the Newport Beverage Well (1,850 feet east-southeast), the Comp Farm Well (1,900 feet east), the Family Life Church (2,100 feet southwest), the Rental Service Corporation Well (2,500 feet west-southwest), and Production Well 10 (2,500 feet east-northeast).

Four surface water points were monitored during the testing. Three small, unnamed tributaries located at various distances (700 to 1,800 feet) and directions from the Campbell Well were monitored using weirs. The DeVeichis Spring, located 1,200 feet east of the Campbell Well, was monitored using a weir constructed inside the existing springhouse.

Pumping at an average rate of 172 gpm, the water level in the pumping well was 189.35 feet at the end of the 72-hour test, resulting in an end-of-test drawdown of approximately 131.95 feet below initial static water levels. Test-induced drawdown was observed in 4 of the 6 monitoring points: Newport Beverage Well (1.07 feet), Comp Farm Well (4.15 feet), Rental Service Corporation Well (5.58 feet), and TW-B (51.56 feet). There were no measurable impacts to the surface water monitoring points.

The Campbell Well test was completed during a period of above average precipitation. Several heavy rain events and showers were reported in the 7 days before the test and 0.50 inches

of rainfall occurred sporadically during the test. The precipitation may have decreased or dampened any impacts to the surface monitoring points.

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

Findings

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

Pumping test results and geologic data on the well indicate that the Campbell Well draws water from a moderately transmissive, highly anisotropic (directional) fractured rock aquifer. Commission staff concludes that at the rate tested, combined with the operation of Wells 10 and 14, long-term drawdown (on the order of tens of feet) could extend to distances as great as several thousand feet. Test results indicate that the area of influence for the Campbell Well may overlap those for Wells 10 and 14, potentially decreasing the amount of water available from these two existing municipal water supply wells.

Commission staff recommends limiting the withdrawal from the Campbell Well to 0.109 mgd (as a 30-day average) and the withdrawal from the Howe Township Well Field to 0.216 mgd (as a 30-day average). Commission staff recommends approval of peak instantaneous pumping rates of 114 gpm for the Campbell Well and a total of 150 gpm for the Howe Township Well Field.

The recommended rates of withdrawal (0.109 mgd for the Campbell Well and 0.216 mgd for the Howe Township Well Field) should reduce potentially adverse impacts to surrounding private wells and allow for the recovery of the existing production wells. The project sponsor has submitted an operation plan for the Howe Township Well Field that should ensure the wells are used in a sustainable manner. Commission staff recommends that the project sponsor operate the wells in accordance with the plan, and that the monitoring data be submitted to Commission staff for review and approval semiannually for the first three years of operation. The plan should be updated, as appropriate, to prevent overdrawing the groundwater resource.

The projected average daily demand through 2030 is 0.860 mgd. Commission staff recommends approval of a total system withdrawal (including the withdrawal from the Juniata River) of 0.860 mgd, which equals the previously approved average system withdrawal limit of 0.860 mgd, and meets the projected system demand through 2029.

The project is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(a). The water system is 99.1 percent metered, which is in compliance with this regulation, and system losses were 35 percent in 2002, which exceeds the maximum set forth in Commission Regulation §804.20(a)(1).

The project sponsor has paid the appropriate application fee in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

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

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

Decision

1. The project's groundwater withdrawal of 0.109 mgd (30-day average) from the Campbell Well, and a withdrawal limit (30-day average) of 0.216 mgd from the Howe Township Well Field, are approved pursuant to Article 3, Section 3.10, of the Compact.

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

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

4. Except as provided for in Condition 7 below, the project sponsor shall keep daily records of the metered withdrawal and daily water levels in the Campbell Well. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Annual monitoring reports are due within sixty (60) days after the close of the preceding year.

5. The project sponsor shall install a meter, accurate to within five (5) percent, on the Campbell Well. The project sponsor shall notify the Commission, in writing, when the meter is installed. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

6. The maximum instantaneous rate of production from the Campbell Well shall not exceed 114 gpm. The maximum instantaneous rate of production from the Howe Township Well Field shall not exceed 150 gpm.

7. The project sponsor has submitted an operational plan for the Howe Township Well Field for Commission staff review and approval. Upon approval of the operational plan, the project sponsor shall implement the plan and supply the results of the monitoring to the Commission semiannually for the first three (3) years of operation. After review of the monitoring data, Commission staff will determine any modification or changes to the operational plan based on its findings.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a). The project sponsor shall have reduced system losses and achieved 100 percent compliance with the requirements by December 14, 2010. 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 December 14, 2010, deadline.

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

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

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

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

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

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

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

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

17. This approval is effective until December 14, 2030. The project sponsor shall submit a renewal application by June 14, 2030, and obtain Commission approval prior to continuing operation beyond December 14, 2030.

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

By the Commission:



Brig. Gen. William T. Grisoli, Chair
U.S. Commissioner

Dated: December 14, 2005