

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



February 2, 2007

TO ALL CONCERNED:

At the December 5, 2006 meeting, the draft minutes of the September 13, 2006 Commission meeting were approved as written. Please attach this notice to your copy of the September 13, 2006 minutes.

- DRAFT -

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION
December 5, 2006
#2006-04**

The meeting was held at the .

ROLL CALL

Commissioners Present

**Alternate Commissioners
and Advisors Present**

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

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

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

Col. Peter W. Mueller, District Engineer, USACE,
Baltimore District accompanied by U.S. Member

Brig. Gen. Todd T. Semonite (*Commissioner
Designate*)

Commander, U.S. Army Corps of Engineers, NAD

Mr. Herbert Sachs, Program Manager, Water
Policy and Security Div., MDE

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

Staff Present

Mr. Paul O. Swartz, Executive Director

Mr. Thomas W. Beauduy, Deputy Director

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

Ms. Susan S. Obleski, Director of Communications

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

Mr. Duane A. Friends, Chief Admin. Officer

Mr. Richard A. Cairo, General Counsel

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

Also Attending

Mr. Gary Obleski, Science & Technology Advisor,
PADEP

Ms. Pamela G. Bishop, Assistant Counsel,
Bureau of Regulatory Counsel, PADEP

INTRODUCTION/WELCOME

Chairman Lynch welcomed the audience to the Commission meeting. Commissioner Myers extended a special welcome to central Pennsylvania on behalf of Governor Rendell. The Chairman then allowed the other members of the Commission to introduce themselves and describe the work that they do for their member jurisdiction. In their remarks, all the members emphasized the importance of working together to manage the water resources of an interstate river basin, protect the Chesapeake Bay and achieve the purposes of the Susquehanna River Basin Compact. The Chairman mentioned, in particular, the excellent cooperation that the State of New York had received from the Commission and the other member jurisdictions in the aftermath of the serious flooding that New York had experienced in June 2006.

The Executive Director also welcomed the Commission and the audience to the Lower Susquehanna River Subbasin of the Susquehanna River Basin and drew their attention to a series of map displays that had been set up along the far wall of the meeting room depicting information about the Susquehanna River Basin. The maps had been produced by the SRBC Geologic Information Systems (GIS) section. Each of the Susquehanna River Basin's six major subbasins is unique and present different water resources management challenges to the Commission. He went on to present some interesting facts and figures about the Lower Susquehanna Subbasin and water use in the subbasin.

ACTION ITEMS

1. Minutes of the September 13, 2006 Commission Meeting

On a motion by Commissioner Philbrick, seconded by Commissioner Myers, the minutes of the regular business meeting of September 13, 2006 were unanimously adopted as written.

2. Hydrologic Conditions Report

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

Mr. Brownell presented a quick overview of conditions for 2006. With respect to precipitation, it was a year of feast or famine. The year started out fairly wet in the month of January and then turned suddenly dry during the spring months. The lack of rainfall during a time when conditions for groundwater recharge were optimal set up a possible drought scenario for the coming summer months. The dry conditions persisted until June, leading to the declaration of a drought watch by Pennsylvania.

Interestingly, it turned out to be a much quieter hurricane season than forecasters had predicted, probably due to the early intervention of the "El Nino" weather pattern. Nevertheless, a very wet, unnamed storm system off the Carolina coast brought a huge amount of precipitation to the Susquehanna and Delaware River Basins at the end of June, resulting in the serious flooding that is the subject of a further report by staff at this meeting. The moisture pumped into

the basin tracked eastward, preventing even worse flooding for the remainder of the Susquehanna basin, while aggravating flooding in the Delaware basin. Nevertheless, the Upper Susquehanna River Subbasin in New York, the eastern most area of the basin, experienced record flooding, with some locations recording crests 3 to 4 feet higher than ever before.

This was not to be the last instance of flooding for 2006 in New York. While escaping any serious flooding from the remnants of Tropical Storm Ernesto in September due to the return of dry weather in July and August, a very wet system in mid-November 2006 produced more flash flooding, making it a very bad year overall for the New York portion of the basin.

Despite the accumulation of a 2.5-inch rainfall deficit by June, the subsequent wet weather events of the summer and fall more than made up for the deficit, leaving the basin with about a 5-inch surplus as of the end of November. All indicators are now at normal levels. Staff will continue to closely monitor conditions during the upcoming winter and spring seasons.

3. Comprehensive Report on June 2006 Flood Event

Andrew Dehoff, Director of Planning and Operations, SRBC Water Resources Management Division, noted that, in Resolution No. 2006-05 of September 13, 2006, the Commission directed staff to conduct a comprehensive evaluation of the June 2006 flood event and report back to the members of the Commission with further recommendations.

He then described a list of final recommendations that had been developed concerning gage improvements, gage additions, enhanced precipitation monitoring, forecast point additions, increased web server capacity, improved interagency communication, public information/education, and water quality information. These recommendations will be subject to one last review by the Flood Forecast & Warning Interagency Coordinating Committee before being finalized for distribution.

Implementation of several of the recommendations, such as those regarding gage improvements, will depend in the long run on adequate funding for capital outlays and ongoing maintenance. Others can be accomplished through modifications to existing protocols or communication procedures between agencies. The coordinating committee will allocate funds as they become available from the annual appropriation from Congress. While this procedure could draw out the time necessary for implementation of the recommendations, the committee was very much encouraged by the pledge of N.Y. State Senator Libous to seek a \$500,000 appropriation for gage and mapping improvements in the Upper Susquehanna Subbasin. Sen. Libous' district was hit particularly hard in the June flood event.

Chairman Lynch thanked Mr. Dehoff and the Committee for developing what appears to be a very sound set of recommendations. The quality of the recommendations was very much a factor in prompting Sen. Libous to make his pledge to seek supplemental funding.

4. Public Hearing

The Commission convened a public hearing covering three topics: 1) to take action on project applications and an enforcement action, 2) to hear testimony and take action on inclusion of a final rule making action in the SRBC Comprehensive Plan, and 3) to hear testimony and take action on certain revisions to the SRBC Project Fee Schedule. A stenographic transcript was made of this hearing and is part of the Commission's record.

a. Project Applications

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

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

The dockets recommended for action included the following eighteen projects¹:

- Albany International (Exhibit A1)
- Knight Settlement Sand & Gravel, LLC (Exhibit A2)
- United Water PA – Dallas Operation (Exhibit A3)
- Blue Ridge Trail Golf Club, Inc. (Exhibit A4)
- Aqua Pennsylvania Inc., - Well ER-4 (Exhibit A5)
- Eagle Rock Resort Co. – Wells A and C (Exhibit A6)
- PPL Montour, LLC (Exhibit A7)
- Sunnyside Ethanol, LLC (Exhibit A8)
- Country Club of Harrisburg (Surface Water, CU) (Exhibit A9)
- Country Club of Harrisburg (Exhibit A10)
- Middlesex Township Municipal Authority (Exhibit A11)
- New Morgan Landfill Co., Inc., dba Conestoga Landfill (Exhibit A12)
- Morgantown Properties, LP (Exhibit A13)
- Manheim Township (Exhibit A14)
- Lancaster Co. Solid Waste Management Authority – Frey Farm and Creswell Landfills (Exhibit A15)
- Exelon Generation Co. LLC – Peach Bottom Atomic Power Station (Exhibit A16)
- Town of Perryville (Exhibit A17)
- City of Baltimore, Dept. of Public Works (Exhibit A18)

Mr. Brownell described the projects and the proposed conditions of approval for each.

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

Michael Helfrich, the Lower Susquehanna River Keeper, asked what the ethanol output was for the Sunnyside Ethanol Project so that it could be compared to the amount of water consumed. Mr. Brownell responded that the staff did not yet have that information but will be monitoring the project's consumptive use and will eventually be able to provide an answer to that question.

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

b. Settlement Offer – AES Ironwood, LLC.

AES Ironwood, LLC, of Lebanon, Pa., a power generating facility, submitted a settlement offer to the Commission under which the company would pay the Commission \$20,000 for 39 separate violations. The violations involved self-reported overages of the consumptive use limitations in SRBC docket approval No. 19980502 occurring between June 28 and August 9, 2006. Staff recommended acceptance of the settlement offer.

On a motion by Commissioner Philbrick, seconded by Commissioner Mueller, the Commission accepted the settlement offer submitted by AES Ironwood, LLC by three affirmative votes. Commissioner Myers abstained from the vote due to her prior involvement in the representation of AES Ironwood, LLC while in the private practice of law.

c. Adopt Final Rule Making/Consider Inclusion in Comprehensive Plan

The Chairman announced that the next portion of the hearing would be for the purpose of considering the inclusion of a final rule making action in the Comprehensive Plan for Management and Development of the Water Resources of the Susquehanna River Basin. The purpose of the final rule making is to add new due process safeguards, add new standards for projects, improve organizational structure, incorporate recently adopted policies, and clarify language. Additionally, it was the sense of the Commission that the new rules would be an important tool to be used by the Commission in the management of the basin's water resources and that it should therefore be included in the Comprehensive Plan.

The final rule making action was first proposed by the Commission on June 14, 2006 and published in the Federal Register on July 7, 2006. It also appeared as proposed in notices published in the New York Register on July 5, 2006, the Pennsylvania Bulletin on July 8, 2006, and the Maryland Register on August 4, 2006. The Commission received comments on the proposed rule through September 1, 2006, carefully considered those comments, conducted a number of outreach sessions with members of the regulated community, and made a number of adjustments in the proposed rules in response to comments and input from the regulated community and elsewhere.

Chairman Lynch then called upon the General Counsel to announce where notices of the hearing had been published. Before listing the places and dates of publication, Counsel reiterated that the purpose of this public hearing was to consider the inclusion of the final rule

making action in the Comprehensive Plan. The notices for the hearing clearly identify this as the purpose of this public hearing.

Three public hearings on the proposed rule making action were held during the summer of 2006. As a courtesy only, however, the Commission would also allow additional comments on the final rulemaking and on an ancillary action regarding extension of the Commission suspension of the consumptive use regulation for agricultural water users. The public hearing was also for the purpose of receiving comments on revisions to the Commission's project fee schedule as further set forth in the public hearing notices. He then proceeded to list the dates and places where notices had been published, the proofs of which would be made a part of the official record.

The Chairman called upon Deputy Director Tom Beauduy to describe the regulations, and to explain what changes had been made in response to comments received during the comment period and during recent dialog with the regulated community. The purposes of this amended rule making package were several, including: 1) to clarify language and remove certain ambiguities, 2) to include additional due process safeguards, 3) to incorporate certain policies that the Commission had adopted to guide the interpretation of the regulations, 4) to improve the overall format and administration of the regulations, and 5) to include new standards for projects.

Today's action on a final rule making package was a follow-up to a proposed rule making action initiated by the Commission on June 14, 2006, which was followed by publication of a proposed rule making in the Federal Register on July 7, 2006, the New York Register on July 5, 2006, the Pennsylvania Bulletin on July 8, 2006 and the Maryland Register on August 4, 2006. Pursuant to notice given in those publications, public hearings were held in Owego, N.Y. on August 8, 2006, near Middletown, Pa. on August 10, 2006 and at Wilkes-Barre, Pa. on August 10, 2006. Written and oral comments were received from 34 entities up to the comment deadline of September 1, 2006. These comments, along with the transcripts of the public hearings, were provided to the commissioners for their review.

Besides the hearings and comment period, the Commission took a number of other steps to make contact with the public. In late April/early May, 2006, the Commission notified by e-mail about 1,400 entities that it felt might have an interest, including the sponsors of approved Commission projects. The purpose of this notification was to give them a preview of the kind of regulatory changes that staff planned to recommend to the Commission. This same group of interested parties was also notified on June 14, 2006 and sent a copy of the hearing schedule and the proposed regulations.

Legislative briefings were undertaken in New York and Pennsylvania and there were outreach and offers of outreach to a number of organizations across the basin. In the three months since the public comment period closed, Commission staff met again with its advisory committee on rule making (the Water Resource Management Advisory Committee – WRMAC) to review proposed responses to the comments.

He then pointed out that the changes made in response to comments were highlighted on copies of the final rule making located on the table at the back of the meeting room. The red highlighted type showed the most recent changes to the proposed rules. A clean version of that same document was made available. Mr. Beauduy reviewed the actual changes, emphasizing the efforts made to enhance the regulatory package and balance the comments received from a wide spectrum of interested parties. The retirement of existing grandfathered uses remained an important element of the final rule making.

Mr. Beauduy went on to describe the changes made in response to comments. These changes focused particularly on transfers of ownership and transfers of existing Commission approvals. On the latter, more types of transfer would be allowed without formal re-approvals and other transfers would be allowed to proceed with post-transfer action by the Commission on the transferred project or elements thereof.

Other modifications included: 1) a change in the approval term provisions to clearly indicate the discretion of the Commission to modify an approval term or an implementation term in appropriate circumstances, 2) a reduction from one year to six months in the time needed to apply for the renewal of an existing approval in order to be able to continue operating pending the scheduling of Commission action on an application, 3) a provision in the administrative appeals section indicating that hearings will be convened in the general vicinity of the project that is the object of the appeal, and 4) renumbering of the CFR part numbers containing the regulations to avoid confusion with the old regulations.

Mr. Beauduy presented a resolution (Exhibit B) providing for the adoption of the final rule making by the Commission and briefly explained the filing procedures that would be followed for publishing the rules in the Federal Register, and the state rule making publications. The resolution further incorporated the final rule making action into the SRBC Comprehensive Plan.

He also presented a resolution (Exhibit C) providing for the extension of the suspension of the consumptive use regulation for agriculture that the Commission has had in effect since 1992. He reported that the member states had appropriated about \$8 million toward the acquisition of water storage sources to mitigate for agricultural consumptive uses during periods of low flow. Once the storage projects are implemented, staff will ask the Commission to amend the regulations as appropriate or otherwise certify the compliance of agricultural uses with the regulations.

Mr. Beauduy then indicated that the Commission had received a number of additional comments on the regulations within the last 24 hours. He read the comments of the following entities into the record: The Greater Hanover Alliance; The Concerned Citizens of Straban Township, Adams County, Pennsylvania; Conectiv, Inc.; The Pennsylvania State Grange; and Saul Ewing on behalf of Pennsy Supply, Inc.

With regard to allegations by Pennsy Supply, Inc. that the Commission did not meet its notice requirements for a hearing on the rule making action today, Mr. Beauduy responded that the required hearings on the regulations, as set forth in Commission regulations, were properly

noticed and held last summer. Today's hearing was for the purpose of considering the regulations for inclusion in the SRBC Comprehensive Plan and was properly noticed in several newspapers around the basin for that purpose in accordance with the Compact and the SRBC regulations. Also, the Commission went far beyond what it was legally required to do to reach out to the public and the regulated community to solicit input on proposed rule making, and was very responsive to the comments that it received. The rule making proceeded through all of the required phases and was now ready for final Commission action.

Chairman Lynch then called upon persons wanting to provide further comments. Those providing comments included representatives of the Pennsylvania Bottled Water Association, the Pennsylvania Chamber of Business and Industry, the Lower Susquehanna River Keeper, the Pennsylvania Farm Bureau, and the Chesapeake Bay Foundation. Attorney John Carroll also testified on his own behalf.

The testimony touched on several matters including the transfer of ownership and approval duration provisions of the final rule making action, the possibility of further discussions with the regulated community on the transfer of ownership provisions, the wisdom of addressing combined withdrawals of surface and groundwater, the need to protect receiving waters of the Chesapeake Bay, and the need to protect and conserve the basin's water resources. (The details of these additional comments are available in a transcript of the proceedings.)

Commissioner Philbrick moved the resolution providing for the adoption of the final rule making action and its incorporation into the SRBC Comprehensive Plan. Commissioner Myers seconded the motion, and added a comment regarding the increasing demands upon water supplies that are arising in several potentially stressed areas of the Susquehanna River Basin. In potentially stressed areas, these demands threaten to exceed supplies. This is the backdrop for the Commission's decision to reexamine its regulations for the first time in 11 years.

From the beginning, the Commission also focused on the concept of ending grandfathered uses, but doing so on a gradual basis as ownership of projects changed hands. Another important element was the shortening of approval durations to allow more frequent consideration of changed conditions and competing uses.

All of the issues relating to the amended regulations were given careful consideration by the Commission, with due regard to the many comments that were submitted during the comment period. As a former transactional attorney, Commissioner Myers said she understood the need for as much certainty as possible; however, this need had to be balanced against the need to protect the resource. This does not mean that the Commission cannot make later adjustments in these regulations as may be needed or adopt guidance statements that help to clarify their meaning and application.

Commissioner Myers concluded by offering a minor amendment to the wording of Section 806.31 in response to the suggestion for a correction of the wording made by Pennsylvania Chamber representative Tim Weston. She proposed adding to the end of the first sentence of paragraph (a) the words, "unless an alternate period is provided for in the

Commission's approval." That would have the effect of making it parallel to the second sentence, as suggested by Mr. Weston.

Commissioner Philbrick again moved the adoption of the final rule making action via the submitted resolution, to include the amendment offered by Commissioner Myers. This motion was seconded by Commissioner Myers.

Commissioner Mueller added a short comment endorsing Commissioner Myers' remarks on the need to be able to adequately assess new environmental conditions. He acknowledged that, in rule making, it is difficult to please all the members of the regulated community; nevertheless, in adopting these regulatory changes, he believed that the Commission was attempting to balance the need to protect the resource with the demands for economic development.

Chairman Lynch thanked the members of the regulated community and the public for their participation in the rule making processes. He also thanked the Commission staff and members of the Commission's Water Resources Management Advisory Committee for their efforts in producing the rule making package. While this rule making action was drawing to an end, the Commission would remain open to any comments, concerns, or questions about the regulations, the project review process and, more generally, how the SRBC oversees water resources in the basin. In administering the regulations, the Commission would also remain sensitive to the needs of the regulated community. Overall, the Chairman felt that the Commission did a good job of considering and being responsive to the comments submitted on the proposed rules. He was therefore comfortable with moving the final rule making forward at this time.

Chairman Lynch read the "resolves" portion of the submitted resolution, noting the addition of Commissioner Myers' amendment. The Commission unanimously approved the resolution adopting the final rule making action dated December 5, 2006, as amended. The resolution further provided for the incorporation of the final rule making action in the Comprehensive Plan.

On a motion by Commissioner Philbrick, seconded by Commissioner Myers, the Commission unanimously adopted the resolution extending the suspension of the consumptive use regulation to agricultural water users.

Commissioner Myers pointed out that the Commission regularly reviewed the status of this suspension and, during the term of the suspension, continued to explore viable alternatives for agriculture's compliance with the regulation, including the acquisition of a large surface storage facility. Initial findings determined that storage at one large surface source in Pennsylvania would be too costly. In the meantime, however, the State of New York has come forward with a \$2 million appropriation for a low flow release project at Whitney Point Reservoir, and Pennsylvania has appropriated \$6.1 million for the Operation and Maintenance (O&M) costs of a project to treat and release acid mine water over the 75-year timeframe of its project design. These projects would provide compliance for agricultural users in these states.

Thus, the Commission does not plan to extend this suspension indefinitely, but only until the appropriate solutions are implemented.

d. Amended Project Fee Schedule

The final public hearing item was a proposal to amend the Project Fee Schedule. The General Counsel explained that there were four basic reasons for the increase. The first and primary reason for the revisions was to comply with two instructions the Commission gave to staff at the time of the adoption of the current schedule in March 2005. Instruction No. 1 was to implement a yearly 10% increase in the categorical fees for five consecutive years, beginning on January 1, 2007. This series of adjustments was for the purpose of bringing the fees up to the point of recovering about half of the cost of an average project review - but to do so gradually over a five-year period. Instruction No. 2 was to implement an annual Consumer Price Index (CPI) adjustment beginning on that same date – January 1, 2007. Both of these adjustments were made to the fee categories in the revised schedule.

The second reason for the revisions was to conform the project fee schedule to the provisions of the final rule making action that was just approved by the Commission. For example, a fee category was added for “approval by rule,” a procedure that did not exist under the old regulations.

The third reason relates to the need for a reasonable cap on project fees associated with withdrawals. Presently, the charge is open ended, increasing in unlimited increments with each additional mgd requested. This could result in a fee that bears no rational relationship to the cost of the review. To avoid this, a \$200,000 cap is placed on this category of fees.

The fourth and last reason for the revisions was to simply improve and clarify certain portions of the schedule. Counsel asked that the Commission, after considering any testimony from the public, adopt a resolution (Exhibit D) implementing the revised Project Fee Schedule.

No public testimony was offered on the revised fee schedule proposal. On a motion by Commissioner Philbrick, seconded by Commissioner Myers, the resolution providing for adoption of the revised Project Fee Schedule was unanimously approved by the Commission.

Chairman Lynch adjourned the public hearing.

5. FY-06 Audit

The Chief Administrative Officer presented the unqualified report of the independent auditors on the FY 2006 financial records of the Commission covering the period July 1, 2005 to June 30, 2006. The audit that was performed satisfies the requirements of the Compact for an annual audit of SRBC financial records and further complies with the Single Audit Act requirements for grant related work performed by the Commission. Highlights include revenues of \$3.8 million and expenses of \$4.2 million with a short fall of approximately \$400,000 in the general operating fund. The Water Management Fund had revenues of \$2.5 million and expenditures of \$2.4 million. As approved by the Commission in the revised FY 2006 budget, a

transfer of funds was made to the general fund from the Water Management Fund. He requested that the Commission accept and approve the audit report.

Commissioner Myers moved acceptance of the audit report. This motion was seconded by Commissioner Mueller and unanimously adopted by the Commission.

6. Grant and Contract Approvals

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

a. Chesapeake Bay Nutrient Monitoring Program - Grant

This is a grant to continue to monitor for sediments and nutrients at six permanent sites in the basin. The monitoring helps Pennsylvania document its progress in reducing sediments and nutrients to the Chesapeake Bay. The entire grant amount of \$131,200 will come from the Pa. Dept. of Environmental Protection. The grant scored a 10 out of 10 under SRBC grant evaluation criteria.

b. FY-06 Chesapeake Bay Program Assessment of Sediment & Nutrient Load Reductions Program - Grant

This grant funds monitoring at 17 additional sites established under the Chesapeake Bay Program's non-tidal monitoring network in 2004 and 2005. The total amount of this grant is \$123,390, all of which is being provided by the USEPA. This grant also scored a 10 out of 10 under SRBC grant evaluation criteria.

c. Memorandum of Understanding (MOU) Re: Development of Total Maximum Daily Loads (TMDLs) for Selected Waterbodies in the Lower Susquehanna River Basin – Contract Approval/Grant

Under this MOU arrangement, the SRBC will assist MDE in addressing potential biological impairments for TMDL and Water Quality Analysis development in the Lower Susquehanna River Basin. The work will focus on five water bodies near the Pennsylvania-Maryland border in the Deer Creek, Broad Creek, Conowingo Creek, and Octoraro Creek Watersheds. If data analysis shows that TMDLs are necessary, SRBC will be also be preparing them. The total amount of the grant is \$100,000, all of which will be provided by MDE. This grant scored a 9 out of 10 under the grant evaluation criteria.

d. Collection of Discharge Monitoring Reports (DMRs) in the Ohio River Basin (Revision No. 3) – Grant Approval

This work is to be done in support of Pennsylvania's Act 220 Water Resources Planning effort leading to the preparation of a new State Water Plan. The work to be performed is similar to the work that the SRBC has already performed in the Susquehanna and Lake Erie basins. The grant amount is \$100,000, all of which will be provided by PADEP. The grant scored a 6 out of 10 under the grant evaluation criteria.

Commissioner Myers moved approval/ratification of grant items a-d. Commissioner Mueller seconded the motion which was then unanimously approved by the Commission.

e. Paxton Creek Watershed Stormwater Project – Expenditure Approval

Staff requested approval of the Commission to spend up to \$75,000 on the services of a landscape architect for the Paxton Creek Watershed Stormwater Project. The expenditure includes architectural services for four different locations in the project area and will be paid for through a grant provided by the USEPA.

Commissioner Myers moved approval of the expenditure as described by Mr. Heicher. This motion was seconded by Commissioner Mueller and unanimously adopted by the Commission.

7. Revision of Organization Manual – Health Insurance Coverage for New Employees

The Chief Administrative Officer presented a resolution (Exhibit E) to revise the Commission’s Organization Manual regarding health insurance coverage for new employees. These revisions were necessitated by the skyrocketing costs of health insurance coverage over the last three years. Under these revisions, full health insurance coverage will be offered to new employees hired after December 5, 2006; however, those employees will be responsible for 33.3% of the cost of coverage for their dependents. Health insurance coverage will not be provided to these employees upon their retirement from the Commission.

On a motion by Commissioner Myers, seconded by Commissioner Mueller, the resolution was unanimously adopted.

8. Recognition of Matthew G. Pajeroski

The Commission recognized Mr. Matthew G. Pajeroski for his dedicated commitment and service to the Commission. Mr. Pajeroski served as the alternate member of the Commission from the State of Maryland from August 1996 to October 2006.

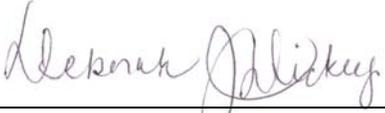
PUBLIC COMMENTS

A comment was offered by the Lower Susquehanna River Keeper Michael Helfrich regarding the danger posed to the lower river and Chesapeake Bay by the accumulation of sediments behind Conowingo Dam. He expressed hope that the federal and state governments can muster the resources necessary to deal with the problem.

ADJOURNMENT

There being no further business before the Commission, the Chairman adjourned the meeting at 4:10 p.m. The next regular meeting of the Commission is scheduled for March 14, 2007 in Altoona, Pa.

Date Adopted



Deborah J. Dickey
Secretary to the Commission



SUSQUEHANNA RIVER BASIN COMMISSION

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

Docket No. 20041201-1

Approval Date: December 15, 2004

Modification: December 5, 2006

ALBANY INTERNATIONAL

Groundwater Withdrawal (30-Day Averages) of 0.125 mgd from Well 1,
0.125 mgd from Well 2, 0.100 mgd from Well 3, and 0.050 mgd from Well 4,
and a Total Groundwater Withdrawal Limit of 0.380 mgd,
for Manufacture of Monofilament,
Village of Homer, 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 the withdrawal of groundwater. The Commission received the modification request on June 1, 2006.

Description

Purpose. The purpose of the application is to request approval to increase from 0.283 million gallons per day (mgd) to 0.400 mgd the withdrawal from 4 existing wells (Wells 1, 2, 3, and 4). The original Commission approval for groundwater withdrawal was issued on December 15, 2004, as Commission Docket No. 20041201 (docket). This docket modification recommends approval of an increase less than the requested quantity, rescinds certain provisions, and revises the project features.

Findings

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

The project sponsor operates a groundwater withdrawal at a manufacturing facility where operations began in the 1940s. Groundwater withdrawn from the four on-site production wells is used for once-through, non-contact cooling of water in the manufacturing process and for air conditioning.

The groundwater withdrawal was approved as part of the Commission's Compliance Incentive Program. At that time, the project sponsor requested approval for a total withdrawal

(30-day average) of 0.311 mgd from Wells 1, 2, 3, and 4. The Commission approved a reduced quantity, based on limited water use data submitted by the project sponsor estimating that the maximum 30-day average groundwater withdrawal at approximately 0.283 mgd.

The facility and its well field are located west of the West Branch Tioughnioga River. Based on limited information concerning well drilling and construction, the wells are drilled into and draw upon a confined or semi-confined sand and gravel layer of irregular thickness located at the base of a glacial valley-fill sequence. The overlying confining (or semi-confining) unit is a 106- to 169-foot thick layer of lacustrine silt and clay.

The following table summarizes information for the wells:

Well No.	Date of Initial Use	Total Depth (feet)	Casing Depth (feet)	Pump Capacity (gpm)	Current Maximum Withdrawal (30-Day Average, in mgd)
1	1991	185	185	90	0.050
2	1997	195	184	90	0.105
3	2000	225	180	83	0.115
4	2001	300	172	35	0.026
gpm – gallons per minute					

Commission staff reviewed recent withdrawal records and the groundwater availability analysis originally submitted by the project sponsor. No controlled pumping tests have been conducted. The project sponsor requested that the pumping test requirement be waived for the modification request.

Based on the information provided by the project sponsor, Commission staff recommends approval of an increased withdrawal (30-day averages) of 0.125 mgd from Well 1, 0.125 mgd from Well 2, 0.100 mgd from Well 3, and 0.050 mgd from Well 4, and a total groundwater withdrawal of 0.380 mgd. Although less than the requested quantity, the recommended withdrawal will satisfy the seasonal high average projected by the project sponsor. Should the project's groundwater withdrawal be expected to exceed the approved amount, the project sponsor must apply for a modification to this docket at that time.

Commission staff recommends that the maximum instantaneous rates of production from Wells 1, 2, 3, and 4 not exceed 90 gpm, 90 gpm, 83 gpm, and 35 gpm, respectively. The pumping rates represent the existing pump capacities, according to the project sponsor. The project sponsor must separately meter Wells 1, 2, 3 and 4, and the groundwater withdrawal from each of the four wells must be recorded daily and reported annually.

No significant negative impacts to the groundwater or surface water resources are anticipated with the use of the wells at the recommended maximum rates, based on the information submitted by the project sponsor. However, Commission staff recommends that the project sponsor conduct controlled aquifer testing or operational monitoring of all wells before seeking any increased withdrawal to confirm that the simultaneous operation of the four wells poses no significant impact to the area. A plan for any proposed aquifer testing should be reviewed and approved by Commission staff prior to the testing.

The project is subject to the Commission's 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 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

Based on Commission Regulation §803.30(a), Commission staff recommends the duration of this docket approval be consistent with the project's docket approval for consumptive water use. That approval, Commission Docket No. 20020402, is effective until April 11, 2027.

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. 20041201-1, as approved December 15, 2004, is hereby modified to approve increased groundwater withdrawals (30-day averages) of 0.125 mgd from Well 1, 0.125 mgd from Well 2, 0.100 mgd from Well 3, and 0.050 mgd from Well 4, and a total groundwater withdrawal limit of 0.380 mgd.

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

3. The constant-rate pumping test requirements for Wells 1, 2, 3, and 4 specified in Commission Regulation §803.43(b) are hereby waived.

4. All other conditions in Commission Docket No. 20041201, not inconsistent herewith, shall remain effective.

5. Based on Commission Regulation §803.30(a), this approval is effective until December 15, 2029. The term of this docket modification is in accordance with the term of the prior docket approvals. The project sponsor shall submit a renewal application by June 15, 2029, and obtain Commission approval prior to continuing operation beyond December 15, 2029.

By the Commission:



Kenneth P. Lynch, Chair
New York Commissioner

Dated: December 5, 2006



SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

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

Docket No. 20060301-1

Approval Date: March 15, 2006

Modification Date: December 5, 2006

KNIGHT SETTLEMENT SAND & GRAVEL, LLC

Consumptive Water Use of up to 0.198 mgd,
for Processing of Sand and Gravel and Concrete Production,
Town of Bath, 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 §803.42, relating to the consumptive use of water.

Description

Purpose. The Commission originally approved the project on March 15, 2006, as Commission Docket No. 20060301 (Docket). This corrective docket modification increases the approved maximum daily consumptive water use for the project.

Findings

The project was originally approved for a maximum peak day consumptive water use of water of up to 0.080 million gallons per day (mgd) based on estimates of the historical water consumption supplied by the project sponsor. However, based on recent water use records submitted to the Commission, staff has determined the 0.080 mgd estimate previously provided by the project sponsor reflects the project's estimated maximum average 30-day consumptive water use, not the peak day use. The maximum daily consumptive water use approved by the Docket should be modified to 0.198 mgd.

A waiver of the application fee in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03, is recommended. A waiver of the notification requirements contained in Commission Regulation §803.25 also is recommended.

In accordance with Commission Regulation §803.30(a), the prior Docket approval is effective until March 15, 2031. 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

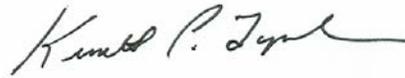
1. Commission Docket No. 20060301, as approved March 15, 2006, is hereby modified to approve a maximum daily consumptive water use up to 0.198 mgd pursuant to Article 3, Section 3.10, of the Compact.

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

3. All other conditions in Commission Docket No. 20060301 not inconsistent herewith shall remain effective.

4. Based on Commission Regulation §803.30(a), this approval is effective until March 15, 2031. 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 15, 2030, and obtain Commission approval prior to continuing operation beyond March 15, 2031.

By the Commission:



Kenneth P. Lynch, Chair
New York Commissioner

Dated: December 5, 2006



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Docket No. 20050301-1

Approval Date: March 29, 2005

Modification Date: December 5, 2006

UNITED WATER PENNSYLVANIA, INC.— DALLAS OPERATION

Groundwater Withdrawal (30-Day Average) of 0.216 mgd from the Gephart Well,
and a Total System Withdrawal Limit (30-Day Average) of 0.740 mgd,
for Public Water Supply,
Dallas 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 §803.43, relating to groundwater withdrawals. The Commission received the modification request on January 19, 2006, and received supplemental information from the project sponsor on August 24, 2006.

Description

Purpose. The purpose of the application is to request an increase in the total system groundwater withdrawal limit for distribution in a public water supply system. The original Commission approval for groundwater withdrawal was issued on March 29, 2005, as Commission Docket No. 20050301 (Docket). This docket modification recommends approval of an increase in the system “cap” at less than the initial requested amount and rescinds certain provisions in the Docket.

Findings

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

The project sponsor initially requested approval for the withdrawal (30-day average) of a total of 0.840 million gallons per day (mgd) from all six wells in United Water of Pennsylvania, Inc.’s (United Water’s) Dallas Operation. The water supply system is comprised of six wells

(Schooley Well, Snyder Well, Bunn Well, Gephart Well, Country Club Well, and Haddonfield Well), which are located within Dallas Township and Dallas Borough.

Historically, the Dallas system has been divided into two operational areas, and has an interconnection with the United Water Shavertown system that served as an emergency backup. The operation of the wells has been driven by tank levels, not demand in the parts of the system. The project sponsor recently installed a pipeline to connect the two parts of the Dallas distribution network, which, along with the recent Supervisory Control and Data Acquisition (SCADA) system upgrade, will allow for the better management and “balancing” of the water distribution network.

Current average daily water demand for the system is 0.620 mgd with a maximum daily demand of 0.640 mgd. By 2029, the average and peak daily demands are expected to grow to 0.840 and 0.980 mgd, respectively. The current system capacity of 0.850 mgd is sufficient to meet current peak day demands. However, demand during peak days has been met using a transfer from an existing interconnection with the adjacent Shavertown system.

The project sponsor initially requested approval for a 30-day average total system withdrawal of 0.840 mgd, the projected average daily demand through 2029. Commission staff recommends approval of a total system withdrawal of 0.740 mgd in consideration of potential adverse impacts to neighboring wells and the sustainability of groundwater resources. A system cap of 0.740 mgd as a 30-day average will accommodate current peak system demands and should allow the project sponsor to balance water within the distribution system to meet customer demand without relying to its interconnection with the Shavertown system.

The project sponsor agreed to reduce its requested quantity after discussions with Commission staff. Approval of a total system withdrawal of 0.740 mgd does not meet the projected system demand through 2029. Commission staff recommends that the project sponsor seek alternative water supply sources in a different groundwater basin to meet the projected system demand.

The project is subject to the Commission’s water conservation requirements, as per Commission Regulation §804.20(a). The water system is 100 percent metered, which is in compliance with this regulation, and system losses were 20 percent in 2004, 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 2005-03. The project sponsor has provided proofs of notification to the municipality, county, and news media as required by Commission Regulation §803.25, and has requested a waiver from the requirements to notify contiguous property owners, based on its ongoing outreach activities regarding system modifications with the public. Commission staff recommends that the Commission waive the contiguous property owner notification requirements specified in Commission Regulation §803.25(a).

Based on Commission Regulation §803.30(a), the prior Docket approval is effective until March 29, 2030. Commission staff recommends the term of this docket modification be consistent with the term of the prior Docket approval.

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

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. 20050301, as approved March 29, 2005, is hereby modified to approve a total system withdrawal limit (30-day average) of 0.740 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 "1" of Commission Docket No. 20050301, as approved on March 29, 2005, is hereby rescinded.

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

5. The project's groundwater withdrawal of 0.216 mgd (30-day average) from the Gephart Well is approved pursuant to Article 3, Section 3.10, of the Compact.

6. The project sponsor shall keep daily records of the metered withdrawals from all wells: Schooley Well, Snyder Well, Bunn Well, Gephart Well, Country Club Well, and Haddonfield 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.

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

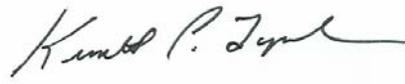
8. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

9. All other conditions in Commission Docket No. 20050301 not inconsistent herewith shall remain effective.

10. Based on Commission Regulation §803.30(a), this approval is effective until March 29, 2030. The term 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 29, 2029, and obtain Commission approval prior to continuing operation beyond March 29, 2030.

11. 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:



Kenneth P. Lynch, Chair
New York Commissioner

Dated: December 5, 2006



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Docket No. 20061201

Approval Date: December 5, 2006

BLUE RIDGE TRAIL GOLF CLUB, INC.

Groundwater Withdrawal (30-Day Averages) of 0.099 mgd from Well 1,
0.096 mgd from Well 2, and 0.086 mgd from Well 3,
and a Total Groundwater Withdrawal Limit of 0.185 mgd,
for Golf Course Irrigation,
Dorrance and Rice Townships, 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 §803.43, relating to groundwater withdrawals. The Commission received the application on January 17, 2006.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of groundwater for irrigation of an existing 27-hole golf course.

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Dorrance and Rice Townships, Luzerne County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day averages) of 0.099 million gallons per day (mgd) from Well 1, 0.096 mgd from Well 2, and 0.086 mgd from Well 3. Wells 1 and 2 are existing sources for irrigation water for the golf course. Well 3 was installed in 2004 as a supplementary source for irrigation at the golf course during an expansion that included the installation of nine additional holes, a synthetically lined storage pond, and a metered pump station.

The Commission originally approved the project on April 11, 2002, as Docket No. 20020402 (Docket). As approved, the project sponsor was authorized to consumptively use up to 0.380 mgd of water for the irrigation of greens, tees, and fairways at an 18-hole golf course, subject to conditions enumerated in the Docket. When the project sponsor subsequently expanded the golf course by constructing an additional 9 holes and requested an increase in

consumptive water use, the Commission approved a modification increasing consumptive water use up to 0.620 mgd on June 8, 2005, as Docket No. 20020402-1.

The project sponsor has used its existing sources (Wells 1 and 2) and storage in its 2 ponds to irrigate all 27 holes until a new well, Well 3, could be tested and approved. Commission staff previously determined that the combined peak 30-day average withdrawal from the existing wells was 0.098 mgd and, with the additional withdrawal from Well 3, all of the groundwater sources require review and approval by the Commission under Commission Regulation §803.43.

The project sponsor has reported that the pumping capacity of Wells 1 and 2 is 75 gallons per minute (gpm) and 67 gpm, respectively.

Well 3 is located in the proximity of an intersecting fracture set in a small valley that is the headwaters of Little Wapwallopen Creek and adjacent to the storage pond constructed in 2004. The well is an open-rock well, drilled to a total depth of 352 feet, and constructed with 8-inch-diameter steel casing to a depth of 42 feet. Well 3 penetrates approximately 15 feet of unconsolidated overburden materials, and is completed in siltstones, sandstones, and shales of the Irish Valley Member of the Catskill Formation.

Pumping Test. A 6-day pumping test of Well 3 was conducted on August 18 to 25, 2005, with prior Commission approval. In addition to the pumping well, 1 residential well and 12 wetland/surface water points were monitored.

The initial pumping rate of 120 gpm could not be sustained during testing and was reduced to 100 gpm after approximately 24 hours, without a full recovery. Pumping at an average rate of 100 gpm, drawdown at the pumping well was approximately 127 feet at the end of the 6-day test. Minor drawdown was recorded in the wetlands during the initial pumping, indicating a connection between the deep and shallow flow systems. Impacts became non-detectable when the pumping rate was reduced. A significant rainfall event at the conclusion of the pumping period prevented analysis of any delayed dewatering impacts.

The project sponsor has requested that the Commission waive testing at existing Wells 1 and 2, indicating that these wells have operated as the golf course's water supply since 1992 without documented impact to neighboring wells.

Findings

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

Commission staff reviewed the groundwater availability analysis, pumping test results for Well 3, and supporting information submitted by the project sponsor. Data collected during the testing indicated that the wells penetrate the Irish Valley Member of the Catskill Formation, a moderately transmissive aquifer.

Commission staff recommends approval of the requested withdrawal (30-day averages) of 0.099 mgd from Well 1, 0.096 mgd from Well 2, and 0.086 mgd from Well 3. Should the project's groundwater withdrawal exceed or be expected to exceed the approved amount, the project sponsor must apply for a modification to this docket at that time.

Commission staff recommends that the maximum instantaneous rates of production from Wells 1, 2, and 3 not exceed 75 gpm, 67 gpm, and 100 gpm, respectively. The pumping rates from Wells 1 and 2 are the historic production rates according to the project sponsor, and the pumping rate for Well 3 is the tested rate.

Commission staff recommends that the project sponsor install appropriate, separate metering on Wells 1, 2, and 3, and that the groundwater withdrawal for each of the three wells be recorded daily and reported quarterly.

No significant negative impacts to the groundwater or surface water resources were identified during the aquifer testing at Well 3, nor are they anticipated with the use of the other wells at the recommended maximum rates, based on the information submitted by the project sponsor. However, Commission staff recommends that the project sponsor design a plan to conduct controlled aquifer testing at Wells 1 and 2, or operational monitoring of all wells, for review and approval by Commission staff to confirm that the simultaneous operation of the three wells poses no significant impact to residential wells in the area. If the project sponsor elects to conduct operational monitoring, the shallow and deep groundwater and surface water levels in the area should be monitored for a period of at least one year, and the project sponsor should otherwise assess impacts and the potential for adverse impacts in an interpretive report at the conclusion of the monitoring.

The project is subject to the Commission's 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 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

Based on Commission Regulation §803.30(a), Commission staff recommends the duration of this docket approval be consistent with the project's docket approval for consumptive water use. That approval, Commission Docket No. 20020402, is effective until April 11, 2027.

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. The project's groundwater withdrawal (30-day averages) of 0.099 mgd from Well 1, 0.096 mgd from Well 2, and 0.086 mgd from Well 3, and a total groundwater withdrawal limit of 0.185 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. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain separate metering on Wells 1, 2, and 3, accurate to within five (5) percent, to measure its groundwater withdrawal. The project sponsor shall keep daily records of the metered withdrawal and weekly water levels in Wells 1, 2, and 3. The required reporting data shall be submitted to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The project sponsor shall notify the Commission, in writing, when the meters are installed.
5. The maximum instantaneous rate of production from Wells 1, 2, and 3 shall not exceed 75 gpm, 67 gpm, and 100 gpm, respectively.
6. Within sixty (60) days from the date of this approval, the project sponsor shall submit a plan for Commission staff review and approval proposing testing or monitoring to confirm that the simultaneous operation of the three wells poses no significant impact to residential wells in the area. This plan shall include a schedule for implementation of the plan, and a description of the proposed testing or monitoring, including locations and instrumentation. Upon approval of the plan, the project sponsor shall implement the plan and, at the conclusion of the monitoring period, supply the results of the monitoring effort to the Commission. The monitoring results shall be documented in a comprehensive interpretive report, including the monitoring data in graphical form, due sixty (60) days after the conclusion of the monitoring period, or otherwise as directed by Commission staff. After review of the report, Commission staff shall determine any modification or changes to the monitoring program based on its findings. Should the monitoring prove to be inconclusive with respect to interference, the Commission reserves the right to require additional monitoring, as necessary.
7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(c).
8. 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.

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the Pennsylvania Department of Environmental Protection (PADEP) all surface water and groundwater sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

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. Based on Commission Regulation §803.30(a), this approval is effective until April 11, 2027, coincident with the term of the project's docket approval for consumptive water use. The project sponsor shall submit a renewal application by October 11, 2026, and obtain Commission approval prior to continuing operation beyond April 11, 2027.

16. 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:

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

Dated: December 5, 2006

Kenneth P. Lynch, Chair
New York Commissioner



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Docket No. 20061202

Approval Date: December 5, 2006

AQUA PENNSYLVANIA, INC.—WELL ER-4

Groundwater Withdrawal (30-Day Average) of 0.072 mgd from Well ER-4,
for Public Water Supply,
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 (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 October 5, 2005. A request for an emergency approval was received on December 12, 2005, and approved on February 6, 2006.

Description

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

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Sugarloaf 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 the withdrawal (30-day average) of 0.115 million gallons per day (mgd) from Well ER-4. Commission staff recommends approval of a reduced quantity due to limited water availability and to insure a sustainable yield, as set forth in the “Findings” below. The well will be part of Aqua Pennsylvania Inc.’s (API’s) public water supply system for the Eagle Rock Community that currently relies on withdrawals from two wells: Well ER-2 and Well H (Huron Well). These wells were previously approved for average daily withdrawals of 0.200 mgd from Well ER-2 and 0.063 mgd from Well H (Commission Docket No. 20050304).

API purchased the Eagle Rock water supply system from Eagle Rock Resort Company, Inc. in 2004.

Well ER-4, located on a mountaintop, was constructed in the summer of 2002. Well ER-4 was completed as an open-rock well with a 10-inch-diameter open borehole from 100 to 960 feet below ground surface (bgs), and an 8-inch-diameter borehole from 960 to the total depth of 1,020 feet bgs. The well has 10-inch-diameter steel casing installed to a depth of 100 feet bgs.

The well penetrates interbedded greenish-gray sandstone and reddish shale and sandstone of the Mauch Chunk Formation.

The water system has two separate service areas: one supplying the upland area and the other supplying the valley area. The public water supply currently serves approximately 550 residential and 12 commercial connections, with connections in 4 municipalities (East Union and North Union Townships in Schuylkill County, and Black Creek and Hazle Townships in Luzerne County). The developer projects the construction of approximately 50 additional houses per year over the next 10 years, and approximately 7 houses per year for the period 2015-2029.

The water supply system has one storage tank capable of storing 0.377 million gallons. All wastewater is treated at the Eagle Rock wastewater treatment plant and discharged to Sugarloaf Creek.

Pumping Test. A pumping test of Well ER-4 was conducted on March 9-12, 2005, with Commission approval. Testing started at a rate of 120 gallons per minute (gpm), and after 220 minutes, was reduced to 90 gpm. The rate gradually declined, with the declining head to 85 gpm at the end of the testing. After 48 hours of pumping Well ER-4 at an average rate of 88.1 gpm, 269 feet of drawdown was observed within Well ER-4.

In addition to the pumping well, three weirs in Sugarloaf Valley, five piezometers located along Barnes Run and Wolf's Run, and five observation wells were monitored throughout the aquifer testing. Observable drawdown was not apparent at any of the monitoring locations.

Residual drawdown, as projected from the t/t' residual drawdown plot, indicates approximately 8 feet of residual drawdown and strongly indicates that some mining of the aquifer's storage occurred during the aquifer test.

Emergency Approval Operations. The Commission granted emergency approval of the well on February 6, 2006, allowing Well ER-4 to be pumped at a maximum instantaneous rate of 90 gpm and a 30-day average of 0.072 mgd.

During the emergency operation, pumping rates ranged between 128 gpm to approximately 54 gpm. At the initially high pumping rate, the pumping water level reached a maximum depth of 690 feet bgs. At pumping rates between 60 and 90 gpm, water levels ranged between a non-pumping water level of 270 feet bgs on March 15, 2006, to a pumping water level of 599 feet bgs on March 22, 2006. The pumping rate at the maximum pumping level of 599 feet bgs had declined, due to loss of head, to a rate of 54 gpm.

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

Findings

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

Commission staff reviewed the groundwater availability analysis, pumping test results, and the aquifer testing and data from the emergency operation of Well ER-4. With pumping water levels consistently below 370 feet bgs, the water-bearing zones that contributed more than 75 percent of the total yield of the well were dewatered.

Based on this information, Commission staff concludes that Well ER-4 should be approved at a 30-day average withdrawal rate of 0.072 mgd.

Commission staff recommends that the maximum instantaneous pumping rate for Well ER-4 not exceed 90 gpm.

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. API reports unaccounted for water losses of 50 percent, which exceeds the 20 percent maximum set forth in Commission Regulation §804.20(a)(1). Commission staff recommends that the project sponsor work to reduce system losses to 20 percent or less over the next 5 years. The project sponsor should report to the Commission annually on the progress made pursuant to this requirement.

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

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

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

Decision

1. The project's groundwater withdrawal of 0.072 mgd (30-day average) from Well ER-4 is approved pursuant to Article 3, Section 3.10, of the Compact.

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

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

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

5. Within sixty (60) days from the date of this approval, the project sponsor shall install a meter, accurate to within five (5) percent, on Well ER-4. The project sponsor shall notify the Commission, in writing, when the meters are installed.

6. The maximum instantaneous rate of production from Well ER-4 shall not exceed 90 gpm.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a). The project sponsor shall have reduced system losses and achieved 100 percent compliance with the requirements by December 5, 2011. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement. Annual reports are due within sixty (60) days after the close of the preceding year.

8. 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.

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. 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. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

13. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without

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

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

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

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

17. This approval is effective until December 5, 2031. The project sponsor shall submit a renewal application by June 5, 2031, and obtain Commission approval prior to continuing operation beyond December 5, 2031.

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

By the Commission:



Kenneth P. Lynch, Chair
New York Commissioner

Dated: December 5, 2006



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20021006-2

Approval Date: October 10, 2002

Modification Date: September 8, 2004

Modification Date: December 5, 2006

EAGLE ROCK RESORT CO.—WELLS A AND C

Surface Water Withdrawal of up to 3.068 mgd from an Abandoned Quarry, and Groundwater Withdrawal (30-Day Averages) of 0.144 mgd from Well A and 0.072 mgd of Groundwater from Well C, and a Consumptive Water Use of up to 0.675 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 (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 §803.43, relating to the withdrawal of groundwater. The Commission received applications for the proposed uses and for changes to the existing project approval on November 3, 2006.

Project Description

Purpose. The Commission originally approved the project on October 10, 2002, as Docket No. 20021006 (docket). The project sponsor was approved for a groundwater withdrawal from an abandoned quarry (Quarry) of 0.800 million gallons per day (mgd) as a 30-day average, a maximum instantaneous rate of production from the Quarry of 2,250 gallons per minute (gpm), and a consumptive water use of up to 0.450 mgd for snowmaking and golf course irrigation, subject to conditions enumerated in the docket.

The Commission modified the docket on September 8, 2004, to rescind certain provisions, correct the name of the project sponsor, and reduce the release requirement (passby) from the Quarry to the western unnamed tributary to Tomhicken Creek (W-UNT) from 97.4 gpm to 40 gpm.

The subject applications include new information provided by the project sponsor that describes: a) sources of water and their recharge and sustainable yield characteristics; b) current and expected future needs for and uses of water; and c) the characteristics and function of the current and proposed water supply, storage, and distribution system. The project sponsor has

requested the following modifications: approval for an increase in total groundwater withdrawal and the consumptive use of water for snowmaking at an existing ski area, and for golf course irrigation for an existing 18-hole golf course, practice range, and a proposed 9-hole executive golf course. In addition, the subject applications request a modification of the Quarry release (passby) to the W-UNT by use of a gauged reference stream.

Project Features

The project sponsor constructed a golf practice range in 2006, and plans to construct a 9-hole executive golf course in 2008.

Site water usage is strongly seasonal, with periods of demand typically limited to about 60 percent of each year, or less. During the snowmaking season, water is typically withdrawn from the Quarry from late November through early March. Records indicate that the peak uses of water for snowmaking occur in December and January, as the project sponsor establishes a snowpack base to support each ski season. During the golf season, golf course irrigation occurs between April and November, with current peak withdrawals of up to 0.450 mgd occurring between Memorial Day and Labor Day (June, July, and August).

The only source of water storage is the Quarry, which is located at the headwaters of the W-UNT. In February 2006, site drainage patterns were modified to increase the direct discharge of stormwater runoff to the Quarry. The project sponsor has submitted information that demonstrates that the Quarry is naturally replenished by a combination of sources: a) direct drainage of surface water; b) direct precipitation; and c) groundwater inflow. In addition, the project sponsor intends to augment the supply of water available from the Quarry by pumping Wells A and C directly to the Quarry to maximize the available storage volume.

The surface area of the Quarry is approximately 5.7 acres. Total volume of the Quarry is 39.7 million gallons, of which at least 35.9 million gallons is useable. A release from the Quarry to the W-UNT is currently required when natural flow in the W-UNT is below 40 gpm and when the Quarry is not naturally overflowing. The project sponsor currently maintains a passby of 40 gpm to the W-UNT by pumping from the wet well using a metered pump. The project sponsor has installed a permanent weir to measure the flow in the W-UNT approximately 100 feet downstream of the Quarry. The Quarry outfall is measured daily, and daily records of the irrigation and snowmaking water usage (metered), passby pumpage (metered), and flow in the W-UNT are maintained and submitted to the Commission on a quarterly basis.

Wells A and C were installed at the site in 2004 in order to supplement the natural sources of Quarry recharge. Pumping tests of these wells were performed in April and May 2005. Additional testing of Wells A and C was performed from December 26, 2005 through August 31, 2006; this testing was performed in conjunction with water availability studies that were conducted for the Quarry and Wells A and C.

Wells A and C were drilled and constructed in February and March 2004, respectively. At both locations, the principal water-bearing zones were encountered within 210 feet of the ground surface, with the highest yielding zones encountered at a depth of 107 feet below grade

or less. The water-bearing zones at each well were generally associated with fracture zones and bedding planes within the Llewellyn, Pottsville, and Mauch Chunk Formations.

Well A, which was installed approximately 350 feet east-northeast of the Quarry, was drilled to a depth of 883 feet below grade, with a blown yield of approximately 110 gpm. The significant water-bearing zones in Well A occur between 42 and 151 feet below grade, with the highest yielding zones (30 gpm) located from 55 to 75 feet below grade.

Well C was installed about 860 feet east of Well A (about 1,200 feet east of the Quarry) and completed to a depth of 747 feet below grade, with a blown yield of approximately 110 gpm. The significant water-bearing zones in Well C occur between 20 and 210 feet below grade. The highest yield acquired for a discrete water-bearing zone was 10 gpm, which was measured in zones from 62 to 67 feet, 140 to 147 feet, and 199 to 210 feet below grade.

The project sponsor conducted a 48-hour constant-rate pumping test at Well C, beginning on April 28 and ending on April 30, 2004. The well was pumped at an average rate of about 65 gpm. Drawdown at the end of the test was 41.1 feet.

Findings

Commission staff reviewed the constant-rate pumping test results, groundwater availability analysis, and testing results from an extended testing period submitted by the project sponsor, and finds that the withdrawal of groundwater from Wells A and C will not have an adverse impact upon other water resources in the area.

The project sponsor has requested approval for the withdrawal of a combined average of 0.216 mgd of groundwater from Well A (100 gpm [0.144 mgd]) and Well C (65 gpm [0.072 mgd]). Based upon the groundwater availability data supplied by the project sponsor, Commission staff is recommending approval of the requested withdrawals.

In conjunction with the use of Wells A and C, the project sponsor has requested approval for a peak day surface water withdrawal of up to 3.068 mgd from the Quarry, limited to a maximum instantaneous rate of 2,250 gpm. Commission staff further recommends that the withdrawal from the Quarry at the increased rate (3.068 mgd) be limited to the snowmaking season (November 1 to March 31).

Commission staff recommends that the surface water withdrawal for golf course irrigation be limited to 0.675 mgd, the maximum consumptive use limitation.

The project sponsor has requested approval for 0.675 mgd of consumptive use; this represents an increase in the currently approved consumptive use (0.450 mgd). This increase will enable the project sponsor to meet additional irrigation requirements for its new practice range and proposed 9-hole executive golf course. The proposed increase is based upon an anticipated maximum increase in golf course irrigation of 50 percent.

Based upon an analysis of data supplied by the project sponsor, Commission staff is recommending approval of the requested amount. Should the project's future consumptive use exceed or be expected to exceed 0.675 mgd, the project sponsor must apply for a modification to this docket at that time.

In February 2006, the project sponsor made site modifications that changed the local drainage patterns contributing to the Quarry. These modifications allowed for additional surface water to enter the Quarry and require a modification to the passby flow as calculated using a drainage area ratio. Further, the project sponsor has requested to use the United States Geological Survey (USGS) Wapwallopen Creek on-line real-time stream gage as a reference to guide its passby requirements during low flow conditions; further, the USGS stream gage on Trexler Run gage is no longer active and real-time data is not available.

Commission staff finds Wapwallopen Creek acceptable as a reference stream, and recommends that the on-line real-time stream gage (USGS 01538000, Wapwallopen Creek near Wapwallopen, Pennsylvania) be used to guide the Quarry passby release to the W-UNT during low flow conditions, as follows:

The on-line gage (USGS 01538000) shall be read daily and the project sponsor shall maintain a release (passby) from the Quarry based upon the following table:

Wapwallopen Flow	Required W-UNT Release
>26 cfs	43 gpm
22 to 26 cfs	39 gpm
18 to 21 cfs	32 gpm
14 to 17 cfs	25 gpm
11 to 13 cfs	16 gpm
< 11 cfs	0 gpm
cfs – cubic feet per second	

Commission staff recommends that all conditions in Commission Docket No. 20021006, as issued on October 10, 2002 and as modified on September 8, 2004, 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 Regulations §804.20(b).

The project sponsor has paid the appropriate application fees, pursuant to Commission Regulation §803.28 and in accordance with 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 10, 2027. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval.

Decision

1. Commission Docket No. 20021006, as approved October 10, 2002, with modifications approved on September 8, 2004, is hereby modified subject to the following conditions.
2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.
3. The project's groundwater withdrawal (30-day averages) of 0.144 mgd from Well A and 0.072 mgd of groundwater from Well C is hereby approved pursuant to Article 3, Section 3.10, of the Compact.
4. The project sponsor shall comply with all Commission regulations, including groundwater and surface water withdrawal reporting requirements, as per Commission Regulations §803.43 and §803.44.
5. The maximum instantaneous withdrawal from Well A shall not exceed 163 gpm.
6. The maximum instantaneous withdrawal from Well C shall not exceed 65 gpm.
7. The project's consumptive water use of up to 0.675 mgd for snowmaking and golf course irrigation is hereby approved pursuant to Article 3, Section 3.10, of the Compact.
8. The project's surface water withdrawal of up to 3.068 mgd from the Quarry is approved from November 1 through March 31, is hereby approved pursuant to Article 3, Section 3.10, of the Compact.
9. The project's surface water withdrawal of up to 0.675 mgd from the Quarry is approved from April 1 through the last day in October, is hereby approved pursuant to Article 3, Section 3.10, of the Compact.
10. The maximum instantaneous rate of production from the Quarry shall not exceed 2,250 gpm.
11. The project sponsor shall keep daily records of the metered withdrawals from Wells A and C and the quarry. The required reporting data shall be submitted to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter.

12. The on-line gage (USGS 01538000) shall be read daily and the project sponsor shall maintain a release (passby) from the Quarry based upon the following table:

Wapwallopen Flow	Required W-UNT Release
>26 cfs	43 gpm
22 to 26 cfs	39 gpm
18 to 21 cfs	32 gpm
14 to 17 cfs	25 gpm
11 to 13 cfs	16 gpm

13. The project sponsor shall keep daily records of the flow rate of the daily on-line readings for Wapwallopen Creek, including the time the reading was made, the corresponding release in gallons per minute to the W-UNT and the flow measured in the W-UNT, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter.

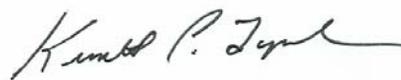
14. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and penalties. Upon written 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. 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. All other conditions in Commission Docket No. 20021006, as approved October 10, 2002, and modified September 8, 2004 (Commission Docket No. 20021006-1), not inconsistent herewith shall remain effective.

16. Based on Commission Regulation §803.30(a), this approval is effective until October 10, 2027. The duration of this docket modification is in accordance with the term of the prior docket approval. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

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

By the Commission:



Kenneth P. Lynch, Chair
New York Commissioner

Dated: December 5, 2006



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Docket No. 19940901-2

Approval Date: September 27, 1994

Modification Date: March 15, 2006

Modification Date: December 5, 2006

PPL MONTOUR, LLC

Surface Water Withdrawal of up to 36.000 mgd, from West Branch Susquehanna River, Delaware Township, Northumberland County, Pennsylvania, and Consumptive Water Use of up to 26.200 mgd (Peak Day) for Power Plant Operation and Flue Gas Desulfurization at the Montour Steam Electric Station, and for the Ancillary Production of Commercial Wallboard, Derry Township, Montour County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval; §803.42, relating to the consumptive use of water; and §803.44, relating to surface water withdrawals. The Commission received the request to modify the previously approved consumptive water use and the new surface water withdrawal application on August 25, 2006.

Description

Purpose. The Commission originally approved this project on September 27, 1994, as Docket No. 19940901 (Docket), and increased the approved quantity of consumptive water use and surface water withdrawal from Lake Chillisquaque on March 15, 2006. The purpose of the application is to request modification of the existing consumptive water use approval from a 30-day average to a peak day limit, and to request approval of the surface water withdrawal from the West Branch Susquehanna River for the existing pumping capacity. The applications were submitted to resolve matters related to the Commission's May 15, 2006, Notice of Violation of Docket No. 19940901-1.

Findings

The project was originally approved for a daily consumptive water use of 17.000 million gallons per day (mgd) of water (30-day average), and later approved for an additional consumptive water use of up to 5.200 mgd (peak day) for operation of scrubbers and a wallboard

plant. According to Commission staff analysis of daily monitoring data submitted by the project sponsor, the 30-day average approved consumptive water use was exceeded on 21 days in August 2005. Based on this finding and discussions with the project sponsor, Commission staff recommended that the project sponsor apply to have the 30-day limit removed from the consumptive water approval for Montour Steam Electric Station (SES) and instead request a peak day limit at an appropriate quantity.

The project sponsor has subsequently requested a modification to its consumptive water use limit, requesting that the Docket be modified to convert the 30-day average limit to a peak day approval up to a quantity of 21.000 mgd. Combined with the existing 5.200 mgd peak day approval for the scrubbers and wallboard plant, the total peak day consumptive use limit at the PPL Montour facility would be 26.200 mgd.

The project sponsor has also submitted an application for approval of its surface water withdrawal from the West Branch Susquehanna River. As part of the settlement for the alleged 2005 violations, PPL has agreed to apply to the Commission for approval for its withdrawal from the West Branch Susquehanna River, at the rate of 36.000 mgd (peak day).

No modifications of Montour SES facilities or changes in plant operations are associated with the applications for docket modification. The project sponsor has an existing associated approval for a surface water withdrawal of up to 28.000 mgd (peak day) from Lake Chillisquaque.

Commission staff recommends approval of the consumptive water use of up to 21.000 mgd (peak day) for operations at Montour SES, in addition to the consumptive water use of up to 5.200 mgd (peak day) for operation of the scrubbers and wallboard plant, for a total consumptive water use of up to 26.200 mgd (peak day). Commission staff recommends approval of the requested surface water withdrawal of up to 36.000 mgd (peak day) from the West Branch Susquehanna River, as submitted by the project sponsor.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. In accordance with the 1994 Settlement Agreement, the project sponsor will continue to provide compensation water from Lake Chillisquaque, which can provide compensation in the amount of 17.000 mgd. For consumptive uses of water at Montour SES exceeding 17.000 mgd, PPL proposes to make quarterly payments to the Commission in lieu of providing actual compensation water.

The project is subject to 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 2005-03. The project sponsor has requested a waiver from the notification requirements contained in Commission Regulation §803.25 based on the administrative nature of the modification request. Commission staff recommends a waiver of the notification requirements.

No adverse impacts to other area surface 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.

Pursuant to the increased consumptive water use and surface water withdrawal associated with operation of the scrubbers and commercial wallboard plant, in accordance with Commission Regulation §803.30(a), the prior Docket approval is effective through March 15, 2031. Commission staff recommends the term of this docket modification be consistent with the term of the prior Docket approval.

Decision

1. Commission Docket No. 19940901, as approved on September 27, 1994, and subsequently modified on March 15, 2006, is hereby modified to approve a surface water withdrawal from the West Branch Susquehanna River of up to 36.000 mgd (peak day), and total consumptive water use of 26.200 mgd (peak day), 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. All other conditions in Commission Docket Nos. 19940901 and 19940901-1 not inconsistent herewith shall remain effective.

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

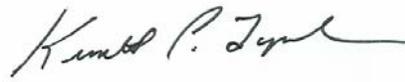
5. The notification requirements specified in Commission Regulation §803.25(a) are hereby waived.

6. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used at Montour SES in exceedence of 17.000 mgd (peak day), including water consumptively used by the scrubbers and at the wallboard plant. Payments shall be made quarterly and shall be calculated by applying the above rate to the daily amount of water consumptively used. 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.

7. To satisfy the Commission's registration requirement, the project sponsor shall register with the Pennsylvania Department of Environmental Protection (PADEP) all surface water sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

8. The prior approval for the existing consumptive water use and surface water withdrawal is not subject to an expiration date, in accordance with the 1994 Settlement Agreement. This approval, as it pertains to the modified consumptive water use and surface water withdrawal, is subject to the same condition of the 1994 Settlement Agreement. The prior approval, pertaining to the increased consumptive water use and surface water withdrawal related to operation of the scrubbers and wallboard plant, is effective until March 15, 2031. That termination date remains effective with this modification, and the project sponsor shall submit a renewal application by September 15, 2030, and obtain Commission approval prior to continuing operation beyond March 15, 2031.

By the Commission:



Dated: December 5, 2006

Kenneth P. Lynch, Chair
New York Commissioner



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Docket No. 20061203

Approval Date: December 5, 2006

SUNNYSIDE ETHANOL, LLC

Surface Water Withdrawal of up to 1.980 mgd,
from West Branch Susquehanna River,
and a Consumptive Water Use of up to 1.600 mgd,
for Manufacture of Fuel Grade Ethanol and Carbon Dioxide,
Curwensville Borough, Clearfield County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval; §803.42, relating to the consumptive use of water; and §803.44, relating to surface water withdrawals. The Commission received the applications on August 24, 2006.

Description

Purpose. The purpose of the application is to request approval for a surface water withdrawal and consumptive use of water associated with the production of fuel grade ethanol and the bottling of carbon dioxide.

Location. The project is located in the West Branch Susquehanna Subbasin, HUC 02050201, West Branch Susquehanna River Watershed, Curwensville Borough, Clearfield County, Pennsylvania.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of up to 1.980 million gallons per day (mgd) of water from the Susquehanna River, and a consumptive use of water of up to 1.600 mgd. Based on the design of the facility, the project sponsor estimates that the maximum average 30-day consumptive water use will be approximately 1.300 mgd, and peak day consumptive water use will be 1.600 mgd.

Construction of the facility is anticipated to begin during the first quarter of 2007, with the anticipated production of fuel grade ethanol and the bottling of carbon dioxide beginning in the first quarter of 2008.

The primary source of water for the facility will be a withdrawal from the West Branch Susquehanna River. Water will be withdrawn directly from the river and used, either treated or untreated, for one or more of the following: fire protection, non-contact process cooling, processing, and incorporation into product. Water will be consumptively used at the facility for processing, non-contact process cooling, incorporation into product, and from evaporation.

Process wastewater generated at the facility, including water from air purification devices, water purification backwash water, and cooling tower blowdown water, will be measured and discharged to the river. The project sponsor is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection (PADEP) for the proposed discharge to the Susquehanna River. The PADEP will specify in the NPDES permit any treatment of the process wastewater required prior to its discharge to the river.

Water also will be supplied by the public water supply system for sanitary purposes at the facility.

Findings

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

All water evaporated by the facility's cooling towers from holding ponds and from various manufacturing processes, and incorporated into products, is considered to be used consumptively.

The project sponsor will withdraw water from two intake locations of the West Branch Susquehanna River for its process operations. Water withdrawn from the Susquehanna River will be metered prior to being used at the facility, and process wastewater discharged from the facility also will be metered. Commission staff recommends that the facility's consumptive water use be calculated as the total metered water withdrawn from the Susquehanna River, minus the metered process wastewater discharged from the facility.

Commission staff recommends the project sponsor submit a proposed metering plan to the Commission for review and approval at the completion of the final facility design and six months prior to the start-up of the facility. The plan should account for all water withdrawn from the river and the total consumptive water use at the facility, as well as account for water received via intermediate products from facilities off the property and any water entering the waste stream.

The project sponsor should propose a methodology based on metering, rather than estimation, and locations of all proposed meters should be provided. Commission staff recommends that the project sponsor plan to record both the metered inflow to the facility and measured outflow from the facility, and any other required meter readings, on a daily basis to determine the project's daily consumptive water use. All measurements should be recorded at approximately the same time each day.

Should the proposed metering plan and accounting procedure consistently result in negative or otherwise inaccurate values, the Commission reserves the right to modify the metering and accounting procedure. Commission staff will direct the project sponsor, by written notice, of any required change in the metering and accounting procedure. Any alternative metering and accounting procedure will be reviewed and approved by Commission staff.

The project sponsor has requested a consumptive water use approval of up to 1.600 mgd. Based on the facility's design calculations provided 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 1.600 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 make quarterly payments to the Commission in lieu of providing actual compensation water.

The project sponsor will operate two surface water intakes on the Susquehanna River. Commission staff recommends that meters be installed on both the surface water intakes in accordance with Commission Regulation §803.44, and that the project sponsor keep daily records of the withdrawals.

Based on the design submitted by the project sponsor, the maximum instantaneous rate of withdrawal from the Susquehanna River is 1.980 mgd, or 1,375 gallons per minute (gpm). The requested maximum withdrawal of 1,375 gpm is less than 10 percent of the 7-day, 10-year low flow (Q7-10 flow) of 43.6 cubic feet per second (cfs), or 19,583 gpm, for the West Branch Susquehanna River at the point of withdrawal. Therefore, no passby flow requirement is required to protect aquatic resources and downstream users.

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 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.

Decision

1. The project's surface water withdrawal from the West Branch Susquehanna River of up to 1.980 mgd, and the consumptive use of water of up to 1.600 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 consumptive water use reporting requirements, as per Commission Regulation §803.42, and surface water withdrawal reporting requirements, as per Commission Regulation §803.44.

4. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity of water evaporated by the facility's cooling towers, from holding ponds, and from various manufacturing processes, and incorporated into products. As described below, the project sponsor shall install and maintain the required metering at the facility, accurate to within five (5) percent.

5. The project sponsor shall submit a proposed metering plan to the Commission for review and approval by Commission staff at the completion of the final facility design and six (6) months prior to the start-up of the facility. This plan shall account for all water withdrawn from the river and the total consumptive water use at the facility, as well as account for water received via intermediate products from facilities off the property and any water entering the waste stream. The plan also shall include a schedule for meter installation. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule, and shall certify to the Commission that the monitoring plan has been implemented. The project sponsor shall maintain any meters, accurate to within five (5) percent.

6. Prior to operation, the project sponsor shall install and maintain metering on the surface water withdrawals, 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. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

7. The combined maximum instantaneous rate of withdrawal from both intake locations on the West Branch Susquehanna River shall not exceed 1.980 mgd, or 1,375 gpm.

8. 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 of water evaporated by the facility's cooling towers, from holding ponds, and from various manufacturing processes, and incorporated into products. 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.

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

10. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

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

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

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

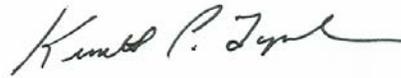
14. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

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

16. This approval is effective until December 5, 2031. The project sponsor shall submit a renewal application by June 5, 2031, and obtain Commission approval prior to continuing operation beyond December 5, 2031.

17. 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: December 5, 2006

Kenneth P. Lynch, Chair
New York Commissioner



SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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Docket No. 20020616-2

Approval Date: June 12, 2002

Modification Date: March 15, 2006

Modification Date: December 5, 2006

COUNTRY CLUB OF HARRISBURG

Surface Water Withdrawal of up to 0.382 mgd, When Available, from Fishing Creek,
and a Consumptive Water Use of up to 0.382 mgd, for Golf Course Irrigation,
Middle 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 (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 the withdrawal of surface water. The Commission received the modification request on November 3, 2006.

Description

Purpose. The purpose of the application is to request approval to modify the existing passby flow criteria, based on an alternate gaging station. The Commission previously modified the docket in March 2006, to increase the withdrawal from Fishing Creek for irrigation at an existing 18-hole golf course. The original Commission approval for consumptive water use and surface water withdrawal was issued on June 12, 2002, as Commission Docket No. 20020616 (docket). This docket modification rescinds certain provisions, revises the project features to include Well 1 as a source for consumptive water use, and changes the reference gage.

Findings

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

Water supplied to the irrigation system initially was withdrawn from Fishing Creek and directly applied to the golf course through the irrigation system, and modified to include water conveyed from multiple sources including two storage ponds (Ponds A and B) and Well 2, as described in the docket. The project sponsor has requested the addition of another well, Well 1, as a source for irrigation water. The total requested groundwater withdrawal exceeds the

Commission's regulatory threshold, as per Commission Regulation §803.43, and that aspect of the project is described in a separate docket action, Commission Docket No. 20061204. As such, Commission staff recommends that references to an approved quantity of withdrawal from Well 2 be removed from this docket.

The project sponsor should update its metering plan to include Well 1 for review and approval by Commission staff to accurately quantify the daily consumptive water use at the facility. The project sponsor should continue to report the daily consumptive water use data to the Commission quarterly.

Should the proposed accounting procedure fail to accurately measure the project's consumptive water use, the Commission reserves the right to modify the metering, monitoring, and accounting procedures. Commission staff will provide the project sponsor with written notice of any required change in the metering, monitoring, and accounting procedures. Any alternative monitoring or accounting procedure requested by the project sponsor must be reviewed and approved by Commission staff.

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 continue to make quarterly payments to the Commission in lieu of providing actual compensation water.

Under provisions in the docket, the project sponsor must limit its surface water withdrawal to allow a passby flow in Fishing Creek to protect aquatic resources. At the withdrawal rate of 637 gallons per minute (gpm), the docket directs the project sponsor to allow a passby flow downstream from the intake of not less than 20 percent of annual average daily flow (ADF). Previous calculations based on records from the United States Geological Survey (USGS) gaging station 01555500 on East Mahantango Creek at Dalmatia, Pennsylvania, indicate that 20 percent ADF equals 4.96 cubic feet per second (cfs) or 2,226 gpm. The project sponsor requested that Commission staff consider an alternate stream gaging station on Bixler Run (USGS 01567500) near Loysville, Pennsylvania, as a reference gage for calculating ADF. Commission staff finds that the proposed gage is acceptable.

Commission staff recommends that the passby criteria be modified as follows: the project sponsor shall maintain a passby flow at the intake structure located on Fishing Creek of not less than 20 percent of annual average daily flow, which equals 4.63 cfs or 2,079 gpm, and shall cease all withdrawals when streamflow immediately downstream of the intake is less than 4.63 cfs.

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

Based on Commission Regulation §803.30(a), the prior docket approval is effective until June 12, 2027. Commission staff recommends the duration of the docket approved be consistent with the prior docket approval. The project is physically feasible, does not conflict with or

adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 20020616, as approved June 12, 2002, and as modified March 15, 2006, is hereby modified to revise the passby criteria as follows: the project sponsor shall maintain a passby flow at the intake structure located on Fishing Creek of not less than 20 percent of annual average daily flow, which equals 4.63 cfs or 2,079 gpm, and shall cease all withdrawals when streamflow immediately downstream of the intake is less than 4.63 cfs.

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

3. Conditions "1," "5," "6," "9," "10," "11," "12," and "14" of Commission Docket No. 20020616-1, as modified March 15, 2006, are hereby rescinded.

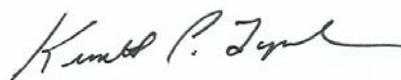
4. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all water withdrawn from Fishing Creek, its groundwater sources, and the total consumptive water use at the facility. The project sponsor shall propose a methodology to account for its consumptive water use based on metering, rather than estimation. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule, and shall certify to the Commission that the monitoring plan has been implemented. The project sponsor shall maintain meters, accurate to within five (5) percent.

5. To satisfy the Commission's registration requirement, the project sponsor shall register with the Pennsylvania Department of Environmental Protection (PADEP) all surface water and groundwater sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

6. All other conditions in Commission Docket Nos. 20020616 and 20020616-1, not inconsistent herewith, shall remain effective.

7. Based on Commission Regulation §803.30(a), this approval is effective until June 12, 2027. The duration of this docket modification is in accordance with the term of the prior docket approvals. The project sponsor shall submit a renewal application by December 12, 2026, and obtain Commission approval prior to continuing operation beyond June 12, 2027.

By the Commission:



Kenneth P. Lynch, Chair
New York Commissioner

Dated: December 5, 2006



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20061204

Approval Date: December 5, 2006

COUNTRY CLUB OF HARRISBURG

Groundwater Withdrawal (30-Day Averages) of 0.162 mgd from Well 1, When Available, and 0.043 mgd from Well 2, for Golf Course Irrigation, Middle 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 (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 for withdrawal of groundwater on October 26, 2006, which was updated on November 2, 2006.

Description

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

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

Project Features. The project sponsor requested approval for the withdrawal (30-day averages) of 0.162 million gallons per day (mgd) from Well 1 and 0.065 mgd from Well 2, which Commission staff recommends be reduced due to identified impacts to a neighboring well at the requested pumping rates. Wells 1 and 2 will be used as additional sources of water for the irrigation of greens, tees, and fairways at an existing 18-hole golf course.

Well 2 was previously approved for withdrawal at less than 0.100 mgd as a source for consumptive water use in Commission Docket No. 20020616-1.

Well 1 is located approximately 100 feet north of Fishing Creek, and approximately 350 feet west of the eastern property boundary. Well 1 is located on the overbank of Fishing Creek and is proximal to a small unnamed tributary. Well 2 is located in a small valley that is

the headwaters for the unnamed tributary that flows to the west of Well 1. Well 2 is approximately 900 feet northwest of Well 1.

Well 1 is an open-rock well, drilled to a total depth of 560 feet. The well is constructed with 8-inch-diameter steel casing to a depth of 48 feet, and is an open-rock borehole with a diameter of 8 inches to 560 feet.

Well 2 is an open-rock well, drilled to a total depth of 650 feet. The well is constructed with 8-inch-diameter steel casing to a depth of 38 feet, and is an open-rock borehole with a diameter of 8 inches to 650 feet.

Wells 1 and 2 penetrate approximately 40 and 35 feet, respectively, of unconsolidated overburden materials, and are completed in siltstones, sandstones, and shales of the Irish Valley Member of the Catskill Formation. Major water-bearing zones in the wells are structurally and stratigraphically controlled, based on the strongly directional drawdown exhibited during the pumping test(s). The near-vertical bedding and the low-angle faulting appear to be the primary source of water.

Pumping Test. The testing procedures for both wells were pre-approved by Commission staff. The project conducted a 69-hour pumping test at Well 1, starting on November 23, 2003, and ending on November 26, 2003. The average pumping rate was 152 gallons per minute (gpm). Four surface water features were monitored (Well 1 weir, Pascotti weir, Fishing Creek staff gage, and the North Slope Pond staff gage); seven groundwater locations were monitored (Well 2, Pascotti Well, Maintenance Building Well, Lundeen Residence Well, Green No. 11 Well, Well 1 piezometer, and the Pascotti piezometer). The monitoring points were located approximately along strike and perpendicular to strike, covering a representative area. During the testing period, pumping-induced drawdown was observed at the Well 1 piezometer and the North Slope Pond staff gage. One water-bearing zone was intersected, with no apparent impact to the discharge volume. At the conclusion of the test, the net drawdown was 84.42 feet, the average transmissivity was estimated at 6,500 gallons per day per foot (gpd/ft), and the end-of-test specific capacity was calculated at 1.74 gallons per minute per foot (gpm/ft).

The project conducted a 48-hour pumping test at Well 2, starting on January 22, 2004, and ending on January 24, 2004. The average pumping rate was 64 gpm. The same four surface water features and seven groundwater locations were monitored. During the testing period, pumping-induced drawdown was observed at the Pascotti Well. Three water-bearing zones were intersected, and the sum of the yields was estimated to be 60 gpm. At the conclusion of the test, the net drawdown was 211.62 feet, the average transmissivity was estimated at 375 gpd/ft, and the end-of-test specific capacity was calculated at 0.30 gpm/ft.

During the Well 2 pumping test, an ice jam occurred at a downstream constriction in Fishing Creek (just downstream of the staff gage monitoring point), causing the stream level to increase. The rising stream level was reflected in the Well 1 piezometer, Well 1 weir, Well 1, Pascotti weir, and Fishing Creek staff gage.

Findings

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

Commission staff reviewed the groundwater availability analysis, pumping test results, and supporting information submitted by the project sponsor. Pumping test results indicate that Wells 1 and 2 draw water from a moderately transmissive fractured rock aquifer, with near-vertical bedding and low-angle faulting. Commission staff has concluded that no hydraulic communication exists between Wells 1 and 2.

Recharge in the project area is strongly controlled by structure, and thus limited. Commission staff recommends approval (30-day averages) of 0.162 mgd from Well 1, when available, and 0.043 mgd from Well 2 (which is less than the requested quantity of 0.065 mgd). Should the project's groundwater withdrawal exceed or be expected to exceed the approved amount, the project sponsor must apply for a modification to this docket at that time.

Commission staff recommends that the maximum instantaneous rates of production from Well 1 not exceed 152 gpm and Well 2 not exceed 64 gpm.

Commission staff recommends that the project sponsor install appropriate metering on Wells 1 and 2, monitor withdrawals daily, and report these data quarterly.

Commission staff finds that the proposed withdrawal from Well 1 induces flow from Fishing Creek at a rate that exceeds 10 percent of the 7-day, 10-year low flow (Q7-10 flow). Fishing Creek is a warm water fishery (WWF), and the passby flow required at the site for the surface water withdrawal is 20 percent of annual average daily flow (ADF). Commission staff recommends that the project sponsor also observe the passby flow of 20 percent ADF for withdrawals from Well 1.

During times when the natural flow of Fishing Creek is less than 20 percent ADF, Commission staff recommends that the project sponsor discontinue use of Well 1. As an alternative and provided appropriate flow measurement structures are in place, functional, and free from obstruction, the project sponsor may mitigate adverse impacts to the stream by insuring that streamflow downstream and outside of the zone of influence of the well is maintained at the rate equal to or greater than streamflow upstream of the zone of influence, plus any intervening drainage. The project sponsor may reduce its rate of pumping Well 1 or augment streamflow from groundwater or storage. For purposes of this docket, Commission staff recommends that 20 percent ADF equal 4.63 cubic feet per second (cfs) or 2,079 gpm be satisfied at the downstream point of compliance.

Commission staff recommends that the project sponsor install weirs or flumes, or other flow measurement devices, to provide for the required passby flow. The project sponsor should submit its designs and a proposed construction schedule for review and approval by Commission staff prior to any construction. Commission staff also should review and approve the location of the measuring devices. Following approval, the project sponsor should 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 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 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.

Decision

1. The project's groundwater withdrawal (30-day averages) of 0.162 mgd from Well 1, when available, and 0.043 mgd from Well 2, are approved pursuant to Article 3, Section 3.10, of the Compact.

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

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

4. The project sponsor shall keep daily records of the metered withdrawals and weekly water levels in Wells 1 and 2. The required reporting data shall be submitted to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter.

5. Within sixty (60) days of the date of this approval, the project sponsor shall install separate meters, 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.

6. *The maximum instantaneous rates of production from Wells 1 and 2 shall not exceed 152 and 64 gpm, respectively.*

7. The project sponsor shall allow a passby flow on Fishing Creek downstream of the project of not less than 20 percent of annual average daily flow, which equals 4.63 cfs or 2,079 gpm, or when streamflow upstream of the zone of influence is less than 20 percent ADF, an amount equal to the total upstream flow of the stream, plus any intervening drainage. The project sponsor shall install flow measurement devices that measure the flows upstream and downstream of the zone of influence of Well 1. The project sponsor shall keep daily records

during the irrigation season of the upstream and downstream flows, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter.

8. The project sponsor shall submit its proposed locations, designs, and a proposed construction schedule for the flow measurement devices within ninety (90) 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.

9. The project sponsor shall mitigate the residential well identified as impacted during the testing within sixty (60) days of this approval and prior to the initiation of operation of Well 2. The project sponsor shall report its mitigation within ninety (90) days of the date of this approval.

10. To satisfy the Commission's registration requirement, the project sponsor shall register with the Pennsylvania Department of Environmental Protection (PADEP) all surface water and groundwater sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

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

12. 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.

13. 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.

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

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

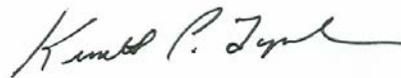
16. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

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

18. This approval is effective until December 5, 2031. The project sponsor shall submit a renewal application by June 5, 2031, and obtain Commission approval prior to continuing operation beyond December 5, 2031.

19. 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:



Kenneth P. Lynch, Chair
New York Commissioner

Dated: December 5, 2006



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20061205

Approval Date: December 5, 2006

MIDDLESEX TOWNSHIP MUNICIPAL AUTHORITY

Groundwater Withdrawal (30-Day Average) of 1.440 mgd from Well 1,
for Public Water Supply,
Middlesex Township, Cumberland County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawals. The Commission received an incomplete application on June 6, 2005, and pumping test results on June 5, 2006, that completed the application.

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 02050305, Conodoguinet Creek Watershed, Middlesex Township, Cumberland County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 1.440 million gallons per day (mgd) from Well 1. The well will be part of Middlesex Township Municipal Authority's public water supply system that currently relies on an interconnection with South Middleton Township to meet their demand.

Well 1 was constructed in 2004. Well 1 was completed as an open-rock well to a total depth of 450 feet below ground surface (bgs). The well has 12-inch-diameter steel casing installed to a depth of 161.5 feet bgs. The borehole apparently collapsed to a depth 261 feet bgs before 2005.

The well penetrates the Rockdale Run Formation at the intersection of two fracture traces and encountered large voids typical of a karst hydrogeologic setting.

The water system's current maximum daily demand is 0.795 mgd and peak day demand is 1.076 mgd. Projected needs for 2030 include an average daily demand of 1.940 mgd, and a maximum daily demand of 2.630 mgd. The requested withdrawal will not meet future demand and the project sponsor will have to develop additional water supplies to become a fully independent water supplier.

The water supply system has one storage tank capable of storing 1.5 million gallons and plans to maintain its interconnection as backup supply for the system. Wastewater is treated at the Carlisle wastewater treatment plant, the Meadows wastewater treatment plant, and the North Middleton wastewater treatment plant and discharged to Conodoguinet Creek.

Pumping Test. A pumping test of Well 1 was conducted on February 13 to 15, 2006, with Commission approval. After 54 hours of pumping at a rate of 998 gallons per minute (gpm), 15.8 feet of drawdown was observed within Well 1.

In addition to the pumping well, one weir; two piezometers, located along Letort Spring Run; and eight observation wells were monitored throughout the aquifer testing. Observable drawdown was not apparent at any of the monitoring locations.

During the 2005 aquifer testing, flow at the Rousek Spring increased due to recirculation of the discharge from Well 1. This monitoring location was not required during the 2006 testing.

This pumping test followed several unsuccessful attempts at testing during 2004 at rates as high as 1,600 gpm, but turbidity spikes and steepening drawdown trends indicated that the well bore was unstable at the higher pumping rates. The well was developed further during December 2004 and January 2005 after the failed tests, and additional post-development testing with limited monitoring was conducted. However, borehole video in August 2005 indicated the well had collapsed to a depth of 261 feet, and Commission staff required additional testing due to the changes in the well's physical characteristics. Commission staff recommends that the project sponsor take prudent action to insure the well's reliability and longevity, including installation of automatic water level and turbidity monitors.

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

Findings

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

Commission staff reviewed the groundwater availability analysis, pumping test results, and supporting information submitted by the project sponsor. The pumping test highlights the capabilities of a high capacity well properly sited in an expansive carbonate aquifer. The results indicate that adverse impacts to local groundwater users or the environment are unlikely, and that sufficient recharge is available to support the requested withdrawal. However, due to the

recirculation that occurred during the testing, Commission staff recommends that additional confirmatory monitoring of Rousek Spring be conducted once the well is connected to the public water supply system.

Based on this information, Commission staff concludes that Well 1 should be approved at a 30-day average withdrawal rate of 1.440 mgd.

Commission staff recommends that the maximum instantaneous pumping rate for Well 1 not exceed 1,000 gpm.

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 reports an unaccounted for water loss of 11 percent in 2005, 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 pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

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

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

Decision

1. The project's groundwater withdrawal of 1.440 mgd (30-day average) from Well 1 is approved pursuant to Article 3, Section 3.10, of the Compact.
2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.
3. The project sponsor shall comply with all Commission regulations, including groundwater withdrawal reporting requirements, as per Commission Regulation §803.43.
4. The project sponsor shall keep daily records of the metered withdrawals and continuous monitoring of water levels in Well 1. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Annual monitoring reports are due within sixty (60) days after the close of the preceding year.

5. Within sixty (60) days from the date of this approval, the project sponsor shall install a meter, accurate to within five (5) percent, on Well 1. The project sponsor shall notify the Commission, in writing, when the meters are installed.

6. Within sixty (60) days from the date of this approval and prior to operation of Well 1, the project sponsor shall submit a plan for Commission staff review and approval monitoring a Rousek Spring. The project sponsor shall implement the plan and submit the results to the Commission.

7. The maximum instantaneous rate of production from Well 1 shall not exceed 1,000 gpm.

8. 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.

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. 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. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

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

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

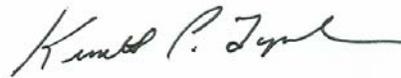
15. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

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

17. This approval is effective until December 5, 2031. The project sponsor shall submit a renewal application by June 5, 2031, and obtain Commission approval prior to continuing operation beyond December 5, 2031.

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

By the Commission:



Kenneth P. Lynch, Chair
New York Commissioner

Dated: December 5, 2006



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20061206

Approval Date: December 5, 2006

NEW MORGAN LANDFILL COMPANY, INC. dba CONESTOGA LANDFILL

Consumptive Water Use of up to 0.085 mgd, for Landfill Operations,
Robeson and Caernarvon Townships, Berks 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 application on August 9, 2006.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for landfill operations.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Conestoga River Watershed, Robeson and Caernarvon Townships, Berks County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.085 million gallons per day (mgd) from treated leachate, groundwater, and surface water for its operations at Conestoga Landfill. The project sponsor consumptively uses water for dust suppression, odor control, and truck and tire washing. The project sponsor estimates the current maximum day consumptive water use to be approximately 0.075 mgd, and current maximum 30-day average consumptive water use to be 0.036 mgd.

Conestoga Landfill was originally permitted by the Pennsylvania Department of Environmental Protection (PADEP) in 1994 and has been in continuous operation since that time. The project sponsor has requested approval from PADEP to expand the landfill (Phase 1 expansion plan) over the next 15 to 20 years.

Water for landfill operations is supplied by un-metered withdrawals from an abandoned quarry, a supply well (the Shop Well) that has a pumping capacity of 25 gallons per minute (gpm), and treated leachate (permeate).

Water is withdrawn from the quarry and conveyed by a 5,000-gallon tanker truck to the landfill, where it is directly applied from the truck to the haul roads. The peak day use is approximately 12,900 gallons per day (gpd). Water also is trucked to odor control devices and applied as a mist. The peak day use for odor control is approximately 11,700 gpd.

The project sponsor currently maintains a log of the daily number of truckloads of water withdrawn from the quarry.

Water withdrawn from the Shop Well is used to fill a 10,000-gallon storage tank for the truck wash. Although the truck wash collects and reuses wash water, the storage tank is also “topped off” from the tanker trucks on a daily basis to replace water lost through evaporation at the facility and as “drive off” water. The peak day use is approximately 1,000 gpd. The storage tank is drained regularly to remove accumulated sediment, and the water removed is taken to the on-site leachate treatment system. Once the tank is drained, the entire 10,000-gallon tank is refilled from the Shop Well. The project sponsor maintains a maintenance log for the storage tank.

Leachate from an on-site leachate treatment system is used at the landfill to supplement water from the quarry. The leachate treatment system is comprised of three closed-top tanks with a combined storage capacity of 2.7 million gallons. No evaporative use is associated with the on-site leachate treatment system; however, approximately 11,500 gpd of treated leachate is transported off-site and disposed of out of the basin, which is a consumptive water use. The project sponsor maintains a log of the daily number of truckloads of leachate leaving the landfill.

Two additional on-site wells (the Administration Office Well and Nature Center Well) supply drinking water and sanitary services at rates of less than 1,000 gpd.

Coordination. Commission staff has coordinated with the PADEP, Bureau of Land Recycling and Waste Management, during review of the project. PADEP approved the project’s landfill operation in 1994. PADEP staff has reviewed this docket for consistency with its permits.

Findings

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

All water used for dust and odor control, evaporated from truck and tire washing, and trucked off-site as leachate is considered to be used consumptively. The daily quantity of water consumptively used shall be the daily quantity withdrawn from the quarry and leachate treatment system for dust suppression, odor control, and truck and tire washing, plus the daily quantity of leachate transported off-site.

The project sponsor currently maintains a log of the daily number of truckloads of water withdrawn from the quarry for dust suppression, odor control, and truck washing. Commission

staff recommends that the volume of the water trucks and number of truckloads of water withdrawn from the quarry be recorded on a daily basis.

The total quantity of water consumptively used through evaporation from the truck and tire wash facility is equal to the amount used to refill the storage tank. Water delivered to the storage tank by tanker truck is accounted for, as described above. Commission staff recommends that the project sponsor install a meter to measure the daily quantity of water withdrawn from the Shop Well. The project sponsor may propose an alternative to metering for review and approval by Commission staff.

Commission staff recommends the consumptive water use of the facility be the sum of the quantity used to fill water trucks on any day from both the quarry and the leachate treatment system, plus the quantity of leachate wastewater trucked off-site for disposal.

Should the proposed accounting procedure fail to accurately measure the project's consumptive water use, the Commission reserves the right to modify the metering, monitoring, and accounting procedures. Commission staff will provide the project sponsor with written notice of any required change in the metering, monitoring, and accounting procedures. Any alternative monitoring or accounting procedure requested by the project sponsor will be reviewed and approved by Commission staff.

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 a consumptive water use approval of up to 0.085 mgd. Based on an analysis of water use records supplied by the project sponsor and the future plans of the landfill, Commission staff is recommending approval of the requested amount. Should the project's future consumptive water use be expected to exceed 0.085 mgd, the project sponsor must 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 2005-03. The project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

The project sponsor operated in violation of Commission regulations since July 1994, when its consumptive water use exceeded the regulation threshold. Commission staff notified the project sponsor of the need to comply with Commission regulations in February 2006. The project sponsor subsequently submitted its application to the Commission, complied with application procedures, and cooperated with Commission staff during its review of the project. The project sponsor has offered a \$ 44,921 settlement to the Commission for the noncompliance

with Commission Regulation §803.4. Commission staff recommends acceptance of the project sponsor's proposed settlement.

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. The project's consumptive water use of up to 0.085 mgd 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 consumptive water use reporting requirements as per Commission Regulation §803.42.

4. Within sixty (60) days from the date of this approval, the project sponsor shall install a meter on the Shop Well. The project sponsor shall install and maintain metering, accurate to within five (5) percent. 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. The project sponsor may propose alternative accounting procedures to the Commission for staff review and approval.

5. The project sponsor shall keep daily records of the project's consumptive water use and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity used for dust and odor control, evaporated from truck and tire washing, and trucked off-site as leachate for disposal.

6. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the total volume of water trucks filled from the quarry and the leachate treatment system, plus the volume of leachate wastewater trucked off-site for disposal. 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.

7. The project sponsor has offered a settlement by agreement, pursuant to Commission Regulation §805.27, in the amount of \$44,921 for its consumptive water use found to be in noncompliance with Commission Regulation §803.4, 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 arrangements with the Commission within forty-five (45) days hereof shall render this approval null and void.

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

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. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

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 5, 2031. The project sponsor shall submit a renewal application by June 5, 2031, and obtain Commission approval prior to continuing operation beyond December 5, 2031.

16. If the project is discontinued for such a period of time and under such circumstances 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: December 5, 2006

Kenneth P. Lynch, Chair
New York Commissioner



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Docket No. 20061207

Approval Date: December 5, 2006

MORGANTOWN PROPERTIES, L.P.

Withdrawal of up to 0.288 mgd from Mill Pond Reservoir, for Public Water Supply, and Consumptive Water Use through an Out-of-Basin Diversion of up to 0.040 mgd, for Water Supply to the Robeson Woods and Joanna Furnace Developments, Berks County, Pennsylvania, and an Into-Basin Diversion of up to 0.040 mgd of Wastewater, from the Robeson Woods and Joanna Furnace Developments, Berks County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to consumptive water use and the diversion of water from the basin. The Commission received the consumptive water use application on June 28, 2006. The project sponsor submitted additional information relating to the out-of-basin diversion to the Commission on October 18, 2006.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of water from Mill Pond Reservoir and diversion of water from the basin to supply water to the Robeson Woods and Joanna Furnace Developments, Berks County, Pennsylvania, and the into-basin diversion of up to 0.040 million gallons per day (mgd) of wastewater from the Robeson Woods and Joanna Furnace Developments, Berks County, Pennsylvania.

Location. Mill Pond Reservoir is located on Back Creek, a tributary to the Conestoga River in the Lower Susquehanna River Subbasin, HUC 02050306, Conestoga River Watershed, New Morgan Borough, Berks County, Pennsylvania. Robeson Woods and Joanna Furnace Developments are located in the Delaware River Basin, Hay Creek Watershed, approximately one mile north of the Mill Pond Reservoir. The project is located in an area that has been identified as a Water Challenged Area (Commission's Groundwater Management Plan – Diabase).

Background. In the late 1940s, Bethlehem Steel originally purchased the land that now makes up New Morgan Borough for ore mining. After the confirmed presence of the iron ore, Bethlehem Steel purchased several thousand acres of land in Caernarvon and Robeson

Townships and operated the Grace Mine, which operated there for 25 years before closing in 1977. In 1986, a decade after Grace Mine closed, the property was purchased from Bethlehem Steel and incorporated as a new jurisdiction named New Morgan Borough.

In 2004, Arcadia Land Company and Carlino Development Group partnered as New Morgan Properties. Morgantown Properties, L.P. is the operator of the utilities for the New Morgan Properties. Bryn Eyre will be built in New Morgan Borough, Berks County, Pennsylvania. Arcadia Land Company and Carlino Development Group are also the developers of Robeson Woods Development, a proposed cluster/open space development located in Robeson Township, Berks County. Joanna Furnace Development, also located in Robeson Township, Berks County, will be serviced by Morgantown Properties, L.P.

Bethlehem Steel (via Grace Mine), developed the Mill Pond Reservoir in 1954 to provide water for mining activities and constructed the associated water treatment plant. The water treatment plant is currently undergoing plant upgrades to satisfy Pennsylvania Department of Environmental Protection (PADEP) water treatment plant construction criteria. Upon completion, the water treatment plant will be permitted to withdraw 0.288 mgd from the Mill Pond Reservoir.

Of the water that is withdrawn from the Mill Pond Reservoir, up to 0.248 mgd will be used within the Susquehanna River Basin in the Bryn Eyre, L.P. Development, New Morgan Industrial Park and 1,000 Oaks Corporate Center. The remainder will be diverted out of the basin to the Robeson Woods and Joanna Furnace Developments, and then imported back into the basin as wastewater from the Robeson Woods and Joanna Furnace Developments.

Morgantown Properties, L.P.'s diversion is not currently recognized in the Commission's Comprehensive Plan as an authorized pre-Compact diversion.

Project Features. The project sponsor has requested approval for a surface water withdrawal of up to 0.288 mgd from Mill Pond Reservoir, a consumptive water use through an out-of-basin diversion of up to 0.040 mgd (peak daily water requirement), and the return of water through an into-basin diversion of up to 0.040 mgd.

Mill Pond Reservoir, constructed in 1954, is supplied water from Back Creek. The drainage area of the reservoir is approximately 2.5 square miles. The reservoir has a surface area of 10 acres and a design capacity of 40 million gallons. Water is conveyed via pumps from the reservoir to the treatment plant. The water distribution network currently utilizes a 0.150 million-gallon welded, steel storage tank (New Morgan Standpipe) for excess storage capacity.

The distribution system is 100 percent metered. Current annual average daily demand of the Morgan Properties L.P. system is 0.025 mgd and the peak day withdrawal is 0.042 mgd.

Effluent from the Morgan Properties L.P. system is treated at the Morgan Properties L.P.-managed New Morgan Borough wastewater treatment plant. The New Morgan Borough wastewater treatment plant, with the exception of the wastewater from the 1,000 Oaks Corporate

Center discharges to Back Creek at the discharge point that is shared with the Conestoga Landfill (Docket No. 20061206). The 1,000 Oaks Corporate Center wastewater is collected at the Caernarvon Township Municipal Authority and discharges to the Conestoga River. No wastewater will be discharged into the Delaware River Basin.

Coordination. Commission staff has coordinated with the PADEP Southcentral Region Office during review of the project. Commission staff also has coordinated with PADEP Division of Water Use Planning, and the Pennsylvania Fish and Boat Commission (PFBC).

Findings

The project's diversions of water from and to the basin and withdrawal from Mill Pond Reservoir are subject to Commission review and approval, as per Commission Regulations §803.42 and §803.44. The application also has been reviewed with respect to Commission Policy No. 98-01, regarding diversions of water from the Susquehanna River Basin and past decisions of the Commission regarding out-of-basin and into-basin diversions.

Surface Water Withdrawal. The PADEP has received an application from the project sponsor for the surface water withdrawal from Mill Pond Reservoir. As part of the application, the project sponsor evaluated the safe yield of the Mill Pond Reservoir (sourced by Back Creek). Based on calculations that were submitted, the safe yield was calculated at 0.440 and 0.510 mgd, respectfully. Based on the two interpretations, the safe yield of Mill Pond was estimated at 0.500 mgd.

The PADEP has calculated the average daily flow (ADF) of Back Creek at the withdrawal location to be 2.810 mgd, and the 7-day average flow with a 10-year recurrence interval (Q7-10) to be 0.350 mgd. Commission staff concurs with the PADEP and the project sponsor with the selected gages and supports the estimated ADF of 2.810 mgd and a Q7-10 flow of 0.350 mgd.

The PADEP has identified a condition for the allocation permit that would require a passby flow of not less than 20 percent ADF because the requested withdrawal from the Mill Pond Reservoir is greater than 10 percent of the Q7-10 flow. The PFBC has reviewed the applications submitted to PADEP and the Commission has recommended a conservation release of 0.562 mgd (0.87 cubic feet per second [cfs]), which is equal to 20 percent ADF.

Commission staff has reviewed this recommendation and finds that it is consistent with existing Commission Policy No. 2003-01, "Guidelines for Using and Determining Passby Flows and Conservation Releases for Surface-water and Groundwater Withdrawal Approvals."

Commission staff concurs with the PADEP with the recommendation that the project sponsor install accurate measuring and recording devices to demonstrate that the passby flows and conservation releases are maintained at all times.

All water withdrawn from Mill Pond Reservoir and transmitted for water supply to Robeson Woods and Joanna Furnace Developments constitutes a diversion of the Susquehanna

River Basin's waters as defined in Section 1.2(4) of the Compact. The diverted waters are considered to be consumptively used under Commission Regulation §803.42. The daily metered transfer from the Morgantown Properties, L.P. water treatment plant to Robeson Woods and Joanna Furnace Developments should be used to determine the daily consumptive water use. Conversely, all water that is diverted from the Robeson Woods and Joanna Furnace Developments into the Susquehanna River Basin should be metered. The daily records should be submitted to the Commission quarterly, and as otherwise required, to document the out-of-basin and into-basin diversion. The project sponsor should install accurate measuring and recording devices to monitor the amount of water transferred across the basin divide.

Average and maximum demands on the Morgantown Properties, L.P. water system currently are 0.025 mgd and 0.042 mgd, respectively. Projections by the project sponsor for the year 2009 indicate a maximum need for 0.235 mgd.

The project sponsor has requested a consumptive water use approval of up to 0.040 mgd, and Commission staff is recommending approval of the requested amount. Should the project sponsor's future consumptive water use be expected to exceed 0.040 mgd, the project sponsor must apply for a modification to this docket at that time.

The project is subject to the Commission's water planning requirements, as per Commission Regulation §803.44(e). In order to ensure that there will be no interruption in the public water supply service in the future while meeting passby flow requirements, and that the project's surface water supply is sufficient to support the project sponsor's development plans on a sustainable basis, Commission staff recommends that the project sponsor submit a water resource development plan. The work plan for the water resources development plan should be submitted for review by Commission staff within 60 days of the date of this approval, and the resulting plan should be submitted within 2 years.

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 system losses were 20 percent in 2005, 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 2005-03. The project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

Commission staff recommends that the term of this approval be coterminous with that of the PADEP approval, which is limited to a period of seven years.

The project is physically feasible. This project is required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and, as a diversion, may significantly affect the water resources of the basin.

The project involves a diversion of water and a public hearing is required to be held in conjunction with the Commission's review process. Notice as required in Compact Section 3.10(5) has been provided. Commission staff also has reviewed the application according to Policy No. 98-01, as enumerated below.

Out-of-Basin Diversion Considerations

1. *Any adverse effects and cumulative adverse effects the project may have on the ability of the Susquehanna River Basin to meet its own present and future needs.*

The requested quantity of the diversion of water from the basin is within the quantity approved by PADEP. Provided that the minimum release requirement is maintained, Mill Pond Reservoir/Back Creek will be protected from adverse habitat loss in the downstream sections and flow loss to the basin during critical low flow periods.

2. *The location, amount, timing, purpose, and duration of the proposed diversion and how the project will individually and cumulatively affect the flow of any impacted stream or freshwater inflow of the Chesapeake Bay.*

Mill Pond Reservoir, located in the Lower Susquehanna River Subbasin, historically has been the sole source of supply for Bethlehem Steel Grace Mine. With the application, Morgantown Properties, L.P. is proposing a new withdrawal that contains a diversion component. Withdrawals from the reservoir will occur 365 days a year and provide water to Robeson Woods and Joanna Furnace Developments. Providing that Morgantown Properties, L.P. operates in compliance with the Commission's consumptive water use regulation and other permits from PADEP, the project will have minimal increased impact beyond that contemplated in the Commission's Comprehensive Plan on the flow regimes of the Susquehanna River or the Chesapeake Bay. Focusing on low flow periods, the water allocation permit issued in parallel by PADEP requires the Morgantown Properties, L.P. to maintain a continuous conservation release from the dam equal to 0.562 mgd or 0.87 cfs.

3. *How the project will individually or cumulatively affect other environmental, social, and recreational values.*

Commission staff finds no significant individual or cumulative social or recreational impacts. No recreational uses of the land or water resources on the reservoir property are currently authorized. Environmental and social values are ensured by requiring the project maintain a conservation release at all times.

4. *Whether there is a reasonably foreseeable need for the quantity of water requested by the project sponsor and how that need is measured against other reasonably foreseeable needs in the Susquehanna River Basin.*

Yes. There is a reasonably foreseeable need for the water use by the project sponsor. Average and maximum day demands on the Morgantown Properties, L.P.'s water system are 0.025 mgd and 0.042 mgd, respectively. Projections by the project sponsor for the year 2027

indicate a maximum need of 3.335 mgd. Commission staff reviewed these projections and found them to exceed the design capacity of the system and the opportunity for growth in the project sponsor's service area without the development of additional sources of water.

5. The impact of the diversion on economic development within the Susquehanna River Basin, the member jurisdictions, or the United States of America.

The proposed project is expected to positively impact that part of the basin immediately adjacent to the project area.

6. The cost of the diversion versus other alternatives, including certain external costs such as impacts on the environment or natural resources.

The project sponsor will rely on the Mill Pond Reservoir as its sole initial source of supply for the development in New Morgan Borough and Robeson Township to initiate the development. Morgantown Properties, L.P. has undertaken and is continually seeking an alternative water supply for the developments. Furthermore, studies are concurrently being conducted to explore economic analysis of the environmental impacts.

7. The amount and location of water being diverted to the Susquehanna River Basin from the importing basin.

Morgantown Properties, L.P. reports that approximately 40,000 gallons per day (gpd) of water diverted will be returned to the basin through a public sewer system. Commission staff recommends the project sponsor provide a detailed accounting procedure to accurately measure the water returned to the basin.

8. The proximity of the project to the Susquehanna River Basin.

Morgantown Properties, L.P.'s Robeson Woods and Joanna Furnace Developments are located in the Delaware River Basin, approximately one mile north of the Susquehanna River Basin divide in Berks County. The majority of Morgantown Properties, L.P. service area is within the Susquehanna River Basin.

9. The project sponsor's pre-Compact legal authority to withdraw or divert the waters of the basin.

No pre-Compact uses exist.

10. Any policy of the member jurisdictions relating to water resource, growth, and development.

The Commonwealth's recommended approval of the Morgantown Properties, L.P. allocation request for Robeson Woods and Joanna Furnace Developments demonstrates consistency with water resources development and planning for the Commonwealth.

11. *Any land use or natural resource planning being carried out in the importing basin?*

The project is consistent with known land use and natural resource planning at the municipal, county, state, and federal level.

12. *Has the project sponsor demonstrated that reasonable efforts have been made to develop sources within the basin of need?*

The project sponsor will rely on Mill Pond Reservoir for the initial development, and as the requested quantity of withdrawal and diversion does not meet the needs of the projected demands, development will be contingent upon water supply. The project sponsor has explored alternative supply from within the basin of need, and due to the project location in a previously identified water challenged area, water availability is restrictive. With appropriate water conservation measures in place and acceptable drought contingency planning that insures maintenance of the requested conservation release below the dam, the project sponsor could continue to rely on Mill Pond Reservoir throughout the duration of this approval.

Following a thorough review of the material submitted by the project sponsor, and providing that the project sponsor meets all conditions contained in this docket and all other necessary governmental approvals, Commission staff has determined that the proposed diversion of water meets the requirements of the Commission's out-of-basin diversion policy.

Decision

1. The project's surface water withdrawal from Mill Pond Reservoir of up to 0.288 mgd, when available, consumptive water use through an out-of-basin diversion of up to 0.040 mgd, and the into-basin diversion of up to 0.040 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 consumptive water use reporting requirements, as per Commission Regulation §803.42, and surface water withdrawal reporting requirements, as per Commission Regulation §803.44.

4. The project sponsor shall keep daily records of the project's consumptive water use resulting from the out-of-basin diversion, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly data are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used by the project shall be the withdrawal from Mill Pond Reservoir (or from storage) and transferred to Robeson Woods and Joanna Furnace Developments.

5. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on water transferred to Robeson Woods and Joanna Furnace

Developments, accurate to within five (5) percent. The project sponsor shall notify the Commission, in writing, when the meter is installed.

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

7. To satisfy the Commission's water planning requirements, as set forth in Commission Regulation §803.44(e), the project sponsor shall submit a water resources development plan to the Commission. The plan shall include sufficient data to support future withdrawals. A work plan for the water resources development plan shall be submitted for review and approval by Commission staff within sixty (60) days of the date of this approval, and the resulting plan shall be submitted within two (2) years.

8. 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 within the Robeson Woods and Joanna Furnace Developments service area. The quantity of water consumptively used by the project within the Robeson Woods and Joanna Furnace Developments service area shall be the sum of the quantity of water delivered to Robeson Woods and Joanna Furnace Developments minus the quantity returned to the basin (metered at the basin divide). 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.

9. Within sixty (60) days from the date of this approval, Morgantown Properties, L.P. shall provide certified maps documenting the extent of its current water distribution system and those of all consecutive water supply systems receiving water from Mill Pond Reservoir. Prior to any expansion of service areas beyond the existing boundaries, Morgantown Properties, L.P. shall apply for a modification to this docket.

10. Within sixty (60) days from the date of this approval, Morgantown Properties, L.P. shall submit a plan, for Commission staff review and approval, to accurately account for the water returned to the Susquehanna River Basin via the Morgantown Properties wastewater treatment system.

11. The project sponsor shall maintain a downstream release of water from Mill Pond Reservoir of 0.87 cfs (0.562 mgd). The project sponsor shall keep daily records of the release, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The

project sponsor shall maintain flow measurement devices and the release works shall be kept fully functional and free of debris.

12. The project sponsor shall install flow measurement devices that measure the flows discharging from Mill Pond Reservoir. The project sponsor shall keep daily records of the flow, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter.

13. The project sponsor shall submit its proposed locations, designs, and a proposed construction schedule for the flow measurement devices within ninety (90) 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.

14. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a). The project sponsor shall report its unaccounted for water losses to the Commission annually.

15. 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.

16. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

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

18. 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.

19. 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.

20. 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.

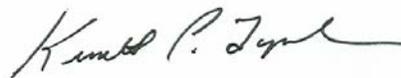
21. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

22. 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.

23. This approval is effective until December 5, 2013, unless upon application or modification of the project sponsor an extension of such period is approved. The project sponsor shall submit an application by September 5, 2013, and obtain Commission approval prior to continuing operation beyond December 5, 2013.

24. 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:



Kenneth P. Lynch, Chair
New York Commissioner

Dated: December 5, 2006



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20020824-1

Approval Date: August 15, 2002

Modification Date: December 5, 2006

MANHEIM TOWNSHIP

Groundwater Withdrawal (30-Day Averages) of 0.120 mgd from the Foundation Well
and 0.210 mgd from the Golf Course Well,
and Consumptive Water Use of up to 0.330 mgd,
for Irrigation of a Golf Course and Ancillary Recreational Areas,
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 (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 original Commission approval for irrigation water for Manheim Township was issued on August 15, 2002, in the name of Manheim Township Overlook Community Foundation as Docket No. 20020824 (Docket). On April 10, 2003, the Commission approved golf course irrigation at Overlook Golf Course as Docket No. 20030412. Although the project sponsor represented that these projects were separate operating “units,” new findings related to the current modification request filed on March 2, 2005, for the Manheim Township Overlook Community Foundation indicated that irrigation water would be shared across property lines. Required supporting data, including groundwater withdrawal applications for the Foundation Well and the Golf Course Well, were submitted on August 31, 2006. This modification approves additional consumptive water use and higher groundwater withdrawals from existing wells, revises project features to include Overlook Golf Course, and rescinds Commission Docket No. 20030412. The docket also is renamed to recognize the common ownership of the facilities.

Description

Purpose. The purpose of the application is to request approval for an increase in consumptive water use for irrigation of a dog park, miniature golf park, a new driving range, and an existing golf course. In addition, the facility’s existing wells require review and approval for the increased groundwater withdrawal.

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 an increased consumptive use of water of up to 0.330 million gallons per day (mgd), which accounts for total consumptive use from irrigation of athletic fields and other ancillary recreation areas (maximum day of 0.120 mgd), golf course irrigation (maximum day of 0.210 mgd) and evaporation from an on-site storage pond (the Foundation Pond). The project sponsor also has requested approval for an increased withdrawal of 0.330 mgd groundwater (30-day average). The proposed sources are withdrawals from two existing on-site wells (Foundation Well and Golf Course Well) of 0.120 mgd and 0.210 mgd, respectively.

On August 15, 2002, the Commission approved up to 0.088 mgd consumptive water use for irrigation of athletic fields and on April 10, 2003 (Docket No. 20030412), approved up to 0.195 mgd consumptive water use for irrigation at Overlook Golf Course, for a total approved consumptive water use of up to 0.283 mgd. The maximum 30-day averages of consumptive use are 0.090 mgd for irrigation of the athletic fields and other ancillary recreation areas, and 0.170 mgd for irrigation of the golf course (a total of 0.260 mgd).

The project sponsor operates two irrigation systems, one primarily for the Community Foundation campus and the second primarily for Overlook Golf Course. The irrigation system for the athletic fields and other ancillary recreation areas at the Community Foundation campus was previously described in the Docket. The project sponsor constructed a new off-stream, lined pond in August 2004 (the Foundation Pond), a new pump house adjacent to the pond, and an expanded metered irrigation system. The Foundation Pond is supplied by the Foundation Well. The Foundation Pond has a surface area of approximately 0.64 acre, and although the storage pond holds approximately 0.824 million gallons of water, only 0.463 million gallons can be withdrawn using the current intake structure. The Farm Pond, previously referenced in the Docket, is no longer used as a storage pond.

For irrigation at Overlook Golf Course, water is withdrawn from the Golf Course Well and pumped to the Golf Course Pond, then pumped from the pond through a metered irrigation system to the golf course. The Golf Course Pond was constructed prior to 1971, has a surface area of approximately 0.35 acre, and a volume of approximately 0.795 million gallons. Although the Golf Course Pond was increased in 1997, the area of increase is nominal. The pump house is located adjacent to the pond. In addition, water is withdrawn from the Golf Course Well and pumped directly to a plant nursery for irrigation. Water is diverted by means of a valve to either the golf course or the nursery. Currently, irrigation water supplied to the nursery is not metered or monitored.

Project sources include two wells that require Commission approval to operate at the requested quantities: the Foundation Well, which operated at less than 0.100 mgd under conditions in the Docket, and the Golf Course Well, which the Commission had previously approved for the withdrawal of 0.111 mgd, as a 30-day average. Both wells are metered at the source.

The Foundation and Golf Course Wells are completed in a small broad valley that is the headwaters for Little Conestoga Creek. Both wells are completed in the Ledger Formation, which is a light gray dolomite, and the Ledger Formation is flanked by the carbonate Zook Corner and Kinzer Formations. There are no well logs for either well. The depth of the Foundation Well is unknown, with the shaft turbine pump (15 horsepower) set to approximately 43 feet below ground surface (bgs). The depth of the Golf Course Well is reported to be approximately 60 feet bgs, with the shaft turbine pump (50 horsepower) set to 44 feet bgs.

Pumping Test. The testing procedures for both wells were pre-approved by Commission staff. The project sponsor conducted step tests and pumping tests sequentially for both wells. Testing (step tests) commenced at the Foundation Well on March 29, 2006, and at the Golf Course Well on March 30, 2006.

After collecting background data, the project sponsor conducted a 48-hour constant-rate pumping test at the Foundation Well starting on April 10, 2006 and ending on April 12, 2006. The pumping rate was 94 gallons per minute (gpm). Five surface water features were monitored (unidentified tributary weir, streambank piezometer, two springs, and two wetland piezometers) and four groundwater wells (two private wells, the Golf Course Well, and the Foundation Well). Total drawdown in the pumping well at the conclusion of the test was approximately 28 feet. During the testing period, nearly instantaneous pumping-induced drawdown was observed at the North Wetland monitoring point (along an identified photo-lineament).

The project sponsor conducted a 48-hour constant-rate test at the Golf Course Well from April 28, 2006 to April 30, 2006. The same five surface water features and four groundwater locations were monitored. Pumping at an average pumping rate of 344 gpm produced total drawdown in the pumping well of 7.87 feet. No impacts from the operation from the Golf Course Well were recorded in any of the monitoring points.

Findings

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

The project sponsor uses two on-site storage ponds: the Foundation Pond is supplied by the Foundation Well and the Golf Course Pond is supplied by the Golf Course Well. The Foundation Pond was constructed in August 2004, and has a surface area of approximately 0.64 acre. The Golf Course Pond was constructed prior to 1971, and Commission staff finds that the increase in area in 1997 is nominal.

All water evaporated from the 0.64-acre storage pond (Foundation Pond), as well as water used for athletic field irrigation, golf course irrigation, and irrigation of other ancillary recreation areas (dog park, miniature golf course, and driving range), is considered to be used consumptively. Water evaporated from the 0.64-acre storage pond will be calculated by the project sponsor, employing a methodology acceptable to the Commission. The irrigation systems are fully equipped with meters that measure the daily quantities of water withdrawn to be used for irrigation.

The Farm Pond previously referenced in the Docket predates the Commission's consumptive water use regulation but is no longer used as a storage pond. The project sponsor has agreed to cease all withdrawals from the Farm Pond.

The project sponsor began irrigation at athletic fields and other ancillary recreation areas in 2001. The project sponsor began irrigation of greens and tees at the golf course prior to 1971. Commission staff has agreed to a pre-1971 consumptive water use of 0.051 mgd for the project, as calculated by the project sponsor 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 its grandfathered quantity is subject to the water compensation requirements specified in Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to continue to make quarterly payments to the Commission in lieu of providing actual compensation water. The payment will be based on the total quantity of water used for irrigation and evaporative loss for the newly constructed, lined storage pond.

Project sources include two wells: the Foundation Well, which operated at less than 0.100 mgd under conditions in the Docket, and the Golf Course Well, which the Commission previously approved for the withdrawal of 0.111 mgd, as a 30-day average. Both wells are metered at the source. Commission staff recommends approval (30-day averages) of 0.120 mgd from the Foundation Well and 0.210 mgd from the Golf Course Well. Should the project's groundwater withdrawal be expected to exceed the approved amount, the project sponsor must apply for a modification to this docket at that time.

Commission staff recommends that the maximum instantaneous rates of production from the Foundation Well not exceed 94 gpm and the Golf Course Well not exceed 344 gpm.

Commission staff recommends that the project sponsor maintain appropriate metering on the Foundation Well and the Golf Course Well, monitor withdrawals daily, and report these data quarterly.

During the testing of the Foundation Well at the requested increased withdrawal, nearly instantaneous pumping-induced drawdown was observed at the North Wetland monitoring point. Commission staff evaluated previous use of the well, both during its operation for a nursery and during its operation for the Community Foundation campus below the Commission's regulatory threshold. Although during the testing period drawdown was evident in the wetland complex, Commission staff finds the impact is unlikely to create long-term adverse changes. However, to confirm that no adverse impacts occur, Commission staff recommends that the project sponsor prepare a wetland monitoring plan covering monitoring for two consecutive years, and provide the results to the Commission for staff's review.

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

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.

Decision

1. Commission Docket No. 20020824, as approved August 15, 2002, is hereby modified to approve a groundwater withdrawal (30-day averages) of 0.120 mgd from the Foundation Well and 0.210 mgd from the Golf Course Well, and consumptive water use of up to 0.330 mgd, pursuant to Article 3, Section 3.10, of the Compact subject to the following conditions.

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 consumptive water use reporting requirements, as per Commission Regulation §803.42, and groundwater withdrawal reporting requirements, as per Commission Regulation §803.43.

4. Conditions "c," "d," "g," "h," "i," "j," "k," "l," and "m" of Commission Docket No. 20020824, as approved on August 15, 2002, are hereby rescinded.

5. Commission Docket No. 20030412, as approved April 10, 2003, is hereby rescinded and project features relating to the golf course are made a part of this approval.

6. The project sponsor shall install and maintain meters, accurate to within five (5) percent, on the irrigation systems to measure the quantity of water pumped to the irrigation system.

7. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity of water evaporated from the 0.64-acre storage pond (Foundation Pond), as well as water used for athletic field irrigation, golf course irrigation, and irrigation of other ancillary recreation areas (dog park, miniature golf course, and driving range). The project sponsor shall maintain metering on the irrigation systems, accurate to within five (5) percent.

8. The project sponsor shall maintain metering on the two on-site wells, accurate to within five (5) percent, to measure its groundwater withdrawals. The project sponsor shall keep daily records of the project's groundwater withdrawal and weekly water levels from the wells, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter.

9. 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 water evaporated from the 0.64-acre storage pond (Foundation Pond), as well as water used for athletic field irrigation, golf course irrigation, and irrigation of other ancillary recreation areas (dog park, miniature golf course, and driving range). 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 0.051 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.

10. Within sixty (60) days from the date of this approval, the project sponsor shall submit a plan for the monitoring of the wetlands nearby and adjacent to the Foundation Well for review and approval by Commission staff. This plan shall include a schedule for implementation of the plan and a description of the proposed monitoring, including locations and instrumentation. The overall monitoring period shall include a 30-day period prior to the operation of the Foundation Well, and the period spanning two (2) years of operation. Upon approval of the monitoring plan, the project sponsor shall implement the monitoring plan and, at the conclusion of the monitoring period, supply the results of the monitoring effort to the Commission. The monitoring results shall be documented in an interpretive report, including the monitoring data in graphical form, due sixty (60) days after the conclusion of the monitoring period, or otherwise as directed by Commission staff. Should the monitoring prove to be inconclusive with respect to adverse impacts to the wetland complex, the Commission reserves the right to require additional monitoring, as necessary.

11. If the Commission determines that the operation of the project's groundwater withdrawal from the Foundation Well and the Golf Course Well 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. To satisfy the Commission's registration requirement, the project sponsor shall register with the Pennsylvania Department of Environmental Protection (PADEP) all surface water and groundwater sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

13. 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.

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

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

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

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

18. All other conditions in Commission Docket No. 20020824, as approved on August 15, 2002, not inconsistent herewith shall remain effective.

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

20. 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:

A handwritten signature in cursive script, appearing to read "Kenneth P. Lynch", written in black ink on a light-colored background.

Dated: December 5, 2006

Kenneth P. Lynch, Chair
New York Commissioner



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20061208
Approval Date: December 5, 2006

LANCASTER COUNTY SOLID WASTE MANAGEMENT AUTHORITY— FREY FARM AND CRESWELL LANDFILLS

Consumptive Water Use of up to 0.065 mgd for Landfill Operations,
and a Total Groundwater Withdrawal (30-Day Average) of 0.880 mgd,
for Leachate Collection and Treatment,
Manor 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 (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 §803.43, relating to the withdrawal of groundwater. The Commission received the application on July 3, 2006.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for landfill operations, and the groundwater withdrawal for leachate collection and hydraulic control related to plume migration.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Manns Run Watershed, Manor Township, Lancaster County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.065 million gallons per day (mgd) from treated leachate, runoff, and groundwater. The project sponsor calculates the current maximum day consumptive water use to be 0.037 mgd, and current maximum 30-day average consumptive water use to be 0.030 mgd.

The project sponsor also has requested approval for the total withdrawal (30-day average) of 0.880 mgd from groundwater at Wells CWMP002W, CWMP003W, CWMP004W, CWOB004W, CWMP012W, CWOB051W, CWOB057W, CWOB091W, FFMP016W, the Shredder Pump Station, and a leachate interceptor trench. With the exception of Well FFMP016W and the Shredder Pump Station, the wells and inceptor trench are used for collection of shallow groundwater and leachate from the unlined Creswell Landfill, which is treated using a series of seven lagoons. The project sponsor proposes to use Well FFMP016W as a future source of water for landfill operations.

Lancaster County Solid Waste Management Authority (LCSWMA) owns and operates Frey Farm Landfill (FFLF) and the inactive (closed) Creswell Landfill (CWLF). LCSWMA began operation in 1968 at the CWLF, which is an unlined municipal and residual waste landfill. In 1989, LCSWMA closed CWLF and moved its operations to the newly constructed FFLF. The FFLF is permitted by the Pennsylvania Department of Environmental Protection (PADEP) until 2011, but the project sponsor has indicated that it intends to request the approval from PADEP be extended so it can continue to receive waste until 2020.

The project consumptively uses water for dust suppression, truck and tire washing, irrigation, evaporation from its leachate treatment lagoons, and the sump at the Shredder Pump Station.

Water for landfill operations currently is supplied by un-metered withdrawals from the leachate treatment lagoons. The project sponsor indicates that Well FFMP016W will be used to supply landfill operations in the future. Water is withdrawn from the lagoons and conveyed currently by a 2,280-gallon truck. The project sponsor currently maintains a log of the daily number of truckloads of water withdrawn from the lagoons. The on-site leachate treatment system is comprised of a series of 7 lined lagoons having a combined surface area of 3.28 acres and a combined storage capacity of 9.29 million gallons. The leachate lagoon system is metered (both inflow and outflow); however, because other sources discharge directly into the treatment lagoons and water is withdrawn for landfill operations, consumptive use for this part of the facility cannot be directly calculated as inflow minus outflow.

The withdrawal from all groundwater sources averages 0.356 mgd during a peak 30-day period and is strongly controlled by the precipitation received on-site. All groundwater withdrawn from the project sources is directed through the treatment lagoons and ultimately discharged to Manns Run, a tributary of the Susquehanna River. The discharge is regulated under National Pollutant Discharge Elimination System (NPDES) Permit No. PA0043486.

The wells are described in the following table.

WELL CONSTRUCTION INFORMATION				
Well No.	Year	Depth Drilled (feet bgs)	Pump Capacity (gpm)	Yield, as a 30-Day Average (mgd)
CWMP002W	1981, 2005	75,100	10	0.012
CWMP003W	1987, 2005	75, 140	5	0.0072
CWMP004W	1981, 2003	75, 140	10	0.0144
CWOB004W	1974, 2005	80, 100	15	0.0216
CWMP012W	1981	75	5	0.00049
CWOB051W	1985, 2005	74	15	0.0216
CWOB057W	1985	74	5	0.00221
CWOB091W	1990	140	5	0.0072
FFMP016W	1988	148	No Pump Installed	0.0504 (est.)
bgs - below ground surface gpm - gallons per minute				

All of the wells in the leachate collection and treatment system are metered. The remediation system was based on a groundwater divide that was mapped along River Road. With the operation of certain wells, the groundwater divide can be shifted to maintain a hydraulic control in the immediate area and limit the potential off-site migration of groundwater.

One additional on-site well (Well FFPR001W) supplies water for sanitary services at rates of less than 100 gallons per day (gpd).

FFLF has a separate leachate collection system that collects leachate generated from water trapped in the waste and precipitation on the open (working) cell. This leachate is conveyed to the Lancaster Area Sewer Authority for treatment, then discharged to Dry Run. FFLF is a lined landfill and there is no appreciable consumptive loss associated with the treatment system. The leachate line is metered and on a 30-day average, approximately 25,000 gpd are transferred to the Lancaster Area Sewer Authority.

Water for the truck wash is supplied from a 1,000-gallon storage tank that is refilled by water trucked from the lagoons. Although the facility currently collects the wash water and pumps it to the Lancaster Area Sewer Authority, the project sponsor has determined that this practice may change in the future and, therefore, agrees to consider the wash water to be 100 percent consumptive.

Coordination. Commission staff has coordinated with the PADEP, Bureau of Land Recycling and Waste Management, during review of the project. PADEP first approved the project's landfill operation in 1968. PADEP staff has reviewed this docket for consistency with its permits.

Findings

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

All water used for dust suppression, truck and tire washing, irrigation, and water evaporated from the treatment lagoons and the sump at the Shredder Pump Station is considered to be used consumptively. The daily quantity of water consumptively used shall be the quantity withdrawn from the treatment lagoons and withdrawn from Well FFMP016W, plus the quantity evaporated from 3.28 acres of treatment lagoons and the Shredder Pump Station sump.

The project sponsor currently maintains a log of the daily number of truckloads of water withdrawn from the lagoons for dust suppression, truck and tire washing, and irrigation. Commission staff recommends that the volume of the water trucks and number of truckloads of water withdrawn from the lagoons be recorded on a daily basis.

Commission staff recommends that the project sponsor install a meter on Well FFMP016W prior to its use as a source of water to measure the daily quantity of water withdrawn for landfill operations. The project sponsor may propose an alternative to metering for Commission staff review and approval.

Water evaporated from the 3.28 acres of treatment lagoons and from the Shredder Pump Station sump will be calculated by the project sponsor, employing a methodology acceptable to the Commission.

Should the proposed accounting procedure fail to accurately measure the project's consumptive water use, the Commission reserves the right to modify the metering, monitoring, and accounting procedures. Commission staff will provide the project sponsor with written notice of any required change in the metering, monitoring, and accounting procedures. Any alternative monitoring or accounting procedure requested by the project sponsor will be reviewed and approved by Commission staff.

The project sponsor has requested a consumptive water use approval of up to 0.065 mgd. Based on an analysis of water use records supplied by the project sponsor and the future plans of the landfill, Commission staff is recommending approval of the requested amount. Should the project's future consumptive water use be expected to exceed 0.065 mgd, the project sponsor must apply for a modification to this docket at that time.

The quantity of water that was consumptively used at the CWLF prior to January 23, 1971, is undocumented and is considered by the project sponsor to be de minimis due to landfill operating practices at the time. Therefore, Commission staff finds that the quantity of pre-Compact consumptive water use to be 0 gallons.

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 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 sponsor operated the project without prior Commission approval since July 1994, when its consumptive water use exceeded the regulation threshold. The project sponsor voluntarily submitted its application to the Commission, complied with application procedures, and cooperated with Commission staff during its review of the project. The project sponsor has offered a \$26,442.80 settlement to the Commission for the noncompliance with Commission Regulation §803.4. Commission staff recommends acceptance of the project sponsor's proposed settlement.

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. The project's consumptive water use of up to 0.065 mgd and total groundwater withdrawal (30-day average) of 0.880 mgd from listed sources 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 consumptive water use reporting requirements as per Commission Regulation §803.42.

4. Sixty (60) days prior to its initial use, the project sponsor shall install a meter on Well FFMP016W. The project sponsor shall maintain metering, accurate to within five (5) percent. The project sponsor shall notify the Commission, in writing, when the meter is installed. The project sponsor may propose alternative accounting procedures to the Commission for staff review and approval.

5. The project sponsor shall keep daily records of the project's consumptive water use and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity used for dust suppression, truck and tire washing, irrigation, and water evaporated from the treatment lagoons and the Shredder Pump Station sump. Commission staff shall review and approve the method of calculation of evaporative loss from the treatment lagoons and the Shredder Pump Station sump.

6. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the total volume of water trucks filled from the treatment lagoons and metered usage from Well FFMP016W, and water evaporated from the treatment lagoons and the Shredder Pump Station sump. 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.

7. The project sponsor has offered a settlement by agreement, pursuant to Commission Regulation §805.27, in the amount of \$26,442.80 for its consumptive water use found to be in noncompliance with Commission Regulation §803.4, 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 arrangements with the Commission within forty-five (45) days hereof shall render this approval null and void.

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

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

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.

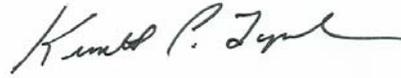
14. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

15. This approval is effective until December 5, 2031. The project sponsor shall submit a renewal application by June 5, 2031, and obtain Commission approval prior to continuing operation beyond December 5, 2031.

16. If the project is discontinued for such a period of time and under such circumstances 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: December 5, 2006

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

Kenneth P. Lynch, Chair
New York Commissioner



SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

Docket No. 20061209

Approval Date: December 05, 2006

EXELON GENERATION CO. LLC— PEACH BOTTOM ATOMIC POWER STATION

Surface Water Withdrawal of up to 2,363.620 mgd, from Conowingo Reservoir,
Drumore Township, Lancaster County, Pennsylvania,
and Consumptive Water Use of up to 32.490 mgd (Peak Day)
for Power Plant Operation at the Peach Bottom Atomic Power Station,
Drumore Township, Lancaster County, and
Peach Bottom 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 (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval; §803.42, relating to the consumptive use of water; and §803.44, relating to surface water withdrawals. The Commission received the surface water withdrawal and consumptive water use application on October 3, 2006.

Description

Purpose. The purpose of the application is to request approval for consumptive water use and surface water withdrawal for processes related to operations at the Peach Bottom Atomic Power Station (PBAPS).

Location. The project is located in the Susquehanna Subbasin, HUC 02050306, Drumore Township, Lancaster County, and Peach Bottom Township, York County, Pennsylvania.

Project Features. The project sponsor has requested approval for continued consumptive water use of up to 32.490 million gallons per day (mgd) on a peak day. The project sponsor has also requested approval for a surface water withdrawal of up to 2,363.620 mgd (peak day) from Conowingo Reservoir.

The project consists of two nuclear-powered, base-load electric generating units known as Unit 2 and Unit 3. Unit 2 is rated at 1,112 megawatts, and Unit 3 is rated at 1,112 megawatts. Units 2 and 3 at PBAPS began operation in July and December 1974, respectively, and have

open-cycle cooling systems with evaporative cooling towers that are used intermittently depending on metrological and reservoir conditions. PBAPS is approved by the Commission to consumptively use water in accordance with Resolution 93-04. Consumptive water use at PBAPS results from evaporation from detention basins, thermal loading on the reservoir surface, along with evaporation and drift losses when the cooling towers are in operation. Under the terms of Resolution 93-04, adopted by the Commission on September 16, 1993, the consumptive water use compensation provided by PBAPS through releases at the Conowingo Dam was determined to satisfy the Commission's compensation requirement for the existing operation.

Currently, consumptive water use makeup, as approved under Resolution 93-04, is provided by a release of water at the Conowingo Dam whenever streamflow at the Marietta gage is less than 2,700 cubic feet per second (cfs), such that the average daily streamflow measured at the Conowingo stream gage is always equal to or greater than the average daily streamflow measured at the Marietta gage plus 200 cfs. This compliance method applies to full or partial operation of the PBAPS, but not when both Units are shut down.

PBAPS received approval from the U.S. Nuclear Regulatory Commission (NRC) to uprate Unit 2 in 1994 and 2002, and Unit 3 in 1995 and 2002. In 2003, Exelon Generation Co., LLC (Exelon) received a license renewal from NRC extending the term of the licenses 20 years to 2033 (Unit 2) and 2034 (Unit 3).

Findings

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

Prior to the approval of this docket, the project has been subject to Commission Resolutions 81-07, 83-04, 91-02, and 93-04. The Commission-approved method of compliance for the consumptive use of water at PBAPS is contained within Resolution 93-04. Because Resolution 93-04 predates the Commission's surface water withdrawal regulation, it contains no provisions or conditions related to surface water withdrawal.

The project sponsor identified that the surface water withdrawal at the facility will be increased sufficiently to be subject to Commission Regulation §803.44, relating to surface water withdrawals. The project sponsor has requested approval for the surface water withdrawal of up to 2,363.620 mgd from Conowingo Reservoir.

All water: 1) evaporated or otherwise lost from the cooling system or other power generation processes; and 2) evaporated off the surface of Conowingo Reservoir due to thermal loading, is considered to be a consumptive water use subject to Commission regulation.

Commission staff recommends that the project sponsor submit a plan to quantify the daily consumptive water use associated with operation of the plant and the thermal loading, and the project's total surface water withdrawal from Conowingo Reservoir for review and approval by Commission staff. The plan should contain metering that is accurate to within five percent, or other suitable methods of measurement on the water diverted to the facility, on the wastewater

and thermal discharges, and other locations, as appropriate, and on the total water withdrawal from Conowingo Reservoir. The project sponsor should report the daily consumptive water use and surface water withdrawal data to the Commission quarterly.

Should the proposed accounting procedure fail to measure PBAPS's consumptive water use and total water withdrawal from Conowingo Reservoir, the Commission reserves the right to modify the measuring, monitoring, and accounting procedures. Commission staff will provide the project sponsor with prior written notice of any required change in the measuring, monitoring, and accounting procedures. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor must be reviewed and approved by Commission staff.

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 continue utilizing the compliance method first approved in Resolution 93-04, effective until September 16, 2011, and thereafter to utilize a method to be approved by the Commission. For so long as Exelon uses releases of water storage from the Conowingo Reservoir as its method for mitigating consumptive water use at PBAPS, if there is any noncompliance with the release requirement related thereto, Exelon proposes to make payments to the Commission in lieu of providing actual compensation water.

Commission staff recommends approval of the proposed consumptive water use method. Commission staff recommends Exelon submit a docket modification request on or before September 16, 2010, proposing a method to mitigate for consumptive water use at PBAPS for the remaining term of its NRC license after the existing compensation agreement expires. In the event it fails to do so, Commission staff recommends that the approved method of compliance after September 16, 2011, be payment of the Commission's prevailing use fee.

The existing surface water withdrawal predates the effective date of Commission Regulation §803.44; however, the project sponsor's increase in withdrawal from Conowingo Reservoir triggers Commission review and approval.

Commission staff recommends approval of the requested surface water withdrawal of up to 2,363.620 mgd (peak day), as submitted by the project sponsor.

Commission staff contends that the project sponsor, at times, operated PBAPS inconsistent with Commission regulations since August 1999, when its surface water withdrawal exceeded the regulation threshold. Commission staff also contends that the project sponsor did not fully comply with its consumptive use mitigation requirements as set forth in Resolution 93-04. The project sponsor voluntarily submitted its application to the Commission, complied with application procedures, and cooperated with Commission staff during its review of the project. The project sponsor has offered a settlement to the Commission for these matters. Commission staff recommends acceptance of the project sponsor's proposed settlement.

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

project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

No adverse impacts to other area surface 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.

Commission staff recommends the term of this docket modification to be coterminous with the Unit 3 NRC license, effective until July 3, 2034.

Decision

1. The project's surface water withdrawal from Conowingo Reservoir of up to 2,363.620 mgd, and consumptive water use of up to 32.490 mgd (peak day), 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 consumptive water use and surface water withdrawal reporting requirements, as per Commission Regulations §803.42 and §803.44.

4. The project sponsor shall keep daily records of the consumptive water use and surface water withdrawal, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter.

5. The project sponsor's Settlement Agreement, pursuant to Commission Regulation §805.27, for alleged noncompliance with Commission regulations and consumptive use mitigation requirements as set forth in Resolution 93-04, is hereby accepted.

6. Within sixty (60) days from the date of this approval, the project sponsor shall submit to the Commission for review and approval by Commission staff a plan to meter or use other suitable methods of measuring surface water withdrawals that account for all water withdrawn from Conowingo Reservoir, the wastewater and thermal discharge, and the total consumptive water use at the PBAPS facility. Following approval, the project sponsor shall execute the plan and complete any installation of meters or other means of measuring surface water withdrawals in accordance with the approved schedule, and shall certify to the Commission that the monitoring plan has been implemented.

7. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall release water at the Conowingo Dam whenever streamflow at the Marietta gage is less than 2,700 cfs, such that the average daily streamflow measured at the Conowingo stream gage is always equal to or

greater than the average daily streamflow measured at the Marietta gage plus 200 cfs. This compliance method applies to full or partial operation of the PBAPS, but not when the plant is shut down and is effective until September 16, 2011. Thereafter, its method of compliance shall be as set forth below. If there is any noncompliance with the release requirement from the Conowingo Reservoir, Exelon shall pay the Commission a consumptive use fee for the entire calendar year in which the violation occurred, based on the applicable Commission rate (currently \$0.14 per 1,000 gallons), for the facility's actual total consumptive use for such calendar year, as its alternate method of mitigation for that year. 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.

8. On or before September 16, 2010, Exelon shall submit a docket modification request proposing a method to mitigate for consumptive use at the facility for the remaining term of its docket after September 16, 2011. The proposed method may be a modification of, or alternative to, the mitigation method described in Condition 7 above.

9. Should Exelon not submit a modification request to the Commission pursuant to Docket Condition 7 above, the payment of the Commission's prevailing consumptive use fee shall be the method for meeting PBAPS's consumptive use mitigation requirement for the remaining term of its Docket after September 16, 2011.

10. All prior approvals issued by the Commission for PBAPS are hereby superseded by this approval, to the extent inconsistent with this approval.

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

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

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

Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, nor shall it preclude the Commission from imposing penalties for such noncompliance.

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

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

16. This approval is effective until July 3, 2034. The project sponsor shall submit a renewal application by January 3, 2034, and obtain Commission approval prior to continuing operation beyond July 3, 2034.

17. 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:



Kenneth P. Lynch, Chair
New York Commissioner

Dated: December 5, 2006



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20061210

Approval Date: December 5, 2006

TOWN OF PERRYVILLE

Withdrawal of up to 1.000 mgd from the Susquehanna River,
and Consumptive Water Use through an Out-of-Basin Diversion
of up to 1.000 mgd, for Water Supply to the Town of Perryville,
Cecil County, Maryland

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to consumptive water use and the diversion of water from the basin. The Commission received the consumptive water use application on September 8, 2006.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of water from the Susquehanna River to supply potable water to the Town of Perryville (Town) and diversion of water from the basin as wastewater discharged to Mill Creek, which drains to the Chesapeake Bay.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306. The surface water withdrawal is located in Perryville, Cecil County, Maryland, and the Town's wastewater treatment plant is located on Mill Creek, outside of the Susquehanna River Basin, approximately 0.5 miles east of the basin divide.

Background. The Town has been permitted by Maryland to operate a public water supply system using an intake on the Susquehanna River since 1969. The Susquehanna River is the community's sole source of supply. Water is currently withdrawn from the river through two 20-inch lines and treated at the Town's water treatment plant located within the 100-year floodplain of the Susquehanna River. The Town has operated its withdrawal and diversion under a Water Allocation/Appropriation Permit (No. CE69S041[03]) issued in 1969 by the Maryland Department of the Environment (MDE). The Appropriation Permit allocates an average daily withdrawal of 2.000 million gallons per day (mgd) and a maximum daily withdrawal of up to 4.000 mgd, and expires on July 10, 2010.

Currently, the water treatment plant is incapable of treating greater than 0.800 mgd due to the age of the components. The Town withdraws approximately 0.500 mgd at the present time. All of the water withdrawn from the Susquehanna River and treated at the Town's water treatment plant is discharged into the Town's wastewater treatment plant located on Mill Creek. The Town has operated the Mill Creek wastewater treatment plant since the early 1960s, after acquiring the facility from Cecil County in 1961. The Town is in the process of upgrading its existing water treatment plant and increasing its treatment capacity.

The expanded treatment capacity at the existing treatment plant is not covered by the pre-Compact authorization, and any diversion or transfer of water in excess of the quantity originally withdrawn and diverted is subject to Commission review and approval. Thus, the Town has made application to the Commission for approval of the increased withdrawal and diversion from the basin.

Project Features. The project sponsor has requested approval for a surface water withdrawal of up to 1.000 mgd using an existing surface water intake extending into the Susquehanna River, and a consumptive water use through an out-of-basin diversion of up to 1.000 mgd (peak daily water requirement).

The Town intends to upgrade the water treatment plant and increase its withdrawal from the Susquehanna River at the location of the existing water treatment facility. The Town also will be constructing a 1.0-million-gallon storage tank and new 16-inch and 12-inch water mains from the water treatment plant to the storage tank.

There are no other water systems connected to the Town's water system, although connection junctions exist for potential future connections.

The distribution system is 100 percent metered. Current annual average daily demand of the Town's system is 0.393 mgd and the peak day withdrawal is 0.871 mgd.

All effluent from the Town's system is treated at the Town's wastewater treatment plant. The Town's wastewater treatment plant discharges to Mill Creek, located in the Chesapeake Bay Basin.

Coordination. Commission staff has coordinated with the MDE during review of the project. MDE issued Construction Permit No. DW05-337-08L on August 18, 2006, for the water plant upgrades, and the Maryland Department of Planning's Critical Area Commission issued conditional approval for the project on July 21, 2006. MDE issued the existing Water Appropriation Permit No. CE69S041(03) on September 1, 1969.

Findings

The project's diversion of water from the basin and withdrawal from the Susquehanna River are subject to Commission review and approval, as per Commission Regulations §803.42 and §803.44. The application also has been reviewed with respect to Commission Policy

No. 98-01, regarding diversions of water from the Susquehanna River Basin and past decisions of the Commission regarding out-of-basin diversions.

All water withdrawn from the Susquehanna River, used for water supply to the Town, and transmitted to the Town's wastewater treatment plant constitutes a diversion of the Susquehanna River Basin's waters as defined in Section 1.2(4) of the Compact. The diverted waters are considered to be consumptively used under Commission Regulation §803.42. The daily metered water treated at the water treatment plant should be used to determine the daily consumptive water use. The daily records should be submitted to the Commission quarterly, and as otherwise required, to document the out-of-basin diversion.

Average and maximum demands on the Town's water system currently are 0.550 mgd and 0.850 mgd, respectively. Projections by the project sponsor for the year 2035 indicate a maximum need for 1.500 mgd on a peak day basis.

The project sponsor has requested a consumptive water use approval of up to 1.000 mgd, and Commission staff is recommending approval of the requested amount. Should the project sponsor's future consumptive water use be expected to exceed 1.000 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has determined that the pre-1971 diversion and consumptive water use for the Town was 0.690 mgd, based on a peak 30-day average. For purposes of this docket, the pre-1971 quantity of water consumptively used by the Town's water system is considered "grandfathered," and is exempt from water compensation requirements, although the project would not be exempt from other Commission regulations, including those related to environmental protection and reporting requirements.

The project's diversion and consumptive use of water in excess of the grandfathered quantity are subject to 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 or discontinuing use.

The project sponsor has requested an approval for a withdrawal of up to 1.000 mgd. The withdrawal is subject to the Commission's surface water withdrawal requirements, as per Commission Regulation §803.44.

The withdrawal 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 reported for 2002 were less than the 20 percent specified 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 2005-03. The project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

The project is physically feasible. This project is required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and, as a diversion, may significantly affect the water resources of the basin.

The project involves a diversion of water and a public hearing is required to be held in conjunction with the Commission's review process. Notice as required in Compact Section 3.10(5) has been provided. Commission staff also has reviewed the application according to Policy No. 98-01, as enumerated below.

Out-of-Basin Diversion Considerations

1. *Any adverse effects and cumulative adverse effects the project may have on the ability of the Susquehanna River Basin to meet its own present and future needs.*

The requested quantity of the diversion of water from the basin is within the quantity approved by MDE. The requested withdrawal is less than 10 percent of the Q7-10 flow criterion, and the withdrawal does not require a passby to protect habitat in the downstream fishery or flow loss to the basin during critical low flow periods, according to Commission Policy No. 2003-01. In addition, there are no other water intakes within the basin downstream of the Town's intake, thus the diversion by the Town is not depriving any other user of the river water resource.

2. *The location, amount, timing, purpose, and duration of the proposed diversion and how the project will individually and cumulatively affect the flow of any impacted stream or freshwater inflow of the Chesapeake Bay.*

The Susquehanna River withdrawal historically has been the sole source of supply for the Town. Withdrawals from the river occur 365 days a year and provide water to approximately 3,800 people. Provided that the Town operates in compliance with the Commission's consumptive water use regulation and other permits from MDE, the project will have minimal increased impact beyond that contemplated in the Commission's Comprehensive Plan on the flow regimes of the Susquehanna River or the Chesapeake Bay. Water withdrawn from the Susquehanna River is returned to the upper Chesapeake Bay; further, the Town is in the process of designing upgrades to its wastewater treatment plant to achieve Enhanced Nutrient Reduction, thus assuring the highest quality effluent is discharged into the Chesapeake Bay.

3. *How the project will individually or cumulatively affect other environmental, social, and recreational values.*

Commission staff finds no significant individual or cumulative social or recreational impacts.

4. *Whether there is a reasonably foreseeable need for the quantity of water requested by the project sponsor and how that need is measured against other reasonably foreseeable needs in the Susquehanna River Basin.*

There is a reasonably foreseeable need for the water use by the project sponsor. Average and maximum day demands on the Town's water system are 0.550 mgd and 0.850 mgd, respectively. Projections by the project sponsor for the year 2030 indicate a maximum need of 1.500 mgd. Commission staff reviewed these projections and found them to be reasonable in light of the design capacity of the system and the opportunity for growth in the project sponsor's service area.

5. The impact of the diversion on economic development within the Susquehanna River Basin, the member jurisdictions, or the United States of America.

The proposed project is expected to positively impact the Town, which is in the basin.

6. The cost of the diversion versus other alternatives, including certain external costs such as impacts on the environment or natural resources.

The project sponsor has relied on the Susquehanna River as its sole source of supply for more than 100 years. The Town has considered interconnections with Perry Point and the Town of Port Deposit, but did not find them to be acceptable alternatives. The Town has not undertaken any alternative water treatment studies nor have they provided an economic analysis of the environmental impacts; however it asserts that no other feasible alternative exists. In order for the Town's wastewater treatment plant to discharge into the Susquehanna River Basin (immediately north of the Amtrak Rail Line), the Town would need to construct additional pumping facilities and approximately 5,000 linear feet of effluent force main, without having any appreciable effect on replenishing the resources of the Susquehanna River.

7. The amount and location of water being diverted to the Susquehanna River Basin from the importing basin.

No water is imported to the Susquehanna River Basin.

8. The proximity of the project to the Susquehanna River Basin.

The Town is located in the Susquehanna River Basin, and nearly all of its service area is within the Susquehanna River Basin. The Town's wastewater treatment plant is located approximately 0.5 miles east of the Susquehanna River Basin. Mill Creek, which receives water from the wastewater treatment plant, discharges into the Chesapeake Bay approximately one mile from the mouth of the Susquehanna River.

9. The project sponsor's pre-Compact legal authority to withdraw or divert the waters of the basin.

Pre-Compact uses have already been addressed in the findings section of this docket.

10. Any policy of the member jurisdictions relating to water resource, growth, and development.

Maryland's approval of the upgrades to the water treatment plant demonstrates consistency with water resources development and planning for the State.

11. *Any land use or natural resource planning being carried out in the importing basin?*

The project is consistent with known land use and natural resource planning at the municipal, county, state, and federal level.

12. *Has the project sponsor demonstrated that reasonable efforts have been made to develop sources within the basin of need?*

The project sponsor has relied on its water supply system and wastewater treatment system for more than 100 years, and as the requested quantity of withdrawal and diversion does not represent an increase in its MDE permit, it has not explored any alternatives within the basin of need. No other source in the vicinity of the Town would provide as readily accessible, economical, and reliable source as does the existing Susquehanna River intake. With appropriate water conservation measures in place and enhance effluent treatment, the project sponsor could continue to rely on its water supply and wastewater systems throughout the duration of this approval.

Following a thorough review of the material submitted by the project sponsor, and providing that the project sponsor meets all conditions contained in this docket and all other necessary governmental approvals, Commission staff has determined that the proposed diversion of water meets the requirements of the Commission's out-of-basin diversion policy, especially in light of the fact that the use of the water occurs within the basin.

Decision

1. The project's surface water withdrawal from the Susquehanna River of up to 1.000 mgd, and consumptive water use through an out-of-basin diversion of up to 1.000 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 consumptive water use reporting requirements, as per Commission Regulation §803.42, and surface water withdrawal reporting requirements, as per Commission Regulation §803.44.

4. The project sponsor shall keep daily records of the project's consumptive water use resulting from the out-of-basin diversion, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly data are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used by the project shall be the metered water treated at the Town's water treatment plant.

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

6. 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 quantity of water consumptively used by the project shall be the daily quantity of water treated at the water treatment plant, less the grandfathered quantity of 0.690 mgd. If the daily grandfathered amount exceeds the project's daily water use, that part of the 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.

7. Prior to any expansion of service areas beyond the existing boundaries, the Town shall apply for a modification to this docket.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a). The project sponsor shall report its unaccounted for water losses to the Commission annually.

9. This approval shall not become effective until the project sponsor certifies to the Commission that it has received a permit from MDE 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. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained. Such employees or agents shall be authorized to conduct tests or sampling; to take photographs; to perform measurements, surveys, and other

tests; to inspect the methods of construction, operation, or maintenance; to inspect all measurement equipment; to audit, examine, and copy books, papers, and records pertinent to any matter under investigation; and to take any other action necessary to assure that the project is constructed, operated, or maintained in accordance with the terms and conditions of this approval or any other rule, regulation, or order of the Commission.

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

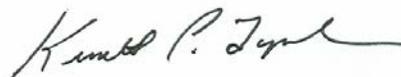
14. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

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

16. This approval is effective until December 5, 2031. The project sponsor shall submit a renewal application by June 5, 2031, and obtain Commission approval prior to continuing operation beyond December 5, 2031.

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

By the Commission:



Kenneth P. Lynch, Chair
New York Commissioner

Dated: December 5, 2006



SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

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

Docket No. 20061211

Approval Date: December 5, 2006

CITY OF BALTIMORE, DEPARTMENT OF PUBLIC WORKS

Surface Water Withdrawal of up to 0.360 mgd,
from the Susquehanna River, for Filtration Plant Design Studies,
Harford County, Maryland

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 §803.44, relating to surface water withdrawals. The Commission received the application on August 17, 2006.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of surface water to undertake pilot testing of alternative water treatment processes being considered for the proposed Fullerton Water Filtration Plant.

Location. The project is located in the Lower Susquehanna River Subbasin, HUC 02050306, Deer Creek Watershed, Harford County, Maryland. It will be co-located with the existing Susquehanna River intake on the Conowingo Pond, just upstream of the Conowingo Dam.

Project Features. The project sponsor has requested approval for a surface water withdrawal of up to 0.360 million gallons per day (mgd). The project sponsor estimates the 30-day average withdrawal will be 0.160 mgd, and the maximum instantaneous withdrawal will be 250 gallons per minute (gpm).

The City of Baltimore (City) proposes to install a pilot plant for the purpose of testing alternative treatment processes and loading rates over a variety of source water conditions. The project is being implemented in anticipation of the conceptual design phase of the planned Fullerton Water Filtration Plant that will receive Susquehanna River water from the existing Baltimore Aqueduct, or "Big Inch," and send finished water to the City's distribution system.

The pilot facility will be located on the site of the existing Susquehanna River intake and will consist of temporary equipment assembled off-site. Raw water feed lines will extend from the Susquehanna River to the facility, over or through the existing intake platform railing. After treatment, the water will be returned to the Susquehanna River in a separate pipe running over or through the same railing. Upon completion of the pilot program, all equipment will be removed from the site. The facility's limited sanitary water needs will be served by a well and other equipment already located at the site.

Coordination. Commission staff has coordinated with the Maryland Department of the Environment (MDE) during review of the project. The City is not required to obtain a Maryland withdrawal permit pursuant to legislation enacted by the Maryland General Assembly in the early 1950s, exempting the City from obtaining a withdrawal permit for Susquehanna River water. Applications for necessary permits related to water discharge, waterway construction, and disposal have been submitted to Maryland and Harford County, as appropriate.

Findings

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

Commission staff recommends approval of a maximum instantaneous pumping rate of 250 gpm from the Susquehanna River intake. Commission staff recommends approval of a peak day withdrawal of up to 0.360 mgd.

Commission staff recommends that the project sponsor maintain the appropriate metering on the intake, accurate to within five (5) percent. Daily flow meter readings should be collected and reported to the Commission quarterly.

Because the proposed facility is a temporary pilot project, it is expected to function only through September 2008. Commission staff recommends the duration of this approval be limited accordingly to two years.

The project sponsor has an existing on-site well serving sanitary needs. Based on information from the project sponsor, the well does not meet Commission regulatory thresholds and was not reviewed as part of this application. Should the withdrawal from that well be expected to exceed 100,000 gallons per day (gpd) on a 30-day average, the project sponsor must apply for an approval.

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

The project sponsor has paid the appropriate application fee pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided proofs of notification to the county and news media, as required by Commission Regulation §803.25(a), and has requested a waiver from the requirements to notify contiguous property owners, as the location of the proposed withdrawal is at the City's existing

intake in a remote location owned by the City and enclosed by a fence and gate, and is entirely surrounded by the project lands of Exelon's Conowingo hydroelectric facility. Commission staff recommends that the Commission waive the contiguous property owners notification requirements specified in Commission Regulation §803.25(a).

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 surface water withdrawal of up to 0.360 mgd 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 surface water withdrawal reporting requirements, as per Commission Regulation §803.44.

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

5. This approval shall not become effective until the project sponsor certifies to the Commission that it has received the necessary discharge permits from Maryland and Harford County authorizing the discharge of the water related to this application.

6. The project sponsor shall maintain metering on the intake, accurate to within five (5) percent, to measure its surface water withdrawal.

7. The project sponsor shall keep daily records of the metered withdrawal and treated water discharged. The required reporting data shall be submitted to the Commission quarterly, and as otherwise required. Monitoring reports are due within thirty (30) days after the close of the preceding quarter.

8. The maximum instantaneous rate of withdrawal shall not exceed 250 gpm.

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

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

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

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

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

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

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

16. This approval is effective until December 5, 2008. The project sponsor shall submit a renewal application by June 5, 2007, and obtain Commission approval prior to continuing operation beyond December 5, 2008.

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

By the Commission:



Kenneth P. Lynch, Chair
New York Commissioner

Dated: December 5, 2006

RESOLUTION NO. 2006-06

A RESOLUTION of the Susquehanna River Basin Commission adopting and promulgating final regulations pertaining to the review and approval of projects, special standards for projects, public hearings, administrative appeals and enforcement actions, and further incorporating those regulations into the SRBC Comprehensive Plan.

WHEREAS, the Commission is authorized under Sections 3.9 and 15.2 of the Susquehanna River Basin Compact, P.L. 91-575, to “adopt, amend, and repeal rules and regulations to implement the compact;” and

WHEREAS, in June 2006, the Commission proposed a set of revisions and additions (the “proposed rule making action”) to its existing project review regulations that includes additional due process safeguards, adds new standards for projects, improves organizational structure, incorporates recently adopted policies and clarifies language; and

WHEREAS, this proposed rule making action was published in the Federal Register on July 7, 2006, the New York Register on July 5, 2006, the Pennsylvania Bulletin on July 8, 2006 and the Maryland Register on August 4, 2006; and

WHEREAS, this proposed rule making action was the subject of three public hearings held throughout the basin during August 2006 and one final public hearing on even date herewith; and

WHEREAS, the Commission also conducted outreach efforts with legislators, environmental groups, business representatives and others to preview the proposed rule making action and explain its purposes; and

WHEREAS, in response to the written and oral comments received during the public comment period, certain changes have been made to this rule making action as it was originally proposed, which changes are incorporated into the final rule making action being taken hereunder and are further reflected in the draft “Comment and Response” document prepared by staff; and

WHEREAS, it is the determination of the Commission that the activities to be regulated under the final rule making action have, both singularly and cumulatively, a major effect on the water resources of the basin and on water resources management; and

WHEREAS, the Commission maintains a Comprehensive Plan for the Management and Development of the Water Resources of the Susquehanna River Basin.

NOW THEREFORE BE IT RESOLVED THAT:

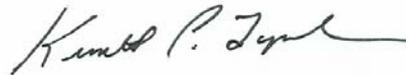
1. The final rule making action removing and reserving Title 18, Parts 803, 804 and 805 of the Code of Federal Regulations and adding Title 18, Parts 806, 807 and 808, as set forth in a

document dated December 5, 2006, as amended by the Pennsylvania member and presented to the Commission, is hereby adopted by the Commission, and incorporated into the Susquehanna River Basin Commission Comprehensive Plan for the Management and Development of the Water Resources of the Susquehanna River Basin.

2. The Executive Director is hereby directed to publish a final rule making notice in the Federal Register and comparable signatory state publications, and to finalize the "Comment and Response" document in accordance with this final rule making action.

3. Except as otherwise provided therein, this final rule making action shall be effective on January 1, 2007.

Date: December 5, 2006



Kenneth P. Lynch, Chairman

RESOLUTION NO. 2006-07

A RESOLUTION of the Susquehanna River Basin Commission extending the suspension of the Commission's consumptive use regulations to agricultural water uses.

WHEREAS, by Resolution Nos. 92-08, 93-01 and 94-05, the Commission suspended the application of the Commission's consumptive use regulations (formerly 18 CFR §803.61) to agricultural water uses; and

WHEREAS, at its meeting in May 1995, the Commission adopted an omnibus package of project review regulations and stated its intention to continue the suspension of the consumptive use provisions of those regulations to agricultural water uses while permanent solutions were sought for the management of agricultural consumptive use; and

WHEREAS, simultaneously with the adoption of this Resolution, the Commission is adopting regulatory revisions to the 1995 omnibus package (to be codified at 18 CFR Parts 803, 804 and 805), which include new provisions pertaining to the consumptive use of water; and

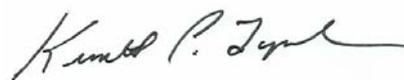
WHEREAS, while great progress has been made toward the attainment of permanent solutions to the issue of agricultural consumptive use, such permanent solutions have not yet been formally implemented; and

WHEREAS, it is the judgment of the Commission that implementation of such permanent solutions will require additional time and that the Commission should extend the current suspension of the consumptive use regulations to the said regulatory revisions pending such implementation.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby extends the current agricultural water use suspension of the consumptive use regulations to the regulatory revisions adopted on even date herewith.
2. This suspension shall remain in effect until further modified or revoked by the Commission.
3. This Resolution shall be effective on January 1, 2007, or concurrently with the effective date of the regulatory revisions, whichever is later.

Date: December 5, 2006



Kenneth P. Lynch, Chairman

RESOLUTION NO. 2006-08

A RESOLUTION of the Susquehanna River Basin Commission (the "Commission") revising the project fee schedule requiring the payment of fees for Commission review and compliance monitoring of certain water resource projects, and establishing certain administrative procedures related thereto.

WHEREAS, recognizing that review of water resource projects pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact (the "Compact") and the Commission's "Regulations and Procedures for Review of Projects" is a substantial and growing program activity representing a major public cost, the Commission revised its project fee schedule in March 2005 under Resolution No. 2005-03; and

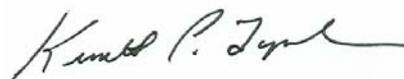
WHEREAS, Resolve No. 3 of said Resolution No. 2005-03 states that, "Subject to public hearing upon due notice given and final Commission approval, the categorical fees set forth herein shall be increased at the rate of 10% per year for five consecutive years and a Consumer Price Index (CPI) adjustment shall be made annually, beginning on January 1, 2007;" and

WHEREAS, simultaneously herewith, the Commission is adopting a final rule making action that will also necessitate certain revisions in the terms of the current project fee schedule.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby adopts a revised project fee schedule implementing the above referenced revisions, which is attached hereto and made a part of this Resolution.
2. Except as otherwise provided below, the provisions of this revised project fee schedule are established by and subject to this Resolution, which supersedes Resolution No. 2005-03.
3. Resolve No. 3 of Resolution No. 2005-03, as set forth above in this Resolution, is incorporated herein and made a part of this Resolution, and shall remain in full force and effect.
4. This Resolution shall be effective on January 1, 2007.

Date: December 5, 2006



Kenneth P. Lynch, Chairman

RESOLUTION NO. 2006-09

A RESOLUTION of the Susquehanna River Basin Commission amending Section 5.24 of the Organization Manual pertaining to employee health insurance benefits.

WHEREAS, the Susquehanna River Basin Commission (the "Commission") maintains certain health insurance benefits for full time, permanent employees and retirees as part of its Organization Manual; and

WHEREAS, due to the continued cost increases in health insurance premiums, the cost of maintaining such benefits has greatly increased in recent years; and

WHEREAS, it is the sense of the Commission that, to promote sound fiscal practices and help control the Commission's escalating health insurance costs, steps should be taken to adjust the level of health insurance benefits made available to newly hired employees.

NOW THEREFORE BE IT RESOLVED THAT:

1. Section 5.24 of the Commission's Organization Manual is hereby amended in accordance with Exhibit A, which is attached hereto and made a part of this Resolution.
2. This Resolution shall be effective immediately.

Date: December 5, 2006



Kenneth P. Lynch, Chairman