

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



March 15, 2002

TO ALL CONCERNED:

At the February 21, 2002 meeting, the draft minutes of the December 13, 2001 Commission meeting were approved as written. Please attach this notice to your copy of the December 13, 2001 minutes.

- DRAFT -

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION**

February 21, 2002

#2002-1 & 2

The meeting was held at the Hilton Garden Inn, Hummelstown, Pa. Chairman Carroll called the meeting to order at 8:35 a.m.

ROLL CALL

Commissioners Present

**Alternate Commissioners
and Advisors Present**

Col. John P. Carroll, Alternate for Brig.
General M. Stephen Rhoades, U.S. Army
Corps of Engineers

Mr. John T. Hicks, Director, Region 8,
N.Y. Dept. of Environmental Conservation

Secretary David E. Hess, Pa. Dept. of
Environmental Protection

Dr. Robert M. Summers, Director, Md. Dept.
of the Environment

Mr. Scott J. Foti, N.Y. Dept. of Environmental
Conservation

Ms. Irene B. Brooks, Pa. Dept. of
Environmental Protection

Mr. Matthew G. Pajerowski, Md. Dept. of the
Environment

Staff Present

Mr. Paul O. Swartz, Executive Director

Mr. Thomas W. Beauduy, Deputy Director

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

Mr. George J. Lazorchick, Acting Chief,
Water Resources Management

Ms. Susan S. Obleski, Dir. of Communications

Mr. Richard A. Cairo, Gen. Counsel/Secretary

Ms. Deborah J. Dickey, Exec. Administrator

Ms. Paula Ballaron, Project Review
Coordinator

Also Present

Ms. Stacey E. Brown, Baltimore District, U.S.
Army Corps of Engineers

INTRODUCTION/WELCOME

Chairman Carroll introduced the members of the Commission and the Executive Director. He then introduced Mayor Marion Alexander of the Borough of Hummelstown who welcomed the Commission on behalf of the Borough and presented an historical comparison of present day versus a century ago. Ms. Diane Alwine of Hershey Foods Corp. welcomed the Commission on behalf of her Company, one of the largest employers in the area. Ms. Alwine also noted the importance of water in the manufacture of Hershey Foods products and how its availability was a key factor in the decision of founder Milton S. Hershey to site his plant at present day Hershey, Pa.

MINUTES OF DECEMBER 13, 2001 COMMISSION MEETING

On a motion by Commissioner Hicks, seconded by Commissioner Pajerowski, the minutes of the December 13, 2001 meeting were unanimously adopted.

ACTION ITEMS

a. Public Hearing – Possible Drought Declaration, Lower Susquehanna River Basin

The Commission held a public hearing on a possible drought emergency declaration in the lower Susquehanna River subbasin. As part of the hearing, Acting SRBC Water Resources Management Chief George Lazorchick reported on drought indicators. Over the last 13 months, the basin has accumulated an average rainfall deficit of 7 inches. Some portions of the southern basin are as much as 14 inches below normal for the same period. The four-month period October 2001 to January 2002 was one of the driest on record in the basin. In the last 19 months, there were only three months where precipitation was above normal.

As a result, streamflows and ground-water levels are well below normal at most monitoring stations. Early December rainfall events did little to improve these indicators. Continuing dry conditions lead Pennsylvania to declare a drought emergency in 24 counties, including all or portions of 16 counties in the Susquehanna basin. This emergency declaration triggered certain restrictions on non-essential water use and other conservation measures. New York placed Otsego and Delaware Counties in the drought warning category, with the remaining Susquehanna drainage counties remaining in a watch stage. In Maryland, a drought warning has been issued for the central region of the state, and water conservation measures are already being implemented in Cecil and Harford Counties and Baltimore City. Some indicators suggest that a drought emergency declaration may be close at hand.

Commissioner Hess reviewed what measures Pennsylvania had taken in response to the winter drought. The emergency declaration includes certain limitations on non-essential uses, use of drought contingency plans, updates of water conservation plans by large users and a general pre-spring/summer sensitizing of the water using public about the need to conserve water. In all, some 70 public water supply systems have already implemented voluntary or mandatory use restrictions. The Pa. Dept. of Agriculture also has an effort underway to

encourage farmers to purchase crop insurance for the coming growing season. As a result, crop insurance applications have doubled.

Commissioner Summers reported on Maryland's efforts to implement the state's drought plan, which was formulated in the wake of the severe 1999 drought. At the present time, conservation efforts were being directed toward indoor use of water. As outdoor uses become more prevalent in the coming weeks, additional conservation measures will be implemented, including a possible drought emergency declaration.

Mr. William T. Morris, President of the York Water Company, testified to the measures that his company implemented in response to the drought conditions. He explained how the company's two reserve sources of water, Lake Williams and Lake Redman, are used to support the entire water system. These two backup sources are projected to be able to maintain the York system through the year 2006, but other sources will be needed after that. Therefore, the company is now applying for a surface-water withdrawal from the Susquehanna River. Voluntary use reductions by customers had been quite successful, with usage being reduced by 7 percent during the watch phase and 13.3 percent during the warning phase.

Mr. Richard Schmoyer of the Adams County Planning Commission noted that the county's number one industry was fruit growing and processing, both highly water dependent activities. This industry has been stressed recently by competition and the plum pox outbreak. He requested that the Commission take the needs of this industry into careful consideration in the adoption of any water use restrictions. Instead of water reduction mandates, financial incentives should be provided to improve water use efficiency. Commissioner Hess pointed out that Pennsylvania's drought emergency restrictions give priority to agricultural water use.

Mr. Dale Wissler, President of the Car Wash Association of Pennsylvania, expressed support for the drought response efforts of both the Commission and the Pa. DEP, and pointed out that less water is used in washing a car at a car wash than washing it at home.

The Executive Director presented two forms of a resolution, one providing for a drought emergency declaration in portions of the lower Susquehanna River Basin, and one supporting the drought declarations of the member states. The Director noted that the staff is recommending adoption of the latter resolution for now, since Maryland had not yet acted to declare an emergency in its portion of the lower Susquehanna River Basin.

Commissioner Summers noted his support for the second form of resolution and moved its adoption. Commissioner Hess asked whether the Commission would remain ready to act if the need for an emergency declaration arose. The Director explained that, with the completion of today's public hearing, the Commission could reconvene at the call of the chair to take further action if that should prove necessary. This could be done either in person or by telephone conference call.

Commissioner Summers' motion was seconded by Commissioner Hess and the second form of resolution supporting the drought declarations of the member states was unanimously adopted (Exhibit A).

The Commission remains at the call of the chair to take additional actions, including the declaration of a drought emergency and the activation of its powers under Article 11 of the Susquehanna River Basin Compact.

b. Public Hearing–Project Review

The Commission convened a public hearing. Using Power Point slides containing geographic and statistical information, Deputy Director Beauduy presented the proposed docket decisions for the following projects: Frito-Lay, Inc. (Exhibit B); Edgewood Pines Golf Club, Limited Partnership (Exhibit C); Hegins Township Authority (Exhibit D); Sweet Arrow Springs, LLC (Exhibit E); Royal Oaks Golf Club, L.P. (Exhibit F); Penn State Milton S. Hershey Medical Center (Exhibit G); Hershey Creamery Company (Exhibit H); High Concrete Structures, Inc. (Exhibit I); Tree Top Golf Course, Inc. (Exhibit J); Carlisle Syntec, Inc. (Exhibit K); PPG Industries, Inc., Works No. 6 (Exhibit L); and Groff Farm Restaurant & Golf Club, Inc. (Exhibit M).

Before proceeding with a description of each docket, Mr. Beauduy provided some background information on the Commission’s review authority and procedures. He listed the standard requirements for each applicant including: 1) notice of application; 2) coordination with member jurisdictions; 3) pumping tests for ground-water withdrawals; 4) metering, monitoring and reporting of water use; 5) mitigation where potential for adverse impacts; 6) water conservation; and 7) docket reopening authority.

Mr. Beauduy then reviewed each of the dockets before the Commission. The staff was recommending settlements in-lieu-of penalties for past violations of Commission regulations for two of the applicants: Edgewood Pines Golf Club- \$5,000 and Royal Oaks Golf Club - \$20,000. On two of the projects, Edgewood Pines Golf Club and Groff Farm Restaurant and Golf Club, Inc., the applicants are being required to develop plans within two years for alternatives to their surface-water withdrawals from small streams. Their authority to continue their withdrawals from these small streams, even with interim protective measures in effect, will expire in four years.

Mr. Beauduy also requested that the Commission take action on two other project review related matters. First, he asked that the Commission rescind project approvals for two projects no longer using water – Appleton Papers, Inc., Camp Hill, Pa., and Coca-Cola Bottling Co. of Eastern Great Lakes, Pittston, Pa. He further requested that the Commission waive the deadline for the transfer of a Commission approval for Song Mountain Resort.

Messrs. Byron Race, Edward Schagen and P.D. Gross expressed concerns about the water withdrawals of Edgewood Pines Golf Club, particularly with respect to the effect of such withdrawals on streamflows in Nescopeck Creek and other feeder streams. Mr. Race and Mr. Schagen also claimed that some adjoining property owners and the township had not been notified of the application. Staff indicated that the applicant had certified to the notification of contiguous property owners and that green return receipts had been provided showing notification of the municipality. Mr. Beauduy also reemphasized the fact that, under the terms of

this proposed approval, Edgewood's surface-water withdrawal will eventually have to be replaced with an alternative source of water.

Mr. Jeff Fry of the Lebanon Country Club appeared to express concerns about withdrawals from Beck Creek by Royal Oaks Golf Club. His club is opposed to any further withdrawals from Becks Creek by Royal Oaks and any future ground-water withdrawals as well. Mr. Beauduy responded by noting the surface-water withdrawal limitations being placed on Royal Oaks and by pointing out that, prior to the final approval of ground-water withdrawals, Royal Oaks would have to proceed through the entire SRBC pump test protocol that will evaluate, among other things, the effects of such ground-water withdrawals on surface sources.

Commissioner Hicks complimented those persons testifying on project applications for their presentations. Commissioner Brooks then moved the staff recommendations with respect to the docketed projects, settlements in-lieu-of penalties, the rescission of the previously approved dockets and the waiver of the deadline for transfer of a docket. This motion was seconded by Commissioner Summers and unanimously adopted by the Commission.

c. George B. Stevenson Water Storage Feasibility Study

The Deputy Director explained that, one year ago, the Commission undertook a study on the feasibility of a project for storage and release of water at the George B. Stevenson Flood Control Reservoir, a Commonwealth of Pennsylvania project located in Cameron County, Pa. Preliminary findings of that study now indicate that, for economic and environmental reasons, the project is probably not feasible.

He therefore requested that the Commission adopt a resolution (Exhibit N) directing the Executive Director to conclude the feasibility study at the earliest possible time and make a determination on the suitability of the reservoir for storage and release of water. If the reservoir is determined to be unsuited for storage and release, the Director shall reconvene the Water Resources Management and Agricultural Water Use Advisory Committees and consider other alternatives for addressing agricultural consumptive use.

On a motion by Commissioner Hicks, seconded by Commissioner Summers, the Commission unanimously adopted the resolution. Commissioner Hicks added that he was pleased that the Commission would continue to explore alternatives for addressing agricultural consumptive use. He was hopeful that a cooperative solution could be found.

d. Water Management Fund Policy

Water Quality Chief David Heicher presented a resolution (Exhibit O) amending the Commission's policy on the use of its Water Management Fund. The policy, which has been in effect since 1995, currently limits use of the fund for the planning and construction phases of projects for storage and release of water. Staff requests temporary authority to use the fund to help clear the backlog of consumptive use projects awaiting review by the Commission following the Commission's Compliance Incentive Program.

This additional use would only be authorized for a period of three years. This resolution also authorizes the Executive Director to convene the Commission's advisory committees to consider other projects to restore and improve the quantity and quality of waters in the basin, including artificial ground-water recharge and wetland restoration. Following these investigations, the Director will present recommendations regarding additional changes to the Water Management Fund Policy that would allow the Commission to pursue these other options.

On a motion by Commissioner Brooks, seconded by Commissioner Summers, the Commission unanimously adopted the resolution.

e. Annual Water Resources Program

The General Counsel presented the revised Susquehanna River Basin Commission Annual Water Resources Program for 2002 and a resolution (Exhibit P) to adopt it. The Susquehanna Compact requires that the Commission maintain an annual water resources program containing projects and programs for the Commission and its member jurisdictions that are projected to be implemented over the next 5-6 years.

The Water Resources Program listings have been updated generally to reflect current priorities. Perhaps most notably, the federal legislative initiatives section has been greatly expanded. It contains, among other things, the list of legislative priorities recently forwarded to the Susquehanna Congressional Task Force members.

On a motion by Commissioner Hicks, seconded by Chairman Carroll, the Commission unanimously approved the resolution adopting the Annual Water Resources Program for 2002 as presented by Counsel.

f. Grant Ratification

Watershed Assessment & Protection Chief David Heicher asked that the Commission ratify the following grant-related contracts:

Chesapeake Bay Nutrient Monitoring – SRBC has contracted with Pa. DEP to continue the nutrient and sediment monitoring on six sites on the main stem of the Susquehanna River. This data will provide information to update the long-term nutrient and sediment trends. DEP will fund the entire \$145,000 covering the contract.

Pa. Total Maximum Daily Loads (TMDL) – SRBC has contracted with Pa. DEP to continue to assist it in the development of its TMDL program. The goal of this proposal is for the SRBC to continue developing specific TMDLs within the Susquehanna River Basin as defined by DEP. Pa. DEP will fund \$205,600 of this contract, with the Commission contributing \$20,400.

On a motion by Commissioner Summers, seconded by Commissioner Brooks, the Commission unanimously ratified these grant-related contracts.

PUBLIC COMMENTS

Mr. Bill Bacharach expressed concern about the loss of small dams on streams and tributaries in the Pequea Creek Watershed in Lancaster County, Pa. He attributed loss of water storage capability to the loss of such dam sites.

PRESENTATIONS

The Commission heard a panel of four representatives of watershed groups describe programs they are running in various watersheds to protect and restore the environment. The panelists included Jo Ellen Litz, Swatara Creek Watershed Association; Wilbur Wolf, Conodoguinet Creek Watershed Association; Robert Hughes, Eastern Pennsylvania Coalition for Abandoned Mine Reclamation (EPCAMR); and Lauren Imgrund, Alliance for Aquatic Resource Monitoring (ALLARM). The panel was introduced by Pa. Department of Environmental Protection Secretary David Hess who highlighted the pivotal role that Growing Greener funding is playing in helping to make these local watershed projects possible. Following the presentations, on a motion by Commissioner Hess, seconded by Commissioner Summers, the Commission unanimously adopted a resolution (Exhibit Q) supporting current efforts by the member states to declare May 2002 as Watershed Awareness Month and calling on the citizens of the Susquehanna River Basin to participate in environmental activities in their local watersheds during the month of May.

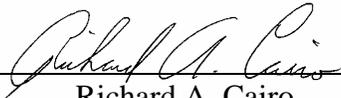
ADJOURNMENT

There being no further business before the Commission, Chairman Carroll adjourned the meeting at 12:49 p.m.

NEXT MEETING

The next regular meeting of the Commission is tentatively scheduled for April 11, 2002 in State College, Pa.

Date Adopted



Richard A. Cairo
Secretary/General Counsel

RESOLUTION NO. 2002-01

A RESOLUTION of the Susquehanna River Basin Commission supporting the drought emergency declaration of the Commonwealth of Pennsylvania in the Lower Susquehanna Subbasin and urging the general public to conserve water and comply with all requirements imposed by the Pennsylvania declaration or any other declaration made by member states.

WHEREAS, various indicators such as precipitation, stream flows, reservoir levels, and ground-water levels show that winter drought conditions have developed in the Susquehanna River Basin; and

WHEREAS, adverse impacts of these conditions are anticipated, particularly if below normal precipitation levels persist into the spring and summer months; and

WHEREAS, in response to these conditions and the anticipated adverse impacts, the Commonwealth of Pennsylvania has declared a drought emergency in the Lower Susquehanna Subbasin, where drought conditions are most acute at this time; and

WHEREAS, the said emergency declaration places certain mandatory water conservation measures into effect to reduce usage and conserve water supplies; and

WHEREAS, in the State of Maryland, a drought warning has been issued for the central region of the State and water conservation measures are already being implemented in Cecil and Harford Counties and Baltimore City; and

WHEREAS, the purposes of the Susquehanna River Basin Compact include to make secure and protect developments within the states; to encourage and provide for planning, conservation and management of the water resources of the basin; to serve the public interest; and to provide for the cooperative and coordinated planning and action by the signatory parties with respect to water resources; and

WHEREAS, Article 11, Section 11.4 of the Susquehanna River Compact confers certain extraordinary drought emergency powers on the Commission; and

WHEREAS, notwithstanding the Commission's powers under the said Article 11, it is the policy of the signatory parties to preserve and utilize the functions, powers and duties of the existing offices and agencies of government, and Article 3, Section 3.2 of the Compact directs the Commission to do so.

NOW THEREFORE BE IT RESOLVED THAT:

1. Pursuant to Article 3, Section 3.7 regarding coordination and cooperation with member jurisdictions, the Commission hereby supports the drought emergency declaration of the Commonwealth of Pennsylvania, in its present form or as it may be expanded, and any other declaration made by a member state in response to the current drought conditions.

2. Water users are requested to comply with all water conservation measures mandated by the Pennsylvania declaration, or any other member state declaration, and to take all other voluntary actions to conserve water as may be called for in those declarations.

3. Public water suppliers and industrial users are urged to follow any existing drought contingency or water shortage plans.

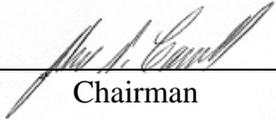
4. In accordance with the SRBC drought coordination plan, staff is directed to work closely with state and federal agencies and the previously established interagency drought committee to coordinate all actions leading up to any other separate drought-related actions taken by those agencies under their own authority.

5. The Executive Director is authorized, as appropriate, to coordinate and request releases from federal or state reservoirs, including the Cowanesque and Curwensville Reservoirs in which the Commission has purchased storage.

6. The Commission and its staff will maintain a state of readiness to take any additional steps that may be necessary to support and assist Pennsylvania and other member states.

7. This Resolution shall become effective immediately.

Date: February 21, 2002



Chairman

Docket No. 20020201
Approval Date: February 21, 2002

FRITO-LAY, INC.

Consumptive Water Use of up to 0.033 mgd
for Manufacture of Food Products,
Town of Kirkwood, Broome County, New York

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42 relating to the consumptive use of water. The Commission received the application on June 27, 2001.

Description

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

Location. The project is located in the Town of Kirkwood, Broome County, New York.

Project Features. The applicant has requested approval for the consumptive water use of up to 0.033 million gallons per day (mgd) for use in the manufacture of snack food products. Frito-Lay, Inc., began operations at the facility in Kirkwood in November 1974 and is in constant operation.

Industrial process and sanitary water are supplied to the facility by the Town of Kirkwood's public water supply wells. The water is metered as it enters the facility and is used in various manufacturing, sanitary and cooling processes. Incoming water is recorded on a weekly basis.

The main source of consumptive water use at the plant is the result of evaporative losses from frying processes and incorporation into product. There are limited uses of water for cooling purposes at the plant, but the cooling loops are closed and the warmed water eventually rejoins the supply of water for the manufacturing processes. Although there are no meters on the production line, a precise industrial analysis has shown water loss through evaporation and incorporation into product to be 3.7 percent of the total incoming water.

There is limited pretreatment of wastewater prior to its discharge to the publicly-owned treatment facility, but none of the processes consume water. The effluent is not metered.

Currently, the plant's average daily consumptive water use is 0.029 mgd, based on the maximum consecutive 30-day period, while peak day consumptive water use is 0.033 mgd.

Findings

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

The applicant obtains all its water from a public supplier and meters the quantity of water entering the plant on a weekly basis. Because the only source of water consumption is from the frying process, the plant's total consumptive use can be accurately represented through an analysis of the percentage of water evaporated and incorporated into product during frying. Such an analysis has demonstrated that 3.7 percent of incoming water is consumed during frying. Therefore the total quantity of consumptive water use is 3.7 percent of the inflow from the public water supply. The total calculated quantity of water consumed during frying each week will be prorated to a daily basis. This quantity represents the project's consumptive water use that is subject to the water compensation requirements contained in Commission Regulation §803.42. To satisfy these requirements, the applicant has agreed to pay the Commission quarterly in-lieu-of providing actual compensation water.

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

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

Compliance Incentive Program

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

Decision

The consumptive use of water up to 0.033 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly and as otherwise requested. The applicant shall compute the project's daily consumptive water use by applying the 3.7 percent consumption rate to plant water inflows, metered weekly and prorated to a daily basis. The applicant shall maintain the existing meters, accurate to within five percent, to calculate the consumptive water.

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

d. To satisfy the Commission's current compensation requirements for the consumptive water use set forth in Commission Regulation §803.42, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

f. This action shall not be construed to exempt the applicant 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 applicant fails to obtain or maintain such approvals.

g. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately

modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

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

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

j. This approval is effective until February 21, 2027. The applicant shall submit a renewal application by August 21, 2026 and obtain Commission approval prior to continuing operation beyond February 21, 2027.

k. 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 applicant and approved by the Commission.

By the Commission:

Dated: February 21, 2002


Chairman

Docket No. 19980102
Approval Date: January 15, 1998
Modification Date: February 21, 2002

EDGEWOOD PINES GOLF CLUB, LIMITED PARTNERSHIP

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

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42 relating to consumptive water use. The Commission originally approved this project on January 15, 1998 (Docket No. 19980102), for a consumptive water use of up to 0.090 mgd. The Commission received an application for an increase in the consumptive water use on July 3, 2000, and received additional information on September 18, and November 14, 2001.

Description

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

Location. The project is located in Butler Township, Luzerne County, Pennsylvania.

Project Features. The applicant has requested approval of an increase in the consumptive water use from 0.090 million gallons per day (mgd) to a maximum daily use of 0.360 mgd for irrigation of fairways, greens, and tees at the 18-hole golf course.

The project was constructed in 1979 and has been in continuous operation since 1980. As part of the project, the applicant constructed four off-stream ponds. The ponds have a total surface area of approximately 2.07 acres.

Water for the irrigation system is withdrawn from the Nescopeck Creek, a warm-water, trout-stocked fishery. The applicant intends to continue to use this source to supply irrigation water at the facility. The withdrawal is accomplished via two pumps that have a combined capacity of 780 gallons per minute (gpm). The withdrawal of water from the stream currently has no passby structure or engineering controls.

This project was originally approved on January 15, 1998 (Docket No. 19980102), for a consumptive water use of up to 0.090 mgd. As part of that approval, the original owner/applicant entered into a settlement agreement with the Commission to compensate for prior water consumed under Commission Regulation §803.42.

Immediately after receiving the Commission's approval, the golf course was sold to the current owner (Gotham Golf Partners) and the approval transferred under Commission Regulation §803.31. Gotham Golf Partners has operated the site for the past three years.

According to monitoring data submitted over the last 3 years, the project has exceeded the 0.090 mgd maximum daily consumptive water use on a total of 142 days. The applicant was notified of these violations and instructed to either submit an application to the Commission to modify the existing approval or to limit the project's consumptive use to 0.090 mgd. Following verbal notification of the violations, the project was notified via certified mail. The first notice was sent on March 8, 2000 directing the applicant to submit an application for modification of the existing Commission approval. A second notice was sent to the applicant on May 11, 2000. Following the second written notice, the applicant submitted an incomplete application on July 3, 2000.

Staff attended a site meeting on October 30, 2000 and informed the applicant that more information was necessary in order to process the application. The applicant was notified by mail of the application's deficiencies on March 30, 2001, July 16, 2001, and on September 11, 2001. Some of the required information was submitted to the Commission on September 18, 2001 and more was submitted on November 14, 2001. Two of the deficiencies noted were the payment of the application fee and the notice requirements under Commission Regulation §803.25. These requirements were not fulfilled until January 11, 2002.

Findings

The project's irrigation water use and storage pond evaporative losses, and its withdrawal of water from the Nescopeck Creek, are subject to the Commission's consumptive water use approval and reporting requirements as per Commission Regulation §803.42.

All water evaporated from the ponds, as well as water withdrawn from the ponds and used for golf course irrigation, is considered to be used consumptively. Water evaporated from the ponds will be calculated by the applicant employing a methodology acceptable to the Commission. The irrigation system has a meter that measures the quantity of water pumped.

The applicant has documented that the surface-water intake on Nescopeck Creek has been in operation since 1980 and that withdrawal practices have not changed significantly since that time. The withdrawal, therefore, does not need an approval under Commission Regulation §803.44 because it pre-dates the regulation.

However, the applicant operates the surface-water intake on Nescopeck Creek with no passby criteria in use at the site. Commission staff has calculated the 7-day, 10-year low flow (Q7-10 flow) in the Nescopeck Creek at the point of taking to be 5.3 cubic feet per second (cfs),

or 2,379 gpm. The withdrawal is greater than 10 percent of the Q7-10 flow (0.53 cfs or 237.9 gpm), and staff has determined that the withdrawal cannot be maintained without adverse impacts. Therefore, a passby flow is required.

Staff recommends as an interim protective measure that the applicant modify its withdrawal to take less than 237 gpm during times when streamflow falls below 20 percent of average daily flow (ADF), which equals 18.7 cfs or 8,410 gpm. Staff recommends that the U.S. Geological Survey's stream gage 01538000 on Wapwallopen Creek near Wapwallopen, Pa., be used as a reference gage for this site. The applicant could propose an alternative monitoring location to the Commission for staff review and approval. This interim protective measure should expire 4 years from the date of this approval.

Further, staff recommends that the applicant investigate alternative water supply options for the site to allow for a passby of at least 20 percent of ADF to be maintained at all times. In this regard, the applicant should prepare a plan to develop alternate sources of water supply and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan should be submitted to the Commission for staff's review and approval within 2 years.

The applicant has offered a \$5,000 settlement to the Commission to compensate for water consumed in violation of Commission Regulation §803.42 for the period of noncompliance beginning in 1998 and ending on the date of this approval. Staff recommends acceptance of the applicant's proposed settlement.

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

The applicant 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 applicant has provided all proofs of notification as called for in Commission Regulation §803.25.

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

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

Decision

The consumptive water use of up to 0.360 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The applicant shall keep daily records of the project's water pumpage from the Nescopeck Creek and readings from the U.S. Geological Survey's stream gage 01538000 on Wapwallopen Creek near Wapwallopen, Pa., and shall provide the results to the Commission quarterly, and as otherwise required. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

b. The applicant shall, as an interim protective measure, modify its withdrawal to take less than 237 gpm during times when streamflow falls below 20 percent of average daily flow (ADF), which equals 18.7 cfs or 8,410 gpm. The applicant shall use the U.S. Geological Survey's stream gage 01538000 on Wapwallopen Creek near Wapwallopen, Pa., as a reference gage for this site. The applicant could propose an alternative monitoring location to the Commission for staff review and approval. This interim protective measure shall expire 4 years from the date of this approval.

c. The applicant shall investigate alternative water supply options for the site to allow for a passby flow of at least 20 percent of ADF to be maintained at all times. In this regard, the applicant shall prepare a plan to develop alternate sources of water supply and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan shall be submitted to the Commission for staff's review and approval within 2 years.

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

e. A settlement by agreement pursuant to Commission Regulation §805.27, in the amount of \$5,000, has been offered by the applicant as payment for the 142 violations of the Commission's consumptive water use approval, and is hereby accepted. Except where the full amount of same has been tendered to the Commission in advance thereof, this action shall be contingent upon, and shall not be effective until, the payment to the Commission or arrangements for payment have been made, that are acceptable to the Executive Director of the Commission, of the settlement set forth herein within 45 days of the date of this approval. Failure to make such payment or agreement with the Commission within 45 days hereof shall render this approval null and void.

f. All other conditions and requirements of Docket No. 19980102 not inconsistent herewith shall remain effective.

g. This action shall not be construed to exempt the applicant 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 applicant fails to obtain or maintain such approvals.

h. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

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

j. Commission approval confers no property rights to the project sponsor.

k. In accordance with Commission Regulation §803.30(a), this modification shall be coterminous with the prior docket approval and shall therefore be effective until January 15, 2023. The applicant shall submit a renewal application by July 15, 2022, and obtain Commission approval prior to continuing operation beyond January 15, 2023.

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

By the Commission:

Dated: February 21, 2002


Chairman

Docket No. 19981204
Approval Date: December 3, 1998
Modification Date: February 21, 2002

HEGINS TOWNSHIP AUTHORITY

Ground-Water Withdrawal (30-Day Average) of 0.216 mgd from Well 6,
and a Total Well Field Withdrawal Limit (30-Day Average) of 0.285 mgd,
for Public Water Supply,
Hegins Township, Schuylkill County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.43 relating to ground-water withdrawals. The original Commission approval for a ground-water withdrawal by this applicant was issued on December 3, 1998 as Docket No. 19981204. The Commission received the current modification request on June 7, 2001. The applicant further modified its request on November 30, 2001.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of ground water from a new well in an existing well field for distribution in a public water supply system.

Location. The project is located in Hegins Township, Schuylkill County, Pennsylvania.

Project Features. The applicant originally requested approval for the withdrawal (30-day average) of 0.216 million gallons per day (mgd) from Well 6. Subsequently, the applicant agreed to revise its request to limit the total withdrawal from the well field to 0.285 mgd. While this request would allow the use of Well 6 at the 30-day average withdrawal rate of 0.216 mgd, it would not result in an increase of water available to the applicant. This reflects the limited ground-water availability described in “Findings” below.

Well 6 will be used as a supplemental source for the public water supply system that currently relies on four wells and a spring. The applicant has an existing withdrawal of 0.225 mgd from Wells 1, 2, and 3, which were drilled prior to 1978, and Spring 1, which has a pre-compact water allocation from the Pennsylvania Department of Environmental Protection

(Pa. DEP). The Commission previously approved the ground-water withdrawal from Well 5 at a rate of 0.180 mgd and a total system withdrawal of 0.285 mgd in 1998 (Commission Docket No. 19981204).

Well 6 was constructed in January 2000 as a nominal 8-inch diameter open rock well with 64 feet of 8-inch steel casing. The well is 602 feet deep and penetrates sandstone, siltstone and shale of the Mauch Chunk Formation. Well 6 is located approximately 650 feet northeast of Well 5.

The public water supply system has an existing average demand of 0.245 mgd and an existing maximum daily demand of 0.497 mgd. The applicant currently serves Hegins and Hubley Townships.

Pumping Test. The applicant did not submit any pumping test protocol for the test pumping of Well 6. A 48-hour constant-rate pumping test was conducted from April 11-13, 2001 for Well 6. Pumping at an average rate of 150 gallons per minute (gpm) (0.216 mgd) over 48 hours produced a total drawdown in Well 6 of 56.04 feet. The applicant monitored water levels in three observation wells and production Wells 3, 4, and 5, and installed a streambed piezometer and staff gage in Pine Creek adjacent to Well 6, and a flume in the discharge from Cold Spring. All of the production wells were pumped at their full capacity prior to and during the aquifer testing.

Coordination. Commission staff has coordinated with Pa. DEP's Northeast Region Office during review of the project. Pa. DEP is reviewing the development and use of Well 6 as a source of public water supply, and has reviewed this docket for consistency with its draft Public Water Supply Construction Permit.

Findings

The withdrawal of water from Well 6 is subject to the Commission's ground-water withdrawal approval and reporting requirements as per Commission Regulation §803.43 regarding ground-water withdrawals.

The applicant applied for approval of an instantaneous withdrawal rate of 150 gpm and a daily withdrawal of 216,000 gallons per day (gpd) based on a 30-day average. The Commission previously approved the ground-water withdrawal from Well 5 at a rate of 0.180 mgd and a total system withdrawal of 0.285 mgd in 1998 (Commission Docket No. 19981204). Wells 5 and 6 are located approximately 650 feet apart in a well field on the northern flank of Good Spring Mountain. The applicant has owned the land and utilized springs for its water supply since the early 1900s. The applicant has met increasing demands by drilling wells in the same area.

The Well 6 pumping test protocol was not submitted for Commission review and approval prior to its being performed. As a result, there were several deficiencies, including, but not limited to, the following:

- 1) At least three small perennial streams were not monitored, one of which was within 25 feet of the tested well;
- 2) Several wetland areas were not monitored;
- 3) Several springs were not monitored;
- 4) The major stream in the area, Pine Creek, was inadequately monitored: the staff gage was not located downstream of the likely impact area in the stream, and it was not sufficiently sensitive to allow measurement of impact; and
- 5) Monitoring of the pumping rates and water levels in the nearby production wells was inadequate in frequency and accuracy.

These deficiencies placed significant constraints on the evaluation of pumping impacts to neighboring water supply wells, surface-water bodies and wetlands. Accordingly, Commission staff must make a conservative interpretation and evaluation of the impacts of Well 6 operation on neighboring water supply wells, surface-water bodies and wetlands.

Although there are numerous springs and streams in the area, their presence does not indicate that the amount of ground water in the bedrock aquifer is greater in the well field area than in adjacent areas. The springs and streams actually derive their water from a thin layer of colluvium that covers the lower slopes of Good Spring Mountain.

Commission staff's review indicates that the recharge available to the well field is marginal and cannot provide a reliable supply of additional water without causing an excessive amount of drawdown, and impacting springs, streams, and wetlands in the area. Staff estimates a drought-based aquifer yield on the order of 170 gallons per minute per square mile. The well field is situated in a gentle concavity in the mountainside that acts to focus shallow ground-water flow, while the close approach of Pine Creek has promoted discharge to the ground surface as springs and seeps. By its proximity alone, the well field is likely to substantially impact these natural resources. The recharge boundary encountered in the testing of Well 6 provides strong evidence that adverse impacts would occur.

Commission staff recommended and the applicant agreed to modify its request based on the limited ground-water availability. Staff recommends approval of an instantaneous withdrawal rate of 150 gpm and a 30-day average withdrawal rate of 216,000 gpd from Well 6, providing that the total withdrawal from the well field is limited to 0.285 gpd. The 30-day average withdrawal rate of 285,000 gpd is equal to the previously approved production rate for the water supply system. While this recommendation would allow the use of Well 6, it would not result in an increase of water available from the well field to the applicant.

Pine Creek, a cold-water trout-stocked fishery, is located approximately 350 feet to the north of Well 6. Staff has calculated the Q7-10 flow to be 0.7 cfs and the average daily flow (ADF) to be 17 cfs. The requested withdrawal of 216,000 gpd (0.33 cfs) is more than 10 percent of the Q7-10 flow and a passby flow is required. In the Pa. DEP permit issued for Well 5, Pa. DEP has required a passby flow of 1.4 cfs at the Broad Street bridge, and that the flow in Pine Creek should be measured and recorded in a manner approved by the Pennsylvania Fish and Boat Commission. Staff concurs with this requirement.

Commission staff further recommend that the applicant locate future well sites in other parts of the service area and away from protected natural resources (springs, streams, and wetlands) in order to distribute ground-water withdrawals over a greater portion of the basin, and thereby minimize environmental impacts. To that end, staff further recommends that the applicant prepare and submit a plan for development of alternate sources of water to the Commission within 3 years.

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

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

In accordance with Commission Regulation §803.30(a), the prior docket approval is effective until December 3, 2023. Staff recommends the duration of this docket modification be consistent with the term of the prior docket approval.

No adverse impacts on other area ground-water withdrawals are anticipated. The project does not conflict with or adversely affect the Commission's Comprehensive Plan, is physically feasible, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

The ground-water withdrawal of 0.216 mgd (30-day average) from Well 6 and a total well field 30-day average withdrawal limit of 0.285 mgd is approved, pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The applicant shall comply with all Commission regulations, including ground-water reporting requirements, as per Commission Regulation §803.43. The required reporting data shall be submitted to the Commission quarterly.
- b. The applicant shall install a meter, accurate to within 5 percent, on Well 6. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.
- c. The maximum instantaneous production rate from Well 6 shall not exceed 150 gpm.
- d. The applicant shall adhere to a passby flow at the Broad Street bridge of not less than 1.4 cfs, and shall cease all withdrawals from Wells 5 and 6 when natural streamflow in Pine Creek falls below 1.4 cfs. The applicant shall provide the flow monitoring data to the Commission quarterly for documentation of the passby flow.

e. The applicant shall prepare a plan to develop alternate sources of water supply outside the existing well field area and shall submit the plan to the Commission for staff's review and approval within 3 years.

f. The applicant shall comply with Commission water conservation requirements, as per Commission Regulation §804.20(a).

g. If the Commission determines that operation of the proposed ground-water withdrawal adversely affects any existing ground-water or surface-water withdrawal, the applicant shall be required to provide, at its expense, an alternate water supply or other mitigating measures.

h. This action shall not be construed to exempt the applicant 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 applicant fails to obtain or maintain such approvals.

i. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

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

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

l. In accordance with Commission Regulation §803.30(a), this modification shall be coterminous with the prior docket approval and shall therefore be effective until December 3, 2023. The applicant shall submit a renewal application by May 3, 2023, and obtain Commission approval prior to continuing operation beyond December 3, 2023.

m. All other conditions in Commission Docket No. 19981204 not inconsistent herewith shall remain effective.

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

By the Commission:

Dated: February 21, 2002



Chairman

Docket No. 20020202

Approval Date: February 21, 2002

SWEET ARROW SPRINGS, LLC

Surface-Water Withdrawal and Consumptive Water Use
of up to 0.121 mgd from Sweet Arrow Spring,
for Bottled and Bulk Water Sales,
Pine Grove Township, Schuylkill County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, §803.42 relating to consumptive water use, and §803.44 relating to surface-water withdrawals. The Commission received the consumptive water use application on July 5, 2001 and the surface-water withdrawal application on July 12, 2001.

Description

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

Location. The project is located in Pine Grove Township, Schuylkill County, Pennsylvania.

Project Features. The applicant has requested approval for the withdrawal and consumptive water use of up to 0.121 million gallons per day (mgd) from Sweet Arrow Spring. The spring has been used as a source for bottled and bulk water sales since March 8, 1971.

Sweet Arrow Spring is located at the head of an unnamed tributary to Swatara Creek. A spring-house has been built over the spring. The spring pool has been lined with corrugated steel pipe with a screened bottom, and a pump hung in the spring pool. Water is pumped from the spring pool to a 20,000 gallon storage tank. Water from the storage tank is pumped into a treatment tank, then into tanker trucks for distribution. The water is metered as it is pumped into the tanker trucks.

Coordination. Commission staff has coordinated with staff from the Pennsylvania Department of Environmental Protection's (Pa. DEP) Northeast Region Office and reviewed their permit for this project that was issued in April 2000. Pa. DEP permitted the project for a

maximum withdrawal rate of 84 gallons per minute (gpm) (0.121 mgd) and required a passby flow of 12 gpm.

Findings

The project's surface-water withdrawal and consumptive use of water are subject to Commission approval and reporting requirements as per Commission Regulations §803.44 and §803.42 regarding surface-water withdrawals and the consumptive use of water, respectively.

Sweet Arrow Spring is located at the head of an unnamed tributary to Swatara Creek, a cold water fishery. Commission staff has determined that the spring has an average daily flow (ADF) of 0.135 cfs (61 gpm or 0.088 mgd) and a Q7-10 flow (the average consecutive 7-day low flow having a 10-year recurrence interval) of 0.006 cfs (2.9 gpm or 0.0042 mgd). The withdrawal is greater than 10 percent of the Q7-10 flow, therefore a passby flow is required.

Staff recommends that the applicant maintain a pass-by flow of 20 percent of ADF at all times when water is being pumped from the spring, which is in accord with Pa. DEP's requirements.

Additionally, and in accord with Pa. DEP's requirement, staff recommends that the maximum instantaneous rate of production from the spring should not exceed 84 gpm.

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

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the applicant 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 applicant has paid the appropriate application fee pursuant to Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06. The applicant has submitted 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 influence the present or future use and development of the water resources of the basin.

Compliance Incentive Program

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

Decision

The surface-water withdrawal and the consumptive water use of up to 0.121 mgd is approved pursuant to Article 3, Section 3.10 of the Compact, subject to the following conditions:

- a. The applicant 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, respectively.
- b. The applicant shall keep daily records of the project's spring withdrawal and consumptive water use, and shall provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to tanker trucks. The applicant shall maintain metering at the loading station, accurate to within five percent. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.
- c. The maximum instantaneous rate of production from the spring shall not exceed 84 gpm.
- d. The applicant shall maintain a passby flow leaving the property of not less than 20 percent of average daily flow, which equals 0.027 cfs or 12 gpm, at all times when water is being pumped from the spring. The applicant shall maintain the necessary measuring devices to record the passby flow, and shall provide the results to the Commission quarterly, and as otherwise required.
- e. The applicant shall comply with Commission water conservation requirements, as per Commission Regulation §804.20(b).
- f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the applicant 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. Payments shall be made quarterly and shall be calculated by applying this rate to the amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

h. This action shall not be construed to exempt the applicant 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 applicant fails to obtain or maintain such approvals.

i. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

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

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

l. This approval is effective until February 21, 2027. The applicant shall submit a renewal application by August 21, 2026 and obtain Commission approval prior to continuing operation beyond February 21, 2027.

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

By the Commission:

Dated: February 21, 2002



Chairman

Docket No. 20020203
Approval Date: February 21, 2002

ROYAL OAKS GOLF CLUB, L.P.

Consumptive Water Use of up to 0.400 mgd, for Golf Course Irrigation,
North Cornwall Township, Lebanon County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval and §803.42 relating to the consumptive use of water. The Commission received the application for the consumptive use of water on December 16, 1999.

Description

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

Location. The project is located in North Cornwall Township, Lebanon County, Pennsylvania.

Project Features. The applicant has requested approval for the consumptive use of water of up to 0.400 million gallons of water per day (mgd). The applicant calculates its average 30-day consumptive use of water to be 0.111 mgd. The primary water source is an existing surface-water withdrawal from Beck Creek that predates Commission Regulation §803.44 relating to surface-water withdrawals. The golf course also operates a well on site at a rate of less than 100,000 gallons per day, which is less than the Commission's regulatory threshold for ground-water withdrawals as defined in Commission Regulation §803.43.

The project was constructed in 1992 and has been in continuous operation since that time. As part of the project, the applicant constructed one off-stream pond that provides for water storage on site. The pond is approximately 4.1 acres in size. The applicant has sufficient storage on site for approximately 25 days of irrigation.

The pond receives water from both the on-site well and from Beck Creek. The surface-water withdrawal from Beck Creek is accomplished via an intake structure that is submerged below the creek bottom and water feeds, by gravity to the pond. Water is withdrawn from the

well, as needed, to augment the withdrawal from Beck Creek to meet the golf course irrigation demand. The well is pumped at approximately 99,000 gallons per day.

The applicant has withdrawn water from the stream over the life of the project with no passby structure or engineering controls.

Public Comment. Complaints were filed with the Commission on June 14, 2001 that the applicant's withdrawal was drying up Beck Creek.

Findings

The project's irrigation water use and storage pond evaporative losses, and its use of water from Beck Creek, are subject to the Commission's consumptive water use approval and reporting requirements as per Commission Regulation §803.42.

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

The project's primary source of water for the irrigation pond is the withdrawal from Beck Creek, a warm-water fishery. Commission staff has calculated 7-day, 10-year low flow (Q7-10 flow) in Beck Creek to be 0.48 cubic feet per second (cfs) or 215 gpm at the point of taking. The project's surface-water intake on Beck Creek has been in operation since 1992 with no passby criteria in use at the site. The withdrawal is greater than 10 percent of the Q7-10 flow at the point of taking and a passby flow is required. Staff recommends that the applicant maintain a passby flow of not less than 20 percent of average daily flow (ADF), which equals 1.37 cubic feet per second (cfs) or 614 gallons per minute (gpm), and to cease all withdrawals when natural streamflow drops below 1.37 cfs.

The Commission was contacted on June 14, 2001 and asked to investigate instances of Beck Creek running dry. Commission staff has investigated the complaints and find that the applicant's uncontrolled withdrawal of water from Beck Creek caused the stream to go dry during times of low flow to the detriment of downstream uses and aquatic resources.

In a letter dated June 19, 2001, the Commission directed the applicant to halt all further withdrawals of water from Beck Creek pending the installation of monitoring equipment that could document that the streamflow leaving the Royal Oaks' property met or exceeded 0.48 cfs at the time of its taking. Although the applicant made several attempts to comply with this directive, Commission staff inspected the site numerous times during the summer and the applicant failed to install sufficient monitoring equipment to allow for the passby as directed.

On September 11, 2001, the applicant's continued failure to repair the deficiencies of the surface-water intake structure and weir structure resulted in an order by the Commission to halt all further withdrawals of water from Beck Creek and to have the surface-water intake sealed. Staff was present on site when the intake was sealed on September 19, 2001.

Staff recommends that the applicant replace its stream intake structure with a new design incorporating a weir to allow for the required maintenance of passby flows. The applicant should submit its design for review and approval by Commission staff prior to any construction.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the applicant 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 applicant 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 applicant has provided all proofs of notification as called for in Commission Regulation §803.25.

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

Compliance Incentive Program

The applicant submitted the necessary application to participate in the Commission's Compliance Incentive Program (CIP). However, Commission staff has determined that the applicant is not eligible to participate in the CIP as a result of their failure to comply with the directives described in the June 19, 2001 letter. In accordance with the terms and conditions of the CIP, the applicant's noncompliance has adversely affected the environment and interfered with other water users. Therefore, based on both the present and prior noncompliance, the applicant is subject to penalties and payments for water withdrawn and used consumptively in violation of Commission Regulation §803.42 prior to January 1, 2001.

Further, as a result of their failure to comply with the directives described in the June 19, 2001 letter, the Commission notified the applicant that they no longer meet the criteria as set forth in the Compliance Incentive Program. Accordingly, based on both the present and prior noncompliance, the project will be subject to such payments, and to such orders and civil penalty assessments, as the Commission deems appropriate.

The applicant has offered a \$20,000 settlement to the Commission to compensate for noncompliance in violation of Commission Regulation §803.42 for the period of noncompliance beginning in 1992 and ending on the date of this approval. Staff recommends acceptance of the applicant's proposed settlement.

Decision

The consumptive water use of up to 0.400 mgd is approved pursuant to Article 3, Section 3.10 of the Compact, subject to the following conditions:

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

b. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system plus all water evaporated from the irrigation pond. The applicant shall maintain metering on the irrigation system, accurate to within five percent. Commission staff shall review and approve of the method for calculation of evaporative loss from the irrigation pond. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

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

d. The applicant shall keep daily records of readings from the Beck Creek streamgage, and shall provide the results to the Commission quarterly, and as otherwise required. The applicant shall maintain a passby flow leaving the golf course property of not less than 20 percent of average daily flow, which equals 1.37 cfs or 614 gpm, and shall cease all withdrawals when natural streamflow drops below 1.37 cfs. The applicant shall replace the stream intake structure to allow for the passby flow. The applicant shall submit its design for review and approval by Commission staff prior to any construction, and following approval, shall provide to the Commission documentation that construction has been completed.

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

f. The applicant is not eligible to participate in the CIP as a result of the failure to comply with the directives from the Commission. A settlement by agreement pursuant to Commission Regulation §805.27, in the amount of \$20,000, has been offered by the applicant as payment for its violations of the Commission's regulations, and is hereby accepted. Except where the full amount of same has been tendered to the Commission in advance thereof, this action shall be contingent upon, and shall not be effective until, the payment to the Commission

or arrangements for payment have been made, that are acceptable to the Executive Director of the Commission, of the settlement set forth herein within 45 days of the date of this approval. Failure to make such payment or agreement with the Commission within 45 days hereof shall render this approval null and void.

g. This action shall not be construed to exempt the applicant 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 applicant fails to obtain or maintain such approvals.

h. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

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

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

k. This approval is effective until February 21, 2027. The applicant shall submit a renewal application by August 21, 2026 and obtain Commission approval prior to continuing operation beyond February 21, 2027.

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

By the Commission:

Dated: February 21, 2002


Chairman

Docket No. 20020204
Approval Date: February 21, 2002

PENN STATE MILTON S. HERSHEY MEDICAL CENTER

Consumptive Water Use of up to 0.460 mgd,
for Institutional Water Use,
Derry Township, Dauphin County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42 relating to the consumptive use of water. The Commission received the application on June 25, 2001.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water at the medical center.

Location. The project is located in Derry Township, Dauphin County, Pennsylvania.

Project Features. The applicant has requested approval for the consumptive water use of up to 0.460 million gallons per day (mgd). The Penn State Milton S. Hershey Medical Center (Medical Center) has been in operation since 1968.

Water is supplied to the Medical Center by the local public water purveyor, Pennsylvania-American Water Company – Hershey District (PAWC). Water enters through two incoming water lines, 10 inches and 2 inches in diameter, and is metered at a meter pit on the applicant's property prior to being distributed to the numerous buildings located at the Medical Center. Water is used primarily for building cooling, boiler make-up and sanitary purposes.

Make-up water for each of the Medical Center's two central cooling towers and the water supplied to a softener system that treats the make-up water for the Medical Center's three central boilers is metered separately. Blowdown water from the cooling towers and boilers currently is not metered. The cooling and boiler systems, and associated equipment, provide air conditioning, steam heating and hot water for the buildings.

Currently, the maximum daily quantity of water provided by PAWC to the Medical Center is approximately 0.782 mgd. The Medical Center's current consumptive water use associated with the cooling and boiler systems is approximately 0.295 mgd, based on the maximum 30-day average, while the peak day consumptive water use is approximately 0.410 mgd.

All of the wastewater generated from the Medical Center is discharged to the Derry Township Municipal Authority's sanitary sewer system. Currently, wastewater generated from the majority of buildings located at the Medical Center is discharged through a metered outfall line; however, wastewater generated from the University Fitness Center, University Manor West and the hangar building on the west side of campus, and from the Cherry Drive Medical Office Building on the east side of the campus is discharged to the Authority's system through unmetered lines.

Findings

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

The applicant obtains all of its water from a public supplier, and the water is metered on a daily basis prior to its distribution to the numerous buildings located on the Medical Center campus. On a monthly basis, the applicant monitors the quantity of wastewater discharged from a majority of the Medical Center buildings via a metering manhole. However, wastewater discharged from several buildings currently is not metered.

Evaporation from the Medical Center's central cooling towers and losses from the central boiler system comprise most of the facility's consumptive water use. Accordingly, staff recommends that the project's total daily consumptive water use be determined by summing the daily consumptive water use of the facility's two cooling towers and three boilers.

Evaporation from the two cooling towers is considered to be entirely consumptively used. The applicant has determined, and staff concurs, that evaporation from the two cooling towers should be calculated by subtracting metered blowdown water from metered make-up water for each cooling tower. Currently, make-up water supplied to each cooling tower is metered and recorded on a daily basis, however, blowdown water from the cooling towers is not metered.

The applicant has agreed to install the necessary instrumentation to separately meter the quantity of daily blowdown water from each cooling tower by March 31, 2002. Until such time that the meters are installed, the applicant has requested to use estimates of blowdown water to determine evaporation from the cooling towers. The quantity of blowdown water is approximately 14 percent of the quantity of make-up water according to the applicant. Based on a review and analysis of the operation of the cooling towers, staff concurs with this finding. Although staff is willing to accept this method of computing evaporation from the cooling towers on a temporary basis, staff recommends the applicant discontinue this practice if the meters are not operating by March 31, 2002. Until such time that the necessary meters are

operational, evaporation from the cooling towers should be computed by summing metered make-up water for each cooling tower. The applicant may resume its subtraction of blowdown water from make-up water to calculate evaporation when the meters are operational.

The applicant currently monitors and records the daily make-up water to the three boilers at a meter on the softener system that treats the boiler feed. The applicant has determined that blowdown water from the boilers is nominal, and staff concurs. Therefore, the metered boiler make-up water is considered to be entirely consumptively used.

Operations began at the facility in 1968. Based on a review of the cooling and boiler systems in existence prior to 1971, compared to existing present-day systems and recent documented consumptive water use, the applicant has calculated the pre-1971 “grandfathered” consumptive water use to be 83,500 gallons per day (gpd). Staff concurs with this finding.

The sum of the daily consumptive water use by the facility’s two cooling towers and three boilers, minus the “grandfathered” quantity of 83,500 gpd, represents the project’s consumptive water use that is subject to the water compensation requirements contained in Commission Regulation §803.42. If the daily “grandfathered” amount exceeds the project’s calculated daily consumptive water use, that day’s consumptive water use is considered to be zero.

To satisfy the Commission’s water compensation requirements, the applicant initially indicated that their choice was to use the public water supplier, PAWC, as their consumptive use compensation option. Staff determined that PAWC does not meet the criteria set forth in Commission Regulation §803.42 and, as such, is not a feasible compensation option. The applicant subsequently submitted a modified application, choosing to reimburse the Commission quarterly in-lieu-of providing actual compensation water.

The applicant has requested a consumptive water use approval of up to 0.460 mgd, based on an estimated 10 percent increase in water usage over the duration of this approval. Should the project’s future consumptive water use exceed 0.460 mgd, the applicant must apply for a modification to this docket.

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

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

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

Compliance Incentive Program

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

Decision

The consumptive use of water up to 0.460 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly and as otherwise requested. The applicant shall compute the project's daily consumptive water use by summing daily evaporative losses from the two central cooling towers with the daily make-up water provided to the three boilers. Evaporation from the two cooling towers shall be calculated by subtracting metered blowdown water from metered make-up water for each cooling tower. On a temporary basis until the necessary metering is installed and operational, but not after March 31, 2002, the applicant shall use estimates of blowdown water equal to 14 percent of the quantity of make-up water. If the meters are not operating by March 31, 2002, the applicant shall discontinue the subtraction of blowdown water from make-up water to calculate evaporation. Until such time that the necessary meters are operational, evaporation from the cooling towers shall be computed by summing metered make-up water for each cooling tower. The applicant shall maintain the existing meters and install new meters, accurate to within five percent, to calculate the consumptive water use.

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

d. To satisfy the Commission's current compensation requirements for the consumptive water use set forth in Commission Regulation §803.42, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 83,500 gpd, during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

f. This action shall not be construed to exempt the applicant 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 applicant fails to obtain or maintain such approvals.

g. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

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

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

j. This approval is effective until February 21, 2027. The applicant shall submit a renewal application by August 21, 2026 and obtain Commission approval prior to continuing operation beyond February 21, 2027.

k. 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 applicant and approved by the Commission.

By the Commission:

Dated: February 21, 2002



Chairman

padam/word/dockets/PennStateHersheyMedCenter202

Docket No. 20020205
Approval Date: February 21, 2002

HERSHEY CREAMERY COMPANY

Consumptive Water Use of up to 0.078 mgd,
for the Manufacture of Food Products,
City of Harrisburg, Dauphin County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42 relating to the consumptive use of water. The Commission received the application on November 13, 2001.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water associated with the manufacture of ice cream and other frozen desserts.

Location. The project is located in the City of Harrisburg, Dauphin County, Pennsylvania.

Project Features. The applicant has requested approval for consumptive water use of up to 0.078 million gallons per day (mgd). Water is supplied to the facility by the City of Harrisburg Water Authority (Harrisburg Authority) at an average annual rate of 0.061 mgd and a peak monthly rate of 0.091 mgd. The water supplied by Harrisburg Authority is used for product, product refrigeration, and sanitary purposes. Water is metered as it enters the facility. Hershey Creamery Company began manufacturing ice cream and frozen dessert products at the Harrisburg Plant in 1894, and has steadily expanded production since that time.

Currently, the plant's peak monthly consumptive water use reaches 0.033 mgd during peak summer months and is estimated to reach 0.060 mgd during peak days. The plant's future peak day consumptive water use is projected to increase to 0.078 mgd. Makeup water to the three chiller cooling towers is metered. Water incorporated into the product is measured by weight as it fills the batch process tank.

The process wastewater generated at the facility is treated at the facility's pre-treatment plant before being discharged to the sanitary sewer system through a metered outfall line for further treatment at the City of Harrisburg's wastewater treatment facility. Sanitary wastewater

from the facility is metered separately and discharged to the City's sanitary sewer system. Process wastewater sludge from the facility's pre-treatment plant is trucked to farms for land application disposal. Additionally, rejected product is trucked to farms for use as animal feed.

Findings

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

The project obtains all of its water from a public supplier, and the water is metered on a daily basis prior to its use in the plant. Also, wastewater discharged from the facility's pre-treatment plant and sanitary waste discharged from the facility are each metered daily. The applicant has identified, and staff concurs, that the facility has four categories of significant consumptive water use, as described below.

Evaporation from the three chiller cooling towers used to cool refrigerant comprises most of the plant's peak monthly consumptive water use. The applicant has determined, and staff concurs, that makeup water to the cooling towers is entirely consumptively used. The makeup water to the cooling towers is metered daily. Staff has determined that the amount of makeup water required for the boilers is negligible.

Each batch of ice cream or frozen dessert has a recipe that requires a measured quantity of water by weight. Therefore, daily quantities of water used for product manufacturing can be calculated by summing the quantities required for each batch produced during that day. The applicant has determined, and staff concurs, that all water used for product manufacture is entirely consumptively used.

Sludge from the facility's process wastewater pre-treatment plant is trucked from the site to area farms for disposal by land application. Tanker trucks for sludge hold between 5,000 and 7,250 gallons of sludge, and the number and size of truckloads is recorded weekly. The applicant has estimated the water content of the sludge to average 95 percent by volume, and the water content of the sludge is considered to be entirely consumptively used. Staff concurs with this finding. The applicant proposes to calculate the amount of water trucked to farms for land application disposal on a weekly basis.

Additionally, rejected product is trucked from the facility to area farms for use as animal feed. Hot water is added to the rejected product to melt it before loading it into the tanker trucks. Tanker trucks for rejected product hold between 5,000 and 6,500 gallons, and the number and size of truckloads is recorded weekly. The applicant has estimated the amount of hot water added to melt the rejected product to average 50 percent by volume of each tanker truckload. All water added to melt rejected product is considered to be entirely consumptively used. Staff concurs with this finding.

The applicant was consumptively using water at the facility before January 1971, the effective date of Commission Regulation §803.42 concerning consumptive water use. The applicant has calculated the pre-1971 consumptive water use to be 0.013 mgd based

proportionally on product production rates. Staff concurs with this finding. The quantity of pre-compact consumptive water use, 0.013 mgd, is considered “grandfathered” and is exempt from compliance compensation requirements.

The project’s consumptive use of water in excess of the “grandfathered” quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the applicant has proposed the use of water from the Harrisburg Authority public water supply as its method of compensation for the facility’s consumptive water use. Harrisburg Authority utilizes raw water storage in Dehart Reservoir as its primary source of water supply for the system. Harrisburg Authority’s water allocation permit (No. WA 22-53B) issued by the Pennsylvania Department of Environmental Protection (Pa. DEP) requires Harrisburg Authority to maintain a continuous conservation release downstream from Dehart Dam of 3.34 mgd. Staff has determined that, at the point of withdrawal, this conservation release exceeds the Commission’s low flow criterion of the 7-day, 10-year low flow (Q7-10) for the Clarks Creek. Therefore, staff concurs that the use of Harrisburg Authority is an acceptable method of compensation for the project’s consumptive water use so long as Dehart Reservoir is being used exclusively as its water supply.

During periods of severe drought or at other times when Dehart Reservoir is out of service, Harrisburg Authority uses its Susquehanna River intake as its alternate source of supply. According to Harrisburg Authority’s water allocation permit WA 22-53B, the Susquehanna River intake does not have a passby flow requirement. It is the policy of the Commission to require any consumptive water use project that utilizes public water storage as its method of compliance to have a backup compliance method in case the water supplier is unable to exclusively utilize its raw water storage or make sufficient releases. To satisfy this requirement, the applicant has agreed to pay the Commission quarterly in-lieu-of providing actual compensation water for any year that Dehart Reservoir’s raw water storage is not exclusively utilized or a conservation release downstream from Dehart Reservoir is not maintained.

The applicant has proposed a spreadsheet accounting procedure for quantifying the four categories of consumptive water use for its annual reporting to the Commission. This procedure has been in place and used for quantifying the project’s consumptive water use since January 1, 2001. First, makeup water to the chiller cooling tower will be metered and recorded daily. Second, quantities of water used for product will be measured by batch, summed by the number of batches produced daily, and recorded daily.

Third, the number of tanker loads by size of sludge trucked to area farms for land application disposal will be monitored and recorded weekly. The total calculated water content of the sludge applied during the week will be prorated to a daily basis. Fourth, the number of tanker loads by size of rejected product trucked to area farms for animal feed will be monitored and recorded weekly. The total calculated amount of hot water added to melt rejected product during the week will be prorated to a daily basis.

After summing the daily consumptive water use from the four categories, the project’s daily “grandfathered” consumptive water use of 0.013 mgd will be subtracted from the total daily consumptive water use. If the daily “grandfathered” amount exceeds the project’s

calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

Staff recommends approval of the applicant's proposed spreadsheet accounting procedure for use in calculating daily consumptive water use for the project. The quantities of the two largest consumptive water use categories are metered daily while the remaining two use categories will be measured weekly and prorated to a daily basis.

The applicant anticipates a one percent increase in product production per year over the duration of this approval with a proportional increase in future consumptive water use. Therefore, the applicant has requested an approval of up to 0.078 mgd. Should the project's future consumptive water use exceed 0.078 mgd, the applicant must apply for a modification to this docket.

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

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

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

Compliance Incentive Program

Commission staff has determined that the applicant is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the applicant would not be subject to any penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001. In accordance with the CIP, the use of water from the Harrisburg Authority public water supply utilizing raw water storage in Dehart Reservoir as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001. For any year that Dehart Reservoir is not exclusively utilized as Harrisburg Authority's source of supply or Dehart Reservoir's conservation release is not maintained, the applicant shall make payment to the Commission as its method of compensation for the project's consumptive water use.

Decision

The consumptive use of water of up to 0.078 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The applicant shall comply with all Commission regulations, including consumptive water use reporting requirements as per Commission Regulation §803.42. The required reporting data shall be submitted to the Commission annually.

b. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission annually and as otherwise requested. The applicant shall compute the project's daily consumptive water use by summing daily metered cooling tower makeup water with daily water used for product, and weekly water trucked to area farms for sludge disposal and animal feed, prorated to a daily basis. The applicant shall maintain the project's existing meters, accurate to within five percent, to calculate the consumptive water use.

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

d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the Commission has determined that the use of water from the Harrisburg Authority public water supply utilizing raw water storage in Dehart Reservoir is an acceptable method of compensation for the project's consumptive water use.

e. For any year that low flow conditions preclude Dehart Reservoir's raw water storage from being exclusively utilized for Harrisburg Authority's source of supply or a conservation release downstream from Dehart Reservoir is not maintained, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project, less the grandfathered quantity of 0.013 mgd, during the preceding quarter. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

f. The applicant is eligible for the Commission's Compliance Incentive Program (CIP). Therefore, the applicant is not subject to any penalties for prior noncompliance. In accordance with the CIP, the use of water from the Harrisburg Authority public water supply utilizing raw water storage in Dehart Reservoir is an acceptable method of compensation for the project's consumptive water use and is applicable to all consumptive water used by the project from January 1, 2001 through the date of this approval. The applicant's spreadsheet accounting procedure for calculating consumptive water use has been in place since January 1, 2001, and the data collected will be used to determine the project's consumptive water use prior to this approval.

g. This action shall not be construed to exempt the applicant 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 applicant fails to obtain or maintain such approvals.

h. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

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

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

k. This approval is effective until February 21, 2027. The applicant shall submit a renewal application by August 21, 2026 and obtain Commission approval prior to continuing operation beyond February 21, 2027.

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

By the Commission:

Dated: February 21, 2002


Chairman

Docket No. 20020206
Approval Date: February 21, 2002

HIGH CONCRETE STRUCTURES, INC.

Consumptive Water Use of up to 0.150 mgd,
for Manufacture of Concrete Products,
East Cocalico Township, Lancaster County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42 relating to the consumptive use of water. The Commission received the application on June 28, 2001.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water associated with an architectural and structural precast concrete products manufacturing facility.

Location. The project is located in East Cocalico Township, Lancaster County, Pennsylvania.

Project Features. The applicant has requested approval for consumptive water use of up to 0.150 million gallons per day (mgd). The manufacturing of precast concrete products began at the present location in 1958. High Concrete Structures, Inc. purchased the existing facility and has been operating there since 1977. Currently, the facility consists of a main office building, one active concrete batch plant, one inactive concrete batch plant and two production plants.

Water is supplied to the facility by the East Cocalico Township Authority's public water supply system and from Kurtz Quarry. The water from the public purveyor is metered at five separate locations prior to being used in the production areas and office building. The public water supply is used primarily for the manufacture of concrete, equipment and product washing, and sanitary purposes.

Water withdrawn from the quarry that is located on an adjoining property is used to provide dust control on the facility's roads and Kurtz Road, as conditions warrant. Withdrawals from the quarry currently are not metered, but the applicant maintains a log documenting the daily number of truckloads of water withdrawn from the quarry.

Currently, the maximum daily quantity of water used by the facility is approximately 0.130 mgd, including water supplied by East Cocalico Township Authority and water withdrawn from the quarry. The project's current consumptive water use is approximately 0.063 mgd, based on the maximum 30-day average, while the peak day consumptive water use is approximately 0.127 mgd.

All of the wastewater resulting from the facility's sanitary uses is conveyed to the East Cocalico Township Authority's sanitary sewer system. Effluent from the facility is not currently metered. Wastewater resulting from equipment and product washing is discharged to a retention pond, to the ground, or is recycled.

Findings

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

The applicant obtains water from both a public supplier and a quarry located on an adjoining property. The public water supply is metered at five locations at the facility. Separate meters record water supplied to each of four production areas - an active concrete batch plant, an inactive concrete batch plant, the west production plant, and the east production plant. Water supplied to the inactive batch plant is used for equipment and product washing. The fifth meter records water supplied to the main office building, which is used entirely for sanitary purposes. Currently, East Cocalico Township Authority records the facility's total water usage on a quarterly basis, and in December 2001, the applicant began daily monitoring of the four production area meters. Water withdrawn from the quarry is used to provide dust control on the roads. The applicant maintains a log of the daily number of truckloads of water withdrawn, and calculates the quantity of water withdrawn based on the capacity of the trucks making the withdrawals.

The applicant proposes, and staff concurs, that all water supplied to the facility from the public water purveyor and withdrawn from the quarry, with the exception of the public water supplied to the office building, is considered to be entirely consumptively used. This includes all water incorporated in the concrete manufacturing process, used for equipment and product washing, and applied to the roads for dust control. The applicant has indicated that some water is used for sanitary purposes in the facility's production areas, but considers these quantities to be nominal. Accordingly, the sum of the total metered public water supplied to the facility's production areas, which is currently recorded by four separate meters, and the total withdrawals from the quarry comprises the facility's total consumptive water use. The method of accounting for the facility's consumptive water use based on daily meter readings and truck logs is acceptable to staff.

Operations began at the facility in 1958. Based on estimates of pre-1971 concrete production quantities, technical knowledge of the concrete manufacturing process, and current equipment and product washing water use, the applicant has calculated the pre-1971

“grandfathered” consumptive water use to be 17,880 gallons per day (gpd). Staff concurs with this estimate.

The actual quantity of consumptive water use at the facility, minus the “grandfathered” quantity of 17,880 gpd, represents the project’s consumptive water use that is subject to the water compensation requirements contained in Commission Regulation §803.42. If the daily “grandfathered” amount exceeds the project’s calculated daily consumptive water use, that day’s consumptive water use is considered to be zero. To satisfy these compensation requirements, the applicant has agreed to pay the Commission quarterly in-lieu-of providing actual compensation water.

The applicant has requested a consumptive water use approval of up to 0.150 mgd, based on projected increases in concrete production over the duration of this approval. The use of quarry water is not expected to change significantly from the present use. Should the project’s future consumptive water use exceed 0.150 mgd, the applicant must apply for a modification to this docket.

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

The applicant has paid the appropriate application fee pursuant to Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06. The applicant has provided all proofs of notification as required by Commission Regulation §803.25, with the exception of the requirement to notify contiguous property owners that an application has been submitted to the Commission. The applicant has requested a waiver of the requirement to notice contiguous property owners. Since all of the project’s water supply has historically and will continue to be purchased from East Cocalico Township Authority and there are no water withdrawals on the project site with the potential to impact other users, staff recommends that the requirement for notice to contiguous property owners be waived.

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

Compliance Incentive Program

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

Decision

The consumptive use of water up to 0.150 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly and as otherwise requested. The applicant shall compute the project's daily consumptive water use by summing daily metered public water supplied to the facility's production areas, as recorded by four separate meters, and daily water trucked from the quarry for dust control. The applicant shall maintain the existing meters, accurate to within five percent, to calculate the consumptive water.

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

d. To satisfy the Commission's current compensation requirements for the consumptive water use set forth in Commission Regulation §803.42, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 17,880 gpd, during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

f. This action shall not be construed to exempt the applicant 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 applicant fails to obtain or maintain such approvals.

g. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the

Commission, the project applicant shall have thirty (30) days to correct such non-compliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

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

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

j. This approval is effective until February 21, 2027. The applicant shall submit a renewal application by August 21, 2026 and obtain Commission approval prior to continuing operation beyond February 21, 2027.

k. 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 applicant and approved by the Commission.

By the Commission:

Dated: February 21, 2002


Chairman

Docket No. 20020207
Approval Date: February 21, 2002

TREE TOP GOLF COURSE INC.

Consumptive Water Use of up to 0.100 mgd, for Golf Course Irrigation,
Mount Joy Township, Lancaster County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application for the consumptive use of water on August 7, 2000.

Description

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

Location. The project is located in Mount Joy Township, Lancaster County, Pennsylvania.

Project Features. The applicant has requested approval for a maximum consumptive use of water of 0.100 mgd. The golf course calculates its maximum average 30-day consumptive use of water to be 0.023 mgd and the current maximum daily consumptive use is approximately 0.078 mgd. The primary water source for the irrigation system is from three on-site wells, two of which feed the irrigation system directly. The third well is pumped to one of the on-site ponds, which also is used for irrigation. The wells have a combined withdrawal rate of less than 100,000 gallons per day. The golf course also has an impoundment located on an intermittent stream with a drainage area of 0.087 square miles. The water from the impoundment is also used to feed the irrigation system on the golf course.

The project was constructed in 1974 and has been in continuous operation since that time. As part of the project, the applicant constructed one pond and an on-stream impoundment that provide for water storage on-site. The ponds are approximately 1.5 acres in size and are maintained full to provide for water storage at the site. The applicant has sufficient storage on-site for approximately 10 days of irrigation.

Findings

The project's irrigation water use and storage pond evaporative losses, and its use of water from the three on-site wells and the intermittent stream, are subject to the Commission's consumptive water use approval and reporting requirements as per Commission Regulation §803.42.

The on-site wells are used to fill the ponds and supplement rainfall, if needed. The wells produce less than 100,000 gallons during a 24-hour pumping period and therefore this withdrawal is less than the threshold contained in Commission Regulation §803.43.

All water evaporated from the ponds, as well as water withdrawn from the ponds and used for golf course irrigation, is considered to be used consumptively. Water evaporated from the ponds will be calculated by the applicant employing a methodology acceptable to the Commission. The irrigation system has a meter that measures the quantity of water pumped.

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

The applicant 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 applicant has provided all proofs of notification as called for in Commission Regulation §803.25.

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

Compliance Incentive Program

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

Decision

The consumptive use of water up to 0.100 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from storage ponds plus the quantity pumped to the irrigation system. The applicant shall maintain metering on the irrigation system, accurate to within five percent. Commission staff shall review and approve of the method of calculation of evaporative loss from the pond system.

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

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

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

f. This action shall not be construed to exempt the applicant 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 applicant fails to obtain or maintain such approvals.

g. If the project fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately

modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

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

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

j. This approval is effective until February 21, 2027. The applicant shall submit a renewal application by August 21, 2026 and obtain Commission approval prior to continuing operation beyond February 21, 2027.

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

By the Commission:

Dated: February 21, 2002


Chairman

Docket No. 20020208
Approval Date: February 21, 2002

CARLISLE SYNTEC, INC.

Consumptive Water Use of up to 0.057 mgd
for Industrial Manufacturing,
Borough of Carlisle, Cumberland County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42 relating to the consumptive use of water. The Commission received the application on June 27, 2001.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water associated with the manufacture of rubber roofing materials.

Location. The project is located in the Borough of Carlisle, Cumberland County, Pennsylvania.

Project Features. The applicant has requested approval for the consumptive water use of up to 0.057 million gallons per day (mgd) for use in the manufacture of rubber roofing materials. Carlisle SynTec, Inc., began operations at the facility in Carlisle in 1971 and is in operation 24 hours a day for 5 days each week.

Process and cooling water is supplied to the facility by the Carlisle Borough public water supply. The water is metered as it enters the facility and is used in various manufacturing, sanitary and cooling processes.

The main source of consumptive water use at the plant is the result of evaporative losses from non-contact cooling water used in the manufacturing processes. Makeup water to each of three cooling towers is metered and recorded on a daily basis. Although there is a fire reservoir on the premises, it is covered by a rubber bladder to minimize evaporation. Currently, the plant's average daily consumptive water use is 0.0297 mgd, based on the maximum consecutive 30-day period, while peak day consumptive water use is 0.057 mgd.

Wastewater generated from the manufacturing and cooling processes is discharged to the local publicly-owned treatment works. The wastewater effluent is not metered; however, the utility charges the plant for wastewater based on the difference between inflow and cooling tower makeup waters.

Findings

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

The applicant obtains water from a public supplier and meters the quantity of water entering the plant. Nearly all the consumptive water use occurs at the cooling towers associated with non-contact cooling processes. Evaporative water loss at each of the three towers is measured by metering the makeup water. The remaining consumptive water use is through sanitary uses, leaks and evaporation from the fire reservoir, all of which are negligible.

The meters on the cooling towers, which are read and recorded daily, can reasonably measure the total consumptive use. This quantity represents the project's consumptive water use that is subject to the water compensation requirements contained in Commission Regulation §803.42. To satisfy these requirements, the applicant has agreed to pay the Commission quarterly in-lieu-of providing actual compensation water.

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

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

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

Compliance Incentive Program

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

Decision

The consumptive use of water up to 0.057 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly and as otherwise requested. The applicant shall compute the project's daily consumptive water use by recording the makeup water provided to the cooling towers. The applicant shall maintain the existing meters, accurate to within five percent, to calculate the consumptive water.

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

d. To satisfy the Commission's current compensation requirements for the consumptive water use set forth in Commission Regulation §803.42, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

f. This action shall not be construed to exempt the applicant 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 applicant fails to obtain or maintain such approvals.

g. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such non-compliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or

within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the non-compliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

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

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

j. This approval is effective until February 21, 2027. The applicant shall submit a renewal application by August 21, 2026 and obtain Commission approval prior to continuing operation beyond February 21, 2027.

k. 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 applicant and approved by the Commission.

By the Commission:

Dated: February 21, 2002


Chairman

Docket No. 20020209
Approval Date: February 21, 2002

PPG INDUSTRIES, INC.,
WORKS NO. 6

Consumptive Water Use of up to 0.26 mgd,
for Manufacture and Finishing of Flat Glass,
South Middleton 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, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42 relating to the consumptive use of water. The Commission received the application on June 6, 2001.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water associated with the manufacture and finishing of flat glass for use in windows and other similar products.

Location. The project is located in South Middleton Township, Cumberland County, Pennsylvania.

Project Features. The applicant has requested approval for the consumptive water use of up to 0.26 million gallons per day (mgd) for use in the manufacture of glass products. PPG Industries, Inc. began operations at the Works No. 6 facility in South Middleton Township in March 1972. The facility is in constant operation, 24 hours a day for 7 days each week, except for a period of about three months every five years when one of the two glass melting furnaces is off-line for maintenance. Production has been fairly uniform since operations began, with the exception of the addition of coating lines and associated cooling towers about six years ago. In addition to the manufacture of flat glass, the facility also performs finishing processes, such as tempering and coating, to some of the glass.

Process, sanitary and cooling water is supplied to the facility by the South Middleton Township Municipal Authority. The water is metered as it enters the facility and is used in various sanitary, manufacturing, finishing and cooling processes. The maximum daily total of

water supplied from both sources is 413,000 gallons per day (gpd). The average daily usage is 293,000 gpd.

The main source of consumptive water use at the plant is the result of evaporative losses from non-contact cooling water used in the forming and finishing processes. Currently, the plant's maximum average daily consumptive water use is 0.167 mgd, based on a consecutive 30-day period, while peak day consumptive water use during recent months has been 0.21 mgd.

Wastewater generated from the manufacturing and finishing processes is discharged to an equalization basin. A pump automatically pumps the wastewater from the equalization basin several times an hour, at a rate of 600 gallons per minute. The wastewater is metered as it is pumped from the basin to the top of a nearby mountain, where it is delivered to an infiltration bed for return to the local ground-water system. Sanitary wastewater is discharged to the Borough of Mt. Holly Springs' sewer system, but is not metered. The operators of the treatment plant estimate the discharge to be 16,500 gpd, based on the number of employees at the facility. The applicant's industrial discharge predates Pennsylvania's discharge permit requirements; thus the applicant holds a grandfathered discharge approval, Industrial Waste Permit No. 21722204.

Findings

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

The applicant obtains water from public suppliers and meters the quantity of water entering the plant. The applicant meters the total plant effluent discharged to the ground-water infiltration bed. Because the sanitary wastewater discharge is a small portion of the total discharge, the sewer authority's estimates will be accepted. The difference between the metered public water inflows and the metered and estimated plant outflows is the total quantity of consumptive water use. This quantity represents the project's consumptive water use that is subject to the water compensation requirements contained in Commission Regulation §803.42. To satisfy these requirements, the applicant has agreed to pay the Commission quarterly in-lieu-of providing actual compensation water.

The current maximum average daily consumptive water use and peak-day consumptive water use at the facility are based on limited meter readings. The recommended consumptive water use approval quantity, 0.26 mgd, reflects staff's estimate of a peak-day consumptive water use that may be expected to occur during the summer months. Consumptive water use records throughout the coming year may prove that a higher approval quantity is necessary for the facility and, if so, the applicant will seek a modification of this approval.

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

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

Compliance Incentive Program

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

Decision

The consumptive use of water up to 0.26 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly and as otherwise requested. The applicant shall compute the project's daily consumptive water use by subtracting the daily metered and estimated wastewater discharged by the facility from the daily metered public water provided to the facility. The applicant shall maintain the existing meters, accurate to within five percent, to calculate the consumptive water use.

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

d. To satisfy the Commission's current compensation requirements for the consumptive water use set forth in Commission Regulation §803.42, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

1,000 gallons of water consumptively used, during the period from January 1, 2001 until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the applicant in accordance with the requirements of condition (d) above.

f. This action shall not be construed to exempt the applicant 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 applicant fails to obtain or maintain such approvals.

g. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

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

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

j. This approval is effective until February 21, 2027. The applicant shall submit a renewal application by August 21, 2026 and obtain Commission approval prior to continuing operation beyond February 21, 2027.

k. 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 applicant and approved by the Commission.

By the Commission:

Dated: February 21, 2002


Chairman

Docket No. 20020210
Approval Date: February 21, 2002

GROFF FARM RESTAURANT AND GOLF CLUB INC.

Surface-Water Withdrawal of up to 0.451 mgd from Little Chickies Creek and a Spring; and a Consumptive Water Use of up to 0.464 mgd, for Golf Course Irrigation, East Donegal Township, Lancaster County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, §803.42 relating to the consumptive use of water, and §803.44 relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on August 2, 2000, and the application for the surface-water withdrawal on September 3, 2001.

Description

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

Location. The project is located in East Donegal Township, Lancaster County, Pennsylvania.

Project Features. The applicant has requested approval for a maximum daily withdrawal of 0.390 million gallons per day (mgd) of water from Little Chickies Creek and up to 0.061 mgd from an on-site, unnamed spring, for a total surface-water withdrawal of up to 0.451 mgd, and a maximum consumptive use of water of 0.464 mgd. The applicant calculates its maximum average 30-day withdrawal of water to be 0.120 mgd. Water is pumped from Little Chickies Creek, as needed, to augment the discharge from the spring to meet the golf course irrigation demand.

The project was constructed in 1997 and has been in continuous operation since that time. As part of the project, the applicant constructed eight off-stream ponds to provide for water storage at the site. Seven of the ponds have failed due to sinkholes and have never provided for functional water storage. These ponds, if repaired and maintained, would potentially have a total surface area of approximately 4.75 acres.

The water for the irrigation system is withdrawn from a pond located along Little Chickies Creek and the ninth fairway on the golf course. The irrigation pond is approximately 0.68 acres in size and is the only pond that currently is maintained full to provide for water storage at the site. This pond receives water from a spring that has a discharge of approximately 43 gallons per minute (gpm) during the summer months. The spring is also the source of water for the applicant's restaurant and three homes located on the property.

Water pumped from Little Chickies Creek is used to fill the pond from which the irrigation water is withdrawn. The withdrawal is accomplished via a pump that has a capacity of 450 gpm. The withdrawal of water from the stream currently has no passby structure or engineering controls.

The applicant has sufficient storage on-site for approximately three days of irrigation.

Findings

The project's consumptive water use and surface-water withdrawal are subject to Commission approval and reporting requirements as per Commission Regulations §803.42 and §803.44, respectively.

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

The project's surface-water withdrawal has been in operation since 1997 with no passby criteria in use at the site. Little Chickies Creek is a warm-water, trout-stocked fishery. Commission staff has calculated the 7-day, 10-year low flow (Q7-10 flow) in the Little Chickies Creek to be 2.29 cubic feet per second (cfs) or 1,027 gpm. The surface-water intake has a pump that has a capacity of 450 gpm. The withdrawal is greater than 10 percent (0.229 cfs or 102.77 gpm), of the Q7-10 flow at the point of taking, thereby requiring a passby flow to protect aquatic resources and downstream users.

Staff recommends as an interim protective measure that the applicant modify its withdrawal to take less than 102 gpm during times when streamflow falls below 20 percent of average daily flow (ADF), which equals 14.2 cfs or 6,373 gpm. Staff recommends that the U.S. Geological Survey's stream gage 01574000 on West Conewago Creek near Manchester, Pa., be used as a reference gage for this site. The applicant could propose an alternative monitoring location to the Commission for staff review and approval. This interim protective measure should expire 4 years from the date of this approval.

Further staff recommends that the applicant investigate alternative water supply options for the site to allow for a passby of at least 20 percent of ADF to be maintained at all times. In this regard, the applicant should prepare a plan to develop alternate sources of water supply

and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan should be submitted to the Commission for staff's review and approval within 2 years.

The project's consumptive use of water is subject to the water compensation requirements contained in Commission Regulation §803.42. To satisfy these requirements, the applicant 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 applicant has paid the appropriate application fee pursuant to Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06. The applicant 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 influence the present or future use and development of the water resources of the basin.

Compliance Incentive Program

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

Decision

The surface-water withdrawal from Little Chickies Creek of up to 0.390 mgd when available, and up to 0.061 mgd from the on-site spring, for a total of up to 0.451 mgd, and the consumptive use of water up to 0.464 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The applicant shall keep daily records of the project's surface-water withdrawal, its consumptive water use and readings from the U.S. Geological Survey's stream gage 01574000 on West Conewago Creek near Manchester, Pa. (or other acceptable monitoring location, as described below in "c") during the irrigation season, and shall provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from storage pond(s) plus the quantity pumped to

the irrigation system. The applicant shall maintain metering on the irrigation system, accurate to within five percent. Commission staff shall review and approve of the method of calculation of evaporative loss from the pond system.

c. The applicant shall as an interim protective measure modify its withdrawal to take less than 102 gpm from Little Chickies Creek during times when streamflow falls below 20 percent of average daily flow (ADF), which equals 14.2 cfs or 6,373 gpm. Staff recommends that the U.S. Geological Survey's stream gage 01574000 on West Conewago Creek near Manchester, Pa., be used as a reference gage for this site. The applicant could propose an alternative monitoring location to the Commission for staff review and approval. This interim protective measure shall expire 4 years from the date of this approval.

d. The applicant shall investigate alternative water supply options for the site to allow for a passby of at least 20 percent of ADF to be maintained at all times. In this regard, the applicant shall prepare a plan to develop alternate sources of water supply and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan shall be submitted to the Commission for staff's review and approval within 2 years.

e. The applicant shall comply with Commission water conservation requirements, as per Commission Regulation §804.20(b).

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

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

h. This action shall not be construed to exempt the applicant 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 applicant fails to obtain or maintain such approvals.

i. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

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

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

l. This approval is effective until February 21, 2027. The applicant shall submit a renewal application by August 21, 2026 and obtain Commission approval prior to continuing operation beyond February 21, 2027.

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

By the Commission:

Dated: February 21, 2002


Chairman

RESOLUTION NO. 2002-04

A RESOLUTION of the Susquehanna River Basin Commission accepting a preliminary report and recommendations from Commission staff regarding the feasibility of the George B. Stevenson Flood Control Reservoir as a water storage project and directing staff to explore other alternatives.

WHEREAS, due to steadily increasing amounts of consumptive water use in the Susquehanna River Basin with the potential to cause adverse impacts to the river and Chesapeake Bay during periods of low flow, there is a need to identify possible projects for storage and release of water pursuant to Section 4.2 of the Susquehanna River Basin Compact, P.L. 91-575; and

WHEREAS, this need is made even more urgent by the fact that, notwithstanding the purposes of Commission Regulation 803.42 – Consumptive Use of Water, no mitigating measures have yet been identified or implemented for agricultural consumptive water use, which constitutes nearly 20 percent of total consumptive water use in the Susquehanna River Basin; and

WHEREAS, in response to this need, the Commission initiated a feasibility study in July 2000 regarding storage and release of water at the George B. Stevenson Flood Control Reservoir, a facility owned and operated by the Commonwealth of Pennsylvania in Cameron County, Pennsylvania; and

WHEREAS, public involvement was a critical element in the study process and the Commission employed a number of public outreach methods designed to keep local and other interests apprised both on policy and technical issues relating to the study and its conclusions; and

WHEREAS, the preliminary findings of the feasibility study, as presented by staff and the project consultant, indicate that, due to engineering, environmental and resulting economic factors, it is not likely that the George B. Stevenson Flood Control Reservoir will be suitable for use as a storage and release facility; and

WHEREAS, the George B. Stevenson Technical Committee met on January 18, 2002 and concurred in the recommendation of the project consultant that water storage and release at the George B. Stevenson Flood Control Reservoir is not feasible; and

WHEREAS, as noted above, the need remains to identify sources for storage and release or other alternatives to mitigate the effects of increasing consumptive water use in the Susquehanna River Basin.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Executive Director is hereby authorized to reconvene the George B. Stevenson Coordinating Committee and to take all other steps he deems necessary to conclude the feasibility study at the earliest possible time and make a final determination with respect to the suitability of the George B. Stevenson Flood Control Reservoir for storage and release of water.

2. If there is a final determination that the project is not suitable for such use, the Executive Director is authorized and directed to convene the Commission's Water Resources Management Advisory Committee (WRMAC) and Agricultural Water Use Advisory Committee, and to take such other steps as may be necessary or desirable, utilizing such residual funding from the project as may be available, to identify and evaluate other management alternatives for addressing agricultural consumptive water use.

3. This Resolution shall be effective immediately.

Date: February 21, 2002



Chairman

RESOLUTION NO. 2002-03

A RESOLUTION of the Susquehanna River Basin Commission amending Policy No. 95-02 regarding the use of the Commission's Water Management Fund and directing further consideration of other uses of that fund in the future.

WHEREAS, the Commission maintains a special water management fund containing the proceeds of fees paid to the Commission under 18 CFR § 803.42 – Standards for Consumptive Uses of Water, and other monies collected as civil penalties or payments in lieu of civil penalties; and

WHEREAS, under Section 4.1 of the Susquehanna River Basin Compact, the Commission has the power to develop, implement, and effectuate plans and projects for the use of the water of the basin for water supply; and

WHEREAS, on May 11, 1995, the Commission established Policy No. 95-02 regarding the use of this water management fund; and

WHEREAS, under the terms of this policy, “the water management funds shall be used for planning, engineering, design, and construction phases of water supply related projects, including new projects and reformulation of existing reservoirs;” and

WHEREAS, the amount of water available in the basin for storage and release is limited; and

WHEREAS, the Commission's primary program for protecting and managing the basin's water resources is through the review and approval of water withdrawal and consumptive use applications under the project review regulations 18 CFR §§42,43 and 44; and

WHEREAS, the Commission's ability to expedite its review of project applications is critical to the effective and efficient management and protection of the water resources of the basin and beneficial to project review applicants; and

WHEREAS, the Commission's Compliance Incentive Program generated significant numbers of applications, thereby temporarily but significantly increasing the number of project applications before the Commission; and

WHEREAS, the purposes of the Commission's project review regulations include stream quality control, protection of fisheries and aquatic habitat, and dilution and abatement of pollution as per Section 803.2(b) of its project review regulations; and

WHEREAS, the Commission further desires to investigate and consider other legitimate and productive uses of the Water Management Fund to carry out other projects and programs advancing the above noted purposes of the said regulations and the Susquehanna River Basin Compact.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Executive Director and the Chief Administrative Officer are hereby authorized to temporarily amend the Commission's Water Management Fund Policy No. 95-02 by adding the following new paragraph after the third paragraph of the current policy:

In addition, the fund may also be used on a limited basis for project review by the Commission under 18 CFR §§ 803.42 relating to consumptive use of water.

2. The Executive Director is authorized to convene one or more meetings of the Commission's Water Resources Management Advisory Committee, Water Quality Advisory Committee and any other advisory committee or group to investigate, consider and advise the Commission on projects to restore and improve the quantity and quality of waters in the basin. These projects may include investigations of artificial ground-water recharge, wetland restoration, and other projects as necessary. Following these investigations, the Executive Director shall present his recommendations to the Commission regarding further changes to the Water Management Fund Policy.

3. This Resolution shall be effective immediately. The provisions of Resolve No. 1 shall expire three years from the date hereof.

Date: February 21, 2002



Chairman

RESOLUTION NO. 2002-05

A RESOLUTION of the Susquehanna River Basin Commission adopting an Annual Water Resources Program for 2002.

WHEREAS, Section 14.2 of the Susquehanna River Basin Compact, P.L. 91-575, provides: "The Commission shall annually adopt a water resources program, based upon the comprehensive plan, consisting of the projects and facilities which the Commission proposes to be undertaken by the Commission and by other authorized governmental and private agencies, organizations, and persons during the ensuing six years or such other reasonably foreseeable period as the Commission may determine;" and

WHEREAS, the staff has updated a statement of the projects and programs proposed to be undertaken by the Commission during such six-year period; and

WHEREAS, the signatory parties have prepared or are preparing a listing of their own projects to be undertaken in the basin during this same period; and

WHEREAS, the Commission is also including in the Water Resources Program a list of legislative initiatives that it would respectfully request the Congress and the legislators of the member states to consider for enactment.

NOW THEREFORE BE IT RESOLVED THAT:

1. The attached document titled, "Susquehanna River Basin Commission, Annual Water Resources Program—2002," including the said list of legislative initiatives, is hereby adopted by the Commission in accordance with Section 14.3 of the Compact.
2. The Water Resources Program of the Commission shall be updated to include the signatory party projects and annually readopted by the Commission.
3. This Resolution shall be effective immediately.

Date: February 21, 2002



Chairman

RESOLUTION NO. 2002-02

A RESOLUTION of the Susquehanna River Basin Commission (SRBC) supporting current efforts by the member states to declare May 2002 as Watershed Awareness Month and calling on the citizens of the Susquehanna River Basin to participate in environmental activities in their local watersheds throughout the month of May.

WHEREAS, the Susquehanna River Basin's water resources are a rich mosaic of rivers, streams, and lakes that all contribute to the many individual watersheds in the basin; and

WHEREAS, these watersheds provide citizens with water for drinking, business and industry and recreation; and

WHEREAS, grass-roots efforts are underway in the States of New York and Maryland and the Commonwealth of Pennsylvania to bring about awareness of these watersheds and the importance of protecting them; and

WHEREAS, the basin states are committed to a watershed approach to resource management and to empowering local citizens and the hundreds of active watershed groups in the Susquehanna basin to work in partnership as watershed guardians; and

WHEREAS, the Commonwealth of Pennsylvania, in particular, has dedicated significant resources through its land-mark Growing Greener program to promote and support the formation of watershed organizations and other community-based organizations to restore and protect their local watersheds; and

WHEREAS, these local watershed and community-based organizations in the Commonwealth have initiated hundreds of projects to remediate acid mine drainage, to restore stream banks, to reduce nutrients and sediment, and to educate citizens on the importance of their watersheds through stream signage, water conservation, volunteer monitoring and a host of other educational activities; and

WHEREAS, it is important to recognize and celebrate the efforts of the many thousands of volunteers from New York, Pennsylvania and Maryland who are working hard to protect their local watersheds and improve their communities for today and for future generations.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Susquehanna River Basin Commission supports the efforts of the member states to designate May 2002 as Watershed Awareness Month. The SRBC further supports the theme, "The Watershed Connection: Land, Water and You!" to guide the many volunteer community organizations, educators and other groups that conduct watershed education and awareness activities throughout the month.

2. This Resolution shall take effect immediately.

Date: February 21, 2002


Chairman