

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



March 20, 2003

TO ALL CONCERNED:

At the February 6, 2003 meeting, the draft minutes of the December 12, 2002 Commission meeting were approved as written. Please attach this notice to your copy of the December 12, 2002 minutes.

- DRAFT -

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION**

February 6, 2003
#2003-01&02

The meeting was held at the Pa. Dept. of Environmental Protection, Southcentral Region Office, Harrisburg, Pa. Chairman John Hicks called the meeting to order at 9:00 a.m.

ROLL CALL

Commissioners Present

Mr. John T. Hicks, Director, Region 8, N.Y. Dept. of Environmental Conservation
Mr. William A. Gast, Chief, Division of Water Use Planning, Pa. Dept. of Environmental Protection
Mr. Matthew G. Pajeroski, Chief, Water Rights Division, Md. Dept. of the Environment
Col. Charles J. Fiala, Jr., District Engineer, U.S. Army Corps of Engineers, Baltimore District

**Alternate Commissioners
and Advisors Present**

Mr. Scott J. Foti, Regional Flood Control Eng. N.Y. DEC, Region 8

Staff Present

Mr. Paul O. Swartz, Executive Director
Mr. Thomas W. Beauduy, Deputy Director
Mr. David W. Heicher, Chief, Watershed Assessment & Protection Division
Mr. Glen R. DeWillie, Chief, Water Resources Management Division

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

Also Attending

Ms. Agnes White, Reg. III, U.S. Environmental Protection Agency

Ms. Pamela Bishop, Bureau of Regulatory Counsel, Pa. DEP

INTRODUCTION/WELCOME

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

Mr. Michael Steiner, Regional Director, Southcentral Region, Pa. Dept. of Environmental Protection (DEP), welcomed the Commission to the Southcentral Region Office, the first “green” building constructed by the DEP. The site of the building was also a former “brownfields” location that served as a landfill for debris from the 1972 Agnes flood. Mr. Steiner thanked the Commission for its good working relationship with the Southcentral Region Office.

The Chairman also recognized the presence of Ms. Agnes White of Region III, U.S. Environmental Protection Agency.

MINUTES OF DECEMBER 12, 2002 COMMISSION MEETING

On a motion by Commissioner Gast, seconded by Commissioner Pajerowski, the minutes of the regular business meeting of December 12, 2002, were unanimously adopted as written.

ACTION ITEMS

a. Hydrologic Conditions Report

SRBC Water Management Division Chief Glen DeWillie reported on much-improved hydrologic conditions in the basin resulting from recent precipitation events. Virtually all drought indicators are back to normal or even above normal conditions, though the City of Baltimore’s reservoir system has only recovered to 67 percent of its capacity. A significant snow pack also covers a large portion of the central and upper Susquehanna River Basin, containing billions of gallons of water. *(PLEASE NOTE: Since this meeting of the Commission, a near-record snowstorm struck a large portion of the basin, adding significantly to an already substantial snow pack. For more details on the latest hydrologic conditions, please visit SRBC’s website at www.srbc.net.)*

With this large snow pack in place, and the huge amounts of ice on the main stem of the river, concern now focused on the potential for flooding. Mr. DeWillie therefore presented a motion to reaffirm SRBC Resolution 99-01 of January 14, 1999 supporting adequate federal funding for the operation and maintenance of the Susquehanna Flood Forecast and Warning System. On a motion by Commissioner Gast, seconded by Commissioner Fiala, the Commission reaffirmed Resolution 99-01 supporting an annual funding level of \$1.5 million for this program.

b. Whitney Point Environmental Restoration Project

Chief Administrative Officer Duane Friends explained that the Whitney Point Environmental Restoration Project is ready to move forward. The total cost estimate for the project is \$4 million, of which the Commission, as non-federal sponsor, will be responsible for approximately \$1.4 million, in addition to \$750,000 it has already committed to this study. This

project is designed to make releases from the Whitney Point Reservoir, Broome County, New York during periods of low flow to protect the downstream environment.

As an environmental restoration project, the cost-sharing formula is different from other water storage projects the Commission has sponsored at federally-owned reservoirs. This project requires no non-federal payment of project sunk costs (i.e., a reformulated portion of original construction costs), or payment of operation and maintenance costs, which will be borne instead by Broome County as part of a recreational leasing arrangement with the U.S. Army Corps of Engineers Baltimore District (USACE). There is just the one time, upfront payment of 25 percent of the base project costs and 50 percent of the enhanced recreation costs. The Commission will not actually own water storage, but the storage will be available for release during low flow periods. The USACE hopes to begin construction in the fall of 2003.

The Project Coordination Agreement (PCA) between the Commission and the government has been drafted and is under review by Commission staff. It will be ready for execution after completion of the Adaptive Management Plan for the project. In anticipation of this, Mr. Friends presented a resolution (Exhibit A), authorizing the Executive Director and Chief Administrative Officer to execute the PCA.

The Executive Director added that completion of this project will allow the Commission to move one step closer to its goal of having a storage and release project located in each of the six major subbasins of the Susquehanna River Basin. Another important goal is to make more frequent releases from these storage and release projects to provide more downstream benefits to water users and the environment. The Commission will be working very closely with the USACE to make this a reality.

The Commission is also working with the State of New York to obtain payment of the non-federal costs of the Whitney Point Environmental Storage Project. This payment would constitute compliance with the Commission's consumptive use regulation for agricultural consumptive uses in the New York portion of the river basin.

On a motion by Commissioner Pajeroski, seconded by Commissioner Gast, the Commission unanimously approved the resolution presented by Mr. Friends.

c. Water Resources Program - 2003

The Commission's General Counsel presented the revised Annual Water Resources Program for 2003. The Compact requires that each year the Commission adopt a Water Resources Program based on the Comprehensive Plan. It shall consist of the projects and facilities that the Commission proposes to be undertaken by the Commission and 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.

The Water Resources Program is a component of the Commission's planning process. The SRBC mission statement tells the Commission what it is striving to achieve as an organization. This then feeds into the Comprehensive Plan that identifies water resources needs,

establishes goals for meeting those needs and sets basic planning standards for managing water resources. Flowing from the Comprehensive Plan are the Water Resources Program and the annual budget and work program of the Commission, the actual tools used to meet those stated needs and enforce those standards in the Comprehensive Plan. The Commission's Strategic Plan takes into account the needs and goals set forth in the Comprehensive Plan and provides guidance on how the Commission should go about its programmatic tasks to achieve maximum organizational effectiveness.

Mr. Cairo then recited a few of the important revisions that have been included in this year's Water Resources Program including:

1. Improved flood management activities, such as coordination and technical assistance on the use of flood inundation maps and the development of county hazard mitigation maps.
2. Plans for the signing of a Project Coordination Agreement for implementation of the Whitney Point Environmental Restoration Project.
3. The commencement of a special agricultural consumptive use project designed to explore the feasibility of implementing other alternatives for either storing or conserving water.
4. The development of a pass-by flow guidance to enable a consistent approach to the problem of limiting water withdrawn for surface and ground water.
5. The continuation of programs to support the formation and the activities of watershed organizations.
6. An updated legislative initiatives section that includes calls for appropriations for such things as: sediment removal and management, the modification of Cowanesque and Curwensville operation plans to allow more frequent releases of water, environmental restoration, and low flow management. Also requested is action to make the appointment of the federal member ex officio.
7. A state legislative initiatives section that addresses implementation of Pennsylvania's new water planning legislation. Pennsylvania also has inserted a piece referring to cooperation between the Commonwealth and SRBC on the preparation of the new State Water Plan under this legislation.
8. An update on USACE projects, such as the Scranton and Bloomsburg Local Flood Protection Projects.
9. An insert by the State of New York on the Draft Watershed, Restoration & Protection Action Strategy for the Susquehanna and Chemung Subbasins.

Mr. Cairo then requested that the Commission approve a resolution (Exhibit B) adopting this revised Annual Water Resources Program for 2003. On a motion by Commissioner Gast,

seconded by Commissioner Pajerowski, the Water Resources Program for 2003 was unanimously adopted by the Commission.

d. Public Hearing–Project Review/Settlement In-Lieu-Of Penalty

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

Mr. DeWillie first provided some background information on the Commission’s review authority, water use regulations and procedures. The purposes of these regulations are to avoid adverse environmental impacts and conflicts among users, particularly during periods of drought and low flow. Cumulative impacts are also considered. He explained the methods available for compliance with the consumptive use regulation, including discontinuance, provision of storage water and payment into the SRBC Water Management Fund to enable purchase and water storage for release during low flow periods. Unless otherwise noted, projects described have chosen payment as their compliance method.

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

Many of the dockets presented were linked to the Commission’s Compliance Incentive Program (CIP) that was initiated on April 18, 2000. This highly successful program that offered a waiver of penalties to project sponsors who previously failed to apply for Commission approval if they applied during a specified grace period, has brought in many new applications. The staff has now completed the processing of approximately half of these CIP applications, the effect of which has been to greatly increase the Commission’s knowledge and understanding of water use in the Susquehanna River Basin.

The dockets presented included the following:

- Walden Oaks Country Club (Exhibit C1)
- Afton Golf Club, Inc. (Exhibit C2)
- Binghamton Country Club (Exhibit C3)
- Marshland Links, L.L.C. – The Links at Hiawatha Landing (Exhibit C4)
- Village of Waverly (Exhibit C5)
- Mark Twain Golf Course (Exhibit C6)
- Emanon Country Club (Exhibit C7)
- Dial Corporation (Exhibit C8)
- Spring Twp. Municipal Authority (Exhibit C9)
- Dept. of Veterans Affairs Medical Center (Exhibit C10)
- West Cocalico Twp. Authority (Exhibit C11)
- Messiah College (Exhibit C12)
- Briarwood Golf Club (Exhibit C13)

*Docket decisions are not included with minutes. However, they are available upon request and at www.srbc.net.

All dockets and any accompanying written comments from the public were provided to the Commission in advance of this meeting. Of the original 17 projects scheduled for action at the Commission meeting, the staff recommended the tabling of 4 projects—Ely Park Municipal Golf Course; R.C. Rickard Development Corporations (dba) Conklin Players Club; Harristown Development Corporation, Inc. (Strawberry Square); and Heritage Hills Golf Resort & Conference Center. These projects had either not given the required notice of application or had failed to submit the required fees. Mr. DeWillie then presented specific information on the remaining 13 dockets.

On a motion by Commissioner Gast, seconded by Commissioner Fiala, the Commission unanimously adopted the staff recommendations for all of the remaining dockets (Exhibits C1-C13), and for the tabling of the four projects mentioned above.

The General Counsel then described an offer of settlement in-lieu-of penalty from Univar USA, Inc. in the amount of \$500. This company had failed to submit its quarterly reporting information and consumptive use fees to the Commission after numerous reminders by staff. The company has since submitted all of its required reports and is in the process of completing the accounting procedures for payment of its back fees and its proposed settlement.

Commissioner Pajerowski moved that the Commission accept the settlement in-lieu-of penalty offer made by Univar USA, Inc. in the amount of \$500 on condition that, within thirty days of this acceptance, Univar USA, Inc. submit to the Commission the full amount of the settlement, plus the full amount of consumptive use fees owed to the Commission by Univar USA, Inc., or its predecessor company, for the years 2001 and 2002. This motion was seconded by Commissioner Fiala and unanimously adopted by the Commission.

PUBLIC COMMENTS

A question was asked about whether it was possible to estimate how much water trees use. Mr. DeWillie responded that such estimates do exist. The Executive Director added that, while most plant water use is a natural process, the Commission is taking steps to deal with agricultural consumptive use of water.

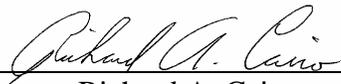
ADJOURNMENT

There being no further business before the Commission, Chairman Hicks adjourned the meeting at approximately 10:10 a.m.

NEXT MEETING

The next regular meeting of the Commission is tentatively scheduled for April 10, 2003 in Huntingdon, Pa.

Date Adopted


Richard A. Cairo
General Counsel/Secretary to the Commission

RESOLUTION NO. 2003-01

A RESOLUTION of the Susquehanna River Basin Commission authorizing the Executive Director and Chief Administrative Officer to execute a Project Cooperative Agreement with the U.S. Army Corps of Engineers regarding the financing and construction of an environmental restoration project at the Whitney Point Reservoir, Broome County, New York.

WHEREAS, under Section 4.2 of the Susquehanna River Basin Compact, P.L. 91-575, the Commission is authorized to acquire, construct, operate, and control projects for the storage and release of waters; and

WHEREAS, Section II(B)(2), Goal (g) of the SRBC Comprehensive Plan states that, “pursuant to this authority, the Commission will investigate and, as it deems appropriate, make all necessary commitments to acquire and to manage water supply storage available or to become available in public or private water storage reservoirs in the basin including the assumption of certain financial obligations for same;” and

WHEREAS, the Commission, in cooperation with the U.S. Army Corps of Engineers, Baltimore District, has completed a feasibility study for a proposed environmental restoration project at Whitney Point Reservoir, a Corps-owned and operated flood control and recreation project located on the Otselic River in Broome County, New York; and

WHEREAS, the purpose of this project, for which the Commission will serve as non-federal sponsor, will be to release water from project storage during certain critical low flow periods to improve the environmental conditions of downstream reaches of river in the New York portion of the Susquehanna River Basin; and

WHEREAS, the said study has concluded that the project is both structurally and financially feasible and will provide environmental benefits; and

WHEREAS, the Commission finds that the Executive Director and counsel to the Commission have negotiated a mutually acceptable Project Cooperative Agreement (PCA) with the U.S. Army Corps of Engineers regarding the implementation and financing of the said environmental restoration project and other important details.

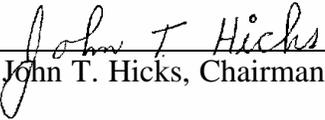
NOW THEREFORE BE IT RESOLVED THAT:

1. Subject to final terms acceptable to both him and commission counsel, the Executive Director and Chief Administrative Officer are hereby authorized to execute on behalf of the Commission, a PCA with the U.S. Army Corps of Engineers providing for an environmental restoration project at the Whitney Point Reservoir.

2. The Executive Director and Chief Administrative Officer are authorized to use the Commission's Water Management Fund to pay this cost in the event that the non-federal share of funding for this project is not provided by the State of New York; provided, however, that the Executive Director shall, with due diligence, make every reasonable effort to obtain said non-federal share from the State of New York, which shall be the Commission's preferred method of funding the project.

3. This Resolution shall be effective immediately.

Date: February 6, 2003



John T. Hicks, Chairman

RESOLUTION NO. 2003-02

A RESOLUTION of the Susquehanna River Basin Commission adopting an Annual Water Resources Program for 2003.

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

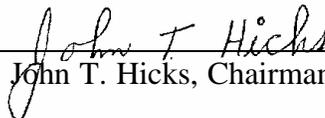
WHEREAS, the Commission’s member jurisdictions have prepared or are preparing a listing of their own projects to be undertaken in the basin during this same period; and

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—2003,” 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 member jurisdiction projects and annually readopted by the Commission.
3. This Resolution shall be effective immediately.

Date: February 6, 2003



John T. Hicks, Chairman

Docket No. 20030201
Approval Date: February 6, 2003

WALDEN OAKS COUNTRY CLUB, INC.

Consumptive Water Use of Up to 0.162 mgd, for Golf Course Irrigation,
South Cortland, Cortland County, New York

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, 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 February 20, 2001.

Description

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

Location. The project is located in the Upper Susquehanna Subbasin, HUC 02050102, Otter Creek Watershed, South Cortland, Cortland County, New York.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.147 million gallons per day (mgd). Based on irrigation data for the years 2001 and 2002 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.100 mgd, and current peak-day consumptive water use to be 0.124 mgd. The primary water source is a withdrawal from an existing spring-fed pond located on the golf course property.

The project was constructed as an 18-hole golf course, and has been in continuous operation since 1993. The current irrigation system for the greens, tees, and fairways of the golf course was completed in 1997.

The project sponsor constructed a series of five spring-fed ponds to provide for irrigation water storage on-site. The ponds are linked, and the pond that is lowest in elevation serves as the primary storage pond (Pond 3). The drainage area for all five ponds is 0.04 square miles, or 29 acres. Overflow from the primary storage pond discharges to an unnamed tributary to the Otter Creek.

The ponds have a total surface area of approximately 3.4 acres, and an estimated storage capacity of 6.0 million gallons of water when full. The project sponsor has sufficient storage on-site to meet the project's irrigation demands for 60 days, based on the maximum average 30-day use of 0.100 mgd.

The sources of water for the storage ponds are springs and surface runoff from the adjacent upland areas. Water is pumped from the primary storage pond to the golf course's irrigation system, which is equipped with a flow meter. The water is withdrawn from the pond using a pumping station containing two 25-horsepower centrifugal pumps, with a combined maximum pumping capacity of 500 gallons per minute (gpm).

Findings

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

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

The project sponsor requested a consumptive water use approval for up to 0.147 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the 0.162 mgd, which represents a 30 percent increase above the current peak-day use of 0.124 mgd. Should the project's future consumptive water use exceed or be expected to exceed 0.162 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to use water stored in the on-site ponds to maintain a continuous conservation release equal to the 7-day, 10-year low flow (Q7-10 flow). The storage ponds store an estimated 6.0 million gallons of water when at full capacity. Commission staff has determined that the quantity of storage is sufficient to supply the golf course during drought conditions and maintain the conservation release.

Overflow from the primary storage pond discharges to an unnamed tributary to Otter Creek. Commission staff has calculated the Q7-10 flow at the point of withdrawal from the primary storage pond to be 0.003 cubic feet per second (cfs) (1.1 gpm). Staff recommends that a conservation release be maintained from the storage pond equal to 1.1 gpm. The storage pond volume should provide approximately 60 days of storage, based on a conservation release of 1.1 gpm and a maximum average 30-day consumptive use of 0.100 mgd. Commission staff recommends that the project sponsor install and maintain a passive device or system to ensure that the conservation release of 1.1 gpm is maintained at all times.

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

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.162 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage ponds plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the ponds.

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall use water stored in its on-site ponds to maintain a continuous conservation release equal to the 7-day, 10-year low flow (Q7-10 flow), of 0.003 cfs, or 1.1 gpm. The project sponsor shall modify or replace, as required, the intake structure or otherwise incorporate a passive flow device(s) to provide for the conservation release. The project sponsor shall provide the Commission with documentation every five (5) years certifying that sufficient water storage exists in its on-site storage pond.

d. The project sponsor shall submit its design and a proposed construction schedule for the passive flow device(s) or system within ninety (90) days from the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The conservation release system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passive flow device at any time.

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

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

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

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

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

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

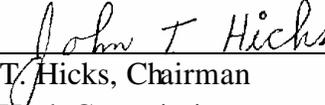
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030202
Approval Date: February 6, 2003

AFTON GOLF CLUB, INC.

Consumptive Water Use of Up to 0.280 mgd, for Golf Course Irrigation,
Town of Afton, Chenango 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 February 12, 2001.

Description

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

Location. The project is located in the Upper Susquehanna Subbasin, HUC 02050101, Susquehanna River Watershed, Town of Afton, Chenango County, New York.

Project Features. The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.280 million gallons per day (mgd). The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.110 mgd, and current peak-day consumptive water use to be 0.254 mgd.

The project was constructed as an 18-hole golf course in 1954, and has been in continuous operation since that time. The original irrigation system was installed in 1954 and irrigated greens, tees, and seven approaches. Irrigation water was supplied by the pond currently located at the No. 7 fairway.

The project sponsor replaced the irrigation system in 2000, and currently irrigates all greens, tees, and fairways. As part of the project, three new spring-fed storage ponds were constructed. Irrigation water is either pumped or gravity-fed from the new ponds to Pond 7, and then pumped to irrigate greens, tees, and fairways. Additionally, a ground-water well was installed in 2000 to serve as a backup water supply.

Commission staff has calculated the surface area of the three new storage ponds to be a total of 2.10 acres, as follows: Pond 18T (0.75 acres); Pond 18F (1.0 acre); and Pond 4 (0.35 acres). The project sponsor estimates the total usable storage capacity of the four ponds to be approximately 3.0 million gallons, when full. Based on the reported maximum average 3-day consumptive use of 0.110 mgd, the project sponsor has the ability to store water for approximately 27 days of irrigation.

Findings

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

All water evaporated from storage Ponds 4, 18T, and 18F, as well as water withdrawn from the storage ponds and used for golf course irrigation, is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water used for irrigation. Pond 7 predates the Commission's consumptive water use regulation; therefore, the project sponsor is not required to provide compensation for the evaporative losses from that pond.

The project sponsor requested approval for a consumptive water use of up to 0.280 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of 0.280 mgd, which is approximately 10 percent above the current peak-day use of 0.254 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.280 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor installed a well in 2000 to serve as a back up water supply for the irrigation system but the withdrawal is not metered. The project sponsor has reported that the well is utilized at less than 100,000 gallons during a 24-hour pumping period and, thus, this withdrawal is less than the threshold specified in Commission Regulation §803.43. However, since the project sponsor currently does not meter the actual quantity of ground water withdrawn, and the well is capable of producing in excess of 100,000 gpd Commission staff recommends that the project sponsor install the appropriate metering to provide to the Commission documentation of the well's usage.

The Commission staff has agreed to the projects sponsor's calculated pre-1971 consumptive water use of 0.040 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, plus the evaporative loss from Ponds 4, 18T, and 18F, minus the

pre-1971 consumptive use of 0.040 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.280 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from storage Ponds 4, 18T, and 18F, plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the ponds.

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of evaporative loss from storage Ponds 4, 18T,

and 18F, plus the quantity pumped to the irrigation system. Payments shall be made quarterly, and shall be calculated by applying this rate to the daily amount of water consumptively used in excess of the grandfathered quantity of 0.040 mgd by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.040 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

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

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

constructed, operated, or maintained in accordance with the terms and conditions of this approval or any other rule, regulation, or order of the Commission.

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

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

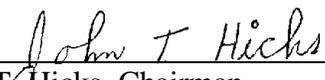
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



 John T. Hicks, Chairman
 New York Commissioner

Docket No. 20030204
Approval Date: February 6, 2003

BINGHAMTON COUNTRY CLUB

Consumptive Water Use of Up to 0.342 mgd, for Golf Course Irrigation,
Village of Endwell, 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 February 15, 2001.

Description

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

Location. The project is located in the Upper Susquehanna Subbasin, HUC 02050103, Susquehanna River Watershed, Village of Endwell, Broome County, New York.

Project Features. The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.342 million gallons per day (mgd). The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.216 mgd, and current peak-day consumptive water use to be 0.311 mgd.

The primary source of water is the Village of Endicott municipal water supply system.

The project was constructed in the 1920s as an 18-hole golf course, and has been in continuous operation since that time. The irrigation system was installed prior to 1970, and watered the greens, tees and fairways. The current irrigation system is equipped with a meter, and was installed in 2001.

Water from the Village of Endicott municipal water system is supplied directly to the irrigation system, which is equipped with a totalizing meter.

Findings

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

All water used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water supplied by the municipal system and used for irrigation.

The project sponsor requested approval for a consumptive water use of up to 0.342 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of up to 0.342 mgd, which is approximately 10 percent above the current peak-day use of 0.311 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.342 mgd, the project sponsor must apply for a modification to this docket at that time.

The Commission staff has calculated a pre-1971 consumptive water use of 0.150 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.150 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

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

Decision

The project's consumptive water use of up to 0.342 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity supplied to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.150 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

e. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.150 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

f. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the

right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

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

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

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

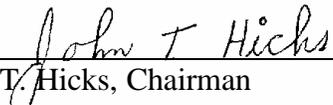
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030205
Approval Date: February 6, 2003

**MARSHLAND LINKS, L.L.C.—THE LINKS AT
HIAWATHA LANDING**

Surface-Water Withdrawal of Up to 0.499 mgd from the Susquehanna River, and a
Consumptive Water Use of Up to 0.499 mgd, for Golf Course Irrigation,
Town of Owego, Tioga 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, §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 January 19, 2001, and the application for the surface-water withdrawal on September 10, 2002.

Description

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

Location. The project is located in the Upper Susquehanna Subbasin, HUC 02050103, Susquehanna River Watershed, Town of Owego, Tioga County, New York.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of up to 0.499 million gallons per day (mgd) of water from the Susquehanna River and a consumptive use of water of up to 0.499 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.233 mgd and its peak-day consumptive water use to be 0.322 mgd in 2001. The primary water source is an existing surface-water withdrawal from the Susquehanna River.

The project was opened in 1993 as a fully-irrigated, 18-hole golf course. The project was expanded to 21 holes in 1996, with the addition of the fully-irrigated, "Junior Golf Academy" course. As part of the original project, the project sponsor constructed two off-stream ponds in 1992 that provide on-site water storage. The total acreage of the storage ponds is approximately 8.5 acres and, with an average depth of approximately 8 feet, has a total estimated capacity of 22.16 million gallons of water when full. The project sponsor has sufficient storage on-site to

meet the project's irrigation demands for 95 days, based on the documented maximum 30-day average use of 0.233mgd.

The storage pond system is filled with water pumped from the Susquehanna River. The surface-water withdrawal is accomplished via a pumping station located adjacent to the river, and is not currently equipped with a totalizing meter. Water is pumped from the storage ponds to the golf course using a metered system capable of producing 900 gallons per minute (gpm).

Findings

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

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

The project sponsor has requested a consumptive water use approval of up to 0.499 mgd. Based on an analysis of irrigation records supplied by the project sponsor and design data for the irrigation system installed at the course, Commission staff is recommending approval of the requested amount. The single peak-day use during 2001-02 was significantly lower than the design demand of the irrigation system and that required by the "links" layout of the golf course. The requested amount is about the same as the approved quantities of similar golf courses in the Susquehanna River Basin and should accommodate the peak usage days likely to occur over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.499 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to use its own storage during low flow periods. Commission staff has determined that the quantity of storage is sufficient to supply the golf course during drought conditions. In order for this storage to be an acceptable method of compliance with Commission Regulation §803.42, the project sponsor must cease withdrawals from the river and be limited to using water stored in the on-site ponds during periods of low flow or upon notice by the Commission.

The storage ponds collectively store an estimated 22.16 million gallons of water when at full capacity. This volume should provide approximately 95 days of irrigation, based on the maximum 30-day average use of 0.233mgd. The project sponsor will need to maintain sufficient water storage in order to meet the project's demand for irrigation water. Commission staff recommends that the project sponsor validate and submit on-site storage documentation to Commission staff every five years.

The project's primary source of water for irrigation is an unmetered withdrawal from the Susquehanna River. Commission staff recommends that the withdrawal be metered in accordance with the requirements of Commission Regulation §803.44. Commission staff has calculated the 7-day, 10-year low flow (Q7-10 flow) of the Susquehanna River to be 339.7 cubic feet per second (cfs), or 152,457 gallons per minute (gpm) at the point of withdrawal. The project's requested surface-water withdrawal of 0.499 mgd is less than 10 percent of the Q7-10 flow (15,245 gpm) at the point of withdrawal; therefore, Commission staff finds no passby flow is required.

Further, Commission staff recommends the use of U.S. Geological Survey (USGS) stream gage 01515000, located on the Susquehanna River at Waverly, N.Y., as a reference gage for this project and recommends that the surface-water withdrawal from the Susquehanna River cease when flows at the gage reach Q7-10, which is 387.7 cfs, or 173,999 gpm.

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

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

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

Compliance Incentive Program

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water withdrawn and consumed in violation of Commission Regulations §803.42 and §803.44 prior to January 1, 2001.

Decision

The project's surface-water withdrawal from the Susquehanna River of up to 0.499 mgd, and the consumptive use of water of up to 0.499 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the two

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

c. Within sixty (60) days of the date of this approval, the project sponsor shall install and maintain metering on the surface-water intake, accurate to within five (5) percent. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

d. The project sponsor shall keep daily records of the project's surface-water withdrawal and shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor also shall keep daily records of readings from the U.S. Geological Survey (USGS) stream gage 01515000, located on the Susquehanna River at Waverly, N.Y., during the irrigation season, and shall provide the results to the Commission quarterly, and as otherwise required.

e. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall cease withdrawal from the Susquehanna River when flow at the USGS stream gage 01515000, located on the Susquehanna River at Waverly, N.Y., is less than 387.7 cfs, or 173,999 gpm, and upon notice from the Commission during periods of low flow, the project sponsor shall cease withdrawals from the Susquehanna River and shall use water stored in the on-site ponds. The project sponsor shall provide the Commission with documentation every five (5) years certifying that sufficient water storage exists in its on-site storage ponds.

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

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

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

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

constructed, operated, or maintained in accordance with the terms and conditions of this approval or any other rule, regulation, or order of the Commission.

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

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

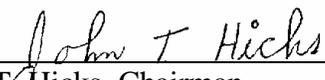
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



 John T. Hicks, Chairman
 New York Commissioner

Docket No. 20030207
Approval Date: February 6, 2003

VILLAGE OF WAVERLY

Ground-Water Withdrawal (30-Day Average) of 0.5 mgd from
Well 4, and a Total System Withdrawal Limit (30-Day Average) of 1.1 mgd,
for Public Water Supply,
Village of Waverly, Tioga 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 §803.43, relating to ground-water withdrawals. The Commission received the application on August 19, 2002, and supporting documentation on October 3, 2002, and November 18, 2002.

Description

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

Location. The project is located in the Upper Susquehanna River Subbasin, HUC 02050103, Cayuta Creek Watershed, Village of Waverly, Tioga County, New York.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.5 million gallons per day (mgd) of water from Well 4. The project sponsor currently utilizes a reservoir and three wells, Wells 1, 2, and 3, to supply water to a municipal water supply system. Wells 1, 2, and 3 were drilled in 1943, 1963, and 1977, respectively, and their use predates Commission Regulation §803.43. The project sponsor proposes to use Well 4 as a mechanical replacement well for Well 1.

Well 4 is located adjacent to Cayuta Creek, approximately 417 feet north of Well 2, in a sand and gravel (glacial outwash) aquifer that fills a bedrock valley. Well 4 was drilled and constructed as a 16-inch-diameter screened well in March 1999. The well is constructed to a completed depth of 45.5 feet below ground surface (bgs). It is cased with 35.5 feet of steel set to 35.5 feet bgs, 10 feet of 100-slot screen set to the completed depth.

The municipal water supply system had an average metered daily demand of 1.1 mgd in 2001, and an existing maximum daily demand of 1.598 mgd. The average daily demand is

projected to remain unchanged through 2026. The project sponsor serves the Village of Waverly.

The wastewater generated throughout the water system is discharged to the sanitary sewer system and treated at the Village of Waverly wastewater treatment facility, which discharges to the Chemung River.

Pumping Test. A 48-hour constant-rate pumping test was conducted April 26-28, 1999, for Well 4. Pumping at an average rate of 400 gallons per minute (gpm), drawdown stabilized at approximately 14.5 feet after 15 minutes of pumping. At the end of the test, total drawdown was 16.05 feet. The water level recovered to within 90 percent of the pretest water level approximately 5 minutes after the end of the pumping test. Drawdown in observation wells located within 12 feet and 417 feet were 8.1 feet and 0.4 feet, respectively, at the end of the 48-hour test. Stream water level in Cayuta Creek was continuously monitored during the testing, and the water level was not affected by pumping of Well 4.

Coordination. Commission staff has coordinated with The New York State Department of Environmental Conservation (NYSDEC) Region 7 Office during review of the project. NYSDEC received a complete application on June 26, 2002, and is reviewing the development and use of Well 4 as a source of public water supply. NYSDEC staff has reviewed this docket for consistency with its requirements.

Findings

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

Pumping test results, including the early drawdown stabilization in this well and the rapid recovery, indicate that Well 4 draws water from an unconfined aquifer of high permeability.

Commission staff recommends approval of an instantaneous withdrawal rate of 400 gpm, the pumping rate used during the constant-rate pumping test, and a 30-day average withdrawal rate of 0.5 mgd from Well 4, providing that the total withdrawal from the system is limited to 1.1 mgd. The project sponsor proposes to use Well 4 as a mechanical replacement well for Well 1. The 30-day average withdrawal rate of 1.1 mgd from the water supply system will be adequate to supply the Village of Waverly's projected increase in maximum daily demand during the term of this approval.

Commission staff recommends that the project sponsor install appropriate metering on Well 4 and provide to the Commission documentation of the well's usage. The project sponsor has agreed to the monitoring requirement.

The pumping test protocol was not reviewed and approved by Commission staff. The testing was conducted in April 1999, and does not meet current Commission standards with respect to "Ground-Water Availability Analysis" and "Hydrologic Description." However, Commission staff recommends that the test be accepted because of the nature of the

hydrogeologic setting and the lack of potential adverse impacts to any existing use and the environment.

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

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

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

Decision

The project's ground-water withdrawal of 0.5 mgd (30-day average) from Well 4 and a total system 30-day average withdrawal limit of 1.1 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.
- b. The project sponsor shall keep daily records of the metered withdrawal from Well 4 and the total system withdrawal, and weekly water levels from Well 4. The required reporting data shall be submitted to the Commission annually, and as otherwise required. The project sponsor shall install a meter, accurate to within five (5) percent, on Well 4 prior to its use as a water supply source.
- c. The maximum instantaneous rate of production from Well 4 shall not exceed 400 gpm.
- d. The project sponsor shall comply with water conservation requirements, as per Commission Regulation §804.20(a).
- e. If the Commission determines that the operation of the project's ground-water withdrawal from Well 4 adversely affects any existing ground-water or surface-water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.
- f. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the

right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

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

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

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

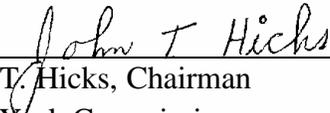
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030208
Approval Date: February 6, 2003

MARK TWAIN GOLF COURSE

Consumptive Water Use of Up to 0.499 mgd, for Golf Course Irrigation,
City of Elmira, Chemung 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 December 13, 2000.

Description

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

Location. The project is located in the Chemung River Subbasin, HUC 02050105, Chemung River Watershed, City of Elmira, Chemung County, New York.

Project Features. The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.341 million gallons per day (mgd). Based on data provided by the project sponsor, Commission staff has calculated the project's maximum average 30-day consumptive water use to be 0.283 mgd and current peak-day consumptive water use to be 0.496 mgd.

The primary source of water is the City of Elmira municipal water supply system.

The project was constructed in 1939 as an 18-hole golf course and has been in continuous operation since that time. The original irrigation system was installed prior to 1970 and watered the greens, tees, and fairways. The current metered, double-row irrigation system was installed in 1997 and waters greens, tees, and fairways.

Water from the City of Elmira municipal water system is supplied directly to the irrigation system and is equipped with a totalizing meter.

Findings

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

All water used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water supplied by the municipal water supply system and used for irrigation.

The project sponsor has requested approval of a consumptive water use of up to 0.341 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of up to 0.499 mgd, which represents an increase of approximately 0.5 percent above the current peak-day use of 0.496 mgd. Commission staff has discussed this recommendation with the project sponsor, and they concur with the increased quantity. Should the project's future consumptive water use exceed or be expected to exceed 0.499 mgd, the project sponsor must apply for a modification to this docket at that time.

The Commission staff and project sponsor have agreed to a calculated pre-1971 consumptive water use of 0.247 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.247 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

Decision

The project's consumptive water use of up to 0.499 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity supplied to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.247 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

e. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.247 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

f. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state,

or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

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

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

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

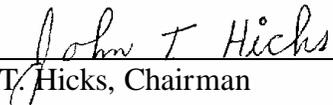
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030209
Approval Date: February 6, 2003

EMANON COUNTRY CLUB

Ground-Water Withdrawal of 0.227 mgd (30-Day Average),
and a Consumptive Water Use of Up to 0.300 mgd, for Golf Course Irrigation,
Exeter Township, Wyoming County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.43, relating to ground-water withdrawals. The Commission received the consumptive water use application on August 24, 2000, and the ground-water withdrawal application on May 15, 2002.

Description

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

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050106, Susquehanna River Watershed, Exeter Township, Wyoming County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.300 million gallons per day (mgd) and a ground-water withdrawal (30-day average) of 0.227 mgd. Based on irrigation data for the years 2001 and 2002 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.206 mgd, and current peak-day consumptive water use to be 0.206 mgd. The primary source of water is an existing ground-water withdrawal from an on-site well (Well 1).

The project was constructed in 1956, and has been in continuous operation since that time. The irrigation of greens began in 1960. Water for the original irrigation system was supplied by a well which filled an on-site 10,000-gallon storage tank. The project sponsor completed reconstruction of the entire irrigation system in 1993, including the installation of new irrigation lines for greens, tees, and fairways, the construction of Well 1 to replace the original well, and the construction of a pond to provide for irrigation water storage on-site.

Commission staff has calculated the surface area of the storage pond to be 1.1 acres, and the volume of the pond to be approximately 2.5 million gallons. The project sponsor has sufficient storage on-site for approximately 12 days of irrigation, based on the maximum average 30-day consumptive use of 0.206 mgd.

Ground water is withdrawn from Well 1 and discharged to the storage pond, as needed. Well 1 has a pump capacity of approximately 270 gpm. The project's ground-water withdrawal is not metered.

The storage pond also captures surface runoff from adjacent upland areas. Water for the irrigation system is withdrawn from the storage pond using a pumping station containing one 50-horsepower and one 25-horsepower centrifugal pump, with a total capacity of approximately 700 gallons per minute (gpm). Irrigation water usage is metered.

Findings

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

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

The project sponsor has requested a consumptive water use approval of up to 0.300 mgd. Based on an analysis of irrigation records submitted by the project sponsor and estimated data from a 1992-1993 Water Use Survey submitted by the project sponsor to the Pennsylvania Department of Environmental Resources, Commission staff is recommending approval of the requested quantity. Should the project's future consumptive water use exceed or be expected to exceed 0.300 mgd, the project sponsor must apply for a modification to this docket at that time.

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

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

The project's ground-water withdrawal began in 1960. The original well was replaced by Well 1 in 1993 and, therefore, is subject to Commission Regulation §803.43. Based on water use data submitted by the project sponsor, Commission staff calculates that Well 1 currently is utilized at a maximum average 30-day rate of 0.206 mgd.

The testing of Well 1, required in Commission Regulation §803.43, was not conducted in 1993 when withdrawals began. The project sponsor has requested a waiver of the pumping test requirement. Commission staff, after review of the ground-water availability analysis and supporting information submitted by the project sponsor, recommends that the requirement for a pumping test be waived. Commission staff recommends that the ground-water withdrawal be approved for a maximum instantaneous pumping rate of 270 gpm, the current capacity of the pump for Well 1.

The project sponsor has requested a ground-water withdrawal (30-day average) of 0.227 mgd. Based on an analysis of the limited water use records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current ground-water withdrawal (30-day average) of 0.206 mgd. Should the project's ground-water withdrawal exceed or be expected to exceed 0.227 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff recommends that the project sponsor install appropriate metering on Well 1 and provide to the Commission documentation of the well's usage, in accordance with Commission Regulation §803.43.

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

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

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

Compliance Incentive Program

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

Decision

The project's ground-water withdrawal of 0.227 mgd (30-day average) from Well 1 and the consumptive water use of up to 0.300 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage pond plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the pond.

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

d. The maximum instantaneous rate of production from Well 1 shall not exceed 270 gpm.

e. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on Well 1, accurate to within five (5) percent, to measure its ground-water withdrawal. The project sponsor shall keep daily records of the project's ground-water withdrawal and weekly water levels from the well, and shall report the data to the Commission quarterly, and as otherwise required.

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage pond plus the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.012 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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

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

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

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

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

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

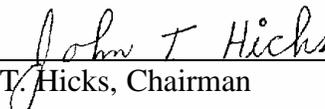
n. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

o. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030210
Approval Date: February 6, 2003

DIAL CORPORATION

Consumptive Water Use of up to 0.420 mgd,
for the Manufacture of Chemical Products,
West Hazleton Borough, 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 the consumptive use of water. The Commission received the application on June 5, 2001.

Description

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

Location. The project is located in the Middle Susquehanna Subbasin, Nescopeck Creek Watershed, HUC 02050107, West Hazleton Borough, Luzerne County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.420 million gallons per day (mgd). Manufacturing at the facility involves the blending of soap and detergent with water to produce liquid soap and liquid laundry detergent. Dial Corporation began operations at the facility in Hazleton's Valmont Industrial Park in 1988.

Water is supplied to the facility by the City of Hazleton Water Authority-Hazleton Division (CHWA) public water supply system. Currently, water supplied by CHWA averages 0.246 mgd during maximum 30-day periods. The water is metered as it enters the facility at three locations, and is used for product, make-up water for one boiler, equipment sanitizing and cleanup, and sanitary purposes. A 6-inch metered water line (CHWA Meter 1) supplies the processing tanks used for making the liquid soap and liquid detergent. Additionally, a 3-inch metered water line (CHWA Meter 2) supplies process water to the premix tanks and makeup water to the boiler. A 2-inch metered water line (CHWA Meter 3) supplies water for sanitary use by the facility's 250 employees.

Based on daily-metered water use data submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.225 mgd, and current peak-day consumptive water use to be 0.351 mgd.

Four batch tanks, ranging in size from 2,500 gallons to 5,000 gallons, are used for manufacturing the products. Typically, 92 percent of the facility's process water is used for the manufacture of liquid detergent, and the remaining 8 percent is used for manufacturing liquid soap. The facility's boiler is used to heat water and generate steam for sanitizing and cleaning equipment. The plant is heated with a natural gas fired forced-air furnace.

All of the wastewater from the facility is discharged through two outfalls and enters the Greater Hazleton Joint Sewerage Authority (GHJSA) sanitary sewer system. Effluent from sanitary use by employees at the facility enters one of the outfalls, and is not currently metered. Effluent from soap and detergent processing at the facility is measured at two orifice meters before being discharged to the second outfall.

Findings

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

All of the process water incorporated into product and all boiler make-up water at the facility is considered to be used consumptively. Nonconsumptive water uses at the facility include sanitary use by employees and measured process effluent.

The project sponsor proposes to determine the amount of the facility's consumptive water use by reading CHWA Meters 1 and 2 daily, and summing and recording the usage on a daily basis. The facility's processing effluent is then subtracted from the metered inflow to determine the facility's consumptive water use. The project sponsor proposes to measure the processing effluent from the facility at the soap and detergent orifice meters on a weekly basis, and prorate these flows to a daily basis. Staff concurs with this procedure.

The project sponsor started manufacturing chemical products at the site in 1988. Prior to that date, the site was used for dyeing textiles and production of needlepoint crafts by other manufacturers. Therefore, the project has no consumptive water use predating the effective date of Commission Regulation §803.42, January 23, 1971.

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

The project sponsor's Hazleton facility is physically located entirely within the Susquehanna River Basin, and the facility uses water from the CHWA for its entire supply. CHWA utilizes water sources in both the Delaware and Susquehanna River Basins to supply its Hazleton Division customers. The water is blended at the water filtration plant, and it is impossible to determine which portions of the service area receive Susquehanna basin water and which receive Delaware basin water. Furthermore, the percentage of water from each source is variable. Therefore, all water supplied to the facility is presumed to be Susquehanna basin water.

The project sponsor anticipates adding a new liquid detergent line within the facility during the term of this approval. The new line will add an additional 0.065 mgd of consumptive water use to the facility's maximum daily consumptive water use. Therefore, the project sponsor has requested an approval of up to 0.420 mgd. Should the project's future consumptive water use exceed or be expected to exceed 0.420 mgd, the project sponsor must apply for a modification to this docket at that time.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.420 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
- b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity incorporated into product plus all boiler make-up water. This quantity shall be calculated by subtracting the sum of the processing effluent measured at the soap and detergent orifice meters on a weekly basis, prorated to a daily basis, from the sum of the metered process and boiler feed make-up water for the facility (sum of CHWA's Meter 1 and Meter 2 usage). The project sponsor, in cooperation with CHWA and GHJSA, shall maintain metering, accurate to within five (5) percent, on the water supply lines and effluent discharges.

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the quantity incorporated into product plus boiler makeup water. Payments shall be made quarterly and shall be calculated by applying this rate to the consumptive water used by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

e. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used during the period from January 1, 2001, until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above. Consumptive water use occurring prior to the date of this approval shall be determined based on the project's calculated consumptive water use during the year 2002.

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

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

h. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and penalties. Upon written notice by the Commission, the project sponsor shall have

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

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

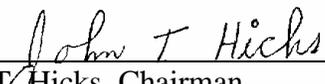
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



 John T. Hicks, Chairman
 New York Commissioner

Docket No. 20030211
Approval Date: February 6, 2002

SPRING TOWNSHIP MUNICIPAL AUTHORITY

Ground-Water Withdrawal (30-Day Average) of 1.44 mgd from Well PW-1,
for Public Water Supply,
Spring Township, Centre County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to ground-water withdrawals. The Commission received the application on August 2, 2002.

Description

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

Location. The project is located in the West Branch Susquehanna Subbasin, HUC 02050204010, Spring Creek Watershed, Spring Township, Centre County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 1.44 million gallons per day (mgd) from Spring Township Municipal Authority (STMA) Production Well PW-1. The well will be used as a source for the public water supply system and will replace the Axeman Spring, the current sole source for the STMA water supply system. The use of the Axeman Spring by STMA predates the Commission's surface-water regulation and does not require Commission approval. Well PW-1 was drilled in October 2001 to replace Axeman Spring, which the Pennsylvania Department of Environmental Protection (Pa. DEP) identified as an unfiltered surface-water source.

Well PW-1 was constructed as a 12-inch diameter bedrock well, with 300 feet of 12-inch steel casing and a total depth of 590 feet. The well penetrates Cambrian-aged carbonates of the Gatesburg Formation, and draws water from the Upper Sandy member, an arenaceous carbonate aquifer characterized by the relatively low hardness of its water and high well yields. Well PW-1 is located on the brow of a 200-foot-high valley wall overlooking Logan Branch, a tributary of Spring Creek. Well PW-1 is located approximately 800 feet east-northeast of Logan

Branch, and 600 feet east-northeast of Pennsylvania Route 144, at the southern end of the Cerro Brass production facility.

The public water supply system has an existing average daily demand of 0.360 million gallons and an existing maximum daily withdrawal of 0.700 mgd. The maximum daily withdrawal is projected to grow to 1.44 million gallons by 2027. The system is 99.6 percent metered. Approximately 8 percent of the system's water is unaccounted-for water. The project sponsor currently serves Spring Township and a small portion of Benner Township.

Pumping Test. The project sponsor conducted a constant-rate pumping test for Well PW-1 on March 25-29, 2002, at a rate of 1,000 gallons per minute (gpm). Commission staff approved the plan for the pumping test, including a test duration of 48 hours. Logan Branch (along strike from the well), springs along Spring Creek, and several homeowners' wells, located within approximately 2,000 feet of Well PW-1, were monitored during the aquifer testing. In addition, Commission staff required the spring beneath the parking lot in the valley floor (the culvert spring) to be monitored. Approximately 4.5 inches of precipitation fell from approximately 24 hours to 48 hours into the test, and the test was extended by the consultant an additional 48 hours, without staff approval. The total test duration was 96 hours. All the monitoring points showed some precipitation-induced recovery during the last 72 hours of the test pumping. Therefore, only the first 24 hours of the pumping test provided useful data.

Coordination. The project sponsor has requested approval of a Public Water Supply Permit from the Pa. DEP. Commission staff has coordinated with the Pa. DEP Northcentral Region Office during review of the project, and Pa. DEP staff has reviewed this docket for consistency with its requirements.

Findings

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

Commission staff recommends that Well PW-1 be approved for the maximum instantaneous pumping rate of 1,000 gpm, the average pumping rate during the long-term pumping test.

Analysis of the data gathered during drilling and testing indicates that Well PW-1 taps a relatively deep, semiconfined karst-modified, fractured-bedrock aquifer. A shallow aquifer, defined by several shallow water-bearing voids and fractures encountered above a depth of 300 feet, and extending approximately 100 feet below the Logan Branch valley floor, was cased off to mitigate severe impact to the culvert spring, and high turbidity resulting from the erosion of clay-rich sediments in the solutional voids. The deeper aquifer, developed in the sandy carbonates of the Upper Sandy member of the Gatesburg formation, is a solutionally-enhanced, fractured-bedrock aquifer, with relatively soft water.

Operation of Well PW-1 during the first 24 hours of the pumping test did not affect the head monitored by the streambed piezometers in Logan Branch. Test-induced drawdown was

evident in two of the seven wells monitored during the first 24 hours of the pumping test. The McClusick Well developed 2.42 feet of drawdown, and the Able Well developed approximately 0.4 feet of drawdown. The drawdown impact to the Able Well is minimal, but noteworthy because the well was found to contain hydrocarbon contaminated water. A third well, the Caldwell Well, exhibited anomalous water level behavior: a drop in water level of 5.26 feet after 400 minutes of pumping was followed by full recovery at approximately 850 minutes into the test. The lack of impact to the culvert spring flow during the first 24 hours of the testing indicates that the consultant's attempt to case-off the upper aquifer was at least partially successful.

Due to the indeterminant results of the precipitation-truncated pumping test, Commission staff recommends that the project sponsor monitor and evaluate potential impacts to the McClusick, Able and Caldwell Wells. The data loggers should be set to record a measurement once every 10 minutes. A record of one year during normal Well PW-1 operation should be required.

The project is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(a). The system losses are less than 20 percent, which is in compliance with this regulation, but the water system is not all metered. The project sponsor shall have installed the necessary meters, and achieved 100 percent compliance by February 6, 2008. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement.

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

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

Decision

The project's ground-water withdrawal of 1.44 mgd (30-day average) from Well PW-1 is approved pursuant to Article 3, Section 3.10 of the Compact, subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.
- b. The project sponsor shall keep daily records of the metered withdrawal and daily water levels from Well PW-1. The required reporting data shall be submitted to the Commission annually, and as otherwise required. The project sponsor shall install and maintain a meter, accurate to within five (5) percent, on Well PW-1.

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

d. The project sponsor shall monitor and evaluate potential impacts to the McClusick, Able and Caldwell Wells for a period of one (1) year, during the normal operation of Well PW-1. The project sponsor shall install a data logger in each well, and shall set the data logger to record a measurement once every 10 minutes, or whenever the water level changes more than 0.05 feet. Monitoring results shall be submitted to the Commission on a quarterly basis, in an interpretive report, sealed by a licensed geologist in Pennsylvania, with the data presented in hydrographs. The hydrographs shall include a coordinate grid, with time given in days (months labeled) and water level in feet below the top of casing. Noteworthy features shall be identified on the hydrograph(s) and discussed in the text. Daily precipitation data shall be collected and included on the well hydrographs. The Commission shall be notified within 48 hours, in the event that a significant impact occurs during the monitoring period.

e. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a). The project sponsor shall have installed the necessary meters and achieved 100 percent compliance with the requirements by February 6, 2008. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement. The project sponsor must petition the Commission for an extension should unforeseen events occur that preclude compliance with the February 6, 2008, deadline.

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

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

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

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

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

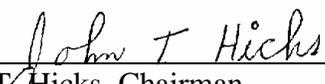
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



 John T. Hicks, Chairman
 New York Commissioner

Docket No. 20030212
Approval Date: February 6, 2003

DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Consumptive Water Use of Up to 0.103 mgd, for Institutional Water Use,
South Lebanon 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 on November 5, 2001.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water at the Department of Veterans Affairs Medical Center (Medical Center).

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Swatara Creek Watershed, South Lebanon Township, Lebanon County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.103 million gallons per day (mgd). The Medical Center has been in operation since 1950.

Water is supplied to the Medical Center by the City of Lebanon Water Authority (Authority). Water enters through one incoming water line, 12 inches in diameter, and is metered 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. A golf course and its associated irrigation system is located on the property and supplied by the Authority, but is separately metered.

Make-up water to the Medical Center's three central cooling towers and to the facility's three central boilers is metered separately. Blowdown water from the cooling towers also is metered; however, blowdown water from the boilers is not metered. The cooling and boiler systems, and associated equipment, provide air conditioning, steam heating and hot water for numerous buildings at the Medical Center.

Based on metered monthly water use data for the year 2002 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use associated with the cooling and boiler systems to be approximately 0.048 mgd, and current peak-day consumptive water use to be approximately 0.094 mgd.

A golf course at the Medical Center currently is maintained by South Lebanon Township. The project was originally constructed as an 18-hole golf course in the 1950s, and has been in continuous operation since that time. The golf course was reduced in size to its current 9-hole configuration in 1973. Irrigation of greens began in the 1950s. Water for the irrigation system is supplied by the Authority, and is metered at three locations. Based on monthly-metered water use data for the years 2001 and 2002 submitted by the project sponsor, Commission staff calculates the maximum average 30-day consumptive water use associated with golf course irrigation to be 0.004 mgd.

All of the wastewater generated from the Medical Center is discharged to the sanitary sewer system and treated at the South Lebanon Township Authority's wastewater treatment facility. Effluent from the facility is not metered.

Findings

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

All water evaporated by the facility's central cooling towers and used for make-up water for the central boiler system is considered to be used consumptively. Commission staff recommends that the project's total daily consumptive water use be determined by summing the daily consumptive water use of the facility's three cooling towers and three boilers.

The project sponsor obtains all of its water from a public supplier. The water is metered prior to its use at the Medical Center and recorded monthly. Wastewater discharged from the facility currently is not metered.

The project's golf course irrigation predates the Commission's consumptive use regulation and has not increased more than 0.020 mgd since January 23, 1971, the effective date of the regulation. Therefore, the golf course water use is exempt from Commission consumptive water use compensation requirements. Commission staff calculates the pre-1971 consumptive water use to be 0.004 mgd for the golf course. If golf course irrigation exceeds or is expected to exceed 0.024 mgd on a 30-day average (720,000 gallons in any consecutive 30-day period), the project sponsor must apply for a modification to this docket at that time.

The project sponsor has determined, and Commission staff concurs, that evaporation from the three cooling towers should be calculated by subtracting metered blowdown water from metered make-up water for the cooling towers. Currently, make-up water supplied to the cooling towers and blowdown from the cooling towers is metered and recorded on a monthly basis by the Authority. Commission staff recommends that the project sponsor record both the make-up water and blowdown water on a daily basis to determine the evaporation by the cooling towers.

The project sponsor currently monitors and records the make-up water to the three boilers on a daily basis. The project sponsor 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. Commission staff recommends that the project sponsor continue to monitor and record the make-up water to the boilers on a daily basis.

Operations began at the facility in 1950. The three boilers were installed in 1972 to replace the project's original coal-fired boilers. The central cooling towers were installed in 1978. The project sponsor has indicated that the facility's consumptive water use was nominal prior to January 23, 1971, the effective date of Commission Regulation §803.42, and has requested no "grandfathered" quantity related to building heating and cooling operations.

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

The project sponsor has requested a consumptive water use approval of up to 0.103 mgd. Based on an analysis of the limited water use records supplied by the project sponsor and on estimates of peak-day cooling tower evaporation, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current estimated peak-day use of 0.094 mgd. Should the project's future consumptive water use exceed or be expected to exceed 0.103 mgd, the project sponsor shall apply for a modification to this docket at that time.

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

The project sponsor is exempt from application fee requirements, pursuant to Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06. The project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25, with the exception of the requirement to notify contiguous property owners. The project sponsor 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 provided by a public supplier and there are no water withdrawals on the project site with the potential to impact other users, Commission 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 project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior

to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

Decision

The project's consumptive water use of up to 0.103 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity evaporated by the facility's central cooling towers and used for make-up water for the central boiler system. The project sponsor shall compute the project's total daily consumptive water use by summing the daily consumptive water use of the facility's three cooling towers and three boilers. The project sponsor shall maintain metering on the heating and cooling systems, accurate to within five (5) percent.

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the quantity evaporated by the facility's central cooling towers and used for make-up water for the central boiler system. Payments shall be made quarterly and shall be calculated by applying this rate to the daily amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

d. The project sponsor shall keep daily records of the project's consumptive water use for golf course irrigation, and shall report the data to the Commission quarterly, and as otherwise required. If golf course irrigation exceeds or is expected to exceed 0.024 mgd on a 30-day average (720,000 gallons in any consecutive 30-day period), the project sponsor shall apply for a modification to this docket at that time.

e. The project sponsor is exempt from application fee requirements, pursuant to Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06.

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

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

noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

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

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

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

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

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

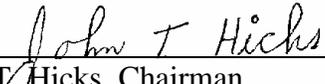
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030214
Approval Date: February 6, 2003

WEST COCALICO TOWNSHIP AUTHORITY

Ground-Water Withdrawal (30-Day Average) of 0.173 mgd from Well 3,
for Public Water Supply,
West 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 §803.43, relating to ground-water withdrawals. The Commission received the application on May 9, 2002.

Description

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

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

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.173 million gallons per day (mgd) from Well 3. The well will be used as a supplemental source for the public water supply system that currently relies on Wells 1 and 2. Well 1 was constructed prior to 1978, and the Commission previously approved the withdrawal from Well 2 in Commission Docket No. 19780101. Well 3 was drilled and constructed in December 2000 to supplement the existing water sources.

Well 3 was constructed as an 8-inch diameter bedrock well with 100 feet of 8-inch steel casing and a total depth of 550 feet. The well penetrates reddish shale, siltstone, and sandstone of the Triassic-aged Hammer Creek Formation. Well 3 is located approximately 1,000 feet south of the village of Reinholds, along Little Cocalico Creek.

The public water supply system has an existing average daily demand of 260,000 gallons per day (gpd), and an existing maximum daily demand of 520,000 gpd. The maximum daily demand is projected to grow to 680,000 gpd by 2025. The system is 100 percent metered. All the water is accounted for. The project sponsor currently serves West Cocalico Township.

Wastewater is conveyed to the treatment plant, which discharges to Little Cocalico Creek, approximately 2,000 feet upstream of Well 3.

Pumping Test. A 48-hour constant-rate pumping test for Well 3 was conducted on January 23, 24, and 25, 2001. The project sponsor conducted the testing without prior approval from the Commission. Pumping at an average rate of 120 gallons per minute (gpm) (0.173 mgd) produced total drawdown in Well 3 of 76.5 feet. Six homeowners' wells, located between approximately 850 feet to 1,300 feet from Well 3, were monitored during the aquifer testing. Wetlands, springs, and streams were not monitored in accordance with Commission guidance.

Coordination. The project sponsor has requested approval of a Public Water Supply Permit from the Pennsylvania Department of Environmental Protection (Pa. DEP). Commission staff has coordinated with the Pa. DEP's Southcentral Regional Office during review of the project, and Pa. DEP staff has reviewed this docket for consistency with its requirements.

Findings

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

Analysis of the data gathered during testing indicates that Well 3 taps a semiconfined fractured-bedrock aquifer with seven water-bearing zones (ranging in depth from 132 feet to 418 feet). A sharp decrease in the rate of drawdown (recharge boundary) encountered at approximately 500 minutes into the test may indicate that the well receives some water from the nearby stream and/or wetlands. Further interpretation is hindered by nonsystematic variability test data. Geologic mapping by the Pennsylvania Geological Survey indicates that well-bedded Triassic siliciclastics strike approximately east-west and dip to the north between 15 and 25 degrees. Bedding partings intercepted by the well bore would be ideally oriented to convey water from the nearby stream (Little Cocalico Creek), springs, and wetlands to the well. A fracture zone on which Well 3 appears to be sited also intercepts the wetlands and stream.

Commission staff concludes that nearby surface-water sources and wetlands may be impacted by the ground-water withdrawal. Little Cocalico Creek is classified as a warm-water fishery (WWF) (25 Pa. Code Chapter 93). Staff has calculated that the annual average daily flow (ADF) for the Little Cocalico Creek at the Ridge Road bridge, just downstream of the well, is 8.9 cubic feet per second (cfs) (approximately 4,000 gallons per minute) and that the 7-day, 10-year low flow (Q 7-10 flow) is 0.16 cfs (approximately 72 gpm). The proposed withdrawal rate from Well 3 is 120 gpm, which is greater than 10 percent of the Q7-10 flow. However, there will be minimal impact to streamflow because treated water from this well will be discharged approximately 2,000 feet upstream of the well.

Wells in the red shaly beds of the Hammer Creek Formation have shown a tendency to lose a large fraction of their test-determined yield after a few to several years of operation. The rock types encountered in Well 3 are similar to those in wells that have lost much of their yield. The project sponsor has requested a daily withdrawal rate equivalent to operation of the well around-the-clock at its tested rate of 120 gpm. Constant operation is generally inadvisable

because it causes long-term dewatering of the upper aquifer around the well, often resulting in a loss of yield and biofouling. For the above reasons, Commission staff recommends that Well 3 be approved for a maximum pumping rate of 120 gpm and an average 30-day daily withdrawal rate of 0.173 mgd under the conditions that the well be allowed to recover (90 percent) on a weekly basis, and that the pumping water level not exceed the depth to the shallowest water bearing zone (132 feet).

The pumping water level maximum will not limit the well's use as long as it performs as tested. In the event that the well yield starts to decline, as discussed above, the pumping water level maximum acts to limit aquifer damage by decreasing the daily withdrawal from the well. Commission staff recommends that continuous water level monitoring be required for Well 3, and that the data be graphed and submitted with an interpretive summary, certified by a geologist licensed in Pennsylvania, to the Commission on a quarterly basis.

Well 3 is located near Little Cocalico Creek, and associated wetlands and springs that were not monitored during aquifer testing. Commission staff recommends that the project sponsor:

1. Monitor the wetlands along Little Cocalico Creek for pumping-induced impacts. The project sponsor should install two piezometer pairs along the flood plain of Little Cocalico Creek, adjacent to the railroad tracks. The piezometers of each pair should be constructed with their screened intervals at different depths so that the hydraulic gradient beneath the wetlands can be monitored. The piezometer pairs should be located where the bedding partings and the fracture trace intercepted by the well bore intercept the ground surface beneath the wetlands. The piezometers should be constructed as hand-augered holes with slotted PVC, a sandpack and bentonite seal. In order to select the depth to set the screen for each piezometer, a test boring at each location should be advanced to a minimum of 6 feet or to the top of rock, whichever is encountered first. The location of the piezometer pairs, a log of the test borings, and proposed piezometer constructions should be submitted to the Commission for review and approval within ninety (90) days of docket approval, and prior to operation of the well.
2. Monitor the wetland piezometers for a period of one year. Monitoring should be continuous, with data acquisition set for one measurement every 10 minutes. The need for continuous monitoring should be evaluated by Commission staff after the first year of monitoring.
3. Monitor the water level in Well 3 continuously (preferably with a digital recorder) during the same one-year period as recommendation 2, above.

At the end of the one-year monitoring period, or earlier if warranted, Commission staff will determine whether the ground-water withdrawal causes substantial adverse impact to the wetlands. Should the monitoring data prove to be inconclusive, Commission staff recommends that the Commission require additional monitoring, as necessary.

Environmental screening identified the possible occurrence of a protected species (*Clemmys muhlenbergii*) in the adjacent riparian wetlands. The project sponsor and the U.S. Fish and Wildlife Service (USFWS), in conjunction with Commission staff, conducted a survey of the riparian wetland area for suitable habitat. The USFWS concluded that suitable habitat was not present within the subject wetlands, and that no further action was required. The Pennsylvania Fish and Boat Commission (PFBC) was copied on the findings.

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

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

No adverse impacts on other area ground-water withdrawals 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 project's ground-water withdrawal of 0.173 mgd (30-day average) from Well 3 is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.
- b. The project sponsor shall keep daily records of the metered withdrawal and continuous (with measurements every 10 minutes or when the water level change exceeds 0.05 feet) water level monitoring from Well 3. The project sponsor shall prepare graphs of the water-level monitoring data. The required monitoring data, with an interpretive summary, certified by a geologist licensed in Pennsylvania, shall be submitted to the Commission quarterly, and as otherwise required. The project sponsor shall install and maintain a meter, accurate to within five (5) percent, on Well 3.
- c. The maximum instantaneous rate of production from Well 3 shall not exceed 120 gpm and a 30-day average daily withdrawal rate of 0.173 mgd. The project sponsor shall allow the well to recover (ninety (90) percent) on a weekly basis, and shall not allow the pumping water level to exceed the depth to the shallowest water-bearing zone (132 feet).
- d. For one (1) year from the date of this approval, the project sponsor shall:
 1. Monitor and evaluate potential impacts to the wetlands along Little Cocalico Creek. The project sponsor shall install two piezometer pairs along the flood

plain of Little Cocalico Creek, adjacent to the railroad tracks. The piezometer pairs shall be located where the bedding partings and the fracture zone intercepted by the well bore intercept the ground surface at the edge of the wetlands, adjacent to the railroad tracks. These shall be hand-augered holes with slotted PVC, a sandpack and bentonite seal. The proposed location of the piezometers, the log of a test boring at each location with a minimum depth of 6-feet or to the top of rock, and proposed piezometer constructions shall be submitted to the Commission for review and approval within ninety (90) days of docket approval. The piezometers shall be installed on Commission approval, and prior to operation of the well. The project sponsor shall submit a well log showing construction and geology for each piezometer with the first quarterly monitoring report.

2. Monitor the piezometers for a period of one (1) year, including one month of background monitoring. Monitoring shall be continuous (by transducer and digital recorder). Data acquisition shall be set for one measurement every ten (10) minutes. The need for continuous monitoring shall be evaluated after the first quarter of monitoring.
 3. Monitor the water levels in Well 3 continuously during the same one (1)-year period.
 4. The project sponsor shall submit these monitoring data and an interpretive report quarterly, certified by a geologist licensed in Pennsylvania, and otherwise as requested. The quarterly reports shall include interpretive text, and both ninety (90) day and cumulative hydrographs of all monitored water levels. Daily precipitation data shall be collected and included on the hydrographs. At the end of the one (1)-year monitoring period, or earlier, if warranted, Commission staff will determine whether the ground-water withdrawal causes adverse impact to the wetlands. The Commission reserves the right to require additional monitoring, as necessary.
- e. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a).
- f. If the Commission determines that the operation of the project's ground-water withdrawal from Well 3 adversely affects any existing ground-water or surface-water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.
- g. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.
- h. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without

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

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

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

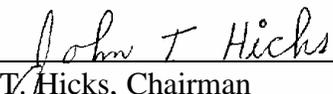
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



 John T. Hicks, Chairman
 New York Commissioner

Docket No. 20030215
Approval Date: February 6, 2003

MESSIAH COLLEGE

Consumptive Water Use of Up to 0.099 mgd for Institutional Use,
Upper Allen Township, Cumberland County and
Monaghan Township, York County, Pennsylvania

Review Authority

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

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water at Messiah College (the College) associated with the irrigation of athletic fields and evaporative cooling for facility air conditioning.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Yellow Breeches Creek Watershed, Upper Allen Township, Cumberland County and Monaghan Township, York County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.099 million gallons per day (mgd). The United Water Company of Pennsylvania—Grantham System (UWP-GS) provides water to the College for the campus potable water system, a portion of which is consumed for the irrigation of landscaped areas at the Climenhaga Fine Arts Center and various other campus locations, and for building air conditioning (via wet chiller cooling towers) at three separate building complexes on campus. A fourth building, currently under construction, will also have a wet chiller cooling tower. Campus buildings are heated individually by electric, heat pump, or oil-fired boiler systems.

Currently, water supplied by UWP-GS averages 0.076 mgd on a yearly basis, and is metered monthly at 35 locations throughout the campus system. The College was founded in 1909.

The College also withdraws water from Yellow Breeches Creek to irrigate its athletic fields. These athletic fields comprise a total of 20 acres of irrigated turf. Withdrawals from Yellow Breeches Creek are not metered.

Withdrawals from Yellow Breeches Creek for the irrigation of athletic fields began in 1977. Daily withdrawals during the 2001 and 2002 irrigation season, as estimated by the project sponsor based on the daily hours of individual pump operation and the pumping capacity of the two Berkley centrifugal pumps, average 0.043 mgd during peak months and 0.023 mgd for the irrigation season (typically May through October). Peak daily irrigation withdrawals from the Yellow Breeches Creek are estimated to reach 0.072 mgd.

The College's maximum average 30-day consumptive water use is estimated to be 0.050 mgd, and its peak-day consumptive water use is estimated to be 0.080 mgd. These estimates are based on design calculations of makeup water requirements for the three chiller cooling towers, athletic field irrigation system estimates, and acreage irrigated for landscaped areas on campus and at the Climenhaga Fine Arts Center. An existing meter on the makeup water line of the chiller cooling tower at Old Main is currently not monitored. Additionally, an existing meter for the makeup water to the chiller cooling tower at the Eisenhower Campus Center is not operable. The irrigation system for the athletic fields and the makeup water to the North Complex (Grantham Building) chiller cooling tower currently are not metered.

All of the wastewater generated from the College campus is measured daily (Monday through Friday) at one outfall, discharged to the sanitary sewer system, and treated in the Upper Allen Township Authority wastewater treatment facility.

Coordination. Yellow Breeches Creek, from its source to its mouth, was designated as a 1-A Priority Waterway under the Pennsylvania Department of Conservation and Natural Resources (Pa. DCNR) Scenic Rivers Program in 1992. Commission staff coordinated with Pa. DCNR during the review of this project.

Findings

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

The College obtains the water for its campus potable system from a public supplier. This water is metered at 35 locations on a monthly basis throughout the campus system. Wastewater generated on the campus is measured and recorded on a daily basis (Monday through Friday) as it leaves the campus through one outfall. The College also withdraws water from Yellow Breeches Creek to irrigate turf grass on 20 acres of athletic fields, and this withdrawal is not currently metered.

All water used for makeup water for chiller cooling towers, as well as all water used for athletic field irrigation, is considered to be used consumptively. Commission staff has determined that consumptive water use, resulting from the irrigation of ornamental plantings on the campus and landscaped areas at the Climenhaga Fine Arts Center, is of a nominal amount.

The project sponsor has agreed to install new meters on the makeup water lines to the chiller cooling towers at the North Complex and Eisenhower Campus Center before the 2003 cooling season and at Boyer Hall, which is currently under construction, before the operation of

that chiller cooling tower begins. Further, the project sponsor agrees to monitor the metered use of make-up water by all campus chiller units on a weekly basis. The project sponsor has agreed to install a meter before the 2003 irrigation season and to monitor daily withdrawals from Yellow Breeches Creek used for irrigating the athletic fields.

The project sponsor installed the first chiller cooling towers on campus in 1972. The irrigation of athletic fields began in 1977. Therefore, the project has no consumptive water use predating the effective date of Commission Regulation §803.42.

The consumptive use of water by the project is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to pay the Commission quarterly in-lieu-of providing actual compensation water or discontinuing usage.

The project sponsor has proposed a spreadsheet accounting procedure quantifying the two categories of consumptive water use for quarterly reporting to the Commission. First, metered surface-water withdrawals from Yellow Breeches Creek will be monitored daily to obtain the quantity of water used for the irrigation of athletic fields.

Second, individually metered makeup water for each chiller cooling tower (currently three existing plus one under construction) will be monitored weekly, summed, and prorated to a daily basis to obtain the daily quantity of water used for building complex air conditioning.

The daily quantities of the project's two categories of consumptive water use will be summed to obtain the project's total consumptive water use. Commission staff recommends approval of the project sponsor's proposed spreadsheet accounting procedure for use in calculating daily consumptive water use for the project.

With the completion of Boyer Hall, the project's maximum daily consumptive water use reaches 0.090 mgd during peak summer days. The project sponsor has requested an approval of up to 0.099 mgd of consumptive water use, based on an expected 10 percent increase in future chiller cooling tower makeup and athletic field irrigation water requirements. Should the project's future consumptive water use exceed 0.099 mgd, the project sponsor must apply for a modification to this docket at that time.

The College's withdrawals from Yellow Breeches Creek began in 1977 and predate November 1995, the effective date of Commission Regulation §803.44, relating to surface-water withdrawals. While the withdrawal has never been metered, irrigation practices have not changed since 1995. Commission staff recommends that the calculated maximum average 30-day withdrawal of 0.043 mgd, occurring during the 2001 irrigation season, be considered to be the "grandfathered" surface-water withdrawal from Yellow Breeches Creek for the project.

Commission staff finds that the surface-water withdrawal by the project sponsor is not subject to approval under Commission Regulation §803.44 unless the project sponsor increases its withdrawal from Yellow Breeches Creek by 100,000 gpd over its grandfathered amount. The project sponsor has agreed to keep daily records of the project's surface-water withdrawals from

Yellow Breeches Creek. Should the project's future withdrawal exceed or be expected to exceed a total of 0.143 mgd, based on a 30-day average, the project sponsor must apply for approval of the surface-water withdrawal at that time.

Commission staff has determined that the 7-day, 10-year low flow (Q 7-10) for Yellow Breeches Creek at the College's intake is 40.0 mgd, based on the drainage area of 154 square miles at the point of withdrawal. Since the project sponsor's expected peak daily withdrawal of 0.072 mgd from Yellow Breeches Creek is only 0.2 percent of the 7-day 10-year low flow at the intake, the withdrawal is considered minimal in comparison to natural streamflows. Therefore, a passby flow will not be required downstream from the point of withdrawal.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.099 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
- b. Within sixty (60) days from the date of this approval, the project sponsor shall install and then maintain meters, accurate to within five (5) percent, on the makeup water lines to the chiller cooling towers at the North Complex and Eisenhower Campus Center and on the withdrawal from Yellow Breeches Creek. Additionally, the project sponsor shall install and maintain a meter, accurate to within five (5) percent, on the new chiller cooling tower currently

under construction at Boyer Hall before the use of that facility begins.

c. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation systems at the athletic fields and required as makeup water to the chiller cooling towers. The project sponsor shall compute the project's daily consumptive water use by summing daily metered surface-water withdrawals from Yellow Breeches Creek for athletic field irrigation and weekly metered makeup water to the chiller cooling towers, prorated to a daily basis. The project sponsor shall maintain the existing and proposed meters, accurate to within five (5) percent, to calculate the consumptive water use.

d. The project sponsor shall keep daily records of the project's surface-water withdrawal and report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the surface-water withdrawal exceeds the threshold specified in Commission Regulation §803.44, the project sponsor shall submit the appropriate application for review and approval by the Commission.

e. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the quantity of irrigation water applied to athletic fields plus the chiller cooling tower makeup water. Payments shall be made quarterly and shall be calculated by applying this rate to the daily amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

g. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above. Pending review and approval by Commission staff, consumptive use occurring before monitoring of the meters shall be estimated based on design specifications and approximate operating time of athletic field irrigation systems and chiller cooling towers.

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

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

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

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

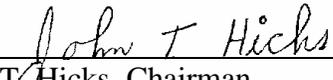
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030216
Approval Date: February 6, 2003

BRIARWOOD GOLF CLUB

Ground-Water Withdrawal of 0.293 (30-Day Average) mgd and a
Consumptive Water Use of Up to 0.492 mgd, for Golf Course Irrigation,
West Manchester Township, York County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.43, relating to ground-water withdrawals. The Commission received the application for the consumptive use of water on August 21, 2000, and the application for the ground-water withdrawal on December 16, 2002.

Description

Purpose. The purpose of the application is to request approval for a ground-water withdrawal and the consumptive use of that water for irrigation of greens, tees, and fairways at an existing 36-hole golf course.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 020503016, Honey Run Watershed, West Manchester Township, York County, Pennsylvania.

Project Features. The project sponsor has requested approval for a 30-day average withdrawal of 0.293 million gallons per day (mgd) of ground water and the consumptive use of water of up to 0.492 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.212 mgd and a peak-day consumptive water use to be 0.492 mgd. The primary water source is four existing wells and a water-filled quarry located on-site. The ground-water withdrawal has increased since July 1978 to exceed the regulatory threshold of 100,000 gallons per day (gpd) specified in Commission Regulation §803.43, relating to ground-water withdrawals, and, therefore, is subject to the regulation.

The project was constructed in 1954 as an 18-hole golf course (East Course), and has been in continuous operation since that time. An additional 18-hole course (West Course) was constructed between 1988 and 1991. The irrigation system for the tees and greens of the East Course was originally installed in 1954. The West Course was fully irrigated (tees, greens, and

fairways) when it was completed in 1991. Fairway irrigation was added to the East Course in 1995-96.

Prior to 1971, irrigation water was drawn from both Honey Run and the quarry. To meet increased irrigation demands, four wells were drilled as follows: Well 3 in April 1990; Well 4 in July 1991; Well 1 in June 1997; and Well 2 in July 1999. The ground-water withdrawal for the irrigation system is not metered.

As part of the project, three storage ponds were constructed after 1971, and have a total surface area of approximately 3.79 acres and a combined volume of approximately 5.5 million gallons. When at full capacity, the storage ponds can provide for approximately 20 days of irrigation, based on the maximum average 30-day use of 0.212 mgd.

Water is withdrawn from the four wells and the quarry and pumped to one of the three storage ponds. Water is pumped to the course through one of three metered irrigation systems that are located adjacent to each pond.

Honey Run and the quarry are connected by a man-made channel. At times, water flows from Honey Run to the quarry. According to the project sponsor, a small dam across Honey Run downstream of the quarry was removed after Commission staff's site inspection to prevent Honey Run from flowing into the quarry under normal flow conditions.

Municipal water also is available to the golf course but, according to the project sponsor, this source has not been used for irrigation purposes.

Findings

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

The project sponsor has requested approval of a consumptive water use of up to 0.492 mgd and a 30-day average ground-water withdrawal of 0.292 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of up to the requested amounts, which represents the current metered peak-day use of 0.492 mgd. Should the project's future consumptive water use exceed or be expected to exceed 0.492 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has agreed to a pre-1971 consumptive water use of 0.048 mgd for the project, as calculated by the project sponsor and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

All water evaporated from the three storage ponds, as well as water withdrawn from the ponds and used for golf course irrigation, is considered to be used consumptively. Water evaporated from the ponds will be calculated by the project sponsor employing a methodology acceptable to the Commission. Since the quarry predates Commission regulations, evaporation

from the quarry should not be included in this calculation. Each irrigation system is equipped with a meter that measures the quantity of water withdrawn from the storage ponds.

The project's requested ground-water withdrawal is subject to Commission Regulation §803.43. Currently, the wells are not metered. Commission staff recommends that the project sponsor install appropriate metering on the existing wells and the quarry withdrawal, and provide to the Commission documentation of the wells' combined usage. Based on a review of the report entitled "Groundwater Availability Analysis and Hydrogeologic Description, Briarwood Golf Club Inc.", Commission staff has concluded that the existing ground-water withdrawal may potentially impact the local surface and ground water. Further, Commission staff recommends that the constant-rate pumping test requirement be waived because the performance of the testing would not adequately document those impacts. As an alternative to the pumping test, Commission staff recommends that the project sponsor prepare a ground-water monitoring plan to demonstrate that the water withdrawals do not impact surface water or existing ground-water users.

Honey Run and the quarry are connected by a man-made channel. Although the project sponsor reportedly has removed the small dam across Honey Run downstream of the quarry, the project sponsor must insure there is no diversion of flow from Honey Run into the quarry. Commission staff recommends that the project sponsor submit an appropriate design for review and approval by Commission staff to prevent water from Honey Run entering the quarry during irrigation withdrawals.

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

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

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

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

Compliance Incentive Program

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water withdrawn and consumed in violation of Commission Regulations §803.42 and §803.43 prior to January 1, 2001. In accordance with the CIP, payment

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

Decision

The project's total ground-water withdrawal (30-day average) from Wells 1, 2, 3, 4 and the quarry of 0.293 mgd, and the consumptive use of water of up to 0.492 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the three storage ponds plus the quantity pumped to the three irrigation systems. The project sponsor shall maintain metering on the irrigation systems, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the storage ponds.

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the four on-site wells and the quarry withdrawal, accurate to within five (5) percent, to measure its ground-water withdrawal. The project sponsor shall keep daily records of the project's ground-water withdrawal and weekly water levels from the wells, and shall report the data to the Commission quarterly, and as otherwise required.

d. The maximum instantaneous rates of production from Wells 1, 2, 3, 4, and the quarry shall not exceed 60 gpm, 60 gpm, 60 gpm, and 60 gpm, and 100 gpm, respectively.

e. The project sponsor shall develop a ground-water monitoring plan for the site to demonstrate that the water withdrawals do not impact surface-water or existing ground-water users. The ground-water monitoring plan shall be submitted within sixty (60) days for Commission staff's review and approval. The results of this study shall be submitted to the Commission within one (1) year from the date of this approval.

f. Within sixty (60) days from the date of this approval, the project sponsor shall submit an appropriate design and construction schedule for review and approval by Commission staff to prevent water from Honey Run entering the quarry during irrigation withdrawals. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The system to prevent water from Honey Run entering the quarry shall be kept fully functional.

g. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly

payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the three storage ponds plus the quantity pumped to the three irrigation systems. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.048 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

i. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.048 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (f) above.

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

k. If the Commission determines that the operation of the project's ground-water withdrawal from Wells 1, 2, 3, 4 or the quarry adversely affects any existing ground-water or surface-water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

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

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

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

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

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

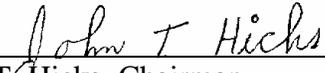
p. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

q. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

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

By the Commission:

Dated: February 6, 2003



 John T. Hicks, Chairman
 New York Commissioner