

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



May 17, 2002

TO ALL CONCERNED:

At the April 11, 2002 meeting, the draft minutes of the February 21, 2002 Commission meeting were approved as written. Please attach this notice to your copy of the February 21, 2002 minutes.

- DRAFT -

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION**

April 11, 2002
#2002-04

The meeting was held at the Nittany Lion Inn, State College, Pa. Chairman Fiala called the meeting to order at 8:38 a.m.

ROLL CALL

Commissioners Present

Col. Charles J. Fiala, Jr., District Engineer,
U.S. Army Corps of Engineers, Baltimore Dist.
Mr. John T. Hicks, Director, Region 8,
N.Y. Dept. of Environmental Conservation

Ms. Irene B. Brooks, Director, Office for
River Basin Cooperation, Pa. Dept. of
Environmental Protection

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

**Alternate Commissioners
and Advisors Present**

Ms. Stacey E. Brown, Team Leader, U.S.
Army Corps of Engineers, Baltimore District
Mr. Scott J. Foti, Regional Flood Control
Engineer, Region 8, N.Y. Dept. of
Environmental Conservation

Mr. William A. Gast, Chief, Division of Water
Use Planning, Pa. Dept. of Environmental
Protection

Mr. Matthew G. Pajerowski, Chief, Water
Rights Division, Md. Dept. of the Environment

Staff Present

Mr. Paul O. Swartz, Executive Director
Mr. Thomas W. Beauduy, Deputy Director

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

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

Mr. Duane A. Friends, Chief Admin. Officer
Ms. Susan S. Obleski, Director of
Communications

Mr. Richard A. Cairo, General Counsel/
Secretary to the Commission

Ms. Patricia A. Adams, Administrative
Specialist

INTRODUCTION/WELCOME

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

MINUTES OF FEBRUARY 21, 2002 COMMISSION MEETING

On a motion by Commissioner Brooks, seconded by Commissioner Hicks, the minutes of the February 21, 2002 meeting were unanimously adopted.

ACTION ITEMS

a. Drought Declaration, Lower Susquehanna River Basin

Acting SRBC Water Management Division Chief George Lazorchick reported on drought indicators. Though the month of March had actually produced a slight surplus in precipitation, the previous five consecutive months going back to October 2001 had accumulated significant precipitation deficits. Overall, 17 of the last 21 months have been in deficit.

The effects of the winter drought are still very much in evidence throughout the basin and especially in the lower Susquehanna subbasin, where seasonal low flow and ground-water level records have been broken. There is little evidence of lasting recovery from the March rains, owing largely to the fact that this drought has origins tracing back as far as 1998. Prospects for recovery in the coming months are bleak, because of the spring and summer emergence of tree foliage and vegetation.

Continuing dry conditions already led Pennsylvania to declare a drought emergency in 24 counties, most in the lower Susquehanna subbasin. This emergency declaration has triggered certain restrictions on non-essential water use and other conservation measures. New York has placed Otsego and Delaware counties in the drought warning category, with the other Susquehanna drainage counties remaining in a watch stage. In Maryland, a drought emergency was declared for the central region of the state on April 5, 2002, covering all or portions of the four counties in Maryland's portion of the Susquehanna River Basin.

The Executive Director noted that, given the conditions described by Mr. Lazorchick, it seemed timely for the Commission to consider adoption of the drought emergency declaration it had deferred at the February 21, 2002 meeting. This declaration, pursuant to Article 11 of the Susquehanna River Basin Compact, would cover Pennsylvania and Maryland counties in the lower Susquehanna River Basin that were already included in their respective governors' declarations. He reviewed the contents of a proposed resolution, including its scope, its special restrictions regarding existing diversions, the authority granted to the Executive Director for implementation, and the educational, outreach and coordination efforts to be made.

Commissioner Summers of Maryland offered a minor amendment to this resolution providing that the restrictions in the Maryland Drought Monitoring and Response Plan would include any modifications made thereto by the Maryland Governor's executive order declaring a drought emergency or any amendments to that executive order.

Commissioner Brooks moved adoption of the resolution as amended by Commissioner Summers. This motion was seconded by Commissioner Summers and unanimously adopted by the Commission. *(NOTE: The Commission met again by conference call on April 15, 2002 to extend the effective date of that declaration to April 24, 2002 pending further coordination with Pennsylvania and Maryland on current drought indicators and on the effects of an interstate emergency declaration both within and outside of the emergency area.)*

b. Public Hearing–Project Review

The Commission convened a public hearing. Using Microsoft PowerPoint slides containing geographic and statistical information, Deputy Director Beauduy presented the proposed docket decisions for the following projects: Iron Temple Country Club (Exhibit A); Blue Ridge Trail Golf Club, Inc. (Exhibit B); Bloomsburg University (Exhibit C); Liberty Valley Country Club (Exhibit D); Frosty Valley Country Club (Exhibit E); Geisinger Health Systems (Exhibit F); Cherokee Golf Course, Inc. (Exhibit G); Wren Dale Golf Course (Exhibit H); Shippensburg University (Exhibit I); Out Door Country Club (Exhibit J); and Springwood Golf Club (Exhibit K).

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

Commissioner Brooks asked if all the citizen inquiries with respect to the Springwood Golf Club had been answered. Mr. Beauduy indicated that they were and that all concerns expressed by citizens seem to have been satisfied.

With respect to citizen comments and inquiries, the Director noted that the Compliance Incentive Program had brought in many golf course applications to the Commission. Many citizen comments on these applications raise the issue of whether golf course use of water is the highest and best use. Barring a conflict between users, it is not the role of the Commission to decide what is the highest and best use of water. In a further clarification, the Director pointed out that approval by the Commission does not relieve golf course owners from compliance with state drought regulations.

DEP Northcentral Regional Director Bob Yowell commented that the public would be shocked to find out how much additional consumptive use is occurring in the basin. Mr. Beauduy agreed, noting that, according to projections, total consumptive use in the basin has doubled in the last 30 years.

Commissioner Hicks moved the staff recommendations with respect to the docketed projects. This motion was seconded by Commissioner Brooks and unanimously adopted by the Commission.

The General Counsel then presented a resolution (Exhibit L) providing for a three-year extension of the term to implement a docket approval for NE Hub Partners, L.P., Tioga Natural Gas Storage Project. The Commission may, under Commission Regulation 803.30 (b), extend such time for implementation at the request of a project sponsor. This would be the second such extension granted to NE Hub.

As explained by NE Hub counsel in his letter of February 7 requesting an extension, the company, through no fault of its own, has run into many unforeseen regulatory delays in implementing this project. The project will employ a withdrawal from Cowanesque Reservoir to conduct solution mining of salt formations along the Pa.-N.Y. border to create storage caverns for natural gas. The Commission maintains a project for storage and release at Cowanesque Reservoir under contract with the U.S. Government.

Under a separate contract with the Commission, the company was to begin payment of compensation to the Commission for use of the water after receipt of its FERC 7(c) certificate for the project and all other necessary permits and approvals. These payments are to be allocated among the Commission and the two utility companies who financially participate in the storage and release project that the Commission maintains at Cowanesque Reservoir. The inability to obtain all regulatory approvals has delayed commencement of payments under the contract and this has been of some concern to staff.

To address the unforeseen delay in the commencement of payments, the company has now agreed that, as a condition of a three-year implementation extension, it will commence payments under the contract on March 14, 2003, one year into its extended term, or when it receives all its approvals, whichever comes first. The applicant would retain its right to terminate the contract with SRBC, in which case the docket approval would be automatically rescinded.

The resolution presented grants the extension and provides for an amendment of the contract terms to provide for commencement of payments on the applicable date. This resolution also reduces the original amount of water granted for withdrawal and consumptive use, since the applicant failed to exercise a contract option for this full amount and now indicates that it does not need the full amount granted in the original docket. Finally, the resolution calls for quarterly progress reports from the applicant on their efforts to implement the project.

On a motion by Commissioner Brooks, seconded by Commissioner Summers, the resolution extending the NE Hub approval was unanimously adopted.

c. Revised FY-2003 Budget

Chief Administrative Officer Duane Friends presented the revised budget for FY-2003. He highlighted several important additions, including technical assistance to watershed groups

under Pa. Growing Greener grants, working with Pennsylvania on TMDL completion, working with Pennsylvania and Maryland on source water protection, an AMD remediation project in the Upper Tioga Watershed (also under Growing Greener), and assisting Pennsylvania on the assessment of unassessed streams. The EPA Section 106 water quality grant would also play a large role in carrying out several budget items. Other items include a continuing effort to clear the backlog of projects from the Commission's Compliance Incentive Program and developing alternatives to a storage and release project at the George B. Stevenson Reservoir.

The Executive Director reminded the Commission that, as the contributions of member jurisdictions have slipped, the Commission has become more dependent on grants, such as Section 106 and Growing Greener. The federal government has not contributed a direct share to the Commission since FY-1996. Member contributions are important in keeping the Commission viable and allowing it to pursue other important programs like drought management, flood plain management and project review.

This fact is now being recognized by basin members of Congress such as Rep. John Petersen and by the Office of Governor Mark Schweiker of Pennsylvania. The Commission will be actively working with these offices, and hopefully additional governors' offices, on the issue of restoring federal funding.

On a motion by Commissioner Summers, seconded by Commissioner Brooks, the revised budget for FY-2003 was unanimously approved.

d. In-Lieu-of Tax Contributions

The Chief Administrative Officer requested that an in-lieu-of tax contribution of \$4,200 be made to the City of Harrisburg, Pa. The Susquehanna Compact exempts the Commission from federal, state or local taxes. This voluntary contribution would partially reimburse the City of Harrisburg for the police and fire protection it provides to the Commission's headquarters building in Harrisburg.

On a motion by Commissioner Brooks, seconded by Commissioner Hicks, the Commission unanimously approved the in-lieu-of tax contribution to the City of Harrisburg, Pa. in the amount of \$4,200.

e. Grant/Contract Ratification

Watershed Assessment & Protection Division Chief David Heicher asked that the Commission ratify the following contracts:

Unassessed Waters and Acid Mine Drainage Sampling – SRBC has an approved grant from Pa. DEP to continue to participate in Pennsylvania's Unassessed Waters Program, and to collect follow-up samples on acid mine drainage affected streams in selected areas of the basin. DEP would contribute \$145,500 to this grant contract, with no match from SRBC.

Susquehanna Greenway – The Commission will assist SEDA-COG in the public outreach and education portion of the development of the proposed Susquehanna Greenway Plan. SRBC involvement will also require the development of an informational Internet website as it relates to the benefits of the Greenway. SEDA-COG would contribute \$20,000 to this effort, with the Commission providing \$5,000.

NEMW Contract – In conjunction with the Delaware and the Potomac commissions, the staff is requesting approval for renewal of a one-year contract with the Northeast Midwest Institute (April 15, 2002 to April 15, 2003) to continue the services of the Institute on such items as the River Basin Washington Project and the River Basin Congressional Task Force. Each Commission will contribute \$18,336 toward the contract.

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

Hydrologics, Inc. – The staff recommended a contract arrangement with Hydrologics, Inc. of Columbia, Maryland to provide services in connection with the production of a Conowingo Pool Operations Plan. The company will develop a model for the Commission that will then be maintained and used by SRBC staff. The contract is for \$190,000.

On a motion by Commissioner Hicks, seconded by Commissioner Summers, the Commission unanimously ratified the above contract.

ADJOURNMENT

There being no further business before the Commission, Chairman Fiala adjourned the meeting at 10:10 a.m. to allow commencement of the Focus Group Session described below.

PRESENTATIONS

Focus Group Session

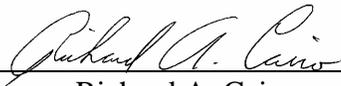
The Commission also held a Focus Group Session on “Compensating for Water Use Through Storage, Reuse, Conservation & Wetland Construction: Are These Viable Options for the Susquehanna Basin?” Participants learned about SRBC’s current consumptive use program and the current methods of compensation used by project sponsors to comply with that program. The agenda then turned to discussion of other options for SRBC to obtain additional water storage capacity for compensation of consumptive uses through surface reservoirs, underground storage (injection), and/or wetlands construction. The final topic focused on other methods of allowable compensation for consumptive use, such as reuse/recycling, conservation, innovative technologies and best management practices.

For those who desire more details on the focus group, a separate set of notes are available upon request to the Commission Secretary.

NEXT MEETING

The next regular meeting of the Commission is tentatively scheduled for June 12, 2002 in Corning, N.Y.

Date Adopted



Richard A. Cairo
General Counsel/Secretary to the Commission

Docket No. 20020401
Approval Date: April 11, 2002

IREM TEMPLE GOLF CLUB

Consumptive Water Use of up to 0.245 mgd, for Golf Course Irrigation,
Dallas Township, Luzerne County, Pennsylvania

Review Authority

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

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for irrigation of fairways, greens, and tees at an existing 20-hole golf course.

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

Project Features. The applicant has requested approval for the consumptive use of water of up to 0.245 million gallons per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.168 mgd and a peak day consumptive water use of 0.223 mgd. The water source for the irrigation system is a man-made pond that collects surface-water runoff.

The project was constructed in the 1930s and has been in continuous operation since that time. The applicant reconstructed the entire irrigation system in 2000, including the construction of a 1.6-acre irrigation water storage pond located adjacent to the fifteenth fairway. The applicant has sufficient storage on-site for approximately 38 days of irrigation.

Findings

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

All water evaporated from the irrigation pond, as well as water withdrawn from the pond and used for golf course irrigation, is considered to be used consumptively. Water evaporated

from the pond will be calculated by the applicant employing a methodology acceptable to the Commission. The irrigation system has a meter that measures the quantity of water pumped through the system. Commission staff has determined that the pre-1971 consumptive water use by the applicant is 0.036 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from compliance compensation requirements.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the applicant proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the quantity of water used minus the pre-1971 consumptive use of 0.036 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(b).

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

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

Compliance Incentive Program

Commission staff has determined that the applicant is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the applicant would not be subject to penalties for water 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 would be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

Decision

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

- a. The applicant shall comply with all Commission regulations, including consumptive water use reporting requirements as per Commission Regulation §803.42.
- b. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage ponds plus the quantity pumped to the irrigation system. The applicant shall maintain metering

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

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

d. To satisfy the Commission's current compensation requirements for the consumptive water use set forth in Commission Regulation §803.42, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 36,000 gpd, during the preceding calendar quarter. 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. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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

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

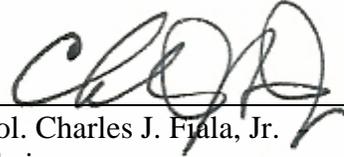
h. The Commission reserves the right to reopen any project docket and make additional orders that may be necessary to mitigate or avoid adverse impacts or otherwise to protect the public health, safety, welfare or the environment.

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

j. This approval is effective until April 11, 2027. The applicant shall submit a renewal application by October 11, 2026 and obtain Commission approval prior to continuing operation beyond April 11, 2027.

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

By the Commission:



Col. Charles J. Fiala, Jr.
Chairman

Dated: April 11, 2002

Docket No. 20020402
Approval Date: April 11, 2002

BLUE RIDGE TRAIL GOLF CLUB, INC.
Consumptive Water Use of up to 0.380 mgd, for Golf Course Irrigation,
Dorrance Township, Luzerne County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42 relating to the consumptive use of water. The Commission received the application on August 17, 2000.

Description

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

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

Project Features. The applicant has requested approval for the consumptive use of water of up to 0.380 million gallons per day (mgd), based on the irrigation system design. The applicant calculates its maximum average 30-day consumptive water use to be 0.092 mgd and its peak day consumptive water use to be 0.277 mgd. Irrigation water is withdrawn from a man-made storage pond located on the eighteenth fairway of the course. The pond receives surface-water runoff and is supplemented by ground water supplied from two wells, as needed, to meet the golf course irrigation demands. Well 1 has a reported yield of 75 gallons per minute (gpm) and Well 2 has a reported yield of 67 gpm. The irrigation water usage is metered.

The applicant began construction of 9 holes of the course in 1992, and expanded the project to 18 holes in 1998. As part of the project, the applicant constructed one holding pond to provide for water storage at the site. Commission staff has calculated the surface area of the pond to be 1.5 acres and the pond volume to be approximately 13.5 million gallons. The location of the irrigation system intake currently limits the effective, usable storage of the pond to approximately 8.2 million gallons, which is sufficient storage on-site for approximately 89 days of irrigation.

Ground water is withdrawn from either of the two on-site wells and discharged to the holding pond, as needed for the irrigation system. The total pumping capacity of the two wells, as reported by the applicant, is 142 gpm, however, the applicant has reported that the wells are

utilized at less than 100,000 gallons during a 24-hour pumping period. The ground-water withdrawal for the irrigation system is not metered.

Numerous homes with residential wells are located throughout the development surrounding the golf course.

Findings

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

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

The project's ground-water withdrawal has been in operation since 1992 but is not metered. The on-site wells are used to fill the pond and supplement rainfall, if needed. The applicant has reported that the wells are utilized at less than 100,000 gallons during a 24-hour pumping period and, thus, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the applicant currently does not meter the actual quantity of ground water withdrawn, and the wells are capable of producing 204,480 gpd, staff recommends that the applicant install the appropriate metering to provide to the Commission documentation of the wells' combined usage.

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

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

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

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

Compliance Incentive Program

Commission staff has determined that the applicant is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the applicant would not be subject to penalties for water 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 as of January 1, 2001.

Decision

The project's consumptive water use of up to 0.380 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. Within 60 days of the date of this approval, the applicant shall install and maintain metering on the two on-site wells, accurate to within five percent, to document its daily ground-water withdrawal, and shall provide the results to the Commission quarterly, and as otherwise required. The applicant may propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the applicant shall submit the appropriate application for review and approval by the Commission.

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

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

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

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

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

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

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

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

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

k. This approval is effective until April 11, 2027. The applicant shall submit a renewal application by October 11, 2026 and obtain Commission approval prior to continuing operation beyond April 11, 2027.

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

By the Commission:

A handwritten signature in black ink, appearing to read 'C. Fiala, Jr.', is written over a horizontal line.

Col. Charles J. Fiala, Jr.
Chairman

Dated: April 11, 2002

padam/word/dockets/Blue Ridge Trail 402

Docket No. 20020403
Approval Date: April 11, 2002

BLOOMSBURG UNIVERSITY

Consumptive Water Use of up to 0.110 mgd,
for Institutional Use,
Town of Bloomsburg, Columbia County, Pennsylvania

Review Authority

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

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water at Bloomsburg University (the University) associated with the irrigation of athletic fields, evaporative cooling for facility air conditioning, and steam losses from facility heating.

Location. The project is located in the Town of Bloomsburg, Columbia County, Pennsylvania.

Project Features. The applicant has requested approval for the consumptive water use of up to 0.110 million gallons per day (mgd). United Water of Pennsylvania - Bloomsburg System (United Water) provides water to the University for the campus potable water system, a portion of which is consumed for the irrigation of athletic fields and landscaped areas, for building air-conditioning (via chiller cooling towers), and for building heating (via steam losses). Chiller cooling towers are located at ten separate campus buildings, and the central steam plant has three primary and one backup boiler. Currently, water supplied by United Water averages 0.220 mgd on a yearly basis, and is metered at ten locations as it enters the campus system. The campus system includes two treated water storage tanks totaling 1.15 million gallons in capacity. The University was founded in 1839.

Presently, the University's peak day consumptive water use is estimated to be 0.102 mgd. Peak monthly consumptive water use averages 0.068 mgd. During these peak periods, cooling tower makeup and athletic field irrigation comprise almost all of the University's consumptive water use.

All of the wastewater generated from the University is discharged to the sanitary sewer system at two unmetered outfalls and is treated in the Bloomsburg Municipal Authority wastewater treatment facility.

Findings

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

The University obtains the water for its campus potable system from a public supplier. This water is metered at ten locations on a monthly basis as it enters the campus system. Wastewater generated on the campus leaves the campus through two unmetered outfalls.

Current maximum daily consumptive water use is estimated to be 0.102 mgd during peak summer days, based on calculations of makeup water requirements for the chiller cooling towers, irrigation of athletic fields and ornamental plantings, and boiler makeup at the steam plant. While some steam plant boiler feed makeup occurs on a year-round basis, consumptive water use resulting from the irrigation of athletic fields and ornamental plantings, and from chiller cooling tower makeup commonly occurs during the period from May 16 through September 15 annually. Commission staff has determined that consumptive water use resulting from the irrigation of ornamental plantings is of a nominal amount.

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

The applicant has agreed to meter and monitor the use of water by each chiller cooling tower unit on a weekly basis, and to continue monitoring the metered use of boiler feed makeup water by the steam plant on a daily basis. Additionally, the applicant has agreed to meter and monitor all use of water for irrigating the athletic fields on a weekly basis.

The applicant was consumptively using water at the University before January 23, 1971, the effective date of the Commission's consumptive water use regulation (Commission Regulation §803.42.) The applicant has no records of consumptive water use from this time but provided estimates of athletic field irrigation based on typical seasonal application rates and pre-1971 acreage irrigated. Pre-1971 consumptive water use for all other campus uses was based proportionally on full-time campus student population and on standard rates for the public water industry within the Eastern United States. The total pre-1971 consumptive water use for the University is determined to be 15,200 gpd, 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 applicant proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water or discontinuing usage.

The applicant has proposed a spreadsheet accounting procedure quantifying the three categories of consumptive water use for quarterly reporting to the Commission. First, metered usage for the irrigation of athletic fields will be monitored weekly and prorated to a daily basis to obtain the daily quantity of water used.

Second, individually metered makeup water requirements for each chiller cooling tower (currently ten) will be monitored weekly, summed, and prorated to a daily basis to obtain the daily quantity of water used for building air conditioning. Third, boiler makeup water at the steam plant will be metered and reported daily.

After summing the daily consumptive water use from the three categories, the project's daily grandfathered consumptive water use of 15,200 gpd is subtracted from the total daily consumptive water use. If the daily grandfathered amount exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Staff recommends approval of the applicant's proposed spreadsheet accounting procedure for use in calculating daily consumptive water use for the project. The quantities of all three categories of consumptive water use will be based on weekly or daily-metered amounts.

The applicant has requested an approval of up to 0.110 mgd of consumptive water use based on an expected ten percent increase in future chiller cooling tower makeup water requirements with other project consumptive water uses remaining at present usage rates. Currently, maximum daily consumptive water use reaches 0.102 mgd during peak summer days. Should the project's future consumptive water use exceed 0.110 mgd, the applicant 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 (a) and (c).

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.110 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The applicant shall keep daily records of the project's consumptive use, and shall provide the results to the Commission quarterly and as otherwise requested. The applicant shall compute the project's daily consumptive water use by summing weekly metered usage for athletic field irrigation and weekly metered makeup water to the chiller cooling towers, prorated to a daily basis, with daily metered boiler makeup water at the steam plant. The applicant shall maintain the existing and proposed meters, accurate to within five percent, to calculate the consumptive water use.

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

d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 15,200 gpd, during the preceding calendar quarter. If the daily grandfathered amount exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

e. The applicant is eligible for the Commission's Compliance Incentive Program (CIP). Therefore, the applicant is not subject to any penalties for prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project as of January 1, 2001. The applicant shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used, above the grandfathered quantity of 15,200 gpd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the applicant in accordance with the requirements of condition (d) above. Consumptive use occurring before installation and monitoring of the proposed meters for measuring athletic field irrigation and chiller cooling tower usage shall be estimated based on design specifications and approximate operating time of athletic field irrigation systems and chiller cooling towers, and verified following meter monitoring.

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

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

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

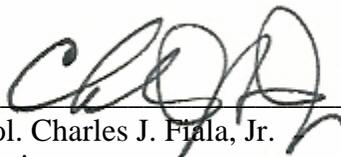
i. Commission approval confers no property rights upon the applicant. The securing of all rights necessary and incident to the applicant's development and operation of the project shall be the sole and exclusive responsibility of the applicant, and this approval shall be subject thereto.

j. This approval is effective until April 11, 2027. The applicant shall submit a renewal application by October 11, 2026 and obtain Commission approval prior to continuing operation beyond April 11, 2027.

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

By the Commission:

Dated: April 11, 2002



Col. Charles J. Fiala, Jr.
Chairman

Docket No. 20020404
Approval Date: April 11, 2002

LIBERTY VALLEY COUNTRY CLUB

Consumptive Water Use of up to 0.098 mgd
for Golf Course Irrigation,
Liberty Township, Montour County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42 relating to the consumptive use of water. The Commission received the application on August 18, 2000.

Description

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

Location. The project is located in Liberty Township, Montour County, Pennsylvania.

Project Features. The applicant has requested approval for the consumptive water use of up to 0.098 million gallons per day (mgd) for golf course irrigation, based on the irrigation system design. Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.024 mgd and a peak day consumptive use of water of 0.063 mgd.

The project was constructed in 1991 and has been in continuous operation since that time. The project does not have a metered irrigation system. Two ponds were constructed in 1991 and provide for irrigation water storage at the site. The total surface area of the ponds is approximately 1.2 acres and the ponds store approximately 2.5 million gallons of water. The applicant has sufficient storage on-site for approximately 25 days of irrigation.

The primary water source is an existing surface-water withdrawal from an unnamed tributary to Mauses Run. There also are two wells located on the property that are pumped to fill the irrigation water storage ponds. The primary well has a reported yield of 90 gallons per minute (gpm) with a pump capable of producing 70 gpm. The secondary well has a reported yield of 30 gpm, and a pump capable of producing 25 gpm. The wells are capable of yielding 95 gpm. The applicant currently has two pumping stations that can be used to irrigate the golf course; the stations are located on two separate ponds. The primary irrigation pond is an on-

stream pond that also receives water from the primary well. The second pond is an off-stream pond that receives water from both the secondary well and from the unnamed tributary to Mouses Run. The surface-water withdrawal from the stream for the second storage pond is accomplished via an intake structure that is submerged below the stream bottom and water feeds by gravity to the pond.

The applicant has withdrawn water from the stream over the life of the project with no passby structure or engineering controls in either location. Water is pumped from the storage ponds to water greens, tees, and fairways on the applicant's golf course.

Findings

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

All water withdrawn from the wells, ponds, and the unnamed tributary to Mouses Run and used for golf course irrigation is considered to be used consumptively. The applicant estimates the quantity of water withdrawn from the ponds using sprinkler head performance specifications and the durations of pump operation. In accordance with the Commission's consumptive water use reporting requirements, staff recommends that the applicant install a meter on the irrigation system to measure the quantity of water pumped from the ponds.

The project's primary source of water for the irrigation ponds are withdrawals from an unnamed tributary to Mouses Run, with no passby flow currently maintained at the site. The tributary to Mouses Run is classified as CWF (cold-water fishery) and Class D trout waters. Commission staff used the Instream Flow Incremental Methodology (Commission Publication No. 191, May 1998) to determine the appropriate passby flow requirement. Staff recommends that the applicant discontinue its withdrawals at the on-stream pond and at the off-stream pond when streamflow becomes less than 33.3 percent of annual average daily flow (ADF), which equals 0.152 cfs or 39.9 gpm.

Staff recommends that the applicant modify or replace its intake structure at the second pond incorporating a passive passby flow device. The applicant should submit its design and a proposed construction schedule within 60 days for review and approval by Commission staff prior to any construction. During operation of the intake structure, the applicant must maintain the passby system, keeping it free of debris and fully functional. The Commission reserves the right to inspect the passby flow device and intake structure at any time.

Adherence to the passby flow criteria will necessitate that the applicant rely on its wells during periods of low flow. The project's ground-water withdrawal has been in operation since 1991 but is not metered. The on-site wells are used to fill the ponds and supplement rainfall, if needed. The applicant has reported that the wells are utilized at less than 100,000 gallons during a 24-hour pumping period and, therefore, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the applicant does not currently meter the actual quantity of ground water withdrawn, and the wells are capable of producing 158,000 gpd,

staff recommends that the applicant install an appropriate meter to provide to the Commission documentation of the wells combined usage.

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

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

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

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

Compliance Incentive Program

Commission staff has determined that the applicant is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the applicant 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 as of January 1, 2001.

Decision

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

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

b. Within 60 days of the date of this approval, the applicant shall install and maintain metering on the two on-site wells, accurate to within five percent, keep daily records of the project's ground-water withdrawal, and shall provide the results to the Commission quarterly, and as otherwise required. The applicant may propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the applicant shall submit the appropriate application for review and approval by the Commission.

c. The applicant shall maintain a passby flow at the intake structure for the second pond on the unnamed tributary to Mauses Run, of not less than 33.3 percent of annual average daily flow, which equals 0.152 cfs or 39.9 gpm, and shall cease all withdrawals when streamflow immediately downstream of the intake drops below 0.152 cfs. The applicant shall modify or replace the stream intake structure to incorporate a passive passby flow device. The applicant shall submit its design and a proposed construction schedule for a modified or replacement intake structure within 60 days of the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the applicant shall complete construction in accordance with the approved schedule and shall provide to the Commission documentation that construction has been completed. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time.

d. The applicant shall install a meter on the irrigation system within 60 days from the date of this approval.

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

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

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

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

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

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

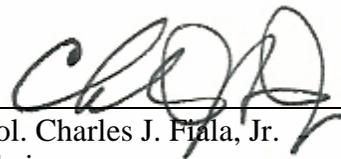
k. The Commission reserves the right to reopen any project docket and make additional orders that may be necessary to mitigate or avoid adverse impacts or otherwise to protect the public health, safety, welfare or the environment.

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

m. This approval is effective until April 11, 2027. The applicant shall submit a renewal application by October 11, 2026 and obtain Commission approval prior to continuing operation beyond April 11, 2027.

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

By the Commission:



Col. Charles J. Fiala, Jr.
Chairman

Dated: April 11, 2002

Docket No. 20020405
Approval Date: April 11, 2002

FROSTY VALLEY COUNTRY CLUB

Consumptive Water Use of up to 0.265 mgd, for Golf Course Irrigation,
Mahoning Township, Montour County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in Mahoning Township, Montour County, Pennsylvania.

Project Features. The applicant has requested approval for the consumptive use of water of up to 0.265 million gallons of water per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.100 mgd and a peak day consumptive water use of 0.200 mgd, but the irrigation system is designed to use up to 0.265 mgd when available. The primary water source is an existing surface-water withdrawal from an unnamed tributary to Sechler Run that predates Commission Regulation §803.44 relating to surface-water withdrawals. The golf course also operates two on-site wells, a primary well with a rated pump capacity rated at 107 gpm and a back-up well with a pump capacity rated at 60 gpm. The primary well predates Commission Regulation §803.43 relating to ground-water withdrawals.

The project was constructed in 1960 and has been in continuous operation since that time. As part of the project, the applicant constructed one off-stream pond that provides for water storage on-site. Water is pumped from the storage pond to irrigate greens, tees, and fairways. The irrigation of the greens and tees began in 1960. Fairway irrigation began in 1993 when a new automatic irrigation system was installed. The pond is approximately one acre in size and stores an estimated 1 million gallons of water. The applicant has sufficient storage on-site for approximately 10 days of irrigation.

The pond receives water from both the on-site wells and from an unnamed tributary to Sechler Run. The surface-water withdrawal from the stream is accomplished via an intake structure that is submerged below the stream bottom and water feeds by gravity to the pond. Water is withdrawn from the wells, as needed, to supplement the withdrawal from the stream to meet the golf course irrigation demand. The applicant has withdrawn water from the stream over the life of the project with no passby structure or engineering controls.

Findings

The project's irrigation water use, and its use of water from the two on-site wells and an unnamed tributary to Sechler Run, are subject to the Commission's consumptive water use approval and reporting requirements as per Commission Regulation §803.42.

All water withdrawn from the pond and used for golf course irrigation is considered to be used consumptively. The irrigation system has a meter that measures the quantity of water pumped. The pre-1971 consumptive water use by the applicant is 0.0174 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. Since the storage pond predates the Commission's consumptive use regulations, the applicant is not required to provide compensation for the evaporative losses from the pond.

The applicant operates a surface-water intake on an unnamed tributary to Sechler Run with no passby flow currently maintained at the site. Tributaries to Sechler Run are classified as cold water fisheries (CWF) and, based on the project's geographic location in the watershed and the anticipated associated fishery of brown trout and combined species of fish, Commission staff used the Instream Flow Incremental Methodology (Commission Publication No. 191, May 1998) to determine the appropriate passby flow requirement. Staff recommends that the applicant maintain a passby flow of not less than 19.5 percent of annual average daily flow (ADF), and to cease all withdrawals when streamflow immediately downstream of the intake drops below 0.238 cfs.

Staff recommends that the applicant modify or replace its intake structure incorporating a passive passby flow device. The applicant should submit its design and a proposed construction schedule within 60 days for review and approval by Commission staff prior to any construction. During operation of the intake structure, the applicant must maintain the passby system, keeping it free of debris and fully functional. The Commission reserves the right to inspect the passby flow device and intake structure at any time.

The two on-site wells are used to fill the pond and supplement the surface-water withdrawal, as needed. The primary well has been in operation since 1960 and, therefore, predates Commission Regulation §803.43 relating to ground-water withdrawals. The grandfathered ground-water withdrawal from the primary well is estimated to be 17,400 gallons per day (gpd). The second well has been in operation since approximately 1993 and serves as a back-up in the event the primary well is taken out of service. Staff finds that the ground-water withdrawal by the applicant is not subject to review and approval under Commission Regulation

§803.43 unless the applicant: a) increases its withdrawal from the primary well by 100,000 gpd over its grandfathered amount; b) increases its withdrawal from the second well to 100,000 gpd or more, or c) increases its withdrawal from the well field by 100,000 gpd over the grandfathered amounts for the primary well. Because the total rated pump capacity is 167 gpm (0.240 mgd), staff recommends that meters be installed on the wells in order to monitor each well's usage separately.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the applicant proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the quantity of water used for irrigation minus the pre-1971 consumptive use of 0.0174 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(b).

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

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

Compliance Incentive Program

Commission staff has determined that the applicant is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the applicant would not be subject to penalties for water 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 would 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 0.265 mgd is approved pursuant to Article 3, Section 3.10 of the Compact, subject to the following conditions:

- a. The applicant shall comply with all Commission regulations, including consumptive water use reporting requirements as per Commission Regulation §803.42.
- b. Within 60 days of the date of this approval, the applicant shall install and maintain metering on the two on-site wells, accurate to within five percent, and keep daily records of the

project's ground-water withdrawal, and shall provide the results to the Commission quarterly, and as otherwise required. The applicant may propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the applicant shall submit the appropriate application for review and approval by the Commission.

c. The applicant shall maintain a passby flow at the intake structure located on the unnamed tributary to Sechler Run of not less than 19.5 percent of annual average daily flow, which equals 0.238 cfs or 107 gpm, and shall cease all withdrawals when streamflow immediately downstream of the intake drops below 0.238 cfs. The applicant shall modify or replace the stream intake structure to incorporate a passive passby flow device. The applicant shall submit its design and a proposed construction schedule for a modified or replacement intake structure within 60 days of the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the applicant shall complete construction in accordance with the approved schedule and shall provide to the Commission documentation that construction has been completed. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time.

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

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

f. To satisfy the Commission's current compensation requirements for the consumptive water use set forth in Commission Regulation §803.42, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 17,400 gpd, during the preceding calendar quarter. 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. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

approval. This payment shall be included in the first quarterly payment made by the applicant in accordance with the requirements of condition (f) above.

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

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

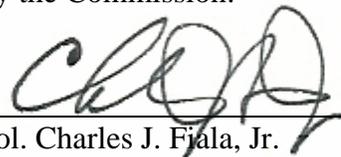
j. The Commission reserves the right to reopen this docket and make additional orders that may be necessary to mitigate or avoid adverse impacts or otherwise to protect the public health, safety, welfare or the environment.

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

l. This approval is effective until April 11, 2027. The applicant shall submit a renewal application by October 11, 2026 and obtain Commission approval prior to continuing operation beyond April 11, 2027.

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

By the Commission:



Col. Charles J. Fjala, Jr.
Chairman

Dated: April 11, 2002

Docket No. 19910103
Approval Date: January 17, 1991
Modification Date: April 11, 2002

GEISINGER HEALTH SYSTEM

Consumptive Water Use of up to 0.120 mgd
for Institutional Water Use,
Mahoning Township, Montour County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, §803.42 relating to the consumptive use of water, and §803.43 relating to ground-water withdrawals. The original Commission approval for ground-water withdrawal was issued on January 17, 1991 as Docket No. 19910103. The current modification request was received by the Commission on July 2, 2001.

Description

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

Location. The project is located in Mahoning Township, Montour County, Pennsylvania.

Project Features. The applicant has requested approval for the consumptive water use of up to 0.120 million gallons per day (mgd). The Medical Center has been in operation since 1915.

Water is supplied to the facility by the Danville Municipal Water Authority (Authority) and also from two on-site wells, the Mine Shaft Well and Well 3. The Commission previously approved the ground-water withdrawal of 0.140 mgd (30-day average) from Well 3 for institutional use at the Medical Center (Docket No. 19910103). Withdrawals from the Mine Shaft Well do not require Commission review and approval because the well was in operation prior to the effective date of Regulation §803.43.

The water supplied by the Authority is metered as it enters the Medical Center through one 8-inch main and is used primarily for building cooling, boiler makeup and sanitary purposes. Makeup water to the chiller cooling towers at seven building complexes and to the three boilers at the central steam heating plant is also metered. Additionally, the well withdrawals are

individually metered. While Well 3 withdrawals supply general Medical Center uses, withdrawals from the Mine Shaft Well are used exclusively to supply makeup water to the two primary Abigail Geisinger Pavilion (AGP) cooling towers and the backup AGP cooling tower. The Medical Center water supply system includes a 0.52 million gallon treated water storage tank.

Currently, the Medical Center's peak monthly consumptive water use (30 consecutive day average) is approximately 0.084 mgd, based on actual metered usage during September 2001. Current peak day consumptive water use is calculated to reach 0.107 mgd.

All of the wastewater generated from the Medical Center is discharged to the sanitary sewer system through three unmetered outfall lines and treated in the Danville Municipal Sewer Authority's wastewater treatment facility.

Findings

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

The applicant obtains water from both a public supplier and two on-site wells. The water from both sources is metered prior to its use at the Medical Center with individual well withdrawals being metered and recorded three times per week (on Monday, Wednesday, and Friday), pro-rated to a daily basis, and public water supplied to the facility metered and recorded monthly.

There are two major categories of consumptive water use at the Medical Center: makeup water to chiller cooling towers at seven building complexes and boiler makeup water at the central steam heating plant. Makeup water to the seven cooling tower clusters is individually metered and recorded on three days per week (Monday, Wednesday, and Friday) while the steam plant's boiler feed makeup water is metered and recorded daily. The applicant has determined that makeup water to the chiller cooling towers and makeup water to the boilers is entirely consumptively used. Staff concurs with this finding.

The applicant was consumptively using water at the Medical Center before January 23, 1971, the effective date of Commission Regulation §803.42 concerning consumptive water use. The applicant does not have meter records from that time. However, based on a review of typical cooling and boiler systems in existence prior to 1971 compared to existing present-day systems, during peak 30-day periods, and recent documented consumptive water use, the applicant has estimated the peak 30-day average pre-1971 consumptive water use to be 0.043 mgd. Staff concurs with this finding. The quantity of pre-compact consumptive water use, 0.043 mgd, is considered "grandfathered" and is exempt from water compensation requirements.

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

requirements, the applicant proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water.

The applicant has proposed a spreadsheet accounting procedure whereby the makeup water to the seven cooling tower clusters, which is recorded three times per week, is prorated to a daily basis and summed. The daily makeup water for boiler feed at the steam plant is then added to the calculated daily quantities of cooling tower makeup water to obtain the Medical Center's total daily consumptive water use.

After summing the daily consumptive water use from the two categories, the daily grandfathered use of 0.043 mgd is subtracted from the total quantity to obtain the project's consumptive water use that is subject to the water compensation requirements contained in Commission Regulation §803.42. If the daily grandfathered amount exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Staff recommends approval of this proposed accounting procedure for quantifying consumptive water use at the Medical Center, with the understanding that daily consumptive use values are computed and recorded for quarterly reporting to the Commission.

The applicant has requested a consumptive water use approval of up to 0.120 mgd based on an estimated 10 percent increase in water usage over the duration of this approval. Should the project's future consumptive water use exceed 0.120 mgd, the applicant must apply for a modification to this docket at that time.

The Commission previously approved a ground-water withdrawal of up to 0.140 mgd (30-day average) from Well 3 for institutional use at the Medical Center (Docket No. 19910103). Water withdrawals from Well 3 are within the amount of the approval. In 1991 when the ground-water withdrawal from Well 3 was approved, the consumptive water use at the Medical Center above the grandfathered amount did not exceed the threshold requiring Commission review and approval of consumptive water use at the project. Since that time, consumptive water use has steadily increased to a current maximum 30-day average of 0.084 mgd.

The applicant became aware that the project's consumptive water use was exceeding the threshold requiring Commission review and approval as a result of the Commission's Compliance Incentive Program (CIP), and promptly submitted an application for a consumptive water use approval. While the project's recent consumptive water use has been in noncompliance with Commission regulations and the project does not qualify for participation in the CIP because of its prior ground-water withdrawal approval, there have been no adverse impacts associated with the consumptive use and the applicant has cooperated with Commission staff during its review.

Prior to September 2001, the project's largest consumptive water use (makeup water to the chiller cooling towers) was not metered. The project's consumptive water use likely exceeded the threshold requiring Commission review and approval in 1995 with the operation of the 900-ton chiller unit at the new Children's Hospital. The applicant has offered a \$4,300 settlement to the Commission to compensate for its prior noncompliance. Staff recommends acceptance of the settlement offer.

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

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

Based on Commission Regulation §803.30(a), the prior docket approval is effective until January 17, 2021. Staff recommends the duration of this docket modification be consistent with the term of the prior docket approval.

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

Decision

The project's consumptive water use of up to 0.120 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The applicant shall comply with all Commission regulations, including consumptive water use reporting requirements as per Commission Regulation §803.42 and ground-water reporting requirements, as per Commission Regulation §803.43. The required reporting data shall be submitted to the Commission quarterly.

b. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly and as otherwise requested. The applicant shall compute the project's daily consumptive water use by summing metered makeup water to the seven cooling tower clusters, measured three times per week and prorated to a daily basis, with daily metered makeup water for boiler feed. The applicant shall maintain the existing meters, accurate to within five percent, to calculate the consumptive water use.

c. A settlement by agreement pursuant to Commission Regulation §805.27, in the amount of \$4,300, has been offered by the applicant for its consumptive water use in noncompliance of Commission Regulation §803.42, and is hereby accepted. Except where the full amount of same has been tendered to the Commission in advance thereof, this action shall be contingent upon, and shall not be effective until, the payment to the Commission or arrangements for payment have been made, that are acceptable to the Executive Director of the Commission, of the settlement set forth herein within 45 days of the date of this approval. Failure to make such payment or agreement with the Commission within 45 days hereof shall render this approval null and void.

d. All other conditions in Commission Docket No. 19910103 not inconsistent herewith shall remain effective.

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

f. The applicant shall continue to maintain a meter on the Well 3 supply. The meter shall be accurate to within five percent to measure total ground-water withdrawals. Daily records of the project's Well 3 withdrawals shall be monitored three times per week, and prorated to a daily basis. Also, weekly water levels shall be monitored in Well 3. All required monitoring data shall be provided to the Commission quarterly. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

g. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 0.043 mgd, during the preceding calendar quarter. If the daily grandfathered amount exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

h. 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 applicant shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

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

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

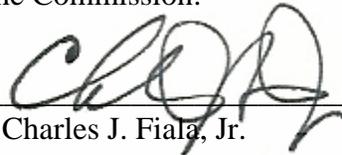
k. The Commission reserves the right to reopen any project docket and make additional orders that may be necessary to mitigate or avoid adverse impacts or otherwise to protect the public health, safety, welfare or the environment.

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

m. Based on Commission Regulation 803.30(a), this approval is effective until January 17, 2021. The duration of this docket modification is in accordance with the term of the prior docket approval. The applicant shall submit a renewal application by July 17, 2020 and obtain Commission approval prior to continuing operation beyond January 17, 2021.

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 applicant and approved by the Commission.

By the Commission:



Col. Charles J. Fiala, Jr.
Chairman

Dated: April 11, 2002

Docket No. 20020406
Approval Date: April 11, 2002

CHEROKEE GOLF COURSE, INC.

Consumptive Water Use of up to 0.100 mgd, for Golf Course Irrigation,
Rush Township, Northumberland County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42 relating to the consumptive use of water. The Commission received the application on August 18, 2000.

Description

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

Location. The project is located in Rush Township, Northumberland County, Pennsylvania.

Project Features. The applicant has requested approval for the consumptive use of water of up to 0.100 million gallons per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive water use of 0.058 mgd and a peak day consumptive water use of 0.090 mgd. The primary water source for the irrigation system is an existing surface-water withdrawal from an unnamed intermittent tributary to the Susquehanna River. This withdrawal predates Commission Regulation §803.44 relating to surface-water withdrawals.

The project was constructed in 1972 and has been in continuous operation since 1973. As part of the project, the applicant constructed one off-stream pond that provides for water storage on-site. The pond is 3.75 acres in size and stores an estimated 8.5 million gallons of water. The applicant has sufficient storage on-site to meet the project's irrigation demands for 155 days, based on current water usage.

The pond receives water primarily from the unnamed stream. Surface runoff from the adjacent upland area is a secondary source of water for the pond. The surface-water withdrawal from the unnamed stream is accomplished via an intake pipe located in the stream bottom and water feeds by gravity to the pond. The applicant has withdrawn water from the stream over the

life of the project with no passby structure or engineering controls. The pond has an overflow structure to allow excess water to be released downstream to the unnamed stream.

Findings

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

All water evaporated from the pond, as well as water withdrawn from the pond and used for golf course irrigation, is considered to be used consumptively. Water evaporated from the pond will be calculated by the applicant employing a methodology acceptable to the Commission. Water withdrawn from the pond currently is not metered. The applicant estimates the quantity of water withdrawn from the pond using sprinkler head performance specifications and the duration of pump operation. In accordance with the Commission's consumptive water use reporting requirements, staff recommends that the applicant install a meter on the irrigation system to measure the quantity of water pumped from the pond. The applicant has agreed to install appropriate metering within one year from the date of this approval.

The project's primary source of water for the irrigation pond is a withdrawal from an unnamed tributary to the Susquehanna River with no passby flow currently maintained at the site. Surface runoff from the adjacent upland area is a secondary source of water for the pond. The unnamed tributary to the Susquehanna River is classified as a cold-water fishery (CWF) with brown trout and combined Class C and D wild trout. Commission staff used the Instream Flow Incremental Methodology (Commission Publication No. 191, May 1998) to determine the appropriate passby flow requirement. Staff recommends that the applicant maintain a passby flow of not less than 21.5 percent of average daily flow (ADF), and to cease all withdrawals when natural streamflows drop below 0.0903 cubic feet per second (cfs).

Staff recommends that the applicant modify or replace its intake structure incorporating a passive passby flow device. The applicant should submit its design and a proposed construction schedule within 90 days for review and approval by Commission staff prior to any construction. During operation of the intake structure, the applicant must maintain the passby system, keeping it free of debris and fully functional. The Commission reserves the right to inspect the passby flow device and intake structure at any time.

The pond stores an estimated 8.5 million gallons of water, which is sufficient to supply the golf course during periods of low flow. The applicant will need to maintain sufficient water storage in order to meet the project's demand for irrigation water. Staff recommends that the applicant submit documentation to Commission staff of the available on-site storage every five years.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the applicant proposes to use its own storage during low flow periods. Staff has determined that the quantity of storage is sufficient to supply the golf course during drought conditions.

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

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

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

Compliance Incentive Program

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

Decision

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

- a. The applicant shall comply with all Commission regulations, including consumptive water use reporting requirements as per Commission Regulation §803.42.
- b. The applicant shall install a meter on the irrigation system within one year from the date of this approval to measure the quantity of water pumped from the pond.
- c. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage pond plus the quantity pumped to the irrigation system. The applicant shall install and maintain metering on the irrigation system, accurate to within five percent. Commission staff shall review and approve of the method of calculation of evaporative loss from the pond system.
- d. The applicant shall maintain a passby flow of not less than 21.5 percent of annual average daily flow, which equals 0.0903 cfs or 40.5 gpm, and shall cease all withdrawals when streamflow immediately downstream of the intake drops below 0.0903 cfs. The applicant shall modify or replace the stream intake structure to incorporate a passive passby flow device. The applicant shall submit its design and a proposed construction schedule for a modified or replacement intake structure within 90 days of the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the applicant shall complete construction in accordance with the approved schedule and shall provide to the Commission

documentation that construction has been completed. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time.

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

f. Upon notice from the Commission during periods of low flow to satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the applicant shall use water stored in the on-site pond and shall cease withdrawals from the stream. The applicant shall provide the Commission with documentation every five years certifying that sufficient water storage exists in its storage pond.

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

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

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

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

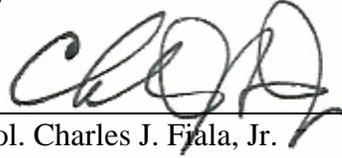
k. This action confers no property rights upon the applicant. The securing of all rights necessary and incident to the applicant's development and operation of the project shall be the sole and exclusive responsibility of the applicant, and this approval shall be subject thereto.

l. This approval is effective until April 11, 2027. The applicant shall submit a renewal application by October 11, 2026 and obtain Commission approval prior to continuing operation beyond April 11, 2027.

m. If the project is discontinued for such a time and under such circumstances that an abandonment of the project may reasonably be inferred, the Commission may rescind the

approval of the project unless a renewal is requested by the applicant and approved by the Commission.

By the Commission:

A handwritten signature in black ink, appearing to read 'C. Fjala, Jr.', written over a horizontal line.

Col. Charles J. Fjala, Jr.
Chairman

Dated: April 11, 2002

Docket No. 20020407
Approval Date: April 11, 2002

WREN DALE GOLF COURSE

Surface-Water Withdrawal of up to 0.569 mgd, when available, from Swatara Creek and a
Consumptive Water Use of up to 0.569 mgd, for Golf Course Irrigation,
South Hanover Township, Dauphin County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, §803.42 relating to the consumptive use of water, and §803.44 relating to surface-water withdrawals. The Commission received the applications on September 17, 2001.

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 fairways, greens, and tees at a proposed 18-hole golf course.

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

Project Features. The applicant has requested approval for a maximum daily withdrawal of 0.569 million gallons per day (mgd) of water from Swatara Creek and a consumptive use of water of up to 0.569 mgd. The applicant calculates the project's proposed maximum average 30-day consumptive water use to be 0.246 mgd and a peak day consumptive water use to be 0.569 mgd.

The applicant is currently constructing the golf course and anticipates beginning consumptive water use and surface-water withdrawals in spring 2002. Based on the course design submitted on March 6, 2002, the irrigation system will draw water from an existing on-site storage pond constructed prior to 1971. Commission staff has calculated the surface area of the pond to be 1.47 acres with an effective storage capacity of approximately 480,000 gallons. This storage capacity could provide for approximately two days of irrigation.

Water for the irrigation system will be withdrawn from a pool located behind a small dam on Swatara Creek via a 10-inch intake located approximately 500 feet downstream from the

confluence of Swatara Creek and Manada Creek and will be pumped to the pond for use by the irrigation system. Municipal water will also be supplied by the Pennsylvania American Water Company (PAWC) and could be used to supplement the surface-water withdrawal.

Findings

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

All water used for golf course irrigation is considered to be used consumptively. The irrigation system will have a meter that measures the quantity of water pumped. Since the storage pond predates the Commission's consumptive use regulations, the applicant is not required to provide compensation for the evaporative losses from the pond.

The applicant has requested approval for a surface-water withdrawal from Swatara Creek. Swatara Creek is classified as a warm-water fishery. Commission staff has determined the 7-day, 10-year low flow (Q7-10 flow) of Swatara Creek at the proposed intake location to be 67.7 cubic feet per second (cfs) or 30,132 gpm, as defined by the measured streamflow at the U.S. Geological Survey's stream gage 01573560 on Swatara Creek near Hershey, Pa.

Further, PAWC also has an intake in the same pool as the applicant's on Swatara Creek. The PAWC surface-water allocation of 11.0 mgd contains a minimum stream passby requirement of 28.1 mgd below its intake (Pennsylvania Department of Environmental Resources Permit No. WA22-133D). In order to protect the existing surface-water withdrawal and other instream uses, staff recommends that the applicant cease all withdrawals when the streamflow at the U.S. Geological Survey's stream gage 01573560 goes below 32.1 mgd (31.5+0.569 mgd) or 49.7 cfs for seven consecutive days, and not be used again until the seven-day average streamflow has remained above 38.4 mgd (37.8+0.569) or 59.4 cfs for 21 consecutive days, which is equal to the sum of PAWC's passby flow requirement and the applicant's withdrawal.

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

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

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

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

Decision

The project's surface-water withdrawal from Swatara Creek of up to 0.569 mgd, when available, and the consumptive use of water up to 0.569 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The applicant shall cease all withdrawals when the streamflow as measured at the U.S. Geological Survey's stream gage 01573560 goes below 32.1 mgd (31.5+0.569 mgd) or 49.7 cfs, and not be used again until the seven-day average streamflow has remained above 38.4 mgd (37.8+0.569) or 59.4 cfs for 21 consecutive days.

c. The applicant shall keep daily records of the project's surface-water withdrawal and its consumptive water use and shall provide the results to the Commission quarterly, and as otherwise required. The applicant also shall keep daily records of readings from the U.S. Geological Survey's stream gage 01573560 on Swatara Creek near Hershey, Pa. during the irrigation season, and shall provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The applicant shall maintain metering on the irrigation system and surface-water withdrawal, accurate to within five percent.

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

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

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

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

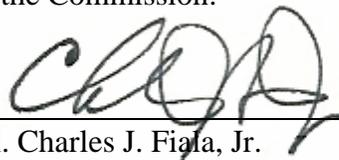
h. The Commission reserves the right to reopen any project docket and make additional orders that may be necessary to mitigate or avoid adverse impacts or otherwise to protect the public health, safety, welfare or the environment.

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

j. This approval is effective until April 11, 2027. The applicant shall submit a renewal application by October 11, 2026 and obtain Commission approval prior to continuing operation beyond April 11, 2027.

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

By the Commission:



Col. Charles J. Fiala, Jr.
Chairman

Dated: April 11, 2002

Docket No. 20020408
Approval Date: April 11, 2002

SHIPPENSBURG UNIVERSITY

Consumptive Water Use of up to 0.140 mgd
for Institutional Use,
Shippensburg Township, Cumberland County, Pennsylvania

Review Authority

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

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water at the Shippensburg University (the University) associated with the irrigation of athletic fields, evaporation from a biological research pond, evaporative cooling for facility air conditioning, and steam losses from facility heating.

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

Project Features. The applicant has requested approval for the consumptive water use of up to 0.140 million gallons per day (mgd). The Shippensburg Borough Water System provides water to the University for the campus potable water system, a portion of which is consumed for the irrigation of landscaped areas, building air-conditioning (via chiller cooling towers), and building heating (via steam losses) at various locations on the campus. Chiller cooling towers are located at seven separate campus buildings, and the central steam plant has three boilers. In 1974, the construction of a 1.15-acre biological research pond was completed adjacent to Burd Run. The pond is supplied by stormwater runoff from the surrounding area. In addition, the University has a decorative water fountain that consumes a small quantity of water through evaporative losses.

Currently, water supplied by Shippensburg Borough averages 0.171 mgd on a yearly basis, and is metered at four locations as it enters the campus system. The campus system includes a one million gallon treated water storage tank. The University was founded in 1871.

Water from three wells at the University (Wells IW-1, IW-3 and IW-5) is used to irrigate the various University athletic fields totaling 19.39 acres. Withdrawals from these three wells do not require Commission review and approval because the wells were in operation prior to the effective date of Commission Regulation §803.43 concerning ground-water withdrawals and total withdrawals fall below the Commission's regulatory threshold of 100,000 gallons per day, based on a 30-day average. These wells are individually metered, but the withdrawals have not been monitored to date. Four other metered wells owned by the University are not used currently, but could be used for irrigation should the need arise. The following table provides construction information for all University wells:

Well No.	Date of Initial Use	Diameter (inches)	Depth (feet)	Pump Capacity (gallons per minute)
IW-1	1972	6	145	60
IW-2	1972	6	60	80
IW-3	1972	6	150	50
IW-4	1969	6	142	50
IW-5	1969	6	68	75
IW-6	1970	8	105	75
IW-7	1969	6	95	unknown

From 1972 to the present, withdrawals from Wells IW-1, IW-3, and IW-5 for the irrigation of athletic fields have averaged 0.035 mgd during peak months and 0.026 mgd for the irrigation season (May 15 through September 15). Peak daily irrigation rates from the wells are estimated to reach 0.111 mgd. Over the next few years, the University plans to convert a total of 8.87 acres of athletic fields from natural turf to artificial surfaces. However, about 4 acres of student recreation fields that are not presently irrigated will be irrigated in the near future. Overall, a net loss of about 5 acres of irrigated athletic fields is anticipated.

Currently, the University's total peak daily consumptive water use is estimated to be 0.137 mgd while the University's peak monthly consumptive water use is estimated to be 0.062 mgd. The majority of these peak-period consumptive water uses are for the irrigation of athletic fields.

All of the wastewater generated from the University is metered at two outfalls, discharged to the sanitary sewer system and treated in the Shippensburg Municipal Authority wastewater treatment facility.

Findings

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

The University obtains the water for its campus potable system from a public supplier. This water is metered at four locations on a quarterly basis as it enters the campus system.

Wastewater generated on the campus is metered and recorded on a monthly basis as it leaves the campus through two outfalls.

Current maximum daily consumptive water use is estimated to be 0.137 mgd during peak summer days based on calculations of makeup water requirements for the chiller cooling towers, evaporation from the biological research pond, and irrigation of ornamental plantings and athletic fields. Existing meters on the wells and cooling tower makeup supply lines currently are not monitored.

During the months of October through April, consumptive water use results from boiler makeup at the steam plant for building heating. The boiler feed water is metered and monitored daily. During the months of April through October, consumptive water use results from evaporation from the biological research pond. Additionally, during the period approximately from May 16 through September 15 consumptive water use results from the irrigation of athletic fields and the air-conditioning of campus buildings.

Commission staff has determined that consumptive water use resulting from the irrigation of ornamental plantings and evaporation from the decorative fountain is of a nominal amount. Thus, the four categories that comprise the University's consumptive water use include boiler makeup water, biological research pond evaporation, makeup water for chiller cooling towers, and athletic field irrigation. All of these water uses are considered to be entirely consumptively used.

The applicant has agreed to monitor the metered use of water by the chiller units on a weekly basis, and continue monitoring the metered use of boiler makeup water by the steam plant on a daily basis. Additionally, the applicant has agreed to monitor the individually metered well withdrawals used for irrigating the athletic fields on a weekly basis. Average monthly evaporation from the biological research pond will be estimated.

The applicant was consumptively using water at the University before January 23, 1971, the effective date of the Commission's consumptive water use regulation (Commission Regulation §803.42.) The applicant has no records of consumptive water use from this time but provided estimates of athletic field irrigation based on typical seasonal application rates and pre-1971 acreage irrigated. Pre-1971 consumptive water use for all other campus uses was based proportionally on equivalent full-time campus student population and on standard rates for the public water industry within the Eastern United States. The total pre-1971 consumptive water use for the University is determined to be 14,460 gallons per day (gpd), 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 applicant proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water or discontinuing usage.

The applicant has proposed a spreadsheet accounting procedure quantifying the four categories of consumptive water use for quarterly reporting to the Commission. First, individually metered well withdrawals will be monitored weekly, summed, and prorated to a daily basis to obtain the daily quantity of water used for the irrigation of athletic fields.

Second, individually metered makeup water requirements for each chiller cooling tower (currently seven) will be monitored weekly, summed, and prorated to a daily basis to obtain the daily quantity of water used for building air conditioning. Third, boiler makeup water at the steam plant will be metered and reported daily.

Fourth, the applicant has agreed to estimate evaporation from the 1.15-acre biological research pond during the months of April through October using the Commission's pond evaporation guidelines, and prorate it to a daily basis.

After summing the daily consumptive water use from the four categories, the project's daily grandfathered consumptive water use of 14,460 gpd should be subtracted from the total daily consumptive water use. If the daily grandfathered amount exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Staff recommends approval of the applicant's proposed spreadsheet accounting procedure for use in calculating daily consumptive water use for the project. The quantities of three of the four categories of consumptive water use, including the two largest use categories, will be based on weekly or daily-metered amounts. For the other category, evaporation from the biological pond, monthly consumptive water use will be calculated using the Commission's guidelines based on accepted hydrologic practices, and prorated to a daily basis.

The applicant has requested an approval of up to 0.140 mgd based on the current amount of the project's consumptive water use. Currently, maximum daily consumptive water use reaches 0.137 mgd during peak summer days. Over the next few years, the applicant has proposed converting several athletic fields to artificial surfaces that would result in a net decrease in the project's consumptive water use. However, future growth of campus facilities is expected to increase consumptive water use that will eventually offset any decreases. Should the project's future consumptive water use exceed 0.140 mgd, the applicant 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(a) and (c).

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.140 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The applicant shall keep daily records of the project's consumptive use, and shall provide the results to the Commission quarterly and as otherwise requested. The applicant shall compute the project's daily consumptive water use by summing weekly metered well withdrawals for athletic field irrigation and weekly metered makeup water to the chiller cooling towers, prorated to a daily basis, with daily metered boiler makeup water at the steam plant, and monthly evaporation from the biological research pond, prorated to a daily basis. The applicant shall maintain the existing meters, accurate to within five percent, to calculate the consumptive water use.

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

d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 14,460 gpd, during the preceding calendar quarter. If the daily grandfathered amount exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

consumptively used, above the grandfathered quantity of 14,460 gpd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the applicant in accordance with the requirements of condition (d) above. Consumptive use occurring before monitoring of the existing meters shall be estimated based on design specifications and approximate operating time of athletic field irrigation systems and chiller cooling towers.

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

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

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

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

j. This approval is effective until April 11, 2027. The applicant shall submit a renewal application by October 11, 2026 and obtain Commission approval prior to continuing operation beyond April 11, 2027.

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

By the Commission:



Col. Charles J. Fiala, Jr.
Chairman

Dated: April 11, 2002

Docket No. 20020409
Approval Date: April 11, 2002

OUT DOOR COUNTRY CLUB

Consumptive Water Use of up to 0.357 mgd, for Golf Course Irrigation,
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, and §803.42 relating to the consumptive use of water. The Commission received the application on July 10, 2000.

Description

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

Location. The project is located in Manchester Township, York County, Pennsylvania.

Project Features. The applicant has requested approval for the consumptive use of water of up to 0.357 million gallons per day (mgd). The applicant calculates its maximum average 30-day consumptive use of water to be 0.180 mgd and its peak day consumptive water use to be 0.322 mgd. Water is pumped from off-stream storage ponds and is supplemented, when necessary, by water supplied by York Water Company to meet the golf course irrigation demand.

The project was constructed in 1958 and has been in continuous operation since that time. The applicant constructed eight off-stream ponds to provide irrigation water storage and has enlarged them by a total of one acre since 1971. The water for the irrigation system is withdrawn from a pond that receives water from an unnamed tributary to Little Conewago Creek. This withdrawal predates Commission Regulation §803.44 relating to surface-water withdrawals. The stream intake allows water to flow to the pond via gravity and is equipped with engineering controls to allow for a stream passby. Further, the applicant has historically augmented the streamflow with water from four on-site wells that have a total estimated 30-day maximum average withdrawal of 12,000 gallons per day (gpd). The applicant has sufficient storage on-site for approximately ten days of irrigation.

Findings

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

All water evaporated from the one-acre, post-1971 total increase in pond area, as well as water withdrawn from the pond system and used for golf course irrigation is considered to be used consumptively. Water evaporated from one acre of the pond system will be calculated by the applicant employing a methodology acceptable to the Commission. The irrigation system has a meter that measures the quantity of water pumped. The pre-1971 consumptive water use by the applicant is 0.035 mgd, and for purposes of this docket, this quantity of water is considered grandfathered and is exempt from water compensation requirements.

The project's primary source of water for the irrigation pond is a withdrawal from an unnamed tributary to Little Conewago Creek, a trout-stocking fishery. The stream intake is equipped with engineering controls that prevent the withdrawal of water when streamflow drops below approximately 60 gpm. Commission staff has calculated an annual average daily flow (ADF) of 0.669 cubic feet per second (cfs) or 298 gpm for the stream at the point of taking. Staff recommends that the applicant maintain a minimum site passby flow of at least 60 gpm (20 percent of ADF) and to cease all withdrawals when streamflow immediately downstream of the intake drops below this level.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the applicant proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the quantity of water used for irrigation minus the pre-1971 consumptive use of 0.035 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(b).

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

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

Compliance Incentive Program

Commission staff has determined that the applicant is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the applicant would not be subject to penalties for water 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 as of January 1, 2001.

Decision

The project's consumptive water use of up to 0.357 mgd is approved pursuant to Article 3, Section 3.10 of the Compact, subject to the following conditions:

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

b. The applicant shall maintain a passby flow at the intake structure of not less than 20 percent of annual average daily flow, which equals 0.13 cfs or 60 gpm, and shall cease all withdrawals when streamflow immediately downstream of the intake drops below 0.13 cfs. The applicant shall maintain the stream intake structure and keep the passby system fully functional, and certify to the Commission annually that this condition has been met. The applicant shall not modify or replace this existing intake structure without prior approval by the Commission. The Commission reserves the right to inspect the passby flow device and intake structure at any time.

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

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

e. To satisfy the Commission's current compensation requirements for the consumptive water use set forth in Commission Regulation §803.42, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 35,000 gpd, during the preceding calendar quarter. 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. Quarterly payments are due and payable within 30 days after the close of the preceding

quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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

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

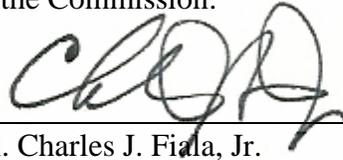
i. The Commission reserves the right to reopen any project docket and make additional orders that may be necessary to mitigate or avoid adverse impacts or otherwise to protect the public health, safety, welfare or the environment.

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

k. This approval is effective until April 11, 2027. The applicant shall submit a renewal application by October 11, 2026 and obtain Commission approval prior to continuing operation beyond April 11, 2027.

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

By the Commission:

A handwritten signature in black ink, appearing to read 'C. Fiala, Jr.', written over a horizontal line.

Col. Charles J. Fiala, Jr.
Chairman

Dated: April 11, 2002

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Docket No. 20020410
Approval Date: April 11, 2002

SPRINGWOOD GOLF CLUB

Surface-Water Withdrawal of up to 0.400 mgd, when available, from an Unnamed Tributary to Mill Creek, and a Consumptive Water Use of up to 0.400 mgd, for Golf Course Irrigation, York 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 §803.44 relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on August 21, 2000, and the application for the surface-water withdrawal on February 28, 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 fairways, greens, and tees at an existing 18-hole golf course.

Location. The project is located in York Township, York County, Pennsylvania.

Project Features. The applicant has requested approval for a maximum daily withdrawal of 0.400 million gallons per day (mgd) of water from an unnamed tributary to Mill Creek and the consumptive use of water of up to 0.400 mgd. The applicant calculates the project's maximum average 30-day consumptive water use to be 0.200 mgd and a peak day consumptive water use to be 0.227 mgd, but the irrigation system is designed to use up to 0.400 mgd when available. The primary water source is an existing surface-water withdrawal from an unnamed tributary to Mill Creek that is supplemented by on-site wells and water supplied by the York Water Company.

The project was constructed in 1997 and has been in continuous operation since that time. As part of the project, the applicant constructed four off-stream ponds, three of which provide for water storage at the site. Although the fourth pond leaks and has never provided irrigation water storage, it can be filled using the irrigation system. The three irrigation ponds have a total surface area of approximately 2.13 acres and combined volume of approximately 3.689 million

gallons when at full capacity. This storage capacity can provide for approximately 18 days of irrigation.

Surface water for the irrigation system is withdrawn from an unnamed tributary to Mill Creek adjacent to the eleventh tee of the golf course. Water is pumped from the stream, as needed, to supplement the water stored in the irrigation ponds. The withdrawal of water from the stream currently has no passby structure or engineering controls.

Ground water withdrawn to supply the irrigation system can come from either of the two on-site wells and is discharged to the storage ponds. The total pumping capacity of the two wells, as reported by the applicant, is unknown. The ground-water withdrawal for the irrigation system is not metered.

Municipal water also is available and can be used to supplement the irrigation water stored within the ponds as conditions warrant. This has been accomplished in the past by connecting a metered fire hose to a nearby fire hydrant.

Findings

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

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

The project's ground-water withdrawal has been in operation since 1997 but is not metered. The on-site wells can be used to fill the ponds and supplement rainfall, if needed. The applicant has reported that the wells are utilized at less than 100,000 gallons during a 24-hour pumping period and, therefore, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the applicant does not currently meter the actual quantity of ground water withdrawn, and has no records associated with the wells that could be used to estimate the withdrawals from the wells, staff recommends that the applicant install appropriate metering and provide to the Commission documentation of the wells' combined usage.

The project's primary source of water for the irrigation pond is the withdrawal from the tributary to Mill Creek, a warm-water fishery. Commission staff has calculated the 7-day, 10-year low flow (Q7-10 flow) in this tributary to be 0.026 cubic feet per second (cfs) or 12 gallons per minute (gpm) at the point of taking. The project's surface-water intake on the tributary to Mill Creek has been in operation since 1997 with no passby criteria in use at the site. The withdrawal is greater than 10 percent of the Q7-10 flow at the point of taking and a passby flow is required to protect aquatic resources and downstream users. Staff recommends that the

applicant maintain a passby flow of not less than 20 percent of annual average daily flow (ADF), which equals 0.363 cfs or 163 gpm, and to cease all withdrawals when natural streamflow drops below 0.363 cfs.

Staff recommends that the applicant replace its intake structure incorporating a passive passby flow device. The applicant should submit its design and a proposed construction schedule within 60 days for review and approval by Commission staff prior to any construction. During operation of the intake structure, the applicant must maintain the passby system, keeping it free of debris and fully functional. The Commission reserves the right to inspect the passby flow device and intake structure at any time.

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

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

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

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

Compliance Incentive Program

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

Decision

The project's surface-water withdrawal from the unnamed tributary to Mill Creek of up to 0.400 mgd when available, and the consumptive use of water of up to 0.400 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. Within 60 days of the date of this approval, the applicant shall install and maintain metering on the two on-site wells, accurate to within five percent, and keep daily record of the project's ground-water withdrawal and shall provide the results to the Commission quarterly, and as otherwise required. The applicant could propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the applicant shall submit the appropriate application for review and approval by the Commission.

c. The applicant shall keep daily records of the projects surface-water withdrawal and shall provide the results to the Commission quarterly, and as otherwise requested. The applicant shall maintain a passby flow leaving the golf course property of not less than 20 percent of average daily flow, which equals 0.363 cfs or 163 gpm, and shall cease all withdrawals when streamflow drops below 0.363 cfs. The applicant shall modify or replace the stream intake structure to incorporate a passive passby flow device. The applicant shall submit its design and a proposed construction schedule for a modified or replacement intake structure within 60 days of the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the applicant shall complete construction in accordance with the approved schedule and shall provide to the Commission documentation that construction has been completed. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time.

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

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

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

The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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

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

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

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

l. This approval is effective until April 11, 2027. The applicant shall submit a renewal application by October 11, 2026 and obtain Commission approval prior to continuing operation beyond April 11, 2027.

m. If the project is discontinued for such a time and under such circumstances that an abandonment of the project may reasonably be inferred, the Commission may rescind the

approval of the project unless a renewal is requested by the applicant and approved by the Commission.

By the Commission:

A handwritten signature in black ink, appearing to read 'C. Fiala, Jr.', written over a horizontal line.

Col. Charles J. Fiala, Jr.
Chairman

Dated: April 11, 2002

padam/word/dockets/SpringwoodGC402

RESOLUTION NO. 2002-07

A RESOLUTION of the Susquehanna River Basin Commission extending Docket No. 19960303 (the “Docket”), N.E. Hub Partners, L.P., Tioga Natural Gas Storage Project.

WHEREAS, on March 14, 1996, the Commission issued the Docket to N.E. Hub Partners, L.P. (the Applicant) for the surface water withdrawal and consumptive use of up to 3.46 million gallons per day (mgd) from the Cowanesque Reservoir, Tioga County, Pennsylvania for solution mining of salt caverns for natural gas storage (the “Project”); and

WHEREAS, the Commission maintains certain rights to water storage and release at Cowanesque Reservoir under an agreement with the U.S. Government dated June 30, 1986; and

WHEREAS, two electric utility companies, PPL, Inc. (formerly Pennsylvania Power and Light Co.) and AmerGen (formerly GPU Nuclear, Inc.) participate financially in the maintenance of this storage through payments to the Commission; and

WHEREAS, pursuant to Decision Item a(1) of the Docket, the Commission and the Applicant executed an agreement dated May 28, 1998 regarding payment for use of storage at the Cowanesque Water Storage Project (the “Agreement”); and

WHEREAS, §2(b) of the Agreement provided that the said payments would commence ninety (90) days after receipt by the Applicant of a FERC 7(c) certificate approving the development of Phase I of the Project and all other permits and approvals required to commence construction of Phase I; and

WHEREAS, at the request of the Applicant, on March 11, 1999, pursuant to Commission Regulation 803.30(b), the Commission extended the term to implement the Docket for three years to allow the Applicant additional time to obtain all regulatory permits and approvals; and

WHEREAS, through no fault of the Applicant, the acquisition of all necessary permits and approvals for the Project has not been completed prior to expiration of the extended term on March 14, 2002; and

WHEREAS, the Applicant by letter from its counsel dated February 7, 2002 has requested another 36-month extension due to these unforeseen delays in obtaining all necessary permits and approvals; and

WHEREAS, because all regulatory approvals have not been obtained, payments have not commenced in accordance with the Agreement; and

WHEREAS, the Commission believes that water for the said Project should not continue to be held in reserve for this Project without some form of monetary re-numeration to the Commission and the said utility companies who participate financially in the storage and release Project at Cowanesque Reservoir; and

WHEREAS, the Applicant has acknowledged that it will not require the amount of water originally approved by the Commission for withdrawal and consumptive use, and has allowed its option under the Agreement to effectuate the same to lapse.

NOW THEREFORE BE IT RESOLVED THAT:

1. Pursuant to Section 803.30(b) of the Commission's regulations, a thirty-six (36) month extension to March 14, 2005 is hereby granted to the Applicant to implement the Project under the terms of its Docket.

2. As a condition of this extension, the Applicant agrees to execute an amendment to the Agreement with the Commission within thirty (30) days hereof providing for the commencement of annual payments pursuant to §2(b) of the Agreement upon the earlier of (i) receipt of all permits and approvals required for implementation of the project, or (ii) March 14, 2003; provided that if all permits and approvals required for implementation of the Project are not received prior to March 14, 2003, the Applicant may provide written notice to the Commission that the Project has been terminated, in which event the Agreement shall be terminated without further obligation by any party. Any such termination of the Agreement shall effectuate an automatic rescission of the Docket.

3. The Applicant shall provide quarterly progress reports to the Commission concerning its efforts to implement the Project.

4. Decision Item a of Docket 19960303 is hereby amended to provide that withdrawals by the Applicant shall be limited to a maximum rate of 1,000 gallons per minute (1,440,000 gallons per day) for normal cave construction operations and 1,250 gallons per minute (1,800,000 gallons per day) during startup operations.

5. This Resolution shall be effective immediately.

Date: April 11, 2002



Chairman