

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



May 22, 2003

TO ALL CONCERNED:

At the April 10, 2003 meeting, the draft minutes of the February 6, 2003 Commission meeting were approved as written. Please attach this notice to your copy of the February 6, 2003 minutes.

- DRAFT -

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION**

April 10, 2003
#2003-03&04

The meeting was held at the Days Inn, U.S. Rte. 22 & S. 4th St., Huntingdon, Pa. Chairman John Hicks called the meeting to order at 8:35 a.m.

ROLL CALL

Commissioners Present

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

Ms. Cathleen Curran Myers, Director, Office of River Basin Cooperation, Pa. Dept. of Environmental Protection

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

Col. John P. Carroll, Deputy Commander, U.S. Army Corps of Engineers, North Atlantic Division

**Alternate Commissioners
and Advisors Present**

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

Mr. William A. Gast, Division of Water Use Planning, Pa. DEP

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

Staff Present

Mr. Paul O. Swartz, Executive Director

Mr. Thomas W. Beauduy, Deputy Director

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

Mr. Glen R. DeWillie, Chief
Water Resources Management Division

Mr. Duane A. Friends, Chief Admin. Officer

Mr. Richard A. Cairo, Counsel/Secretary

Ms. Deborah J. Dickey, Executive Administrator

Ms. Susan S. Obleski, Director of
Communications

INTRODUCTION/WELCOME

Chairman Hicks introduced the members of the Commission and the Executive Director. The Commission was pleased to be holding its meeting in the Juniata River Subbasin of the Susquehanna Basin.

SRBC Communications Director Susan Obleski introduced Dr. Dennis McIlroy, who has written a very interesting book on the Juniata River called *Juniata: River of Sorrows*. She then presented copies of the book to the commissioners.

MINUTES OF FEBRUARY 6, 2003 COMMISSION MEETING

On a motion by Commissioner Summers, seconded by Commissioner Myers, the minutes of the regular business meeting of February 6, 2003, were unanimously adopted as written.

HYDROLOGIC CONDITIONS REPORT

SRBC Water Management Division Chief Glen DeWillie reported on much-improved hydrologic conditions in the basin resulting from recent precipitation events. (*For more details on hydrologic conditions, visit SRBC's web site at www.srbc.net.)* Virtually all drought indicators are back to normal or even above normal conditions, including most reservoirs. Precipitation over this tracking period averaged as much as 8 inches above normal.

One audience member noted that his basement has been dry for the last six years, including this year. Prior to that, the basement became wet nearly every spring. He wondered what might account for this.

Mr. DeWillie replied that there are still isolated areas in the basin where recovery may lag behind. For example, there was one small area in the Chemung Subbasin where drought indicators were still slightly below normal.

ACTION ITEMS

a. SRBC GIS Fee Schedule

Watershed Protection and Assessment Chief David Heicher pointed out that, as persons, groups and businesses have become aware of SRBC's GIS mapping capability, there has been an ever-increasing number of requests for GIS maps and products. It seems appropriate to charge a fee for these products so that the Commission can recoup a portion of the cost of production. He presented a resolution (Exhibit A) to the Commission providing for a proposed GIS fee schedule. The schedule will allow the Executive Director to waive the fee in the public interest. The Commission also makes GIS maps available for downloading on the Internet at no cost.

On a motion by Commissioner Carroll, seconded by Commissioner Summers, the Commission unanimously adopted the resolution establishing a fee schedule for GIS products.

b. Revision of FY-04 Budget

Chief Administrative Officer Duane Friends presented the revised FY-2004 budget covering the period July 1, 2003 to June 30, 2004. The total budget figure was \$3,675,000, a decrease of \$325,000 or 8.1 percent over the original FY-2004 budget. The budget is based on projected member contributions of \$1,305,000 (\$725,000 from Pennsylvania, \$380,000 from Maryland, \$200,000 from New York and \$500,000 from the federal government). The remaining funds come mainly from grants and fees.

Mr. Friends then reviewed some of the major programs covered in the budget, such as public information and outreach, watershed coordination, nutrient and sediment monitoring, the agricultural consumptive use study and project review, including wrap-up of the Compliance Incentive Program (CIP).

Chairman Hicks noted the budgetary challenges facing the Commission due to the stagnate nature of member contributions. Both he and Commissioner Summers thanked Mr. Friends for his budget balancing efforts under these trying conditions. On a motion by Commissioner Myers, seconded by Commissioner Summers, the Commission unanimously adopted the revised FY-04 budget.

c. In-Lieu-of Tax Contribution

Mr. Friends explained that the Commission traditionally makes an annual contribution to the City of Harrisburg in-lieu-of property tax to compensate the City for the police and fire protection services it provides. The City finds itself in an especially difficult situation due to the large number of tax-exempt properties in the prime real estate areas of the City. On a motion by Commissioner Summers, seconded by Commissioner Myers, the Commission unanimously approved an in-lieu-of tax contribution of \$4,200.

d. Contract Approvals

SRBC Watershed Assessment and Protection Chief David Heicher requested ratification of a \$145,000 contract with Pa. DEP for continuation of long-term nutrient and suspended sediment monitoring for the Susquehanna main stem and selected tributaries. This is part of the effort by the parties to the Chesapeake Bay Agreement to restore the water quality of the Bay and reduce excess nutrient and sediment loads to the Bay.

Commissioner Summers expressed Maryland's gratitude for the efforts being made by SRBC, New York and Pennsylvania to reduce nutrient loads to the Bay. Nutrient monitoring is the only way that progress can be measured and is therefore a critical part of the process.

Mr. Heicher also asked the Commission to renew the existing contract with the Northeast-Midwest Institute for conduct of the River Basin Washington Project. Much of the Institute's work has centered on the organization and operation of the Susquehanna River Basin Task Force, consisting of members of Congress from the Susquehanna River Basin. The Task

Force has been very helpful in promoting and advancing SRBC legislative priorities in the U.S. Congress. These are the same priorities that the Commission lists in its Water Resources Program.

On a motion by Commissioner Summers, seconded by Commissioner Myers, the Commission unanimously ratified the nutrient monitoring grant contract and authorized the Executive Director to renew the NEMW River Basin Washington Project contract upon terms he deems favorable to the Commission.

e. Appeal by Deer Creek Watershed Association

The SRBC General Counsel explained that a law suit had been filed by the Deer Creek Watershed Association in U.S. District Court in Maryland relating to the Commission's approval of emergency water use provisions in a docket approval for the City of Aberdeen dated December 12, 2002. The Commission may therefore need to seek the assistance of outside counsel in defending the suit. He asked the Commission to authorize the Executive Director to engage the services of either member jurisdiction or other outside counsel to defend the complaint filed by the Deer Creek Watershed Association.

On a motion by Commissioner Myers, seconded by Commissioner Carroll, the Commission unanimously authorized the Executive Director to engage the services of outside counsel.

PRESENTATIONS – JUNIATA CLEAN WATER PARTNERSHIP/HUNTINGDON, MIFFLIN AND BLAIR COUNTY CONSERVATION DISTRICTS

Commissioner Myers introduced Stephanie Odenwald of the Juniata Clean Water Partnership (Partnership). She briefly commented on the need for officials from state agencies to get out into the field and discover the good work that is being done by groups like the Partnership.

Ms. Odenwald explained that virtually everything the Partnership does is designed to educate, train or motivate people to take action to protect watersheds. Sometimes recreational activities, such as hikes and canoe trips, are the best way to get people out on the water where they can gain a better appreciation of its value. Activities tackled by the Partnership include illegal dumpsite cleanups, local government training programs, stream restoration, storm water management, biodiversity workshops and riparian restoration initiatives.

The Partnership organized a number of presentations for the Commission by the Huntingdon, Mifflin and Blair Conservation Districts. She introduced Alana Malar, Huntingdon County; Cadie Pruss, Mifflin County; and Jim Eckenrode, Blair County. Each described watershed protection projects they are working on in their counties, including acid mine drainage abatement, dumpsite cleanups, streamside cleanups, outreach and education, erosion and sedimentation control, best management practices, stream bank fencing, landscapers/nurserymen workshops, and installation of riparian buffers. All the districts maintain web sites where more information is available.

Commissioner Myers observed that the work being done by the Juniata Partnership and cooperating agencies, such as the conservation districts, fit in very well with the desire of Acting Secretary McGinty to empower people to carry out environmental protection and restoration. The Executive Director added that such work also assists the SRBC in the completion of its mission to manage and conserve the water resources of the basin, often a mammoth task in a 27,500-square-mile river basin served by a staff of only 35 persons.

Ms. Odenwald concluded by saying that, in the future, the Partnership will be focusing more on involving the private sector in watershed protection activities, as well as citizens and local governments.

ACTION ITEMS (Cont'd)

f. Public Hearing–Project Review/Removal from CIP/Acknowledgment of Contributions by Commission Advisors

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

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

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

The dockets recommended for action included the following 16 projects:¹

- Ely Park Municipal Golf Course (Exhibit B1)
- Vestal Hills Country Club (Exhibit B2)
- R.C. Rickard Development Corp. (dba) Conklin Players Club (Exhibit B3)
- Town of Barton (Exhibit B4)
- Lackawanna County-Montage Mountain (Exhibit B5)
- Sand Springs Country Club (Exhibit B6)
- Geisinger Health System (Exhibit B7)
- Williamsport Country Club (Exhibit B8)
- Weis Markets, Inc. (Exhibit B9)
- Lebanon Valley College (Exhibit B10)
- Harristown Development Corporation, Inc. (Strawberry Square) (Exhibit B11)
- Liberty Forge Golf Course, Inc. (Exhibit B12)
- John Cope's Food Products, Inc. (Exhibit B13)
- Overlook Golf Course (Exhibit B14)
- Heritage Hills Golf Resort (Exhibit B15)
- Bon Air Country Club (Exhibit B16)

Of the original 17 projects scheduled for action, the staff recommended the tabling of one project, Egg Harbor Spring, Inc., at the request of the project sponsor. Mr. DeWillie then presented specific information on the remaining 16 dockets. All dockets and any accompanying written comments from the public were provided to the Commission in advance of this meeting.

On a motion by Commissioner Summers, seconded by Commissioner Myers, the Commission unanimously voted to table the Egg Harbor Spring, Inc. application.

On a motion by Commissioner Myers, seconded by Commissioner Carroll, the Commission unanimously adopted the staff recommendations for all of the remaining 16 dockets (Exhibits B1-B16).

Mr. DeWillie continued that two project sponsors that had originally indicated an intention to enter the Compliance Incentive Program (CIP)² had not complied with the terms of the CIP. He therefore recommended that these projects be removed from the CIP and that the usual sanctions for noncompliance be invoked.

Commissioner Myers commented that staff had shown more than enough patience in dealing with such projects. She moved that all projects not complying with the terms of the CIP be removed from the CIP and that enforcement action be initiated against them. This motion was seconded by Commissioner Summers and unanimously adopted by the Commission.

The commissioners concluded project review by acknowledging and thanking Messrs. Bill Gast, Mat Pajerowski and Scott Foti, Commission advisors, for their continuing assistance in project review matters.

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

² Under which an amnesty had been offered to project sponsors who had not previously applied to the Commission for approval.

PUBLIC COMMENTS

There were no public comments offered to the Commission.

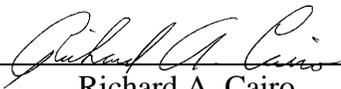
ADJOURNMENT

There being no further business before the Commission, Chairman Hicks adjourned the meeting at approximately 11:14 a.m.

NEXT MEETING

The next regular meeting of the Commission is tentatively scheduled for June 12, 2003 in Corning, N.Y.

Date Adopted



Richard A. Cairo
General Counsel/Secretary to the Commission

RESOLUTION NO. 2003-03

A RESOLUTION of the Susquehanna River Basin Commission adopting a fee schedule for the provision of Geographic Information System products.

WHEREAS, the Commission maintains a Geographic Information System (GIS) capable of producing mapping and data display products related to the water resources of the Susquehanna River Basin; and

WHEREAS, the Commission often receives requests from outside parties for mapping and other GIS products;

WHEREAS, a substantial cost is incurred by the Commission in the production of such GIS products; and

WHEREAS, it is therefore desirable that the Commission be reimbursed for the cost or the partial cost of producing such materials.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby adopts a GIS Fee Schedule, a copy of which is attached hereto and made a part of this Resolution.
2. The Executive Director is hereby authorized to waive the application of this schedule or reduce the applicable fee whenever he deems it in the public interest to do so.
3. This Resolution shall be effective immediately.

Date: April 10, 2003

John T. Hicks

John T. Hicks, Chairman

FEE SCHEDULE REGARDING GIS MAPS AND DATA

April 10, 2003

The Commission's GIS Program makes available standard digital GIS Maps and spatial data files for public access. Our intent is to provide these products in a digital format for use in other electronic media (i.e., presentation software, word-processing software, etc.) and in hard copy output (i.e., paper maps, poster displays, overhead slides). The decision is up to the user to produce these in whatever capacity they so choose.

The Susquehanna River Basin Commission (SRBC) website offers users the capability to view SRBC's GIS-generated maps and to download these high quality images for printing through the Map Gallery section at http://www.srbc.net/gis/map_gallery.html or the Map Gallery compact disc. Requests for the compact discs can be made by email at srbc@srbc.net or by calling SRBC at (717) 238-0425, extension 106. The SRBC electronic data files for use in GIS software are available at <http://www.pasda.psu.edu/access/srbc.shtml>. These data with other electronic data are located on the Pennsylvania Spatial Data Access (PASDA) web site (<http://www.pasda.psu.edu>).

While the public is welcome to produce these as hard copy maps using their own output peripherals or printer service companies, there are occasions when SRBC's GIS Section is asked to produce these hard copy maps in-house. In order to address time and material costs, the following fee policy is proposed for SRBC GIS maps and electronic data files. SRBC's member jurisdictions and related agencies are exempt from these fees.

EXISTING MAPS (Charges)

Large Format (poster size maps):		
Presentation Bond	\$15/copy	\$ _____
Matte Photobase	\$25/copy	\$ _____
Small Format (8.5 x 11 to 11 x 17):		
8.5" x 11"	\$0.15/copy	\$ _____
11" x 17"	\$0.25/copy	\$ _____
Map Gallery CD:		
6 to 25 copies	\$5/CD	\$ _____
>25 copies - <i>call for quote</i>		\$ _____
Shipping & Handling	\$15	\$ _____
Handling (pick-up)	\$10	\$ _____

EXISTING MAPS (No Cost)

Small Format (8.5 x 11 to 11 x 17):		
Up to 10 copies per year	No Charge	\$ _____
Map Gallery CD:		
Up to 5 copies per year	No Charge	\$ _____
Shipping & Handling	No Charge	\$ _____

CUSTOMIZED MAPS and SPATIAL DATA FILES

Mapping Requests (all formats):		
Time in hours ____ @ \$50/hour		\$ _____
Materials		\$ _____
Spatial Data (indicate format):		
Select data CD	\$10	\$ _____
Copy of Portfolio CD	\$5/CD	
Shipping & Handling	\$15	\$ _____
Handling (pick-up)	\$10	\$ _____

Subtotal		\$ _____
6% Pa. Sales Tax		\$ _____
Total Charges		\$ _____

Docket No. 20030401
Approval Date: April 10, 2003

ELY PARK MUNICIPAL GOLF COURSE

Consumptive Water Use of Up to 0.230 mgd, for Golf Course Irrigation,
City of Binghamton, Broome County, New York

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on February 15, 2001.

Description

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

Location. The project is located in the Upper Susquehanna Subbasin, HUC 02050102, Chenango River Watershed, City of Binghamton, Broome County, New York.

Project Features. The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.210 million gallons per day (mgd). Based on data provided by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.098 mgd, and current peak-day consumptive water use to be 0.210 mgd.

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

The project was constructed in 1936 as an 18-hole golf course, and has been in continuous operation since that time. The original irrigation system was installed prior to 1970 and watered only the greens. The current metered irrigation system was installed in approximately 1996 and waters greens, tees and fairways.

Water from the City of Binghamton municipal water system is supplied directly to the irrigation system, a portion of which is equipped with two booster pumps. The irrigation system is equipped with a totalizing meter.

Findings

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

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

The project sponsor requested approval for a consumptive water use of up to 0.210 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of up to 0.230 mgd, which is 10 percent above the current peak-day use of 0.210 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Commission staff has discussed this recommendation with the project sponsor, and they concur with the increased quantity. Should the project's future consumptive water use exceed or be expected to exceed 0.230 mgd, the project sponsor must apply for a modification to this docket at that time.

The Commission staff and project sponsor have agreed to a calculated pre-1971 consumptive water use of 0.030 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.030 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.230 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity supplied to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.030 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

e. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.030 mgd during the period from January 1, 2001, until the effective date of this

approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

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

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

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

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

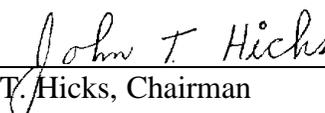
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

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

By the Commission:

Dated: April 10, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030402
Approval Date: April 10, 2003

VESTAL HILLS COUNTRY CLUB

Consumptive Water Use of Up to 0.195 mgd, for Golf Course Irrigation,
Town of Binghamton, Broome County, New York

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on February 22, 2001.

Description

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

Location. The project is located in the Upper Susquehanna Subbasin, HUC 02050101, Little Snake Creek Watershed, Town of Binghamton, Broome County, New York.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.195 million gallons per day (mgd). The irrigation water usage is not metered. Based on estimates of irrigation usage for the years 2001 and 2002 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.105 mgd, and current peak-day consumptive water use to be 0.195 mgd.

The primary source of water is a withdrawal from an unnamed tributary to the West Fork of the Little Snake Creek that predates Commission Regulation §803.44, relating to surface-water withdrawals. The project sponsor has not increased its withdrawal by more than 0.100 mgd since November 11, 1995, the effective date of the regulation, and therefore, the current withdrawal does not require an approval under the regulation.

Ground water also is withdrawn from two wells, as needed, to augment the surface water withdrawal. A third well on the property was used prior to 1970, and currently is not supplied with power. The ground-water withdrawal is not metered.

The project was constructed as an 18-hole golf course in 1958, and has been in continuous operation since that time. The irrigation system for greens, tees and fairways was

installed in 1958 and has no metering. According to the project sponsor, the irrigation system has remained relatively unchanged since 1958.

The original storage pond (Pond 14) is an off-stream pond constructed in 1958. Two additional water storage ponds have been constructed since 1971. Pond 10 is an off-stream pond constructed in 1984 and Pond 18 is an on-stream pond currently under construction. Commission staff has calculated the total surface area of Ponds 10 and 18 to be 3.4 acres. Water from Ponds 10 and 18 is pumped to Pond 14, as irrigation demands require.

Commission staff has calculated that the storage ponds have a maximum storage capacity of approximately 7.5 million gallons. This is sufficient storage for approximately 70 days of irrigation, based on the maximum average 30-day use of 0.105 mgd.

Findings

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

All water evaporated from Ponds 10 and 18, as well as water used for golf course irrigation, is considered to be used consumptively. Water evaporated from Ponds 10 and 18 will be calculated by the project sponsor employing a methodology acceptable to the Commission. The main storage pond (Pond 14) predates the Commission's consumptive water use regulation, and the project sponsor is not required to provide compensation for evaporative losses from Pond 14.

The irrigation system currently is not equipped with a meter to measure the quantity of water withdrawn from the pond and used for irrigation. Commission staff recommends that the project sponsor install appropriate metering and monitor the amount of water pumped to the irrigation system.

The Commission staff has agreed to the project sponsor's calculated pre-1971 consumptive water use of 0.083 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.083 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

The project sponsor applied for approval under the Commission's Compliance Incentive Program (CIP). Commission staff has determined that the project sponsor is not eligible to participate in the CIP, nor is participation necessary, because the project has not exceeded the

consumptive water use regulatory threshold of 0.103 mgd (0.02 mgd plus 0.083 mgd grandfathered use) during prior irrigation seasons. However, with the addition of Pond 18 and the peak evaporative loss from this consumptive water use, the project will likely exceed 0.103 mgd in 2003.

The project sponsor currently operates a gravity surface-water intake to Pond 14 on an unnamed tributary to the West Fork of the Little Snake Creek without engineering controls in place to ensure a passby flow is maintained. Little Snake Creek is classified as a trout-stocked fishery (TSF). Commission staff has calculated the 7-day, 10-year low flow (Q7-10) of the tributary to be 0.009 cubic feet per second (cfs) (4.0 gallons per minute (gpm)) at the point of withdrawal for Pond 14. In order to achieve the maximum average 30-day average consumptive use of 0.105 mgd, the project sponsor would need to, at a minimum, maintain a constant 24-hour surface-water withdrawal rate of 73 gallons per minute. This rate of withdrawal is greater than 10 percent of the Q7-10 for the tributary (0.4 gpm) at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users.

Commission staff recommends that the project sponsor maintain a passby flow at the gravity intake to Pond 14 of not less than 20 percent of annual average daily flow (ADF), which equals 0.112cfs (50 gpm), and to cease all withdrawals when streamflow is less than 0.112 cfs. Commission staff recommends that the project sponsor incorporate a passive passby flow device for the surface-water withdrawal intake.

The project sponsor is currently constructing an on-stream pond (Pond 18) down stream from the intake to Pond 14. Commission staff has calculated the Q7-10 of the tributary at the proposed outfall to Pond 18 to be 0.024 cfs (or 10.8 gpm). Commission staff recommends that the project sponsor incorporate calibrated flow-measurement devices to ensure a passby flow at the outfall from Pond 18 of not less than 20 percent of ADF, which equals 0.306 cfs (138 gpm). When the inflow to Pond 18 is less than 0.306 cfs, outflow from Pond 18 must equal inflow.

The project sponsor should submit its designs and a proposed construction schedule(s) for the passive passby flow device for the surface-water withdrawal intake and the calibrated flow-measurement devices for Pond 18 within 60 days for review and approval by Commission staff prior to any construction. During operation of the intake structure, the project sponsor must maintain the passby system, keeping it free of debris and fully functional. The Commission reserves the right to inspect the passby flow devices and intake structures at any time.

The project sponsor withdraws ground water from two unmetered wells to supplement its surface-water withdrawal. Commission staff recommends that the project sponsor install appropriate metering on the wells to measure its ground-water withdrawal and provide documentation to the Commission. If the ground-water withdrawal exceeds the threshold specified in Commission Regulation §803.43, the project sponsor must submit the appropriate application for review and approval by the Commission.

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

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

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

Decision

The project's consumptive water use of up to 0.195 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. Within sixty (60) days from the date of this approval, the project sponsor shall install a meter, accurate to within five (5) percent, on the irrigation system to measure the quantity of water pumped to the irrigation system.

c. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from storage Ponds 10 and 18 plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the ponds.

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

e. The project sponsor shall allow a flow to pass in the unnamed tributary to the West Fork of the Little Snake Creek directly below the intake to Pond 14 of not less than 0.112 cfs (50 gpm). When the natural flow is equal to or less than 0.112 cfs (50 gpm), no water may be withdrawn, and the entire natural flow shall be allowed to pass the intake to Pond 14 to maintain such natural flow in the channel below the intake as may prevail above.

f. The project sponsor shall maintain a downstream release of water from Pond 18 of 0.306 cfs (138 gpm), or when streamflow into the pond is less than 138 gpm, an amount equal to the total inflow of the stream to the pond. The project sponsor shall install flow-measurement

devices that measure the inflow and outflow of the pond. The project sponsor shall keep daily records of the inflow and outflow of the pond and shall report the data to the Commission quarterly, and as otherwise required.

g. The project sponsor shall modify or replace the stream intake structure at Pond 14 to incorporate a passive passby flow device and install appropriate flow-measurement devices at Pond 18. The project sponsor shall submit the design and proposed construction schedules for the modified or replacement intake structures and the flow-measurement devices within sixty (60) days from the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The passby systems at the intake and Pond 18 shall be kept fully functional and free of debris.

h. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of evaporative loss from storage Ponds 10 and 18 plus the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.083 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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

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

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

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

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

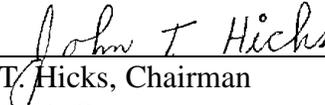
n. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

o. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

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

By the Commission:

Dated: April 10, 2003



 John T. Hicks, Chairman
 New York Commissioner

Docket No. 20030403
Approval Date: April 10, 2003

R.C. RICKARD DEVELOPMENT CORPORATION
dba CONKLIN PLAYERS CLUB

Consumptive Water Use of Up to 0.100 mgd, for Golf Course Irrigation,
Town of Conklin, Broome County, New York

Review Authority

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

Description

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

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

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.095 million gallons per day (mgd). Based on irrigation data for the years 2001 and 2002 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.081 mgd and current peak-day consumptive water use to be 0.098 mgd. The primary water source is an existing spring-fed pond located on the golf course property.

The project was constructed as an 18-hole golf course, and has been in continuous operation since 1991. Installation of the current irrigation system for the greens, tees, and fairways of the golf course was completed in 1991.

As part of the project, the project sponsor constructed a spring-fed pond that provides for on-site water storage. The pond is approximately 10.2 acres in size, approximately 12 feet deep, and has a total estimated capacity of approximately 39 million gallons of water when full. The project sponsor has sufficient on-site storage to meet the project's irrigation demands for 481 days, based on the maximum average 30-day use of 0.081 mgd.

The sources of water for the storage pond are springs and surface runoff from the adjacent drainage upland area of 0.163 square miles, or 105 acres. Overflow from the pond discharges to an unnamed tributary to the Susquehanna River.

Water is pumped from the pond to the golf course's irrigation system, which is equipped with a flow meter. The maximum pumping rate of the irrigation system is 700 gallons per minute (gpm).

Findings

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

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

The project sponsor has requested a consumptive water use approval of up to 0.095 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of 0.100 mgd, which represents an increase of approximately 2 percent above the current peak-day use of 0.098 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.100 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to use water stored in the on-site pond to maintain a continuous conservation release equal to the 7-day, 10-year low flow (Q7-10 flow). The on-site pond stores an estimated 39 million gallons of water when at full capacity. Commission staff has determined that the quantity of storage is sufficient to supply the golf course during drought conditions and maintain the conservation release.

Overflow from the storage pond discharges to an unnamed tributary to the Susquehanna River. Commission staff has calculated the Q7-10 flow at the point of withdrawal from the storage pond to be 0.009 cubic feet per second (cfs) (4.1 gpm). Commission staff recommends that a conservation release be maintained from the storage pond equal to 4.1 gpm. The storage pond volume should provide approximately 448 days of storage based on a conservation release of 4.1 gpm and a maximum average 30-day consumptive use of 0.081 mgd. Commission staff recommends that the project sponsor install and maintain a passive device or system to ensure that the conservation release of 4.1 gpm is maintained at all times.

The project sponsor will need to maintain sufficient water storage in order to meet the project's demand for irrigation water, as well as provide for the conservation release.

Commission staff recommends that the project sponsor submit documentation to the Commission of the available on-site storage every five years.

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

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

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

Compliance Incentive Program

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

Decision

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

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
- b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage pond plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the pond.
- c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall use water stored in its on-site pond to maintain a continuous conservation release equal to the 7-day, 10-year low flow (Q7-10 flow) of 0.009 cfs, or 4.1 gpm. The project sponsor shall modify or replace, as required, the intake structure or otherwise incorporate a passive flow device to provide for the conservation release. The project sponsor shall provide the Commission with documentation every five (5) years certifying that sufficient water storage exists in its on-site storage pond.
- d. The project sponsor shall submit its design and a proposed construction schedule for the passive flow device or system within ninety (90) days from the date of this approval for

review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The conservation release system shall be kept fully-functional and free of debris.

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

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

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

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

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

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

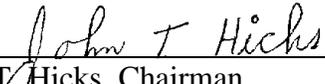
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

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

By the Commission:

Dated: April 10, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030404
Approval Date: April 10, 2003

TOWN OF BARTON

Ground-Water Withdrawal (30-Day Average) of 1.0 mgd from Well 1,
for Public Water Supply,
Town of Barton, Tioga County, New York

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to ground-water withdrawals. The Commission received the application on February 7, 2003.

Description

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

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

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 1.0 million gallons per day (mgd) of water from Well 1. The Town of Barton proposes to use the well to supply a new service area that currently relies on private residential wells. The Town of Barton's Well 1 also will serve as a backup well for the Village of Waverly.

The Village of Waverly currently utilizes a reservoir and three wells, Wells 1, 2, and 3, to supply water to a municipal water supply system, and received Commission approval to use a new well, Well 4, as a mechanical replacement well for the Village of Waverly's Well 1 in February 2003 (Docket No. 20030207).

The Town of Barton's Well 1 is located adjacent to Cayuta Creek, approximately 1,100 feet south of the Town of Waverly's Well 3, in a sand and gravel (glacial outwash) aquifer that partially fills a bedrock valley. Well 1 was drilled and constructed as a 16-inch-diameter screened well in October 2002. The well is constructed to a completed depth of 50.0 feet below ground surface (bgs). It is cased with 40.0 feet of steel set to 40.0 feet bgs, 10 feet of 0.125-slot stainless steel screen set to the completed depth.

The total average daily demand for the combined Waverly and Barton water systems is estimated to be 1.1 mgd, based on 2001 data. The average daily demand is projected to remain unchanged through 2026. The project sponsor serves the Town of Barton, but the new water supply system will be connected to the existing Village of Waverly water distribution system.

A municipal sewage collection system will be installed in the Town of Barton concurrently with the proposed water supply. The wastewater generated throughout the Town of Barton water system will be treated at the Village of Waverly wastewater treatment facility, which discharges to the Chemung River.

Pumping Test. A 72-hour constant-rate pumping test was conducted November 11-14, 2002, for Well 1. The pumping test protocol was reviewed and approved by Commission staff. Pumping at an average rate of 1,016 gallons per minute (gpm), water levels in monitoring wells began to drop at the start of pumping. At the end of the test, total drawdown was 11.0 feet. The water level recovered to within 90 percent of the pretest water level approximately 5 minutes after the end of the pumping test. Drawdown in observation wells located within 5 feet and 307 feet were 7.32 feet and 3.07 feet, respectively, at the end of the 72-hour test. Drawdown in the Town of Waverly's Well 3, located approximately 1,100 feet from Well 1, measured 1.6 feet of at the end of the 72-hour test. Stream water level in Cayuta Creek was continuously monitored during the testing, and the water level was not affected by pumping of Well 1.

Coordination. Commission staff has coordinated with the New York State Department of Environmental Conservation (NYSDEC) Region 7 Office during review of the project. NYSDEC received a complete application on January 6, 2003, and is reviewing the development and use of Well 1 as a source of public water supply. NYSDEC staff has reviewed this docket for consistency with its requirements.

Findings

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

Pumping test results, including the immediate drawdown in the monitoring wells, indicates that Well 1 draws water from a semiconfined aquifer of high permeability.

Commission staff recommends approval of an instantaneous withdrawal rate of 1,000 gpm, the pumping rate used during the constant-rate pumping test, and a 30-day average withdrawal rate of 1.0 mgd from Well 1, provided that the total withdrawal from this system and that of the Village of Waverly is limited to 1.1 mgd. The project sponsor proposes to use Well 1 as supply for new service area that currently relies on private residential wells and as a backup well for the Village of Waverly. The Village of Waverly's recent Commission approval stipulates a maximum 30-day average withdrawal rate of 1.1 mgd for the water supply system. The project sponsor concurs that a 30-day average withdrawal rate of 1.1 mgd will be adequate to supply both the Town of Barton's and the Village of Waverly's projected increase in maximum daily demand during the term of this approval.

Commission staff recommends that the project sponsor install appropriate metering on Well 1 and provide to the Commission documentation of the well's usage. Further, Commission staff recommends that the project sponsor meter the interconnection with the Village of Waverly. The project sponsor has agreed to the monitoring requirements.

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

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

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

Decision

The project's ground-water withdrawal of 1.0 mgd (30-day average) from Well 1 is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.
- b. The project sponsor shall keep daily records of the metered withdrawal from Well 1 and weekly water levels from Well 1. The project sponsor shall keep daily records of the metered transfer of water through the interconnection with the Village of Waverly. The required reporting data shall be submitted to the Commission annually, and as otherwise required. The project sponsor shall install a meter, accurate to within five (5) percent, on Well 1 prior to its use as a water supply source.
- c. The maximum instantaneous rate of production from Well 1 shall not exceed 1,000 gpm.
- d. The project sponsor shall comply with water conservation requirements, as per Commission Regulation §804.20(a).
- e. If the Commission determines that the operation of the project's ground-water withdrawal from Well 1 adversely affects any existing ground-water or surface-water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

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

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

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

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

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

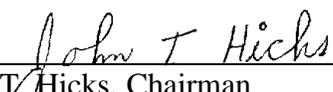
k. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

l. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or such approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued

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

By the Commission:

Dated: April 10, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030405
Approval Date: April 10, 2003

LACKAWANNA COUNTY—MONTAGE MOUNTAIN

Surface-Water Withdrawal of up to 7.30 mgd, and a
Consumptive Water Use of up to 1.60 mgd, for Snowmaking and Water Slide,
City of Scranton, Lackawanna 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 June 27, 2001, and the application for the surface-water withdrawal on May 9, 2002.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for the production of snow and makeup water for a water slide at an existing ski resort.

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Stafford Meadow Brook Watershed, City of Scranton, Lackawanna County, Pennsylvania.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of up to 7.30 million gallons per day (mgd) of water, when available, and a consumptive use of water of up to 1.60 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.490 mgd and current peak-day consumptive water use to be 1.36 mgd. The snowmaking system is equipped with metering to measure the amount of water used in snowmaking.

The project was constructed as a ski resort in 1984 and expanded to its current configuration in 1987. The primary source of water is an existing withdrawal from the former District No. 5 Reservoir. The project purchased the former District No. 5 Reservoir in May 2002. The reservoir was constructed on Stafford Meadow Brook in the mid to late 1800s to serve as a public water supply. The 10-acre reservoir currently is not equipped with a passby flow device. Although the withdrawal predates Commission Regulation §803.44, relating to

surface-water withdrawals, the project sponsor has increased its withdrawal by more than 0.100 mgd since November 11, 1995, and, therefore, is subject to the regulation.

The project sponsor estimates the current total usable storage capacity of the reservoir, for snowmaking purposes, to be approximately 19.5 million gallons, when at full capacity. This volume should provide approximately 6 days of storage, based on a conservation release of 670 gallons per minute (gpm) and a maximum average 30-day average withdrawal of 2.25 mgd for snowmaking.

The project sponsor operates a water slide during the summer months. The water for the slide system is supplied by the Scranton municipal water system. The water slide is not equipped with a meter.

Findings

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

All makeup water from the water slide operation, as well as 22 percent of the water withdrawn from the reservoir and used for snowmaking, is considered to be used consumptively. The snowmaking system is equipped with meters that measure the quantity of water pumped through the system. The water slide is not equipped with a meter.

The reservoir (10 acres) predates the Commission's consumptive water use regulation; therefore, the project sponsor is not required to provide compensation for the evaporative losses from the reservoir.

The project sponsor requested approval for a surface-water withdrawal of up to 7.3 mgd and a consumptive water use of up to 1.60 mgd. Based on an analysis of the snowmaking records supplied by the project sponsor, Commission staff is recommending approval of that amount, which is approximately 17 percent above the current peak-day withdrawal of 6.18 mgd and consumptive use of 1.36 mgd, respectively. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 1.60 mgd, or its surface-water withdrawal exceed or be expected to exceed 7.3 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to maintain a conservation release downstream of its reservoir.

The District No. 5 Reservoir is located on Stafford Meadow Brook, a high quality cold-water fishery (HQCWF) (Title 25, Chapter 93, Pennsylvania Code). Based on the stream's classification, its geographic location in the watershed and the anticipated associated fishery of trout, and combined species of fish, Commission staff used the Instream Flow Incremental Methodology (SRBC Publication No. 191, May 1998) to determine the appropriate passby flow

requirement. Commission staff has determined a minimum flow of 20 percent of the annual average daily flow (ADF), or 670 gpm, is required at the point immediately down stream from the reservoir dam to prevent loss of aquatic habitat. Commission staff recommends that a conservation release be maintained at all times from the reservoir equal to 670 gpm.

The reservoir stores an estimated 19.5 million gallons of water that is available for snowmaking when at full capacity. The reservoir volume should provide approximately 6 days of storage, based on a conservation release of 670 gpm plus the maximum average 30-day withdrawal of 2.25 mgd, for snowmaking, or a total of 3.22 mgd. However, the reservoir receives substantial inflow. Commission staff reviewed 20 years of records of monthly median flow rates for the project site. Based on that review, Commission staff identified the lowest monthly median flow from November through February as 3.69 mgd for December 1930. This minimum 30-day average inflow is in excess of the combined average daily withdrawal and conservation release of 3.22 mgd.

Commission staff recommends that the project sponsor modify and maintain the existing dam works to ensure that a passive conservation release of 670 gpm is allowed at all times.

The project sponsor should submit the design and proposed construction schedules for the conservation release devices within 60 days following Commission action for review and approval by Commission staff prior to any construction.

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

The project sponsor operates a water slide during the summer months. The water for the slide system is supplied by the Scranton municipal water system. The water slide is not equipped with a meter.

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

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

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

Compliance Incentive Program

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

Decision

The project's surface-water withdrawal from District No. 5 Reservoir of up to 7.30 mgd, when available, and the consumptive use of water of up to 1.60 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of makeup water from the water slide operation plus 22 percent of the quantity pumped to the snowmaking system. The project sponsor shall maintain metering on the snowmaking system, accurate to within five (5) percent.

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and then maintain metering, accurate to within five (5) percent, on the water slide to measure the amount of makeup water pumped to the water slide.

d. The project sponsor shall maintain continuous downstream release of water from District No. 5 Reservoir of 670 gpm. The project sponsor shall install a passive device that insures the release from District No. 5 Reservoir is maintained. The project sponsor shall submit the design and proposed construction schedules for the passive flow device within sixty (60) days from the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The release system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the release system at any time.

e. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall maintain a continuous conservation release immediately downstream from District No. 5 Reservoir. The required conservation release, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

f. The project sponsor may pay the application fee in installments, pursuant to Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as

amended by Commission Resolution 2000-06. The project sponsor has paid one annual installment, and shall be invoiced for the balance over the next two years.

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

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

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

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

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

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

m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation

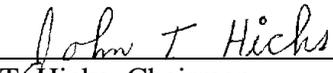
of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

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

By the Commission:

Dated: April 10, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030406
Approval Date: April 10, 2003

SAND SPRINGS DEVELOPMENT CORP.–
SAND SPRINGS GOLF COMMUNITY

Ground-Water Withdrawal of 0.130 (30-Day Average) mgd from Irrigation Wells 1 and 2,
and a Consumptive Water Use of Up to 0.420 mgd, for Golf Course Irrigation,
Butler Township, Luzerne County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.43, relating to ground-water withdrawals. The Commission received the application for the consumptive use of water on August 25, 2000, and the application for the ground-water withdrawal on March 19, 2002.

Description

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

Location. The project is located in the Middle Susquehanna Basin, HUC 02050107, Nescopeck Creek Watershed, Butler Township, Luzerne County, Pennsylvania.

Project Features. The project sponsor has requested approval for a 30-day average withdrawal of 0.130 million gallons per day (mgd) of ground water and the consumptive use of water of up to 0.420 mgd. Based on data provided by the project sponsor, Commission staff has calculated the project's maximum average 30-day consumptive water use to be 0.130 mgd, and current peak-day consumptive water use to be 0.420 mgd.

The project began operating in 1994 as a 9-hole golf course, and has been in continuous operation since that time. Installation of the irrigation system began in 1993, and was completed in 1997 when the project was completed as an 18-hole golf course.

Water for the irrigation system is supplied by two wells and two interconnected off-stream ponds. The irrigation system has two pumps, with a combined capacity of 900 gallons per minute (gpm). Irrigation water is metered.

Ground-water for golf course irrigation is withdrawn from two wells, Irrigation Well 1 and Irrigation Well 2. Water from the two wells is pumped directly to the irrigation system. The ground-water withdrawal is not metered.

Irrigation Well 1 was drilled in 1993 as a nominal 8-inch diameter open rock hole to a depth of 455 feet. The pump in this well has a rated capacity of 80 gpm (0.115 mgd). Irrigation Well 2 was drilled in 1993 as a nominal 8-inch diameter open rock hole to a depth of 806 feet. The pump in this well has a rated capacity of 35 gpm (0.050 mgd).

Two interconnected, off-stream ponds were constructed in 1997. The ponds, although off stream, are a headwater source that provides water to Long Run. The ponds, both of which supply irrigation water, are reported by the project sponsor to be spring-fed and receive some surface water runoff. The downstream (southern) pond has an overflow structure to allow excess water to be released to Long Run, a tributary of Nescopeck Creek. Water is pumped from the ponds, as irrigation demands require.

Commission staff has calculated the combined total surface area of the ponds to be 1.50 acres, and the total volume to be approximately 3.4 million gallons. When at full capacity, the storage ponds can provide for approximately 26 days of irrigation, based on the maximum average 30-day use of 0.130 mgd.

Findings

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

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

The project sponsor has requested approval of a consumptive water use of up to 0.420 mgd, and a 30-day average ground-water withdrawal of 0.130 mgd. Based on an analysis of irrigation records for the golf course supplied by the project sponsor, Commission staff is recommending approval of the requested quantities. Should the project's future consumptive water use exceed or be expected to exceed 0.420 mgd, or its average ground-water withdrawal exceed 0.130 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's requested ground-water withdrawal is subject to Commission Regulation §803.43. Testing of the wells, required by Commission Regulation §803.43(b), was not conducted in 1993 when use of the wells for golf course irrigation began. The project sponsor has requested a waiver of the pumping test requirement.

Commission staff reviewed the ground-water availability analysis and supporting information submitted by the project sponsor. Commission staff has concluded that the ground-water withdrawal potentially may impact the local surface and ground water. However, as an alternative to performance of two short-term constant-rate pumping tests, Commission staff recommends that the project sponsor conduct ground-water monitoring during well operation. The project sponsor should prepare a monitoring plan for Commission staff review and approval. Data collected from the monitoring plan should be sufficient for Commission staff to determine any adverse impacts to existing uses of surface water or ground water.

Commission staff recommends that the requirement for the pumping tests be waived and that long-term ground-water monitoring be instituted.

Currently, the irrigation wells are not metered. The irrigation pump station, built in 2001, has a 900-gpm capacity. Commission staff recommends, based on limited pumping data submitted by the project sponsor, the existing rated pump capacities and limited well log descriptions, that the ground-water withdrawal be approved for maximum instantaneous pumping rates of 35 gpm and 80 gpm, on Irrigation Wells 1 and 2, respectively, and that the pumping water levels not exceed 83 and 300 feet below ground surface, respectively. Commission staff recommends that the project sponsor install appropriate metering on the existing wells, and appropriate instrumentation to control the pumping water levels in the wells.

Further, Commission staff recommends that the project sponsor maintain the existing meter on the irrigation system, and provide daily use documentation to the Commission.

The project sponsor operates a ground-water withdrawal in the headwaters of an unnamed tributary to Long Run with no passby flow currently maintained at the site. In addition, the irrigation system that withdraws water from the ponds has two pumps, with a combined capacity of 900 gpm. Tributaries to Long Run are classified as cold-water fishes (CWF) (Title 25, Chapter 93, Pa. Code) and as Class A CWF Fishery (Pennsylvania Fish and Boat Commission) with a naturally reproducing brook trout population.

Commission staff calculated the 7-day 10-year low flow (Q7-10 flow) at the site of 0.017 cubic feet per second (cfs) (7.6 gpm), and an annual average daily flow (ADF) rate at the site of 0.333 cfs (149 gpm). Based on the project's geographic location in the headwaters of the watershed, the stream classification of Long Run, and the potentially 900 gpm of the withdrawal from the ponds, Commission staff used the Instream Flow Incremental Methodology (Commission Publication No. 191, May 1998) to determine the appropriate passby flow requirement. Commission staff recommends that the project sponsor maintain a passby flow of not less than 100 percent of annual average daily flow (ADF), which equals 149 gpm.

Staff recommends that the project sponsor install and maintain a device to ensure that the passby is maintained at all times during the irrigation season and fall refill and cease withdrawals from the pond at times when the passby cannot be maintained. The project sponsor should submit the design and proposed construction schedules within 60 days for review and approval by Commission staff prior to any construction. During operation of the pond intake structure,

the project sponsor must maintain the passby system, keeping it free of debris and fully functional. The Commission reserves the right to inspect the passby flow device at any time.

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

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

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

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

Compliance Incentive Program

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

Decision

The project's ground-water withdrawal 0.130 mgd (30-day average) from Irrigation Wells 1 and 2 and the consumptive use of water of up to 0.420 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on Irrigation Wells 1 and 2, accurate to within five (5) percent, and keep daily records of the ground-water withdrawals and daily water levels from the wells. The project sponsor shall report the data to the Commission quarterly, and as otherwise required.

d. The project sponsor shall install appropriate instrumentation on the wells to insure that the maximum instantaneous pumping rate of production from Irrigation Wells 1 and 2 shall not exceed 35 gpm and 80 gpm, respectively, and the pumping water levels shall not exceed 83 and 300 feet below ground surface, respectively. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

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

f. The project sponsor shall install and maintain a device that ensures a downstream release of water from the southern pond of 0.333 cfs (149 gpm) during the irrigation season and fall refill. The project sponsor shall cease withdrawals from the pond at times when the passby cannot be maintained. The project sponsor shall keep daily records of the outflow of the pond and shall report the data to the Commission quarterly, and as otherwise required.

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

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

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

included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (g) above.

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

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

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

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

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

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

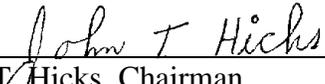
p. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

q. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

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

By the Commission:

Dated: April 10, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 19910103
Approval Date: January 17, 1991
Prior Modification Date: April 11, 2002
Modification Date: April 10, 2003

GEISINGER HEALTH SYSTEM

Consumptive Water Use of up to 0.180 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. On April 11, 2002, Docket No. 19910103 was modified to include consumptive water use of up to 0.120 mgd at the Medical Center. The current modification request was received by the Commission on February 14, 2003.

Description

Purpose. The purpose of the application is to request approval for an increase in the consumptive use of water for evaporative cooling and boiler makeup at the Geisinger Medical Center (Medical Center).

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Susquehanna River Watershed, Mahoning Township, Montour County, Pennsylvania.

Project Features. The project sponsor has requested approval for an increase in the consumptive water use from 0.120 million gallons per day (mgd) up to 0.180 mgd. This modification will not cause the project sponsor to exceed the originally-approved ground-water withdrawal of 0.140 mgd (30-day average) in Docket No. 19910103.

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 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 also is metered. 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.

The year 2002 was the first full year in which actual metered data was available for monitoring individual consumptive water uses at the Medical Center. Based on this metered usage, the Medical Center's peak 30 consecutive day average consumptive water use was determined to be 0.105 mgd, which occurred from July 1 through July 30, 2002. Peak-day consumptive water use reached 0.148 mgd on July 4, 2002.

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.

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. Findings in the prior Docket Modification of April 11, 2002, determined that makeup water to the chiller cooling towers and makeup water to the boilers are entirely consumptively used.

The consumptive water use approval in the prior Docket Modification of April 11, 2002, was based on only one month of metered data for makeup water to the chiller cooling towers, (September 2001). Since September is historically not the month of the cooling season in which peak cooling requirements occur, the prior approval was based, in part, on design calculations for peaking periods.

During the hot, dry summer of 2002, cooling requirements at the Medical Center reached record levels in both magnitude and duration that had not previously been experienced, based on electrical demands. In order to meet these peak cooling requirements, backup chiller cooling towers at two building complexes were pressed into service and used in conjunction with the primary units. The recently installed chiller cooling tower at the Dietary Building and the new backup tower at the Bush Pavilion were originally developed as reserve capacity, and intended for use only during emergency outages. By maximizing the use of the primary chiller cooling towers and conjunctively using these backup towers, the facility's overall cooling capability was increased by an equivalent 800 compressor tons of capacity.

The project sponsor is now requesting a consumptive water use approval of up to 0.180 mgd, based on an expected 20 percent increase in future chiller cooling tower makeup requirements. During the 2002 cooling season, peak-day consumptive water use reached

0.148 mgd on July 4, 2002. Commission staff recommends approval of the project sponsor's request for an increase in consumptive water use from 0.120 mgd to 0.180 mgd. Should the project's future consumptive water use exceed 0.180 mgd, the project sponsor must apply for a modification to this docket at that time.

The pre-1971 consumptive water use for the project was determined to be 0.043 mgd in the 2002 docket modification, and this quantity of water is considered "grandfathered" and is exempt from compliance compensation requirements.

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

The project sponsor is currently using a spreadsheet accounting procedure, approved in the prior Docket Modification of April 11, 2002, 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 central 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. The current spreadsheet accounting procedure provides reliable consumptive water use monitoring and reporting for the project. Commission staff recommends that the existing spreadsheet accounting procedure continue to be used without modification for computing daily consumptive water use by the project for quarterly reporting to the Commission.

When the project sponsor determined that exceedences of daily consumptive water use were occurring, Commission staff was notified and a modification request submitted. While the project's recent consumptive water use has been in noncompliance with Commission regulations, there have been no adverse impacts associated with the consumptive use, and the project sponsor has cooperated with Commission staff during its review. The project sponsor has paid the consumptive water use fees for the water used in excess of the prior approval amount. Commission staff recommends acceptance of this payment for its prior noncompliance.

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. Commission staff recommends that all conditions in Commission Docket No. 19910103, as modified on April 11, 2002, that are not inconsistent with the recommendations made in these findings should remain effective.

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

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

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

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

Decision

The project's consumptive water use of up to 0.180 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall continue to keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly, and as otherwise requested. The project sponsor 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 project sponsor shall continue to maintain the existing meters, accurate to within five (5) percent, to calculate the consumptive water use.

c. All other conditions in Commission Docket No. 19910103, as modified on April 11, 2002, and not inconsistent herewith shall remain effective.

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

e. The project sponsor shall continue to maintain a meter on the Well 3 supply. The meter shall be accurate to within five (5) 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.

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall continue to 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. The daily quantity of water consumptively used shall be the quantity of makeup water used by the chiller cooling towers plus makeup water to the boilers at the steam plant. Payments shall be made quarterly, and 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. Quarterly payments are due and payable within thirty (30) days after the close of the preceding

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

g. The project sponsor has offered a settlement by agreement, pursuant to Commission Regulation §805.27, for its consumptive water use found to be in noncompliance with Commission Regulation §803.42, and is hereby accepted. Except where the full amount of same has been tendered to the Commission in advance hereof, this action shall be contingent upon, and shall not be effective until payment of the settlement amount is made to the Commission or arrangements for such payment have been made that are acceptable to the Executive Director of the Commission. Failure to make such payment or payment arrangement with the Commission within forty-five (45) days hereof shall render this approval null and void.

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

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

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

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

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

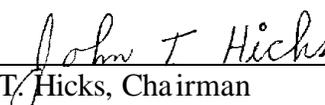
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. 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 project sponsor shall submit a renewal application by July 17, 2020, and obtain Commission approval prior to continuing operation beyond January 17, 2021.

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

By the Commission:

Dated: April 10, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 19900510
Approval Date: May 10, 1990
Prior Modification Date: February 10, 2000
Modification Date: April 10, 2003

WILLIAMSPORT COUNTRY CLUB

Consumptive Water Use of Up to 0.550 mgd, for Golf Course Irrigation,
Loyalsock Township, Lycoming 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 originally approved this project on May 10, 1990, and amended that approval on February 10, 2000, to change the method of compensation for the water consumptively used. The current modification request was received by the Commission on January 10, 2003.

Description

Purpose. The purpose of the application is to request approval for an increase in the consumptive use of water for the irrigation of greens, tees, and fairways at the 18-hole golf course. The project's previously-approved ground-water withdrawal will not be modified by this action.

Location. The project is located in the West Branch Susquehanna Subbasin, HUC 02050206, West Branch Susquehanna River Watershed, Loyalsock Township, Lycoming County, Pennsylvania.

Project Features. The project sponsor has requested approval for an increase in the consumptive use of water from 0.420 million gallons per day (mgd) to a maximum daily use of 0.550 mgd. The primary source of water is a ground-water withdrawal from two on-site wells. This modification will not cause the project sponsor to exceed the originally-approved ground-water withdrawal of 0.420 mgd (30-day average) in Docket No. 19900510.

The project was constructed as a 9-hole golf course in 1909, and has been in continuous operation since that time. The course was expanded to 18 holes circa 1914. The current automatic irrigation system for greens, tees, and fairways was installed in 1990, and included double-row irrigation on six fairways. Two additional fairways were upgraded to the double-row configuration in 2000.

The project sponsor constructed a pond after 1970 to provide for on-site irrigation water storage. The storage pond captures surface runoff from the adjacent upland areas, and receives water from two on-site wells (Wells 1 and 2). Water is pumped from the storage pond to the golf course's irrigation system, which is equipped with a flow meter. The water is withdrawn from the pond using a pumping station containing two 75-horsepower and one 25-horsepower vertical turbine pumps, with a combined maximum pumping capacity of approximately 1,600 gallons per minute (gpm).

Based on irrigation data submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.273 mgd, and current peak-day consumptive water use to be 0.529 mgd.

Findings

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

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

The project sponsor has requested a consumptive water use approval of up to 0.550 mgd, an increase from the previously-approved quantity of 0.420 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested quantity, which represents an increase of approximately 4 percent above the current peak-day use of 0.529 mgd. Should the project's future consumptive water use exceed or be expected to exceed 0.550 mgd, the project sponsor must apply for a modification to this docket at that time.

The pre-1971 consumptive water use for the project was determined to be 0.168 mgd in the original 1990 approval, and this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor makes quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment is based on the daily quantity of water used for irrigation, plus the evaporative loss from the storage pond, minus the pre-1971 consumptive use of 0.168 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 Commission previously approved a consumptive water use of 0.420 mgd for golf course irrigation (Docket No. 19900510, dated May 10, 1990). When the project sponsor determined that exceedences of the daily consumptive water use approval were occurring,

Commission staff was notified and a modification request was submitted. While the project's recent consumptive water use has been in noncompliance with Commission regulations, there have been no adverse impacts associated with the consumptive use, and the project sponsor has cooperated with Commission staff during its review. The project sponsor has paid the consumptive water use fees for the water used in excess of the original approval amount. Commission staff recommends acceptance of this payment as settlement for its prior noncompliance.

The Commission previously approved a ground-water withdrawal of up to 0.420 mgd (30-day average) from Wells 1 and 2 (Docket No. 19900510). Based on water use data submitted by the project sponsor, Commission staff finds that the project's total ground-water withdrawal from the wells is within the amount of the prior approval.

Well 2 has been in operation since 1989, and has a pump capacity of 175 gpm. The withdrawal from Well 2 is metered in accordance with Commission Regulation §803.43. Commission staff recommends that the ground-water withdrawal from Well 2 be limited to a maximum instantaneous pumping rate of 175 gallons per minute (gpm), the current pump capacity of the well.

The project sponsor reports that Well 1 has been in operation since 1956. Although Well 1 predates Commission Regulation §803.43, relating to ground-water withdrawals, and, as such, the testing of Well 1 was not required, Commission staff recommends that the ground-water withdrawal from Well 1 be limited to a maximum instantaneous pumping rate of 211 gallons per minute (gpm), the current pump capacity of the well.

Further, Commission staff recommends that the project sponsor install appropriate metering on Well 1 and provide to the Commission documentation of the well's usage, in accordance with Commission Regulation §803.43. Should the project sponsor propose to exceed the maximum instantaneous pumping rate or the grandfathered quantity of 0.168 mgd, the project sponsor must apply for a modification to this docket at that time.

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

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

Based on Commission Regulation §803.30(a), the prior docket approval is effective until May 10, 2020. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval.

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

Decision

The project's ground-water withdrawal of 0.420 mgd (30-day average) from Wells 1 and 2 and the consumptive use of water of up to 0.550 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. The project sponsor shall keep daily records of the metered withdrawal and weekly water levels from Well 2. The required reporting data shall be submitted to the Commission quarterly, and as otherwise required. The project sponsor shall maintain the existing meter, accurate to within five (5) percent, on Well 2.

d. The maximum instantaneous rates of production from Wells 1 and 2 shall not exceed 211 gpm and 175 gpm, respectively.

e. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on Well 1, accurate to within five (5) percent, to measure its ground-water withdrawal. The project sponsor shall keep daily records of the project's ground-water withdrawal, and shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds the threshold specified in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission.

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage pond plus the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.168 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

g. The project sponsor has offered a settlement by agreement, pursuant to Commission Regulation §805.27, for its consumptive water use found to be in noncompliance with Commission Regulation §803.42, which is hereby accepted. Except where the full amount of same has been tendered to the Commission in advance hereof, this action shall be contingent upon, and shall not be effective until payment of the settlement amount is made to the Commission or arrangements for such payment have been made that are acceptable to the Executive Director of the Commission. Failure to make such payment or payment arrangement with the Commission within forty-five (45) days hereof shall render this approval null and void.

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

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

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

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

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

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

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

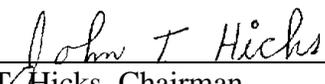
o. All other conditions in Commission Docket No. 19900510 not inconsistent herewith shall remain effective.

p. Based on Commission Regulation §803.30(a), this approval is effective until May 10, 2020. The duration of this docket modification is in accordance with the term of the prior docket approval. The project sponsor shall submit a renewal application by December 10, 2019, and obtain Commission approval prior to continuing operation beyond May 10, 2020.

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

By the Commission:

Dated: April 10, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030407
Approval Date: April 10, 2003

WEIS MARKETS, INC.

Consumptive Water Use of Up to 0.088 mgd, for Manufacture of Food Products and Beverages,
City of Sunbury, 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 November 5, 2001.

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050301, Shamokin Creek Watershed, City of Sunbury, Northumberland County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.088 million gallons per day (mgd). The facility includes a warehouse, an office, an ice cream plant, a milk plant, an ice plant, and a water bottling facility. Operations began at the facility in 1961, following construction of the warehouse. The manufacture of ice cream began in 1967. The project was expanded to include milk plant operations in 1980, ice manufacturing in 1984, and water bottling in the late 1990s. A variety of products are processed at the facility, including ice cream, ice, milk, juices, and bottled water.

The primary source of water for the facility is the Sunbury Municipal Authority (Authority) public water supply system. The water from the Authority is metered at four separate locations prior to being used in the manufacturing plants, warehouse, and office. The public water supply is used for processing, boiler makeup, product refrigeration, noncontact process cooling, equipment cleaning, and sanitary purposes. Water also is incorporated into various products.

Water for the project's bottled water operation currently is supplied by Augusta Spring Water from Augusta Spring, located in neighboring Upper Augusta Township. The spring water is metered as it is loaded into tanker trucks, then hauled to the project sponsor's facility, where it

is treated and bottled. Augusta Spring Water previously received approval by the Commission (as Commission Docket No. 20021014) for the consumptive use of water from Augusta Spring.

Based on metered monthly water use data for the years 2001 and 2002 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.037 mgd, and estimates current peak-day consumptive water use to be 0.080 mgd.

The process wastewater generated at the facility is treated at an on-site pretreatment plant. The process wastewater is metered as it is pumped from the equalization tank to the dissolved air floatation (DAF) unit, and then discharged to the Authority's sanitary sewer system. Process wastewater sludge is removed from the DAF unit and conveyed to a 12,000-gallon underground sludge storage tank. The sludge is trucked off site for disposal.

Sanitary wastewater from the facility is conveyed to one of three separate pump stations at the facility and discharged to the Authority's sanitary sewer system. Sanitary wastewater from the facility currently is not metered.

Findings

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

All water used for boiler makeup, evaporated from the various manufacturing processes, evaporated by the facility's cooling towers, bottled, and incorporated into products is considered to be used consumptively. Additionally, all water contained in the process wastewater sludge hauled off site is considered to be entirely consumptively used.

The project sponsor obtains water from a public water supplier and from an off-site spring. The public water supply is metered at four locations as it enters the facility, and each meter currently is read monthly. Water from the spring is metered as it is loaded into tanker trucks, and the quantity received by the project currently is recorded on a daily basis.

The project sponsor meters and records the quantity of process wastewater pumped into the pretreatment plant DAF unit on a daily basis. The quantity of sludge removed from the DAF unit and hauled off site is measured, and recorded on a weekly basis. Sanitary wastewater from the facility is discharged through three outfalls, and currently is not metered. The project sponsor has agreed to install the appropriate metering on each sanitary sewer outfall.

Commission staff recommends, and the project sponsor concurs, that the project's total consumptive water use be calculated as the total metered water supplied to the facility from the public water supplier and the spring, minus the sum of the process wastewater and the sanitary wastewater discharged to the Authority's sanitary sewer system. The quantity of process wastewater returned to the Authority's system is the difference between the metered process wastewater pumped into the pretreatment plant's DAF unit and the metered sludge hauled off site.

Due to the effects of storage in the facility's wastewater pretreatment plant, calculations of daily consumptive water use can result in days with more water being discharged than is being supplied. To eliminate anomalies in daily calculated consumptive water use, Commission staff recommends an accounting procedure based on weekly incoming water usage and wastewater discharges. Commission staff recommends that the project sponsor record the water supplied to the facility from the public water supplier and spring water supplier, the process wastewater discharged into the pretreatment plant's DAF unit, the sludge hauled off site, and the sanitary wastewater effluent on a weekly basis. The computed weekly consumptive water use should then be prorated to a daily basis, based on the actual number of days of operation at the facility each week. Commission staff recommends that all flows be measured and recorded at the same time on the same day each week.

Commission staff and the project sponsor have agreed to a pre-1971 consumptive water use of 0.007 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

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

The project sponsor currently receives all of its spring water from Augusta Spring Water, which was issued an approval on October 10, 2002, for the consumptive use of water of up to 0.072 mgd (Docket No. 20021014). As a condition of that approval, Augusta Spring Water is required to provide compensation for the consumptive use of water associated with its bottled and bulk water sales. Accordingly, Weis Markets, Inc., is not subject to water compensation requirements for its use of the water supplied by Augusta Spring Water.

Further, the project sponsor should notify the Commission 30 days prior to implementing any changes in the source or quantity of its bottled water. Commission staff recommends that the project sponsor report the quantity and the source of its bottled water to the Commission quarterly.

The project sponsor has requested a consumptive water use approval of up to 0.088 mgd. Based on an analysis of the limited water use records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current estimated peak-day use of 0.080 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.088 mgd, the project sponsor must apply for a modification to this docket at that time.

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

The project sponsor has paid the appropriate application fee, in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 98-19, as

amended by Commission Resolution 2000-06. The project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.088 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. Within sixty (60) days from the date of this approval, the project sponsor shall install and then maintain meters, accurate to within five (5) percent, on each sanitary sewer outfall to measure the quantity of wastewater discharged from the facility.

c. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity used for boiler makeup, evaporated from various manufacturing processes, evaporated by the facility's cooling towers, bottled, and incorporated into products. The project sponsor shall maintain metering of the public water supply, accurate to within five (5) percent.

d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be calculated as the total metered water supplied to the facility from the public water supplier, minus the sum of the process wastewater and the sanitary wastewater discharged to the Authority's sanitary sewer system. The quantity of process wastewater returned to the Authority's system is the difference between the metered process wastewater pumped into the pretreatment plant's DAF unit and the metered sludge hauled off site. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.007 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's

consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

e. The project sponsor shall keep daily records of the quantity of water received from the spring, and shall report the data to the Commission quarterly, and as otherwise required. Should the project sponsor propose any changes in the source of bottled water, the project sponsor shall be required to provide 30 days prior notice to the Commission. The Commission reserves the right to reopen this docket, as appropriate, to address the changes.

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

g. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.007 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above.

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

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

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

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

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

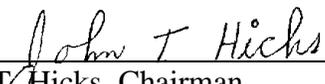
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

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

By the Commission:

Dated: April 10, 2003



 John T. Hicks, Chairman
 New York Commissioner

Docket No. 20030409
Approval Date: April 10, 2003

LEBANON VALLEY COLLEGE

Consumptive Water Use of Up to 0.132 mgd for Institutional Use,
Annville and North Annville Townships, Lebanon County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Swatara Creek Watershed, Annville and North Annville Townships, Lebanon County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.132 million gallons per day (mgd). The Pennsylvania American Water Company—Hershey District (PAWC-HD) provides water to the College for the campus potable water system, a portion of which is consumed for the irrigation of landscaped areas at the Peace Garden, for building air conditioning (via wet chiller cooling towers) at four separate building complexes, and for building heating (via steam losses). A central steam plant with two natural gas-fired boilers provides steam heat to the original part of the campus. Newer campus buildings are heated individually by electric, heat pump, or small boiler systems.

Currently, water supplied by PAWC-HD averages 0.075 mgd on a yearly basis, and is metered monthly at 34 locations throughout the campus system. The College was founded in 1866.

The College also withdraws water from three wells (Football, Baseball, and West Wells) to irrigate its athletic fields. These athletic fields comprise a total of 16.3 acres of irrigated turf. Withdrawals from each well are individually metered and have been monitored daily since August 1, 2002. The following table provides construction information for the three wells:

Well Name	Date of Initial Use	Diameter (inches)	Depth (feet)	Pump Capacity (gallons per minute)
Football Field	1986	6	157	200
Baseball Field	1997	6	400	200
West	1997	6	500	200

Combined withdrawals from the three wells average 0.034 mgd during peak months. Peak daily combined irrigation withdrawals from the three wells are estimated to reach 0.098 mgd.

Two water bodies, both constructed in 1998, are located on the College's campus near the football field: a 0.4-acre ornamental pond providing habitat for resident waterfowl, and a 1.75-acre stormwater retention pond. In November 2000 and July 2001, two sinkholes developed in the stormwater retention pond and, since that time, the pond has not retained water. The 0.4-acre ornamental pond is filled only by spring flow and stormwater runoff.

The College's maximum average 30-day consumptive water use is estimated to be 0.046 mgd, and its peak-day consumptive water use is estimated to be 0.110 mgd. These estimates are based on design calculations of makeup water requirements for the four chiller cooling towers, daily metered usage since August 1, 2003, for the athletic field irrigation system, daily metered usage since January 1, 2001, for the Peace Garden, and estimates of daily makeup water requirements for the two boilers at the steam plant. The makeup water to the boilers and the makeup water to the four chiller cooling towers currently are not metered.

All of the wastewater generated from the College campus is discharged to the sanitary sewer system through one unmetered outfall, and is treated in the Annville Township Authority wastewater treatment facility.

Findings

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

The College obtains the water for its campus potable system from a public supplier. This water is metered at 34 locations on a monthly basis throughout the campus system. Wastewater generated on the campus leaves the campus through one unmetered outfall. The College also withdraws water from three wells to irrigate turf grass on 16.3 acres of athletic fields. These well withdrawals are individually metered on a daily basis.

All water used for makeup water for the chiller cooling towers and for the two boilers at the central steam plant, as well as all water used for irrigation, is considered to be used consumptively. Commission staff has determined that consumptive water use resulting from the irrigation of ornamental plantings and landscaped areas on the campus, other than at the Peace Garden, is of a nominal amount.

The project sponsor has agreed to install new meters on the makeup water lines to the four chiller cooling towers before the 2003 cooling season begins. Further, the project sponsor agrees to monitor the metered use of makeup water by all campus chiller units on a weekly basis. Within 60 days of the date of this approval, the project sponsor also has agreed to install meters on the makeup water lines to the two boilers at the central steam plant and to monitor and record this use daily. Water used to irrigate the athletic fields and the Peace Garden is currently metered and monitored daily.

The project sponsor installed one chiller cooling tower at the Lynch Building and boilers at the central steam plant prior to 1971. However, the quantity of these minimal pre-1971 consumptive water uses cannot be documented. All other campus consumptive water uses were initiated since 1986. Therefore, the project sponsor concurs that the project has no consumptive water use predating the effective date of Commission Regulation §803.42.

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

The project sponsor has proposed a spreadsheet accounting procedure quantifying four categories of consumptive water use for quarterly reporting to the Commission. First, metered ground-water withdrawals from the three wells will be monitored daily to obtain the quantity of water used for the irrigation of athletic fields. Second, metered water from the campus potable water system will be monitored daily to determine the quantity of water used for irrigation of the Peace Garden.

Third, individually metered makeup water for the four chiller cooling towers will be monitored weekly, summed, and prorated to a daily basis to obtain the daily quantity of water used for building complex air conditioning. Last, the metered makeup water to the two boilers at the campus central steam plant will be monitored and summed daily to obtain the daily quantity of boiler feed makeup water used for building and hot water heating.

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

The project's maximum daily consumptive water use currently reaches 0.110 mgd during peak summer days. The project sponsor has requested an approval of up to 0.132 mgd of consumptive water use, based on an expected 20 percent increase in future chiller cooling tower

makeup and athletic field irrigation water requirements. Should the project's future consumptive water use exceed 0.132 mgd, the project sponsor must apply for a modification to this docket at that time.

The total withdrawal from the College's three wells is less than 100,000 gallons per day (gpd), based on a 30-day average. Commission staff finds that the ground-water withdrawal by the project sponsor is not subject to approval under Commission Regulation §803.43 unless the project sponsor increases its combined withdrawal from the three wells to more than 100,000 gpd, based on a 30-day average. The project sponsor will continue to keep daily records of the project's ground-water withdrawals from each well. Before the next irrigation season, the project sponsor also has agreed to install measuring devices and begin monitoring depth to water in each of the project's three wells on a weekly basis. Should the project's future combined withdrawal from the three wells exceed or be expected to exceed a total of 100,000 gpd, based on a 30-day average, the project sponsor must apply for approval of a ground-water withdrawal at that time.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.132 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. Within sixty (60) days from the date of this approval, the project sponsor shall install and then maintain meters, accurate to within five (5) percent, on the makeup water lines to the chiller cooling towers at four separate building complexes on campus and to the two boilers at the central steam plant.

c. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped from the wells to the irrigation systems at the athletic fields and water required from the campus potable system for makeup water to the chiller cooling towers, makeup water to the boilers at the central steam plant and water required to irrigate the Peace Garden. The project sponsor shall compute the project's daily consumptive water use by summing daily metered ground-water withdrawals from the three wells for athletic field irrigation, daily metered makeup water to the boilers, daily metered irrigation of the Peace Garden, and weekly metered makeup water to the chiller cooling towers, prorated to a daily basis. The project sponsor shall maintain the existing and proposed meters, accurate to within five (5) percent, to calculate the consumptive water use.

d. The project sponsor shall keep daily records of the project's ground-water withdrawal from each well and report the data to the Commission quarterly, and as otherwise required. If the combined ground-water withdrawal from the three wells exceeds the threshold specified in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission. Additionally, within sixty (60) days of the date of this approval, the project sponsor will install devices to measure depth to water in each of the three wells, monitor depth to water in each well on a weekly basis, and report this data to the Commission quarterly.

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

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

g. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall

provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above. Pending review and approval by Commission staff, consumptive use occurring before monitoring of the meters shall be estimated, based on design specifications and approximate operating time of athletic field irrigation systems, chiller cooling towers and boilers.

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

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

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

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

l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation

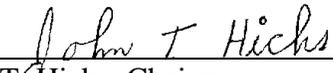
of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

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

By the Commission:

Dated: April 10, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030410
Approval Date: April 10, 2003

HARRISTOWN DEVELOPMENT CORPORATION, INC.
(STRAWBERRY SQUARE)

Consumptive Water Use of Up to 0.091 mgd, for Commercial Water Use,
City of Harrisburg, Dauphin County, Pennsylvania

Review Authority

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

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water associated with facility heating and evaporative cooling for air conditioning.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Susquehanna River Watershed, City of Harrisburg, Dauphin County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.091 million gallons per day (mgd). Harristown Development Corporation, Inc. (HDC) provides retail and office space at a twin tower, 25-floor office/retail complex in downtown Harrisburg. Operations at the project began in October 1978.

Water is supplied to the facility by the Harrisburg Authority (HA) at an average annual rate of 22 mgd. The water is metered at one location as it enters the facility, and is used for makeup water to the four-chiller cooling towers, boiler makeup, and sanitary purposes. The facility maintains a separate meter for monitoring makeup water to the chiller cooling towers. Currently, the maximum average 30-day consumptive water use is approximately 0.055 mgd, based on billing records for water and sewage. The peak consumptive water usage occurs during the summer months, and is calculated indirectly from the monthly data, as described in the findings.

All of the wastewater generated at the facility is discharged to the sanitary sewer system through one outfall line, and treated at the City of Harrisburg's Advanced Wastewater Treatment Facility (HAWTF). Effluent from the outfall is metered, and monthly records maintained.

Findings

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

All water evaporated by the chiller cooling towers, as well as boiler makeup, is considered to be used consumptively. The project sponsor obtains water from a public water supplier. The water is metered as it enters the facility, and the meter currently is read monthly. The project sponsor measures all of the effluent discharged to the HAWTF sanitary sewer system on a monthly basis. The difference between the metered public water supplied to the facility and the metered outflow is the quantity of consumptive water use at the facility.

The project sponsor currently reads meters on a monthly basis. Due to security issues related to the location of the meters, the project sponsor has indicated that it is difficult to read these meters daily. Therefore, Commission staff recommends that water supplied to, and discharged from, the facility be measured weekly and prorated to a daily basis to determine the project's average daily consumptive water use.

The project sponsor has been monitoring inflow and effluent since January 2001 for the purpose of determining consumptive water use at the facility, and has requested approval of a consumptive water use of up to 0.091 mgd. Peak monthly consumptive water use is 0.055 mgd, based on an analysis of the limited use records supplied by the project sponsor. Commission staff has estimated that peak-day consumptive water use by the facility is 1.5 times the measured peak-monthly consumptive water use, based on typical peak-day to peak-monthly consumptive use rates for chiller cooling towers. Commission staff is recommending approval of up to 0.091 mgd, which represents an increase of approximately 10 percent above the current estimated peak-day use. Should the project's future consumptive water use exceed or be expected to exceed 0.091 mgd, the project sponsor must apply for a modification to this docket at that time.

Operations began at HDC in 1978. Therefore, the project has no consumptive water use predating the effective date of Commission Regulation §803.42, January 23, 1971.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes the use of public water supply storage provided by the HA as its method of compensation for consumptive water uses.

The HA utilizes raw water storage in Dehart Reservoir as its primary source of water supply for the system. The HA's water allocation permit (No. WA 22-53B), issued by the Pennsylvania Department of Environmental Protection (Pa. DEP), requires the HA to maintain a continuous conservation release downstream from Dehart Dam of 3.34 mgd. Commission staff has determined that, at the point of withdrawal, this conservation release exceeds the Commission's low flow criterion of the 7-day, 10-year low flow (Q7-10) for Clarks Creek. Therefore, Commission staff concurs that the use of the HA is an acceptable method of compensation for the facility's consumptive water use, so long as Dehart Reservoir is being used

exclusively by the HA as its water supply, and the conservation release is continuously maintained.

However, during periods of severe drought, or at other times when Dehart Reservoir is unable to provide the HA's entire supply, the HA uses its Susquehanna River intake as its alternate source of supply. According to the HA's water allocation permit, the Susquehanna River intake does not have a passby flow requirement. If the HA were to utilize the Susquehanna River intake during low flow conditions (as defined by the Commission) or during any period when the Commission is making a release from storage, or if it fails to maintain a conservation release from Dehart Reservoir, then the project sponsor's method of compensation would not be acceptable, and a backup compliance method would be required. To satisfy this requirement, the project sponsor has agreed to pay the Commission for all water used consumptively during the calendar year in-lieu-of providing actual compensation water during any calendar year in which any of the foregoing were to occur.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.091 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep weekly records of the project's consumptive water use, prorated to a daily basis, and shall provide the daily results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be calculated by

subtracting the total quantity of metered wastewater discharged by the facility to the sanitary sewer system from the total quantity of water supplied to the facility by the HA. The project sponsor shall maintain existing meters or measuring devices to monitor water entering the facility and the wastewater leaving the facility, accurate to within five (5) percent.

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, and subject to condition (d) below, the Commission has determined that the use of water from the HA public water supply utilizing raw water storage in Dehart Reservoir is an acceptable method of compensation for the project's consumptive water use.

d. If the HA utilizes its Susquehanna River intake during low flow conditions (as defined by the Commission) or during any period when the Commission is making a release from storage, or if it fails to maintain a conservation release from Dehart Reservoir, the project sponsor's method of compensation described in condition (c) shall not be acceptable during that calendar year. In such case, the project sponsor shall make payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project during that calendar year. The payment amount shall be calculated by applying this rate to the amount of water used consumptively by the project during the calendar year. The payment is due and payable within thirty (30) days after the close of the calendar year. 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 project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(b).

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, the use of public water supply storage provided by the HA as the facility's method of compensation for consumptive water uses shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use during the period from January 1, 2001, until the effective date of this approval.

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

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

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

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

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

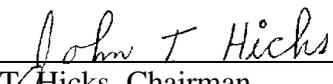
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

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

By the Commission:

Dated: April 10, 2003



 John T. Hicks, Chairman
 New York Commissioner

Docket No. 19980906
Approval Date: September 23, 1998
Modification Date: April 10, 2003

LIBERTY FORGE GOLF COURSE, INC.

Consumptive Water Use of up to 0.375 mgd,
for Golf Course and Arboretum Irrigation,
Lower and Upper Allen Townships, 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 original Commission approval for consumptive water use was issued on September 23, 1998, as Docket No. 19980906. The current modification request was received on August 13, 2002.

Description

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

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

Project Features. The project sponsor has requested approval for an increase in the consumptive water use from 0.200 million gallons per day (mgd) to a maximum of 0.375 mgd for golf course and arboretum irrigation. The primary water source is a withdrawal from the Yellow Breeches Creek previously approved in Docket No. 19980906 (as Kurt Williams) in September 1998. Although the project sponsor also requested an increase in its surface water withdrawal as part of this modification, that application was withdrawn after calculations demonstrated that the existing approval of 0.200 mgd (30-day average) is adequate to meet the current irrigation needs. Further, an increase is not necessary to satisfy the projected water demands.

The project sponsor is using two off-stream ponds that have a total surface area of approximately 2.18 acres to provide for water storage on site. The water for the irrigation system

is withdrawn from these two ponds. The project sponsor calculates its maximum 30-day average water use for irrigation to be approximately 0.149 mgd and its peak-day use to be 0.336 mgd.

Public Information. The Commission received correspondence and contacts from 26 parties about the project. In response to these concerns, the Commission held a public information meeting concerning the project on March 20, 2003, in Lower Allen Township, Pennsylvania. Twenty-nine people attended the meeting.

Findings

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

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

The project sponsor requested approval for a consumptive water use of up to 0.375 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of up to 0.375 mgd, which is 12 percent above the current peak-day use of 0.336 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.375 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's surface-water withdrawal has been in operation since 1998. The Yellow Breeches Creek is a cold-water fishery (CWF) (25 Pa. Code Chapter 93); with an annual average daily flow (ADF) rate of 265.1 cubic feet per second (cfs) (118,977 gallons per minute (gpm)) at the point of withdrawal. Commission staff has calculated the 7-day, 10-year low flow (Q7-10 flow) of the Yellow Breeches Creek to be 77.7 cfs (34,872 gpm). The surface-water intake has a pump with the capacity of 300 gpm. The existing withdrawal rate is less than 10 percent of the Q7-10 flow at the point of withdrawal and, therefore, does not require a passby flow to protect aquatic resources and downstream users.

However, changes to the current irrigation system and surface-water withdrawal could cause adverse impacts to the Yellow Breeches Creek. Staff recommends that, in addition to the approved 30-day average withdrawal rate of 0.200 mgd, the surface-water withdrawal be limited to a maximum instantaneous withdrawal rate of 300 gpm.

During the 2002 irrigation season, the project sponsor exceeded the previously-approved amount of 0.200 mgd on ten occurrences due to operator and software errors. When the project sponsor determined that exceedences of the daily consumptive use were occurring, Commission staff was notified, and a modification request submitted.

While the project's recent consumptive use has been in noncompliance with Commission Regulations, there have been no adverse impacts associated with the consumptive use, and the project sponsor has cooperated with Commission staff during its review. The project sponsor has paid the consumptive use fees for the water used in excess of the prior approval amount. Commission staff recommends acceptance of this payment for its prior noncompliance.

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

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

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

Based on Commission Regulation §803.30(a), the prior docket approval is effective until September 23, 2023. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval.

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

Decision

The consumptive water use of up to 0.375 mgd is approved pursuant to Article 3, Section 3.10 of the Compact, subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
- b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage ponds plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the ponds.
- c. The maximum instantaneous withdrawal rate from the Yellow Breeches Creek shall not exceed 300 gpm.
- d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly

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

e. The project sponsor has offered a settlement by agreement, pursuant to Commission Regulation §805.27, for its consumptive water use found to be in noncompliance with Commission Regulation §803.42, and is hereby accepted. Except where the full amount of same has been tendered to the Commission in advance hereof, this action shall be contingent upon, and shall not be effective until payment of the settlement amount is made to the Commission or arrangements for such payment have been made that are acceptable to the Executive Director of the Commission. Failure to make such payment or payment arrangement with the Commission within forty-five (45) days hereof shall render this approval null and void.

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

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

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

i. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the

suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

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

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

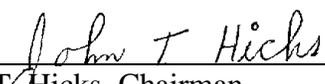
l. All other conditions in Commission Docket No. 19980906 not inconsistent herewith shall remain effective.

m. Based on Commission Regulation §803.30(a), this approval is effective until September 23, 2023. The duration of this docket modification is in accordance with the term of the prior docket approval. The project sponsor shall submit a renewal application by March 23, 2023, and obtain Commission approval prior to continuing operation beyond September 23, 2023.

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

By the Commission:

Dated: April 10, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030411
Approval Date: April 10, 2003

JOHN COPE'S FOOD PRODUCTS, INC.

Consumptive Water Use of Up to 0.230 mgd, for Food Processing,
West Donegal Township, Lancaster County, Pennsylvania

Review Authority

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

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water associated with the processing and freezing of vegetable products.

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

Project Features. The project sponsor originally requested approval for the consumptive use of water of up to 0.050 million gallons per day (mgd), and subsequently, modified its request to 0.230 mgd. The project sponsor purchased the Martin H. Cope Company, and has been operating at the present location since the early 1960s. The processing of dried sweet corn began in 1964. In 1981, the facility was rebuilt and expanded to include the production of frozen vegetables.

Vegetable processing operations at the facility are seasonal, and the typical production period extends from approximately April to November each year. In the off-season, operations at the facility consist primarily of equipment maintenance and product packaging.

Water is supplied to the facility by the West Donegal Township Authority public water supply system and from the Donegal Rock quarry, located on the adjacent property (formerly Union Quarries). The project sponsor is connected to the quarry's dewatering system. Excess water from the quarry's discharge flows to an unnamed tributary to Donegal Creek. The water from each source is metered separately as it enters the facility, and is used for processing, boiler make-up, product refrigeration, equipment cleaning, and sanitary purposes. Water supplied to

the facility's two boilers and five cooling towers, as well as water used for sanitary purposes, is metered separately.

Based on metered water use data for the years 2001 and 2002 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.136 mgd, and current peak-day consumptive water use to be 0.209 mgd.

The process wastewater generated at the facility is discharged through a metered outfall and treated at the facility's on-site wastewater treatment plant. On-site disposal of treatment plant effluent is through a metered spray irrigation system. Sludge from the treatment plant is trucked to an off-site location for land application disposal.

Water also leaves the plant with the solid corn waste, which is hauled to an off-site location for use as animal feed. The water that drains from the corn waste is pumped to a holding tank and trucked to an off-site location for land application. The project sponsor records the quantity of solid and liquid waste that is hauled for off-site disposal.

All of the wastewater resulting from the facility's sanitary uses is discharged through an unmetered outfall to the West Donegal Township Authority sanitary sewer system.

Findings

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

All water used for boiler make-up, evaporated by the various vegetable processing operations, evaporated by the facility's cooling towers, and evapotranspired, as a result of on-site spray irrigation of treated process wastewater, is considered to be used consumptively. Additionally, all water hauled to an off-site location, including water removed with the solid corn waste, water drained from the solid corn waste, and water contained in the wastewater sludge is considered to be consumptively used.

Pennsylvania Department of Environmental Protection (Pa. DEP) Water Quality Management Permit No. 3601202, issued September 27, 2001, regulates the project sponsor's on-site spraying of wastewater treatment plant effluent. The permit stipulates the operating parameters that the project sponsor must follow for the spraying of effluent, including restrictions on spraying during specified adverse weather conditions, limitations of the total effluent that may be sprayed to 60,000 gallons per day (gpd), and limitations of the maximum application rate to 1.89 inches per spray area per day. The permit also stipulates that at no time can the same spray area be used more than once per 15 days before August and once per 12 days after August. The project sponsor reports that the total active spray area is approximately 25 acres, and consists of grass fields.

Since most of the project's on-site spray irrigation occurs during peak evapotranspiration periods, and because of the operating parameters required by the Pa DEP permit, Commission staff finds that all process wastewater spray irrigated on site is entirely consumptively used. The

project sponsor may propose an alternative methodology to quantify the consumptive water use related to the spray irrigation for Commission staff review and approval.

The project sponsor obtains water from a public supplier and from the dewatering discharge system of a quarry located on the adjoining property. The water from each source is metered as it enters the facility, and each meter currently is read daily. The project sponsor also meters and records the quantity of water supplied for sanitary purposes on a daily basis. Commission staff recommends that the project's total consumptive water use be calculated as the total metered water supplied to the facility from the public supplier and quarry, minus the metered water supplied for sanitary purposes.

The project sponsor was consumptively using water at the facility for the processing of dried sweet corn before January 23, 1971, the effective date of Commission Regulation §803.42. However, the project sponsor has limited knowledge of the pre-1971 consumptive water use and has requested no "grandfathered" quantity.

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

The project sponsor has requested a consumptive water use approval of up to 0.230 mgd. Based on an analysis of water use records supplied by the project sponsor and consideration of all of the processes that comprise the facility's consumptive water use, Commission staff is recommending approval of up to 0.230 mgd, which represents an increase of approximately 10 percent above the current peak-day use of 0.209 mgd. The project sponsor concurs with this estimate. Should the project's future consumptive water use exceed or be expected to exceed 0.230 mgd, the project sponsor must apply for a modification to this docket at that time.

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

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

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

Compliance Incentive Program

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

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

Decision

The project's consumptive water use of up to 0.230 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of water used for boiler make-up, evaporated by the various vegetable processing operations, evaporated by the facility's cooling towers, evapotranspired, as a result of on-site spray irrigation of treated process wastewater, and all water hauled to an off-site location, including water removed with the solid corn waste, water drained from the solid corn waste, and water contained in the wastewater sludge. The daily quantity of water consumptively used shall be computed as the total metered water supplied to the facility from the public supplier and quarry, minus the metered water supplied for sanitary purposes. The project sponsor may propose an alternative methodology to quantify the consumptive water use related to the spray irrigation for Commission staff review and approval.

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

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

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

January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

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

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

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

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

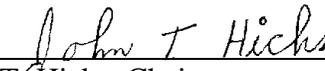
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

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

By the Commission:

Dated: April 10, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030412
Approval Date: April 10, 2003

OVERLOOK GOLF COURSE

Ground-Water Withdrawal of 0.111 (30-Day Average) mgd and a
Consumptive Water Use of Up to 0.195 mgd, for Golf Course Irrigation,
Manheim Township, Lancaster County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.43, relating to ground-water withdrawals. The Commission received the application for the consumptive use of water on August 16, 2000, and the application for the ground-water withdrawal on March 25, 2003.

Description

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

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

Project Features. The project sponsor has requested approval for a 30-day average withdrawal of 0.111 million gallons per day (mgd) of ground water and the consumptive use of water of up to 0.195 mgd. Based on data provided by the project sponsor, Commission staff has calculated the project's maximum average 30-day consumptive water use to be 0.101 mgd, and current peak-day consumptive water use to be 0.177 mgd.

The 18-hole golf course was constructed in 1933, and has been in continuous operation since that time. The current metered irrigation system for the golf course was installed in 1991 and waters greens, tees, and fairways. Prior to 1991, only greens and tees were irrigated.

Prior to 1991, irrigation water for the golf course was drawn from a "small" well on-site, a pond, and a public water supplier, according to the project sponsor. The "small" well is presently unused. To meet increased irrigation demands, the present well was acquired and placed into operation in 1991. The well was drilled sometime in the 1960s and used for

agricultural purposes. The ground-water withdrawal for the irrigation system is not currently metered.

The storage pond for the golf course was constructed prior to 1971, and has a total surface area of approximately 0.35 acre, and a volume of approximately 0.795 million gallons. Although the pond was increased in 1997, the area of increase is nominal in size. When at full capacity, the storage pond can provide for approximately 8 days of irrigation, based on the maximum average 30-day use of 0.101 mgd.

Water is withdrawn from the well and pumped to the storage pond. Water is pumped through a metered irrigation system to the golf course. The pump house is located adjacent to the pond. In addition, water is withdrawn from the well and pumped directly to a plant nursery for irrigation. Water is diverted by means of a valve to either the golf course or the nursery. Currently, irrigation water supplied to the nursery is not metered or monitored.

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

Findings

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

All water withdrawn from the pond and used for golf course irrigation is considered to be used consumptively. The golf course irrigation system is equipped with a meter that measures the quantity of water withdrawn from the storage pond.

The project began irrigation of greens and tees at the golf course prior to 1971. Commission staff has agreed to a pre-1971 consumptive water use of 0.051 mgd for the project, as calculated by the project sponsor and, for purposes of this docket, this quantity of water is considered “grandfathered” and is exempt from water compensation requirements. The project’s consumptive use of water in excess of its grandfathered quantity is subject to the water compensation requirements specified in Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water.

The project sponsor has requested approval of a consumptive water use of up to 0.195 mgd, and a 30-day average ground-water withdrawal of 0.111 mgd. Based on an analysis of irrigation records for the golf course supplied by the project sponsor, Commission staff is recommending approval of the requested quantities, which represents an increase of approximately 10 percent above the current peak-day use of 0.177 mgd and 30-day average withdrawal of 0.101 mgd. This will allow for an anticipated increase in the water usage over the 25-year duration of this approval. Should the project’s future consumptive water use exceed or be expected to exceed 0.195 mgd, or its average ground-water withdrawal exceed 0.111 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's requested ground-water withdrawal is subject to Commission Regulation §803.43. Testing of the well, required by Commission Regulation §803.43(b), was not conducted in 1991 when golf course irrigation began. The project sponsor has requested a waiver of the pumping test requirement.

Commission staff reviewed the ground-water availability analysis and supporting information submitted by the project sponsor, including data from a 24-hour pumping test performed in 1991 at variable pumping rates. Commission staff has concluded that the ground-water withdrawal potentially may impact the local surface and ground water. However, as an alternative to performance of a short-term constant-rate pumping test, Commission staff recommends that the project sponsor conduct ground-water monitoring during well operation. The project sponsor should prepare a monitoring plan for Commission staff review and approval to demonstrate that the water withdrawals do not adversely impact existing uses of surface water or ground water.

Commission staff recommends that the requirement for a pumping test be waived and that long-term ground-water monitoring be instituted.

Currently, the irrigation well is not metered. The irrigation pump station built in 2001 has a 1,000-gallons-per-minute (gpm) capacity. Commission staff recommends, based on data submitted by the project sponsor, that the ground-water withdrawal be approved for a maximum instantaneous pumping rate of 550 gpm, and that the pumping water level not exceed 35 feet below ground surface. Commission staff recommends that the project sponsor install appropriate metering on the existing well, and appropriate instrumentation to control the pumping water level in the well.

Further, Commission staff recommends that the project sponsor maintain the existing meter on the pond withdrawal, and provide daily use documentation to the Commission.

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

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

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

Compliance Incentive Program

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

Regulations §803.42 and §803.43 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

Decision

The project's ground-water withdrawal 0.111 mgd (30-day average) from its well and the consumptive use of water of up to 0.195 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the on-site well, accurate to within five (5) percent, and keep daily records of the ground-water withdrawal and weekly water levels from the well. The project sponsor shall report the data to the Commission quarterly, and as otherwise required. The "small" well previously used for irrigation purposes is not included in this docket approval. Any use of this well for irrigation purposes will require a modification of this docket.

d. The project sponsor shall install appropriate instrumentation on the well to insure that the maximum instantaneous pumping rate of production from the well shall not exceed 550 gpm, and the pumping water level shall not exceed 35 feet below ground surface. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

e. The project sponsor shall develop a ground-water and surface-water monitoring plan to generate data for the site sufficient to determine whether the water withdrawals impact surface-water or existing ground-water users. The monitoring plan shall be submitted within sixty (60) days for Commission staff's review and approval. The results of this plan shall be submitted to the Commission within one (1) year from the date of this approval, or as otherwise directed by Commission staff.

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amount shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.051 mgd. If the daily grandfathered quantity

exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

h. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.051 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (f) above.

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

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

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

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

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

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

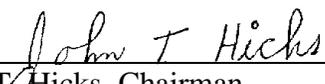
o. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

p. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

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

By the Commission:

Dated: April 10, 2003



 John T. Hicks, Chairman
 New York Commissioner

Docket No. 20010805
Approval Date: August 9, 2001
Modification Date: April 10, 2003

HERITAGE HILLS GOLF RESORT

Consumptive Water Use of up to 0.300 mgd,
for Golf Course Irrigation and Snowmaking,
York and Springettsbury Townships, 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 original Commission approval for consumptive water use was issued on August 9, 2001, as Docket No. 20010805. The current modification request was received on January 8, 2003.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for snowmaking at a newly-constructed snow tubing recreation area. The facility was previously permitted for golf course irrigation. This is not a request for an increase in the previously-approved amount of consumptive water use.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Mill Creek Watershed, York and Springettsbury Townships, York County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive water use of up to 0.028 million gallons per day (mgd) for snowmaking operations. The project sponsor calculates its maximum 30-day average water use for snowmaking operations to be approximately 0.019 mgd. This modification will not cause the project sponsor to exceed the originally-approved consumptive water use amount of 0.300 mgd in Docket No. 20010805, dated August 2001.

The project added snowmaking for a recreation area (tubing) during November and December 2002. As part of the project, the project sponsor is using the five on-stream ponds, located on the unnamed tributary to Mill Creek, to provide for on-site water storage. The water for the snowmaking system, like the irrigation system, is withdrawn from Pond 3. For snowmaking, the water is transferred to Pond 1, and then pumped to the snowmaking system.

The project sponsor also has an emergency connection to the public water supply system to augment the surface-water supply.

Findings

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

All water withdrawn from the ponds and used for snowmaking is considered to be used consumptively at a rate of 22 percent of total withdrawal.

The snowmaking system currently is not metered. Commission staff recommends that the project sponsor install appropriate metering on the snowmaking system.

The project, as previously approved, had a passby flow equal to the 7-day, 10-year low flow (Q7-10), which equals 21 gpm, based on the standard applied to projects at the time of approval. Commission staff is recommending that the passby flow be raised to meet the current standard of 20 percent of annual average daily flow (ADF), which equals 0.116 cfs, or 52 gpm. Because the project sponsor is using an on-stream pond as its source of water, the passby criteria must be modified to accommodate conditions when natural streamflow is less than 20 percent ADF. Therefore, Commission staff recommends that the project sponsor allow a downstream release of water from the pond of 52 gpm, or an amount equal to the inflow of the stream to the pond, when streamflow is less than 52 gpm.

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

The Commission previously approved a consumptive water use of up to 0.300 mgd for golf course irrigation (Docket No. 20010805, dated August 9, 2001). Water use for snowmaking is within the amount of the approval.

Commission staff became aware of the project's new consumptive water use and contacted the project sponsor, which submitted an application for a consumptive water use approval. While the project's recent consumptive water use has been in noncompliance with Commission regulations, there have been no adverse impacts associated with the consumptive use, and the project sponsor has cooperated with Commission staff during its review. The project sponsor has paid the consumptive water use fees for the water used for snowmaking. Commission staff recommends acceptance of this payment for its prior noncompliance.

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

The project sponsor has paid the appropriate application fee, in accordance with Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as

amended by Commission Resolution 2000-06. The project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

Based on Commission Regulation §803.30(a), the prior docket approval is effective until August 9, 2026. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval.

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

Decision

The consumptive water use of up to 0.300 mgd is approved pursuant to Article 3, Section 3.10 of the Compact, subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used for snowmaking shall be 22 percent of the water pumped to the snowmaking system. The project sponsor shall install and maintain metering on the snowmaking system, accurate to within five (5) percent.

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

d. The project sponsor shall allow a downstream release of water from the pond, located on the unnamed tributary to Mill Creek, of 0.116 cfs (52 gpm), or when streamflow into the pond is less than 52 gpm, an amount equal to the total inflow of the stream to the pond. The project sponsor shall install flow measurement devices that measure the inflow and outflow of the pond. The project sponsor shall keep daily records of the inflow and outflow of the pond, and shall report the data to the Commission quarterly, and as otherwise required.

e. The project sponsor shall submit its design and a proposed construction schedule for the flow measurement devices cited in condition (d) above within sixty (60) days of the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule, and shall 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 the flow measurement devices at any time.

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be 22 percent of the water pumped to the snowmaking 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 thirty (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 project sponsor has offered a settlement by agreement, pursuant to Commission Regulation §805.27 for its consumptive water use found to be in noncompliance with Commission Regulation §803.42, and is hereby accepted. Except where the full amount of same has been tendered to the Commission in advance hereof, this action shall be contingent upon, and shall not be effective until payment of the settlement amount is made to the Commission or arrangements for such payment have been made that are acceptable to the Executive Director of the Commission. Failure to make such payment or payment arrangement with the Commission within forty-five (45) days hereof shall render this approval null and void.

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

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

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

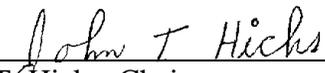
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. All other conditions in Commission Docket No. 20010805 dated August 2001 not inconsistent herewith shall remain effective.

m. Based on Commission Regulation §803.30(a), this approval is effective until August 9, 2026. The duration of this docket modification is in accordance with the term of the prior docket approval. The project sponsor shall submit a renewal application by February 9, 2026, and obtain Commission approval prior to continuing operation beyond August 9, 2026.

By the Commission:

Dated: April 10, 2003



John T. Hicks, Chairman
New York Commissioner

Docket No. 20030413
Approval Date: April 10, 2003

BON AIR COUNTRY CLUB

Ground-Water Withdrawal of 0.240 mgd (30-Day Average) and a
Consumptive Water Use of Up to 0.470 mgd, for Golf Course Irrigation,
Shrewsbury Township, York County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.43, relating to ground-water withdrawals. The Commission received the application for the consumptive use of water on June 26, 2000, and the application for the ground-water withdrawal on March 14, 2003.

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306, South Branch Codorus Creek Watershed, Shrewsbury Township, York County, Pennsylvania.

Project Features. The project sponsor has requested approval for a ground-water withdrawal of a 30-day average of 0.240 million gallons per day (mgd) and the consumptive use of water of up to 0.470 mgd. Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.212 mgd, and current peak-day consumptive water use to be 0.469 mgd.

The water sources are four existing on-site wells and two on-stream ponds. The ground-water withdrawal has increased since July 1978 to exceed the regulatory threshold of 100,000 gallons per day (gpd) (30-day average) specified in Commission Regulation §803.43, relating to ground-water withdrawals, and, therefore, is subject to the regulation.

The project was constructed in 1954 as a 9-hole golf course, and has been in continuous operation since that time. The irrigation system installed in 1954 watered greens and tees. The

golf course was fully irrigated (greens, tees, and fairways) in 1981, when the second nine holes were added.

Prior to 1971, irrigation water was drawn from Pond 2. To meet increased irrigation demands, the project sponsor drilled four wells: Well 1, Well 2, Well 8, and Well 9. The ground-water withdrawal for the irrigation system is not metered.

Pond 2 was constructed in 1954, and has a total surface area of approximately 1.5 acres. A second pond, Pond 8, was constructed in 1997, and has a surface area of 1.0 acre. The storage ponds are interconnected, and have a combined usable volume of approximately 4.9 million gallons. When at capacity, the storage ponds can provide for approximately 20 days of irrigation, based on the maximum average 30-day use of 0.240 mgd.

Water is withdrawn from the four wells and pumped to the storage ponds. Water is pumped from Pond 2 to the golf course's irrigation system, which is equipped with a flow meter. Based on discussions with the project sponsor, the irrigation system has numerous leaks; therefore, the meter may overstate the actual quantity of water delivered to the turf. The maximum pumping rate of the irrigation system is 450 gallons per minute (gpm).

Findings

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

All water evaporated from Pond 8, as well as water withdrawn from the ponds and used for golf course irrigation, is considered to be used consumptively. Water evaporated from Pond 8 will be calculated by the project sponsor employing a methodology acceptable to the Commission. Since Pond 2 predates Commission regulations, evaporation from this storage pond is exempt from the regulation. The irrigation system is equipped with a meter that measures the quantity of water withdrawn from the storage ponds. The project sponsor may calculate water applied as golf course irrigation employing another methodology acceptable to the Commission.

The project sponsor has requested approval of a consumptive water use of up to 0.469 mgd and a 30-day average ground-water withdrawal of 0.240 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of up to the requested amounts, which represents the current metered peak-day use of 0.469 mgd. Should the project's future consumptive water use exceed or be expected to exceed 0.469 mgd or its ground-water withdrawal exceed or be expected to exceed 0.240 mgd (30-day average), the project sponsor must apply for a modification to this docket at that time.

Commission staff has agreed to a pre-1971 consumptive water use of 0.011 mgd for the project, as calculated by the project sponsor and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project sponsor operates four unmetered wells (Wells 1, 2, 8, and 9) and captures stormwater runoff in two on-stream storage ponds (Ponds 2 and 8) in the headwaters of an unnamed tributary to South Branch Codorus Creek with no passby flow currently maintained at the site. Tributaries to South Branch Codorus Creek are classified as warm-water fishes (WWF) (Title 25, Chapter 93, Pa. Code). Commission staff calculated the 7-day 10-year low flow (Q7-10 flow) at the site of 0.073 cfs (32.8 gpm) and an annual average daily flow (ADF) rate at the site of 0.335 cubic feet per second (cfs) (150.4 gpm). Based on the project's geographic location in the watershed, the magnitude of the withdrawal, and possible impacts to surface waters, Commission staff recommends that the project sponsor maintain a passby flow of not less than Q7-10.

Commission staff recommends that the project sponsor allow a release of water from the downstream pond of 32.8 gpm, or an amount equal to the inflow to the pond when streamflow is less than 32.8 gpm. The project sponsor also should maintain the existing metering for its pond withdrawal.

The project's requested ground-water withdrawal is subject to Commission Regulation §803.43. Currently, the wells are not metered. Commission staff recommends that the project sponsor install appropriate metering on each of the existing wells in compliance with the regulations. Based on a review of a Water Resource Study submitted by the project sponsor, Commission staff has concluded that the existing ground-water withdrawal may potentially impact local surface and ground water. Further, Commission staff recommends that the constant-rate pumping test requirement be waived because the performance of the testing would not adequately document those impacts. As an alternative to the pumping test, Commission staff recommends that the project sponsor should prepare a monitoring plan for Commission staff review and approval to generate data to determine whether the water withdrawals adversely impact existing uses of surface water or ground water.

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

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

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

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

Compliance Incentive Program

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

Decision

The project's total ground-water withdrawal of 0.240 mgd (30-day average) from Wells 1, 2, 8, and 9 and the consumptive use of water of up to 0.470 mgd are approved pursuant to Article 3, Section 3.10, of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from Pond 8, plus the quantity used for golf course irrigation. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the storage pond and any alternative to metering on the irrigation system. .

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

d. The project sponsor shall develop a ground-water monitoring plan to generate sufficient data for the site to determine whether the water withdrawals impact surface-water or existing ground-water users. The ground-water monitoring plan shall be submitted within sixty (60) days for Commission staff's review and approval. The results of this plan shall be submitted to the Commission within one (1) year from the date of this approval.

e. The project sponsor shall allow a downstream release of water from the downstream pond of 0.073 cfs (32.8 gpm), or when flow into the pond is less than 32.8 gpm, an amount equal to the total inflow to the pond. The project sponsor shall install flow-measurement devices that measure the inflow and outflow of the pond. The project sponsor shall keep daily records of the outflow of the pond, and shall report the data to the Commission quarterly, and as otherwise required.

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of evaporative loss from Pond 8 plus the quantity used for golf course irrigation. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.011 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

h. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.011 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above.

i. The constant-rate pumping test requirements specified in Commission Regulation §803.43 (b) are hereby waived.

j. If the Commission determines that the operation of the project's ground-water withdrawal from Wells 1, 2, 8, and 9 adversely affects any existing ground-water or surface-water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

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

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

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

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

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

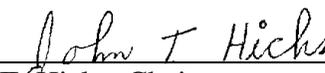
o. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

p. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

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

By the Commission:

Dated: April 10, 2003



 John T. Hicks, Chairman
 New York Commissioner