

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



July 8, 2002

TO ALL CONCERNED:

At the June 12, 2002 meeting, the draft minutes of the April 11, 2002 Commission meeting were approved as written. Please attach this notice to your copy of the April 11, 2002 minutes.

- DRAFT -

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION**

June 12, 2002
#2002-06

The meeting was held at the Radisson Hotel, Corning, N.Y. Vice-Chairman Hicks called the meeting to order at 1:08 p.m.

ROLL CALL

Commissioners Present

Mr. John T. Hicks, Director
N.Y. DEC, Region 8
Ms. Irene B. Brooks, Director
Office for River Basin Cooperation
Pa. DEP

**Alternate Commissioners
and Advisors Present**

Ms. Stacey E. Brown, Team Leader
USACE, Baltimore District
Mr. Scott J. Foti, Regional Flood Control Engr.
N.Y. DEC, Region 8
Mr. William A. Gast, Chief
Division of Water Use Planning
Pa. DEP
Mr. Matthew G. Pajeroski, Chief
Water Rights Division
Md. Dept. of the Environment

Staff Present

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

Mr. David W. Heicher, Chief
Watershed Assessment & Protection Division
Mr. George J. Lazorchick, Acting Chief
Water Resources Management Division

Mr. Duane A. Friends, Chief Admin. Officer
Mr. Richard A. Cairo, General Counsel/
Secretary to the Commission
Ms. Deborah J. Dickey, Executive Administrator

Ms. Susan S. Obleski, Dir. of Communications

INTRODUCTION/WELCOME

Vice-Chairman Hicks introduced the members of the Commission and the Executive Director. The federal government was not represented at this meeting.

MINUTES OF MARCH 7, APRIL 11, APRIL 15, APRIL 24 AND MAY 15, 2002 COMMISSION MEETINGS

On a motion by Commissioner Brooks, seconded by Commissioner Pajerowski, the minutes of the regular business meeting of April 11, 2002, and a series of special conference call meetings dated March 7, April 15, April 24 and May 15, 2002, were unanimously adopted as written.

ACTION ITEMS

a. Drought Declaration, Lower Susquehanna River Basin

Acting SRBC Water Management Division Chief George Lazorchick reported on drought indicators. Since January 1998, there have been far more months with precipitation deficits than with normal or above normal totals. This dry period culminated in five straight months of below normal precipitation from October 2001 through February 2002. That led Pennsylvania and Maryland to declare drought emergencies in areas of their states covering most of the Lower Susquehanna River Subbasin. New York also placed counties in the northeast corner of the basin into a drought warning category.

The months of March and April recorded a slight surplus in precipitation, and May actually produced a significant surplus averaging 1.79 inches over the entire river basin. This resulted in a notable improvement in drought indicators, with many areas in the central and northern basin now being moved back into the warning, watch or even normal categories.

Nevertheless, the Lower Susquehanna River Basin remains under the Pennsylvania and Maryland emergency declarations due to continuing low stream flows and ground-water levels. Some areas along the Pennsylvania-Maryland border still have precipitation deficits of as much as 10 inches. Because of the prolonged effects of drought in this area, the recent rains have not produced a sustained recovery in either the stream flow or ground-water categories. (*Persons requiring detailed information on current hydrologic and drought conditions in the Susquehanna River Basin should visit the SRBC website at www.srbc.net.*)

b. Public Hearing–Project Review; Adoption of Pumping Test Guidance

The Commission convened a public hearing. Using Microsoft PowerPoint slides containing geographic and statistical information, Deputy Director Beauduy presented the proposed docket decisions for the following 25 projects, the most ever presented at a Commission meeting:

- Village of Bainbridge (Exhibit A1)
- Lander Co., Inc. (Exhibit A2)
- River Valley Country Club (Exhibit A3)
- Montrose Country Club (Exhibit A4)
- Shadowbrook Golf Club (Exhibit A5)
- Fox Hill Country Club (Exhibit A6)
- Mill Race Golf & Camping Resort, Inc. (Exhibit A7)
- Clinton Country Club (Exhibit A8)
- Philipsburg Country Club (Exhibit A9)
- Chetremon Golf Course, Inc. (Exhibit A10)
- Lost Creek Golf Club-Juniata Recreation Ctr. (Exhibit A11)
- Lewistown Country Club (Exhibit A12)
- Standing Stone Golf Club, Inc. (Exhibit A13)
- Pine Meadows Golf Complex (Exhibit A14)
- Manada Golf Club, Inc. (Exhibit A15)
- The Golf Club at Felicita (Exhibit A16)
- Country Club of Harrisburg (Exhibit A17)
- Wengert's Dairy, Inc. (Exhibit A18)
- McStern, Inc.- Deer Valley Golf Club (Exhibit A19)
- Vopak Chemical Co. (Exhibit A20)
- Froelich & Co., Inc.-Mayapple Golf Links (Exhibit A21)
- Parline Golf Course (Exhibit A22)
- Pilgrim's Pride Corp. of Va., Inc. Exhibit A23)
- Tanglewood Manor, Inc. (Exhibit A24)
- South Hills Golf Club (Exhibit A25)

Before proceeding with a description of each docket, Mr. Beauduy provided some background information on the Commission's review authority and procedures. He listed the standard requirements for each 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.

Mr. Beauduy then briefly reviewed and summarized each of the dockets before the Commission. He requested that the Commission approve minor amendments to two of the dockets presented by staff as follows:

1. To the Country Club of Harrisburg docket, he requested that, if the applicant so agreed, the requirement for payment for consumptive use be removed since it appeared that the required minimum pass by flow on Fishing Creek would satisfy the consumptive use regulation as a discontinuance of consumptive use.
2. To the McStern, Inc. – Deer Valley Golf Club docket, he requested that the recommendation in the "*Findings*" section that withdrawals from two on-site ground-water wells be limited to 57,000 gpd be made a part of the "*Decision*" section of that docket.

On a motion by Commissioner Pajerowski, seconded by Commissioner Brooks, the Commission unanimously approved the two amendments submitted by Mr. Beauduy. On a motion by Commissioner Brooks, seconded by Commissioner Pajerowski, the Commission approved all the dockets listed above in accordance with the staff recommendations.

Mr. Beauduy then presented a resolution (Exhibit B) endorsing a pumping test guidance for use by the staff in processing ground-water withdrawal applications. The ever-increasing number of project applications and the increasing complexity of these applications led staff to the conclusion that incorporation of current pumping test standards into a clear and precise written guidance would greatly expedite the review process. The written guidance can be given to project sponsors at the outset of the review process, eliminating or reducing the time spent by

staff on individual consultation with sponsors regarding pumping tests. The resolution also endorses use of the pumping test guidance by the member jurisdictions. On a motion by Commissioner Brooks, seconded by Commissioner Pajerowski, the Commission unanimously adopted the resolution.

c. FY-2004 Budget

Chief Administrative Officer Duane Friends presented the proposed budget for FY-2004 to begin on July 1, 2003. The budget totals \$4 million, with requested contributions of \$275,000 from New York, \$725,000 from Pennsylvania, \$485,000 from Maryland and \$575,000 from the United States. Grants are projected at \$1.7 million, mainly from such water quality related programs as §106 of the Clean Water Act, development of Total Maximum Daily Loads (TMDLs), and Source Water Protection. Other major program efforts include public information and outreach, watershed coordination, project review and completion of the Commission's Compliance Incentive Program, low flow management and the development of water storage alternatives, data management, and GIS. With the affirmative vote of the Commission, this budget proposal would be forwarded to the budget offices of the member jurisdictions.

On a motion by Commissioner Pajerowski, seconded by Commissioner Brooks, the proposed FY 2004 budget resolution (Exhibit C) was unanimously approved by the Commission.

Vice-Chairman Hicks added a note of thanks to State Senator John R. Kuhl, Jr. of New York and to the people of New York's Southern Tier for their valuable assistance to and support of the SRBC.

d. Election of Officers

In June of each year, the Commission elects its officers for the next fiscal year. The officer positions generally rotate among the member jurisdictions. On a motion by Commissioner Pajerowski, seconded by Commissioner Brooks, the Commission elected the member representing the State of New York as the Chair of the Commission, and the member representing Pennsylvania as the Vice-Chair of the Commission.

PUBLIC COMMENTS/ANNOUNCEMENT

The Executive Director announced the plans for the release of shad larvae into the Susquehanna River, to be part of a ceremony scheduled for Thursday, June 13, 2002, at the New York Dept. of Environmental Conservation/New York Dept. of Transportation boat launch facility on the Susquehanna at Apalachin, N.Y. With the installation of fish passage facilities at the Sunbury, Pa. fabric dam within two to three years, the portion of the Susquehanna River in New York State, plus the entire Chemung Subbasin, will be open to shad migration. This first group of larvae released in New York can be expected to return to the river at about that same time.

PRESENTATION – Floods and Droughts in the Chemung Subbasin: Are We Adequately Managing These Hydrologic Extremes?

The Commission sponsored a presentation entitled, “Floods and Droughts in the Chemung Subbasin: Are We Adequately Managing These Hydrologic Extremes?” The session was moderated by Mr. Scott Foti, New York’s Alternate Member of the Commission, who set the stage for the discussion with a retrospective on the impacts of the 1972 Tropical Storm Agnes Flood in the Chemung Subbasin. A video tape excerpting portions of two different Agnes newsreels was shown.

Bob Gardner, Volunteer Operations Director of the Flood Warning Service, then described what measures have been taken since 1972 to improve flood preparedness, including the installation of climate stations, gages, and new communication links. As a result of much better technology and the hard work of dedicated volunteers, flood forecasting and river stage prediction have become far more accurate, though forecasting for smaller streams still needs improvement.

Warren Lavery, Director, Bureau of Water Resources, New York Dept. of Environmental Conservation, concluded the discussion with an overview of New York State’s current drought management procedures. The state works very closely with and relies very heavily on local units of government to manage drought conditions. The state’s own authority to impose mandatory water use restrictions during drought emergencies is very limited.

There is an obvious need for more coordination and cooperation among jurisdictions to manage droughts. There is federal legislation being considered that would create a national drought policy action plan, recommend common drought triggers and provide funding for drought preparedness planning. There is also New York legislation in the hopper dealing with water recycling, automatic irrigation systems tied to moisture sensors, water sub-metering, and improved drought notice to water suppliers and utilities.

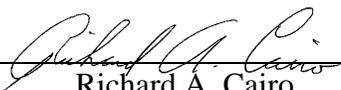
ADJOURNMENT

There being no further business before the Commission, Vice-Chairman Hicks adjourned the meeting at approximately 4:00 p.m.

NEXT MEETING

The next regular meeting of the Commission is tentatively scheduled for August 15, 2002 in Aberdeen, Maryland.

Date Adopted



Richard A. Cairo
General Counsel/Secretary to the Commission

Docket No. 20020601
Approval Date: June 12, 2002

VILLAGE OF BAINBRIDGE

Ground-Water Withdrawal (30-Day Average) of 0.250 mgd from Well 2,
for Public Water Supply,
Village of Bainbridge, Chenango County, New York

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to ground-water withdrawals. The Commission received the application on March 29, 2002.

Description

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

Location. The project is located in the Upper Susquehanna River Subbasin, HUC 02050101, along the Susquehanna River in the Village of Bainbridge, Chenango County, New York.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.250 million gallons per day (mgd) of water from Well 2. The well will be used as a replacement well for one of the existing wells in the municipal water supply system.

The project sponsor has utilized three wells to supply water to a municipal water system since the early 1900s. All of wells (Wells 1, 2 and 3) predate the Commission's ground-water regulation and do not require Commission approval. The original Well 2 was a 6-inch diameter well with a total depth of 195 feet and production rate of 60 gallons per minute. It had become structurally unsound and was recently (April 2001) replaced with a well of larger diameter and modern construction. The project sponsor has designated the replacement well as Well 2, and the former Well 2 is herein called the 'original Well 2'.

Well 2 replaces the original Well 2, and was constructed as a 10-inch diameter well with 191 feet of steel casing and 14 feet of screen, with a total depth of 205 feet. Well 2 will be used

as the principal source for the public water supply system, while Wells 1 and 3 will be used as backup water supply wells.

Well 2 is located approximately 100 yards from the Susquehanna River and is in a sand and gravel (glacial outwash) aquifer that fills the bedrock valley of the Susquehanna River to a depth of at least 205 feet.

The municipal water supply system has an existing average daily demand of 0.184 mgd and an existing maximum daily demand of 0.276 mgd. The maximum daily demand is projected to grow to 0.290 mgd by 2025. The project sponsor currently serves the Village of Bainbridge and part of Bainbridge Township.

All of the wastewater generated throughout the water system is discharged to the sanitary sewer system and treated at the Bainbridge wastewater treatment facility, which discharges to the Susquehanna River approximately 2,000 feet downstream of Well 2.

Pumping Test. A 24-hour constant rate-pumping test was conducted on May 9 and 10, 2001 for Well 2. The project sponsor conducted the testing without prior approval from the Commission. Pumping at an average rate of 400 gallons per minute (gpm), drawdown stabilized at approximately 8 feet after 2 hours of pumping. At the end of the test, the drawdown was 8.25 feet. The water level recovered to within 90 percent of the pre-test water level approximately 5 minutes after the end of the pumping test.

Coordination. Well 2 was permitted by the New York Departments of Health and Environmental Conservation in 2001. The Commission received the application on March 29, 2002.

Findings

The withdrawal of water from Well 2 is subject to the Commission's ground-water withdrawal approval and reporting requirements as per Commission Regulation §803.43.

Pumping test results, including the early drawdown stabilization in this well and the rapid recovery, indicate that Well 2 draws water from an unconfined stratified drift aquifer of high permeability and receives recharge from the adjacent Susquehanna River. The pumping test duration (24 hours) was less than is required by the Commission (48 hours minimum) and therefore does not meet the Commission's pumping test requirements. However, staff recommends that the test be accepted due to the nature of the hydrogeologic setting and the lack of potential for impact to any existing users and to the environment.

Well 2 is being used as a primary source, with Wells 1 and 3 to be used as backup sources.

The project sponsor has indicated that Wells 1 and 3 will be used only as backup water supply wells. Well 2 is located in the interior of the town so no impacts to private water supply

wells are anticipated. The maximum instantaneous rate of production from Well 2 should not exceed 400 gpm, the pumping rate used during the constant-rate pumping test.

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

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

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

Decision

The project's ground-water withdrawal of 0.250 mgd (30-day average) from Well 2 is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the metered withdrawal and daily water levels from Well 2. The required reporting data shall be submitted to the Commission annually, and as otherwise required. The project sponsor shall maintain the existing meter, accurate to within 5 percent, on Well 2. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

c. The maximum instantaneous rate of production from Well 2 shall not exceed 400 gpm.

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

e. If the Commission determines that the operation of the project's ground-water withdrawal from Well 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.

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. 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. 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.

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

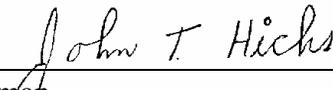
i. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

j. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002



Chairman

Docket No. 20011207
Approval Date: December 13, 2001
Modification Date: June 12, 2002

LANDER COMPANY, INC.

Consumptive Water Use of up to 0.090 mgd,
for Manufacture of Health and Beauty Care Products,
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 original Commission approval for the consumptive use of water was issued on December 13, 2001 as Docket No. 20011207. The current modification request was received by the Commission on April 15, 2002.

Description

Purpose. The purpose of the modification is to request approval for an increase in the consumptive use of water associated with the manufacture of health and beauty care products.

Location. The project is located in the Upper Susquehanna Subbasin, HUC 02050101, City of Binghamton, Broome County, New York.

Project Features. The project sponsor has requested approval to increase the amount of the maximum day consumptive water use from 0.050 million gallons per day (mgd) (previously approved as Docket No. 20011207) to 0.090 mgd. Lander Company, Inc. was founded in Binghamton, N.Y., in 1920 and has been manufacturing health and beauty care products such as bubble bath, shampoo, cream rinse, lotion and hand cream at its present location since 1987.

Water is supplied to the facility by the City of Binghamton's public water supply system at an average annual rate of 0.100 mgd and is used for various manufacturing processes, plant wash-down, non-contact product cooling, incorporation in finished products and sanitary purposes. The water is metered as it enters the facility.

The only significant consumptive use of water at the plant is the water incorporated into finished products and, as a result, daily quantities of consumptive water use are highly variable depending on the particular product mix being produced. For example, the production of bubble bath uses substantially greater quantities of water than the production of hand cream. The

project sponsor had underestimated its consumptive water use in its previous application, and has requested this modification based on actual production records. Currently, the maximum daily consumptive water use is approximately 0.080 mgd during peak days. March 2002 was a record month for production at the plant. The plant's future peak day consumptive water use is projected to increase to 0.090 mgd over the duration of the approval.

All of the wastewater from the facility is discharged through three laterals and enters the Binghamton-Johnson City sanitary sewer system. Effluent from the plant is not currently metered.

Findings

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

The project sponsor obtains all of its water from a public supplier and the water is metered on a daily basis prior to its use in the plant.

The primary consumptive water use at the facility is for water incorporated into finished products. Accordingly, the project sponsor proposes to document the facility's daily consumptive water use from batch production records maintained on-site. Every batch produced contains measured quantities of water that the project sponsor records during the manufacturing process; therefore, the total quantity of water contained in all of the batches produced each day represents the consumptive water use by the facility. This method of accounting for the facility's consumptive water use is acceptable to staff.

Staff recommends that the project sponsor maintain detailed daily records of the facility's consumptive water use, which shall include the name of each batch produced, along with the measured quantities of water used in the manufacture of each batch and the total quantity of water incorporated in products each day. It is recommended that the project sponsor submit the daily consumptive water use records to the Commission quarterly for one full year beginning January 1, 2002. During the course of the year, staff will review the project sponsor's consumptive use of water.

In December 2001, the project sponsor received approval for the consumptive use of water of up to 0.050 mgd. Since that time and as a result of the Commission's monitoring requirements, the project sponsor became aware that the project's consumptive water use was exceeding the approved quantity, and promptly submitted an application for an increase in its consumptive water use approval.

During the record production month of March 2002, the maximum daily consumptive water use was approximately 0.080 mgd during peak days based on actual production records. The project sponsor has requested a consumptive water use approval of up to 0.090 mgd based on an estimated 12 percent increase in water usage over the duration of this approval. Should the project's future consumptive water use exceed 0.090 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 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 has agreed to pay the Commission quarterly in-lieu-of providing actual compensation water or discontinuing use.

The project sponsor has paid an appropriate modification 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, with the exception of the requirement to notify contiguous property owners. Since all of the project's water supply has historically and will continue to be purchased from the City of Binghamton and there are no water withdrawals on the project site with the potential to impact other users, staff recommends that the requirement for notice to contiguous property owners be waived.

Based on Commission Regulation §803.30(a), the prior docket approval is effective until December 12, 2026. 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 0.090 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 provide the results to the Commission quarterly and as otherwise requested. The project sponsor shall compute consumptive water use by utilizing daily batch production records. The total water incorporated into products represents the facility's consumptive water use. Detailed daily records shall be submitted to the Commission for four consecutive calendar quarters beginning January 2002 and, thereafter, shall be made available for review at the request of the Commission. At a minimum, these detailed daily records of the project's consumptive water use shall include the name of each batch manufactured, the quantity of water contained in each batch and the total quantity of water incorporated in the batches each day.

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

d. All other conditions in Commission Docket No. 20011207 not inconsistent herewith shall remain effective.

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 in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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. 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. 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.

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

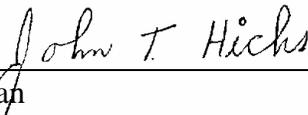
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. Based on Commission Regulation §803.30(a), this approval is effective until December 12, 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 June 12, 2026 and obtain Commission approval prior to continuing operation beyond December 12, 2026.

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: June 12, 2002



Chairman

padam/word/dockets/LanderCo602

Docket No. 20020602
Approval Date: June 12, 2002

RIVER VALLEY COUNTRY CLUB

Consumptive Water Use of up to 0.158 mgd, for Golf Course Irrigation,
Westfield Township, Tioga 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 September 1, 2000.

Description

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

Location. The project is located in the Chemung Subbasin, Tioga River watershed, HUC 02050104, Westfield Township, Tioga County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.158 million gallons per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.077 mgd and a peak day consumptive water use of 0.144 mgd.

The project was constructed in 1964 as a 9-hole golf course. As part of the original project, the project sponsor constructed three off-stream ponds to provide for irrigation water storage on-site. The golf course was completely renovated and expanded to its current configuration beginning in the late 1980s. Improvements included the addition of nine holes, installation of a new irrigation system, and construction of two additional off-stream ponds that are not connected to the irrigation system.

Irrigation water is withdrawn from the primary storage pond that is located adjacent to the twelfth fairway and immediately adjacent to Jemison Creek. The other two storage ponds have overflow structures that convey water to the primary storage pond. All of the storage ponds receive water from stormwater runoff. The total acreage of the three irrigation system water storage ponds is approximately 0.9 acres with a total estimated storage capacity of 2.1 million gallons of water when full. The project sponsor has sufficient storage on-site to meet the

project's irrigation demands for approximately 27 days, based on the maximum average 30-day water use.

Findings

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

All water withdrawn from the primary irrigation water supply storage pond and used for golf course irrigation is considered to be used consumptively. The irrigation system has a meter that measures the quantity of water pumped through the system. The primary storage pond and the other two ponds connected to the primary storage pond predate the Commission's consumptive use regulation, and therefore the project sponsor is not required to provide compensation for evaporative losses from these ponds.

The project sponsor has requested a consumptive water use approval of up to 0.158 mgd. Based on an analysis of irrigation 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 peak day use of 0.144 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 0.158 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has determined that the pre-1971 consumptive water use by the project sponsor is 0.009 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The primary storage pond has been excavated into the glacial fill deposits, below the water table and adjacent to Jemison Creek. Although there is no structure to divert water from the stream to the pond, the stream and the primary storage pond are hydraulically connected due to the presence of highly transmissive sediments in the stream valley. The primary water source for the irrigation system is shallow ground water and Jemison Creek. However, the location of the primary storage pond on the flood plain is in close proximity to the confluence of Jemison Creek and the Cowanesque River, and thus it is unlikely that any adverse environmental impacts will occur as a result of the withdrawal. Therefore, staff does not recommend that a passby flow on Jemison Creek be established for this withdrawal.

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 0.009 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(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 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 0.158 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five 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 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 0.009 mgd, during the preceding calendar quarter. 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 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.

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

e. 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. 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, above the grandfathered quantity of 9,000 gpd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

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. 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. 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.

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

i. Commission approval confers no property rights upon the 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.

j. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

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

By the Commission:

Dated: June 12, 2002

John T. Hicks
Chairman

padam/word/dockets/RivervalleyCC602

Docket No. 20020603
Approval Date: June 12, 2002

MONTROSE COUNTRY CLUB

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

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on July 02, 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 9-hole golf course.

Location. The project is located in the Upper Susquehanna subbasin, Snake Creek watershed, HUC 02050101, Bridgewater Township, Susquehanna County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.100 million gallons of water per day (mgd). Based on irrigation data submitted by the project sponsor, the project has a maximum average 30-day consumptive use of water of 0.065 mgd and a peak day consumptive water use of 0.100 mgd. The primary source of water is a spring-fed pond constructed in 1970.

The project was constructed as a 9-hole golf course in the early 1900s and has been in continuous operation since that time. The original irrigation system was installed in the early to mid 1940s and was supplied by municipal water from Lake Montrose. The current irrigation system was installed in 2000. Irrigation water is pumped directly from the on-site pond to irrigate greens, tees, and fairways. Commission staff has calculated the surface area of the pond to be 0.72 acres. The project sponsor estimates the average depth of the pond to be 12 feet, which would yield an effective storage capacity of approximately 2.4 million gallons when full. Based on the reported maximum average 30-day consumptive use of 0.065 mgd, the project sponsor has the ability to store approximately 36 days of irrigation water.

Findings

The project's irrigation water use is subject to the Commission's consumptive water use 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 used for irrigation.

The project sponsor has requested a consumptive water use approval of up to 0.100 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount. 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 sponsor has calculated a pre-1971 consumptive water use of 0.020 mgd for the project. Commission staff agrees with this estimate and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. Since the on-site irrigation pond was constructed prior to 1971 and not altered since that time, the project sponsor is not required to provide compensation for the evaporative losses from the pond.

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 0.020 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

The 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 0.100 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five 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 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 0.020 mgd, during the preceding calendar quarter. 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 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.

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

e. 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. 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, above the grandfathered quantity of 20,000 gpd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

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. 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. 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.

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

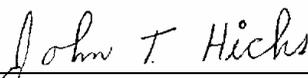
i. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

j. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002



Chairman

Docket No. 20020604
Approval Date: June 12, 2002

SHADOWBROOK GOLF COURSE

Surface-Water Withdrawal of up to 0.190 mgd, when available, from Tunkhannock Creek, and a Consumptive Water Use of up to 0.190 mgd, for Golf Course Irrigation, Tunkhannock Township, Wyoming County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on August 23, 2000, and the application for the surface-water withdrawal on May 20, 2002.

Description

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

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050106, Tunkhannock Creek watershed, Tunkhannock Township, Wyoming County, Pennsylvania.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of 0.190 million gallons per day (mgd) of water from Tunkhannock Creek and the consumptive use of water of up to 0.190 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.045 mgd and a peak day consumptive water use to be 0.141 mgd. Although the withdrawal was initiated before the effective date of Commission Regulation §803.44 relating to surface-water withdrawals, the project sponsor has increased the withdrawal by more than 100,000 gallons per day since November 1995 and, therefore, is subject to the regulation.

The project was constructed in 1960 and has been in continuous operation since that time. The irrigation of the greens and tees began in 1960. Fairway irrigation began in the 1960s when the existing automatic irrigation system was installed. The irrigation system is currently being upgraded and expanded in conjunction with alterations to the existing golf course layout.

As part of the original golf course development, the project sponsor constructed two off-stream ponds that provide for water storage on-site. Water is pumped from the larger, main storage pond to irrigate greens, tees, and fairways. The total surface area of the two ponds is approximately one acre and the ponds have a total estimated storage capacity of 3.52 million gallons of water. The project sponsor has sufficient storage on-site for approximately 78 days of irrigation.

The small pond receives water from precipitation and discharges to the main pond. In addition to receiving this discharge, the main pond receives water pumped from Tunkhannock Creek. The surface-water withdrawal from the stream is accomplished using a centrifugal pump and a temporary intake hose. Water is withdrawn from the creek as needed to meet the golf course irrigation demand. The project sponsor has withdrawn water from the stream over the life of the project with no passby structure or engineering controls.

Findings

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

All water withdrawn from the main storage pond and used for golf course irrigation is considered to be used consumptively. The irrigation system has a meter that measures the quantity of water pumped. Commission staff has determined the pre-1971 consumptive water use by the project sponsor to be 0.020 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. The storage ponds predate the Commission's consumptive use regulation, and therefore the project sponsor is not required to provide compensation for the evaporative losses from the ponds.

The project sponsor has requested a consumptive water use approval of up to 0.190 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 35 percent above the current peak day use of 0.141 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 0.190 mgd, the project sponsor must apply for a modification to this docket at that time.

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 quantity of water used for irrigation minus the pre-1971 consumptive use of 0.020 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

The project sponsor operates a surface-water intake on Tunkhannock Creek. In 1993, the project sponsor withdrew 0.024 mgd from Tunkhannock Creek; as reported in the 1992-1993 Pennsylvania Department of Environmental Resources Golf Course Water Survey. The current

requested withdrawal rate of 0.190 mgd represents an increased surface-water withdrawal in excess of 0.100 mgd. Commission staff recommends that a meter be installed on the surface-water intake in accordance with Commission Regulation §803.44, and that the project sponsor keep daily records of the withdrawal.

The project sponsor operates a surface-water intake on Tunkhannock Creek with no passby structure or engineering control maintained at the site. Tunkhannock Creek is classified as a trout stocked, warm-water fishery (WWF). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Tunkhannock Creek to be 17.6 cfs or 7,899 gpm at the point of withdrawal. The project sponsor's requested maximum single day withdrawal of 0.190 mgd, if used for irrigation over an 8-hour period, results in a stream withdrawal rate of approximately 400 gpm. This rate of withdrawal is less than 10 percent (789.9 gpm) of Q7-10 for Tunkhannock Creek at the point of taking. Therefore, no additional surface-water withdrawal limitations are currently required to protect Tunkhannock Creek.

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

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

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

Compliance Incentive Program

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

Decision

The project's surface-water withdrawal from Tunkhannock Creek of up to 0.190 mgd, when available, and the consumptive use of water of up to 0.190 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent.

c. Within 60 days of the date of this approval, the project sponsor shall install and maintain metering on the surface-water withdrawal, accurate to within five percent, and keep daily records of the project's surface-water withdrawal. The project sponsor shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

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

e. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the quantity of water pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 20,000 gpd, during the preceding calendar quarter. 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 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to any 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 used consumptively 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, above the grandfathered quantity of 20,000 gpd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above.

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

h. 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. 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.

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

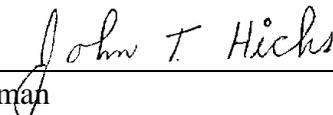
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002



Chairman

Docket No. 20020605
Approval Date: June 12, 2002

FOX HILL COUNTRY CLUB

Consumptive Water Use of up to 0.500 mgd, for Golf Course Irrigation,
Exeter Borough, Luzerne County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Exeter Borough, Luzerne County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.500 million gallons of water per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.101 mgd and a peak day consumptive water use of 0.455 mgd.

The project sponsor currently has one pumping station that is used to irrigate the golf course. Water for irrigation is supplied from one existing on-site well. The well, referred to as the Halfway House Well, was drilled in 1975 to a total depth of 150 feet. This well draws water from two mine pools. In 1988, a submersible pump with a rated capacity of 275 gallons per minute (gpm) at 380 feet total dynamic head was installed to replace a 225 gpm pump. No surface-water bodies are located on the golf course.

The golf course was constructed in 1922 and has been in continuous operation since that time. The irrigation of the greens and tees began in 1967. A new automated irrigation system for greens, tees, and fairways was installed in 1993.

Findings

The project's irrigation water use is subject to the Commission's consumptive water use 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 (installed in 2001) that measures the quantity of water pumped through the system.

The project sponsor has agreed to a pre-1971 consumptive water use of 25,000 gallons per day (gpd) for the project, as calculated by Commission staff. For purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project sponsor has requested a consumptive water use approval of up to 0.500 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 9 percent above the current peak day use of 0.455 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 0.500 mgd, the project sponsor must apply for a modification to this docket at that time.

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 quantity of water used for irrigation minus the pre-1971 consumptive use of 25,000 gpd. 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's ground-water withdrawal from the Halfway House Well has been in operation since 1975. The grandfathered ground-water withdrawal from the Halfway House Well is estimated to be 25,000 gallons per day. Staff finds that the ground-water withdrawal by the project sponsor is not subject to review and approval under Commission Regulation §803.43 unless the project sponsor increases its withdrawal from the well by 100,000 gpd (30-day average) over its grandfathered amount (to 125,000 gpd). With the addition of fairway irrigation in 1993, the ground-water withdrawal increased to a 30-day average of 101,000 gpd. Therefore, the current ground-water withdrawal does not require review and approval by the Commission.

Commission staff recommends that the project sponsor install and maintain a meter on the Halfway House Well, accurate to within five percent, and keep a daily record of the project's ground-water withdrawal. If the project sponsor should exceed the ground-water standards in Commission Regulation §803.43, namely by increasing its withdrawal to a 30-day average exceeding 125,000 gpd, 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(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 0.500 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent.
- c. Within 60 days of the date of this approval, the project sponsor shall install and maintain metering on the Halfway House Well, accurate to within five percent, to measure total ground-water withdrawals. The project sponsor shall keep daily records of the project's ground-water withdrawal, and shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.
- d. If an increase in the project's ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

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 in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be 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 25,000 gpd, during the preceding calendar quarter. If the daily grandfathered amount 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 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

g. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to penalties for its prior noncompliance. 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, above the grandfathered quantity of 25,000 gpd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) 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. 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. 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.

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

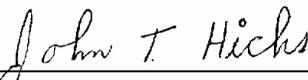
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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: June 12, 2002



Chairman

Docket No. 20020606
Approval Date: June 12, 2002

MILL RACE GOLF AND CAMPING RESORT, INC.

Consumptive Water Use of up to 0.300 mgd, for Golf Course Irrigation,
Benton Township, Columbia County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Middle Susquehanna Subbasin, Fishing Creek watershed, HUC 02050107, Benton Township, Columbia County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.300 million gallons per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.121 mgd and a peak day consumptive water use of 0.273 mgd. The source of water is an existing surface-water withdrawal from a millrace that receives water from Fishing Creek and predates Commission Regulation §803.44, relating to surface-water withdrawals, and has not increased more than 0.100 mgd since November 11, 1995.

The project began operating in 1974 and has been in continuous operation since that time. The irrigation of greens, tees, and fairways began in 1974. Water from Fishing Creek is diverted through a 48-inch concrete pipe under Pennsylvania Route 487 and into the millrace. Water for the irrigation system is withdrawn via a 4-inch intake pipe and fed, by gravity, to a sump. Two 50-horsepower pumps [490 gallons per minute (gpm)] convey water from the sump to the irrigation system.

The project sponsor has withdrawn water from the millrace over the life of the project with no passby flow structure or engineering controls. Neither the project's surface-water withdrawal nor its irrigation system currently is metered.

The golf course has a series of eight, interconnected ponds with a total surface area of approximately 14 acres that are not used for irrigation. These ponds are filled by stormwater runoff and spring flow.

Findings

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

All water withdrawn from the millrace and used for golf course irrigation is considered to be used consumptively. The irrigation system is not equipped with a meter. In accordance with the Commission's consumptive water use reporting requirements, staff recommends that the project sponsor install a meter on the irrigation system to measure the quantity of water pumped from the millrace to the irrigation system.

The project sponsor has requested a consumptive water use approval of up to 0.300 mgd. Based on an analysis of irrigation 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 peak day use of 0.273 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 0.300 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 1974 with no passby criteria in use at the site. Fishing Creek has an annual average daily flow (ADF) rate at the site of 126.6 cubic feet per second (cfs) or 56,818 gallons per minute (gpm). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) in Fishing Creek to be 4.50 cfs or 2,020 gpm. The surface-water intake has pumps with the combined capacity of 490 gpm. The withdrawal is greater than 10 percent of the Q7-10 flow (0.45 cfs or 202 gpm) at the point of taking, thereby requiring a passby flow to protect aquatic resources and downstream users.

Fishing Creek is classified as a cold-water fishery (CWF) and, based on the project's geographic location in the watershed and the anticipated associated fishery of brown trout and combined species of fish, Commission staff used the Instream Flow Incremental Methodology (SRBC 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 the Q7-10 flow, and to cease all withdrawals when streamflows drop below 4.50 cfs (2020 gpm). Commission staff has calculated that less than 1 percent of the time from June 1 to August 31 streamflow is less than the minimum passby criteria of 4.50 cfs. Further, staff recommends that the U.S. Geological Survey's stream gage 01539000 on Fishing Creek near Bloomsburg, Pa., be used as a reference gage for this site.

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 payment will be based on the quantity of water used for irrigation.

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

The project sponsor has elected to 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 two annual installments and will be invoiced for the final balance. 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 0.300 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.
- b. Within 60 days from the date of this approval, the project sponsor shall install a meter on the irrigation system to measure the quantity of water pumped from the millrace to the irrigation system.
- c. The project sponsor shall cease all withdrawals when the streamflow as measured at the U.S. Geological Survey's stream gage 01539000 on Fishing Creek near Bloomsburg, Pa., is less than 7,674.5 gpm or 17.1 cfs, and shall not begin withdrawals again until streamflow is above 7,674.5 gpm or 17.1 cfs.
- d. The project sponsor shall keep daily records of the project's consumptive water use and shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor also shall keep daily records of readings from the U.S. Geological Survey's stream gage 01539000 on Fishing Creek near Bloomsburg, Pa., during the irrigation season, and shall provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall install and maintain metering on the irrigation system, accurate to within five percent.

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 pumped to the irrigation system. Payments shall be made quarterly and shall be calculated by applying this rate to the amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

g. 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 two annual installments and shall be invoiced for the balance over the next year.

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

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. 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. 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.

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

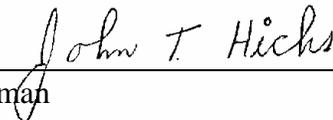
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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: June 12, 2002



Chairman

Docket No. 20020607
Approval Date: June 12, 2002

CLINTON COUNTRY CLUB

Consumptive Water Use of up to 0.295 mgd, for Golf Course Irrigation
Bald Eagle Township, Clinton County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the West Branch Susquehanna Subbasin, HUC 02050204, Fishing Creek watershed, Bald Eagle Township, Clinton County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.295 million gallons of water per day (mgd). Based on irrigation data submitted by the project sponsor for the year 2001, the project has a maximum average 30-day consumptive use of water of 0.113 mgd and a peak day consumptive water use of 0.276 mgd. The primary source of water is an existing surface-water withdrawal from Fishing Creek that predates Commission Regulation §803.44 relating to surface-water withdrawals and has not increased more than 0.100 mgd since November 11, 1995.

The project was constructed as a nine-hole course in 1909 and has been in continuous operation since that time. The course was expanded to eighteen holes in 1976. The original irrigation system was installed in the early to mid 1960's and the current system was installed in 1998. Irrigation water is pumped directly from Fishing Creek to irrigate greens, tees, and fairways. None of the ponds located on the course are used for irrigation water storage. Therefore, the project sponsor currently has no irrigation water storage. The project sponsor has withdrawn water from the stream over the life of the project with no passby structure or engineering controls.

Findings

The project's irrigation water use is subject to the Commission's consumptive water use 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 single meter that measures the quantity of water withdrawn from Fishing Creek and used for irrigation.

The project sponsor has requested a consumptive water use approval of up to 0.295 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 9 percent above the current peak day use of 0.276 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 0.295 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor has agreed to the Commission staff calculated pre-1971 consumptive water use of 0.025 mgd for the project and, for purposes of this docket, this quantity of water is considered grandfathered and is exempt from water compensation requirements. Since none of the on-site ponds are used to store irrigation water, the project sponsor is not required to provide compensation for the evaporative losses from the ponds.

The project sponsor operates a surface-water intake on Fishing Creek with no passby structure or engineering control maintained at the site. Fishing Creek is classified as a cold-water fishery (CWF). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Fishing Creek to be 22.2 cfs (9,963 gpm) at the point of withdrawal. The project sponsor's requested maximum single day withdrawal of 0.295 mgd, if used for irrigation over an 8-hour period, results in a stream withdrawal rate of approximately 615 gpm. This rate of withdrawal is below 10 percent (996.3 gpm) of Q7-10 for Fishing Creek at the point of taking. Therefore, no additional surface-water withdrawal limitations are currently required to protect Fishing Creek.

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 quantity of water used for irrigation minus the pre-1971 consumptive use of 0.025 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

The 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 Regulations §803.42 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use 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 0.295 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent.

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the quantity of water pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 25,000 gpd, during the preceding calendar quarter. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

e. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to any 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 used consumptively 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, above the grandfathered quantity of 25,000 gpd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

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. 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. 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.

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

i. Commission approval confers no property rights upon the 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.

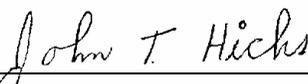
j. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002

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 Chairman

Docket No. 20020608
Approval Date: June 12, 2002

PHILIPSBURG COUNTRY CLUB

Consumptive Water Use of up to 0.050 mgd, for Golf Course Irrigation,
Rush Township, Centre County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 8, 2000.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 9-hole golf course.

Location. The project is located in the West Branch Susquehanna Subbasin, HUC 02050201, Moshannon Creek watershed, Rush Township, Centre County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.050 million gallons per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.021 mgd and a peak day consumptive water use of 0.044 mgd.

The project was constructed in 1922 and has been in continuous operation since that time. In 1987, the project sponsor installed an irrigation system for the greens, tees and one fairway. Since that time, irrigation has been extended to the other fairways. The water for the irrigation system is supplied by Pennsylvania-American Water Company–Moshannon Valley District (PAWC).

Findings

The project's irrigation water use is subject to the Commission's consumptive water use 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 has a meter that measures the quantity of water pumped through the system.

The project sponsor operated the golf course without an automatic irrigation system before 1987 and has not claimed any pre-compact consumptive water use.

The project sponsor has requested a consumptive water use approval of up to 0.050 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 13 percent above the current peak day use of 0.044 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 0.050 mgd, the project sponsor must apply for a modification to this docket at that time.

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

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.050 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 provide the results to the Commission quarterly, and as otherwise required. The daily

quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent.

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

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

e. 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. 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 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. 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. 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.

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

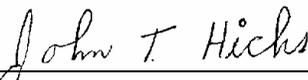
i. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

j. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002



Chairman

Docket No. 20020609
Approval Date: June 12, 2002

CHETREMON GOLF COURSE, INC.

Consumptive Water Use of up to 0.200 mgd, for Golf Course Irrigation,
Burnside Township, Clearfield 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 September 29, 2000.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 10-hole golf course.

Location. The project is located in the West Branch Susquehanna Subbasin, HUC 02050201, Burnside Township, Clearfield County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.200 million gallons per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.037 mgd and a peak day consumptive water use of 0.181 mgd.

The project sponsor currently has one pumping station that is used to irrigate the golf course. Water for irrigation is supplied from one off-stream pond, constructed in 1990, that provides irrigation water for the entire site. There are two ornamental ponds that are not used for irrigation purposes and are not part of the irrigation system. Water is pumped from the off-stream storage pond through a gasoline-powered pump [500 gallons per minute (gpm)] to irrigate greens, tees, and fairways. The off-stream pond has a surface area of approximately 0.45 acres and stores an estimated 1.20 million gallons of water. The project sponsor has sufficient storage for 32 days of irrigation based on the maximum average 30-day consumptive use.

The golf course was constructed between 1905 and 1910 and has been in continuous operation since that time. As part of the original project, the project sponsor constructed two off-stream ponds, one of which provided for irrigation water storage at the site. A new off-stream pond was constructed in 1990 and replaced the original pond as the source for irrigation water. The irrigation of the greens and tees began in 1931. The irrigation of fairways began in 1991.

Findings

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

All water evaporated from the off-stream pond, as well as water withdrawn from the off-stream pond and used for golf course irrigation, is considered to be used consumptively. Water evaporated from the pond will be calculated by the project sponsor employing a methodology acceptable to the Commission. The irrigation system is not equipped with a meter that measures the quantity of water withdrawn from the irrigation pond. In accordance with the Commission's consumptive water use reporting requirements, staff recommends that the project sponsor install a meter on the pumping station to measure the quantity of water pumped from the pond to the irrigation system.

The project sponsor has requested a consumptive water use approval of up to 0.200 mgd. Based on an analysis of irrigation 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 peak day use of 0.181 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 0.200 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has calculated the pre-1971 consumptive water use by the project sponsor to be 16,000 gallons per day (gpd) for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation plus water evaporated from the storage pond minus the pre-1971 consumptive use of 16,000 gpd. 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's primary source of water for the irrigation impoundment is stormwater runoff and springs. No other water source is available.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.200 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 60 days from the date of this approval, the project sponsor shall install a meter on the irrigation system to measure the quantity of water pumped from the pond to the irrigation system.

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

d. 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 0.016 mgd, during the preceding calendar quarter. 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 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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. 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, above the grandfathered quantity of 16,000 gpd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above.

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

h. 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. 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.

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

j. Commission approval confers no property rights upon the 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.

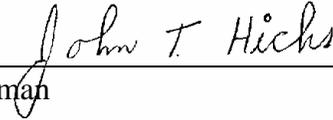
k. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

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

By the Commission:

Dated: June 12, 2002



Chairman

padam/word/dockets/ChetremonGC602

Docket No. 20020610
Approval Date: June 12, 2002

LOST CREEK GOLF CLUB – JUNIATA RECREATION CENTER

Surface-Water Withdrawal of up to 0.438 mgd, when available, from Lost Creek, and a
Consumptive Water Use of up to 0.438 mgd, for Golf Course Irrigation,
Fayette Township, Juniata 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 July 31, 2000, and the application for the surface-water withdrawal on April 26, 2002.

Description

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

Location. The project is located in the Juniata Subbasin, HUC 02050304, Lost Creek watershed, Fayette Township, Juniata County, Pennsylvania.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of up to 0.438 million gallons per day (mgd) of water from Lost Creek, when available, and a consumptive use of water of up to 0.438 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.158 mgd and current peak day consumptive water use to be 0.311 mgd in the 2001 irrigation season, however, the project sponsor states that they have historically used up to 0.438 mgd in a peak day. The sole source of water is an existing surface-water withdrawal from Lost Creek.

The project was constructed in 1966 and has been in continuous operation since that time. The project sponsor replaced sprinkler heads around the greens in 1989 and replaced the original irrigation system with an automatic double row irrigation system in 1999. As part of the project, the project sponsor constructed an off-stream irrigation storage pond. Commission staff has calculated the surface area of the pond to be 1.2 acres. Commission staff calculates the irrigation pond volume to be approximately 3.10 million gallons when at full capacity. This storage

capacity can provide for approximately 19 days of irrigation at the reported 30-day maximum average consumptive use of 0.158 mgd.

Surface water for the irrigation system is withdrawn from Lost Creek by two methods. A four-inch diameter pipe located on the stream at the eighth fairway is the normal gravity-fed withdrawal that supplies the irrigation pond. On an emergency basis, the project sponsor uses a pump located downstream from the gravity intake (near the second green). The project sponsor reports that the pump is rated at 800 gpm and was part of the old irrigation system. While the pump discharges to the irrigation pond, it also can be connected directly to the irrigation system in the event of irrigation pump failure. Neither stream withdrawal method currently has passby structures or engineering controls.

Findings

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

All water evaporated from the pond, as well as 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 pre-1971 consumptive water use by the project sponsor is determined by Commission staff to be 0.128 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. 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 0.438 mgd. Based on an analysis of 2001 irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 41 percent above the 2001 peak day use of 0.311 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.438 mgd, the project sponsor must apply for a modification to this docket at that time.

The surface-water withdrawals from Lost Creek are not currently metered. The requested surface-water withdrawal amount (0.438 mgd) is more than 0.100 mgd over the project sponsor's documented maximum withdrawal of 0.311 mgd and, therefore, the project sponsor must comply with Commission Regulation §803.44 relating to surface-water withdrawals. Commission staff recommends that meters be installed on the surface-water intakes in accordance with Commission Regulation §803.44, and that the project sponsor keep daily records of the withdrawals.

The project's sole source of water for the irrigation system is the withdrawal from Lost Creek, a Class A cold water fishery and currently there are no passby flow criteria in use at the site. Commission staff has calculated the 7-day, 10-year low flow (Q7-10 flow) for Lost Creek to be 0.524 cubic feet per second (cfs) or 233 gallons per minute (gpm) at the point of taking. The withdrawal rate is greater than 10 percent of the Q7-10 flow at the point of taking and a

passby flow is required to protect aquatic resources and downstream users. Staff recommends that the project sponsor maintain a passby flow of not less than 23 percent of annual average daily flow (ADF), which equals 3.75 cfs or 1683 gpm, and to cease all withdrawals when streamflow drops below 3.75 cfs.

Staff recommends that the project sponsor incorporate a passive passby flow device for each surface-water withdrawal intake. The project sponsor should submit its design and a proposed construction schedule within 60 days for review and approval by Commission staff prior to any construction. During operation of the intake structures, 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.

According to staff's analysis, approximately 20 to 30 percent of the time streamflow will not be sufficient to meet the golf course irrigation needs. Based on this finding, Commission staff recommends that the project sponsor initiate a study to identify other sources of water to address this deficiency.

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 quantity of water used for irrigation minus the pre-1971 consumptive use of 0.128 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water withdrawn and consumed in violation of Commission Regulations §803.42 and §803.44 prior to January 1, 2001. 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 surface-water withdrawal from Lost Creek of up to 0.438 mgd, when available, and the consumptive use of water up to 0.438 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the irrigation storage pond plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent. Commission staff shall review and approve of the method of calculation of evaporative loss from the pond system.

c. Within 60 days of the date of this approval, the project sponsor shall install and maintain metering on the two surface-water intakes, accurate to within five percent, and keep daily records of the project's surface-water withdrawal. The project sponsor shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. The project sponsor shall maintain a passby flow on Lost Creek of not less than 23 percent of annual average daily flow, which equals 3.75 cfs or 1,683 gpm, and shall cease all withdrawals when streamflow drops below 3.75 cfs downstream from the pump intake. The project sponsor shall modify or replace the stream intake structure to incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule for a modified or replacement intake structure within 60 days of the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the 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 intake structure at any time.

e. The project sponsor shall immediately initiate a study to investigate the adequacy of the Lost Creek source and develop a plan to address any supply deficiencies. The results of this study and the plan shall be submitted to the Commission within six months of the date of this approval. The plan shall be accompanied by the appropriate application(s) needed for the approval of any supplemental sources identified in the plan.

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 in the amount 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 pond plus the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 128,000 gpd, during the preceding calendar quarter. If the daily grandfathered amount exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

g. The project sponsor shall comply with Commission water conservation requirements, as per 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 any 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 used consumptively 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, above the grandfathered quantity of 128,000 gpd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (f) above.

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. 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. 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.

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

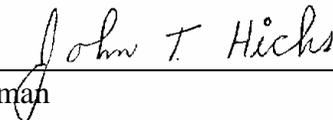
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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: June 12, 2002



Chairman

Docket No. 20020611
Approval Date: June 12, 2002

LEWISTOWN COUNTRY CLUB

Surface-Water Withdrawal of up to 0.525 mgd, from the Juniata River, and a
Consumptive Water Use of up to 0.525 mgd, for Golf Course Irrigation,
Grantville Township, Mifflin County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on August 11, 2000, and the application for the surface-water withdrawal on May 9, 2002.

Description

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

Location. The project is located in the Juniata River Subbasin, HUC 02050304, Grantville Township, Mifflin County, Pennsylvania.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of up to 0.525 million gallons per day (mgd) of water from the Juniata River, and a consumptive use of water of up to 0.525 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.149 mgd and current peak day consumptive water use to be 0.683 mgd. The project sponsor is aware that the historical peak day consumptive use is in excess of the requested peak day use and will manage its water withdrawals and usage to stay below the requested quantities.

The primary source of water is an existing surface-water withdrawal from the Juniata River. 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 was constructed as a 9-hole golf course in 1947 and has been in continuous operation since that time. The golf course was expanded to 18 holes in 1973. The original

irrigation system was installed in the early to mid 1960s and was replaced by the current system in 1995.

The project is irrigated using two separate pumping stations. Water is primarily pumped directly from the Juniata River to irrigate greens, tees, and fairways. Water is also pumped from a spring-fed pond (Pond #8) to irrigate the golf course. The project routinely pumps water from the Juniata River to Pond #8 to meet irrigation demands. Both pumping stations are equipped with totalizing meters.

According to the project sponsor, Pond #8 was constructed in 1978 and, based on irrigation system drawings, has a surface area of 0.7 acres and average depth of approximately 14 feet. Commission staff has calculated a maximum storage capacity for the irrigation pond to be 3.19 million gallons, which is sufficient storage for approximately 21 days of irrigation, based on the maximum 30-day average use of 0.149 mgd.

Findings

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

All water evaporated from the irrigation pond, as well as water withdrawn from the pond and the Juniata River and used for golf course irrigation, is considered to be used consumptively. Water evaporated from the irrigation pond will be calculated by the project sponsor employing a methodology acceptable to the Commission. The irrigation system is equipped with meters on both pumping stations, one that measures the quantity of water withdrawn from the Juniata River and used for irrigation and a second that measures the quantity of water withdrawn from the irrigation pond and used for irrigation.

The project sponsor has requested a consumptive water use approval of up to 0.525 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount. Should the project's future consumptive water use exceed or be expected to exceed 0.525 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor has agreed to Commission staff's calculated pre-1971 consumptive water use of 0.025 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 sponsor operates a surface-water intake on the Juniata River. The Juniata River is classified as a warm-water fishery (WWF). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for the Juniata River to be 521.6 cfs (234,094 gpm) at the point of withdrawal. The project sponsor's requested maximum day withdrawal of 0.525 mgd, if used for irrigation over an 8-hour period, results in a surface water withdrawal rate of approximately 1,095 gpm. This rate of withdrawal is less than 10 percent (23,409 gpm) of the Q7-10 for the Juniata River at the point of taking. Therefore, no additional surface-water withdrawal limitations currently are required to protect the Juniata River.

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 evaporated from the irrigation pond plus the quantity used for irrigation minus the pre-1971 consumptive use of 0.025 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

The 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 withdrawn and consumed in violation of Commission Regulations §803.42 and §803.44 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

Decision

The project's surface-water withdrawal from the Juniata River of up to 0.525 mgd, and the consumptive use of water of up to 0.525 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the irrigation pond plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent. Commission staff shall review

and approve of the method of calculation of evaporative loss from the pond system.

c. The project sponsor shall keep daily records of the project's surface-water withdrawal and shall provide the results to the Commission quarterly, and as otherwise required. The Commission reserves the right to inspect the intake structure at any time, inspect all measurement equipment, and audit all measurement records.

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 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 0.025 mgd, during the preceding calendar quarter. 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 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to any 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, above the grandfathered quantity of 0.025 mgd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above.

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

h. 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. 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.

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

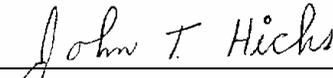
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002



Chairman

Docket No. 20020612
Approval Date: June 12, 2002

STANDING STONE GOLF CLUB

Consumptive Water Use of up to 0.310 mgd, for Golf Course Irrigation,
Oneida Township, Huntington County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in Juniata Subbasin, Standing Stone Creek watershed, HUC 02050302, Oneida Township, Huntington County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.310 million gallons of water per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.134 mgd and a peak day consumptive water use of 0.212 mgd, but the irrigation system is designed to use up to 0.310 mgd, when available, and the project sponsor states that it has historically used up to 0.310 mgd in a peak day.. The primary water source is an existing surface-water withdrawal from Standing Stone Creek.

The project was constructed in 1972 and has been in continuous operation since that time. As part of the project, the project sponsor constructed one off-stream pond that provides irrigation water for the entire site. In addition, the golf course has nine ornamental ponds that are not used for irrigation; eight of which receive water from the irrigation system.

Water is pumped from the off-stream storage pond through a 35-horsepower pump [500 gallons per minute (gpm)] to irrigate greens, tees, and fairways. The irrigation of the greens, tees, and fairways began in 1973. The off-stream pond has a surface area of approximately 0.1 acre and stores an estimated 0.130 million gallons of water. The project sponsor has sufficient storage on-site for less than one day of irrigation.

The off-stream pond is fed by gravity with water from Standing Stone Creek via a 12-inch pipe. The project sponsor has withdrawn water from the stream over the life of the project with no passby structure or engineering controls.

Findings

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

All water withdrawn from Standing Stone Creek and used for golf course irrigation, as well as that evaporated from the off-stream pond, is considered to be used consumptively. Water evaporated from the off-stream pond 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 to the system. Eight ponds are "topped-off" with water that is metered through the irrigation system; therefore, the project sponsor is not required to calculate the evaporative losses from those ponds.

The primary water source is an existing surface-water withdrawal from Standing Stone Creek that predates Commission Regulation §803.44, relating to surface-water withdrawals.

The project sponsor has requested a consumptive water use approval of up to 0.310 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 46 percent above the peak day use in 2001 of 0.212 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 0.310 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor operates a surface-water intake on Standing Stone Creek with no passby flow currently maintained at the site. Standing Stone Creek is classified as a cold-water fishery (CWF) and High Quality Waters (HQ). Commission staff has calculated that the 7-day 10-year low flow (Q7-10) at the site to be 10.25 cubic feet per second (cfs) or 4,600 gpm. Average daily flow (ADF) at the site is calculated by staff to be 144.9 cfs or 65,036 gpm. The surface-water intake has a pump with the withdrawal capacity of 500 gpm. The withdrawal is greater than 10 percent of the Q7-10 flow (1.03 cfs or 462 gpm) at the point of taking, thereby requiring a passby flow to protect aquatic resources and downstream users.

Based on the project's classification as CWF, its geographic location in the watershed and the anticipated associated fishery of brown trout and combined species of fish, Commission staff used the Instream Flow Incremental Methodology (SRBC Publication No. 191, May 1998) to determine the appropriate passby flow requirement. In making this determination, Commission staff also considered the impact of the withdrawal on downstream water users.

The Borough of Huntingdon has a permitted surface-water withdrawal of 4.0 mgd from its intake on Standing Stone Creek, which is located approximately three miles downstream from

the project sponsor's intake. In order to protect downstream users and aquatic resources, Commission staff recommends that the project sponsor discontinue its withdrawal when streamflow drops below 7,378 gpm or 16.44 cfs (Q7-10 + 4.0 mgd for Huntingdon). Further, staff recommends that the U.S. Geological Survey's stream gage 01564500 on Augwick Creek near Three Springs, Pa., be used as a reference gage for this site. Commission staff has calculated that less than 1 percent of the time from June 1 to August 31 streamflow is less than the minimum passby flow.

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 payment will be based on the quantity of evaporative loss from the storage pond plus the quantity pumped to the irrigation system.

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

The project sponsor has paid the appropriate application fee in accordance with Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06. The project sponsor has provided all proofs of notification as 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 0.310 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 cease all withdrawals when the streamflow as measured at the U.S. Geological Survey's stream gage 01564500 on Augwick Creek near Three Springs Pa.

is less than 7,378 gpm or 16.44 cfs and shall not begin withdrawals again until streamflow is above 16.44 cfs.

c. The project sponsor shall keep daily records of the project's consumptive water use and shall provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage pond plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system and surface-water withdrawal, accurate to within five percent. Commission staff shall review and approve of the method of calculation of evaporative loss from the pond system. The project sponsor also shall keep daily records of readings from the U.S. Geological Survey's stream gage 01564500 on Augwick Creek near Three Springs, Pa., during the irrigation season, and shall provide the results to the Commission quarterly, and as otherwise required.

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

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

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

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

h. 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. 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.

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

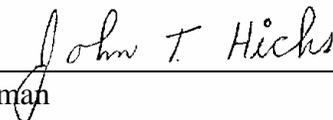
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002



Chairman

Docket No. 20020613
Approval Date: June 12, 2002

PINE MEADOWS GOLF COMPLEX

Surface-Water Withdrawal of up to 0.265 mgd, when available, from Little Swatara Creek, and a Consumptive Water Use of up to 0.265 mgd, for Golf Course Irrigation, Bethel Township, Lebanon County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on August 18, 2000, and the application for the surface-water withdrawal on March 21, 2002.

Description

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

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

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of 0.265 million gallons per day (mgd) of water from Little Swatara Creek, when available, and the consumptive use of water of up to 0.265 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.150 mgd and current peak day consumptive water use to be 0.253 mgd. The primary water source is an existing surface-water withdrawal from Little Swatara Creek.

The project was constructed in 1960 as a nine-hole golf course and was expanded to its current configuration in 1999. As part of the expansion project, the project sponsor constructed five off-stream ponds that provide for water storage on-site. The project sponsor is currently constructing a sixth pond to increase water storage capabilities for the project. The total acreage of the storage ponds (the irrigation pond, the new storage pond and Pond Nos. 1, 10, 11 and 12) is approximately 3.03 acres with a total estimated capacity of 23.145 million gallons of water when full. The project sponsor has sufficient storage on-site to meet the project's irrigation demands for 154 days, based on the maximum 30-day average use of 0.150 mgd.

The storage pond system is filled with water primarily from Little Swatara Creek. Surface runoff from the adjacent upland area is a secondary source of water for the ponds. The surface-water withdrawal from the Little Swatara is accomplished via an intake pipe located in the streambed and water is pumped to the main irrigation pond.

Portions of the former irrigation system remain on-site including three wells and several ponds that are either no longer used for irrigation or currently are being removed from the system.

Findings

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

All water evaporated from the six storage ponds (the irrigation pond, the new pond and Pond Nos. 1, 10, 11 and 12), as well as all water used for golf course irrigation, is considered to be used consumptively. Water evaporation from the ponds will be calculated by the project sponsor employing a methodology acceptable to the Commission. The irrigation system is equipped with a meter that measures the quantity of water pumped to the system.

The project sponsor has requested a consumptive water use approval of up to 0.265 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 5 percent above the current peak day use of 0.253 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 0.265 mgd, the project sponsor must apply for a modification to this docket at that time.

Irrigation of the nine-hole golf course began in 1960. Commission staff has determined that the pre-1971 consumptive water use by the project sponsor is 0.042 mgd.

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 use its own storage during low flow periods. Staff has determined that the quantity of storage is sufficient to supply the golf course during drought conditions. In order for this storage to be an acceptable method of compliance with Commission Regulation §803.42, the project sponsor must cease withdrawals from the stream and be limited to using water stored in the on-site ponds during periods of low flow and upon notice by the Commission.

The irrigation ponds collectively store an estimated 23.145 million gallons of water when at full capacity. This volume should provide approximately 154 days of irrigation based on the maximum 30-day average use of 0.150 mgd. The project sponsor will need to maintain sufficient water storage in order to meet the project's demand for irrigation water. Staff

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

The project's primary source of water for irrigation is an unmetered withdrawal from Little Swatara Creek, which is classified as a warm-water fishery. Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) of the Little Swatara to be 14.63 cubic feet per second (cfs) or 6,566 gallons per minute (gpm) at the point of taking.

Although the project's requested surface-water withdrawal of 0.265 mgd is less than 10 percent of the Q7-10 flow at the point of taking, the project sponsor has operated its surface-water intake on Little Swatara Creek without any controls in place to ensure a passby flow is maintained at the site. In order to protect downstream users, habitat, and aquatic resources, Commission staff recommends that the project sponsor maintain a minimum passby flow of 20 percent annual average daily flow (ADF) and be limited to the use of water stored on site until streamflow is greater than 20 percent (ADF). Commission staff recommends that the U.S. Geological Survey's stream gage 01573000, located on the Swatara Creek at Harper Tavern, Pa., be used as the reference gage and has calculated the 20 percent ADF at this gage to be 115 cfs.

The project is subject to 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 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 Little Swatara Creek of up to 0.265 mgd, when available, and the consumptive use of water up to 0.265 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative losses from the six storage ponds plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent. Commission staff shall review and approve of the method of calculation of evaporative loss from the pond system.

c. Within 60 days of the date of this approval, the project sponsor shall install and maintain metering on the surface-water intake, accurate to within five percent. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. The project sponsor shall keep daily records of the project's surface-water withdrawal and shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor also shall keep daily records of readings from the U.S. Geological Survey's stream gage 01573000, located on the Swatara Creek at Harper Tavern, Pa., during the irrigation season, and shall provide the results to the Commission quarterly, and as otherwise required.

e. The project sponsor shall limit its use of water to that stored on-site and cease all withdrawals from Little Swatara Creek when the streamflow as measured at the U.S. Geological Survey's stream gage 01573000, located on the Swatara Creek at Harper Tavern, Pa., is less than 74.3 mgd or 115 cfs.

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

g. The project sponsor shall comply with Commission water conservation requirements, as per 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. 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. 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.

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

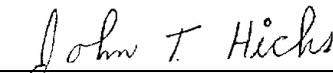
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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: June 12, 2002



Chairman

Docket No. 20020614
Approval Date: June 12, 2002

MANADA GOLF CLUB

Surface-Water Withdrawal of up to 0.295 mgd, when available, from Bow Creek, and a
Consumptive Water Use of up to 0.295 mgd, for Golf Course Irrigation,
East Hanover Township, Dauphin County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on August 21, 2000, and the application for the surface-water withdrawal on April 30, 2002.

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, Bow Creek watershed, HUC 02050305, East Hanover Township, Dauphin County, Pennsylvania.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of up to 0.295 million gallons per day (mgd) of water from Bow Creek, when available, and a consumptive use of water of up to 0.295 mgd. Based on irrigation data submitted by the project sponsor for the year 2001, the project has a maximum average 30-day consumptive use of water of 0.129 mgd and a current peak day consumptive water use of 0.268 mgd.

Irrigation water is withdrawn from a pond which is constructed in Bow Creek, near the fourth fairway of the golf course. The pond receives water from Bow Creek, from springs located between the eighth and ninth fairways, and from three wells. Ground water is used as a supplemental source, as needed, to meet the golf course irrigation demands. The fourth Tee Well has a reported yield of 40 gallons per minute (gpm), the fifth Tee Well has a reported yield of 20 gpm, and the Barn Well has a reported yield of 20 gpm. The irrigation water usage is metered.

The project was constructed as an 18-hole course in 1963 and has been in continuous operation since that time. As part of the project, the project sponsor constructed one holding pond on Bow Creek to provide for water storage at the site. Commission staff has calculated the surface area of the pond to be 3.37 acres and the pond volume is reported to be approximately 4.2 million gallons. The location of the irrigation system intake currently limits the effective, usable storage of the pond to approximately 2.1 million gallons, which is sufficient storage for approximately 16 days of irrigation, based on the maximum 30-day average use. The project sponsor has withdrawn water from the on-stream pond over the life of the project with no passby structure or engineering controls in place.

The original irrigation system was installed in 1963 and the current system, which was modified to include fairway irrigation in 1995, was activated in 1996. Irrigation water is pumped directly from the on-stream pond to irrigate greens, tees, and fairways. The current water withdrawal from the pond is accomplished via a pump that has a capacity of 850 gpm.

Ground water is withdrawn from the three on-site wells and discharged to the on-stream pond, as needed for the irrigation system. The total pumping capacity of the three wells, as reported by the project sponsor, is 80 gpm, however, the project sponsor has reported that the wells are utilized at less than 100,000 gallons during a 24-hour pumping period. The ground-water withdrawal for the irrigation system is not metered.

Findings

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

The project sponsor has requested a consumptive water use approval of up to 0.295 mgd. Based on an analysis of irrigation 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 peak day use of 0.268 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 0.295 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's ground-water withdrawal has been in operation since 1996 but is not metered. The three on-site wells are used to fill the pond and supplement Bow Creek inflow, if needed. The project sponsor has reported that the wells are utilized at less than 100,000 gallons during a 24-hour pumping period and, thus, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the project sponsor currently does not meter the actual quantity of ground water withdrawn, and the wells are capable of producing 115,200 gpd, Commission staff recommends that the project sponsor install the appropriate metering to provide to the Commission documentation of the wells' combined usage.

If the ground-water withdrawal exceeds 3,000,000 gallons in any consecutive 30-day period, the project sponsor must submit a ground-water withdrawal application to the Commission.

All water withdrawn from the pond and used for golf course irrigation is considered to be used consumptively. The irrigation system has a meter that measures the quantity of water pumped. The pre-1971 consumptive water use by the project sponsor is 0.045 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. Since the storage pond predates the Commission's consumptive use regulation, the project sponsor is not required to provide compensation for the evaporative losses from the pond.

The project sponsor has requested a consumptive water use approval of up to 0.295 mgd. Commission staff analyzed irrigation records supplied by the project sponsor and, based on this analysis, is recommending an increase of 10 percent above the current peak day use of 0.268 mgd. This will allow for increased water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.295 mgd, the project sponsor must apply for a modification to this docket at that time.

The primary source of water is an existing surface-water withdrawal from Bow Creek. 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.

The project's surface-water withdrawal has been in operation since 1963 with no passby criteria in use at the site. Bow Creek is a warm-water fishery (WWF) with an annual average daily flow (ADF) rate at the site of 1.22 cubic feet per second (cfs) or 548 gallons per minute (gpm). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) in Bow Creek to be 0.031 cfs or 13.9 gpm. The surface-water intake has a pump with the capacity of 850 gpm. The withdrawal is greater than 10 percent of the Q7-10 flow (0.003 cfs or 1.3 gpm) at the point of taking, thereby requiring a passby flow to protect aquatic resources and downstream users.

Commission guidelines for calculating passby flows require that the passby flow at the point of taking for a stream classified as a WWF be 20 percent of annual ADF. Therefore, Commission staff has calculated a passby flow of 20 percent of annual ADF to be 110 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 drops below 20 percent ADF. Therefore, staff recommends that the project sponsor maintain a downstream release of water from the pond of 110 gpm, or an amount equal to the inflow of the stream and springs to the pond, when streamflow drops below 110 gpm.

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 0.045 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

The 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 withdrawn and consumed in violation of Commission Regulations §803.42 and §803.44 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

Decision

The project's surface-water withdrawal from Bow Creek of up to 0.295 mgd, when available, and the consumptive use of water of up to 0.295 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent.

c. Within 60 days of the date of this approval, the project sponsor shall install and maintain metering on the three on-site wells, accurate to within five percent, and keep daily records of the project's ground-water withdrawal. The project sponsor shall provide the results 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 contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. The project sponsor shall keep daily records of the project's surface-water withdrawal and shall provide the results to the Commission quarterly, and as otherwise required. The Commission reserves the right to inspect the intake structure at any time, inspect all measurement equipment, and audit all measurement records.

e. The project sponsor shall maintain a downstream release of water from the pond of 110 gpm, or when streamflow into the pond is less than 110 gpm, an amount equal to the total inflow of the stream and springs 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 provide the results to the Commission quarterly, and as otherwise required.

f. The project sponsor shall submit its design and a proposed construction schedule for the flow measurement devices within 90 days of the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall 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.

g. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity 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 0.045 mgd, during the preceding calendar quarter. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

i. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to any penalties for prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water used consumptively 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, above the grandfathered quantity of 0.045 mgd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (g) above.

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. 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. 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.

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

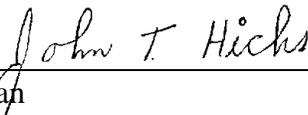
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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: June 12, 2002



Chairman

padam/word/dockets/ManadaGC620

Docket No. 20020615
Approval Date: June 12, 2002

THE GOLF CLUB AT FELICITA

Surface-Water Withdrawal of up to 0.500 mgd, when available, from Fishing Creek, and a
Consumptive Water Use of up to 0.500 mgd, for Golf Course Irrigation,
Middle Paxton Township, Dauphin County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on August 25, 2000, and the application for the surface-water withdrawal on November 15, 2001.

Description

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

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

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of up to 0.500 million gallons per day (mgd) of water from Fishing Creek, when available, and a consumptive use of water of up to 0.500 mgd. Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.156 mgd and a peak day consumptive water use of 0.552 mgd. The project sponsor is aware that the historical peak day consumptive use is in excess of the requested peak day use and will manage its water withdrawals and usage to stay below the requested quantities. Water is diverted from Fishing Creek, as needed, to meet the golf course irrigation demands.

The source of water is an existing surface-water withdrawal from Fishing Creek. 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 was constructed in 1964 and has remained in continuous operation. Two off-stream ponds (Nos. 9 and 15) were constructed in 1964 and provide for irrigation water storage at the site.

Water for the irrigation system is diverted from Fishing Creek to a pond located in the center of the fifteenth fairway (No. 15). Water stored in this pond is used to irrigate approximately one-half of the project. Water also is transferred from pond No. 15 to a spring-fed storage pond, No. 9, which is located to the west of the ninth tee. Water stored in this pond is used to irrigate the remainder of the project.

The current water withdrawal from Fishing Creek is accomplished via a trench from the stream that transfers water to an off-stream pond with a pump that has a capacity of 450 gpm. The withdrawal of water from the stream currently has no passby structure or engineering controls. The project sponsor has sufficient storage on-site for approximately three days of irrigation, based on the maximum average 30-day consumptive use of water of 0.156 mgd.

Findings

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

All water withdrawn from the ponds and used for golf course irrigation is considered to be used consumptively. The pre-1971 consumptive water use by the project sponsor has been determined by Commission staff to be 0.081 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. The irrigation system is equipped with a meter that measures the quantity of water pumped to the irrigation system. Since the storage ponds predate the Commission's consumptive use regulations, the project sponsor is not required to provide compensation for the evaporative losses from the ponds.

The project sponsor has requested a consumptive water use approval of up to 0.500 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount. Should the project's future consumptive water use exceed or be expected to exceed 0.500 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 1964 with no passby criteria in use at the site. Fishing Creek is a warm-water fishery (WWF) with an annual average daily flow (ADF) rate at the site of 18.33 cubic feet per second (cfs) or 8,226 gallons per minute (gpm). Commission staff has calculated the 7-day, 10-year low flow (Q7-10 flow) for Fishing Creek to be 0.302 cfs or 135.3 gpm. The surface-water intake is a pump that has a capacity of 450 gpm. The withdrawal is greater than 10 percent of the Q7-10 flow (0.030 cfs or 13.5 gpm) at the point of taking, thereby requiring a passby flow to protect aquatic resources and downstream users. Staff recommends that the project sponsor maintain a passby flow of not less

than 20 percent of annual average daily flow (ADF), which equals 3.66 cfs or 1,645 gpm, and to cease all withdrawals when streamflow drops below 3.66 cfs.

According to staff's analysis, approximately 33 percent of the time streamflow will not be sufficient to meet the golf course irrigation needs. Based on this finding, Commission staff recommends that the project sponsor initiate a study to identify other sources of water to address this deficiency.

Staff recommends as an interim protective measure that the project sponsor modify its withdrawal to take less than 108 gpm (0.156 mgd) during times when streamflow falls below 20 percent of ADF, which equals 3.66 cfs or 1,645 gpm and to cease all withdrawals when streamflow drops below the Q7-10 flow of 0.302 cfs or 135.3 gpm. This interim protective measure should expire 4 years from the date of this approval.

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

The project's consumptive use of water 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 quantity of water used for irrigation minus the pre-1971 consumptive use of 0.081 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Regulations §803.42 and §803.44 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project as of January 1, 2001.

Decision

The project's surface-water withdrawal from Fishing Creek of up to 0.500 mgd, when available, and the consumptive use of water up to 0.500 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent.

c. The project sponsor shall install and maintain metering on the surface-water withdrawal, accurate to within five percent, and keep daily records of the project's surface-water withdrawal. The project sponsor shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

d. The project sponsor shall as an interim protective measure modify its withdrawal to take less than 108 gpm (0.156 mgd) during times when streamflow is less than 20 percent of average daily flow (ADF), which equals 3.66 cfs or 1,645 gpm and shall cease all withdrawals when streamflow is below the 7-day 10-year low flow (Q7-10 flow) of 0.302 cfs (135 gpm). The project sponsor shall replace its intake structure and incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule within 60 days following Commission action 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 intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval. This interim protective measure shall expire 4 years from the date of this approval.

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

f. Upon termination of the interim protective measure described in condition (d), the project sponsor shall maintain a passby flow at the intake structure located on Fishing Creek of not less than 20 percent of annual average daily flow, which equals 3.66 cfs or 1,645 gpm, and shall cease all withdrawals when streamflow immediately downstream of the intake drops below 3.66 cfs. The project sponsor shall submit its design and a proposed construction schedule 90 days before the termination of the interim protective measures 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 intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval.

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

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 pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 81,000 gpd, during the preceding calendar quarter. 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 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.

i. 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. 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 water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (f) above.

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. 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. 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.

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

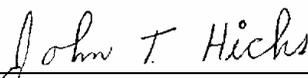
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002



Chairman

Docket No. 20020616
Approval Date: June 12, 2002

COUNTRY CLUB OF HARRISBURG

Surface-Water Withdrawal of up to 0.382 mgd, when available, from Fishing Creek, and a
Consumptive Water Use of up to 0.382 mgd, for Golf Course Irrigation,
Middle Paxton Township, Dauphin County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on August 22, 2000, and the application for the surface-water withdrawal on April 25, 2002.

Description

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

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

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of up to 0.382 million gallons per day (mgd) of water from Fishing Creek, when available, and a consumptive use of water of up to 0.382 mgd. Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.226 mgd and a peak day consumptive water use of 0.382 mgd. The sole source of water is an existing surface-water withdrawal from Fishing Creek.

The source of water is an existing surface-water withdrawal from Fishing Creek. 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 was constructed in 1915 and has been in continuous operation since that time. The project sponsor began irrigation in the 1950s using a portable irrigation system. The system was upgraded to a manual in-ground system, also in the 1950s. In 1993, the project sponsor

upgraded to a fully automated irrigation system that was replaced in 2002 with the current double row irrigation system.

Water for the irrigation system is withdrawn from Fishing Creek and directly applied to the golf course through the irrigation system. The current surface-water withdrawal is equipped with a totalizing flow meter and is withdrawn at a rate of approximately 800 gpm. However, no passby structures or engineering controls are in place at the point of withdrawal.

Findings

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

All water used for golf course irrigation is considered to be used consumptively. The pre-1971 consumptive water use by the project sponsor has been determined by Commission staff to be 0.081 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. The irrigation system is equipped with a meter that measures the quantity of water pumped to the irrigation system.

The project's sole source of water for the irrigation system is the withdrawal from Fishing Creek, a warm-water fishery (WWF), and currently there are no passby flow criteria in use at the site. Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Fishing Creek to be 0.479 cubic feet per second (cfs) or 215 gallons per minute (gpm) at the point of taking. The calculated withdrawal rate of 637 gpm is greater than 10 percent of the Q7-10 flow at the point of taking and a passby flow is required to protect aquatic resources and downstream users. Staff recommends that the project sponsor maintain a passby flow of not less than 20 percent of annual average daily flow (ADF), which equals 4.96 cfs or 2,226 gpm, and to cease all withdrawals when streamflow drops below 4.96 cfs.

According to staff's analysis, approximately 33 percent of the time streamflow will not be sufficient to meet the golf course irrigation needs. Based on this finding, Commission staff recommends that the project sponsor initiate a study to identify other sources of water to address this deficiency.

Staff recommends as an interim protective measure the project sponsor modify its withdrawal to allow a minimum stream passby flow equal to the calculated 7-day 10-year low flow (Q7-10 flow) of 0.479 cfs (215 gpm). Staff recommends that the project sponsor replace its intake structure and incorporate a passive passby flow device. The project sponsor should submit its design and a proposed construction schedule within 60 days following Commission action 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 device and intake structure at any time. This interim protective measure should expire 4 years from the date of this approval.

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

The project's consumptive use of water 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 quantity of water used for irrigation minus the pre-1971 consumptive use of 0.081 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water withdrawn and consumed in violation of Commission Regulations §803.42 and §803.44 prior to January 1, 2001. 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 surface-water withdrawal from Fishing Creek of up to 0.382 mgd, when available, and the consumptive use of water of up to 0.382 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent.

c. The project sponsor shall maintain metering on the surface-water withdrawal, accurate to within five percent, and keep daily records of the project's surface-water withdrawal. The project sponsor shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

d. The project sponsor shall, as an interim protective measure, modify its withdrawal to allow a minimum stream passby flow equal to the calculated 7-day 10-year low flow (Q7-10 flow) of 0.479 cfs (215 gpm). The project sponsor shall replace its intake structure and incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule within 60 days following Commission action 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 intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval. This interim protective measure shall expire 4 years from the date of this approval.

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

f. Upon termination of the interim protective measure described in condition (d), the project sponsor shall maintain a passby flow at the intake structure located on Fishing Creek of not less than 20 percent of annual average daily flow, which equals 4.96 cfs or 2226 gpm, and shall cease all withdrawals when streamflow immediately downstream of the intake is less than 4.96 cfs. The project sponsor shall submit its design and a proposed construction schedule 90 days before the termination of the interim protective measures 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 intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval.

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

payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity 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 81,000 gpd, during the preceding calendar quarter. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

i. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to any penalties for prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water used consumptively 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, above the grandfathered quantity of 81,000 gpd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (g) above.

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. 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. 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.

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

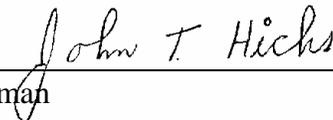
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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: June 12, 2002



Chairman

Docket No. 20020617
Approval Date: June 12, 2002

WENGERTS DAIRY, INC.

Consumptive Water Use of up to 0.060 mgd,
for Manufacture of Beverages and Evaporative Cooling,
North Cornwall Township, Lebanon County, Pennsylvania

Review Authority

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

Description

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

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

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.060 million gallons per day (mgd). Water is supplied to the facility by Borough of Lebanon Water Authority (BLWA) at an average annual rate of 0.150 mgd and a peak monthly rate of 0.150 mgd. The water is consumptively used for manufacture of flavored beverages, and building and product cooling. Currently, the plant's maximum daily consumptive use reaches 0.060 mgd during peak days.

The dairy has been in business since 1931. Onsite wells were utilized as the source of water supply until 1980 when the project sponsor began using water from the BLWA. BLWA has been used as the source since 1980. The water is metered as it enters the facility, where water is consumptively used on the product line, and in the evaporative cooling system.

The project sponsor reported that consumptive water use was minimal prior to January 23, 1971. No increase in consumptive water use is anticipated through the year 2027.

All of the wastewater generated by the facility is discharged to the sanitary sewer system and treated at Lebanon's wastewater treatment facility.

Findings

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

All water that is incorporated into beverages or used in evaporative cooling of the product and the building is considered to be used consumptively.

The water is metered on the product line and for the evaporative cooling system. The project sponsor keeps daily records of water usage at the flavored beverage line and water usage by the chiller cooling towers. The project sponsor intends to maintain the existing meters, accurate to within five percent, to calculate the consumptive water use.

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 make quarterly payments to the Commission in-lieu-of providing actual compensation water. Consumptive use of water was minimal prior to 1971 and the project sponsor has not requested any quantity to be "grandfathered" and therefore exempt from compensation requirements.

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

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

The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not 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 0.060 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 provide the results to the Commission quarterly, and as otherwise required. The project sponsor shall compute the project's daily consumptive water use by summing daily metered usage for the flavored beverage line and daily metered water going to the chiller cooling towers. The project sponsor shall maintain the existing meters, accurate to within five percent, to calculate the consumptive water use.

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

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

e. 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. 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 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. 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. 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.

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

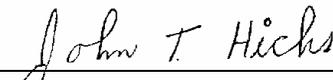
i. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

j. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002



Chairman

Docket No. 20020618
Approval Date: June 12, 2002

MCSTERN LLC/DEER VALLEY GOLF CLUB

Consumptive Water Use of up to 0.217 mgd, for Golf Course Irrigation,
South Hanover Township, Dauphin County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on January 31, 2002.

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 a proposed 18-hole golf course.

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

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.217 million gallons of water per day (mgd). Based on irrigation design data submitted by the project sponsor, the project will have a maximum average 30-day consumptive use of water of 0.095 mgd and a peak day consumptive water use of 0.197 mgd.

The primary source of water will be surface-water runoff captured in three holding ponds that will be constructed as part of the project. Water will also be withdrawn from two on-site wells. Both of the wells (the new well and the steer barn well) have been tested to meet the requirements of South Hanover Township. The wells are capable of yielding 50 gallons per minute (gpm) and 15 gpm, respectively. The collective capacity of the ground-water withdrawal is less than the threshold contained in Commission Regulation §803.43, relating to ground-water withdrawals.

Based on the plans supplied with the application, the irrigation system will have a maximum pumping capacity of approximately 250 gpm. The project sponsor has calculated the surface area of the three ponds to be two acres with an effective storage capacity of approximately 5.3 million gallons. This storage capacity could provide for approximately 55 days of irrigation, based on the maximum average 30-day water use.

Findings

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

All water used for golf course irrigation, as well as that evaporated from the storage ponds, 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 will have a meter that measures the quantity of water pumped.

The project sponsor has requested a consumptive water use approval of up to 0.217 mgd. Based on an irrigation design data supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the designed peak day use of 0.197 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 0.217 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor has requested a consumptive water use approval of up to 0.217 mgd. Commission staff analyzed irrigation design data supplied by the project sponsor and, based on this analysis, staff recommends an increase of 10 percent above the peak day estimate of 0.197 mgd. This will allow for increased water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.217 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff reviewed the information submitted by the project sponsor documenting the potential long-term yield of the two on-site ground-water wells. Based on the report submitted and staff's analysis, it is apparent that the wells have the potential to adversely lower the ground-water table in the area if the withdrawal of water from the wells is not limited. Therefore, staff recommends that the withdrawal from the wells be limited to 0.057 mgd on a 30-day average. The project sponsor must install metering on the wells and report the actual amount of pumpage to the Commission.

The project's consumptive use of water is subject to the water compensation requirements contained in Commission Regulation §803.42. To satisfy these requirements, the 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 (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 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 0.217 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage ponds plus the quantity pumped to the irrigation system. The project sponsor shall install and maintain metering on the irrigation system, accurate to within five percent. Commission staff shall review and approve of the method of calculation of evaporative loss from the pond system.

c. Prior to operation of the irrigation system, the project sponsor shall install and maintain metering on the two on-site wells, accurate to within five percent, and keep daily records of the project's ground-water withdrawal quantities. The project sponsor shall limit its withdrawal from the wells to 0.057 mgd on a 30-day average. The project sponsor shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

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. Payments shall be made quarterly and shall be calculated by applying this rate to the amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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. 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. 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.

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

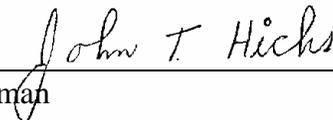
i. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

j. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002



Chairman

Docket No. 20020619
Approval Date: June 12, 2002

VOPAK USA INC.

Consumptive Water Use of up to 0.075 mgd,
for the Manufacture of One Chemical Product,
Borough of Middletown, 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 29, 2001.

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, Swatara Creek watershed, HUC 02050305, Borough of Middletown, Dauphin County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.075 million gallons per day (mgd). Manufacturing at the facility involves the blending of several chemicals with water to produce sodium hypochlorite, a bleaching agent.

Vopak USA Inc. began operation as a chemical distribution business in 1963 under the name of Manley Regan Chemicals Inc. Manley Regan started manufacturing one chemical, sodium hypochlorite at the site in 1990. In April 2001, a merger between Ellis & Everand (US) Inc., parent company of Manley Regan, and Vopak Chemical, created the facility that now operates under the name Vopak USA Inc.

The project sponsor leases space from the East End Warehouse Company which receives water service from Middletown Borough Water Authority's (MBWA) public water supply system. The water is metered as it enters the warehouse complex. There is a 500,000-gallon potable water storage tank in the complex. Eleven businesses, including Vopak USA Inc., lease space at the East End Warehouse complex, however, only one flow meter (Meter 1) measures water supplied to the complex. For the purpose of water and sewer billing, MBWA estimates that 90 percent of the water supplied to the complex is used by Vopak. The water supplied by

MBWA to the project sponsor is used for product, chemical cleanup, truck washing, and sanitary use by employees. Within the project sponsor's facility, a separate meter (Meter 2) was installed by MBWA in 1996 on a 2 1/2 inch supply line to measure all water incorporated into product. MBWA uses Meter 2 to estimate Vopak's consumptive water use for sewer billing purposes assuming that all other water used by Vopak (90 percent of Meter 1) is returned to the sewer system.

Currently, the peak monthly quantity of water provided by MBWA to the project sponsor is approximately 0.039 mgd. Production records indicate the facility's current consumptive water use is approximately 0.031 mgd, based on the maximum 30-day average and the peak day consumptive water use is approximately 0.055 mgd.

All of the wastewater from the facility is discharged through one outfall and enters the Middletown Borough Sewer Authority sanitary sewer system. Effluent from the facility is not currently metered.

Findings

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

All of the water used for manufacturing one chemical product is considered to be used consumptively. Staff has determined that all other water uses at the facility are non-consumptive. Accordingly, the project sponsor uses MBWA Meter 2 to measure water incorporated into the sodium hypochlorite solution products.

The project sponsor proposes to determine the amount of the facility's consumptive water use by reading MBWA Meter 2 and recording usage on a daily basis. Staff concurs with this procedure.

During the period from December 7, 2001 through April 24, 2002, the project sponsor read MBWA Meter 2 periodically and recorded the water usage. A comparison of this water usage data with the water usage determined by MBWA Meter 2 readings for the same period indicated that the MBWA Meter 2 readings are a factor of ten lower than the project sponsor's readings. MBWA has been exclusively using the outdoor remote readout for Meter 2 while Vopak has been verifying the remote readings with actual Meter 2 readings. The project sponsor called this discrepancy to MBWA's attention. MBWA indicated that their readings for 2001 and for 2002 to date were in error, and the project sponsor's spot checks were correct. The project sponsor does not have complete Meter 2 records for the year 2001 and for the year 2002 to date. Therefore, in order to determine prior Meter 2 water use for the period from January 1, 2001 to the date of this approval, the project sponsor shall increase MBWA water use records for Meter 2 by a factor of 10.

The project sponsor's predecessor, Manley Regan Chemicals Inc., started manufacturing one chemical at the site in 1990. Prior to that date, operations at the facility only involved warehousing and chemical distribution. Therefore, the project has no "grandfathered" consumptive water use pre-dating the effective date of Commission Regulation §803.42.

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

The project sponsor anticipates a one and one-half percent increase in sodium hypochlorite production per year over the duration of this approval with a proportional increase in future consumptive water use. Therefore, the project sponsor has requested an approval of up to 0.075 mgd. Should the project's future consumptive water use exceed 0.075 mgd, the project sponsor must apply for a modification to this docket.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.075 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of water used for manufacturing one chemical product. The project sponsor shall maintain metering on the supply line to measure water incorporated into product, accurate to within five percent.

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

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

e. 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. 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 included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above. Consumptive water use occurring prior to the date of this approval shall be determined from MBWA's Meter 2 readings times a factor of 10.

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. 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. 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.

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

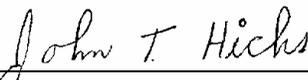
i. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

j. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002



Chairman

Docket No. 20020620
Approval Date: June 12, 2002

FROELICH & COMPANY, INC.
dba MAYAPPLE GOLF LINKS

Consumptive Water Use of up to 0.500 mgd, for Golf Course Irrigation,
South Middleton Township, Cumberland County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Conodoguinet Creek watershed, South Middleton Township, Cumberland County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.500 million gallons per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.182 mgd and a peak day consumptive water use of 0.465 mgd.

Water for the irrigation system is supplied primarily by the South Middleton Township Municipal Authority. The municipal water supply is metered prior to being conveyed to the pump house and distributed to the irrigation system. The golf course also operates a well on site to supplement the municipal water supply in order to meet the golf course irrigation demands. The pumping capacity of the well is 120 gallons per minute (gpm), however, the project sponsor has reported that the well is utilized at less than 100,000 gallons per day (gpd) on a 30-day average. The ground-water withdrawal currently is not separately metered. Total irrigation water usage, which includes both municipal water and water withdrawn from the well, is metered.

The project was constructed in 1990 and has been in continuous operation since that time. As part of the project, the project sponsor constructed one pond to provide for water storage on site. The pond has failed due to sinkholes and has never provided for functional water storage.

The project sponsor states that it does not intend to repair the pond and use it for storage in the foreseeable future.

Findings

The project's irrigation water use is subject to the Commission's consumptive water use 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 has a meter that measures the quantity of water pumped.

The project sponsor has requested a consumptive water use approval of up to 0.500 mgd. Based on an analysis of irrigation 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 peak day use of 0.465 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 0.500 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's ground-water withdrawal has been in operation since 1990, and the well is not metered. The on-site well is used to supplement water supplied by the South Middleton Township Municipal Authority in order to meet the golf course irrigation demand. The project sponsor has reported that the well is utilized at less than 100,000 gallons during a 24-hour pumping period and, thus, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the project sponsor currently does not meter the actual quantity of ground water withdrawn, and the well is capable of producing 172,800 gpd, staff recommends that the project sponsor install the appropriate metering to provide to the Commission documentation of the well's usage.

If the ground-water withdrawal exceeds 3,000,000 gallons in any consecutive 30-day period, the project sponsor must submit a ground-water withdrawal application to the Commission.

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(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 0.500 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent.

c. Within 60 days of the date of this approval, the project sponsor shall install and maintain metering on the on-site well, accurate to within five percent, and keep daily records of the project's ground-water withdrawal. The project sponsor shall provide the results 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 contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

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 pumped to the irrigation system. Payments shall be made quarterly and shall be calculated by applying this rate to the amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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

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

h. 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. 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.

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

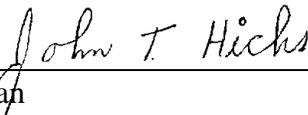
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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: June 12, 2002



Chairman

padam/word/dockets/Mayapple 602

Docket No. 20020621
Approval Date: June 12, 2002

PARLINE GOLF COURSE

Consumptive Water Use of up to 0.250 mgd, for Golf Course Irrigation,
Londonderry Township, Dauphin County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, Lynch Run watershed, HUC 02050305, Londonderry Township, Dauphin County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.250 million gallons per day (mgd). The project began metering its irrigation water usage in 2001, but only recorded total water used for the season. Based on these limited data, Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.085 mgd and a peak day consumptive water use of 0.232 mgd. The primary source of water is an existing surface-water withdrawal from spring-fed ponds.

The project began operating in 1992 and has been in continuous operation since that time. As part of the project, the project sponsor constructed three interconnected ponds that provide irrigation water storage for the site. The ponds are spring-fed, collect stormwater runoff, and can be supplemented with ground-water pumpage. Two 8-inch diameter wells were drilled in 1991, with estimated yields of 50 gallons per minute (gpm) and 30 gpm. Two additional wells pumped using windmills provide an additional 16 gpm (combined flow) to the pond system. The windmills only operate at wind speeds in excess of 10 miles per hour.

Water is pumped from the ponds using a 30-horsepower pump (375 gpm) to irrigate greens, tees, and fairways. The ponds have a total surface area of approximately 2.1 acres and have an effective storage of an estimated 3.2 million gallons of water. The project sponsor has

sufficient storage on-site for 38 days of irrigation based on the maximum average 30-day consumptive use.

Ground water is withdrawn from the four on-site wells and discharged to the ponds as needed for the irrigation system. The total pumping capacity of the four wells, as reported by the project sponsor, is 96 gpm; however, the project sponsor has reported that the wells are utilized at less than 100,000 gallons during a 24-hour pumping period. The ground-water withdrawal for the irrigation system is not metered.

Findings

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

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

The project sponsor has requested a consumptive water use approval of up to 0.250 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 9 percent above the current peak day use of 0.232 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 0.250 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's ground-water withdrawal has been in operation since 1991 but is not metered. The four on-site wells are used to fill the ponds, as needed. The project sponsor has reported that the wells are utilized at less than 100,000 gallons during a 24-hour pumping period and, thus, its withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the project sponsor currently does not meter the actual quantity of ground water withdrawn, and the wells are capable of producing 138,240 gpd, Commission staff recommends that the project sponsor install the appropriate metering to provide to the Commission documentation of the wells' combined usage.

If the ground-water withdrawal exceeds 3,000,000 gallons in any consecutive 30-day period, the project sponsor must submit a ground-water withdrawal application to the Commission.

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(b).

The project sponsor has paid the 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 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 0.250 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage ponds plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent. Commission staff shall review and approve of the method of calculation of evaporative loss from the pond system.
- c. Within 60 days of the date of this approval, the project sponsor shall install and maintain metering on the four on-site wells, accurate to within five percent, and keep daily records of the project's ground-water withdrawal. The project sponsor shall provide the results 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 contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all

measurement records.

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. Payments shall be made quarterly and shall be calculated by applying this rate to the amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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

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

h. 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. 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.

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

j. Commission approval confers no property rights upon the 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 June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002

John T. Hicks
Chairman

Docket No. 20020622
Approval Date: June 12, 2002

PILGRIM'S PRIDE CORPORATION OF VIRGINIA, INC.

Consumptive Water Use of up to 0.130 mgd,
for Manufacture of Food Products,
Borough of New Oxford and Oxford Township, Adams County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Conewago Creek watershed, Borough of New Oxford and Oxford Township, Adams County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.130 million gallons per day (mgd). Round Hill Poultry, the project sponsor's predecessor, began manufacturing poultry products at the facility in 1966.

Water is supplied to the facility by the New Oxford Municipal Authority (NOMA) and also from an on-site well. The well, identified as Well 1, was drilled and first used about 1982. Withdrawals are metered and the meter is read daily. All water withdrawn from Well 1 is used for non-contact refrigeration with most being evaporated by the plant's three cooling towers. The peak monthly withdrawal from Well 1 is 21,800 gallons per day (gpd).

The water supplied by NOMA is metered as it enters the facility and is used for processing, making ice, refrigeration, make-up water for two boilers, off-site offal and sludge disposal, and sanitary purposes. Within the plant, a 280,000 gallon potable water storage tank maintains water pressure to the water supply system. Currently, the plant's consumptive water use is approximately 0.1126 mgd, based on the maximum 30-day average, which occurs during the summer months. Peak day consumptive water use currently is approximately 0.116 mgd, based on weekly metered data.

All of the wastewater generated from the facility is discharged to the sanitary sewer system and treated in the NOMA's wastewater treatment facility. Since the late 1980's, wastewater generated from the manufacturing process has been pretreated in an on-site dissolved air floatation wastewater treatment plant. The pretreatment plant effluent is then metered and conveyed to the NOMA sanitary sewer system. Sanitary wastewater is discharged directly to NOMA's sewer system and is not metered. All other plant discharges are metered. The pretreatment plant's dissolved air floatation basin has a storage capacity of approximately 180,000 gallons.

Findings

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

The project sponsor obtains water from both a public supplier and an on-site well. The water from each source is metered and those meters are read daily prior to its use in the plant. The project sponsor meters all of the effluent discharged to the NOMA's sanitary sewer system, with the exception of employee sanitary use. The project sponsor has estimated sanitary use to be a constant discharge rate of 2,500 gpd, which averages 1.2 percent of total water discharged. The difference between the sum of the metered public and well water withdrawals and the sum of the total metered pretreatment plant outflow and estimated sanitary use is the quantity of consumptive water use at the facility.

The project sponsor's predecessor was consumptively using water at the facility for the manufacture of poultry products before January 23, 1971, the effective date of Commission Regulation §803.42 concerning consumptive water use. The project sponsor has monthly meter records from that time documenting the facility's total water requirements. Current metered peak monthly consumptive water use is 35.8 percent of the facility's total metered peak monthly water usage. Based on this proportion, the project sponsor has estimated the maximum 30-day average pre-1971 consumptive water use to be 0.027 mgd. Staff concurs with this determination. The quantity of pre-compact consumptive water use, 0.027 mgd, is considered "grandfathered" and is exempt from compliance compensation requirements.

Since the facility's pretreatment plant is rarely operated on weekends and total water storage within the facility totals 460,000 gallons, water supplied to and discharged from the facility will be measured weekly and prorated to a daily basis to determine the project's daily consumptive water use. The project sponsor has proposed a spreadsheet accounting procedure to quantify daily consumptive water use from the metered weekly inflow minus metered and estimated weekly outflow. The daily grandfathered use of 0.027 mgd is subtracted from the facility's total daily consumptive water use to obtain the project's consumptive water use that is subject to the water compensation requirements contained in Commission Regulation §803.42. If the daily grandfathered amount exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Staff recommends approval of the project sponsor's proposed spreadsheet accounting procedure to determine daily consumptive water use with the understanding that all flows will be measured and recorded at the same time each week.

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 project sponsor has requested a consumptive water use approval of up to 0.130 mgd based on an estimated 10 percent increase in water usage over the duration of this approval. Should the project's future consumptive water use exceed 0.130 mgd, the project sponsor shall apply for a modification to this docket at that time.

Well 1, used to supply water to the facility's cooling towers, has been in use since 1982, but peak monthly withdrawals have not exceeded 21,800 gpd. This ground-water withdrawal is less than the Commission's regulatory threshold of 100,000 gpd, based on a 30-day average, and therefore, withdrawals from the well do not require Commission review and approval. However, should the project sponsor propose to increase ground-water withdrawals to more than 100,000 gpd (30-day average) in the future, the project sponsor shall first apply to the Commission for approval.

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 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 0.130 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 project sponsor shall compute consumptive water use by subtracting the total quantity of metered wastewater generated from the manufacturing process and estimated sanitary water discharged by the facility to the sanitary sewer system from the total quantity of water provided to the facility by NOMA's water supply system and withdrawn from Well 1. The project sponsor shall maintain the existing meters, accurate to within five percent, to calculate the consumptive water use.

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

d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 0.027 mgd, during the preceding calendar quarter. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

e. The 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, above the grandfathered quantity of 0.027 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.

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. 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. 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.

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

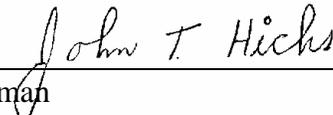
i. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

j. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002



Chairman

Docket No. 20020623
Approval Date: June 12, 2002

TANGLEWOOD MANOR, INC., GOLF CLUB

Surface-Water Withdrawal of up to 0.240 mgd from Conowingo Creek, When Available, and
Consumptive Water Use of up to 0.240 mgd, for Golf Course Irrigation,
East Drumore Township, Lancaster County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on August 23, 2000, and the application for the surface-water withdrawal on March 29, 2002.

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Octoraro Creek watershed, East Drumore Township, Lancaster County, Pennsylvania.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of 0.240 million gallons per day (mgd) of water from Conowingo Creek and the consumptive use of water of up to 0.240 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.118 mgd and a peak day consumptive water use to be 0.220 mgd.

The project was constructed in 1967 and has been in continuous operation since that time. The irrigation of the greens began in 1967. Tee and fairway irrigation began in 1996 when a new automatic irrigation system was installed. As part of the system improvements in 1996, the project sponsor constructed one off-stream pond that provides for water storage on site. Water is pumped from the storage pond to irrigate greens, tees, and fairways. The pond is approximately 0.58 acre in size and stores an estimated 1.7 million gallons of water. The project sponsor has sufficient storage on site for approximately 7 days of irrigation.

The pond receives water from the Conowingo Creek. The surface-water withdrawal from the stream is accomplished via an intake structure submerged below the stream bottom and water is pumped to the storage pond. The project sponsor has withdrawn water from the stream over the life of the project with no passby structure, engineering controls or flow meters in place.

Findings

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

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

The irrigation of the greens began in 1967. Commission staff has determined that the pre-1971 consumptive water use by the project sponsor is 0.010 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from compliance compensation requirements.

The project sponsor has requested a consumptive water use approval of up to 0.240 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 9 percent above the current peak day use of 0.220 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 0.240 mgd, the project sponsor must apply for a modification to this docket at that time.

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 irrigation pond evaporation and the quantity of water used for irrigation minus the pre-1971 consumptive use of 0.010 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

The project sponsor currently does not meter the quantity of water withdrawn from Conowingo Creek. Staff recommends that the project sponsor install appropriate metering and provide to the Commission documentation of the stream withdrawal.

The project sponsor operates a surface-water intake on the Conowingo Creek without engineering controls in place to ensure a passby flow is maintained at the site. The Conowingo Creek is classified as a Class A-cold water fishery (CWF) and, based on the project's geographic location in the watershed and the anticipated associated fishery of brown trout, 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 recommends that the project sponsor maintain a passby flow of not less than 25 percent of annual average daily flow (ADF), and to cease all withdrawals when streamflows drop below 1.39 cfs (624 gpm). Commission staff has calculated that approximately 93 percent of the time from June 1 to August 31 streamflow is less than the minimum passby criteria of 1.39 cfs.

Staff recommends as an interim protective measure the project sponsor modify its withdrawal to allow a minimum stream passby flow equal to the calculated 7-day, 10-year low flow (Q7-10 flow) of 0.86 cfs (383 gpm). Staff recommends that the project sponsor replace its intake structure and incorporate a passive passby flow device. The project sponsor should submit its design and a proposed construction schedule within 60 days following Commission action 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 device and intake structure at any time. This interim protective measure should expire 4 years from the date of this approval.

Further, staff recommends that the project sponsor investigate alternative water supply options for the site to allow for a passby of at least 25 percent of ADF to be maintained at all times. In this regard, the project sponsor should prepare a plan to develop alternate sources of water supply and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan should be submitted to the Commission for staff's review and approval within 2 years.

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

The project sponsor has paid the appropriate application fee in accordance with Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06. The project sponsor has provided all proofs of notification as 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. 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 surface-water withdrawal from Conowingo Creek of up to 0.240 mgd, when available, and the consumptive use of water of up to 0.240 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 provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of water evaporated from the pond plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five percent.

c. Within 60 days of the date of this approval, the project sponsor shall install and maintain metering on the surface-water withdrawal, accurate to within five percent, and keep daily records of the project's surface-water withdrawal. The project sponsor shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

d. The project sponsor shall, as an interim protective measure, modify its withdrawal to allow a minimum stream passby flow equal to the calculated Q7-10 flow of 0.86 cfs (383 gpm). The project sponsor shall submit its design for an intake structure incorporating a passive passby flow device and a proposed construction schedule within 60 days of the date of this approval 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 device and intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval. This interim protective measure shall expire 4 years from the date of this approval.

e. The project sponsor shall investigate alternative water supply options for the site to allow for a passby flow of at least 25 percent of ADF to be maintained at all times. In this regard, the project sponsor shall prepare a plan to develop alternate sources of water supply and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan shall be submitted to the Commission for staff review and approval within 2 years of the date of this approval.

f. Upon termination of the interim protective measure described in condition (d), the project sponsor shall maintain a passby flow at the intake structure located on Conowingo Creek of not less than 25 percent of annual average daily flow, which equals 1.39 cfs or 624 gpm, and shall cease all withdrawals when streamflow immediately downstream of the intake drops below 1.39 cfs. The project sponsor shall submit its design and a proposed construction schedule 90 days before the termination of the interim protective measures 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 intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval.

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 pond plus the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 10,000 gpd, during the preceding calendar quarter. If the daily-grandfathered amount exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

i. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to any 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 used consumptively 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, above the grandfathered quantity of 10,000 gpd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (g) above.

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. 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. 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.

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

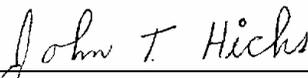
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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: June 12, 2002



Chairman

Docket No. 20020624
Approval Date: June 12, 2002

SOUTH HILLS GOLF CLUB

Consumptive Water Use of up to 0.261 mgd, for Golf Course Irrigation,
Penn and Conewago Townships, York and Adams Counties, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on July 28, 2000.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 27-hole golf course.

Location. The project is located in the Lower Susquehanna Subbasin, Plum Creek and Indian Run watersheds, HUC 02050306, Penn and Conewago Townships, York and Adams Counties, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.261 million gallons per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.122 mgd and a peak day consumptive water use of 0.237 mgd.

The original 18-hole golf course was constructed in 1959 and has been in continuous operation since that time. The project sponsor added nine holes in 1995. The project has nine ponds, seven of which are used for irrigation water storage. Two ornamental ponds were constructed prior to 1971. The total surface area of the seven storage ponds is approximately 10.27 acres. These ponds, when full, store approximately 15 million gallons of water that is available for irrigation. The project sponsor has sufficient storage on-site for approximately 122 days of irrigation, based on the maximum average 30-day consumptive use.

The project sponsor currently has three pumping stations and two municipal water connections that can be used to irrigate the golf course. Public water is supplied by the Hanover Water Authority and is metered. The pumping stations are located on three separate ponds and are not currently metered. Water is supplied to all the ponds primarily by stormwater runoff.

Two ponds have supplemental sources of supply; one can be filled with public water supplied by the Hanover Water Authority, and a second pond near the 15th green receives water from Plum Creek. The withdrawal from Plum Creek is accomplished via an intake that is submerged below the creek surface and water feeds by gravity to the pond.

This withdrawal predates Commission Regulation §803.44 relating to surface-water withdrawals. One on-site well has a yield of less than 7,200 gallons per day (gpd) and is reported by the project sponsor to be unused. The project sponsor has withdrawn approximately 7,100 gpd from Plum Creek since 1959 with no passby flow structure or engineering control.

Findings

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

All water evaporated from the 10.27 acres of storage ponds, as well as water withdrawn from the pond system and used for golf course irrigation, is considered to be used consumptively. Water evaporated from the irrigation pond system will be calculated by the project sponsor employing a methodology acceptable to the Commission. The quantity of water withdrawn from the ponds and used for irrigation was calculated using sprinkler head performance specifications and the durations of pump operation. In accordance with the Commission's consumptive water use reporting requirements, staff recommends that the project sponsor install meters on the pumping stations to measure the quantity of water pumped from the ponds to the irrigation system.

The project sponsor has requested a consumptive water use approval of up to 0.261 mgd. Based on an analysis of irrigation 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 peak day use of 0.237 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 0.261 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's source of water for the storage pond located near the 15th green is a withdrawal from Plum Creek, which is classified as a warm-water fishery. The project sponsor has operated the surface-water intake since 1959 with no passby flow criteria in use at the site. Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Plum Creek to be 0.024 cubic feet per second (cfs) or 11 gallons per minute (gpm) at the point of taking. The withdrawal (20 gpm) is greater than 10 percent of the Q7-10 flow (1.1 gpm) at the point of taking. Commission staff recommends that the project sponsor maintain a passby flow of not less than 20 percent of annual average daily flow (ADF), which equals 0.262 cfs or 117.4 gpm, and cease all withdrawals when streamflow immediately downstream of the intake drops below 0.262 cfs.

Staff recommends that the project sponsor modify or replace its intake structure and incorporate a passive passby flow device. The project sponsor should submit its design and a proposed construction schedule for a modified or replacement intake structure within 60 days of the date of this approval for review and approval by Commission staff prior to any construction. 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 device and intake structure at any time.

Commission staff has determined that the project's pre-1971 consumptive water use is 0.016 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from compliance compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation plus the evaporative loss from the seven irrigation storage ponds constructed after 1971, minus the pre-1971 consumptive use of 0.016 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

The 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 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 0.261 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 60 days of the date of this approval, the project sponsor shall install meters at the three pumping stations to measure the quantity of water pumped from the ponds to the irrigation system.

c. The project sponsor shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage ponds used for irrigation purposes and constructed after 1971 plus the quantities pumped to the irrigation system. The project sponsor shall install and maintain metering on the irrigation system, accurate to within five percent. Commission staff shall review and approve of the method of calculation of evaporative loss from the pond system.

d. The project sponsor shall maintain a passby flow at the intake structure located on Plum Creek of not less than 20 percent of annual average daily flow, which equals 0.262 cfs or 117.4 gpm, and shall cease all withdrawals when streamflow immediately downstream of the intake drops below 0.262 cfs. The project sponsor shall modify or replace the stream intake structure to incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule for a modified or replacement intake structure within 60 days of the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the 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 intake structure 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 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 seven irrigation storage ponds plus the quantities 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 0.016 mgd, during the preceding calendar quarter. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

g. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to penalties for its prior noncompliance. 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, above the grandfathered quantity of 16,000 gpd, during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) 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. 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. 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.

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

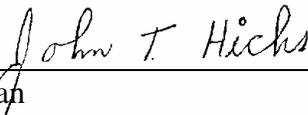
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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: June 12, 2002



Chairman

padam/word/dockets/SouthHillsGC602

RESOLUTION NO. 2002-08

A RESOLUTION of the Susquehanna River Basin Commission commending the Commission staff on the recently-developed pumping test guidance, endorsing its use for Commission project review, and encouraging its use by the Commission's member jurisdictions.

WHEREAS, the Commission has administered a ground-water withdrawal regulation (18 CFR §803.43) requiring a constant rate pumping test since July 13, 1978; and

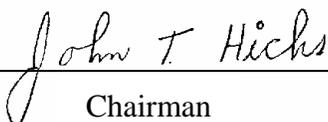
WHEREAS, because of an increasing project review application load and the increasing complexity of analyzing such applications for possible impacts on other users and the environment, the staff has incorporated its current pumping test standards into a clear and precise written guidance that can be provided to project sponsors at the outset of the review process; and

WHEREAS, the pumping test guidance developed by staff has undergone peer review and has been accepted by resource managers in the various member jurisdictions.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby commends staff on the development of the pumping test guidance dated June 12, 2002 and endorses its use for projects subject to the Commission's ground water withdrawal regulation 803.43.
2. The Commission further encourages the staff to make such modifications and refinements as may be appropriate using the same peer review procedures followed in the development of the original pumping test guidance.
3. The Commission further endorses use of the said pumping test guidance by its member jurisdictions or such other procedures as they deem appropriate that provide comparable protection of the water resources of the basin.
4. This Resolution shall be effective immediately.

Date: June 12, 2002



Chairman

RESOLUTION NO. 2002-09

A RESOLUTION by the Susquehanna River Basin Commission to adopt a proposed Current Expense Budget for the fiscal year beginning July 1, 2003, and ending June 30, 2004, and to apportion among the Commission's member jurisdictions (Jurisdictions) a proposed amount required for the support of the budget.

NOW THEREFORE BE IT RESOLVED THAT:

1. A proposed Current Expense Budget for the fiscal year beginning July 1, 2003, in the amount of \$4,000,000 is hereby approved and adopted for submission to the Jurisdictions for their review and approval.

2. Pursuant to Section 14.3 of the Compact, there is hereby requested from each Jurisdiction the following apportioned amounts that are required, together with other funds as may be available to the Commission, for the support of the budget, as proposed, for the fiscal year beginning July 1, 2003.

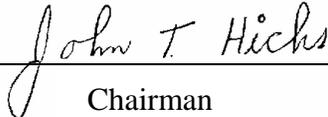
<u>Jurisdictions</u>	<u>Apportionment</u>
New York	\$275,000
Pennsylvania	\$725,000
Maryland	\$485,000
United States	\$575,000

3. The Commission hereby expressly declares that the apportioned amounts requested in Paragraph 2 hereof represent the maximum amounts anticipated to be appropriated by the respective Jurisdictions for fiscal year beginning July 1, 2003 in direct support of the Current Expense Budget, as proposed.

4. The Executive Director is authorized and directed to transmit certified copies of the proposed budget to the principal budget officers of the respective Jurisdictions together with a certified statement of the amount hereby apportioned to each Jurisdiction in accordance with the requirement of the Compact.

5. This Resolution shall take effect immediately.

Date: June 12, 2002



 Chairman