

# Susquehanna River Basin Commission

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*a water management agency serving the Susquehanna River Watershed*



July 13, 2005

## TO ALL CONCERNED:

At the June 8, 2005 meeting, the draft minutes of the March 29, 2005 Commission meeting were approved as written. Please attach this notice to your copy of the March 29, 2005 minutes.

- DRAFT -

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

**MINUTES OF THE  
SUSQUEHANNA RIVER BASIN COMMISSION  
June 8, 2005  
#2005-02**

The meeting was held at the Hilton Harrisburg and Towers, Harrisburg, Pennsylvania. Chairman Kendl Philbrick called the meeting to order at 1:30 p.m.

**ROLL CALL**

**Commissioners Present**

*Mr. Kendl P. Philbrick*, Secretary, Md. Dept. of the Environment (MDE)  
*Col. Robert J. Davis, Jr.*, District Engineer, U.S. Army Corps of Engineers, Baltimore District  
*Mr. Kenneth P. Lynch*, Director, Region 7, N.Y. Dept. of Environmental Conservation (NYDEC)  
*Ms. Cathleen Curran Myers*, Dep. Secretary for Water Mgmt., Pa. Dept. of Environmental Protection (PADEP)

**Alternate Commissioners  
and Advisors Present**

*Dr. Robert M. Summers*, Dir., Water Management Administration, MDE  
*Mr. Daniel M. Bierly*, U.S. Army Corps of Engineers, Baltimore District  
*Mr. William A. Gast*, Chief, Division of Water Use Planning, PADEP

**Staff Present**

*Mr. Paul O. Swartz*, Executive Director  
*Mr. Thomas W. Beauduy*, Deputy Director  
*Mr. David W. Heicher*, Chief, Watershed Assessment & Protection Division  
*Mr. Michael G. Brownell*, Chief, Water Resources Management Division  
*Mr. Brydon H. Lidle, III*, Section Chief, Information and Technology  
*Mr. Matthew G. Pajeroski*, Chief, Water Policy & Security Division, MDE

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

## **INTRODUCTION/WELCOME**

Chairman Kendl Philbrick introduced the members of the Commission and the Executive Director.

## **PRESENTATIONS**

### **1. GIS Map Packages**

Commissioner Cathy Curran Myers of Pennsylvania presented Geographic Information System (GIS) map packages to representatives of the Cumberland County Conservation District, the Lancaster County Conservation District, the Shermans Creek Conservation Association, and the Tri-County Conewago Creek Association. These maps help watershed groups and other non-profit organizations enhance their watershed restoration and education work. A total of 44 groups, covering 50 watersheds in 22 counties, will be receiving these map packages, which are produced by the Commission's GIS and Data Management section.

### **2. Volunteer Speaker's Award**

The Commission presented a Volunteer Speaker's Award to Mr. Steve Runkle and his wife Janeann for their outstanding SRBC Speakers' Bureau presentations on the history of the Susquehanna River Basin. Mr. Runkle's presentations focus on the 19<sup>th</sup> century canal system, native American peoples and Susquehanna River Basin events leading up to the Battle of Gettysburg, such as the burning of the Columbia-Wrightsville Bridge.

### **3. Hydrologic Conditions Report**

The Commission heard a hydrologic conditions report from Water Resources Management Chief Michael Brownell. While overall precipitation for 2005 is just about normal, an extremely dry April and May has raised the threat of an agricultural drought in the Susquehanna Basin. Farmers are reporting that, due to the lack of rainfall, seed germination has been delayed and fertilizers/pesticides have not taken full effect. Normally, 3.5 to 4 inches of rain falls on the basin in the month of May. Instead, May 2005 produced only about one inch of rainfall, creating this very noticeable impact on agriculture.

The shortage of spring rain is already causing streamflows to fall to August levels and placing some surface-water withdrawals in jeopardy should the dry pattern continue. While groundwater levels are also down due to lack of recharge during the critical spring months, the wet conditions of the last two years have helped to build up groundwater reserves. The Commission will be monitoring conditions closely over the summer months to see if any trends develop.

## **ACTION ITEMS**

### **1. Minutes of the March 29, 2005 Commission Meeting**

On a motion by Commissioner Davis, seconded by Commissioner Lynch, the minutes of the regular business meeting of March 29, 2005 were unanimously adopted as written.

### **2. SRBC Groundwater Management Plan**

Mr. Brownell presented a resolution (Exhibit A) providing for the adoption of a Groundwater Management Plan for the Susquehanna River Basin. The plan evaluates existing and anticipated groundwater issues and problems and proposes a series of 39 recommendations for actions to be taken by the Commission, other levels of government and the private sector. The plan was prepared under the auspices of the SRBC Water Resources Management Advisory Committee (WRMAC) and has undergone extensive public review. More than 400 comments were gathered during this review process that resulted in several significant changes in the plan, including the addition of evaluation criteria and a description of conditions resulting in potentially-stressed designations for eight areas, the inclusion of information on several low yielding aquifers in the lower basin, the insertion of a map showing acid mine drainage (AMD) affected streams, the addition of six new recommendations and the deletion of two other recommendations.

On a motion by Commissioner Davis, seconded by Commissioner Myers, the Commission unanimously adopted the resolution. The plan will be distributed to public and private water managers.

### **3. Project Review–Public Hearing**

#### **a. Project Applications**

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

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

Mr. Brownell listed the standard requirements for each project sponsor, including: 1) notice of application; 2) coordination with member jurisdictions; 3) aquifer tests for groundwater withdrawals; 4) metering, monitoring, and reporting of water use; 5) mitigation or

other special conditions where there is a potential for adverse impacts; 6) water conservation; and 7) docket reopening authority.

Finally, Mr. Brownell mentioned that applications for some of the projects coming before the Commission were submitted through the Commission's Compliance Incentive Program (CIP) that offered amnesty to projects that did not make timely application for approval. The Commission is still in the process of completing action on some of those projects.

The dockets recommended for action included the following 9 projects<sup>1</sup>:

- Corning Inc.—Corporate Headquarters (Exhibit B1)
- Blue Ridge Trail Golf Club, Inc. (Exhibit B2)
- Borough of Mifflinburg (Exhibit B3)
- Houtzdale Municipal Authority (Exhibit B4)
- Walsh Construction (Exhibit B5)
- Pennsy Supply, Inc., Fiddlers Elbow Quarry (Exhibit B6)
- Alumax Mill Products, Inc. (Exhibit B7)
- Lancaster Country Club (Exhibit B8)
- Air Products and Chemicals, Inc. (Exhibit B9)

Mr. Brownell went on to describe each of the projects and the proposed conditions of their approval. He recommended that action on the West Manchester Township docket be deferred.

On a motion by Commissioner Lynch, seconded by Commissioner Myers, the Commission unanimously approved the staff recommendations for all the dockets presented, including deferral of the West Manchester Township docket.

b. Rescission of Penn-Mar Ethanol L.L.C. Approval

Penn-Mar Ethanol L.L.C. requested that its SRBC docket approval (No. 20040607 of June 9, 2004) for a surface-water withdrawal of up to 0.925 mgd and a consumptive use of up to 0.622 mgd, be rescinded because it will not be going forward with plans to construct an ethanol and carbon dioxide production facility in Lancaster County, Pennsylvania. On a motion by Commissioner Davis, seconded by Commissioner Myers, the Commission unanimously rescinded the docket approval for Penn Mar Ethanol L.L.C.

c. Lucas-Beierschmitt Partnership, dba Windsor Heights Golf Course, Docket No. 20040604

The Deputy Director explained that this matter was before the Commission as a result of a "Notice to Appear and Show Cause" and an "Order" that were issued by the Executive Director on May 12, 2005 relating to alleged violations of certain docket conditions. Prior to the issuance of that notice, the staff had issued two delinquency notices and two "Notices of Violation" (NOVs). The Notice to Appear and Show Cause had directed the project sponsor to appear at

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<sup>1</sup> Docket decisions are not included with the hard copy of the minutes. However, they are available upon request and at [www.srbc.net](http://www.srbc.net).

today's meeting and show why a civil penalty should not be assessed against it for the alleged violations. Counsel for the project sponsor could not be present at today's proceeding, due to a scheduling conflict, and had therefore requested that the Commission postpone action on possible civil penalties.

Meanwhile, prompted by this request for a postponement of today's "Appear and Show Cause" proceeding, the Executive Director issued a revised order dated June 6, 2005 setting forth a detailed timetable for the completion of certain compliance items.

The Deputy Director suggested that today's proceeding be tabled in accordance with the following 4-part motion:

1. That the Commission grant the request of counsel for the Lucas-Beierschmitt Partnership, dba Windsor Heights Golf Course for a postponement of the proceeding on the possible assessment of civil penalties originally scheduled for today's meeting by tabling such action; and
2. That action on this matter be rescheduled to the Commission's September 14, 2005 meeting in Cooperstown, N.Y., upon due notice to the project sponsor and its counsel; and
3. That postponing the possible assessment of civil penalties for past violations in no way affects or postpones the project sponsor's continuing obligation to immediately comply with its docket conditions or the order of June 6, 2005 requiring, among other things, limitations on water withdrawals and consumptive use, re-installation of meters, installation of engineering controls on its groundwater wells, installation of flow measurement devices and submission of a monitoring plan; and
4. That the executive director is authorized to take any and all actions, including seeking enforcement in federal court, to obtain compliance with the Commission's June 6, 2005 order and the terms and conditions of the docket.

Commissioner Myers moved the language suggested by the Deputy Director. This motion was seconded by Commissioner Lynch and unanimously adopted by the Commission.

Mr. James Lucas, representing the project sponsor, expressed his regrets that compliance has been delayed and noted that efforts are now underway to achieve compliance. He pointed out that his partnership had only acquired ownership of the operation in August 2004.

d. City of Aberdeen

Mr. Brownell recommended the acceptance of a settlement agreement with the City of Aberdeen for violations of the withdrawal and consumptive use limitations of the City's docket approval to service Aberdeen Proving Ground (APG). In all, there were 98 violations by the City. The terms of the settlement include: 1) payment by the City of \$49,000 in settlement of civil penalties; 2) preparation of a detailed water supply system inventory and an assessment of

the system capacities and limitations; 3) installation and maintenance of facilities necessary to ensure that the Swan Meadows and Chapel Hill interconnections with the Harford County municipal water supply system are fully operational and can be used to supplement the water withdrawn from Deer Creek at any time; 4) preparation of an operations plan to ensure compliance with the SRBC approval; 5) participation in a study of water availability in the Deer Creek Watershed, including payment of study costs in an amount not to exceed \$200,000; and 6) stipulation that any further violations of the consumptive use and withdrawal limitations imposed by the Commission docket will constitute major violations and be subject to penalties of \$1,000 per day of occurrence.

Commissioner Lynch moved acceptance of the terms of the settlement agreement. This motion was seconded by Commissioner Myers and unanimously adopted by the Commission.

#### **4. Revision of Policy for Water Management Fund**

The Deputy Director presented a resolution (Exhibit C) to modify the existing policy governing use of the SRBC Water Management Fund. The fund was created mainly to accumulate consumptive use monetary payments to be used for the mitigation of low flows. However, civil penalties and settlement payments in-lieu-of civil penalties have also been deposited in the fund.

The proposed modifications to the policy would allow civil penalty and settlement proceeds to be transferred to the general fund of the Commission for other programmatic purposes, including project review. Other revisions would broaden the list of uses of the fund and bring investment criteria into line with the Commission's Organization Manual. All transfers to the general fund would require Commission approval. Today's resolution would also authorize initial transfers of \$225,000 for Fiscal Years 2005 and 2006.

On a motion by Commissioner Myers, seconded by Commissioner Davis, the Commission unanimously adopted the resolution.

#### **5. FY-2007 Budget**

The Chief Administrative Officer presented a resolution (Exhibit D) providing for adoption of the FY-2007 budget covering the period July 1, 2006 to June 30, 2007. The proposed budget totals \$4,450,000, of which \$2,850,000 is requested from the member jurisdictions, with the balance covered by various grants to the Commission. He went on to describe several items in the budget, including public outreach and education, aid to local watershed organizations, implementation of PA Act 220, water quality assessment and monitoring, and project review. Improvements will continue to be made in information technology and the GIS system.

On a motion by Commissioner Davis, seconded by Commissioner Lynch, the Commission unanimously adopted the FY-2007 budget resolution. The Chairman added that this budget is adopted well in advance of FY-2007 to allow time for the member jurisdictions to consider the funding requests.

## 6. Election of Officers

The terms of the officers of the Commission coincide with the Commission's fiscal year. For FY-2006, covering the period July 1, 2005 to June 30, 2006, Commissioner Myers moved the election of the member representing the federal government as Chairman of the Commission and the member representing the State of New York as the Vice Chairman of the Commission. This motion was seconded by Commissioner Davis and unanimously adopted by the Commission.

## 7. Recognitions

The Commission recognized outgoing federal member Brig. Gen. Merdith W.B. Temple for his active participation and interest in the work of the Commission. Gen. Temple will be leaving his post as Commander of the North Atlantic Division of the U.S. Army Corps of Engineers in early August 2005. Commissioner Davis accepted on behalf of Gen. Temple.

The Commission also recognized its outgoing Chairman, Kendl P. Philbrick, for his outstanding efforts as chair of the Commission. The Chairman noted that it was an honor to work with Executive Director Swartz and the entire SRBC staff and that he now has a greater appreciation for the work that the Commission does.

## PUBLIC COMMENTS

There were no public comments.

## ADJOURNMENT

There being no further business before the Commission, Chairman Philbrick adjourned the meeting at approximately 2:40 p.m.

## NEXT MEETING

The next regular meeting of the Commission is tentatively scheduled for September 14, 2005 in Cooperstown, N.Y.

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Date Adopted

  
Richard A. Cairo  
General Counsel/Secretary to the Commission

RESOLUTION NO. 2005-04

A RESOLUTION of the Susquehanna River Basin Commission adopting a *Groundwater Management Plan for the Susquehanna River Basin*.

WHEREAS, under the Susquehanna River Basin Compact, P.L. 91-575 (the “Compact”), Article 3, Section 3.1, “the Commission shall develop and effectuate plans, policies, and projects relating to the water resources of the basin [and] adopt and promote uniform, coordinated policies of water resources conservation and management;” and

WHEREAS, under Compact Article 3, Section 3.4, “the Commission may prepare, publish, and disseminate information and reports concerning the water problems of the basin for the presentation of the needs and resources of the basin and policies of the commission to executive and legislative branches of the signatory parties;” and

WHEREAS, the staff of the Commission has developed a *Groundwater Management Plan for the Susquehanna River Basin* (the “Plan”) for the purpose of providing a framework that will allow the Commission, within the scope of the Commission’s mission, powers and duties, to effectively manage groundwater resources in the basin, in cooperation with member jurisdictions and other organizations; and

WHEREAS, the Plan is a major update of a groundwater management plan first adopted by the Commission in 1993; and

WHEREAS, the Plan has identified several Potentially Stressed Areas (PSAs) in the basin where the utilization of groundwater resources is potentially approaching the sustainable limit of the resources; and

WHEREAS, growth in demand for groundwater and impacts of man’s activities have caused groundwater quantity and quality problems; and

WHEREAS, coordination, regulatory programs, data collection and analyses, and public outreach and education on groundwater issues are critically important; and

WHEREAS, the Plan presents 39 key recommendations for management actions by the Commission, the federal government, state and local governments, and the private sector using available groundwater management tools; and

WHEREAS, the recommended actions in the plan were formulated with the goal of balancing economic development and environmental protection; and

WHEREAS, the Plan was prepared in close consultation with the Commission’s Water Resources Management Advisory Committee (WRMAC); and

WHEREAS, a 90-day public comment period for the draft version of the Plan was held from June to September 2004, for the purpose of receiving constructive input and comments; and

WHEREAS, three public workshops were held in July 2004 to present the draft Plan and provide an opportunity for approximately 175 attendees to make oral comments; and

WHEREAS, a number of modifications were made to the draft version of the Plan in response to the constructive input and comments received, which have been incorporated into the final plan as proposed by staff; and

WHEREAS, the Commission will monitor Plan implementation and periodically review and update the Plan.

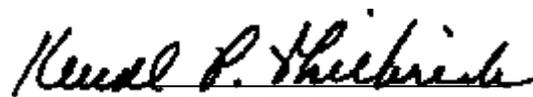
NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby adopts the *Groundwater Management Plan for the Susquehanna River Basin* dated June 2005.

2. The Executive Director shall make copies of the Plan available to public and private water managers and to the public at large.

3. This Resolution shall be effective immediately.

Date: June 8, 2005

  
Kendl P. Philbrick, Chairman



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

Phone (717) 238-0423 • Fax (717) 238-2436

Web <http://www.srbc.net>

**Docket No. 20050601**

**Approval Date: June 8, 2005**

## **CORNING INCORPORATED—CORPORATE HEADQUARTERS**

Groundwater Withdrawal (30-Day Average) of 1.440 mgd from Well 9A,  
for Heating, Ventilation, and Air Conditioning,  
City of Corning, Steuben 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, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawal. The Commission received the application on April 25, 2005.

### **Description**

**Purpose.** The purpose of the application is to request approval for the withdrawal of groundwater associated with heating, ventilation, and air conditioning (HVAC) at the Corning Incorporated—Corporate Headquarters.

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

**Project Features.** The project sponsor requested approval for the withdrawal (30-day average) of 1.440 million gallons per day (mgd) from Well 9A. The well was installed as a replacement for existing Well 5A and will be used to supply non-contact cooling water for HVAC at the Corporate Headquarters. The project sponsor currently uses three wells (Wells 5A, 6A, and 8A) approved by the Commission in 1994 and 1998 (Commission Docket Nos. 19940503 for Wells 5A and 8A, and 19981201 for Well 6A). The project sponsor is not requesting any increase in the total groundwater withdrawal and the City of Corning will continue to supply water for all potable needs.

The facility and its well field are located south of the Chemung River. Well 9A is located approximately 325 feet south of the river and 400 feet from Well 5A. The well penetrates sand and gravel glacial outwash deposits adjacent to the Chemung River. Well 9A is 79 feet deep and finished with 64 feet of 18-inch-diameter casing and 15 feet of stainless steel wire wound screen.

Two public water supply wells, City of Corning Wells 8 and 9, are located approximately 2,300 and 2,400 feet, respectively, from Well 9A.

Groundwater cycled through the once-through noncontact cooling water is discharged through an unmetered outfall to the Chemung River (New York State Department of Environmental Conservation [NYSDEC] Permit No. NY-0245526).

**Pumping Test.** A 72-hour constant-rate pumping test of Well 9A was conducted on December 27-30, 2004, with prior Commission approval. In addition to the pumping well, four observation wells, including Corning Incorporated's Well 4, were monitored. Well 4 is located north of the Chemung River. Groundwater temperature, pH, and conductivity also were monitored during the testing.

Pumping at an average rate of 1,200 gallons per minute (gpm), drawdown at the pumping well was approximately 8 feet at the end of the 72-hour test.

### **Findings**

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

Commission staff reviewed the groundwater availability analysis, pumping test results, and supporting information submitted by the project sponsor. Pumping test results indicate that the wells tap a confined or semi-confined valley fill aquifer. Prolonged pumping at the test pumping rate of 1,000 gpm should have minimal impact on other wells in the area.

Although the well field is located in the valley of the Chemung River, the proposed withdrawal is less than 10 percent of the 7-day 10-year low flow, and no adverse impacts related to the withdrawal are anticipated.

Commission staff recommends approval of the requested withdrawal (30-day average) of 1.440 mgd. Should the project's groundwater withdrawal exceed or be expected to exceed the approved amount, the project sponsor must apply for a modification to this docket at that time.

Commission staff recommends that the maximum instantaneous rates of production from Well 9A not exceed 1,000 gpm.

Commission staff recommends that the project sponsor install appropriate metering on Well 9A.

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

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

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

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

### **Decision**

1. The project's groundwater withdrawal of 1.440 mgd (30-day average) from Well 9A is approved pursuant to Article 3, Section 3.10, of the Compact.

2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.

3. The project sponsor shall comply with all Commission regulations, including groundwater withdrawal reporting requirements, as per Commission Regulation §803.43.

4. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on Well 9A, accurate to within five (5) percent, to measure its groundwater withdrawal. The project sponsor shall keep daily records of the metered withdrawal and weekly water levels in Well 9A. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Monitoring reports are due within sixty (60) days after the close of the preceding year. The project sponsor shall notify the Commission, in writing, when the meter is installed.

5. The maximum instantaneous rate of production from Well 9A shall not exceed 1,000 gpm.

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

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

8. 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.

9. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate

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

10. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

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

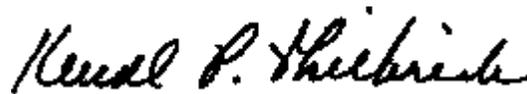
12. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

13. This approval is effective until June 8, 2030. The project sponsor shall submit a renewal application by December 8, 2029, and obtain Commission approval prior to continuing operation beyond June 8, 2030.

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

By the Commission:

Dated: June 8, 2005




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Kendl P. Philbrick, Chair  
Maryland Commissioner



Exhibit B2

# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

Phone (717) 238-0423 • Fax (717) 238-2436

Web <http://www.srbc.net>

**Docket No. 20020402-1**

**Approval Date: April 11, 2002**

**Modification Date: June 8, 2005**

## **BLUE RIDGE TRAIL GOLF CLUB, INC.**

Consumptive Water Use of Up to 0.620 mgd, for Golf Course Irrigation,  
Dorrance Township, Luzerne County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact, P.L. 91-575, 84 Stat. 1509 et seq, and Susquehanna River Basin Commission (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 request for modification on February 11, 2005.

### **Description**

**Purpose.** The Commission originally approved the project on April 11, 2002, as Docket No. 20020402 (Docket). As approved, the project sponsor was authorized to consumptively use up to 0.380 million gallons per day (mgd) of water for the irrigation of greens, tees, and fairways at an 18-hole golf course, subject to conditions enumerated in the Docket. The project sponsor has requested approval for an increase in the consumptive use of water from 0.380 mgd to a maximum daily use of 0.620 mgd. This docket modification approves the requested increase.

**Project Features.** The project sponsor has constructed an additional 9 holes, for a total of 27 holes at the facility. The new nine holes are scheduled to open for play August 1, 2005.

Blue Ridge Trail Golf Club, Inc. constructed a synthetically-lined storage pond and a metered pump station in 2004 to facilitate irrigation of the new nine holes. The pond has a design surface area of 1.89 acres and a holding capacity of approximately 7.3 million gallons. The pond captures stormwater runoff via a collection system from the surrounding golf course.

The project sponsor plans to use its existing sources (Wells 1 and 2) and storage in the new pond to supply all 27 holes with irrigation water until a new well can be tested and approved.

## Findings

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

All water evaporated from the existing storage pond and the new storage pond, as well as all water used for golf course irrigation, is considered to be used consumptively. Water evaporated from the storage ponds will be calculated by the project sponsor, employing a methodology acceptable to the Commission.

Total groundwater withdrawal from Wells 1 and 2 has not exceeded 100,000 gallons per day (gpd). Commission staff has determined that the combined peak 30-day average withdrawal from Wells 1 and 2 is 0.098 mgd. Therefore, to increase consumptive water use to supply the new nine holes, the project sponsor must rely entirely on stormwater captured by the pond(s). Any withdrawal of additional groundwater will require review and approval by the Commission under Commission Regulation §803.43.

The project sponsor has requested approval for a consumptive water use of up to 0.620 mgd. Commission staff recommends approval of the requested quantity. Should the project's future consumptive water use exceed or be expected to exceed 0.620 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 continue to make quarterly payments to the Commission in lieu of providing actual compensation water.

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.

Commission staff recommends that all conditions in Commission Docket No. 20020402 that are not inconsistent with this docket remain effective.

Based on Commission Regulation §803.30(a), the prior Docket approval is effective until April 11, 2027. Commission staff recommends the duration of this docket modification be consistent with the term of the prior Docket approval.

## Decision

The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision. Commission Docket No. 20020402, as approved April 11, 2002, is hereby modified, and the project's consumptive water use of up to 0.620 mgd is approved pursuant to Article 3, Section 3.10, of the Compact, subject to the following conditions:

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

2. The project sponsor shall continue to keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage ponds, plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

3. Condition (e) is hereby rescinded and replaced by the following condition (4).

4. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall continue to make quarterly payments to the Commission 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 ponds, plus the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

5. 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.

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

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

thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

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

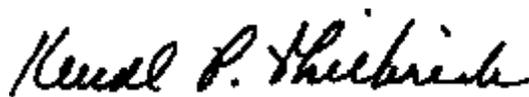
9. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

10. All other conditions in Commission Docket No. 20020402 not inconsistent herewith shall remain effective.

11. Based on Commission Regulation §803.30(a), this approval is effective until April 11, 2027. The duration of this docket modification is in accordance with the term of the prior Docket approval. The project sponsor shall submit a renewal application by February 11, 2027, and obtain Commission approval prior to continuing operation beyond April 11, 2027.

12. 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:



Kendl P. Philbrick, Chair  
Maryland Commissioner

Dated: June 8, 2005



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

Phone (717) 238-0423 • Fax (717) 238-2436

Web <http://www.srbc.net>

**Docket No. 20041203-1**

**Approval Date: December 15, 2004**

**Modification Date: June 8, 2005**

## **BOROUGH OF MIFFLINBURG**

Groundwater Withdrawal (30-Day Average) of 0.554 mgd from Well PW2,  
and a Total System Withdrawal Limit (30-Day Average) of 0.554 mgd,  
for Public Water Supply,  
West Buffalo Township, Union 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, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawals.

### **Description**

**Purpose.** The Commission originally approved the project on December 15, 2004, as Docket No. 20041203 (Docket). As approved, the Borough of Mifflinburg was authorized to withdraw 0.554 million gallons per day (mgd) as a 30-day average from Well PW2, with a total system withdrawal limit of 0.554 mgd for public water supply, subject to conditions enumerated in the Docket. This docket modification rescinds certain provisions and establishes a new time frame of pumping restrictions for protection of the wetlands.

### **Findings**

During the pumping test of Well PW2, drawdown both in the stage of the pond (3.9 inches) and the shallow groundwater level (0.35 inches) were observed in a small area of ponded water within a wetland near the pumping well. These data indicated the potential for impacts to the wetlands from the pumping of Well PW2, despite the likelihood that water level declines in the wetlands were masked to some extent by a rainfall event coincident with the testing.

As a result, both Commission staff and Pennsylvania Department of Environmental Resources (PADEP) staff expressed concern that continuous pumping at the tested pumping rate of 400 gallons per minute (gpm) would dewater the nearby wetlands. The Commission reduced

the maximum instantaneous pumping rate accordingly, to limit the maximum instantaneous pumping rate to 385 gpm.

Further, the Commission conditioned its approval with a provision to restrict the pumping of Well PW2 annually at the beginning of the growing season to insure protection of wetland hydrology. In the prior approval, the provision to restrict pumping contained in the Docket as Condition "d" is set forth below:

- d. The project sponsor shall not pump Well PW2 during March and April of each year.

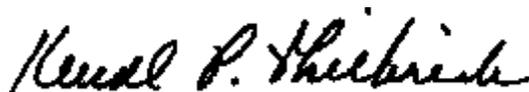
Commission staff has determined that Condition "d" should be modified to coordinate terms and conditions of the Commission approval with that of a member jurisdiction. PADEP's draft permit contains pumping restrictions for April and May, the arguably more critical time period for plant growth, and affords better protection to wetland hydrology. Therefore, Commission staff recommends that the docket be modified to replace Condition "d."

### **Decision**

Commission Docket No. 20041203, as approved December 15, 2004, is hereby amended as follows:

1. Condition "d" is hereby rescinded.
2. The project sponsor shall not pump Well PW2 during April and May of each year.
3. All other conditions in Commission Docket No. 20041203 not inconsistent herewith shall remain effective.
4. Based on Commission Regulation §803.30(a), this approval is effective until December 15, 2029. 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 15, 2029, and obtain Commission approval prior to continuing operation beyond December 15, 2029.
5. 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:



Kendl P. Philbrick, Chair  
Maryland Commissioner

Dated: June 8, 2005



# SUSQUEHANNA RIVER BASIN COMMISSION

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Web <http://www.srbc.net>

**Docket No. 20050602**

**Approval Date: June 8, 2005**

## **HOUTZDALE MUNICIPAL AUTHORITY**

Groundwater Withdrawal (30-Day Average) of 1.100 mgd from Well 14,  
and a Total System Withdrawal Limit (30-Day Average)  
of 1.192 mgd, for Public Water Supply,  
Gulich 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, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to groundwater withdrawals. The Commission received the application on July 6, 2004, and a revision on May 13, 2005.

### **Description**

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

**Location.** The project is located in the West Branch Susquehanna Subbasin, HUC 02050201, Moshannon Creek Watershed, Gulich Township, Clearfield County, Pennsylvania.

**Project Features.** The project sponsor requested approval for the withdrawal (30-day average) of 3.11 million gallons per day (mgd) from Wells 8, 9, 11, and 14, and reduced its request to 1.370 mgd from Well 14 only on May 13, 2005, in consideration of Commission staff concerns and to expedite review. The well is located in the Moshannon Creek valley.

The Commission previously approved Houtzdale Municipal Authority's (HMA's) current groundwater sources, Wells 4, 5, and 10, in Docket No. 19950101. Wells 4, 5, and 10 are located three to four miles northeast of Moshannon Creek along Trim Root Run and Mountain Branch. Trim Root Run is a tributary of Mountain Branch, which is a tributary of Moshannon Creek. HMA also operates two surface-water intakes on Mountain Branch and one on Moshannon Creek.

Well 14 is located in the headwaters of Moshannon Creek, approximately five miles south-southwest of Houtzdale Borough, in a relatively narrow, deeply incised valley. The valley is underlain by a sandstone-dominated sequence of several formations collectively referred to as the Elliot Park-Burgoon Sandstone aquifer. Past surface and deep coal mining is extensive in the area, beginning approximately 1,500 feet northwest of the well, in units immediately up-section of the aquifer tapped by the well.

Well 14 is an open-rock well, drilled to a total depth of 415 feet. The well is 16 inches in diameter to a depth of 83 feet, 12 inches in diameter to a depth of 352 feet, and 8 inches in diameter to a depth of 415 feet. The well has 12-inch-diameter steel casing to a depth of 83 feet.

Well 14 is completed in the sandstones, siltstones, and shales, and penetrates a thick calcareous sequence, which is likely the Loyalhanna Sandstone. The primary water-bearing zones are located at 110-135 feet, 182-200 feet, 243 feet, and 303 feet below ground surface (bgs). These yielding zones are stratigraphically controlled, based on the strongly directional drawdown exhibited during the pumping test.

HMA serves Houtzdale and Brisbin Boroughs, and Ramey, Woodward, Bigler, Gulich, Beccaria, and Decatur Townships. Commission Docket No. 19950101 establishes a system limit of 1.500 mgd as a 30-day average. The water supply system has an existing average demand of 1.192 mgd and an existing maximum daily demand of 1.377 mgd. The average and maximum daily demands are projected to be 0.803 and 1.377 mgd, respectively, by 2030.

Approximately 70 percent of the wastewater is treated at either the Houtzdale Regional Waste Water Treatment Plant and discharged to Beaver Run, or the Woodward Township Waste Water Treatment Plant and discharged to Whiteside Run. Beaver and Whiteside Runs are tributaries of Moshannon Creek. Thirty percent of the wastewater is disposed of in on-site disposal systems.

**Pumping Test.** The project sponsor conducted a 48-hour constant-rate pumping test of Well 14 from September 5-7, 2000. The pumping test did not have prior Commission approval. In addition to the pumping well (Well 14), the other points monitored included: three test wells (Wells TH 8, TH 9, and TH 11), eight bedrock observation wells (TH7, TH13, MW0, MW1R, MW2, MW4, MW5, and MW6), and numerous piezometers in the overburden, the stream channel, and at springs and wetlands. Flow measurements were made on five springs. Moshannon Creek and its small tributary channels that drain seeps and springs were monitored using staff gages. Discharge water from the pumping test was released to Moshannon Creek, between staff gages and within the cone of depression.

Pumping at a rate of 1,000 gallons per minute (gpm), the water level in the pumping well was drawn down 90 feet at the conclusion of the 48-hour pumping period. Along the axis of the valley, approximately 40 feet of drawdown was recorded at a bedrock observation well southeast of Well 14, 3 feet of drawdown was recorded at a bedrock well to the northwest, and between 1 and 6 feet of drawdown was recorded at the deepest overburden piezometers. Drawdown of less than one foot occurred along the side of the valley to the west. The east was not monitored.

No decrease in spring flow occurred at any of the monitored springs in the valley bottom as a result of the test.

**Coordination.** Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) Northcentral Region Office (NCRO) during review of the project. PADEP staff has reviewed this docket for consistency with its requirements and finds no inconsistencies; however, the project sponsor has not completed the application process with PADEP with regard to wetland permitting.

### **Findings**

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

Commission staff reviewed the groundwater availability analysis, pumping test results, and supporting information submitted by the project sponsor. Commission staff finds that the pumping test results are acceptable and recommends that the requirement for pre-approval of the pumping test plan be waived for Well 14. Any uncertainties that would have been addressed in a pre-approved test, related to potential impacts to wetlands within the area of influence, streams, seeps, and springs, will be resolved with post-approval monitoring, as specified below.

Commission staff recommends approval of an average daily withdrawal of 1.100 mgd from Well 14, and a total system withdrawal of 1.192 mgd from all sources (as a 30-day average), consistent with: (1) projected needs, as submitted by the project sponsor; (2) the yield of existing sources for which the Moshannon Creek well and surface-water intake are planned as potential replacements (redundant sources); and (3) the probable sustainable yield of Well 14.

Pumping test results indicate that Well 14 draws water from a semi-confined, highly transmissive fractured rock aquifer. The cone of depression from the pumping test was elliptical, with a long axis coincident with the axis of the valley. Prolonged pumping at the test pumping rate of 1,000 gpm could result in dewatering shallow water-bearing zones in Well 14, with resultant increased drawdown and diminished well yield. The shallowest water-bearing zone occurs at a depth of 110 feet bgs.

Commission staff recommends approval of a maximum instantaneous pumping rate of 1,000 gpm for Well 14 and a maximum pumping water level of 105 feet bgs to protect the uppermost water-bearing zone.

The combination of: (1) high topographic relief in a plateau setting with gently dipping bedrock; (2) faulting; (3) stress relief enhancement of fracture permeability; and (4) the presence of valley-fill overburden of widely varying permeability, have created a complex groundwater flow system in the vicinity of Well 14. On the southwestern side of the valley bottom, a series of springs apparently result from concentrated upward leakage or discharge from the bedrock aquifer along the fault zone. In the center of the Moshannon Creek valley near Well 14, the pattern is apparently reversed and there is natural downward leakage from the alluvium and colluvium into the semi-confined bedrock aquifer. Moshannon Creek is naturally losing in some areas and gaining in other areas.

Groundwater in the area of Well 14 is moving down-dip to the northwest, and most likely upwelling and discharging to previously mined areas. Therefore, Commission staff finds that the withdrawal from Well 14 may reduce the amount of clean groundwater that enters previously mined areas and becomes acid mine drainage. However, excessive withdrawals from Well 14 could reverse natural groundwater flow patterns and induce acid mine drainage to move into the Elliot Park–Burgoon Sandstone aquifer towards Well 14. Commission staff recommends that an observation well be established to monitor for any adverse water quality impacts.

In the vicinity of Well 14, Moshannon Creek is classified as a cold-water fishery (CWF) (25 Pa. Code Chapter 93). Commission staff has calculated the 7-day, 10-year low flow (Q7-10) for Moshannon Creek at Well 14 to be 123 gpm or 0.274 cubic feet per second (cfs).

Commission staff review of the testing data indicates that withdrawals from Well 14 are unlikely to adversely affect the flow of Moshannon Creek; however, Commission staff recommends an interim passby flow to protect aquatic resources and downstream users, due to uncertainty over the potential impact from Well 14 on stream flow. Based on Moshannon Creek's classification as a CWF, Commission staff recommends that the project sponsor allow a passby flow of not less than 11 percent of the annual average daily flow on Moshannon Creek. Annual average daily flow is calculated to be 3.90 cfs, resulting in a passby flow of 193 gpm or 0.429 cfs. Commission staff recommends that weirs be constructed on Moshannon Creek upstream and downstream of the well to verify lack of impacts to the stream.

The recommended rate of withdrawal (1.100 mgd) and the passby flow requirement should reduce potentially adverse impacts to wetlands within the area of influence, streams, seeps, and springs. However, Commission staff recommends that the project sponsor verify this through a period of monitoring. The project sponsor should prepare a monitoring plan for Commission staff review and approval, in conjunction with review by PADEP. The monitoring should commence at least 30 days prior to the start-up of Well 14, and extend for a period of at least 3 years with utilization of the approved withdrawal rate, and during a seasonally dry period with normal precipitation between the months of June and December. Prior to development of the plan and as part of the monitoring effort, wetlands should be delineated.

Results from the monitoring should be reported on an annual basis (once a year). Each report should include hydrographs of the data at appropriate scales, a digital copy of the data and graphs, and a concise interpretive analysis. The monitoring should continue until such time as Commission staff is able to confirm there are no adverse impacts resulting from operation of Well 14. Should the monitoring demonstrate an impact to Moshannon Creek or the wetlands, Commission staff recommends that this approval be modified accordingly.

In accordance with the memorandum of understanding with PADEP, Commission staff recommends that this approval not become effective until such time as the project sponsor can certify to the Commission that it has received an approval from PADEP for the construction of the water supply facilities related to this application.

The withdrawal is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(a). The water system is 100 percent metered; however, system losses reported for 2003 are greater than 40 percent. The unaccounted-for water loss of greater than 20 percent exceeds the maximum specified in Commission Regulation §804.20(a)(1).

Commission staff recommends that the project sponsor achieve 100 percent compliance with the requirements by June 8, 2010. The project sponsor should report to the Commission annually on the progress made pursuant to this requirement, and must petition the Commission for an extension should unforeseen events occur that preclude compliance with the June 8, 2010 deadline.

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.

### **Decision**

1. The project's groundwater withdrawal of 1.100 mgd (30-day average) from Well 14, and a total system withdrawal limit of 1.192 mgd (30-day average), are approved pursuant to Article 3, Section 3.10, of the Compact.

2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.

3. The project sponsor shall comply with all Commission regulations, including groundwater withdrawal reporting requirements, as per Commission Regulation §803.43.

4. The project sponsor shall keep daily records of the metered withdrawal and daily water levels in Well 14. The required reporting data shall be submitted to the Commission semiannually, and as otherwise required. Monitoring reports are due within thirty (30) days after the close of the semiannual period.

5. The project sponsor shall install a meter, accurate to within five (5) percent, on Well 14. The project sponsor shall notify the Commission, in writing, when the meter is installed. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

6. The maximum instantaneous rates of production from Well 14 shall not exceed 1,000 gpm.

7. The pumping water level in Well 14 shall not exceed 105 feet bgs. The project sponsor shall install an automatic cutoff device within sixty (60) days from the date of this approval. The project sponsor shall notify the Commission, in writing, when the device is installed.

8. Within sixty (60) days from the date of this approval, the project sponsor shall submit a plan to establish an observation well near the property line to monitor for any adverse water quality impacts. The proposed well location shall be pre-approved by Commission staff.

9. Within sixty (60) days from the date of this approval, and prior to operating the well, the project sponsor shall develop a plan for monitoring potentially adverse impacts to wetlands within the area of influence, streams, seeps, and springs, and submit the plan for Commission staff review and approval. This plan shall include a schedule for implementation of the plan, a description of the proposed monitoring including locations and instrumentation, and mitigation measures for any affected streams, seeps, or wetlands. Water level measurements shall be recorded hourly in the monitoring points and continuously in Well 14. The project sponsor shall immediately notify the Commission of any adverse impacts to springs, seeps, streams, or wetlands within thirty (30) days of detection. The overall monitoring period shall include a 30-day period prior to the initiation of operation of Well 14, and at least 3 years with utilization of the approved withdrawal rate, and during a seasonally dry period with normal precipitation between the months of June and December. Upon approval of the monitoring plan, the project sponsor shall implement the monitoring plan and supply the results of the monitoring to the Commission annually (once a year). The monitoring results shall be documented in an interpretive report, including the monitoring data in digital and graphical form, due sixty (60) days after each monitoring period, or otherwise as directed by Commission staff. After review of the report, Commission staff will determine any modification or changes to the monitoring program based on its findings. Should the monitoring prove to be inconclusive, the Commission reserves the right to require additional monitoring, as necessary.

10. The project sponsor shall install weirs, or other suitable flow monitoring devices, on Moshannon Creek upstream and downstream from Well 14, and collect daily flow readings for the first three years of operation of Well 14, both during periods when Well 14 is pumping and periods when Well 14 is idle, to confirm that Well 14 has no significant impact on the flow of Moshannon Creek. During operation of the well, the project sponsor shall maintain a passby flow at Well 14 of 0.429 cfs (193 gpm), or when streamflow at the upstream weir is less than 193 gpm, flow at the downstream weir shall be equal to or greater than the total flow of the stream at the upstream weir. The project sponsor shall report the data to the Commission annually and as otherwise required. Quarterly monitoring reports are due within sixty (60) days after the close of the preceding year. Should Commission staff determine that the withdrawal from Well 14 does not impact Moshannon Creek, this condition shall expire three years from the date of this approval.

11. The project sponsor shall submit its design and a proposed construction schedule for the flow measurement devices within ninety (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 certify to the Commission that construction has been completed in accordance with the approved design. The passby system shall be kept fully functional and free of debris.

12. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a). The project sponsor shall have reduced, unaccounted-for water to achieve 100 percent compliance with the requirements by June 8, 2010. The project sponsor shall report to the Commission annually on the progress made pursuant to this

requirement. Progress reports are due within sixty (60) days after the close of the preceding year. The project sponsor must petition the Commission for an extension should unforeseen events occur that preclude compliance with the June 8, 2010, deadline.

13. The constant-rate pumping test requirement specified in Commission Regulation §803.43(b) is hereby waived for Well 14.

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

15. This approval shall not become effective until the project sponsor certifies to the Commission that it has received a permit from PADEP authorizing the construction of the water supply facilities related to this application.

16. 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.

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

18. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

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

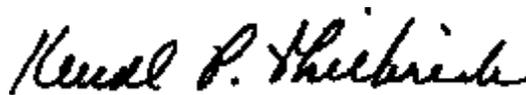
20. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

21. This approval is effective until June 8, 2030. The project sponsor shall submit a renewal application by December 8, 2029, and obtain Commission approval prior to continuing operation beyond June 8, 2030.

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

By the Commission:

Dated: June 8, 2005



Kendl P. Philbrick, Chair  
Maryland Commissioner



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20050603**

**Approval Date: June 8, 2005**

## **WALSH CONSTRUCTION SR0022, SECTION A09 ROADWAY CONSTRUCTION PROJECT (CONSTRUCTION OF FOUR-LANE ROUTE 322 THROUGH THE “LEWISTOWN NARROWS”)**

Consumptive Water Use of Up to 0.132 mgd, for Roadway Construction,  
Derry Township, Mifflin County, and  
Fermanagh 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, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on February 14, 2005.

### **Description**

**Purpose.** The purpose of the application is to request approval for the consumptive use of water associated with roadway construction.

**Location.** The project is located in the Juniata Subbasin, HUC 02050304, Juniata River Watershed, Derry Township, Mifflin County, and Fermanagh Township, Juniata County, Pennsylvania.

**Background.** The SR0022, Section A09 Roadway Construction Project consists of over five miles of construction of four-lane highway through a narrow section of the Juniata River valley between Lewistown and Mifflintown, Pennsylvania, known as the “Lewistown Narrows.” Walsh Construction is the General Contractor for the project, which is being overseen by the Pennsylvania Department of Transportation. Construction of this section of roadway began in 2004 and will span an approximate three-year period, until 2007. Water will be used consumptively in various portions of the project. Consumptive water use started in 2004, and is projected to exceed 20,000 gallons per day (gpd) as a 30-day average during the peak summer construction season in 2005.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.132 million gallons per day (mgd). Water is being used consumptively for:

1. Dust control on temporary construction-related haul roads;
2. Drilling for blast holes for rock excavation and drilling for pile construction;
3. Equipment washing;
4. Dust control in the crushing and screening of excavated rock to produce gravel for subbase for the permanent roadway;
5. On-site preparation of cement grout for the grouting of drilled piles; and
6. Preparation or mixing of concrete at an on-site concrete “batch” plant.

The project proposes to use the Juniata River and a well(s) to be developed at the planned on-site concrete batch plant. A temporary river intake has been developed southeast of the work area at an existing boat access near Mifflintown operated by the Pennsylvania Fish and Boat Commission, and another temporary intake will be developed within the construction zone near the west end of the project. Withdrawals at the temporary intakes are not metered. Moving intakes from the Juniata River, also not metered, are being used by two-pile drilling rigs for the drilling and grouting of piles, until this phase of construction is completed.

Currently, water trucked to the rock crusher and water used for dust control is measured by counting the daily number of water tanker truckloads. The quantity of water used in drilling blast holes or piles, or in preparation of cement grout for the drilled piles, is not metered. The well(s) for the concrete batch plant have not yet been drilled.

Consumptive use of water related to the construction began in May 2004, and is projected to conclude in August 2007, when the project is complete. The project sponsor reports that initial consumptive use has been less than 20,000 gpd, and is expected to exceed 20,000 gpd as a 30-day average beginning in July 2005.

The project sponsor reports that current and future anticipated maximum withdrawals from the Juniata River will be less than 0.100 mgd as a 30-day average. Similarly, the maximum withdrawal from groundwater is anticipated to be less than 0.100 mgd as a 30-day average.

## **Findings**

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

All water that is used for the control of fugitive emissions at the rock crusher, used for road wetting for dust control, equipment washing, used in drilling operations, and used for preparation of cement grout or concrete is considered to be consumptively used. Commission staff recommends that the project’s total daily consumptive water use be calculated by summing the daily consumptive water use from these categories of use.

The current practice of counting tanker truckloads and multiplying the number of loads by the volume of the tanker is acceptable for the portion of the consumptively used water handled by tanker trucks. Commission staff recommends that the project sponsor install

appropriate metering at other water-use points at the project to allow for an accurate measurement of the groundwater and surface water withdrawn at the project, other than that handled by tanker trucks, which is consumptively used. This will entail metering the planned groundwater withdrawal for the on-site concrete batch plant, and metering or other acceptable method at the drilling rigs that allows an accurate accounting of water used for drilling and grouting of piles.

To meet the standards of the regulation regarding the reporting of the actual quantity of consumptive use, Commission staff recommends that the project sponsor submit a metering plan to the Commission for review and approval within 60 days of the date of this approval. The plan should account for all water withdrawn from the planned well(s) at the concrete batch plant, water used at the drill rigs for pile drilling and grouting, water used for equipment washing, and water used for dust control, including roadway wetting, at the rock crusher and at the blast hole drill rig.

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 withdrawal of groundwater and surface water for the project is not anticipated to exceed 100,000 gpd from either source. Hence, approvals for groundwater withdrawal or surface-water withdrawal should not be necessary in accordance with Commission Regulations §803.43 and §803.44, respectively.

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 proofs of newspaper notification and notification to appropriate municipal and county agencies, as required by Commission Regulation §803.25. The project sponsor has requested that the requirement to notify adjoining landowners be waived given the size of the project for construction of a five-mile length of roadway and the number of landowners that would be involved. Commission staff recommends that this waiver be approved.

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.

As this is a construction project having a consumptive use of water that is projected to cease during summer 2007, Commission staff recommends that the duration of approval coincide with the completion of construction. Allowing for possible extensions in the construction schedule due to unforeseen circumstances, Commission staff recommends that approval expire on September 1, 2008.

## Decision

1. The project's consumptive water use of up to 0.132 mgd is approved pursuant to Article 3, Section 3.10, of the Compact.
2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.
3. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
4. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering and water-use measurement plan to the Commission for review and approval by Commission staff that accounts for all water withdrawn and consumptively used at the facility. The project sponsor shall propose a methodology to account for their consumptive water use based on metering, except in the case of water transferred by tanker truck, where a daily accounting of truckloads of water used would satisfy the consumptive use measurement requirement. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule, and shall certify to the Commission that the monitoring plan has been implemented. The project sponsor shall notify the Commission, in writing, when the meters are installed. The project sponsor shall maintain any meters, accurate to within five (5) percent.
5. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity of water used: (1) at the on-site portable rock crushing plant for the control of fugitive emissions; (2) at the blast hole drill rig for dust control; (3) at the on-site batch plant to mix concrete; (4) for road wetting for dust control; (5) for equipment washing; and (6) for drilling of piles and the preparation of grout for piles.
6. 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 tanker trucks and the water consumptively used at the other points in the project as determined by the metering plan. Payments shall be made quarterly and shall be calculated by applying this rate to the daily amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.
7. The Commission hereby waives the requirement to notify adjoining landowners.

8. 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.

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

10. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

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

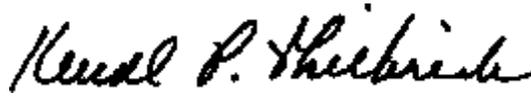
12. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

13. This approval is effective until September 1, 2008. The project sponsor shall submit a renewal application by March 1, 2008, and obtain Commission approval prior to continuing operation beyond September 1, 2008.

14. 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 8, 2005

A handwritten signature in black ink, reading "Kendl P. Philbrick". The signature is written in a cursive style with a prominent initial "K".

Kendl P. Philbrick, Chair  
Maryland Commissioner



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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**Docket No. 20050604**

**Approval Date: June 8, 2005**

## **PENNSY SUPPLY, INC. FIDDLERS ELBOW QUARRY**

Consumptive Water Use of Up to 0.092 mgd,  
for Quarrying of Dolomite and Processing of Aggregate,  
Lower Swatara 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, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application for consumptive water use on November 22, 2004.

### **Description**

**Purpose.** The purpose of the application is to request approval for a consumptive use of water for the quarrying of dolomite and processing of aggregate.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Lower Swatara Township, Dauphin County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of up to 0.092 million gallons per day (mgd) of water. The project consumptively uses water for its aggregate crushing operations and dust control on haul roads, and plans to add a wash plant and associated sediment ponds. Based on water use records submitted by the project sponsor, Commission staff calculates the project's current maximum average 30-day consumptive water use to be 0.0153 mgd.

The project sponsor excavates dolomite for the production of aggregate. The quarry has been in operation since March 1972. Pennsy Supply, Inc. operates the quarry and leases the property from the "Robert M. Mumma, II, Grantor Retained Annuity Trust."

The facility currently has a processing (crushing) plant and stockpiles aggregate. The project sponsor plans to add a wash plant for production of raw materials to be used in off-site

concrete production and construct sediment ponds for settling water discharged from the wash plant.

Water for the quarry's operation is withdrawn from the quarry sump and one well (Crushing Plant Well) located at the processing plant. Sanitary water use is supplied by two wells (Lab Well and Scale House Well). Total maximum daily groundwater withdrawal from all sources is 0.017 mgd.

Water from the quarry sump supplies water trucks for dust control on haul roads. The withdrawal is not metered; however, the project sponsor maintains a log documenting the daily number of truckloads of water and the truck capacity.

The quarry sump has a surface area of approximately 0.10 acres. Quarry operations have not intercepted the water table, and minimal dewatering is required in the quarry pit. The project sponsor anticipates that quarry operations will intercept groundwater in the future and that dewatering activities will increase at that time.

**Coordination.** Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), Bureau of District Mining Operations, during review of the project. PADEP staff has reviewed this docket for consistency with its Noncoal Surface Mining Permit No. 22880301.

## Findings

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

All water used for aggregate production and retained in the aggregate, used in screening operations, trucked off-site, used for dust control, evaporated from the 0.10-acre quarry sump, and evaporated from the sediment ponds (to be constructed) is considered to be used consumptively. Commission staff recommends that the project's total daily consumptive water use be calculated by summing the daily consumptive water use from these categories of use.

The total quantity of water supplied to the processing plants from the Crushing Plant Well and quarry sump, minus the total quantity of water discharged from the processing plant (density compensated), is the quantity of water consumptively used through evaporation during processing and retention in the aggregate. Commission staff recommends that the project sponsor install meters to measure the daily quantity of water entering and leaving the processing plant. The project sponsor could propose an alternative to metering to quantify the consumptive water use for Commission staff's review and approval.

The project sponsor also withdraws water from the quarry sump to control dust on haul roads on the property. The total quantity of water withdrawn is not metered. Commission staff recommends that the quantity of water used for dust control should be calculated based on the capacity of the water trucks and the number of truckloads of water withdrawn. The project sponsor maintains a log of the daily number of truckloads of water used for dust control.

Commission staff recommends the project sponsor submit, upon completion of the proposed sediment ponds, the as-built surface areas of the ponds. Commission staff recommends the project sponsor calculate the evaporative loss from the total acreage of the sediment ponds and the quarry sump using a methodology acceptable 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 sponsor has requested a consumptive water use approval of up to 0.092 mgd. Based on proposed operations at the quarry, Commission staff recommends approval of the requested amount. Should the project's future consumptive water use exceed or be expected to exceed 0.092 mgd, the project sponsor must apply for a modification to this docket at that time.

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

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

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

### **Decision**

1. The project's consumptive water use of up to 0.092 mgd is approved pursuant to Article 3, Section 3.10, of the Compact.
2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.
3. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
4. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering and monitoring plan for Commission staff approval detailing all meter locations being used to quantify consumptive water use, including those locations where additional metering is required to adequately quantify consumptive water use. The project sponsor shall install and maintain metering according to the plan, accurate to within five (5) percent. The Commission reserves the right to inspect all measurement equipment and audit all measurement records. The project sponsor may propose alternative accounting procedures to the Commission for staff review and approval.

5. At least sixty (60) days prior to the installation of the wash plant and construction of the sediment ponds, the project sponsor shall notify the Commission, in writing, detailing the proposed schedule for construction, installation, and start-up of the wash plant and sediment ponds. The project sponsor shall modify the metering and monitoring plan subject to Commission staff approval as part of this submittal. The project sponsor shall notify the Commission when the wash plant begins operation.

6. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity of water used for aggregate production and retained in the aggregate, used in screening operations, used for equipment washing, trucked off-site, used for dust control, evaporated from the quarry sump, and evaporated from the sediment ponds. Commission staff shall review and approve the method of calculation for evaporative loss from the ponds. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

7. The project sponsor shall maintain metering on the Crushing Plant Well and the quarry sump, accurate to within five (5) percent, to measure its groundwater withdrawal. The project sponsor shall keep daily records of the project's groundwater withdrawal and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter.

8. If an increase in the project's groundwater withdrawal exceeds the threshold specified in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission.

9. 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 used for aggregate production and retained in the aggregate, used in screening operations, used for equipment washing, trucked off-site, used for dust control, and evaporated from the quarry sump and the sediment ponds. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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

12. 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.

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

14. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

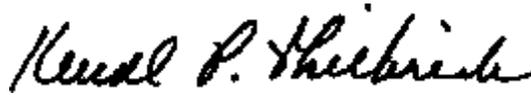
15. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

16. 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.

17. This approval is effective until June 8, 2030. The project sponsor shall submit a renewal application by December 8, 2029, and obtain Commission approval prior to continuing operation beyond June 8, 2030.

18. If the project is discontinued for such a period of time and under such circumstances 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:

A handwritten signature in black ink, reading "Kendl P. Philbrick". The signature is written in a cursive style with a prominent initial "K".

Kendl P. Philbrick, Chair  
Maryland Commissioner

Dated: June 8, 2005



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20021020-1**

**Approval Date: October 10, 2002**

**Modification Date: June 8, 2005**

## **ALUMAX MILL PRODUCTS, INC.**

Consumptive Water Use of Up to 0.452 mgd,  
for Manufacture of Aluminum Sheet and Plate Products,  
Manheim Township, Lancaster County, Pennsylvania

### **Review Authority**

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact, P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The modification request was received by the Commission on March 7, 2005.

### **Description**

**Purpose.** The purpose of the application is to request approval to modify the daily limit of the facility's consumptive water use, and to address a change in the basis of reporting daily consumptive water use. The original Commission approval for consumptive water use was issued on October 10, 2002, as Docket No. 20021020 (Docket). This docket modification rescinds certain provisions, revises the method of calculation of consumptive water use, and increases the quantity of approved peak-day consumptive water use.

**Project Features.** The project sponsor has requested approval for an increase in the consumptive water use from 0.290 million gallons per day (mgd) up to 0.452 mgd. The daily limit of consumptive water use needs to be increased to accommodate a change in monitoring and reporting water use, from daily consumptive water use calculated from prorated biweekly measurements to daily measurements.

Alumax Mill Products, Inc. (Alumax) performs secondary smelting, rolling, and painting of aluminum to produce aluminum sheets and coil. Water is used consumptively for chiller makeup and process and exhaust cooling.

Based on the limited metered usage records that were available at the time of the prior approval, the facility's maximum 30-day average consumptive water use was calculated to be 0.227 mgd, and peak-day consumptive water use was approximately 0.265 mgd. During the past

year, the maximum daily amount of water supplied to the facility by the City of Lancaster Authority (CLA) was 448,000 gallons per day (gpd) and the biweekly average daily use was 317,714 gpd. The project sponsor indicated that daily peaks in consumptive water use occasionally may exceed 0.440 mgd, and has considered this in the requested quantity.

### **Findings**

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

The consumptive water use approval in the Docket was based on metered and estimated consumptive water use data for the facility, and on reporting daily consumptive water use calculated from prorated biweekly measurements. Converting to daily measurements of inflow and outflow for calculation of consumptive water use requires an increase in the quantity of approved peak-day consumptive water use.

Commission staff recommends approval of the project sponsor's request for an increase in consumptive water use from 0.290 mgd to 0.452 mgd. Should the project's future consumptive water use exceed 0.452 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor is currently using a spreadsheet accounting procedure, approved in the Docket as Condition "b" and set forth below:

- b. The project sponsor shall keep biweekly records of the project's consumptive water use, prorated to a daily basis, and shall provide the daily results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity used for makeup water in chiller cooling and process and exhaust cooling. The project sponsor shall compute consumptive water use by subtracting the total quantity of metered wastewater discharged by the facility to the sanitary sewer system from the total quantity of water provided to the facility by the CLA. The project sponsor shall maintain existing metering on water entering the facility and the wastewater leaving the facility, accurate to within five (5) percent.*

Commission staff recommends that the spreadsheet accounting procedure be revised to calculate daily consumptive water use as the difference between metered daily public water inflow minus measured daily outflow, and that both inflow and outflow (discharge) metered usage be measured and recorded at the same time daily. Therefore, Commission staff recommends that the Docket be modified to replace Condition "b."

Commission staff recommends that all conditions in Commission Docket No. 20021020 that are not inconsistent with those approved under this docket should remain effective.

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

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

Based on Commission Regulation §803.30(a), the prior Docket approval is effective until October 10, 2027. Commission staff recommends the duration of this docket modification be consistent with the term of the prior Docket approval.

### **Decision**

Commission Docket No. 20021020, as approved October 10, 2002, is hereby amended as follows:

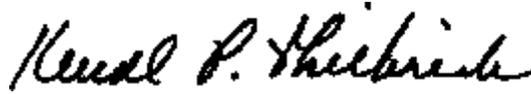
1. The project's consumptive use of water of up to 0.452 mgd is approved pursuant to Article 3, Section 3.10, of the Compact.
2. Condition "b" is hereby rescinded.
3. The project sponsor shall keep daily records of the project's consumptive water use, and shall provide the daily results to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity used for makeup water in chiller cooling and process and exhaust cooling. The project sponsor shall compute consumptive water use by subtracting the total daily quantity of metered wastewater discharged by the facility to the sanitary sewer system from the total daily quantity of water provided to the facility by CLA. The project sponsor shall continue reading and recording the facility's daily public water inflow and daily plant discharge at the same time each day. The project sponsor shall maintain existing metering on water entering the facility and the wastewater leaving the facility, accurate to within five (5) percent.
4. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.
5. All other conditions in Commission Docket No. 20021020 not inconsistent herewith shall remain effective.
6. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.
7. Based on Commission Regulation §803.30(a), this approval is effective until October 10, 2027. 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 April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

8. 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 8, 2005

A handwritten signature in black ink, reading "Kendl P. Philbrick". The signature is written in a cursive style with a prominent initial "K".

Kendl P. Philbrick, Chair  
Maryland Commissioner



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20050605**

**Approval Date: June, 8 2005**

## LANCASTER COUNTRY CLUB

Surface-Water Withdrawal of Up to 1.285 mgd, when available, from the Conestoga River,  
and a Consumptive Water Use of Up to 1.285 mgd, for Golf Course Irrigation,  
Manheim and East Lampeter Townships, 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, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (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 withdrawal. The Commission received the request for an increase in consumptive water use from the Conestoga River on October 27, 2004.

### Description

**Purpose.** The purpose of the application is to request approval for the increase in withdrawal and consumptive use of water for irrigation of greens, tees, and fairways at an existing golf course. The Commission originally approved the project for consumptive water use on May 13, 1993, as Docket No. 19930508.

**Project Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Conestoga River Watershed, Manheim and East Lampeter Townships, Lancaster County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for a maximum daily withdrawal of up to 1.285 million gallons per day (mgd) of water from the Conestoga River, and for a maximum daily consumptive use of water of up to 1.285 mgd. The project sponsor calculates that the project's maximum average 30-day consumptive water use will be approximately 0.600 mgd, and peak day consumptive water use will be 1.285 mgd.

The project sponsor was previously approved to consumptively use up to 0.285 mgd (Commission Docket No. 19930508). Its surface-water withdrawal of 0.285 mgd predates Commission Regulation §803.44. At that time, the golf course had 27 holes and the project sponsor proposed to add 6 holes. The current request is for the irrigation of 33 existing holes and 3 proposed holes.

The Lancaster Country Club (LCC) is situated on both sides of the Conestoga River and, in addition to the 33 holes, irrigates a driving range, chipping green, practice green, and turf nursery. LCC proposes to add three new holes within five years.

Water for the irrigation system is withdrawn from the Conestoga River at a pump station, which was constructed in 1997. The pumping capacity is 1,200 gallons per minute (gpm). Water pumped from the river is applied directly to the holes on the west side of the river. On the east side of the river, water is pumped to a storage pond (Pond No. 4) for use by the irrigation system. The pond was in place prior to 1971. LCC's intake is located approximately 1.5 miles upstream from the intake of the City of Lancaster public water supply.

The project sponsor installed a new irrigation system in 1997. At that time, the greens, constructed from native soils, were rebuilt as United States Golf Association standard sand greens. In 2001, the project sponsor installed irrigation in the driving range and range tee box, adding a total area of approximately 10 acres.

### **Findings**

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

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

The project sponsor has requested approval for the consumptive use of water of up to 1.285 mgd, and a maximum 30-day average use of 0.600 mgd. Based on information submitted by the project sponsor, Commission staff is recommending approval of a consumptive use of up to 1.285 mgd, provided that the 30-day average use is limited to 0.600 mgd. This will allow for flexibility in irrigation and an anticipated increase in water usage over the 25-year duration of this approval. Although the requested maximum 30-day average is more than double the current 30-day average of 0.218 mgd, the increased water use results from several factors: the sand greens installed in 1997 require approximately twice the quantity of water as the native soil greens, the addition of driving range irrigation, the addition of 3 holes, and a change in turf management practices. Should the project's future consumptive water use exceed or be expected to exceed 1.285 mgd, or the 30-day average use of 0.600 mgd, the project sponsor must apply for a modification to this docket at that time.

Water was being consumptively used at the facility before January 23, 1971, the effective date of Commission Regulation §803.42. The Commission determined a pre-1971 water use of 157,500 gallons per day (gpd) in Commission Docket No. 19930508 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 continue 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.

Although the existing surface-water withdrawal predates the effective date of Commission Regulation §803.44, the proposed increase of up to 1.000 mgd requires Commission review and approval. The proposed maximum instantaneous rate of withdrawal from the Conestoga River is 1,200 gpm, based on the pump station capacity. The requested withdrawal rate is less than 10 percent of the 7-day, 10-year low flow (Q7-10 flow) of 38.9 cubic feet per second (cfs), or 17,466 gpm.

The project sponsor's intake is approximately 1.5 miles upstream from the intake of the City of Lancaster, which is authorized by the Commonwealth of Pennsylvania to withdraw 25 mgd (Order of Confirmation WA-181). The United States Geological Survey (USGS) stream gage No. 01576500 (Conestoga River at Lancaster, Pennsylvania) is located immediately downstream of the City of Lancaster's intake and has a Q7-10 flow of 39.9 cfs, or 17,916 gpm. The Commission received comments from the City of Lancaster indicating that during droughts in 1999 and 2001, the full allocation was not available.

Due to the proximity to the City of Lancaster's public water supply intake and to provide adequate protection for the preexisting use, Commission staff recommends that the project sponsor cease all withdrawals from the Conestoga River when the USGS stream gage indicates a flow of 25.8 mgd, or 39.9 cfs, which represents Q7-10 at the gage.

Commission Docket No. 19930508, as approved, would be superseded by this 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 submitted all proofs of notification, as required by Commission Regulation §803.25.

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

### **Decision**

1. The project's surface-water withdrawal from the Conestoga River of up to 1.285 mgd, when available, and the consumptive use of water of up to 1.285 mgd are approved pursuant to Article 3, Section 3.10, of the Compact.

2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.

3. Commission Docket No. 19930508, as approved, is hereby superseded by this approval.

4. 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.

5. The project sponsor shall keep daily records of the project's consumptive water use and surface-water withdrawal, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. 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 and surface-water withdrawal, accurate to within five (5) percent. The project sponsor also shall keep daily records of readings from USGS stream gage No. 01576500 on the Conestoga River at Lancaster, Pennsylvania, during the irrigation season, and shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative streamflow monitoring to the Commission for staff review and approval.

6. The project sponsor shall cease its withdrawal of water from the Conestoga River when flow at USGS stream gage No. 01576500 on the Conestoga River at Lancaster, Pennsylvania, is 25.8 mgd or 39.9 cfs.

7. The maximum instantaneous rate of withdrawal from the Conestoga River shall not exceed 1,200 gpm.

8. The maximum 30-day average quantity of water consumptively used shall not exceed 0.600 mgd.

9. 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 0.1575 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

11. 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.

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

13. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

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

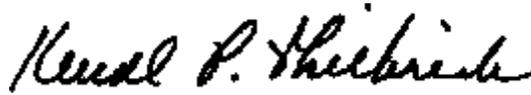
15. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

16. This approval is effective until June 8, 2030. The project sponsor shall submit a renewal application by December 8, 2029, and obtain Commission approval prior to continuing operation beyond June 8, 2030.

17. 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 8, 2005

A handwritten signature in black ink, reading "Kendl P. Philbrick". The signature is written in a cursive style with a prominent initial "K".

Kendl P. Philbrick, Chair  
Maryland Commissioner



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

Phone (717) 238-0423 • Fax (717) 238-2436

Web <http://www.srbc.net>

**Docket No. 20050606**

**Approval Date: June 8, 2005**

## **AIR PRODUCTS AND CHEMICALS, INC.**

Consumptive Water Use of Up to 0.250 mgd,  
for the Manufacture of Atmospheric Gases,  
East Hempfield 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, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (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 April 11, 2005.

### **Description**

**Purpose.** The purpose of the application is to request approval for the consumptive water use associated with the manufacture of atmospheric gases.

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Conestoga River Watershed, East Hempfield Township, Lancaster 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). Consumptive water use at the facility is the result of a single cooling tower used for process cooling. Based on monthly water use records since 1993, Commission staff calculates the project's current maximum average 30-day consumptive water use to be 0.220 mgd, and current peak day consumptive water use to be 0.230 mgd.

The project sponsor, Air Products and Chemicals, Inc. (APCI), is an international supplier of industrial gases, chemicals, and technology. APCI's East Hempfield Township facility consists of an air separation plant and truck terminal. The facility began operations in April 1983, and the quantity of consumptive water use has been stable over that time.

The facility manufactures 250 tons per day of liquid oxygen, 700 tons per day of liquid nitrogen, and 10 tons per day of liquid argon by separation of these gases from the atmosphere.

Incoming air is liquefied by compression and distilled into its principal components: oxygen and nitrogen. Liquid product is stored at the facility in cryogenic storage tanks prior to delivery. Make-up water supplied to the facility's cooling tower is metered. Cooling tower blow-down and filter backwash also are metered.

Water is provided to the facility by the City of Lancaster public water supply and is metered as it enters the facility.

### **Findings**

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

All water evaporated by the facility is considered to be consumptively used. The facility has one cooling tower, and Commission staff recommends that the project's total daily consumptive water use be calculated as the difference between the metered "make-up" water entering the cooling tower and the sum of metered backwash and blow-down water leaving the cooling tower.

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

The project sponsor has requested a consumptive water use approval of up to 0.250 mgd. Based on an analysis of monthly records of water supplied to the cooling tower and returned from the tower via blow-down and backwash, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 8 percent over current peak day use of 0.230 mgd. 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 is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(b).

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

The project sponsor has operated in violation of Commission Regulations since April 1983. The project sponsor, when notified by the Commission of its regulations, complied with the application procedures and cooperated with Commission staff during its review of the project. The project sponsor has offered a settlement to the Commission to compensate for the noncompliance with Commission Regulation §803.4 for the period beginning April 1983, and

ending on the date of this approval. Commission staff recommends acceptance of the project sponsor's proposed settlement of \$155,640.

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**

1. The project's consumptive water use of up to 0.250 mgd is approved pursuant to Article 3, Section 3.10, of the Compact.

2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.

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

4. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity evaporated by the cooling tower, which is equal to the metered "make-up" water minus the sum of metered blow-down and backwash water.

5. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the quantity evaporated by the cooling tower, which is equal to the metered inflow minus the metered outflow. Inflow to the cooling tower is all water passing through the "make-up" meter; outflow is the sum of the backwash and blow-down meters on a daily basis. Payments shall be made quarterly and shall be calculated by applying this rate to the daily amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

6. The project sponsor has offered a settlement by agreement pursuant to Commission Regulation §805.27, in the amount of \$155,640 for its consumptive water use found to be in noncompliance with Commission Regulation §803.42, and is hereby accepted. Except where the full amount of same has been tendered to the Commission in advance hereof, this action shall be contingent upon, and shall not be effective until payment of the settlement amount is made to the Commission, or arrangements for such payment have been made that are acceptable to the Executive Director of the Commission. Failure to make such payment or payment arrangement with the Commission within forty-five (45) days hereof shall render this approval null and void.

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

8. 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.

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

10. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing penalties, regardless of the period of noncompliance.

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

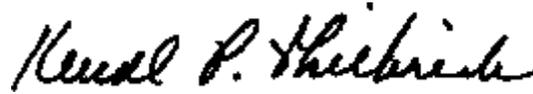
12. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

13. This approval is effective until June 8, 2030. The project sponsor shall submit a renewal application by January 8, 2029, and obtain Commission approval prior to continuing operation beyond June 8, 2030.

14. 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 8, 2005

A handwritten signature in black ink, reading "Kendl P. Philbrick". The signature is written in a cursive style with a prominent initial "K".

Kendl P. Philbrick, Chair  
Maryland Commissioner

**RESOLUTION NO. 2005-05**

A RESOLUTION of the Susquehanna River Basin Commission amending its Water Management Fund Policy and authorizing transfers from that fund to the general fund.

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

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

WHEREAS, on May 11, 1995, the Commission established Policy No. 95-02 regarding the use of this Water Management Fund; and

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

WHEREAS, by Resolution 2002-03 of February 21, 2002, the Commission authorized the temporary amendment of Policy No. 95-02 to allow the limited use of the Water Management Fund for project review by the Commission under 18 CFR §§803.42 relating to consumptive use of water; and

WHEREAS, the Commission’s programmatic activities are critical to the effective and efficient management and protection of the water resources of the basin; and

WHEREAS, the accumulation of civil penalties and settlement payments presently being deposited in the Water Management Fund is generated exclusively by the Commission’s project review program; and

WHEREAS, in accordance with the said Resolution 2002-03, the Executive Director consulted with the Commission’s Water Resources Management Advisory Committee (WRMAC) on possible use of the accumulated civil penalties and settlement payments, plus interest thereon, to defray a portion of the cost of the project review program and other programmatic activities of the Commission; and

WHEREAS, WRMAC agreed that it is appropriate to use said accumulated funds plus interest thereon to defray a portion of the cost of the Commission’s programmatic activities by periodically transferring such funds to the SRBC General Fund from the Water Management Fund; and

WHEREAS, the Commission finds that it is desirable to make additional revisions to the Water Management Fund Policy, tying investment of funds and fund management procedures more closely to the requirements of the Commission's Organization Manual.

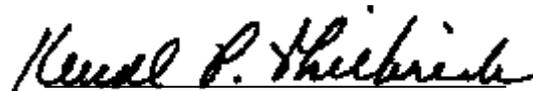
NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby amends its Water Management Fund Policy as shown in Exhibit A, which is attached hereto and made a part of this resolution.

2. The Executive Director and the Chief Administrative Officer are hereby authorized to make transfers of \$225,000 to the Fiscal Year 2005 General Fund and \$225,000 to the Fiscal Year 2006 General Fund.

3. This Resolution shall be effective immediately.

Date: June 8, 2005

  
Kendl P. Philbrick, Chairman

## EXHIBIT A

# Susquehanna River Basin Commission

*a water management agency serving the Susquehanna River Watershed*



## **Policy No. 95-02 Revised June 8, 2005**

### **WATER MANAGEMENT FUND POLICY**

#### **Purpose**

Under the terms of the Susquehanna River Basin Compact (Public Law 91-575), the Commission is directed to develop and implement comprehensive plans, policies, and programs relating to the water resources of the basin, to adopt and promote uniform and coordinated policies for water conservation, control, and development in the basin; and to encourage the planning, development and financing of water resources projects according to such plans and policies.

In order to promote these water management policies, in 1985 the Commission set up the Water Management Fund to accumulate capital funds, interest earned and moneys collected for consumptive use fees, settlement payments, penalties and other funds as deemed appropriate.

#### **Policy**

##### **Expenditures**

The Water Management Fund may be used to finance the cost of water supply related projects, including costs associated with the planning, engineering, design, and construction phases of new projects or the reformulation of existing reservoirs, or any other project or study initiated by the Commission to address the cumulative impact of consumptive water use or otherwise to support low flow management in the Susquehanna River Basin. Examples for which the Water Management Fund can be used are reconnaissance, feasibility and planning studies, computer modeling activities, project maintenance costs, program administration, and management and operation activities associated with such projects or studies.

## **Transfers**

Water Management Funds may also be transferred to the Commission's General Fund to support programmatic activity of the Commission; provided; however, that the total accumulated amount of all such transfers shall not exceed the total accumulated amount of penalties and settlement amounts deposited into the Water Management Fund, plus interest earned thereon.

## **Investment of Funds**

Water management funds may be invested, upon direction of, and as may be determined to be available by, the Executive Director and Chief Administrative Officer. Authorized investment types shall be as set forth in the Commission's Organization Manual.

## **Procedure**

All expenditures must be approved by the Chief Administrative Officer and the Executive Director. Expenditures exceeding the Executive Director's spending limits established in the Commission's Organization Manual must be approved by the Commission prior to disbursement. Competitive bids must be advertised unless the services to be provided are of a specialized or professional nature.

All transfers from the Water Management Fund to the General Fund must be approved by the Commission prior to transfer.

RESOLUTION NO. 2005-06

A RESOLUTION by the Susquehanna River Basin Commission to adopt a proposed Current Expense Budget for the fiscal year beginning July 1, 2006, and ending June 30, 2007, and to apportion among the Commission's member 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, 2006, in the amount of \$4,450,000 is hereby approved and adopted for submission to the member jurisdictions for their review and approval.

2. Pursuant to Section 14.3 of the Compact, there is hereby requested from each member 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, 2006.

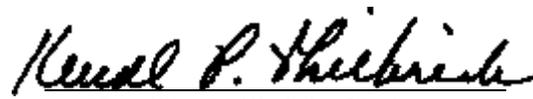
<u>Member Jurisdictions</u>	<u>Apportionment</u>
New York	\$300,000
Pennsylvania	\$1,232,000
Maryland	\$318,000
United States	\$1,000,000

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 member jurisdictions for fiscal year beginning July 1, 2006 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 member jurisdictions together with a certified statement of the amount hereby apportioned to each member jurisdiction in accordance with the requirement of the Compact.

5. This Resolution shall take effect immediately.

Date: June 8, 2005

  
 Kendl P. Philbrick, Chairman