Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed

August 10, 2006

TO ALL CONCERNED:

At the June 14, 2006 meeting, the draft minutes of the March 15, 2006 Commission meeting were approved as written. Please attach this notice to your copy of the March 15, 2006 minutes.

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- DRAFT -

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

MINUTES OF THE SUSQUEHANNA RIVER BASIN COMMISSION

June 14, 2006

#2006-02

The meeting was held at the Radisson Hotel Corning, 125 Denison Parkway East, Corning, New York.

ROLL CALL

Commissioners Present

Major Gen. William T. Grisoli, Commander, United States Army Corps of Engineers (USACE), North Atlantic Division
Mr. Kenneth P. Lynch, Director, Region 7, N.Y. Dept. of Environmental Conservation (NYDEC)
Ms. Cathleen C. Myers, Dep. Sec. for Water Management, Pa. Department of Environmental Protection (PADEP)
Kendl P. Philbrick, Secretary, Maryland Dept. of the Environment (MDE)

Alternate Commissioners and Advisors Present

Col. Robert J. Davis, District Engineer, USACE, Baltimore District

Mr. Scott Foti, Regional Solid and Hazardous Materials Engineer, NYDEC
Mr. William A. Gast, Chief, Division of Water Use Planning, PADEP

Mr. Matthew G. Pajerowski, Chief, Water Policy and Security Division, MDE

Staff Present

Mr. Paul O. Swartz, Executive Director

Mr. Thomas W. Beauduy, Deputy Director
Mr. Michael G. Brownell, Chief, Water Resources Management Division
Ms. Susan S. Obleski, Director of Communications

Mr. David W. Heicher, Chief, Watershed Assessment and Protection
Mr. Duane A. Friends, Chief Admin. Officer
Mr. Richard A. Cairo, Counsel/Secretary

Ms. Deborah J. Dickey, Executive Administrator

INTRODUCTION/WELCOME

Chairman Grisoli welcomed the audience and commented on the slide show that had been running prior to the meeting. The slide show highlights the work of the Susquehanna River Basin Commission in the management and preservation of a great resource – the Susquehanna River Basin. It further illustrates the vision of the people who formed the Commission in 1971 and identifies the reasons why the Commission is holding its meeting today.

He then allowed the other members of the Commission to introduce themselves and describe the work that they do for their particular member jurisdictions. In their remarks, all the members emphasized the importance of working together to wisely manage the water resources of an interstate river basin and protect the Chesapeake Bay. The Commission is the institutional device that best facilitates this cooperation.

The Executive Director added that the Commission is only one of two intergovernmental agencies in which the member jurisdictions pool their sovereign powers to manage the water resources of a river basin. A New Yorker, Frederick Zimmermann, originated the idea for a federal-interstate compact agency in the Susquehanna River Basin.

PRESENTATIONS & DISCUSSIONS

a. Panel Session – Protecting Public Health and Safety: How Secure is the Region's Water Resource?

The Commission convened a panel session on public health and safety – specifically regarding the security of the region's water resources. Mr. Dan Farrand, of the Elmira and Bath Offices of New York State Senator George Winner moderated a panel consisting of Chairman William Grisoli, Commissioner Ken Lynch; David Heicher, Chief of the SRBC Watershed Assessment and Protection Division; and Catherine Rees, Senior Water Resources Specialist, Resources for Communities & People.

Mr. Farrand began by noting that Senator Winner is the Chairman of the New York State Legislative Commission on Rural Resources that recently published a technical assistance guide titled "Keeping New York Waters Pure." He cited the expertise of each panel member and his/her qualifications to provide information on this and other public health and safety issues related to water.

Chairman Grisoli led off the panel discussion by observing the beginning of the hurricane season on June 1 and the need for preparedness to meet the flooding threats associated with hurricanes that often sweep up the east coast of the United States. He went on to describe the ways in which the Corps of Engineers supports disaster preparedness and recovery.

There are three key missions for the Corps in disaster situations. First, after the federal government is called into a disaster situation, the Corps fills a public engineering role, actually becoming FEMA's engineer. Under the National Response Plan, the Corps helps out on things like provision of water, debris removal and other recovery tasks. Second, the Corps operates and

maintains important flood control projects such as reservoirs, levees, and flood walls that have very important roles to play in mitigating flood damage. Third, the Corps provides engineering support to any Dept. of Defense operations relating to disaster recovery. In the wake of a flood disaster, the Corps must assess the condition of its projects and determine their integrity and the need for any repairs or rehabilitation. Together, all of these missions constitute a "systems management" apparatus for meeting the challenges of hurricane and flood disasters.

Commissioner Lynch addressed the role of the NY Dept. of Environmental Conservation (NYSDEC) in flood protection, drought management and water quality management.

He reminded the audience that the Susquehanna River Basin is one of the most flood prone basins in the nation, with an average of $150 million in annual flood damages. Flooding is also the primary natural hazard in the State of New York and the number one weather related killer, causing an average of 3 to 4 deaths in New York each year. Half of those deaths involve people trapped in cars by high water. Eighty percent of the municipalities in the Susquehanna River Basin have residences or businesses located in flood prone areas.

Examples of NYSDEC flood control structures include flood walls and earthen levees. As in the case of federal flood control projects, the state must insure that these state facilities are properly operated and maintained to insure their effectiveness. This is a major part of NYSDEC's flood protection responsibilities. NYSDEC works very closely with local municipalities in maintaining these projects. NYSDEC also provides technical assistance, training and flood mapping advice to these local municipalities with the aim of helping them manage their flood plain land use. They are encouraged to use these tools to eliminate or minimize vulnerable uses in flood plain areas.

NYSDEC also participates in intergovernmental efforts to manage droughts. Droughts can be both environmentally and economically disruptive. NYSDEC therefore works closely with the SRBC through its Intergovernmental Drought Coordinating Committee to exchange information, analyze the seriousness of drought conditions and implement appropriate responses.

In cooperation with the Commission and as an upstream state, New York is also involved in the multi-state program to restore the Chesapeake Bay. As part of that effort, nitrogen and phosphorus reduction goals have been set and the Department has been working on ways to achieve those goals by improving treatment plants and reducing non-point nutrient discharges. Large investments are being made from the state's Environmental Protection Fund to upgrade discharge projects in the Susquehanna River Basin. Efforts are also underway to explain the importance of this program to the public. The Department hopes to finalize its "Tributary Strategy" sometime in the fall of 2006.

Dave Heicher explained the fundamental facts relating to the expansion of the Early Warning System (EWS) in New York. Most New Yorkers obtain their water from surface sources and there were over 500 spill events in the New York portion of the Susquehanna River Basin alone in 2005. There are a myriad of upstream spill threats to major population centers like Elmira and Binghamton such as petroleum/chemical storage facilities and bridge and railway crossings.

The EWS was first developed in Pennsylvania in 2002 and was designed to protect public health and safety when spills occur on the river. It is based on state of the art monitoring and communications technology.

All of the major public water suppliers in the lower Susquehanna have agreed to participate in the EWS and five of them now have active monitoring stations in operation. Temperature, pH and turbidity are measured at all of the stations and one of the stations operated by the United Water Co. near Dauphin, Pa. can also detect organics in the water. SRBC coordinates all the data entry for the EWS participants. A conceptual contaminant tracking model is employed and SRBC and USGS perform assessments of water quality and water velocity distributions in the lower Susquehanna to enhance the tracking model.

The EWS collects and transmits real time data to water suppliers via a web site. The web site has many useful features to assist users such as source water assessment information, maps, links to various data bases, a time of travel calculator and bulletin boards. The web site facilitates the fast track sharing of information among the users. By getting this advanced information on the quality of water on its way to their intake, public water suppliers are better able to insure the safety of the water ultimately reaching the consuming public.

Expansion of the EWS into New York will offer protection to water suppliers serving 300,000 people. Not only will it assist during emergency situations such as toxic spills, but it will also assist the suppliers in their routine operations by alerting them to subtle changes in water quality that allow money saving adjustments to their treatment processes. The timetable for expansion calls for establishment of the monitoring stations at the water supply intakes in year one, establishment of remote upstream monitoring stations in year two, and final system refinements in year three.

Catherine Rees of "Resources for Communities and People" and the "Rural Communities Assistance Partnership" explained that her organization, which operates nationally, focuses on helping small communities (mostly under 2,500 people) deal effectively with water and waste water treatment problems. Help is provided in the form of a newsletter, technical assistance and financial information.

Small community water systems need to develop system emergency response plans that address security threats to public health and safety. For example, they need to safeguard their systems from security threats such as saboteurs, toxic spills or weather events. Other issues that small system operators must address include early detection, recovery from disruptive events, security budgeting, timely communication with customers, and coordination with government agencies. It is important that the people being served by small systems maintain confidence in the ability of their communities to protect their health and safety.

b. New York Volunteer Speakers Program

SRBC Director of Communications Susan Obleski recognized a group of New York citizens who have become volunteers for the SRBC Speakers' Bureau. For the past 9-10 years, the SRBC Speakers' Bureau has employed staff members, and volunteers to speak on a variety

of river basin and water resources topics throughout the Susquehanna Basin. One volunteer speaker in Pennsylvania has already spoken to over 1,200 persons just this year.

Because of the success of the program and the public demand for information on the river and river topics, the Commission desires to expand the program in the New York portion of the basin. Eighteen volunteers, mainly from the Southern Tier, have now come forward to help accomplish that goal and, after attending an intensive two day training program, are undertaking speaking assignments in New York. The volunteers represent a wide range of organizations such as the Federation of Fly Fishers, the Chemung County Federation of Sportsmen, RSVP, SUNY, the Cornell Cooperative Extension, and NYSDEC. Volunteers are reimbursed for travel expenses and donations are made to the organizations they represent.

Topics to be covered by the volunteers will include subjects such as the history and geography of the basin, migratory fish restoration, streamside cleanup and water quality monitoring. They will also conduct programs for children and youth groups. Janet Thigpen of the Southern Tier Central Regional Planning and Development Board acts as the Commission's liaison to the volunteer speakers. Commissioner Myers extended thanks to the volunteers on behalf of the Commission.

c. Upper Susquehanna Coalition Presentation: Chesapeake Bay Targeted Watershed Grant

Erin Heard of the Upper Susquehanna Coalition (USC) explained that the USC had been organized in 1992 by a group of water quality professionals in New York and Pennsylvania who believed that there was a need to work together to improve water quality in the region. Membership in the coalition includes three Pennsylvania counties and 13 New York counties. The organization is entirely grant funded.

The U.S. Environmental Protection Agency (EPA) initiated a program in 2003 originally called the "Watershed Initiative Program" and now known as the "Targeted Watershed Grants Program." The object was to encourage successful, community-based approaches to protect and restore the nation's waters.

Using its ability to complete projects quickly, partner with other organizations and be innovative, USC garnered one of 20 grants that was awarded by EPA under this program in the amount of $700,000. Some of the deliverables produced by the USC under the grant include wetland construction and restoration, riparian buffers, stream restoration, and mapping/assessment of erosive roadside ditches.

An additional grant of $500,000 has just been awarded to USC by EPA to continue its efforts with riparian buffers and wetlands, and to work on a new program called "Rotational Grazing Systems." Rotational grazing involves the movement of livestock from one pasture to another to prevent over grazing and the soil erosion and nutrient runoff problems that accompany overgrazing. A secondary objective is to keep animals out of the stream to protect stream banks and prevent the direct introduction of animal waste to streams. Already, 19,000 acres in the region have been enrolled in the rotational grazing program.

Partners on the rotational grazing program include the National Fish and Wildlife Foundation, the Chesapeake Bay Program, the EPA, the Chesapeake Bay Trust and the Finger Lakes Resource Conservation and Development Council. USC hopes to reduce nitrogen by 43,000 lbs. and phosphorus by 4,000 lbs. during the grant period.

d. Hydrologic Conditions

Water Management Division Chief Mike Brownell presented information on current hydrologic conditions in the basin. To assess these conditions, the Commission monitors precipitation, stream flows and groundwater levels.

While precipitation was near normal over much of the basin, there were areas where there was as much as a 5-inch precipitation deficit for the year. Some of this could be traced to a light or non-existent snow pack and an extremely dry month of March that had left low streamflows and groundwater levels in some areas of the basin. These declining streamflows and groundwater levels prompted the PADEP to declare a statewide drought watch on April 11. Rainfall in late April and May temporarily halted the decline of streamflows and groundwater levels and helped fill most reservoirs.

While springtime precipitation has been off in some areas of the basin, hurricane experts are predicting another above average storm season with perhaps as many 16 named storms.[1] Warm water off the east coast of the U.S. could fuel storms that skirt the coastline and deposit significant amounts of rain in the Middle Atlantic Region, including the Susquehanna Basin.

Chairman Grisoli observed how important it is for the Commission to closely monitor hydrologic conditions. The essential water management functions of the Commission are closely tied to these conditions and the Commission must be well informed to deal effectively with either side of the water supply spectrum.

ACTION ITEMS

1. Minutes of the March 15, 2006 Commission Meeting

On a motion by Commissioner Philbrick, seconded by Commissioner Lynch, the minutes of the regular business meeting of March 15, 2006 were unanimously adopted as written.

2. Proposed Regulatory Revisions

Deputy Director Beauduy presented a set of proposed rules to the Commission, noting that the staff has been working with members of the SRBC Water Resources Management Advisory Committee (WRMAC) for about one year to identify needed revisions to the existing SRBC regulations for review of projects. The existing regulations, which address consumptive use of water and large water withdrawals, are the means by which the Commission exercises its

[1] Please note that since this Commission meeting was held, hurricane forecasters have downgraded their predictions on the number of storms.

powers to protect public health and safety, safeguard the environment, avoid conflicts among water users and promote economic development.

He listed the regulatory milestones in Commission history that led eventually to the consolidation of all SRBC project review regulations in a single omnibus package adopted in 1995. The staff has now had 11 years of experience with the omnibus package and the need for certain changes to improve the regulatory language and format, add new standards, and incorporate adopted policies that have come to light. These changes should be of great benefit, not only to the Commission, but to the regulated community as well. The next step is to place the proposed package before the public to obtain their insights. He requested that the Commission authorize release of the proposed rules for a public review period.

He then proceeded with a review of the major substantive revisions being proposed by staff. Some of these include:

- Clarification of certain definitions, with a major new definition being added to cover "changes of ownership" of projects that will tie into new requirements regarding grandfathered projects and transfers of projects to new owners. Exceptions are carved out for certain categories of ownership changes such as corporate reorganizations, transfers to family members, and transfers of agricultural land for so long as it continues to be used as such;

- Placement of the basic review requirements for all types of projects in a single section of the regulations. There are a number of changes in the scope of projects being reviewed within this consolidated section, including reviews of withdrawals made in connection with consumptive use projects and review of projects being transferred to new owners;

- Streamlining of the application process, establishing conditions regarding the completeness of an application, and establishing conditions regarding the effect of a disapproval by another governmental authority;

- Consolidation of groundwater and surface water withdrawals standards;

- Removal of the average 7-day, 10-year low flow (Q7-10) low flow standard from the consumptive use regulation and substitution of a more generic standard;

- Establishment of an approval by rule procedure for certain consumptive use projects not requiring an impact analysis, thus streamlining the approval process;

- Addition of standards for projects involving "into basin" or "out-of-basin" diversions that, among other things, incorporates the existing out-of-basin diversion policy and allows exemption of di minimus diversions;

- Elimination of certain water quality monitoring requirements for approved projects;

- Reduction of the term of a project approval from 25 years to 15 years;

- Incorporation of a policy governing the issuance of an emergency certificate for projects;

- Addition of a procedure for the filing of an administrative appeals that would serve as a more cost effective level of appeal than a direct appeal to federal court;

Because of the additional staff time that would be needed to update the current SRBC water conservation standards, no new standards are being recommended at this time; however, after these proposed rules are adopted, the staff is committed to evaluating new and innovative approaches to water conservation standards from around the country and proposing appropriate revisions to the current SRBC water conservation standards.

The Deputy Director requested that the Commission approved the proposed rule making package for public review. As part of this public review process, the proposed rules will be published in the Federal Register, the Pennsylvania Bulletin, the New York Register and the Maryland Register, and a public comment period extending to September 1, 2006 will be set. Three public hearings have also been scheduled.

In addition, 1,300 parties in the SRBC data base have already been notified of the intent of staff to propose these regulatory revisions and a computer link has been established to the draft revisions. These same 1,300 parties will be re-notified of today's action officially releasing the revision for public review and comment. Additional efforts will be made to reach out to the regulated community for response and comment. Once the public input is received and cataloged, staff will again sit down with WRMAC in the fall to make appropriate adjustments to the proposed rules in response to this public input.

Commissioner Myers thanked the Deputy Director for his comments regarding future efforts on water conservation standards. She noted the fact that Pennsylvania and New York are signatories to the Great Lakes Annex 2001 Agreements under which eight states and two Canadian provinces have pledged to develop water conservation standards for the Great Lakes Basin within two years. The Commission may be able to glean valuable information from that process for the development of its own conservation standards. Therefore, it makes sense to hold any work on the SRBC water conservation standards in abeyance until that information becomes available.

The Deputy Director added that SRBC's current consumptive use regulation is suspended as to agricultural water uses. That suspension will be continued while SRBC works with the member jurisdictions to finalize alternative solutions for agricultural consumptive use that will eventually permit the permanent exemption of that use from the consumptive use regulation.

On a motion by Commissioner Philbrick, seconded by Commissioner Myers, the Commission unanimously authorized the release of the proposed rule making action in the form presented by the Deputy Director. Commissioner Philbrick concluded this item by underscoring the substantial amount of time that the Commission and the supporting staff from the member jurisdictions have taken to carefully review the proposed rules. He also thanked the staff for their efforts in producing the package.

3. Public Hearing

a. Project Applications

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

Mr. Mike Brownell first provided some background information on the Commission's review authority and its 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.

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) a right of inspection to insure compliance; 7) water conservation standards; and 8) docket reopening authority.

The dockets recommended for action included the following 12 projects[2]:

- Village of Sherburne (Exhibit A1)
- Cooperstown Dreams Park, Inc. (Exhibit A2)
- Elmhurst Country Club (Mod) (Exhibit A3)
- Valley Country Club (Mod) (Exhibit A4)
- Koppers, Inc. (Mod) (Exhibit A5)
- Shobers Run Golf Company, LLC (Bedford Springs (Exhibit A6)
- Shobers Run Golf Company, LLC (Bedford Springs) (Mod) (Exhibit A7)
- Swiss Premium Dairy (Mod) (Exhibit A8)
- Hershey Entertainment & Resort Co. – Hersheypark Sports Entertainment Complex (Mod) (Exhibit A9)
- Dart Container Corporation of PA (Mod) (Exhibit A10)
- Phoenix Links Golf Course – PPL Generation LLC (Exhibit A11)
- Heritage Hills Golf Resort (Mod) (Exhibit A12)

Mr. Brownell went on to describe the projects and the proposed conditions of approval for each.

Mr. Robert Nause addressed the Commission on the Valley Country Club application. He quoted the "Voice of the Valley" newsletter of June 2006 that pointed to a 40 percent increase in maximum daily usage and an 88 percent increase in the 30-day average use under the proposed SRBC approval. The increase is linked to a tripling of sprinklers and a doubling of irrigation area that Mr. Nause believes represents a significant increase in usage over prior irrigation practices. For example, the course would now be watering its rough areas, something

[2] Docket decisions are not included with the hard copy of the minutes. However, they are available upon request and at www.srbc.net.

that was not done before. Also, nowhere in the newsletter article was there any mention of water conservation efforts.

Mr. Nause indicated that it was not his or his neighbors' intent to deny water to the golf course for reasonable uses such as the watering of tees and greens; however, he requested that sufficient conditions be imposed on the golf course that will prevent residential wells from going dry as a result of golf course use. He thanked the Commission and added that the SRBC staff had acted very professionally in this matter and had treated him with the utmost courtesy.

Mr. Brownell explained that the Valley Country Club application was for use of a surface water source only (a large pond on the site). The existing groundwater withdrawal of less than 100,000 gpd would not be increased under this approval and there were controls in place to make sure that the withdrawal stayed below 100,000 gpd. In the event that the golf course submits a future application for an increase in the groundwater withdrawal, the Commission would have to pre-approve pump testing procedures that would have to be carefully designed to measure the impacts on surrounding wells and enable the Commission to formulate protective conditions. As suggested by Commissioner Philbrick, any pumping test procedure would also involve the monitoring of existing wells during the conduct of the test.

Commissioner Myers asked whether there was any reason to believe that taking more water from the surface source would in any way adversely affect the aquifer. Mr. Brownell indicated that the size of the pond and the limitations placed upon withdrawals from the pond, including a passby flow on the stream below, would preclude any impacts on the aquifer. The Executive Director also pointed out that the Commission includes a standard condition in all approved dockets that allows it to reopen any docket and impose additional conditions in the event that unforeseen problems arise.

Commissioner Myers indicated that she was disturbed by the fact that two of the golf course projects that were applying for Commission approval today had begun construction of their projects prior to obtaining the approval of the Commission. This is clearly contrary to the requirements of the Commission's regulations and constitutes a possible violation.

This is certainly not fair to the many other conscientious applicants who come in well ahead of any construction activities and attempt to find out exactly what they need to do to satisfy the Commission's requirements. She therefore asked the staff to provide a recommendation as to whether a monetary penalty should be assessed against these golf course projects to make it clear to all applicants that they need to obtain approval before commencing their projects.

Commissioner Philbrick expressed agreement with Commissioner Myers, indicating that there needs to be consequences for those who violate SRBC regulations. Again, this is only fair to those who do follow the rules.

On a motion by Commissioner Philbrick, seconded by Commissioner Lynch, the Commission unanimously approved the staff recommendations for all the dockets presented and

directed staff to make recommendations with respect to penalties for possible violations of Commission regulations by the sponsors of projects being approved at this meeting.

b. Adoption of Conowingo Pond Management Plan and Inclusion in SRBC Comprehensive Plan[3]

Chairman Grisoli introduced this topic by describing the function and purpose of the SRBC Comprehensive Plan under the Susquehanna River Basin Compact and by indicating that it was the sense of the Commission that the Conowingo Pond Management Plan should be included in the Comprehensive Plan.

The General Counsel indicated where notices of the hearing had been published. SRBC Hydrologist Andrew Dehoff then presented information on why the management plan had been developed, how the plan was formulated, what has been learned in the formulation of the plan, what the key recommendations of the plan are and how those recommendations will be implemented.

While the Pond formed by the Conowingo Hydroelectric Dam is large, the use of the Pond's waters by the many water users who surround the pond is limited to only the first several feet of depth. Demands on the Pond relating to power production, water supply and recreation are constantly increasing. This is the main reason why a plan for managing the water resources of the Pond is now needed.

One of the first steps in the planning process was to form a work group of Conowingo Pond stakeholders to assess issues and identify problems associated with the use of the Pond. To help accomplish this, the work group put together a hydrologic flow model for the whole river basin with a particular emphasis on the impacts to the Pond. The model also helped the group develop and evaluate alternative management strategies for meeting certain goals and objectives for the Pond. A set of recommendations was formulated and the Commission approved a 60-day comment period for the work group report and the recommendations at the March 2006 meeting.

Mr. Dehoff continued with a detailed discussion of the management options that were considered. Ultimately, it was concluded that making permanent the current practice of granting a flow variance based on leakage through Conowingo Dam was the most effective approach. Therefore the following recommendations were adopted:

1. Automatic implementation of the standard leakage variance based on flow conditions at the Marietta gage. There would be some limitations on the use of the variance such as during the spring fish spawning season.

2. Periodic review and update of the flow model.

3. Evaluation and mitigation of consumptive use throughout the Susquehanna River Basin by the SRBC based upon the fact that consumptive use is growing.

[3] See also Item 4 of SRBC meeting minutes for March 15, 2006 for a description of the Conowingo Pond Workgroup's Report.

4. Investigation of modified use of storage in the basin by the SRBC.

5. Incorporation of the Plan's management principles and tools into the SRBC regulatory program.

The implementation process for these recommendations will involve:

1. A petition by Excelon for an amendment of their current operating license for the Conowingo Project.

2. Adoption of the plan by the Commission and incorporation into the SRBC Comprehensive Plan.

SRBC staff is already taking implementation steps such as discussing modified use of storage with the Corps of Engineers. With the public comment period now complete, the only action remaining was for actual adoption of the Conowingo Pond Management Plan by the Commission. Mr. Dehoff presented a resolution for that purpose (Exhibit B).

Commissioner Myers congratulated the work group and said that she was thoroughly persuaded of the wisdom of the recommendations presented. She also pointed out that, while the Commission intended to adopt the Conowingo Pond Management Plan into the SRBC Comprehensive Plan, nothing in the management plan would bind the Commission with respect to individual project approvals. She offered some language to be added to the second resolve of the resolution that would make that point very clear.

Chairman Grisoli asked Mr. Dehoff to clarify what is meant by leakage through the Conowingo Dam. Leakage refers only to water passing through inactive turbines and does not refer to leakage in any way caused by structural defects.

Mr. Matt Pajerowski of the MDE, who chaired the work group, congratulated and thanked Mr. Dehoff and the members of the work group for their efforts.

The Chairman requested a motion to adopt the resolution as amended with the wording offered by Commissioner Myers. On a motion by Commissioner Myers, seconded by Commissioner Lynch, the Commission unanimously adopted the resolution.

3. Refinance Curwensville Water Storage Project

Chief Administrative Officer Duane Friends presented a resolution (Exhibit C) authorizing the refinance of the Curwensville Water Storage Project, Clearfield County, Pennsylvania. Currently, the Commission is carrying a $4.5 million loan through a bond issue carried out through the Pennsylvania Economic Development Finance Agency (PEDFA) at a variable interest rate of 6.25 percent. Commerce Bank, Harrisburg, N.A. has offered to make a loan to the Commission at a fixed rate of 5.50% that would save the Commission about $25,000

per year in interest charges. He asked that the Commission approve the resolution so that staff could move forward with that refinance effort.

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

4. FY-08 Budget

Mr. Friends also presented a resolution (Exhibit D) providing for adoption of a budget for the fiscal year July 1, 2007 to June 30, 2008 in the amount of $4.2 million. Contributions requested include $388,000 from New York State, $732,000 from Pennsylvania (with an additional $500,000 to assist Pennsylvania in carrying out its responsibilities under Act 220), and $407,000 from Maryland. A $1 million contribution from the federal government has also been included. The balance is made up of grants and transfers of $1.173 million.

He then reviewed some of the major programs to be included in the budget, including public outreach and education; coordination with federal, state and local governments; assistance to Pennsylvania on the completion of a new state water plan; continuation of the nutrient monitoring program and related work under Section 106 of the Clean Water Act such as interstate steam monitoring; continuation of work on Total Maximum Daily Loads (TMDLs) in Pennsylvania; operation of all phases of the Commission's project review program; completion of the Early Warning System described above throughout the basin; and maintenance of an up-to-date Geographic Information System (GIS) and a data management system.

On a motion by Commissioner Philbrick, seconded by Commissioner Myers, the Commission unanimously approved the budget resolution offered by Mr. Friends.

5. Grant and Contract Approvals

Watershed Assessment and Protection Chief Dave Heicher presented a list of grants and contracts for Commission ratification.

a. Coastal Zone Management

This is an amendment to a grant agreement between PADEP and SRBC providing $25,000 to extend current SRBC work in collecting Discharge Monitoring Report (DMR) data from within the Lake Erie Basin to the area within the Ohio River Basin. This work is necessary to complete the State Water Plan required under the PA Water Resources Planning Act of 2002. This grant scored 6 out of 10 on the SRBC grant evaluation scale.

b. TMDL Development for Selected Water Bodies in the Susquehanna River Basin

This grant in the amount of $205,500 from PADEP is for the continuance of assistance to PADEP in its Total Maximum Daily Load (TMDL) Program. SRBC will continue to develop TMDLs within the Pennsylvania portion of the Susquehanna River Basin. This grant scored 10

out of 10 on the SRBC grant evaluation scale. Maryland has also expressed interest in SRBC doing similar work in its jurisdiction.

c. Whitney Point Lake Section 1135 Project Modification

This is a contract in the amount of $2 million between SRBC and NYDEC enabling the Commission to enter into a Project Cooperation Agreement (PCA) with the U.S. Army Corps of Engineers to implement the cost-share and finance the construction of an environmental restoration project at the Whitney Point Reservoir in Broome County, New York. The project is officially known as the Whitney Point Lake Section 1135 Project Modification.

d. Yield Analysis Tool

This $170,000 contract between SRBC and Buchart-Horn, Inc. is for the creation of a GIS-based toolkit with several water analysis modules linked to a geodatabase. The toolkit is designed to enable rapid desktop calculations and spatial data assessments affecting water use permitting and allocation decisions.

On a motion by Commissioner Myers, seconded by Commissioner Philbrick, the Commission unanimously ratified the grants and contracts presented by Mr. Heicher.

6. Election of Officers

On a motion by Commissioner Lynch, seconded by Commissioner Myers, New York Member Denise M. Sheehan was unanimously elected Chair of the Commission and Pennsylvania Member Kathleen A. McGinty elected Vice-Chair of the Commission, both to serve from July 1, 2006 to June 30, 2007.

7. Recognition of Col. Robert J. Davis, Jr.

The Commission recognized and honored Col Robert J. Davis, Jr. for his commitment and dedicated service to the SRBC. Commissioner Ken Lynch recounted how former New York Member John Hicks had often commented on the fine people that he had served with on the SRBC. Commissioner Lynch felt the same way with respect to Col. Davis, the federal alternate member of the Commission who is departing his post as Baltimore District Engineer. Col. Davis, along with Gen. Grisoli, has helped to bring a meaningful and active federal presence to the SRBC. The Commission will miss Col. Davis' wise counsel.

Col. Davis thanked the members of the Commission and said he will always remember the people he worked with on the Commission. The staff of the Commission is a professional group of persons doing very good work on behalf of the basin. He will be settling in northern Virginia and will probably return for a surprise visit to the Commission from time-to-time.

Commissioner Philbrick noted that Chairman Grisoli was also slated to depart his post as Commander of the North Atlantic Division of the U.S. Army Corps of Engineers on October 1, 2006 for a Pentagon post. He also emphasized the importance of an active federal presence on

the Commission. Chairman Grisoli reiterated Col. Davis' remarks relating to the dedication and professionalism of the SRBC staff and their commitment to protecting the river basin's resources. He very much enjoyed his experience with the Commission.

ADJOURNMENT

There being no further business before the Commission, the Chairman adjourned the meeting at 4:21 p.m.

NEXT MEETING

The next regular meeting of the Commission is tentatively scheduled for September 13, 2006 in Aberdeen, Maryland.

_____ _____

Date Adopted

Richard A. Cairo
General Counsel/Secretary to the Commission

Exhibit A1

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. 20060601
Approval Date: June 14, 2006

VILLAGE OF SHERBURNE

Groundwater Withdrawal (30-Day Average) of 0.386 mgd from Well 4,
and a Total System Withdrawal Limit (30-Day Average) of 0.386 mgd,
for Public Water Supply,
Village of Sherburne, Chenango County, New York

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (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 February 10, 2006.

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 Upper Susquehanna Subbasin, HUC 02050102, Chenango River Watershed, Village of Sherburne, Chenango County, New York.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.386 million gallons per day (mgd) from Well 4. Well 4 was drilled and developed in 1983 and put into service in 1984, but has not been approved by the Commission. Currently, the Village of Sherburne is supplied with groundwater from Wells 2 and 4. With the completion of its water system improvements in August 2006, the Village of Sherburne's new Wells 5 and 6 (approved by the Commission September 14, 2005, as Docket No. 20050901) will become the primary source and backup supply wells. Well 4 will become a backup supply well.

Since the late 1980s, Well 4 is used as the primary source of water. Well 2, reportedly placed in-service in 1972, currently is used only as an emergency backup supply well due to turbidity issues. During 2005, average daily use of Well 4 was reportedly 0.270 mgd, with a peak monthly total of 0.296 mgd in April.

Well 4 was completed as a screened well within glacial outwash materials and has 40.5 feet of screen set from 100 to 140.5 feet below ground surface.

Wells 2 and 4 are located within 200 feet of one another in the New York State Route 12B Well Field. This well field is located 3,600 feet northeast of the new well field in the Rodger Environmental Center (Wells 5 and 6), 2,000 feet east of the Chenango River, 200 feet to the north of Handsome Brook, and 5,400 feet north of town center (the intersection of Routes 80 and 12B).

The public water supply system has an existing average daily demand of 0.256 mgd, and an existing maximum daily demand of 0.576 mgd. The average and maximum daily demands are projected to grow to 0.386 and 0.720 mgd, respectively, by 2030.

Pumping Test. The project sponsor has requested that the pumping test requirement be waived for Well 4. According to the project sponsor, Well 4 has been the primary withdrawal point for the village for more than 20 years, operating at a maximum rate of 450 gallons per minute (gpm), and without any reports of adverse impact to any groundwater user or environmental uses (streams or wetlands). The project sponsor provided several years of operational data for both Wells 2 and 4 in support of its waiver request, including daily production rates, static water levels, and pumping water levels. Commission staff reviewed these data and recommends waiving the testing requirements.

Coordination. Commission staff has coordinated with the New York State Department of Environmental Conservation (NYSDEC) Region 7 office during review of the project. NYSDEC issued Public Water Supply Permit No. 71-83-0067 for the project on March 28, 1983.

Findings

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

Commission staff recommends waiving the constant-rate pumping test requirement for Well 4.

Commission staff recommends approval of a maximum instantaneous pumping rate of 450 gpm for Well 4, the maximum rate at which Well 4 has been historically used.

Historic operational data and the well log indicate that Well 4 draws water from a highly transmissive glacial outwash deposit that lies within a valley-fill aquifer. Based on its review of the groundwater availability analysis of the Chenango River Valley submitted by the project sponsor, Commission staff concludes that the groundwater withdrawal from Well 4 will not have a significant adverse impact on private water supply wells or water resources in the area.

Commission staff recommends approval of a 30-day average withdrawal of 0.386 mgd from Well 4, with the recommendation that Wells 2 and 4 should not be operated simultaneously because of their proximity. Further, Commission staff recommends approval of a total system

withdrawal limit of a 30-day average of 0.386 mgd from all wells, which is adequate to supply the Village of Sherburne with its projected future needs.

Commission staff recommends that the project sponsor maintain the appropriate metering on Well 4, accurate to within five (5) percent. Well 2 must also be metered to insure the total system withdrawal does not exceed the recommended limit. Daily flow meter readings of Wells 2 and 4 should be collected and reported to the Commission annually.

The project is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(a). The water system is 100 percent metered, which is in compliance with this regulation, and the system had an unaccounted for water loss of 3.8 percent in 2002, which is less than the 20 percent maximum set forth in Commission Regulation §804.20(a)(1).

While the project's groundwater withdrawal from Well 4 has been in noncompliance with Commission regulations, no adverse impacts have been identified associated with the withdrawal. The project sponsor has cooperated with Commission staff.

The project sponsor has paid the appropriate application fee in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. 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.

This project is not required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin, and will not significantly affect the water resources of the basin.

Decision

1. The project's groundwater withdrawal of 0.386 mgd (30-day average) from Well 4, and a total system withdrawal limit of 0.386 mgd (30-day average), 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. The project sponsor shall maintain metering on Wells 2 and 4, accurate to within five (5) percent, to measure its groundwater withdrawal. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

5. The project sponsor shall keep daily records of the metered withdrawals in Wells 2 and 4, and weekly water levels in Well 4. 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.

6. The maximum instantaneous rate of production from Well 4 shall not exceed 450 gpm.

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

8. The constant-rate pumping test requirement specified in Commission Regulation §803.43(b) is hereby waived for Well 4.

9. If the Commission determines that the operation of the project's groundwater withdrawal from Well 4 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.

10. Pursuant to Article 12, Section 12.2, of the Compact, this project is hereby included in the Commission's Comprehensive Plan.

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 14, 2031. The project sponsor shall submit a renewal application by December 14, 2030, and obtain Commission approval prior to continuing operation beyond June 14, 2031.

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 14, 2006

Maj. Gen. William T. Grisoli, Chair
U.S. Commissioner

Exhibit A2

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. 20060602
Approval Date: June 14, 2006

COOPERSTOWN DREAMS PARK, INC.

Consumptive Water Use of up to 0.025 mgd, for Baseball Field Irrigation,
Town of Hartwick, Otsego County, New York

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (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 January 26, 2006.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for irrigation of playing fields at an existing youth baseball camp.

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

Project Features. The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.025 million gallons per day (mgd). The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.022 mgd, and current peak day consumptive water use to be 0.0244 mgd.

Cooperstown Dreams Park is situated on the west side of the Susquehanna River. The project was constructed in phases beginning in 1996 with fields 1 through 6. The project currently has 22 baseball fields equipped with irrigation, with fields 19 to 22 opening for the 2006 season.

Water for the irrigation system currently is withdrawn from Burditt Brook and the Susquehanna River at two pumping stations. The Burditt Brook intake is located at an on-stream pond (called "the Pond") and has a pumping capacity of 100 gallons per minute (gpm). The storage pond was constructed in October 1996 and has a surface area of 0.138 acres. Water is withdrawn from the Susquehanna River at a removable pump station (Station 01) near the southern corner of the property that has a capacity of 100 gpm.

The project sponsor has constructed a new pumping station (Station 02) with a capacity of 226 gpm approximately 2,000 feet upstream from Station 01, at the site on the Susquehanna River used by the previous property owner for crop irrigation.

All of the withdrawals from surface water are metered. The irrigation system is equipped with meters at each withdrawal location that measures the quantity of water used for irrigation.

Water is typically applied to each field every other day, at a rate of 1.5 inches per week. The project sponsor calculates that total water use will be 24,420 gallons per day (gpd) for the 22 baseball fields.

The project sponsor also has eight wells that serve the facility with water for food preparation, the bath houses, and sanitary purposes. Wells 1 through 4 currently are active and Wells 5 through 8 are inactive. The project sponsor reports that the total withdrawal is less than the Commission's regulatory threshold. Wastewater goes to on-site septic fields.

Findings

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

All water evaporated from the storage pond, as well as water used for playing field irrigation, is considered to be used consumptively. Water evaporated from the 0.138-acre storage pond will be calculated by the project sponsor, employing a methodology acceptable to the Commission. In accordance with the Commission's consumptive water use reporting requirements, Commission staff recommends that the project sponsor continue to maintain the meters on the pumping stations to measure the quantity of water pumped to the irrigation system.

The project sponsor has requested approval for a consumptive water use of up to 0.025 mgd. Based on water use data supplied by the project sponsor, Commission staff recommends approval of the requested quantity. Should the project's future consumptive water use exceed or be expected to exceed 0.025 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in lieu of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation.

The project sponsor withdraws water from an on-stream pond, located on Burditt Brook. This withdrawal operates at a rate of 100 gpm with no passby criteria in use at the site. Burditt Brook is classified as a Class C, trout spawning stream above the point of taking, and a Class C stream downstream from the pond to the Susquehanna River (Title 6, Environmental Conservation, Chapter X, Subchapter B, "Fresh Surface and Tidal Salt Waters"). Flow in Burditt

Brook reportedly diminishes over the course of the summer, and when flow ceases, the project sponsor pumps water from the Susquehanna River to the pond using a temporary pump.

The withdrawal from the storage pond is greater than 10 percent of the Q7-10 flow for Burditt Brook at the point of withdrawal (0.032 cubic feet per second [cfs], or 14.4 gpm), thereby requiring a passby flow to protect aquatic resources and downstream users. Based on the stream's classification and the anticipated associated fishery, and the project's geographic location in the watershed, Commission staff recommends that the project sponsor allow a passby flow of not less than 20 percent of annual average daily flow (ADF), which equals 0.535 cfs (240 gpm).

Because the project sponsor is using an on-stream pond as its source of water, the passby criteria must be modified to accommodate conditions when natural streamflow is less than 20 percent ADF. Therefore, Commission staff recommends that the project sponsor allow a downstream release of water from the primary storage pond of 0.535 cfs (240 gpm), or an amount equal to the inflow of the stream to the pond when streamflow is less than 0.535 cfs (240 gpm).

Commission staff recommends that the project sponsor incorporate a passby flow device on Burditt Brook to protect aquatic resources. The project sponsor should submit its design and a proposed construction schedule 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 project sponsor must maintain the passby system, keeping it fully functional and free of debris.

Withdrawals from the Susquehanna River are less than 10 percent of the Q7-10 flow and, therefore, Commission staff finds that no passby flows are required to protect aquatic resources.

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

The project sponsor has paid the appropriate application fee, in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. 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 use of water of up to 0.025 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 of evaporative loss from the storage pond plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.

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 of evaporative loss from the storage pond plus the quantity pumped to the irrigation system. Payments shall be made quarterly and shall be calculated by applying this rate to the 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 maximum instantaneous rates of withdrawal from the Susquehanna River shall not exceed 100 gpm at Station 01 and 226 gpm at Station 02. The maximum instantaneous rate of withdrawal from the pond on Burditt Brook shall not exceed 100 gpm.

7. The project sponsor shall maintain a downstream release of water from the pond on Burditt Brook of 0.535 cfs (240 gpm), or when streamflow into the pond is less than 240 gpm, an amount equal to the total inflow of the stream to the pond. The project sponsor shall install flow measurement devices that measure the inflow and outflow of the pond. The project sponsor shall keep daily records of the inflow and outflow of the pond and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter.

8. 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.

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

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. This approval is effective until June 14, 2031. The project sponsor shall submit a renewal application by December 14, 2030, and obtain Commission approval prior to continuing operation beyond June 14, 2031.

16. 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 14, 2006

Maj. Gen. William T. Grisoli, Chair
U.S. Commissioner

Exhibit A3

SUSQUEHANNA RIVER BASIN COMMISSION
1721 North Front Street • Harrisburg, Pennsylvania 17102-2391
Phone (717) 238-0423 • Fax (717) 238-2436
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Docket No. 20021004-1
Approval Date: October 10, 2002
Modification Date: June 14, 2006

ELMHURST COUNTRY CLUB

Consumptive Water Use of up to 0.396 mgd, for Golf Course Irrigation,
Roaring Brook Township and Moscow Borough, Lackawanna County, Pennsylvania

Review Authority

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

Description

Purpose. The Commission originally approved the project on October 10, 2002 as Docket No. 20021004 (docket). This corrective docket modification removes the "Swamp" as a water source for the project and modifies the monitoring locations for the passby flow requirement.

Findings

The project's primary source of water is an existing withdrawal from several on-stream ponds located on Van Brunt Creek. An upland wetland (referred to as the "Swamp") was included as a water source for the project and listed as one of three existing storage ponds in the docket. However, according to the project sponsor, the Swamp is not a part of the series of storage ponds for the project. The existing irrigation system is configured to withdraw water from the primary storage pond, Pond No. 2.

Removal of the Swamp from the project as a storage pond reduces the total calculated surface area of the ponds from approximately 2.6 acres to 1.3 acres, and the total estimated usable storage capacity from 2.0 million gallons to 1.0 million gallons. The project sponsor has sufficient storage on-site for approximately 11 days of irrigation, not 22 days as in the docket, based on the average 30-day consumptive use of 0.090 million gallons per day (mgd).

The docket required that the project sponsor allow a passby flow downstream of Pond No. 2 of not less than 25 percent of annual average daily flow (ADF), which equals 0.212 cubic feet per second (cfs) (95 gallons per minute [gpm]), or an amount equal to the inflow of the stream to the most upstream pond (Swamp), when streamflow is less than 0.212 cfs (95 gpm). This condition should be modified to reflect that the most upstream pond is Pond No. 1, and the location of the upstream flow measuring device should be changed accordingly.

A waiver of the application fee in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03, is recommended. A waiver of the notification requirements contained in Commission Regulation §803.25 also is recommended.

In accordance with 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.

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. Commission Docket No. 20021004, as approved October 10, 2002, is hereby modified to remove the "Swamp" as a water source for the project, 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. Conditions "e" and "f" of Commission Docket No. 20021004, as approved October 10, 2002, are hereby rescinded.

4. The project sponsor shall allow a downstream release of water from Pond No. 2 of 0.212 cfs (95 gpm), or when streamflow into Pond No. 1 is less than 95 gpm, an amount equal to the total instream flow entering Pond No. 1. The project sponsor shall install flow measurement devices that measure the inflow and outflow of the pond system. The project sponsor shall keep daily records of the inflow and outflow of the pond system during the irrigation season, and shall report the data to the Commission quarterly, and as otherwise required.

5. The project sponsor shall submit its design and a proposed construction schedule for the flow measurement devices within sixty (60) days of the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The passby flow measurement system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby system and the flow measurement devices at any time.

6. The project sponsor shall maintain the elevation of the pipe connecting the Swamp and the upper pond at the existing elevation. The project sponsor shall survey the elevation of the intake from the Swamp and submit the results to the Commission within sixty (60) days of the date of this approval.

7. The application fee required by Commission Regulation §803.28 and the notification requirements contained in Commission Regulation §803.25 are hereby waived.

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. 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.

10. All other conditions in Commission Docket No. 20021004 not inconsistent herewith shall remain effective.

11. 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.

By the Commission:

Dated: June 14, 2006

Maj. Gen. William T. Grisoli, Chair
U.S. Commissioner

Exhibit A4

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. 20020805-1
Approval Date: August 15, 2002
Modification Date: June 14, 2006

VALLEY COUNTRY CLUB

Consumptive Water Use of up to 0.344 mgd, for Golf Course Irrigation,
Sugarloaf 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 (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 modification application on January 30, 2006.

Description

Purpose. The purpose of the application is to request approval to increase from 0.296 million gallons per day (mgd) to 0.416 mgd consumptive use of water for irrigation of greens, tees, and fairways at an existing 18-hole golf course. The project sponsor has installed a new double-row irrigation system. The project sponsor indicated that the current maximum average 30-day consumptive use of water of 0.098 mgd will increase to 0.180 mgd. Based on its review of the available sources as described below, Commission staff recommends that the maximum day consumptive use be limited to 0.344 mgd.

The original Commission approval for consumptive water use was issued on August 15, 2002, as Commission Docket No. 20020805 (docket). This docket modification rescinds certain provisions, revises the method of calculation of consumptive water use, and revises the project features.

Findings

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

Water is supplied to the irrigation system from two wells (the Shop Well and the Parking Lot Well), as described in the docket, and a series of four on-stream storage ponds (Pond Nos. 3, 5, 12, and 13) that are sourced from an unnamed tributary to Little Nescopeck Creek and a

spring. Pond Nos. 12 and 13, although existing prior to 1971, were expanded in 2004 and 2005 to provide additional storage for the new irrigation system.

A new pumping station on Pond No. 13, the furthest downstream pond, replaces the two former pumping stations and is the single point of withdrawal for the irrigation system. The maximum instantaneous pumping rate is 1,100 gallons per minute (gpm). Commission staff recommends that the project sponsor install metering to measure the quantity of water pumped to the irrigation system.

In addition, as part of the upgrades to the irrigation system, the project sponsor now has the ability to pump water from Pond No. 13 to all of the upstream ponds. Because this water will be recorded on the main irrigation meter, Commission staff recommends that the project sponsor submit a metering plan that accounts for water transfers and all water used for golf course irrigation.

The docket required a passby flow at Pond No. 12 for the unnamed tributary to Little Nescopeck Creek to protect aquatic resources and downstream users. Because the point of withdrawal has been relocated, the passby flow at Pond No. 12 is no longer required. Water from the furthest downstream pond should be released to protect aquatic resources. Therefore, Commission staff recommends that the project sponsor maintain a downstream release of water from Pond No. 13 of 47 gpm (0.104 cubic feet per second [cfs]), which equals 20 percent of annual average daily flow, or an amount equal to the natural inflow of the stream to Pond No. 5 (farthest upstream pond) when streamflow is less than 47 gpm.

The project sponsor should submit its design and proposed construction schedule for the passby flow device prior to any use of the irrigation system for review and approval by Commission staff.

The former swimming pool referenced in the docket as a source of irrigation water storage is now used exclusively as a reservoir for the fire suppression system. Table 1 contains the essential information for the storage ponds and former swimming pool.

Table 1. On-Site On-Stream Storage Ponds Plus Swimming Pool

Pond ID	Date Built	Date Last Modified	Current Area (acre)	Pre-1971 Area (acre)	Regulated Area (acre)	Storage Volume (gallons)
Pond No. 3	Pre-1971	1980	0.25	0.02	0.23	367,904
Pond No. 5	Pre-1971	1980	0.20	0.02	0.18	292,101
Pond No. 12	1929	2005	0.24	0.23	0.01	671,596
Pond No. 13	Pre-1971	2004	0.43	0.06	0.37	835,531
Swimming Pool	1940	--	0.04	0.04	0.00	0
Totals			**1.16**	**0.37**	**0.79**	**2,167,132**

All water evaporated from the 0.79 acres of the storage ponds, as well as water approved for golf course irrigation, is considered to be used consumptively. Water evaporated from 0.79 acres of storage pond will be calculated by the project sponsor, employing a methodology acceptable to the Commission. The project sponsor must install metering on the irrigation pumping station to quantify daily water applied to the golf course.

The project sponsor requested approval of consumptive water use of up to 0.416 mgd. Based on an analysis of available sources and water storage volume, Commission staff is recommending limiting the approval to 0.344 mgd. At this peak irrigation rate, the project sponsor has sufficient water storage for approximately six days of irrigation. Commission staff recommends that additional sources be investigated to provide a sustainable supply for the facility. Should the project's future consumptive use of water exceed or be expected to exceed 0.344 mgd, the project sponsor must apply for a modification to this docket at that time.

The two on-site wells used to supply water to the irrigation system reportedly operate at less than 100,000 gallons per day (gpd). Commission staff recommends that a meter be installed on each well in order to monitor the withdrawal, and that the daily withdrawal from each well must be reported to the Commission quarterly. If the total groundwater withdrawal exceeds 0.100 mgd (as a consecutive 30-day average), the project sponsor must apply for approval of its groundwater withdrawal at that time.

The project sponsor will continue to make quarterly payments to the Commission in lieu of providing actual compensation water. The payment will be based on the quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.048 mgd, and the evaporative loss from 0.79 acres of storage pond. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use from irrigation, that day's consumptive water use is considered to be zero.

Commission staff recommends that all other conditions in Commission Docket No. 20020805 that are not inconsistent with this docket action should remain effective.

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

The project sponsor has paid the appropriate application fee, in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

Based on Commission Regulation §803.30(a), the prior docket approval is effective until August 15, 2027. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval. The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 20020805, as approved August 15, 2002, is hereby modified to approve an increase in consumptive water use of up to 0.344 mgd, for golf course irrigation, 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. Conditions b, c, d, e, f, and k of Commission Docket No. 20020805, as approved August 15, 2002, are hereby rescinded.

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. The daily quantity of water consumptively used shall be the quantity pumped through the irrigation system plus the qualifying evaporative losses from the on-site storage ponds (0.79 acres).

5. Within sixty (60) days from the date of this approval, and prior to any use of the irrigation system, the project sponsor shall install and then maintain a meter, accurate to within five (5) percent, on the irrigation system to measure the quantity of water pumped from the pond. The project sponsor shall notify the Commission, in writing, when the meter is installed.

6. Within sixty (60) days from the date of this approval, and prior to any use of the irrigation system, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all water withdrawn from Pond No. 13, its groundwater sources, irrigation water, and the total consumptive water use at the facility. The project sponsor shall propose a methodology to account for its consumptive water use based on metering, rather than estimation. Following approval, the project sponsor shall execute the plan and complete any installation of any additional meters beyond those required in Conditions 5 and 7 in accordance with the approved schedule, and shall certify to the Commission that the monitoring plan has been implemented. The project sponsor shall maintain meters, accurate to within five (5) percent.

7. Within sixty (60) days from the date of this approval, and prior to any use of the irrigation system, the project sponsor shall certify the accuracy of its meters, or install metering, on the two on-site wells (the Shop Well and the Parking Lot Well), and maintain accuracy to within five (5) percent, to measure the groundwater withdrawal. The project sponsor shall notify the Commission, in writing, when the meters are certified. 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. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

8. The project sponsor shall allow a downstream release of water from Pond No. 13 of 0.104 cfs (47 gpm), or when natural streamflow at the weir located upstream of the well discharge location is less than 47 gpm, an amount equal to the total natural instream flow entering Pond No.13. The project sponsor shall install flow measurement devices that measure

the upgradient instream flow into and out of Pond No. 13. The project sponsor shall keep daily records of the upgradient instream flow and outflow of the pond during the irrigation season, and shall report the data to the Commission quarterly, and as otherwise required.

9. The project sponsor shall submit its design and a proposed construction schedule for the flow measurement devices within sixty (60) days of the date of this approval, and prior to any use of the irrigation system, 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 flow measurement system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby system and the flow measurement devices at any time.

10. 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 less the grandfathered quantity of 48,000 gpd, plus the qualifying evaporative losses from the on-site storage ponds (0.79 acres). Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project for irrigation, less the grandfathered quantity of 48,000 gpd, plus evaporative losses from 0.79 acres of storage ponds. If the daily grandfathered quantity exceeds the project's daily consumptive water use from irrigation, 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.

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

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. If an increase in the project's total groundwater withdrawal exceeds the threshold specified in Commission Regulation §803.43, the project sponsor shall submit the appropriate application(s) for review and approval by 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. All other conditions in Commission Docket No. 20020805 not inconsistent herewith shall remain effective.

16. Based on Commission Regulation §803.30(a), this approval is effective until August 15, 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 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

By the Commission:

Dated: June 14, 2006

Maj. Gen. William T. Grisoli, Chair
U.S. Commissioner

Exhibit A5

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. 19880204-3
Interim Approval: February 11, 1988
Approval Date: January 18, 1990
Modification Date: March 10, 2004
Modification Date: June 14, 2006

KOPPERS INC.

Groundwater Withdrawal (30-Day Averages) of 0.330 mgd
from Wieland Well 1 and 0.040 mgd from Cresswell Well 2,
and a Consumptive Water Use of up to 0.300 mgd, for the
Manufacture of Treated Railroad Ties and Electrical Cogeneration,
Clinton Township, Lycoming County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (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 §803.43, relating to groundwater withdrawals. Following an interim approval in February 1988, the Commission approval for groundwater withdrawal and consumptive water use was issued on January 18, 1990, as Docket No. 19880204-1. The initial docket was modified on March 10, 2004, to approve the requested increase in consumptive use and also to modify the method of compensation for consumptive water use. The current modification request was received by the Commission on October 13, 2005.

Description

Purpose. The purpose of the application is to request approval for a change in project features to include a new cooling tower at the pressure treatment (creosoting) facility and to modify the water use accounting associated with the entire facility, including both the manufacture of treated railroad ties and electrical cogeneration.

The Commission issued its project approval on January 18, 1990, as Docket No. 19880204-1 (docket), and subsequently modified the docket on March 10, 2004 (Docket No. 19880204-2), to increase consumptive use of water to a maximum of 0.300 million gallons per day (mgd). This docket modification rescinds certain conditions in the previous dockets, and approves the requested change in project features and a method of accounting for groundwater withdrawal and consumptive water use based on metering.

This modification will not require an increase in the approved groundwater withdrawal (30-day averages) of 0.330 mgd from Wieland Well 1 and 0.040 mgd from Cresswell Well 2 in Docket No. 19880204, or an increase in the approved consumptive use of 0.300 mgd in Docket No. 19880204-2.

Findings

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

The project sponsor operates a facility for pressure treatment (creosoting) of precut railroad ties and an electrical cogeneration facility that takes used railroad ties and utility poles recycled from across North America and uses them to fuel the furnace that heats the boiler generating steam for the cogeneration facility. Physically, the plant consists of two separate facilities.

Water is supplied to the plant from two wells, Wieland Well 1 and Cresswell Well 2, and is used primarily for cooling tower makeup at both facilities, boiler makeup water for steam production, and sanitary purposes, as described in the docket. All of the wastewater from the wood treatment facility is pretreated at an on-site wastewater treatment plant and discharged to the sanitary sewer system through metered outfall lines. Wastewater (primarily blowdown) from the cogeneration facility is polished, metered, and discharged to a stormwater conveyance.

Consumptive water use at the cogeneration facility currently is calculated by subtracting measured daily discharge of blowdown at the cogeneration facility from the daily metered inflow to the cogeneration facility from the two wells, plus 8,000 gallons per day (gpd) for consumptive water use at the wood treatment facility.

This accounting method was previously approved because most of the consumptive water use occurs at the electrical cogeneration facility. The project sponsor had proposed, and Commission staff had agreed, that the wood treatment facility's consumptive water use could be estimated as a constant 8,000 gpd.

However, the project sponsor has replaced the cooling tower at the wood treatment facility and installed additional metering so that all of the consumptive water use at the plant can be measured. Therefore, Commission staff recommends that the project sponsor submit a metering plan that accounts for consumptive water use as inflow minus outflow.

Commission staff recommends that the Commission reserve the right to modify the accounting procedure, as necessary, to accurately account for consumptive water use. Commission staff will direct the project sponsor, by written notice, of any required change in the accounting procedure. Any alternative monitoring/accounting procedure will be reviewed and approved by Commission staff.

Although water from each well is individually metered as it enters the cogeneration and wood treatment facility, the meters currently may not be accurate to within five percent. Therefore, Commission staff recommends, and the project sponsor has agreed, to install new meters on the two wells or have the current metered recertified.

Other wells at the facility were referenced in the docket as backup sources, including Cresswell Well 1 and Wieland Wells 2, 3, and 4. Currently Wieland Well 3 services sanitary needs at the site, and the other wells are currently offline (no pump). Commission staff recommends that the Cresswell Well 1 and Wieland Wells 2, 3, and 4 no longer be listed as sources for consumptive water use.

Commission staff recommends that all conditions in the Commission approval issued February 11, 1988, and Commission Docket Nos. 19880204-1 and 19880204-2, issued on January 18, 1990, and subsequently modified on March 10, 2004, that are not inconsistent with this docket action should remain effective.

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

The project sponsor has paid the appropriate application fee, in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

Based on Commission Regulation §803.30(a), the prior docket approval is effective until January 18, 2020. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval.

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

Decision

1. Commission approval issued February 11, 1988, and Commission Docket Nos. 19880204-1 and 19880204-2, as approved on January 18, 1990, and subsequently modified on March 10, 2004, are hereby modified 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. Conditions 1, 2, and 6 of Commission approval issued February 11, 1988; Conditions 1, 2, 3, 4, and 5 of Commission Docket No. 19880204-1, as approved on January 18, 1990; and Conditions c, e, f, h, and k of Commission Docket No. 19880204-2, as approved on March 10, 2004, are hereby rescinded.

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

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 cooling tower makeup at both the wood treatment and cogeneration facilities, and boiler makeup water for steam production.

6. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all water withdrawn from the groundwater sources, and the total consumptive water use at the facility. The project sponsor shall propose a methodology to account for its consumptive water use based on metering, rather than estimation. Following approval, the project sponsor shall execute the plan and complete any installation of any additional meters beyond those required in Condition 7 in accordance with the approved schedule, and shall certify to the Commission that the monitoring plan has been implemented. The project sponsor shall maintain meters, accurate to within five (5) percent.

7. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the two wells (Wieland Well 1 and Cresswell Well 2), accurate to within five (5) percent, to measure the 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. The project's groundwater withdrawal of 0.330 mgd (30-day average) from Wieland Well 1 and 0.040 mgd (30-day average) from Cresswell Well 2 are approved pursuant to Article 3, Section 3.10, of the Compact.

9. The project sponsor shall notify the Commission, in writing, when the meter(s) in the approved plan, described in Condition 7, are installed or recertified.

10. 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 cooling tower makeup at both the wood treatment and cogeneration facilities, and boiler makeup water for steam production. 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.

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

12. 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.

13. All other conditions in the Commission approval issued February 11, 1988, and Commission Docket Nos. 19880204-1 and 19880204-2, issued on January 18, 1990, and subsequently modified on March 10, 2004, that are not inconsistent herewith shall remain effective.

14. Based on Commission Regulation §803.30(a), this approval is effective until January 18, 2020. The duration of this docket modification is in accordance with the term of the prior docket approval. The project sponsor shall submit a renewal application by July 18, 2019, and obtain Commission approval prior to continuing operation beyond January 18, 2020.

By the Commission:

Dated: June 14, 2006

Maj. Gen. William T. Grisoli, Chair
U.S. Commissioner

Exhibit A6

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. 20060603
Approval Date: June 14, 2006

SHOBERS RUN GOLF COMPANY, LLC
(BEDFORD SPRINGS GOLF COURSE)

Groundwater Withdrawal (30-Day Average) of 0.216 mgd
from Irrigation Well 1, for Golf Course Irrigation,
Bedford Township, Bedford County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (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 March 30, 2006.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of groundwater for irrigation of an existing 18-hole golf course.

Location. The project is located in the Juniata Subbasin, HUC 02050303, Shobers Run Watershed, Bedford Township, Bedford County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.216 million gallons per day (mgd) from Irrigation Well 1. Irrigation Well 1 was installed as a supplementary source for irrigation at the golf course. The course, originally built in 1923, has been redesigned and is undergoing extensive renovations, including the installation of a new irrigation system that allows for greater coverage of the course.

The golf course has historically relied on an intake on Red Oaks Lake that was approved by the Commission in 2002 (Commission Docket No. 20021013). The project sponsor also has applied to increase its surface water withdrawal and quantities of consumptive water use, which are being recommended for approval under a separate docket. The project sponsor intends to pump water from the new well to Red Oaks Lake, where it will be stored until needed for irrigation.

Irrigation Well 1, drilled in 2005, penetrates the Ridgley Sandstone. Eight-inch-diameter permanent steel casing was set to 288 feet below ground surface (bgs) to seal off the poor water quality from the Marcellus and Onondaga Formations. The well was finished using a gravel pack from 288 to 380 feet bgs to fill the 8-inch-diameter open borehole interval that was in connection with the Ridgley Sandstone. Upon completion of the well, the blown yield was measured to be in excess of 1,000 gallons per minute (gpm). During development, sediment-free water was withdrawn when the air-lift production rates were at or below 150 gpm. Artesian flow at the end of development stabilized at 50 gpm. The well was fitted with a sealing cap to prevent the artesian flow from freely flowing and discharging to the ground surface.

Pumping Test. A 73-hour, constant-rate pumping test of Irrigation Well 1 was conducted on April 1 through 7, 2006, with prior Commission approval. In addition to the pumping well, 3 observation wells were monitored, including Bedford Township Municipal Authority's Bedford Springs Hotel Production Well, which is located approximately 4,075 feet to the southwest of the irrigation well, and 5 surface water monitoring points (including Crystal Spring, Shobers Run, and wetlands).

Pumping at an average rate of 150 gpm, drawdown at the pumping well was approximately 28 feet at the end of the 73-hour test. Two wells experienced drawdown of approximately 1 foot during the testing, and full artesian flow, to 50 gpm, returned at the production well within 1 minute of recovery, indicating that the well's yield is very likely to be significantly greater than the tested rate of 150 gpm.

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. Data collected during the testing indicated that the well penetrates the Ridgely Sandstone, a highly transmissive, confined sandstone aquifer. No negative impacts to the groundwater or surface water resources were identified during the aquifer testing nor are they anticipated with the use of the well at the requested maximum rate of 150 gpm.

Commission staff recommends approval of the requested withdrawal (30-day average) of 0.216 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 Irrigation Well 1 not exceed 150 gpm.

Commission staff recommends that the project sponsor install appropriate metering on Irrigation Well 1, and that the groundwater withdrawal be recorded daily and reported quarterly.

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

The project sponsor has paid the appropriate application fee in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. 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 0.216 mgd (30-day average) from Irrigation Well 1 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 Irrigation Well 1, 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 Irrigation Well 1. The required reporting data shall be submitted 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 project sponsor shall notify the Commission, in writing, when the meter is installed.

5. The maximum instantaneous rate of production from Irrigation Well 1 shall not exceed 150 gpm.

6. The project sponsor shall maintain a sealing cap on Irrigation Well 1 to prevent artesian flow from freely flowing and discharging to the ground surface.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. This approval is effective until June 14, 2031. The project sponsor shall submit a renewal application by December 14, 2030, and obtain Commission approval prior to continuing operation beyond June 14, 2031.

15. 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 14, 2006

Maj. Gen. William T. Grisoli, Chair
U.S. Commissioner

Exhibit A7

SUSQUEHANNA RIVER BASIN COMMISSION
1721 North Front Street • Harrisburg, Pennsylvania 17102-2391
Phone (717) 238-0423 • Fax (717) 238-2436
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Docket No. 20021013-1
Approval Date: October 10, 2002
Modification Date: June 14, 2006

SHOBERS RUN GOLF COMPANY, LLC
(BEDFORD SPRINGS GOLF COURSE)

Surface Water Withdrawal of up to 0.245 mgd from Red Oaks Lake and Consumptive Water Use of up to 0.461 mgd, for Golf Course Irrigation, Bedford Township, Bedford County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (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 withdrawals. The Commission received the modification application on April 3, 2006, and the surface water withdrawal application on May 22, 2006.

Description

Purpose. The purpose of the application is to request approval to increase from 0.245 million gallons per day (mgd) to 0.461 mgd the consumptive use of water associated with irrigation of an existing 18-hole golf course. The increase in consumptive water use also will increase the project's surface water withdrawal by more than 100,000 gallons per day (gpd) above the grandfathered withdrawal, and the project sponsor has requested approval of the withdrawal from Red Oaks Lake. The course has been redesigned and is undergoing extensive renovations, including the installation of a new irrigation system.

The original Commission approval for consumptive water use was issued to the Bedford Springs Golf Course on October 10, 2002, as Commission Docket No. 20021013 (docket). This docket modification is issued to the new property owner, Shobers Run Golf Company, LLC, and rescinds certain provisions and revises the project features in the docket, and approves the requested increases in consumptive water use and surface water withdrawal. A separate docket (Commission Docket No. 20060603) approves a proposed groundwater withdrawal to supplement the existing water supply for irrigation.

Findings

The project's modification 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. In accordance with consumptive water use reporting requirements, Commission staff recommends that the new irrigation system should be equipped with a totalizing flow meter that accurately measures, to within five percent, the quantity of water pumped to the irrigation system.

Water currently is supplied to the irrigation system from a withdrawal from Red Oaks Lake (storage pond), an on-stream storage pond, which is fed by several springs, two unnamed tributaries to Shobers Run, and stormwater runoff, as described in the docket. The project sponsor also has proposed to pump water from its new irrigation well to the storage pond for use by the irrigation system. The storage pond (Red Oaks Lake) was constructed in the 1940s, and has a surface area of approximately 3.9 acres and stores a usable quantity of 6.5 million gallons of water.

Commission staff recommends approval of a surface water withdrawal up to 0.245 mgd. The quantity of surface water withdrawal should be defined for purposes of this docket as the daily quantity of consumptive water use minus the daily quantity of groundwater pumped to the storage pond. The project sponsor should install a meter on the storage pond intake in order to monitor the withdrawal, and report the daily surface water withdrawal to the Commission quarterly. The project sponsor may propose alternative metering for review by Commission staff.

The storage pond withdrawal currently has a passby structure and engineering controls in place to regulate the amount of water that can be withdrawn for irrigation. Although a new intake and pumping station on the storage pond will replace the existing system, the capacity will remain at the historic rate of 750 gallons per minute (gpm). Commission staff recommends that the passby flow required in the docket of not less than 0.207 cubic feet per second (cfs) (93 gpm), or an amount equal to the inflow of the stream to the storage pond when streamflow is less than 0.207 cfs (93 gpm), in the unnamed tributary of Shobers Run directly below the intake be maintained. Any modifications to the existing flow monitoring system are subject to the review and approval by Commission staff.

The project sponsor requested approval of consumptive water use of up to 0.461 mgd. As part of the renovations, nearly the entire golf course will be newly seeded and until the turf grass is established, the irrigation demands will be significantly increased, up to 0.461 mgd. Following the "grow-in" stage, this demand should be reduced to a predicted maximum demand of less than 0.325 mgd. Based on an analysis of available sources for irrigation water, including the new irrigation well, Commission staff is recommending approval of the requested quantity. Should the project's future consumptive use of water exceed or be expected to exceed 0.461 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor will continue to make quarterly payments to the Commission in lieu of providing actual compensation water. The payment will be based on the quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.060 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

Commission staff recommends that all other conditions in Commission Docket No. 20021013 that are not inconsistent with this docket action should remain effective.

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

The project sponsor has paid the appropriate application fee, in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

Based on Commission Regulation §803.30(a), the prior docket approval is effective until October 10, 2027. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval. The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 20021013, as approved October 10, 2002, is hereby modified to approve the project's surface water withdrawal from Red Oaks Lake of up to 0.245 mgd, when available, and an increase in the consumptive use of water of up to 0.461 mgd, for golf course irrigation, 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. Conditions "a," "b," and "j" of Commission Docket No. 20021013, as approved October 10, 2002, are hereby rescinded.

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 shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped through the irrigation system.

6. Upon completion of the new irrigation system, the project sponsor shall install and then maintain a meter, accurate to within five (5) percent, on the irrigation system to measure the

quantity of water pumped from the storage pond to the irrigation system. The project sponsor shall notify the Commission, in writing, when the meter is installed.

7. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the storage pond intake, accurate to within five (5) percent, to measure the surface water withdrawal. The project sponsor shall notify the Commission, in writing, when the meter is installed. The project sponsor shall keep daily records of the project's surface water withdrawal and shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

8. The maximum instantaneous rate of withdrawal from Red Oaks Lake shall not exceed 750 gpm.

9. The project sponsor shall allow a flow of not less than 0.207cfs (93 gpm) to pass in the unnamed tributary of Shobers Run directly below the dam. The project sponsor shall reduce its withdrawals, as necessary, to allow this amount of flow to pass unless natural flow into the storage pond is equal to or less than this amount, at which times the project sponsor shall allow an amount equal to the total inflow to the storage pond to pass directly below the dam. The project sponsor shall install flow measurement devices that measure the inflow and outflow of the storage pond, keep daily records of the inflow and outflow of the storage pond during the irrigation season, and report the data to the Commission quarterly, and as otherwise required. Any proposed modifications to the existing approved flow monitoring system are subject to the review and approval by Commission staff.

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

11. 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.

12. All other conditions in Commission Docket No. 20021013 not inconsistent herewith shall remain effective.

13. 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.

By the Commission:

Dated: June 14, 2006

Maj. Gen. William T. Grisoli, Chair
U.S. Commissioner

Exhibit A8

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. 20020617-1
Approval Date: June 12, 2002
Modification Date: June 14, 2006

SWISS PREMIUM DAIRY, INC.

Consumptive Water Use of up to 0.100 mgd,
for Manufacture of Beverages and Evaporative Cooling,
North Cornwall Township, Lebanon County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (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 consumptive use of water. The Commission received the modification application on August 3, 2005.

Description

Purpose. The purpose of the application is to request approval to increase from 0.060 million gallons per day (mgd) to 0.100 mgd consumptive use of water for manufacture of beverages and evaporative cooling of the product. The original Commission approval for consumptive water use was issued to Wengert's Dairy, Inc. on June 12, 2002, as Commission Docket No. 20020617 (docket). The project underwent a name change in 2004, and this docket modification is issued under the new name, Swiss Premium Dairy, Inc. This docket modification rescinds certain provisions, revises the project features in the docket, and approves the requested increase in consumptive water use.

Findings

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

All water that is incorporated into beverages or used in evaporative cooling of the product and the building is considered to be used consumptively. The project sponsor has installed meters to measure all consumptive water use at the facility. A master meter records total flow into the facility. Meters are installed to quantify makeup water supplied to the cooling towers and at the head of the drink production line. The project sponsor will maintain the existing meters, accurate to within five percent, to calculate consumptive water use.

The project currently is approved to consumptively use up to 0.060 mgd, and has requested the increase to meet the existing production capabilities of the facility. Water is supplied to the facility by the City of Lebanon Authority, which is supplied water from the Seigrist Dam and Swatara Creek.

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

Commission staff recommends that all other conditions in Commission Docket No. 20020617 that are not inconsistent with this docket action should remain effective.

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

The project sponsor has paid the appropriate application fee pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

Based on Commission Regulation §803.30(a), the prior docket approval is effective until June 12, 2027. Commission staff recommends the duration of the docket approved be consistent with the prior docket approval. The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 20020617, as approved June 12, 2002, is hereby modified to approve an increase in consumptive water use of up to 0.100 mgd, for manufacture of beverages and evaporative cooling of the product, 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. Condition "g" of Commission Docket No. 20020617, as approved June 12, 2002, is hereby rescinded.

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

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

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. All other conditions in Commission Docket No. 20020617 not inconsistent herewith shall remain effective.

8. Based on Commission Regulation §803.30(a), this approval is effective until June 12, 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 December 12, 2026, and obtain Commission approval prior to continuing operation beyond June 12, 2027.

By the Commission:

Dated: June 14, 2006

Maj. Gen. William T. Grisoli, Chair
U.S. Commissioner

Exhibit A9

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. 20041207-1
Approval Date: December 15, 2004
Modification Date: June 14, 2006

HERSHEY ENTERTAINMENT & RESORTS COMPANY
ENTERTAINMENT GROUP—HERSHEYPARK SPORTS AND ENTERTAINMENT COMPLEX

Consumptive Water Use of up to 0.337 mgd,
for Amusement Park and Entertainment Operations,
Derry 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 (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 §803.43, relating to groundwater withdrawals. The Commission received the modification application on February 6, 2006.

Description

Purpose. The purpose of the application is to request approval to increase from 0.237 million gallons per day (mgd) to 0.337 mgd consumptive use of water associated with amusement park and other entertainment operations. The original Commission approval for consumptive water use was issued on December 15, 2004, as Commission Docket No. 20041207 (docket). This docket modification rescinds certain provisions, revises the project features in the docket, and approves the requested increase in consumptive water use. No change in the previously approved groundwater withdrawal is necessary at this time.

Findings

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

The project sponsor's request for a peak day consumptive water use of 0.337 mgd is an increase of 0.100 mgd over the existing approved quantity, and represents the actual peak day quantity of consumptive water use at the facility during normal amusement operations as enumerated in the original docket. In the original application, the project sponsor estimated its

consumptive water use. With the metering required in the docket, the project sponsor found that consumptive water use exceeded the approved quantity during normal operations in 2005.

Commission staff recommends approval of the requested quantity of consumptive water use. The project sponsor should continue to use its existing metering and monitoring, as described in the previously approved plan, to calculate consumptive water use at the facility. The project sponsor may propose alternative metering and monitoring to the Commission for staff review and approval.

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

During the 2005 operating season, the project sponsor exceeded its approved quantity of consumptive water use on a number of days. The exceedences represented an accurate accounting of the actual metered consumptive water use of the facility rather than estimated values used in the project application. Upon notification of the violations, the project sponsor submitted an application to modify its approved quantity.

While the project's consumptive water use has been in noncompliance with Commission regulations, no adverse impacts have been identified associated with the consumptive water use. The project sponsor has met its reporting and compensation requirements, and has cooperated with Commission staff.

The project sponsor has paid the appropriate application fee, in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

Based on Commission Regulation §803.30(a), the prior docket approval is effective until December 15, 2029. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval. The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 20041207, as approved December 15, 2004, is hereby modified to approve an increase in consumptive water use of up to 0.337 mgd, for amusement park and other entertainment operations, 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. Condition "m" of Commission Docket No. 20041207, as approved December 15, 2004, is hereby rescinded.

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

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

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. All other conditions in Commission Docket No. 20041207 not inconsistent herewith shall remain effective.

8. 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.

By the Commission:

Dated: June 14, 2006

Maj. Gen. William T. Grisoli, Chair
U.S. Commissioner

Exhibit A10

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. 20040910-1
Approval Date: September 8, 2004
Modification Date: June 14, 2006

DART CONTAINER CORPORATION OF PENNSYLVANIA

Groundwater Withdrawal (30-Day Average) of 0.367 mgd
from Wells 4, 5, 9, 11, 12, 13, and 14,
and Consumptive Water Use of up to 0.418 mgd,
for Manufacturing of Food Service Products,
Upper Leacock 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 (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 §803.43, relating to groundwater withdrawals. The Commission received the modification request on February 2, 2006, and supporting materials on May 16, 2006.

Description

Purpose. The purpose of the application is to request approval to increase from 0.330 million gallons per day (mgd) to 0.418 mgd the consumptive use of water associated with the manufacture of food service products. No increases in groundwater withdrawals are required to supply the requested increase in consumptive water use.

The original Commission approval for consumptive water use and groundwater withdrawal was issued on September 8, 2004, as Commission Docket No. 20040910 (docket). This docket modification approves an increase of consumptive water use up to 0.418 mgd.

Findings

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

All water evaporated by the facility's cooling towers and from manufacturing processes and settling tanks, used for steam generation, and retained in finished products is considered to

be used consumptively. Additionally, all water contained in the process wastewater sludge hauled to off-site locations is considered to be entirely consumptively used.

The project sponsor obtains water from eight wells (Well 15 was approved as Commission Docket No. 20040911) for its manufacturing operations and, as required by the docket, separately meters each of the wells. Quantities of consumptive water use in the docket were estimated from limited metered data. The project sponsor measures and records the quantity of process wastewater discharged from the facility to the Upper Leacock Township sanitary sewer system, and calculates its consumptive water use as the difference.

According to metered data collected during the yearlong monitoring program in 2005, the project sponsor withdrew 0.273 mgd and consumptively used an average of 0.205 mgd. Peak day use in July was 0.350 million gallons. Therefore, the project sponsor has requested 0.418 mgd, approximately 19 percent above that peak day, to meet current peak demands at the facility.

Commission staff recommends that the project sponsor continue its existing accounting procedure, and recommends that both the total metered inflow to the facility and outflow from the facility be recorded on a daily basis to determine the project's daily consumptive water use. All measurements should continue to be recorded at approximately the same time each day.

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

Commission staff recommends that all other conditions in Commission Docket No. 20040910 that are not inconsistent with this docket action should remain effective.

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

The project sponsor has paid the appropriate application fee pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

Based on Commission Regulation §803.30(a), the prior docket approval is effective until September 8, 2029. Commission staff recommends the duration of the docket approved be consistent with the prior docket approval. The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 20040910, as approved September 8, 2004, is hereby modified to approve an increase in consumptive water use of up to 0.418 mgd, for manufacturing of food service products, 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, and groundwater withdrawal reporting requirements, as per Commission Regulation §803.43.

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

5. All other conditions in Commission Docket No. 20040910 not inconsistent herewith shall remain effective.

6. Based on Commission Regulation §803.30(a), this approval is effective until September 8, 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 March 8, 2029, and obtain Commission approval prior to continuing operation beyond September 8, 2029.

By the Commission:

Dated: June 14, 2006

Maj. Gen. William T. Grisoli, Chair
U.S. Commissioner

Exhibit A11

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. 20060604
Approval Date: June 14, 2006

PPL GENERATION, LLC—
PHOENIX LINKS GOLF COURSE

Consumptive Water Use of up to 0.360 mgd, for Golf Course Irrigation,
East Manchester Township, York County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (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 27, 2006.

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Susquehanna River Watershed, East Manchester Township, York County, Pennsylvania.

Project Features. The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.360 million gallons per day (mgd). The project sponsor estimates the project's maximum average 30-day consumptive water use will be 0.310 mgd.

The sole source of water will be the York Water Company supply system. The project sponsor originally requested approval for a withdrawal from an on-site well; however, withdrew that request to expedite the review of its application.

The golf course is currently under construction and planned to be open to the public in April 2007. Consumptive water use is anticipated to begin in June 2006.

Water from York Water Company will be supplied directly to the irrigation system, which will be equipped with a totalizing meter. Only one pond on the course, Pond No. 4, will be used for irrigation. Pond No. 4 has an estimated capacity of 1.5 million gallons and a surface area of 1.6 acres. The pond will be supplied from the York Water Company system.

Findings

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

All water used for golf course irrigation is considered to be used consumptively. The total metered quantity of water supplied by York Water Company will be assumed to be consumptively used for irrigation.

The project sponsor must submit drawings of the installed irrigation system, and notify the Commission when it begins consumptively using water.

The project sponsor requested approval for a consumptive water use of up to 0.360 mgd. Commission staff is recommending approval of the requested quantity, which will allow sufficient water to establish turf. Should the project's future consumptive water use exceed or be expected to exceed 0.360 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in lieu of providing actual compensation water. The payment will be based on the daily quantity of water supplied by York Water Company.

The project sponsor has an on-site well that was not reviewed as part of this application. Until approved by the Commission, the project sponsor may not use the well as a source of irrigation water.

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

The project sponsor has paid the appropriate application fee pursuant to Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. 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 0.360 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 submit drawings of the installed irrigation system, and notify the Commission when it begins consumptively using water.

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. The daily quantity of water consumptively used shall be the quantity supplied to the golf course from York Water Company. The project sponsor shall maintain metering on the delivered water, accurate to within five (5) percent.

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 supplied to the golf course from York Water Company. 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.

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

8. The project sponsor shall not withdraw water from the on-site well for irrigation until it submits the necessary information and applications to the Commission, and receives approval from the Commission.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. This approval is effective until June 14, 2031. The project sponsor shall submit a renewal application by December 14, 2030, and obtain Commission approval prior to continuing operation beyond June 14, 2031.

15. 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 14, 2006

Maj. Gen. William T. Grisoli, Chair
U.S. Commissioner

Exhibit A12

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. 20010805-2
Approval Date: August 9, 2001
Modification Date: April 10, 2003
Modification Date: June 14, 2006

HERITAGE HILLS GOLF RESORT

Consumptive Water Use of up to 0.400 mgd,
for Golf Course Irrigation and Snowmaking,
York and Springettsbury Townships, York County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (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 current modification application on February 9, 2006.

Description

Purpose. The purpose of the application is to request approval for an increase consumptive use of water from 0.300 million gallons per day (mgd) up to 0.400 mgd for irrigation of greens, tees, and fairways at an existing 18-hole golf course. The project sponsor recently upgraded its irrigation system to a double-row configuration.

The original Commission approval for consumptive water use was issued on August 9, 2001, as Commission Docket No. 20010805 and a modification to include snowmaking was issued April 10, 2003 (docket). This docket modification rescinds certain provisions and increases the approved quantity of consumptive water use.

Findings

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

The requested increase of consumptive water use of up to 0.400 mgd represents an increase of 0.100 mgd over the existing approval. The project sponsor estimates that the maximum 30-day average use will increase to 0.375 mgd.

Water is supplied to the irrigation system from on-site ponds that capture surface runoff and shallow groundwater, as described in the docket. The project also maintains an emergency interconnect with the public water supply system, as described in the docket, to supplement the ponds during drought conditions. Commission staff recommends approval of the requested increase.

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 will continue to make quarterly payments to the Commission in lieu of providing actual compensation water.

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

Commission staff recommends that all other conditions in Commission Docket Nos. 20010805 and 20010805-1 that are not inconsistent with this docket action should remain effective.

The project sponsor has paid the appropriate application fee in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The project sponsor has provided all proofs of notification as required by Commission Regulation §803.25.

Based on Commission Regulation §803.30(a), the prior docket approval is effective until August 9, 2026. Commission staff recommends the duration of the docket approved be consistent with the prior docket approval. The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Decision

1. Commission Docket No. 20010805, as approved August 9, 2001 and modified April 10, 2003, is hereby modified to approve an increase in consumptive water use of up to 0.400 mgd, for golf course irrigation and snowmaking, 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. Condition "h" of Commission Docket No. 20010805, as approved August 9, 2001, and Condition "i" of Commission Docket No. 20010805-1, as modified April 10, 2003, are hereby rescinded.

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

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

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. All other conditions in Commission Docket Nos. 20010805 and 20010805-1, as approved August 9, 2001 and modified April 10, 2003, not inconsistent herewith shall remain effective.

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

By the Commission:

Dated: June 14, 2006

Maj. Gen. William T. Grisoli, Chair
U.S. Commissioner

Exhibit B

RESOLUTION NO. 2006-02

A RESOLUTION of the Susquehanna River Basin Commission (the "Commission") adopting a "Conowingo Pond Management Plan" and approving several actions related to, but separate from, the plan.

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, the Conowingo Pond (the "Pond"), a large impoundment on the Susquehanna River formed by the Conowingo Hydroelectric Project in Maryland and extending 14 miles upstream into Pennsylvania, is an important interstate water body serving vital power production, municipal water supply, recreational and natural resources needs; and

WHEREAS, the Pond provides essential downstream flows to the lower Susquehanna River and upper Chesapeake Bay; and

WHEREAS, the management plan is a comprehensive plan for managing the water resources of the Conowingo Pond, especially during critical low flow conditions on the Susquehanna River; and

WHEREAS, users of the Pond are adversely affected by a drop of only a few feet in the pool level; and

WHEREAS, as demands on the Pond increase, there is the potential during times of drought and low flow for Pond levels to decrease to the point where difficult economic and environmental decisions will need to be made; and

WHEREAS, in response to these issues, the Commission convened a special Conowingo Pond Workgroup (the "Workgroup") in 2002 to, among other things, identify limitations and potential conflicts in the use of the Pond, and to recommend a long range management plan; and

WHEREAS, the Workgroup consisted of representatives of federal, state and local governments, and businesses having a strong interest in the proper management and use of the Pond; and

WHEREAS, the Workgroup has completed its work and produced a report recommending a management plan to include specific policies and management strategies; and

WHEREAS, the management plan is required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin to meet present and future needs; and

WHEREAS, the Workgroup also recommended four other actions related to the management plan which include: (1) continuance of the Workgroup as an active body; (2) consideration by the Commission of the impacts of increasing consumptive water use in the Susquehanna basin on the Pond and development of measures to mitigate the impact, if needed; (3) investigation of alternative operational strategies for Commission-owned water storage at Curwensville and Cowanesque Lakes; and (4) incorporation of key management principles and tools into the Commission's regulatory and water resource programs.

WHEREAS, the management plan and related actions recommended by the Workgroup have undergone a 45-day public review and comment period, and are now ready for implementation.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby adopts the "Conowingo Pond Management Plan" dated June 2006 as submitted by staff.

2. The Commission hereby includes the said management plan in the Commission's Comprehensive Plan for Management and Development of the Water Resources of the Susquehanna River Basin. This inclusion shall not be construed as in any way binding upon the Commission in the approval or disapproval of projects pursuant to its authority under the Susquehanna River Basin Compact or the regulations promulgated there under.

3. The Commission approves the four related actions recommended by the Workgroup as set forth above.

4. The staff is authorized and directed to take whatever steps are necessary to implement the management plan and related actions.

5. The staff is further directed to distribute copies of this resolution and the accompanying plan to all members of the Conowingo Pond Workgroup, and extend the Commission's appreciation for their valuable participation and contributions.

Date: June 14, 2006

Maj. Gen. William T. Grisoli, Chairman

Exhibit C

RESOLUTION NO. 2006-03

A RESOLUTION of the Susquehanna River Basin Commission authorizing the refinancing of the Curwensville Water Storage Project.

WHEREAS, terms and phrases used in this Resolution, for all purposes of this Resolution, shall have the meanings specified in the Commitment Letter dated June 7, 2006 (the "Commitment Letter") issued by Commerce Bank/Harrisburg, N.A. (the "Bank"), in the form referred to in Paragraph 1 hereof, unless the context of this Resolution clearly otherwise requires; and

WHEREAS, this Commission has determined to provide for the refinancing of certain indebtedness it incurred by it pursuant to Commitment Letter dated as of August 1, 2003 with the Pennsylvania Economic Development Financing Authority, the proceeds of which were used to refinance debt incurred by this Commission to finance the Curwensville Water Storage Project at the Curwensville Flood Control Project on the West Branch Susquehanna River, Clearfield County, Pennsylvania (the "2006 Refunding Project"); and

WHEREAS, this Commission has determined to undertake the 2006 Refunding Project through the issuance of the Note pursuant to the Commitment Letter, in substantially the form referred to in Paragraph 1 hereof between this Commission and the Bank, all as more fully is recited in the Commitment Letter; and

WHEREAS, this Commission desires to take appropriate action with respect to the 2006 Refunding Project and the Commitment Letter, in the form referred to in Paragraph 1 hereof.

NOW THEREFORE BE IT RESOLVED THAT:

1. This Commission shall enter into the Commitment Letter, substantially in the form presented to this meeting and as Exhibit A (exhibit not attached), which form is approved; and a copy of the Commitment Letter in the form so presented and approved shall be filed with this Commission's Secretary and made available for inspection at reasonable times by interested persons requesting such inspection, together with such changes and modifications thereof as are approved by the officers of this Commission executing and delivering the same, which approval conclusively shall be deemed to have been given upon execution and delivery thereof.

2. The Executive Director and Secretary of this Commission are authorized and directed to execute, attest and deliver, as applicable and appropriate, the Commitment Letter, substantially in the form referred to in Paragraph 1.

3. This Commission shall issue and shall deliver the Note, contemplated by the Commitment Letter, in substantially the form referred to in Paragraph 1, in the denomination, with the interest rates, interest and principal payment dates, maturity date and prepayment

provisions and having other terms and provisions as are provided in the Commitment Letter, in the form referred to in Paragraph 1.

4. The Note shall be secured by the Commitment Letter, in the form referred to in Paragraph 1, in the manner and upon terms and conditions set forth in the Commitment Letter.

5. The Executive Director of this Commission is authorized and directed to execute the Note, and the Secretary of this Commission is authorized and directed to attest execution of the Note; and said officers, or the Chief Administrative Officer of this Commission, are authorized and directed to deliver the Note to the Bank, all as contemplated by the Commitment Letter, in the form referred to in Paragraph 1. The said officers are authorized and directed to execute and deliver all receipts, certificates and documents as may be necessary and required in connection with delivery of the Note to the Bank.

6. The said officers of this Commission are authorized and directed to execute and to deliver such documents and to do such other things as may be necessary, from time-to-time, to carry out the Commitment Letter, in the form referred to in Paragraph 1, and the intent and purpose of this Resolution and of the Commitment Letter, and to make the Commitment Letter and the Note valid and binding legal obligations of this Commission, including such acts and documents as may be necessary to comply with requirements of Section 103(b)(2) and Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and with regulations implementing said Sections, and the intent and purpose of this Resolution.

7. This Commission determines that it does not reasonably expect to issue tax-exempt obligations which in the aggregate will exceed $10,000,000 during the 2006 calendar year and, accordingly, hereby designates the Note as a “qualified tax-exempt obligation,” as defined in Section 265(b)(3)(B) of the Code, for the purposes and effect contemplated by Section 265 of the Code.

8. This Resolution shall be effective immediately.

Date: June 14, 2006

Maj. Gen. William T. Grisoli, Chairman

Exhibit D

RESOLUTION NO. 2006-04

A RESOLUTION by the Susquehanna River Basin Commission to adopt a proposed Current Expense Budget for the fiscal year beginning July 1, 2007, and ending June 30, 2008, 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, 2007, in the amount of $4,200,000 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, 2007.

Member Jurisdictions	Apportionment
New York	$388,000
Pennsylvania	$1,232,000
Maryland	$407,000
United States	$1,000,000

3. The Commission hereby expressly declares that the apportioned amounts requested in Paragraph 2 hereof represent the anticipated amounts anticipated to be appropriated by the respective member jurisdictions for fiscal year beginning July 1, 2007 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 14, 2006

Maj. Gen. William T. Grisoli, Chairman