

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



September 9, 2002

TO ALL CONCERNED:

At the August 15, 2002 meeting, the draft minutes of the June 12, 2002 Commission meeting were approved as written. Please attach this notice to your copy of the June 12, 2002 minutes.

- DRAFT -

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION**

August 15, 2002
#2002-08

The meeting was held at the Four Points Hotel Sheraton Aberdeen, Aberdeen, Md. Chairman Hicks called the meeting to order at 8:30 a.m.

ROLL CALL

Commissioners Present

Mr. John T. Hicks, Director
N.Y. DEC, Region 8
Ms. Irene B. Brooks, Director
Office for River Basin Cooperation
Pa. DEP
Mr. Matthew G. Pajeroski, Chief
Water Rights Division
Md. Dept. of the Environment

**Alternate Commissioners
and Advisors Present**

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

Staff Present

Mr. Paul O. Swartz, Executive Director
Mr. Thomas W. Beauduy, Deputy Director
Mr. David W. Heicher, Chief
Watershed Assessment & Protection Division
Mr. George J. Lazorchick, Acting Chief
Water Resources Management Division

Mr. Duane A. Friends, Chief Admin. Officer
Mr. David S. Ladd, SRBC Ind. Contractor
Ms. Deborah J. Dickey, Executive Administrator
Ms. Susan S. Obleski, Dir. of Communications

INTRODUCTION/WELCOME

Chairman Hicks introduced the members of the Commission and the Executive Director. Commissioner Pajerowski introduced Delegate David Rudolph of the Maryland House of Delegates, who welcomed the Commission to Maryland and expressed his support for the Commission in its role as manager of the basin's water resources. He stressed the importance of the Commission's work to the State of Maryland and pledged efforts to obtain full Maryland funding for the Commission in the next budget cycle. Commissioner Pajerowski also recognized Mayor Douglas Wilson of the City of Aberdeen. The federal government was not represented at this meeting.

MINUTES OF JUNE 12, 2002 COMMISSION MEETING

On a motion by Commissioner Brooks, seconded by Commissioner Pajerowski, the minutes of the regular business meeting of June 12, 2002, were unanimously adopted as written.

ACTION ITEMS

a. Contract/Grant Approvals

SRBC Watershed Assessment and Protection Division Chief David Heicher asked the Commission to ratify the following contract/grants:

- 1. Early Warning Communication Network for the Susquehanna River and Selected Tributaries** – As an extension of its current source-water protection work, under a Pa. Department of Environmental Protection grant, the Commission would be involved in the development of an early warning system network among water suppliers, water users, emergency management personnel, and select government agencies. Things to be accomplished under the grant include: development of a model to track contaminants; a time-of-travel model for the movement of contaminants; assisting local officials in setting up monitoring stations; and equipment purchase. Though this work is centered in Pennsylvania, the benefits are expected to extend to Maryland communities on the lower river. The amount of the grant is \$289,000, with no matching funds from SRBC. This grant scored 8 out of 10 on the SRBC grant evaluation system.
- 2. Source-Water Assessments in the Susquehanna River Basin** – This approval would be a supplement to the current source-water protection grant from Pa. Department of Environmental Protection. With the supplemental funding, the Commission will be performing assessments for an additional 23 sources of public water supply, most in the Juniata Subbasin. The amount of the grant is \$178,000, with no matching funds from SRBC. This grant scored 9 out of 10 on the SRBC grant evaluation system.

On a motion by Commissioner Pajerowski, seconded by Commissioner Brooks, the Commission unanimously ratified these contracts/grants.

b. Discovery of Zebra Mussels – Canadarago Lake

Mr. Heicher presented information to the Commission on the recent discovery of zebra mussels in Canadarago Lake, a lake situated just west of Otsego Lake, the source of the Susquehanna River. Zebra mussels are an exotic species inadvertently introduced to the Great Lakes system in the ballast water of ships.

Previous to this, the mussels had turned up at Eden Reservoir in the Susquehanna River Basin, and in juvenile form in the Susquehanna River near Binghamton, N.Y. Tributaries flowing from both Canadarago Lake and Eden Reservoir eventually drain to the Susquehanna River. Mr. Heicher described the mussel and its adverse effects on the native habitat and on water intakes and outfalls. The spread of the mussel has been dramatic, with colonies now well established in all of the Great Lakes, the Finger Lakes, the Ohio River System and the Mississippi River as far south as Baton Rouge, Louisiana. Boaters often aid in the spread of these organisms by moving boats from affected to unaffected bodies of water. Boaters should drain live wells and bilge water from their boats and let them dry for 2 to 3 days before moving to another body of water.

c. Hydrologic Conditions Reports

George Lazorchick, Acting Chief of the SRBC Water Resources Management Division, presented information on hydrologic conditions in the Susquehanna River Basin. He prefaced his presentation with an explanation of some of the terminology that both he and the Deputy Director would be using, including the term “subbasin.” The Susquehanna River Basin is divided into six major subbasins.

From October 2001 through February 2002, the Susquehanna River Basin has endured an extended period of below normal precipitation. There was a period of recovery in the months of March, April, May and June 2002, but in July 2002, a very significant deficit of 1.25 inches was recorded for the areas above Harrisburg. There were some areas of the northern basin that enjoyed precipitation surpluses during this time. For example, areas near Cortland, N.Y. were as much as 4 inches in surplus. The lower basin, however, has continued to suffer severe deficits of as much as 14 inches.

This is reflected in streamflow volumes recorded throughout the basin. In the lower basin, streamflows are approaching all-time minimums for the month of July. The picture is similar for ground-water levels. It is clear that the most severe conditions are concentrated in the lower basin.

Mr. Lazorchick emphasized the long-term development of these drought conditions. The source of this drought extends back to 1998 and 1999, when the basin experienced dry conditions. Since mid-2000, most months have registered precipitation deficits. Even the spring 2002 recovery did not extend into Harford and Cecil Counties, Maryland. All time low streamflows and ground-water levels are being recorded in these counties. Thus, the drought that has been building since the late 1990s is now manifesting itself.

Cecil and Harford Counties and the Pennsylvania counties in the lower Susquehanna Basin remain under drought emergency declarations issued by Governors Glendening and Schweiker. The severe conditions present in these counties are slowly creeping northwest in the basin.

Other problems associated with this drought include restrictions on public water suppliers taking water from the main river, reduction of the City of Baltimore's withdrawal from the main river, and difficulties with power generation in the lower river. Even the precipitation surpluses in the northern basin have not been able to sustain river flows in the lower Susquehanna River.

Mr. Edward Newell, the President of Joseph Associates, asked if any steps are being taken to protect ground-water users in Cecil County, Maryland who could be affected by the large ground-water withdrawals of power producers. Commissioner Pajerowski gave a detailed explanation of Maryland's water appropriations permitting process, emphasizing the steps the state takes to prevent conflicts with other users. If it is shown later that a permitted user causes damages to another user, that permitted user can be held responsible. The Executive Director added that SRBC's project review process operates similarly, particularly with respect to the exercise of continuing oversight of approved projects and the ability to reopen an approval if unforeseen problems arise.

Mr. Sam McConnell asked if the Commission and Maryland are taking into account the large number of wells that are going dry in the area. He also expressed concern about Baltimore being able to withdraw water from the river since January and the possible impact of those withdrawals on water users in the lower Susquehanna River Basin. Mr. Lazorchick noted that the Commission is spearheading an effort to develop a Conowingo Pool Management Plan to address these kinds of concerns. As far as well failures are concerned, Harford and Cecil Counties are experiencing some of the worst ground-water conditions ever recorded. These conditions are not of immediate or recent origin; rather, they have developed as a result of long-term drought conditions going back to the late 1990s.

The Executive Director further indicated that the Commission takes a very conservative approach in its review of applications for ground-water or surface-water withdrawals. Review staff takes into account the impacts of the project during periods of drought, as well as during normal operating periods.

Delegate David Rudolph asked whether the City of Baltimore had imposed any mandatory controls since the SRBC imposed restrictions. Mr. Lazorchick responded that there had been voluntary restrictions in effect since the City started taking water in January, with mandatory restrictions being imposed more recently when the Commission's low flow restrictions on the City's withdrawals went into effect.

Delegate Rudolph also asked why an observation well was not located in Cecil County and what impact hurricane-related rains might have on the current situation. Mr. Lazorchick explained that the Harford County observation well was located in a similar geologic area to Cecil County and was therefore representative of conditions in both counties. As far as the

impact of hurricane-related rains, with soil conditions so ultra dry, the impacts of hurricane rains could be significantly blunted.

Questions and discussion continued at length on upstream actions to relieve the drought in the lower basin, coordination between the member jurisdictions and the Commission on project review, and concurrence among the member jurisdictions on Commission actions.

(Persons requiring detailed information on current hydrologic and drought conditions in the Susquehanna River Basin should visit the SRBC website and associated links at www.srbc.net.)

d. Water Resources Management Plans

Mr. Dave Ladd, SRBC independent contractor, updated the Commission on progress to date on the development of the Low Flow Management Plan, a plan designed to mitigate the adverse actions of man during low flow periods. The action of most concern is the increasing amount of consumptive water use in the Susquehanna Basin and its impact on surface flows and the Chesapeake Bay.

Though the focus of the plan is on surface water, ground water will invariably be considered as well because of the inextricable relationship between the two. The subbasin unit will be used as a planning framework for the overall low flow management plan. The public will also be involved in the process through public information and education.

The management options that may be available to implement the low flow plan include: reservoir storage, underground storage, wetlands, water conservation, recycling of water, and regulatory incentives.

This is a long-term planning effort. It will not be immediately available to help with the current drought situation, but will offer solutions for the future.

Mr. Charles Day suggested that the plan include consideration of impervious surfaces and the losses they cause to recharge. There should be a public education component that will encourage less impervious surfaces. Mr. Bill Gast from Pa. DEP and Commissioner Pajerowski pointed out that Pennsylvania and Maryland are emphasizing the avoidance or minimization of impervious surfaces in their storm water programs. New York is doing the same.

Commissioner Pajerowski then made a presentation on the Conowingo Pool Management Plan being completed as a follow-up action to the Commission's settlement with the City of Baltimore regarding the City's withdrawals from Conowingo Pool. The pool is an intensely-used resource and problems may arise during periods of low flow. To avoid possible conflicts, these uses need to be managed and coordinated conjunctively. He explained the water needs of the various uses, including hydroelectric generation at the Conowingo Dam and the Muddy Run Pumped Storage Project. He also mentioned the need to coordinate upstream releases of water to help meet the needs of pool users. Another issue is how the leakage of water through Conowingo Dam should be accounted for.

The planning process includes sitting down with stakeholders to assess the water use constraints they face. This information will be used to develop a model that will be used in the optimum management of the pool's resources. A work group assembled for the project has adopted a scope of work and begun development of a model.

A question was asked about sediment management at the dam. The Deputy Director, who chairs the Sediment Management Task Force working on this problem, provided an update. It appears that if the sediment is removed, it can be used beneficially without concerns about toxics. Nevertheless, a final determination has not yet been made about whether the sediment can be removed and reused. Another option is to permanently store the sediment behind the dams in the lower Susquehanna River.

e. City of Aberdeen Application Update

Chairman Hicks introduced the Deputy Director, who provided an update on the status of the application from the City of Aberdeen (City) for a diversion of water from Deer Creek, Harford County, Maryland.

Two applications were received from Aberdeen for withdrawal from Deer Creek. One application is for the continuing supply of the U.S. Army's Aberdeen Proving Ground (APG) needs. The City would take over the APG system. A second application is to supply the City itself. There would be a combined withdrawal from Deer Creek to meet these needs. Peak use by the City is projected at 3.13 mgd (million gallons per day) and 3.0 mgd for APG.

Because the water is taken from the Susquehanna River Basin, it is considered a diversion and a consumptive use of water. Diversions are given special scrutiny by the Commission under its Out-of-Basin Diversion Policy. The APG portion of the facility, which pre-dates the Susquehanna Compact, is "grandfathered."

Issues surrounding the application include: 1) the impacts of the withdrawals on Deer Creek, a wild and scenic river under Maryland Law; 2) an adequate evaluation of alternative water supply options and the suitability of backup sources of water; 3) the consistency of Harford County and City of Aberdeen planning and zoning; 4) the effects of City annexation and zoning changes on peak water demands; 5) the economic impacts to the Susquehanna River Basin, the County and the City; 6) the water needs of the Susquehanna River Basin and Chesapeake Bay; 7) the amount of passby flow required for Deer Creek and how this requirement places constraints on withdrawals; and 8) the execution of a joint use contract between the City and APG.

Many of these issues remain unresolved and the SRBC staff is therefore unable to formulate a final recommendation on the disposition of the application at this time. The staff will soon be meeting with City and MDE officials to try to resolve them. While the SRBC received many comments in connection with a public hearing it held on this project with MDE on March 6, 2002, the record remains open for additional written comments and testimony.

Mayor Douglas Wilson of the City of Aberdeen noted his deep concern about the possible contamination of the City's current well supplies and the need to secure a new source of water as soon as possible. He stated his belief that the City had met all the necessary requirements for an approval from the SRBC and he urged action on the application at the October meeting of the Commission.

Several persons expressed confidence in SRBC's evaluation process and two other persons spoke about chloroform contamination from the Chapel Hill Treatment Plant that the City had taken over from APG.

f. Public Hearing–Project Review

The Commission convened a public hearing. Deputy Director Beauduy presented the proposed docket decisions for 26 projects, the most ever presented at a Commission meeting. Most of these consisted of golf course applications that had been submitted to the Commission as part of the Compliance Incentive Program, which provided an amnesty period for non-compliant projects to apply for Commission approval without penalty. The 26 projects are as follows:

- Corey Creek Golf Club (Exhibit A1)
- Glenmaura National Golf Club (Exhibit A2)
- Four Seasons Golf Club (Exhibit A3)
- Wyoming Valley Country Club (Exhibit A4)
- Valley Country Club (Exhibit A5)
- White Deer Golf Courses - Lycoming County Recreation Authority (Exhibit A6)
- Belles Springs Golf Course (Exhibit A7)
- Turbot Hills Golf Course (Exhibit A8)
- Grandview Golf Course – Susquehanna Recreation Corporation (Exhibit A9)
- Penn Golf Corporation – Freestone Golf Course (Exhibit A10)
- Sinking Valley Country Club (Exhibit A11)
- American Legion Country Club (Exhibit A12)
- Iron Masters Country Club (Exhibit A13)
- Susquehanna Valley Country Club (Exhibit A14)
- WPS Westwood Generation, LLC (Exhibit A15)
- Hidden Valley Golf Course (Exhibit A16)
- Monroe Valley Golf Course (Exhibit A17)
- Blue Mountain View Golf Course (Exhibit A18)
- Mountainview Thoroughbred Racing Association, Inc. (Exhibit A19)
- Fairview Golf Course (Exhibit A20)
- Royal Oaks Golf Club, L.P. (Exhibit A21)
- West Shore Country Club (Exhibit A22)
- Defense Distribution Depot Susquehanna Pennsylvania (DDSP) – Riverview Golf Club (Exhibit A23)
- Manheim Township Overlook Community Foundation (Exhibit A24)
- Honey Run Golf Club (Exhibit A25)
- Hanover Country Club (Exhibit A26)

*Exhibits not included with minutes. However, they are available upon request and at www.srbc.net.

Of the original 31 projects scheduled for action at the Commission meeting, the staff recommended tabling five projects for various reasons, such as the need for further coordination, outstanding technical issues, or the desire of the project sponsors to look at other compliance alternatives. The five projects tabled include: Augusta Spring Water; West Cocalico Township Authority; Nissin Foods (USA) Co., Inc.; Cadbury Beverages, Inc. – Mott's Aspers; and Flatbush Golf Course.

Before proceeding with a description of each docket, Mr. Beauduy provided some background information on the Commission's review authority, water use regulations and procedures. The purposes of these regulations are to avoid adverse impacts and conflicts among users, particularly during periods of drought and low flow. Cumulative impacts are also

considered. He went on to explain the methods available for compliance with the consumptive use regulation, including discontinuance, provision of water from storage, and payment of a consumptive use fee to SRBC. Unless otherwise noted, all projects presented by Mr. Beauduy have chosen payment of their consumptive use fee as their compliance method.

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

Mr. Beauduy then briefly reviewed and summarized each of the dockets before the Commission. He noted the objections raised in some comments submitted to the Commission regarding the use of water by golf courses when drought restrictions are in effect. He pointed out that golf courses are subject to restrictions under the drought regulations that Pennsylvania and Maryland have in effect in counties under an emergency declaration.

Ms. Jeanette Hillyer of Port Deposit, Maryland spoke to the Commission about the increasing scarcity of water both locally and worldwide and the need to carefully consider the wisdom of allowing the use of this resource for such things as golf course irrigation.

On a motion by Commissioner Brooks, seconded by Commissioner Pajerowski, the Commission approved all the dockets listed above in accordance with the staff recommendations. Commissioner Pajerowski added that the commissioners had already familiarized themselves with the contents of each docket, thus minimizing their need to ask additional questions about the staff recommendations.

PUBLIC COMMENTS

Mr. Sam McConnell asked if there was any plan to ensure that the member states take actions that will protect everyone's interest in the watershed and not just their own state. The Executive Director and Deputy Director responded that one of the functions of the Commission is to insure that all interests are protected in water resources matters having interstate impacts. Although the Commission was not established to usurp the authority of any member state, decisions on matters affecting all of the members must be approved by at least three members of the Commission. This serves as a check upon the imprudent action of any one member.

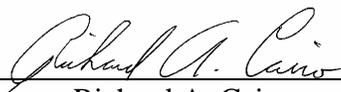
ADJOURNMENT

There being no further business before the Commission, Chairman Hicks adjourned the meeting.

NEXT MEETING

The next regular meeting of the Commission is tentatively scheduled for October 10, 2002 in Binghamton, N.Y.

Date Adopted


Richard A. Cairo
General Counsel/Secretary to the Commission

Docket No. 20020801
Approval Date: August 15, 2002

COREY CREEK GOLF CLUB

Consumptive Water Use of Up to 0.469 mgd, for Golf Course Irrigation,
Richmond Township, Tioga County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Chemung Subbasin, HUC 02050104, Corey Creek Watershed, Richmond Township, Tioga County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.469 million gallons per day (mgd). Based on irrigation data for the year 2001 submitted by the project sponsor, the project has a maximum average 30-day consumptive use of water of 0.115 mgd and a peak-day consumptive water use of 0.426 mgd. The primary source of water is an existing withdrawal from a spring-fed pond that predates Commission Regulation §803.44, relating to surface-water withdrawals. The withdrawal has not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation.

The project was constructed as a 9-hole golf course in 1929, and has been in continuous operation since that time. The irrigation of the greens and tees began in 1933. The original irrigation system consisted of portable sprinkler heads attached to garden hoses. The golf course was expanded starting in 1968, and began operation as an 18-hole golf course in 1970. An upgraded automatic irrigation system for greens and tees was installed in 1984. The current double-row irrigation system that includes fairway irrigation was installed in July 2000.

The project sponsor has constructed a series of four off-stream ponds to provide for irrigation water storage on-site. The ponds are linked, and the pond that is lowest in elevation serves as the primary storage pond (No. 12). Three of the storage ponds were constructed in 1967. The fourth pond (No. 14) was constructed in 1998, and has a surface area of 3.8 acres. All of the storage ponds have been excavated into surficial glacial fill deposits, below the water

table, in an area between Corey Creek and an unnamed tributary of Corey Creek. The ponds also capture surface runoff from an area of approximately 104 acres.

The ponds have a total surface area of 6.9 acres, and an estimated storage capacity of 12.2 million gallons of water. The project sponsor has sufficient storage on-site for approximately 83 days of irrigation, based on the average 30-day consumptive use of 0.115 mgd plus the evaporative water loss from the 3.1 acres of storage ponds that were constructed prior to 1971.

Irrigation water is pumped from the primary storage pond into the irrigation system, as needed, to meet the golf course irrigation demands. The water is withdrawn from the pond using two 40-horsepower vertical turbine pumps, located in a pumphouse on the bank of the lowermost pond. The project sponsor has withdrawn water from the pond since the pond was constructed in 1967. A meter is installed in-line on the outlet to the irrigation system.

Findings

The project's irrigation water use and evaporative losses from the No. 14 storage pond are subject to the Commission's consumptive water use approval and reporting requirements, as per Commission Regulation §803.42.

All water used for golf course irrigation, as well as water evaporated from the No. 14 pond constructed in 1998, is considered to be used consumptively. Water evaporated from the No.14 pond will be calculated by the project sponsor employing a methodology acceptable to Commission staff. The irrigation system is equipped with a meter that measures the quantity of water withdrawn from the primary storage pond and used for irrigation.

The project sponsor has requested a consumptive water use approval of up to 0.469 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current peak-day use of 0.426 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.469 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has determined that the pre-1971 consumptive water use by the project sponsor is 0.020 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. The ponds constructed in 1967 are considered to be grandfathered, and are exempt from water compensation requirements. The No. 14 pond, a 3.8-acre storage pond, was constructed in 1998, and the project sponsor is required to provide compensation for the evaporative losses from this pond.

Shallow ground water and surface runoff from adjacent uplands are the primary sources of water for the ponds. The primary storage pond is adjacent to the unnamed tributary to Corey Creek. There is no intake structure from either the unnamed tributary or from Corey Creek to the pond. The primary water source for the irrigation system is shallow ground water. At its closest point, Corey Creek is 900 to 1,000 feet away from the pumphouse and pond No. 12.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the quantity of water used for irrigation, plus the evaporative loss from No. 14 pond, minus the pre-1971 consumptive use of 0.020 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.469 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the No. 14 storage pond, plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the pond.

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water

consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the No. 14 storage pond, plus the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 20,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

e. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission, as a method of compensation for the project's consumptive water use, shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used above the daily grandfathered quantity of 20,000 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

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

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

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

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

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

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

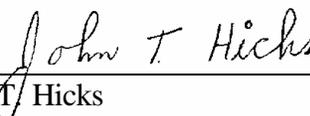
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



 John T. Hicks
 Chairman

Docket No. 20020802
Approval Date: August 15, 2002

GLENMAURA NATIONAL GOLF CLUB

Consumptive Water Use of Up to 0.500 mgd, for Golf Course Irrigation,
Moosic 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, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 21, 2000.

Description

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

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Lackawanna River Watershed, Moosic Borough, Lackawanna County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.500 million gallons per day (mgd). The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.440 mgd and the current peak-day consumptive water use to be 0.480 mgd. The irrigation water originates from the Stark Reservoir, which is owned by Pennsylvania Enterprises, Inc. (P.E.I.).

The project was constructed in 1993, and has been in continuous operation since that time. The project's surface-water withdrawal predates Commission Regulation §803.44, relating to surface-water withdrawals. The withdrawal has not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation. As part of the project, the project sponsor connected the gravity-fed irrigation system to the existing water main from the Stark Reservoir. Irrigation water currently is metered, and no on-site storage currently is in use for the project.

Irrigation water is stored off-site in Stark Reservoir, located on the Covey Swamp Creek. No passive passby controls are currently in operation at the reservoir. Commission staff calculates the surface area of Stark Reservoir to be approximately 11.7 acres. The project sponsor has estimated the average depth of Stark Reservoir at 8 feet. Based on the above

information, Commission staff calculates the reservoir volume to be approximately 30.50 million gallons when at full capacity. This storage capacity can provide approximately 69 days of irrigation at the reported maximum average 30-day consumptive use of 0.440 mgd.

Findings

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

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

The project sponsor has requested a consumptive water use approval of up to 0.500 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 4 percent above the current peak-day use of 0.480 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.500 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water 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.

Irrigation water is stored off-site in Stark Reservoir, which is owned by P.E.I. Commission staff has reviewed the contract between the project sponsor and P.E.I. and finds that the project sponsor is responsible for the maintenance and rehabilitation of the 10-inch trunk line from the reservoir to the golf course's property. Further, the contract conveys to the project sponsor "the full, irrevocable non-exclusive right to utilize and extract water from the Stark Reservoir...." Therefore, staff has concluded that the project sponsor has control over affecting the withdrawal and the withdrawal facilities.

The project's source of water for the irrigation system, Stark Reservoir, is located on Covey Swamp Creek, a high-quality, cold-water fishery (HQCWF) (Title 25, Chapter 93, Pa. Code). Commission staff has calculated the annual average daily flow (ADF) for Covey Swamp Creek to be 1.44 cubic feet per second (cfs), or 646 gallons per minute (gpm). The calculated 7-day 10-year low flow (Q7-10 flow) for Covey Swamp Creek is 0.059 cfs (26.5 gpm) at the point of withdrawal. The withdrawal rate is greater than 10 percent of the Q7-10 flow at the point of withdrawal, and a passby flow is required to protect aquatic resources and downstream users.

Based on the project's classification as HQCWF, its geographic location in the watershed and the anticipated associated fishery of brown trout and combined species of fish, Commission

staff used the Instream Flow Incremental Methodology (SRBC Publication No. 191, May 1998) to determine the appropriate passby flow requirement.

Staff recommends that the project sponsor allow a passby flow of not less than 50 percent of ADF, which equals 0.72 cfs (323 gpm), and to cease all withdrawals when streamflow is less than 0.72 cfs.

However, because the project sponsor is using an on-stream pond (Stark Reservoir) as its source of water, the passby criteria must be modified to accommodate conditions when natural streamflow into the reservoir is less than 50 percent ADF. Staff recommends that the project sponsor enter into the necessary agreements with the reservoir owner, P.E.I., to maintain a downstream release of water from the reservoir of 0.72 cfs (323 gpm), or an amount equal to the inflow of the stream to the reservoir when streamflow is less than 0.72 cfs.

Staff recommends that the project sponsor incorporate the necessary passby flow device 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. During operation of the intake structure, the project sponsor must maintain the passby system, keeping it fully functional and free of debris.

The project sponsor must demonstrate to Commission staff that necessary arrangements and/or structures are in place for maintenance of the passby flow before the 2003 irrigation season.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.500 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. The project sponsor shall install a passby system that allows the downstream release of water from the Stark Reservoir of 0.719 cfs (323 gpm) or, when streamflow into Stark Reservoir is less than 323 gpm, an amount equal to the total inflow of the stream to the reservoir. The project sponsor shall install flow measurement devices that measure the inflow and outflow of the reservoir. The project sponsor shall keep daily records of the inflow and outflow of the reservoir, and shall report the data to the Commission quarterly, and as otherwise required.

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

e. The project sponsor shall demonstrate to Commission staff that necessary arrangements and/or structures are in place for maintenance of the passby flow before the 2003 irrigation season. Failure to do so shall result in a suspension of this approval. If corrective action is not satisfactorily completed within one (1) year of commencement of any such suspension, this approval shall be deemed rescinded.

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be 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.

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

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

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

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

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

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

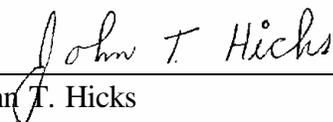
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020803
Approval Date: August 15, 2002

FOUR SEASONS GOLF CLUB

Consumptive Water Use of Up to 0.099 mgd, for Golf Course Irrigation,
Exeter Township, Luzerne County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Hicks Creek Watershed, Exeter Township, Luzerne County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.099 million gallons per day (mgd). The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.066 mgd and its peak-day consumptive water use to be 0.092 mgd. Irrigation water is withdrawn from a mine pool using one well (the Slocum Avenue well) and pumped directly through the irrigation system. A meter was installed on the well in June 2002. No irrigation water storage is currently in use at the facility.

The golf course was constructed in 1960 and has been in continuous operation since that time. The Pennsylvania Gas and Water Company supplied the project's irrigation water until 1995, when a well was drilled into the mine pool. The original well was replaced with one located west of the facility parking lot, along Slocum Avenue, in 2001.

The Slocum Avenue well has a reported yield of 75 gallons per minute (gpm). Although the pump has a reported capacity of 220 gpm, the project sponsor has reported that the well is utilized at less than 100,000 gallons during a 24-hour pumping period.

Findings

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

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

The project sponsor originally requested a consumptive water use approval of up to 0.092 mgd. Commission staff is recommending approval of up to 0.099 mgd, which represents an increase of approximately 7.5 percent above the peak-day use of 0.092 mgd calculated by the project sponsor. This will allow for fluctuations in climatic conditions over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.099 mgd, the project sponsor must apply for a modification to this docket at that time.

The irrigation of the golf course began in 1960. Commission staff has determined that the pre-1971 consumptive water use by the project sponsor is 0.020 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The source of water for irrigation is a ground-water withdrawal that has been in operation since 1995. The project sponsor has reported that the replacement well drilled in 2001 is utilized at less than 100,000 gallons during a 24-hour pumping period and, thus, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, the project sponsor has not historically metered the actual quantity of ground water withdrawn, and the well is capable of producing 316,800 gallons per day. The project sponsor has installed the appropriate metering and Commission staff recommends that the project sponsor provide to the Commission documentation of the well's usage.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.020 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.099 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. The project sponsor shall maintain metering on the Slocum Avenue well, accurate to within five (5) percent, to measure its ground-water withdrawal. The project sponsor shall keep daily records of the project's ground-water withdrawal, and shall report the data to the Commission quarterly, and as otherwise required. If the ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 20,000 gpd, during the preceding calendar quarter. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter.

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

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

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use, shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used above of the grandfathered quantity of 20,000 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above.

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

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

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

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

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

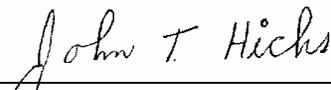
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



 John T. Hicks
 Chairman

Docket No. 20020804
Approval Date: August 15, 2002

WYOMING VALLEY COUNTRY CLUB

Consumptive Water Use of Up to 0.535 mgd, for Golf Course Irrigation,
Hanover Township, Luzerne County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 28, 2000, and an amended application on March 23, 2002.

Description

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

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Warrior Creek Watershed, Hanover Township, Luzerne County, Pennsylvania.

Project Features. The project sponsor originally requested approval for the consumptive use of water of up to 1.2 million gallons per day (mgd), which it subsequently reduced to 0.700 mgd. Commission staff reduced the quantity after its review of recent irrigation data provided by the project sponsor, as described below. Based on 2001 data, the project sponsor calculates the project's current maximum average 30-day consumptive water use to be 0.112 mgd and current peak-day consumptive water use to be 0.444 mgd.

The project was constructed as an 18-hole golf course in 1924, and has been in continuous operation since that time. The irrigation system for the greens, tees, and fairways of the golf course was installed in 1969. Prior to that time, all irrigation was accomplished by hand watering.

The primary source of water is an existing well that predates Commission Regulation §803.43, relating to ground-water withdrawals. Surface water runoff also is collected in an on-site storage pond.

Ground water is pumped from the unmetered, on-site well to the storage pond. The metered irrigation system then pumps the water from the storage pond to irrigate greens, tees, and fairways.

According to the project sponsor, the storage pond was constructed in 1969. The project sponsor has calculated that the pond has a surface area of 1.0 acre and an average depth of approximately 8 feet. Commission staff has calculated a maximum capacity for the storage pond to be approximately 2.61 million gallons, which is sufficient storage for approximately 23 days of irrigation, based on the current maximum average 30-day use of 0.112 mgd.

Findings

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

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

The project sponsor originally requested a consumptive water use approval of up to 1.2 mgd, which it subsequently reduced to 0.700 mgd. Based on an analysis of 2001 irrigation records supplied by the project sponsor, the current peak daily consumptive use is 0.444 mgd. Commission staff is recommending approval of up to 0.535 mgd, which represents an increase of approximately 20 percent above the 2001 peak-day use of 0.444 mgd. Although this is less than the requested quantity, the approval will be sufficient to allow for fluctuations in climatic conditions over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.535 mgd, the project sponsor must apply for a modification to this docket at that time.

The Commission staff has calculated the pre-1971 consumptive water use to be 40,000 gallons per day (gpd) for the project, based on the available data, and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's ground-water withdrawal has been in operation since 1969, but is not metered. The on-site well is used to fill the irrigation pond, as needed. Since the project sponsor does not currently meter the actual quantity of ground water withdrawn, and has no records associated with the well that could be used to estimate the actual withdrawal, staff recommends that the project sponsor install appropriate metering and provide to the Commission documentation of the well's usage. Should the well's usage exceed a 30-day average use of 0.140 mgd, the project sponsor should immediately notify the Commission and submit an application for approval of the ground-water withdrawal.

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

lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.040 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.535 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the on-site well, accurate to within five (5) percent, to measure its ground-water withdrawal. The project sponsor shall keep daily records of the project's ground-water withdrawal, and shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds or is expected to exceed the

threshold contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission.

d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 40,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use, shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used, in excess of its grandfathered quantity of 40,000 gpd, during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above.

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

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

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

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

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

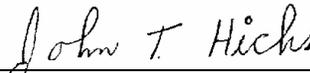
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



 John T. Hicks
 Chairman

Docket No. 20020805
Approval Date: August 15, 2002

VALLEY COUNTRY CLUB

Consumptive Water Use of Up to 0.296 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, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 23, 2000.

Description

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

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

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.296 million gallons per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.098 mgd and a peak-day consumptive water use of 0.269 mgd.

Nine holes of the golf course were constructed in 1909, and have been in continuous operation since that time. Nine holes were constructed in 1929.

The project has one pond and an unused swimming pool that is used for the storage of irrigation water. The swimming pool and the pond (No. 12 pond) were constructed prior to 1971. The golf course also has two wells (the Shop Well and the Parking Lot Well) that are used to provide irrigation water.

The Parking Lot Well was drilled in 1975 and has a pump with a rated capacity of 125 gallons per minute. Water from this well is pumped only to the swimming pool. The Shop Well was drilled in 1984 and has a pump with a rated capacity of 200 gpm.

The project sponsor maintains two pumping stations for the irrigation system. Irrigation water for the first pump's system is drawn from the Parking Lot Well and the Shop Well. Water is pumped from the two wells to the swimming pool and then pumped to the irrigation system. Water from the Shop Well also can be diverted to an unnamed tributary of Little Nescopeck Creek to supplement the water supply to the No. 12 pond, on an as needed basis. The No. 12 pond is an on-stream pond of approximately 0.23 acres in size and stores an estimated 0.45 million gallons of water.

The second pumping system is located on the No. 12 pond. The project sponsor has withdrawn water from No. 12 pond since about 1929 and, therefore, the withdrawal from this pond predates Commission Regulation §803.44, relating to surface-water withdrawals. Water is supplied to this pond from the unnamed tributary to Little Nescopeck Creek, by stormwater runoff, and by the Shop Well (as needed).

Findings

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

All water used for golf course irrigation is considered to be used consumptively. The irrigation system has two meters that measure the quantity of water pumped. The pre-1971 consumptive water use by the project sponsor is calculated by Commission staff to be 0.048 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. The pond used for irrigation water storage predates the Commission's consumptive use regulations and, therefore, the project sponsor is not required to provide compensation for the evaporative losses from the pond.

The project sponsor has requested a consumptive water use approval of up to 0.296 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current peak-day use of 0.269 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive use of water exceed or be expected to exceed 0.296 mgd, the project sponsor must apply for a modification to this docket at that time.

Two on-site wells are used to supply water to the irrigation system. The Parking Lot Well has been in operation since 1978 and, therefore, predates Commission Regulation §803.43, relating to ground-water withdrawals. The "grandfathered" ground-water withdrawal is estimated to be 48,000 gallons per day (gpd). The Shop Well has been in operation since approximately 1984. The project is not subject to ground-water withdrawal approval unless the project sponsor increases its total ground water withdrawal by 100,000 gpd over its "grandfathered" amount. Staff recommends that a meter be installed on each well in order to monitor each well's usage.

The unnamed tributary to Little Nescopeck Creek is classified as a cold-water fishery (CWF) (Title 25, Chapter 93, Pa. Code). Commission staff has calculated the 7-day 10-year low

flow (Q7-10 flow) for the unnamed tributary to Little Nescopeck Creek to be 0.015 cubic feet per second (cfs) (6.7 gpm) at the point of withdrawal. The project sponsor's withdrawal at No. 12 pond is greater than 10 percent of the Q7-10 for the unnamed tributary to Little Nescopeck Creek at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users. Staff recommends that the project sponsor allow a passby flow of not less than 20 percent of annual average daily flow (ADF), which equals 0.104 cfs (47 gpm), and to cease all withdrawals when streamflow is less than 0.104 cfs. 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, staff recommends that the project sponsor maintain a downstream release of water from No. 12 pond of 47 gpm, or an amount equal to the inflow of the stream to the pond when streamflow is less than 47 gpm.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.048 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.296 mgd is approved pursuant to Article 3, Section 3.10 of the Compact, subject to the following conditions:

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

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

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

d. The project sponsor shall allow a downstream release of water from No. 12 pond of 0.104 cfs (47 gpm), or when streamflow into the pond is less than 47 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 during the irrigation season and shall report the data to the Commission quarterly, and as otherwise required.

e. The project sponsor shall submit its design and a proposed construction schedule for the flow measurement devices 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 system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and the flow measurement devices at any time.

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 48,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within

thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

h. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 48,000 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (f) above.

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

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

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

determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

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

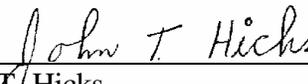
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020806
Approval Date: August 15, 2002

**WHITE DEER GOLF COURSES –
LYCOMING COUNTY RECREATION AUTHORITY**

Consumptive Water Use of Up to 0.475 mgd, for Golf Course Irrigation,
Brady Township, Lycoming County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on December 26, 1999.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 45-hole golf course.

Location. The project is located in the West Branch Susquehanna Subbasin, HUC 02050206, Black Hole Creek Watershed, Brandy Township, Lycoming County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.475 million gallons per day (mgd). Based on 2001 data, the project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.288 mgd, and current peak-day consumptive water use to be 0.426 mgd.

The project was constructed as a 27-hole golf course in 1964, and has been in continuous operation since that time. The original irrigation system, installed in 1964, watered the tees and greens of the 27-hole course. The golf course was expanded to 45 holes in 1989-90. At that time, a new irrigation system was installed to allow for full irrigation of all 45 holes, and the irrigation pond was deepened, and its surface area increased by 1 acre.

The primary source of water is an existing spring-fed pond. Water also can be withdrawn from an unnamed tributary to Black Hole Creek and from an on-site well. Both withdrawals predate Commission Regulations §803.44 and §803.43, relating to surface-water and ground-water withdrawals, respectively.

The metered irrigation system pumps water directly from the spring-fed storage pond to irrigate greens, tees, and fairways. Surface water is gravity-fed from an unnamed tributary to Black Hole Creek to the pond at a maximum rate of 0.1 cubic feet per second (cfs) in accordance with the Pa. Department of Environmental Protection's National Pollutant Discharge Elimination System Permit No. 0114120. Ground water also can be transferred to the pond from the original irrigation well on an emergency basis.

According to the project sponsor, the storage pond was constructed in 1964 and expanded in 1989. The project sponsor has calculated the total a surface area to be 11.5 acres, and the average depth to be approximately 6 feet. Commission staff has calculated a maximum storage capacity for the storage pond to be approximately 22 million gallons, which is sufficient storage for approximately 78 days of irrigation, based on the maximum average 30-day use of 0.288 mgd.

Findings

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

All water used for golf course irrigation, as well as water evaporated from the 1-acre storage pond expansion, is considered to be used consumptively. Evaporation from the storage pond will be calculated by the project sponsor, employing a methodology acceptable to the Commission. The irrigation system is equipped with a meter that measures the quantity of water used for irrigation.

The project sponsor originally requested a consumptive water use approval of up to 0.432 mgd and increased its request after discussions with Commission staff. Based on an analysis of 2001 irrigation records supplied by the project sponsor, Commission staff is recommending approval of 0.475 mgd, which represents an increase of approximately 12 percent above the 2001 peak-day use of 0.423 mgd. This will allow for fluctuations in climatic conditions over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.475 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor has agreed to Commission staff's calculated pre-1971 consumptive water use of 0.070 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water evaporated from the 1-acre expansion of the storage pond, plus the quantity used for irrigation, minus the pre-1971 consumptive use of 0.070 mgd. If the daily grandfathered

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

The project sponsor operates a surface-water intake on an unnamed tributary to Black Hole Creek. Black Hole Creek is classified as a cold-water fishery (CWF) (Title 25, Chapter 93, Pa. Code). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for this stream to be 0.381 cfs (171 gallons per minute (gpm)) at the point of withdrawal. The project sponsor's current withdrawal of 0.1 cfs is greater than 10 percent of the Q7-10 flow at the point of taking, and a passby flow is required to protect aquatic resources and downstream users. Staff recommends that the project sponsor adjust the existing passive passby device to allow a passby flow of not less than 20 percent of annual average daily flow (ADF), which equals 1.01 cfs (454 gpm), and to cease all withdrawals when natural streamflow is less than 1.01cfs.

The project's ground-water withdrawal has been in operation since 1964, but is not metered. The on-site well can be used to fill the storage pond, if needed. The project sponsor has reported that the well is utilized at less than 100,000 gallons in excess of the grandfathered amount of 70,000 during a 24-hour pumping period and, therefore, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the project sponsor does not currently meter the actual quantity of ground water withdrawn, and has no records associated with the well that could be used to estimate the withdrawal from the well, staff recommends that the project sponsor install appropriate metering and provide to the Commission documentation of the well's usage.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.475 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the 1-acre expansion of the storage pond, plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the pond.

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

d. The project sponsor shall allow a flow to pass in the unnamed tributary to Black Hole Creek directly below the intake of not less than 1.01 cfs (454 gpm). When the streamflow below the intake is less than this amount, the withdrawal shall be reduced to maintain 1.01 cfs (454 gpm) in the stream channel below the intake. When the natural flow is equal to or less than 1.01 (454 gpm), no water may be withdrawn, and the entire natural flow shall be allowed to pass the intake to maintain such natural flow in the channel below the intake as may prevail above. The project sponsor shall modify or replace the existing passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule for a modified or replacement passive passby flow device within sixty (60) days from the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time.

e. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the one (1)-acre expansion of the storage pond, plus the quantity pumped to the irrigation system. Payment

amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 70,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

g. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 70,000 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above.

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

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

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

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

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

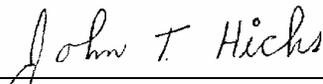
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020807
Approval Date: August 15, 2002

BELLES SPRINGS GOLF COURSE

Consumptive Water Use of Up to 0.195 mgd, for Golf Course Irrigation,
Lamar Township, Clinton County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on December 30, 1999.

Description

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

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

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.195 million gallons per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.121 mgd and a peak-day consumptive water use of 0.178 mgd. The source of water is an existing withdrawal from a spring-fed storage pond that predates Commission Regulation §803.44, relating to surface-water withdrawals, and has not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation.

The project began operating in 1969, and has been in continuous operation since that time. The irrigation of greens, tees, and fairways began in 1969. Water for the irrigation system is withdrawn by one 50-horsepower pump (490 gallons per minute (gpm)) and is pumped to the irrigation system.

The project sponsor has withdrawn water from the spring-fed storage pond over the life of the project with no passby flow structure or engineering controls in place. The project's surface-water withdrawal has been metered since 1996.

The golf course storage pond that is used for irrigation has a total surface area of approximately 0.38 acres. This pond was constructed in the 1930s, and is filled primarily by springs with some additional stormwater runoff. Commission staff has calculated a maximum storage capacity for the storage pond to be approximately 0.03 mgd, which is sufficient storage for approximately 2 days of irrigation, based on the maximum average 30-day use of 0.121 mgd.

Findings

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

All water withdrawn from the pond and used for golf course irrigation is considered to be used consumptively. The irrigation system has a meter that measures the quantity of water pumped. The pre-1971 consumptive water use by the project sponsor is 40,000 gallons per day (gpd) and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. Since the storage pond predates the Commission's consumptive use regulation, the project sponsor is not required to provide compensation for the evaporative losses from the pond.

The project sponsor has requested a consumptive water use approval of up to 0.195 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of 10 percent above the current peak-day use of 0.178 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.195 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity used for irrigation, minus the pre-1971 consumptive use of 0.040 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

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

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

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

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 40,000 gpd during the preceding calendar quarter. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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

quantity of 40,000 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

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

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

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

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

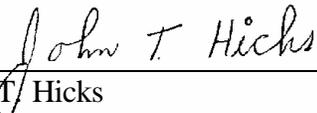
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020808
Approval Date: August 15, 2002

TURBOT HILLS GOLF COURSE

Consumptive Water Use of Up to 0.117 mgd, for Golf Course Irrigation,
Turbot Township, Northumberland County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on June 27, 2000.

Description

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

Location. The project is located in the West Branch Susquehanna Subbasin, HUC 02050206, Muddy Run Watershed, Turbot Township, Northumberland County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.117 million gallons per day (mgd). Based on irrigation data for the year 2001 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.040 mgd and current peak-day consumptive water use to be 0.147 mgd. The project sponsor is aware that the historical peak-day consumptive use is in excess of the requested peak-day use and will manage its water withdrawals and usage below the requested quantity.

The source of water is an existing withdrawal from Muddy Run that predates Commission Regulation §803.44, relating to surface-water withdrawals. The withdrawal has not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation.

The project was constructed as a 9-hole golf course in 1927, and has been in continuous operation since that time. The course was expanded to 18 holes in 1947. The original irrigation system to irrigate greens and tees was installed in 1947. In the late 1980s, the irrigation system was expanded to include nine fairways.

Water for the irrigation system is withdrawn from Muddy Run and directly applied to the golf course through the irrigation system. The surface-water withdrawal is accomplished using a 66.5-horsepower pump with a rated capacity of 500 gallons per minute (gpm). The irrigation system is equipped with a totalizing flow meter. The project sponsor has withdrawn water from the stream since 1947 with no passby structures or engineering controls in place at the point of withdrawal.

Findings

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

All water used for golf course irrigation is considered to be used consumptively. Commission staff and the project sponsor have agreed to a pre-1971 consumptive water use of 0.017 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. The irrigation system is equipped with a meter that measures the quantity of water pumped to the irrigation system.

The project sponsor has requested a consumptive water use approval of up to 0.117 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount. Should the project's future consumptive water use exceed or be expected to exceed 0.117 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation minus the pre-1971 consumptive use of 0.017 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

The project sponsor operates a surface-water intake on Muddy Run. Muddy Run is classified as a warm-water fishery (WWF) (Title 25, Chapter 93, of the Pa. Code). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Muddy Run to be 0.82 cubic feet per second (cfs) (368 gpm) at the point of withdrawal. The surface-water intake is a pump that has a capacity of 500 gpm. The withdrawal is greater than 10 percent of the Q7-10 flow (0.082 cfs or 36.8 gpm) at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users. Staff recommends that the project sponsor allow a passby flow of not less than 20 percent of annual average daily flow (ADF), which equals 2.29 cfs (1,030 gpm), and to cease all withdrawals when streamflow is less than 2.29 cfs.

According to staff's analysis, approximately 16 percent of the time streamflow will not be sufficient to maintain the recommended passby flow rate and meet the golf course irrigation needs. Based on this finding, Commission staff recommends that the project sponsor initiate a study to identify other sources of water to address this deficiency.

Staff recommends, as an interim protective measure, the project sponsor modify its withdrawal to allow a minimum stream passby flow equal to the calculated Q7-10 flow of 0.82 cfs (368 gpm) and to cease all withdrawals when streamflow is less than the Q7-10 of 0.82 cfs (368 gpm). Staff recommends that the project sponsor replace its intake structure and incorporate a passive passby flow device. The project sponsor should submit its design and a proposed construction schedule within 60 days following Commission action for review and approval by Commission staff prior to any construction. During operation of the intake structure, the project sponsor must maintain the passby system, keeping it fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time. This interim protective measure should expire four years from the date of this approval.

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

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.117 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including

consumptive water use reporting requirements, as per Commission Regulation §803.42.

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

c. The project sponsor shall, as an interim protective measure, modify its withdrawal to allow a flow to pass in Muddy Run directly below the intake structure of not less than 0.82 cfs (368 gpm). When the streamflow below the intake is less than this amount, the withdrawal shall be reduced to maintain 0.82 cfs (368 gpm) in the stream channel below the intake. When the natural flow is equal to or less than 0.82 cfs (368 gpm), no water may be withdrawn, and the entire natural flow shall be allowed to pass the intake structure to maintain such natural flow in the channel below the intake as may prevail above. The project sponsor shall replace its intake structure and incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule within sixty (60) days from the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval. This interim protective measure shall expire four (4) years from the date of this approval.

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

e. Upon termination of the interim protective measure described in condition (c), the project sponsor shall allow a flow to pass in Muddy Run directly below the intake structure of not less than 2.29 cfs (1,030 gpm). When the streamflow below the intake is less than this amount, the withdrawal shall be reduced to maintain 2.29 cfs (1,030 gpm) in the stream channel below the intake. When the natural flow is equal to or less than 2.29 cfs (1,030 gpm), no water may be withdrawn, and the entire natural flow shall be allowed to pass the intake structure to maintain such natural flow in the channel below the intake as may prevail above. The project sponsor shall modify its passive passby flow device accordingly. The project sponsor shall submit its design and a proposed construction schedule one hundred eighty (180) days before the termination of the interim protective measures for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall 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. The Commission reserves the right to inspect the passby flow device and intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval.

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 17,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

h. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 17,000 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (h) above.

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

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

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

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

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

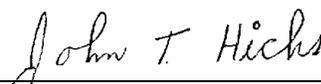
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



 John T. Hicks
 Chairman

Docket No. 20020809
Approval Date: August 15, 2002

**GRANDVIEW GOLF COURSE/
SUSQUEHANNA RECREATION CORPORATION**

Consumptive Water Use of Up to 0.100 mgd, for Golf Course Irrigation,
Ferguson Township, Clearfield County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 2, 2000.

Description

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

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

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.100 million gallons per day (mgd). The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.035 mgd and a peak-day consumptive water use to be 0.090 mgd. The primary water source is an existing spring-fed pond located on the golf course property.

The project was constructed in 1977 as an 18-hole golf course. Installation of the current irrigation system was completed in 1992. As part of the original project, the project sponsor constructed a spring-fed storage pond that provides for water storage on-site. Overflow from the pond discharges to an unnamed tributary to Watts Creek. The pond is approximately 2.95 acres in size, approximately 21 feet deep, and has a total estimated capacity of approximately 20.2 million gallons of water when full. The project sponsor has sufficient storage on-site to meet the project's irrigation demands for 576 days, based on the maximum average 30-day use of 0.035 mgd.

The sources of water for the storage pond are springs and surface runoff from the adjacent upland area. Water is pumped from the pond to the golf course's irrigation system, which is not equipped with a flow meter. The maximum pumping rate of the irrigation system is 800 gallons per minute (gpm).

Findings

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

All water evaporated from the storage pond, as well as all water used for golf course irrigation, is considered to be used consumptively. Water evaporated from the pond will be calculated by the project sponsor employing a methodology acceptable to the Commission. The irrigation system currently is not equipped with a meter that measures the quantity of water pumped to the irrigation system. Commission staff recommends that the project sponsor install the appropriate metering on the irrigation system.

The project sponsor has requested a consumptive water use approval of up to 0.100 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the estimated historical peak-day use of 0.090 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.100 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to use water stored in the on-site pond to maintain a conservation release. The storage pond stores an estimated 20.2 million gallons of water when at full capacity. Commission staff has determined that the quantity of storage is sufficient to supply the golf course during drought conditions.

Overflow from the storage pond discharges to an unnamed tributary to Watts Creek, a high quality, cold-water fishery (HQCWF) (Title 25, Chapter, 93, Pennsylvania Code). Based on the project's classification, its geographic location in the watershed and the anticipated associated fishery of brown trout and combined species of fish, Commission staff used the Instream Flow Incremental Methodology (SRBC Publication No. 191, May 1998) to determine the appropriate passby flow requirement. Commission staff has determined a minimum flow of 24 percent of the annual average daily flow (ADF), or 16.6 gpm, is required to prevent loss of aquatic habitat. Staff recommends that a conservation release be maintained from the storage pond equal to 16.6 gpm. The storage pond volume should provide approximately 335 days of storage based on a conservation release of 16.6 gpm and a maximum average 30-day consumptive use of 0.035 mgd. Staff recommends that the project sponsor install and maintain a passive device to ensure that the conservation release of 16.6 gpm is maintained at all times.

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

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

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

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

Compliance Incentive Program

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

Decision

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

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements as per Commission Regulation §803.42.
- b. Within sixty (60) days from the date of this approval, 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 to the irrigation system.
- c. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage pond, plus the quantity pumped to the irrigation system. Commission staff shall review and approve the method of calculation of evaporative loss from the pond.
- d. The project sponsor shall allow a downstream release of water from the pond of 16.6 gpm. The project sponsor shall install a passive device that insures the outflow of the pond. The project sponsor shall submit its design and a proposed construction schedule for the passive flow device within sixty (60) days from the date of this approval for review and approval by

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

e. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall use water stored in the on-site pond to maintain a conservation release. The project sponsor shall provide the Commission with documentation every five (5) years certifying that sufficient water storage exists in its on-site storage pond. The required conservation release, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

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

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

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

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

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

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

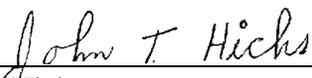
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020810
Approval Date: August 15, 2002

PENNGOLF CORPORATION—FREESTONE GOLF COURSE

Surface-Water Withdrawal of Up to 0.173 mgd from Bald Eagle Creek and Consumptive Water
Use of Up to 0.265 mgd, for Golf Course Irrigation,
Huston and Worth Townships, Centre County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the West Branch Susquehanna Subbasin, HUC 02050204, Bald Eagle Creek Watershed, Huston and Worth Townships, Centre County, Pennsylvania.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of 0.173 million gallons per day (mgd) of water from Bald Eagle Creek, when available, and a consumptive use of that water of up to 0.265 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use will be 0.173 mgd.

The primary source of water will be a surface-water withdrawal from Bald Eagle Creek. Collected surface-water runoff will comprise the remaining irrigation water.

The project is currently under construction as an 18-hole golf course and has an anticipated completion date of 2004. The project sponsor anticipates irrigation water use to begin in September 2002. As part of the project, the project sponsor proposes to construct an irrigation storage pond system that will have a total surface area of 4 acres and an approximate

storage capacity of 2.53 million gallons. Based on the estimates of average maximum 30-day water use, the project sponsor will have approximately 15 days of storage.

Findings

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

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

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 storage pond(s) evaporation and the quantity of water used for irrigation.

The project sponsor proposes to withdraw water from Bald Eagle Creek. Commission staff recommends that the project sponsor install appropriate metering, and provide to the Commission daily records of the stream withdrawal.

Bald Eagle Creek is classified as a trout-stocked, warm-water fishery (WWF) (Title 25, Chapter 93, Pa. Code). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Bald Eagle Creek to be 2.89 cfs (1,297 gpm) at the point of withdrawal. The project sponsor's requested maximum day withdrawal of 0.173 mgd is less than 10 percent (0.187 mgd) of the Q7-10 flow for Bald Eagle Creek at the point of withdrawal and, therefore, no passby flow is required to protect aquatic resources. The project sponsor has further agreed to limit the withdrawal rate from Bald Eagle Creek to 120 gallons per minute (gpm) or less.

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

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

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

Decision

The project's surface-water withdrawal from Bald Eagle Creek of up to 0.173 mgd and the consumptive use of water of up to 0.265 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. The project sponsor shall keep daily records of the project's surface-water withdrawal, and shall report the data to the Commission quarterly, and as otherwise required. The project sponsor shall maintain metering on the surface-water withdrawal, accurate to within 5 percent.

d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage pond(s), 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.

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

f. The project sponsor shall, at all times, limit the withdrawal rate from Bald Eagle Creek to 120 gpm or less. The Commission reserves the right to inspect the surface-water intake structure and pumping system at any time.

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

h. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without

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

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

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

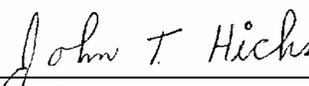
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

m. 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: August 15, 2002



 John T. Hicks
 Chairman

Docket No. 20020811
Approval Date: August 15, 2002

SINKING VALLEY COUNTRY CLUB

Consumptive Water Use of Up to 0.315 mgd, for Golf Course Irrigation,
Tyrone Township, Blair County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Juniata Subbasin, HUC 02050302, Sinking Run Watershed, Tyrone Township, Blair County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.315 million gallons per day (mgd). Based on irrigation data for the year 2001 submitted by the project sponsor, the project has a maximum average 30-day consumptive use of water of 0.104 mgd and a peak-day consumptive water use of 0.286 mgd. The primary sources of water for the irrigation system are an existing withdrawal from an unnamed tributary to Sinking Run and two on-site wells.

The project was constructed as a 9-hole golf course in 1963, and has been in continuous operation since that time. The course was expanded to 18 holes in 1965. The original irrigation system was installed concurrently with the golf course construction, and was used to irrigate greens, tees, and fairways. An automatic irrigation system was installed in 1999.

As part of the 1963 golf course project, the project sponsor constructed one off-stream pond to provide for irrigation water storage at the site. Commission staff has calculated the surface area of the storage pond to be 1.09 acres, and the volume of the pond to be approximately 1.8 million gallons. The project sponsor has sufficient storage on-site for approximately 17 days of irrigation, based on the maximum average 30-day consumptive use of 0.104 mgd.

Water is pumped from the storage pond using a 60-horsepower centrifugal pump with a pumping capacity of 500 gallons per minute (gpm) to irrigate greens, tees, and fairways.

The storage pond receives water from an unnamed tributary to Sinking Run, two on-site wells, and stormwater runoff. The withdrawal from the unnamed tributary to Sinking Run predates Commission Regulation §803.44, relating to surface-water withdrawals, and has not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation. The withdrawal from the unnamed tributary feeds by gravity to the storage pond. The project sponsor has withdrawn water from the stream over the life of the project with no passby structure, engineering controls or flow meters in place.

Ground water is withdrawn from two on-site wells and discharged to the storage pond to supplement the surface-water withdrawal and stormwater runoff, as needed. The project sponsor reports that the primary well, located near the fourteenth fairway, has a reported pump capacity of approximately 100 gpm. The primary well predates Commission Regulation §803.43, relating to ground-water withdrawals. The secondary well, in operation since 1989, located near the eighth tee, has a reported pump capacity of 275 gpm. The project's ground-water withdrawal currently is not metered.

Findings

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

All water withdrawn from the storage pond and used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water pumped to the irrigation system. The storage pond predates the Commission's consumptive use regulation and, therefore, the project sponsor is not required to provide compensation for evaporative losses from the pond.

The project sponsor has requested a consumptive water use approval of up to 0.315 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current peak-day use of 0.286 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.315 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has determined that the pre-1971 consumptive water use by the project sponsor is 0.064 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

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

water used for irrigation minus the pre-1971 consumptive use of 0.064 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

The existing withdrawal from an unnamed tributary to Sinking Run predates Commission Regulation §803.44, relating to surface-water withdrawals, and has not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation. Therefore, staff finds that this withdrawal is not subject to review by the Commission.

The project's surface-water withdrawal has been in operation since 1963 with no passby structure or engineering control maintained at the site. The unnamed tributary to Sinking Run is classified as a Class A, cold-water fishery (CWF) (Title 25, Chapter 93, of the Pa. Code). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for the unnamed tributary to be 0.017 cubic feet per second (cfs) or 7.6 gallons per minute (gpm) at the point of withdrawal. The withdrawal is greater than 10 percent of the Q7-10 flow at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users.

Based on the project's classification as CWF, its geographic location in the watershed and the anticipated associated fishery of brown trout and combined species of fish, Commission staff used the Instream Flow Incremental Methodology (SRBC Publication No. 191, May 1998) to determine the appropriate passby flow requirement. Commission staff recommends that the project sponsor allow a passby flow of not less than 100 percent of annual average daily flow (ADF), which equals 0.530 cfs (238 gpm), and cease all withdrawals when streamflow immediately downstream of the intake is less than 0.530 cfs.

Staff recommends that the project sponsor modify or replace its intake structure and incorporate a passive passby flow device. The project sponsor should submit its design and a proposed construction schedule for a modified or replacement intake structure within 60 days of the date of this approval for review and approval by Commission staff prior to any construction. During operation of the intake structure, the project sponsor must maintain the passby system, keeping it free of debris and fully functional.

The two on-site wells are used to fill the storage pond and supplement the surface-water withdrawal and stormwater runoff, as needed. The primary well has been in operation since the 1960s and, therefore, predates Commission Regulation §803.43, relating to ground-water withdrawals. The grandfathered ground-water withdrawal from the primary well is estimated to be 64,000 gallons per day (gpd). The second well has been in operation since 1989, and is used to supplement the withdrawal from the primary well, as necessary. Staff finds that the ground-water withdrawal by the project sponsor is not subject to review and approval under Commission Regulation §803.43, unless the project sponsor: (a) increases its combined withdrawal to a 30-day average exceeding 164,000 gpd; (b) increases its withdrawal from the primary well to a 30-day average exceeding 164,000 gpd; or (c) increases its 30-day average withdrawal from the second well to 100,000 gpd or more.

Since the project sponsor currently does not meter the actual quantity of ground water withdrawn, and the wells are capable of producing 540,000 gpd, Commission staff recommends

that the project sponsor install and maintain a meter on each well, accurate to within 5 percent, and keep a daily record of each well's ground-water withdrawal. If the project sponsor should exceed or be expected to exceed the thresholds in Commission Regulation §803.43, the project sponsor must submit the appropriate application for review by the Commission.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.315 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

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

Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission.

d. The project sponsor shall allow a flow to pass in the unnamed tributary to Sinking Run directly below the intake of not less than 0.530 cfs (238 gpm). When the streamflow below the intake is less than this amount, the withdrawal shall be reduced to maintain 0.530 cfs (238 gpm) in the stream channel below the intake. When the natural flow is equal to or less than 0.530 cfs (238 gpm), no water may be withdrawn, and the entire natural flow shall be allowed to pass the intake to maintain such natural flow in the channel below the intake as may prevail above. The project sponsor shall modify or replace the existing stream intake structure to incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule for a modified or replacement intake structure within sixty (60) days from the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time.

e. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 64,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

g. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission, as a method of compensation for the project's consumptive water use, shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 64,000 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above.

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

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

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

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

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

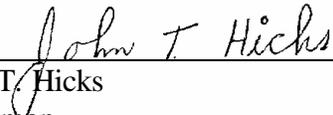
m. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020812
Approval Date: August 15, 2002

AMERICAN LEGION COUNTRY CLUB

Consumptive Water Use of Up to 0.294 mgd, for Golf Course Irrigation,
Wayne Township, Mifflin County, Pennsylvania

Review Authority

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

Description

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

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

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.294 million gallons per day (mgd). Based on irrigation data for the year 2001 submitted by the project sponsor, the project has a maximum average 30-day consumptive use of water of 0.118 mgd and a peak-day consumptive water use of 0.267 mgd. The primary source of water is an existing withdrawal from the Juniata River that predates Commission Regulation §803.44, relating to surface-water withdrawals. The withdrawal has not increased more than 0.100 mgd (30-day average) since November 11, 1995, the effective date of the regulation.

The project was constructed as an 18-hole golf course in 1928, and has been in continuous operation since that time. The irrigation of the greens and tees began in 1928. The original irrigation system consisted of portable sprinkler heads attached to garden hoses. The current automatic irrigation system was installed in 1988. Fairway irrigation began in 1989.

As part of the installation of the automatic irrigation system, the project sponsor constructed an off-stream pond that provides for water storage on-site. Water is pumped from this pond to irrigate greens, tees, and fairways. The surface area of the pond is 0.5 acres, and the pond has an estimated storage capacity of 488,700 gallons of water. The project sponsor has

sufficient storage on-site for approximately 4 days of irrigation, based on the maximum average 30-day use of 0.118 mgd.

Irrigation water is pumped from the Juniata River to the storage pond. The withdrawal from the Juniata River is accomplished using a submersible pump in a wet well located on the bank of the river, approximately 800 feet south of the clubhouse. Water is withdrawn from the river, as needed, to meet the golf course irrigation demand. The project sponsor has withdrawn water from the Juniata River since 1989 with no passby structure or engineering controls.

On an emergency basis, irrigation water could be supplied to the pond by a well located between the storage pond and the clubhouse. However, the well currently is not used. The well is 220 feet deep, and is equipped with a 10-horsepower pump set at 130 feet below ground level. The project sponsor has no record of the well's potential yield.

Potable water for the clubhouse is supplied by the City of Mount Union, Pennsylvania.

Findings

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

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

The project sponsor has requested a consumptive water use approval of up to 0.294 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff recommends approval of the requested quantity, which represents an increase of approximately 10 percent above the current peak-day use of 0.267 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.294 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has agreed to the project sponsor's calculated pre-1971 consumptive water use of 0.0014 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered," and is exempt from water compensation requirements.

The project sponsor operates a surface-water intake on the Juniata River with no passby structure or engineering control maintained at the site. The Juniata River is classified as a warm-water fishery (WWF) (Title 25, Chapter 93, Pa. Code). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for the Juniata River to be 499.3 cfs (224,086 gpm) at the point of withdrawal. The project sponsor's requested maximum single-day withdrawal of 0.294 mgd, if used for irrigation over an 8-hour period, results in a stream withdrawal rate of

approximately 613 gpm. This rate of withdrawal is less than 10 percent (22,409 gpm) of Q7-10 for the Juniata River at the point of withdrawal. Therefore, no additional surface-water withdrawal limitations currently are necessary to protect Juniata River flows.

The project sponsor has reported that the well is utilized at less than 100,000 gallons during a 24-hour pumping period and, therefore, this withdrawal is less than the threshold contained in Commission Regulation §803.43. Although the project sponsor does not currently meter the actual quantity of ground water withdrawn, and has no records associated with the well that could be used to estimate the withdrawal, the well is not used due to large amounts of suspended sediment. Staff recommends that, if the project sponsor uses the well in the future, it estimates well usage and provides this information to the Commission.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the quantity of water used for irrigation, plus the evaporative loss from the storage pond, minus the pre-1971 consumptive use of 0.0014 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.294 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. The project sponsor shall estimate its ground-water withdrawal and provide this information to the Commission if it uses the well in the future. If the ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission.

d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage pond, plus the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 1,400 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used above the daily grandfathered quantity of 1,400 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above.

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

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

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

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

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

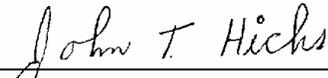
l. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2026, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020813
Approval Date: August 15, 2002

IRON MASTERS COUNTRY CLUB

Consumptive Water Use of Up to 0.264 mgd, for Golf Course Irrigation,
Bloomfield 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, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 21, 2000.

Description

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

Location. The project is located in the Juniata Subbasin, HUC 02050302, Halter Creek Watershed, Bloomfield Township, Bedford County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.264 million gallons per day (mgd). Based on irrigation data for the year 2001 submitted by the project sponsor, the project has a maximum average 30-day consumptive use of water of 0.099 mgd and a peak-day consumptive water use of 0.240 mgd.

The project was constructed as an 18-hole golf course in 1962, and has been in continuous operation since that time. The project has five ponds, all of which were in existence prior to 1971. One pond is used for irrigation water storage. Commission staff has calculated the surface area of the storage pond to be approximately 1.4 acres, and the volume of the pond to be approximately 8 million gallons. The location of the irrigation system intake currently limits the effective usable storage of the pond to approximately 5.5 million gallons, which is sufficient storage for approximately 55 days of irrigation, based on the maximum average 30-day use of 0.099 mgd.

The storage pond receives stormwater runoff, and is supplemented by ground water supplied from two on-site wells, as needed, to meet the golf course irrigation demands. Hand watering of greens and tees began in 1962, and a sprinkler system for seven greens was installed

in 1970. Since that time, the irrigation system has been extended to the other greens, tees, and fairways.

Water for the current irrigation system is withdrawn from the storage pond using a pumping station containing two 40-horsepower centrifugal pumps with a capacity of 800 gallons per minute (gpm).

Water is withdrawn from two on-site wells and discharged to the storage pond, as needed, for the irrigation system. The project sponsor reports that Well 10 was drilled in the 1960s, and Well 14 was drilled in May 2002. Both wells have reported pump capacities of approximately 60 gpm. Well 10 predates Commission Regulation §803.43, relating to ground-water withdrawals.

Findings

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

All water withdrawn from the storage pond and used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water pumped to the irrigation system. The storage pond predates the Commission's consumptive use regulations and, therefore, the project sponsor is not required to provide compensation for evaporative losses from the pond.

The project sponsor has requested a consumptive water use approval of up to 0.264 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current peak-day use of 0.240 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.264 mgd, the project sponsor must apply for a modification to this docket at that time.

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

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.010 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

The wells are used to fill the storage pond, as needed. Well 10 has been in operation since 1960 and, therefore, predates Commission Regulation §803.43, relating to ground-water

withdrawals. The grandfathered ground-water withdrawal from the well is estimated to be 17,620 gallons per day. Well 14 has been in operation since 2002 and, therefore, does not predate Commission Regulation §803.43, relating to ground-water withdrawals. The project sponsor reports that the withdrawal from Well 14 is less than 100,000 gallons during a 24-hour period.

The two on-site wells are used to fill the storage pond and supplement the stormwater runoff, as needed. Well 10 has been in operation since the 1960s and, therefore, predates Commission Regulation §803.43, relating to ground-water withdrawals. The grandfathered ground-water withdrawal from the well is estimated to be 10,000 gallons per day (gpd). Well 14 has been in operation since May 2002. Staff finds that the ground-water withdrawal by the project sponsor is not subject to review and approval under Commission Regulation §803.43, unless the project sponsor: (a) increases its combined withdrawal to a 30-day average exceeding 110,000 gpd; (b) increases its withdrawal from Well 10 to a 30-day average exceeding 110,000 gpd; or (c) increases its 30-day average withdrawal from Well 14 to 100,000 gpd or more.

The ground-water withdrawal from each well currently is metered. Because the total rated pump capacity is 120 gpm (0.173 mgd), staff recommends that the project sponsor maintain the meters on the two wells, accurate to within 5 percent, and provide to the Commission daily records of each well's ground-water withdrawal. If the project sponsor should exceed or be expected to exceed the ground-water thresholds contained in Commission Regulation §803.43, the project sponsor must submit the appropriate application for review and approval by the Commission.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.264 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

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

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

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

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 10,000 gpd during the period from January 1, 2001, until the effective date of this

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

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

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

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

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

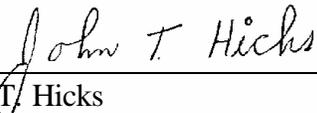
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020814
Approval Date: August 15, 2002

SUSQUEHANNA VALLEY COUNTRY CLUB

Consumptive Water Use of Up to 0.235 mgd, for Golf Course Irrigation,
Monroe Township, Snyder County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050301, Rolling Green Run Watershed, Monroe Township, Snyder County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.235 million gallons per day (mgd). Commission staff calculates the project's maximum average 30-day consumptive use to be 0.134 mgd and a peak-day consumptive water use to be 0.168 mgd based on irrigation data for 2001; however, the irrigation system was redesigned in 2002 to use up to 0.235 mgd.

Nine holes of the golf course were constructed in 1918, and have been in continuous operation since that time. In 1958, the project sponsor enlarged the golf course to include an additional nine holes, constructed a storage pond, and installed an automatic irrigation system for greens, tees, and fairways. The project sponsor constructed a second storage pond on Rolling Green Run and installed a second pumping station in 1964. The irrigation system was modified and expanded in April 2002.

The primary source of water for the irrigation system is a withdrawal from the on-stream pond constructed in 1964. The withdrawal predates Commission Regulation §803.44, relating to surface-water withdrawals.

The project sponsor operates one on-site artesian well, as needed, to pump water to the on-stream pond and supplement its surface-water withdrawal to meet the golf course's irrigation demand and to maintain flow in the Rolling Green Run. The well was drilled in 1967 to a depth of 187 feet. The well is equipped with a pump having a rated capacity of 200 gallons per minute (gpm).

The on-stream pond is approximately 0.55 acres in size and stores an estimated 1 million gallons of water. The second pond, used for irrigation, is approximately 0.53 acres in size and stores an estimated 1 million gallons of water. Based on the maximum average 30-day use rate, the project sponsor has sufficient storage on-site for approximately 16 days of irrigation.

The project sponsor has withdrawn water from Rolling Green Run since 1964 with no passby structure or engineering controls in place.

Findings

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

All water withdrawn from the storage ponds and used for golf course irrigation is considered to be used consumptively. The irrigation system has a meter that measures the quantity of water pumped. The pre-1971 consumptive water use by the project sponsor is calculated by Commission staff to be 0.138 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. The storage ponds predate the Commission's consumptive use regulation; therefore, the project sponsor is not required to provide compensation for the evaporative losses from the ponds.

The project's surface-water withdrawal has been in operation since 1964 with no passby criteria in use at the site. Rolling Green Run is a warm-water fishery (WWF) (Title 25, Chapter 93, of the Pa. Code) with an annual average daily flow (ADF) rate at the site of 2.14 cubic feet per second (cfs) (960 gallons per minute (gpm)). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) in Rolling Green Run to be 0.050 cfs (22.4 gpm). The surface-water intake has a pump with the capacity of 400 gpm. The withdrawal is greater than 10 percent of the Q7-10 flow at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users.

Commission staff has calculated a passby flow of 20 percent of annual ADF to be 192 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, staff recommends that the project sponsor allow a downstream release of water from the pond of 192 gpm, or an amount equal to the inflow of the stream to the pond, when streamflow is less than 192 gpm.

The well is used to fill the on-stream pond and supplement the surface-water withdrawal, as needed. The well has been in operation since 1967 and, therefore, predates Commission Regulation §803.43, relating to ground-water withdrawals. The grandfathered ground-water

withdrawal from the well is estimated to be 138,000 gallons per day. Staff finds that the ground-water withdrawal by the project sponsor is not subject to review and approval under Commission Regulation §803.43 unless the project sponsor increases its withdrawal from the well by 100,000 gpd over its grandfathered amount. Because the total rated pump capacity is 200 gpm (0.288 mgd), staff recommends that a meter be installed on the well in order to document the well's usage.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.138 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.235 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

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

d. The project sponsor shall allow a downstream release of water from the pond located on Rolling Green Run of 0.427 cfs (192 gpm), or when streamflow into the pond is less than 192 gpm, an amount equal to the total inflow of the stream to the pond. The project sponsor shall install flow measurement devices that measure the inflow and outflow of the pond. The project sponsor shall keep daily records of the inflow and outflow of the pond and shall report the data to the Commission quarterly, and as otherwise required.

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

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project, less the grandfathered quantity of 0.138 mgd, during the preceding calendar quarter. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

h. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to any penalties for prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water used consumptively by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used, above the grandfathered quantity of 0.138 mgd, during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (f) above.

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

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

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

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

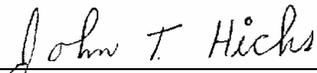
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 19990301
Approval Date: March 11, 1999
Modification Date: August 15, 2002

WPS WESTWOOD GENERATION, LLC

Consumptive Water Use of Up to 0.930 mgd, for the Generation of Electricity,
Frailey and Porter Townships, Schuylkill County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.43, relating to ground-water withdrawals. The original Commission approval for the ground-water withdrawal and consumptive water use was issued on March 11, 1999, as Docket No. 19990301. The current modification request was received by the Commission on March 26, 2002.

Description

Purpose. The purpose of the current application is to request approval for an increase in the consumptive use of water for the generation of electricity at a 30-megawatt, culm-fired power generating station at the WPS Westwood Power Generation facility (Westwood Power).

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Swatara Creek Watershed, Frailey and Porter Townships, Schuylkill County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.930 million gallons per day (mgd). Westwood Power began operation in June 1999 under the ownership of CinCap VI, LLC. On September 1, 2000, WPS Westwood Generation, LLC, a subsidiary of WPS Resources Corporation, acquired Westwood Power from Cinergy Capital & Trading, Inc. In a letter dated August 4, 2000, the Commission found that, so long as the present holding companies of Sunbury Holdings, LLC and WPS Power Development, Inc., abide by the terms of Docket 19990301, a transfer of the approval is not required.

Water is supplied to the facility from two on-site wells, the New Lincoln Mine Pool Well (Lykens Well) and the Westwood Mine Pool Well (Westwood Well). The Commission previously approved a total ground-water withdrawal of 1.12 mgd (30-day average) from the Lykens and Westwood Wells for power generation at the facility (Docket No. 19990301). The well withdrawals are individually metered, filtered with iron removal, and used for cooling tower and boiler makeup, dust control on the facility's haul roads, and wastewater pond evaporation.

Maximum average 30-day well withdrawals have reached 0.975 mgd. The project sponsor intends to operate within the existing ground-water withdrawal limit for the duration of this approval. A 150,000-gallon process water tank supplies the facility and the fire suppression system.

Due to its poorer water quality, the Westwood Well is used as a backup supply for the facility's process water. However, Westwood Well withdrawals are used, as needed, to fill an on-site, 0.25 acre storage lagoon that is used to supply a tanker truck for dust control on the facility's haul roads.

The facility also utilizes potable water from the Mountain Water Authority of Joliett (Authority) for sanitary water at the plant, and as a backup supply to the wells for some plant processes. The water supplied by the Authority is metered as it enters the facility. Commonly, the facility uses between 250 and 850 gallons of water per day supplied by the Authority. Makeup water to the seven chiller cooling towers is not metered. However, inflow to each of the two filters and makeup water sent to the 24,000-gallon demineralization tank that feeds the boiler is measured.

Currently, the facility's maximum average 30-day consumptive water use is 0.820 mgd during peak summer months, based on actual metered and measured usage over the past two years. Peak weekly consumptive water use reaches 0.845 mgd. Commission Docket 19990301 granted the project sponsor a consumptive water use approval of up to 0.84 mgd.

All of the process wastewater generated from the facility is discharged to the headwaters of Lower Rausch Creek, a tributary of Swatara Creek, after treatment in an on-site settling pond. The settling pond has an effective storage capacity of approximately 350,000 gallons. Effluent from the settling lagoon is measured at a 90-degree, V-notch weir prior to being discharged to Lower Rausch Creek. Sanitary wastewater is treated at the facility's on-site septic system and is not metered.

Findings

The project's consumptive water use and ground-water withdrawals are subject to Commission approval and reporting requirements as per Commission Regulation §803.42, relating to the consumptive use of water, and Commission Regulation §803.43, relating to ground-water withdrawals.

The project sponsor obtains water from both a public supplier and two on-site wells. The water from both sources is metered prior to its use at the facility with individual well withdrawals being metered and recorded daily, and public water supplied to the facility metered and recorded monthly. Also, effluent discharges from the facility's process water settling pond are measured and recorded daily. The project sponsor considers all public water supplied to the facility to be entirely consumptively used. In addition, the difference between the sum of well water withdrawals and settling lagoon outflow is consumptive water use at the facility. Staff concurs with these findings.

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 pay the Commission quarterly in-lieu-of providing actual compensation water or discontinuing usage.

Under Commission Resolution 91-2, the prior project sponsors were required to keep daily records of the project's withdrawals and consumptive use and submit these data to the Commission. In order to comply with this requirement, the project sponsor has maintained a spreadsheet accounting procedure whereby the daily measured settling lagoon discharge, minus the daily metered sum of the well withdrawals is added to the monthly metered water supplied by the Authority, prorated to a daily basis, to determine the project's daily consumptive water use. However, some leaks and breaks in the facility's water lines, water storage in the settling pond, lagoon, and process water and demineralization tanks, periodic dust control on the haul roads, and scheduled maintenance shutdowns in the facility's power generation have resulted in some negative daily consumptive water use amounts and a total of 48 days when the project sponsor has exceeded the previous consumptive water use approval of 0.84 mgd.

Only six violations of the consumptive water use approval amount have occurred since October 2001 when a major repair to a broken cooling water transmission line was completed. Another significant cause of periodic exceedences of the consumptive use approval is that water is not applied to the haul roads for dust control on the same day that it is withdrawn from the Westwood Well and stored in the lagoon.

When the project sponsor determined that exceedences of the daily consumptive water use approval were occurring, a modification request was promptly submitted. In an effort to eliminate the daily exceedences, the project sponsor has proposed to modify the spreadsheet accounting procedure by subtracting the total weekly settling pond discharge from the sum of weekly well withdrawals, prorated to a daily basis, and adding the monthly metered water supplied by the Authority, prorated to a daily basis. The proposed weekly accounting procedure prorated to a daily basis, also allowed the project sponsor to reduce the requested quantity of daily consumptive water use from 1.34 mgd to 0.930 mgd since artificially high daily consumptive water uses, resulting from uses not occurring on the same day as withdrawals, are eliminated by the weekly accounting procedure. Staff concurs that this modification, along with the requested modest increase in the amount of the approval, will eliminate future violations of the consumptive water use approval and eliminate negative daily consumptive water use values for the project. Staff also concurs with the revision of the requested consumptive water use increase to 0.930 mgd.

While the project's recent consumptive water use has occasionally been in noncompliance with Commission regulations, there have been no adverse impacts associated with the consumptive use and the project sponsor has cooperated fully with Commission staff during this review. Therefore, staff recommends that penalties not be assessed.

The project sponsor has requested a consumptive water use approval of up to 0.930 mgd based on an estimated 10 percent increase in water usage over the duration of this approval.

Should the project's future consumptive water use exceed or be expected to exceed 0.930 mgd, the project sponsor must apply for a modification to this docket at that time.

The Commission previously approved a ground-water withdrawal of up to 1.12 mgd (30-day average) from the Lykens and Westwood Wells for power generation at the facility (Docket No. 19990301). Water withdrawals from the Lykens and Westwood Wells are within the amount of the prior approval.

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

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

The prior docket approval is effective until March 11, 2024. Staff recommends the duration of this docket modification be consistent with the term of the prior docket approval.

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

Decision

The project's consumptive water use of up to 0.930 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. For determination of the project's consumptive water use, the project sponsor shall keep weekly records of the project's well withdrawals and settling pond discharge and monthly records of water supplied to the project by the Authority. The project sponsor shall compute the project's daily consumptive water use by subtracting the total weekly settling pond discharge from the sum of the weekly well withdrawals, prorated to a daily basis, and adding the monthly metered water supplied by the Authority, prorated to a daily basis. The project sponsor shall maintain the existing meters and weirs, accurate to within five (5) percent, to calculate the consumptive water use.

c. All other conditions in Commission Docket No. 19990301 not inconsistent herewith shall remain effective.

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

e. The project sponsor shall continue to maintain meters on the Lykens and Westwood Well supplies, accurate to within five (5) percent, to measure individual ground-water withdrawals. Daily records of the project's Lykens and Westwood well withdrawals shall be monitored and recorded. Also, weekly water levels shall be monitored in the Lykens and Westwood Wells. All required monitoring data shall be provided to the Commission quarterly.

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall continue to make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be computed according to condition (b). Payments shall be made quarterly and shall be calculated by applying this rate to the daily amount of water used consumptively 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.

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

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

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

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

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

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

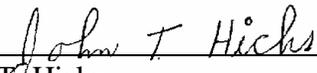
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. Based on Commission Regulation §803.30(a), this approval is effective until March 11, 2024. 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 September 11, 2023, and obtain Commission approval prior to continuing operation beyond March 11, 2024.

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

By the Commission:

Dated: August 15, 2002



 John T. Hicks
 Chairman

Docket No. 20020816
Approval Date: August 15, 2002

HIDDEN VALLEY COUNTRY CLUB

Consumptive Water Use of Up to 0.438 mgd, for Golf Course Irrigation,
Wayne Township, Schuylkill County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Upper Little Swatara Creek Watershed, Wayne Township, Schuylkill County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.438 million gallons per day (mgd). Commission staff calculates the project's maximum average 30-day consumptive use to be 0.114 mgd and a peak-day consumptive water use to be 0.398 mgd, based on irrigation data for 2001.

The project was constructed as an 18-hole golf course in 1958, and has been in continuous operation since that time. The irrigation system for the greens and tees was installed in 1958 as part of the original golf course construction. Fairway irrigation was installed in 1967. The system was upgraded in 1996.

The primary sources of water for the irrigation system are existing withdrawals from two on-stream ponds. The ponds (Pond No. 2 and Chateau) were constructed as on-stream farm ponds prior to the development of the golf course. The ponds are located on two unnamed tributaries of the Upper Little Swatara Creek. The withdrawals predate Commission Regulation §803.44, relating to surface-water withdrawals, and have not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation.

The project sponsor operates two wells (one is artesian), as needed, to pump water to the on-stream ponds and supplement its surface-water withdrawal. The wells were reported as being drilled at about the same time as the course construction (1958). The total pumping capacity of the two wells, as reported by the project sponsor, is 60 gallons per minute (gpm). The ground-water withdrawal for the irrigation system is not metered.

The project is irrigated using two separate pumping stations. Water is pumped directly from Chateau Pond to irrigate greens, tees, and fairways primarily for the northern four holes and a practice putting green. Water is pumped from Pond No. 2 to irrigate greens, tees, and fairways primarily for the southern 14 holes and a second practice putting green. The project pumps water from Pond No. 2 to Chateau Pond to meet irrigation demands. Both pumping stations are equipped with totalizing meters. Based on irrigation system drawings, the ponds have a surface area of 2.1 acres and store an estimated 5.2 million gallons of water, of which approximately 2.5 million gallons are available for irrigation use. Based on the maximum average 30-day use rate, the project sponsor has sufficient storage on-site for approximately 21 days of irrigation.

The project sponsor has withdrawn water from the two on-stream ponds since 1958 with no passby structures or engineering controls in place.

Findings

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

All water withdrawn from the storage ponds and used for golf course irrigation is considered to be used consumptively. The irrigation system has meters that measure the quantity of water pumped. The storage ponds predate the Commission's consumptive use regulation; therefore, the project sponsor is not required to provide compensation for the evaporative losses from the ponds.

The project's surface-water withdrawal has been in operation since 1958 with no passby criteria in use at the site. Upper Little Swatara Creek is classified as a cold-water fishery (CWF) (Title 25, Chapter 93, Pa. Code) and as a trout stocking fishery (TSF) by the Pa. Fish and Boat Commission (PFBC). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for the unnamed tributary to Upper Little Swatara Creek, on which Pond No. 2 is located, to be 0.593 cfs (266 gpm) at the point of withdrawal. The project sponsor's requested maximum day withdrawal from Pond No. 2 is greater than 10 percent (26.6 gpm) of the Q7-10 for the unnamed tributary of Upper Little Swatara Creek at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users.

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 53.2 gpm for Pond No. 2. Because the project sponsor is using an on-stream pond as its sources of water, the passby criteria must be modified to accommodate conditions when natural stream flow is less than 20 percent ADF. Therefore, staff recommends that the project sponsor allow a downstream release

of water from Pond No. 2 of 53 gpm, or an amount equal to the inflow of the stream to the pond, when streamflow is less than 53 gpm.

Staff recommends that the project sponsor incorporate passive passby flow devices at each pond to protect aquatic resources. The project sponsor should submit its designs 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 systems, keeping them fully functional and free of debris.

The project's ground-water withdrawal has been in operation since 1958, but is not metered. The two on-site wells are used to fill the ponds, as needed. The project sponsor has reported that the wells have pumping capacities of less than 100,000 gallons during a 24-hour pumping period and, thus, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the project sponsor currently does not meter the actual quantity of ground water withdrawn, and it is unknown what the wells are capable of producing, Commission staff recommends that the project sponsor install the appropriate metering to provide to the Commission documentation of the wells' combined usage.

The project sponsor has requested a consumptive water use approval of up to 0.438 mgd. Commission staff analyzed irrigation records supplied by the project sponsor and, based on this analysis, is recommending an increase of 10 percent above the current peak-day use of 0.398 mgd. This will allow for increased water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.438 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor has agreed to Commission staff's calculated pre-1971 consumptive water use of 0.085 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.085 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.438 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

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

d. The project sponsor shall allow a flow to pass in Pond No. 2 directly below the dam of not less than 0.118 cfs (53 gpm). When the streamflow below the dam is less than this amount, the withdrawal shall be reduced to maintain 0.118 cfs (53 gpm) in the stream channel below the intake. When the natural flow is equal to or less than 0.118 cfs (53 gpm), no water may be withdrawn and the entire natural flow shall be allowed to pass the dam to maintain such natural flow in the channel below the dam as may prevail above. The project sponsor shall install flow measurement devices that measure the inflow and outflow of the pond. The project sponsor shall keep daily records of the inflow and outflow of the pond, and shall report the data to the Commission quarterly, and as otherwise required.

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

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 85,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

h. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 85,000 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (f) above.

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

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

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

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

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

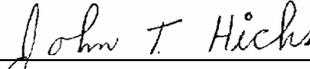
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



 John T. Hicks
 Chairman

Docket No. 20020817
Approval Date: August 15, 2002

MONROE VALLEY GOLF COURSE

Surface-Water Withdrawal of Up to 0.532 mgd, When Available, from Monroe Creek and
Consumptive Water Use of Up to 0.532 mgd, for Golf Course Irrigation,
Swatara Township, Lebanon County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application on August 28, 2000.

Description

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

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

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of 0.532 million gallons per day (mgd) of water from Monroe Creek, when available, and the consumptive use of that water of up to 0.532 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.221 mgd and current peak-day consumptive water use to be 0.532 mgd.

The primary source of water is an existing surface-water withdrawal from Monroe Creek. Although the withdrawal predates Commission Regulation §803.44, relating to surface-water withdrawals, the project sponsor has increased its withdrawal by more than 0.100 mgd since November 11, 1995, the effective date of the regulation and, therefore, is subject to the regulation.

The project was constructed as an 18-hole golf course in 1968, and has been in continuous operation since that time. The original irrigation system was installed in 1968, and was replaced by the current double row system in 2001.

Water for the irrigation system currently is withdrawn from a pond located on Monroe Creek. The withdrawal is not equipped with passby controls. Water is pumped from the storage pond to the golf course's irrigation system, which is equipped with a totalizing meter.

According to the project sponsor, the storage pond was constructed prior to 1971, and has a maximum depth of approximately 6 feet. Commission staff has calculated that the on-stream pond has a surface area of 2.0 acres and an average depth of approximately 3 feet. Based on these calculations, the storage pond has a maximum storage capacity of approximately 1.95 million gallons, which is sufficient storage for approximately 8 days of irrigation, based on the maximum average 30-day use of 0.221 mgd.

Findings

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

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

The project sponsor has requested a consumptive water use approval of up to 0.532 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount. Should the project's future consumptive water use exceed, or be expected to exceed 0.532 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has calculated a pre-1971 consumptive water use of 0.040 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The current irrigation system pumps directly from the pond located on Monroe Creek to the irrigation system. Therefore, the surface-water withdrawal is equal to the amount of water pumped through the meter to the irrigation system.

The project sponsor operates a surface-water intake on Monroe Creek without engineering controls in place to ensure a passby flow is maintained at the site. Monroe Creek is classified as a warm-water fishery (WWF) (Title 25, Chapter 93, Pa. Code). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Monroe Creek to be 0.397 cfs (178 gpm) at the point of withdrawal. The project sponsor's requested maximum day withdrawal of 0.532 mgd, if used for irrigation over an 8-hour period, results in a surface-water withdrawal rate of approximately 1,110 gpm. This rate of withdrawal is greater than 10 percent (17.8 gpm) of the Q7-10 for Monroe Creek at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users. Staff recommends that the project sponsor allow a passby flow of not less than 20 percent of annual average daily flow (ADF),

which equals 2.16 cfs (971 gpm), and to cease all withdrawals when streamflow is less than 2.16 cfs.

According to staff's analysis, approximately 45 percent of the time streamflow will not be sufficient to maintain the recommended passby flow rate and meet the golf course irrigation needs. Based on this finding, Commission staff recommends that the project sponsor initiate a study to identify other sources of water to address this deficiency.

Staff recommends, as an interim protective measure, that the project sponsor modify its withdrawal to allow a minimum stream passby flow equal to the calculated Q7-10 flow of 0.397 cfs (178 gpm) and to cease all withdrawals when streamflow is less than the Q7-10 flow of 0.397 cfs (178 gpm). Staff recommends that the project sponsor modify its intake structure and incorporate a passive passby flow device. This interim protective measure should expire four years from the date of this approval.

The project sponsor should submit its design and a proposed construction schedule for the passby flow device within 60 days following Commission action for review and approval by Commission staff prior to any construction.

Further, staff recommends that the project sponsor investigate alternative water supply options for the site to allow for a passby flow of at least 20 percent of ADF (equivalent to 2.16 cfs (971 gpm)) to be maintained at all times. In this regard, the project sponsor should prepare a plan to develop alternate sources of water supply and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan should be submitted to the Commission for staff's review and approval within two years.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.040 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's surface-water withdrawal from Monroe Creek of up to 0.532 mgd, when available, and the consumptive use of water of up to 0.532 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the surface water withdrawal, accurate to within five (5) percent, and keep daily records of the project's surface-water withdrawal. The project sponsor 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.

d. The project sponsor shall, as an interim protective measure, modify its withdrawal to allow a flow to pass in Monroe Creek directly below the intake structure of not less than 0.397 cfs (178 gpm). When the streamflow below the intake is less than this amount, the withdrawal shall be reduced to maintain 0.397 cfs (178 gpm) in the stream channel below the intake. When the natural flow is equal to or less than 0.397 cfs (178 gpm), no water may be withdrawn, and the entire natural flow shall be allowed to pass the intake structure to maintain such natural flow in the channel below the intake as may prevail above. The project sponsor shall replace its intake structure and incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule within sixty (60) days from the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time. The project sponsor may propose an alternative to a passive passby flow

device to the Commission for staff review and approval. This interim protective measure shall expire four (4) years from the date of this approval.

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

f. Upon termination of the interim protective measure described in condition (d), the project sponsor shall allow a flow to pass in Monroe Creek directly below the intake structure of not less than 2.16 cfs (971 gpm). When the streamflow below the intake is less than this amount, the withdrawal shall be reduced to maintain 2.16 cfs (971 gpm) in the stream channel below the intake. When the natural flow is equal to or less than 2.16 cfs (971 gpm), no water may be withdrawn, and the entire natural flow shall be allowed to pass the intake structure to maintain such natural flow in the channel below the intake as may prevail above. The project sponsor shall modify its interim passive passby flow device accordingly. The project sponsor shall submit its design and a proposed construction schedule one hundred eighty (180) days before the termination of the interim protective measures for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall 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. The Commission reserves the right to inspect the passby flow device and intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval.

g. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 40,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

i. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use, and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used, above the grandfathered quantity of 40,000 gpd, during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (g) above.

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

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

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

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

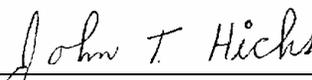
n. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

o. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020818
Approval Date: August 15, 2002

BLUE MOUNTAIN VIEW GOLF COURSE

Consumptive Water Use of Up to 0.285 mgd, for Golf Course Irrigation,
Bethel Township, Lebanon County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on December 29, 1999.

Description

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

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

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.285 million gallons per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.077 mgd and a peak-day consumptive water use of 0.259 mgd.

The golf course was constructed in 1961, and has been in continuous operation since that time. As part of the original project, the project sponsor constructed a storage pond that provides irrigation water storage at the site. Three ornamental ponds also are located on the golf course, and are not connected to the irrigation system. The irrigation system was installed in 1967.

The project sponsor currently has one pumping station that is used to irrigate the golf course. Irrigation water is withdrawn from a storage pond that is constructed on an unnamed tributary to Earlakill Run across the sixth and seventh fairways of the golf course. The storage pond receives water from the unnamed tributary to Earlakill Run, a well drilled in 1967, and stormwater runoff. The storage pond was constructed in approximately 1961. Water is pumped from the well to the storage pond (70 to 80 gallons per minute (gpm)) then through a gasoline-powered pump (400 gpm) to irrigate greens, tees, and fairways.

The storage pond has a surface area of approximately 1.82 acres, and stores an estimated 1.8 million gallons of water. The project sponsor has sufficient storage for 23 days of irrigation based on the maximum average 30-day consumptive use of 0.077 mgd.

Findings

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

All water withdrawn from the pond and used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water withdrawn from the irrigation pond. In accordance with the Commission's consumptive water use reporting requirements, staff recommends that the project sponsor continue to maintain the meter on the pumping station to measure the quantity of water pumped from the pond to the irrigation system.

The project sponsor has requested a consumptive water use approval of up to 0.285 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current peak-day use of 0.259 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.285 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has calculated the pre-1971 consumptive water use by the project sponsor to be 45,000 gallons per day (gpd) for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation minus the pre-1971 consumptive use of 45,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

The project's primary source of water for the storage pond is a well. The project's ground-water withdrawal has been in operation since 1963, but is not metered. The on-site well is used to fill the pond and supplement flow to the unnamed tributary, if needed. The project sponsor has reported that the well is utilized at less than 100,00 gallons during a 24-hour pumping period and, thus, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the project sponsor currently does not meter the actual quantity of ground water withdrawn, and the well is capable of producing 115,200 gpd, Commission staff recommends that the project sponsor install metering to provide to the Commission documentation of the well usage.

The project's surface-water withdrawal has been in operation since 1963 with no passby criteria in use at the site. Earlakill Run is a warm-water fishery (WWF) (Title 25, Chapter 93, of the Pa. Code) with an annual average daily flow (ADF) rate at the site of 0.378 cubic feet per second (cfs) (170 gpm). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) in Earlakill Run to be 0.008 cfs (3.6 gpm). The surface-water intake has a pump with the capacity of 400 gpm. The withdrawal is greater than 10 percent of the Q7-10 flow (0.0008 cfs or 0.35 gpm) at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users.

Commission staff recommends that the project sponsor allow a passby flow of not less than 20 percent of annual ADF, which equals 34 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, staff recommends that the project sponsor maintain a downstream release of water from the pond of 34 gpm, or an amount equal to the inflow of the stream to the pond when streamflow is less than 34 gpm.

Staff recommends that the project sponsor incorporate a passive passby flow device to protect aquatic resources. The project sponsor should submit its design and a proposed construction schedule within 60 days from the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. During operation of the intake structure, the project sponsor must maintain the passby system, keeping it fully functional and free of debris.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.285 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

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

d. The project sponsor shall allow a downstream release of water from the pond located on Earlakill Run of 0.075 cfs (34 gpm), or when streamflow into the pond is less than 34 gpm, an amount equal to the total inflow of the stream to the pond. The project sponsor shall install flow measurement devices that measure the inflow and outflow of the pond. The project sponsor shall keep daily records of the inflow and outflow of the pond and shall report the data to the Commission quarterly, and as otherwise required.

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

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 45,000 gpd. If the daily

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

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

h. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 45,000 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above.

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

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

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

from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

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

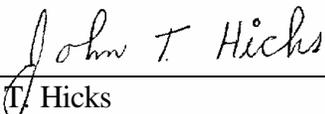
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020819
Approval Date: August 15, 2002

MOUNTAINVIEW THOROUGHBRED RACING ASSOCIATION, INC.

Consumptive Water Use of Up to 0.438 mgd,
for Maintenance of a Thoroughbred Horse Racing Track,
East Hanover Township, Dauphin County, Pennsylvania

Review Authority

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

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water associated with the commercial operation of a thoroughbred horse-racing track.

Location. The facility is located in the Lower Susquehanna Subbasin, HUC 02050305, Swatara Creek Watershed, East Hanover Township, Dauphin County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive water use of up to 0.438 million gallons per day (mgd) associated with the commercial operation of a thoroughbred horse-racing track. Consumptive water use occurs at the facility through care and watering of the resident racehorses, maintenance and conditioning of the racetracks, dust control in the barn area, and human consumption.

The racetrack began operations in 1972, and although currently races are held on four days a week, the track is open daily for training. More than 1,000 horses can be stabled at the racetrack. The project sponsor maintains two racetracks: a 7/8-mile turf track, and a 1.0-mile dirt track. According to the project sponsor, a third, 5/8-mile dirt track was used for car racing in the past, but has not been used in more than 5 years. The air-conditioning system for the grandstand does not use evaporative cooling towers.

Water is supplied to the facility from two wells, Well 1 (East) and Well 2 (West). The withdrawal from the wells provides for water usage in the facility's kitchen, the groom's quarters, the horse barns, for racetrack maintenance, and the sanitary water needs of the facility's grandstand. Ground water is withdrawn, separately metered at each well, pumped to a 0.250-million gallon capacity treated water storage tank, and distributed throughout the facility.

The maximum average 30-day ground-water pumpage was 148,500 gallons per day (gpd) in 2001 and the peak-day pumpage was 258,000 gallons.

Well 1 (East) was drilled in December 1969, and has a reported pumping capacity of 400 gallons per minute (gpm). Well 2 (West) was drilled in January 1970, and also has a reported pumping capacity of 400 gpm. Both wells predate Commission Regulation §803.43, relating to ground-water withdrawals. The project sponsor has registered the uses of both wells in compliance with Commission Regulation §804.1.

The quantity of consumptive water use at the facility is presently determined using estimations of usage by the horses plus estimations of the usage for track maintenance and dust control in the barn areas. The project sponsor estimates that the average daily water use for horse watering and maintenance, which includes daily washing, is approximately 75 gpd per horse (horse consumption plus washing), which is 100 percent consumptive. Based on an average number of 800 horses stabled at the racetrack, the consumptive water use is approximately 60,000 gpd. The quantity of water used for racetrack maintenance and dust control in the barn areas is estimated from the number of trucks filled with water at the water tower, each truck having a capacity of 2,500 gallons. The project sponsor estimates the number of truckloads of water for the facility to be approximately six per day, for a total of 15,000 gpd. The turf track is irrigated using an automatic irrigation system, and is not presently metered. Based on the area of turf grass, (7/8 mile long x 85 feet wide = an area of 9 acres), average irrigation water use is estimated to be 56,000 gpd during the irrigation season (May 10 to September 21).

Wastewater from the racetrack is directed to the facility's wastewater treatment plant, treated, and discharged to an unnamed tributary of Swatara Creek under NPDES permit number PA0081264. The treatment plant also receives wastewater from a nearby hotel and pizza shop, and the total flow of wastewater is measured using a Parshall flume as it enters the plant.

Findings

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

All water used for conditioning and maintenance of the dirt racetrack, irrigation of the turf racetrack, and dust control in the barn area, as well as water used for care and watering of the resident and transient racehorses, is considered to be consumptively used. Consumptive water use related to human use and consumption (the facility's kitchen, groom's quarters, grandstand) is considered to be negligible by comparison.

The racetrack complex obtains its water from two wells, which are individually metered and monitored daily. The project sponsor also monitors its wastewater discharge. However, analysis of these data by Commission staff indicated the wastewater discharge substantially exceeded inflow from the wells, even as a 30-day average to account for storage in the system. Staff concludes that the unmetered wastewater contributions from the hotel and pizza shop plus

the likely inflow and infiltration into the lines make calculation of consumptive water use by this method unreliable.

Staff proposes and the project sponsor has agreed that the quantity of consumptive water use at the facility could be best determined by summing individual consumptive water uses at the racetrack facility. The primary consumptive water uses are those related to care and watering of the resident racehorses, racetrack maintenance and conditioning, and dust control in areas around the 30 barns. Human consumption at the living quarters for the grooms and the kitchen, as well as at the restaurant, grandstand, and off-track betting facility is negligible.

The quantity of consumptive water use at the facility is presently determined using estimations of usage by the horses plus estimations of the usage for track maintenance and dust control in the barn areas. This amounts to approximately 131,000 gpd, as a seasonal average. However, the number of horses stabled at the facility fluctuates on a long-term basis (seasonally) as horses are relocated and on a short-term basis (weekends) with the addition of horses for a particular race. Likewise, irrigation water use for maintenance of the turf track is variable due to seasonal demands, variability of the weather, and the racing schedule. The quantity of water used for racetrack maintenance and dust control in the barn areas could be reliably estimated in the future by tracking the number of trucks filled with water at the water tower.

Commission staff recommends that the project sponsor:

1. Develop methodology to calculate the consumptive use of water related to care and watering of the 800 to 1,400 racehorses stabled at the track, considering all water delivered to the horse barns to be consumptively used;
2. Meter water used for irrigation of the turf racetrack; and
3. Track the number of trucks filled with water at the water tower.

Staff recommends that the project sponsor separately meter water used at the horse barns. However, if the quantity of water consumed by the other uses will be metered or otherwise reliably quantified on a daily basis, the project sponsor could propose that consumptive use related to the racehorses be determined by an alternate method, such as through metering one barn and tracking the number of racehorses, per day, at the facility or determining racehorse use as a percentage of the total ground-water withdrawal.

The project sponsor should propose a spreadsheet accounting procedure after installing appropriate metering. Commission staff should review and approve the proposed accounting procedure for quantifying consumptive water use at the facility.

The actual quantity of consumptive water use, as determined above, is the quantity of consumptive water use that is subject to water compensation requirements, as defined in Commission Regulation §803.42. To satisfy these requirements, the project sponsor has agreed to pay the Commission quarterly in-lieu-of providing actual compensation water. For purposes of this docket approval, consumptive use occurring before installation and monitoring of the proposed meters and accounting methods shall be computed as a percentage of the daily total

ground-water withdrawal. Commission staff recommends and the project sponsor has agreed that consumptive use represents 50 percent of the total ground-water withdrawal.

The project sponsor obtains water from two wells that predate Commission Regulation §803.43, relating to ground-water withdrawals. The ground-water withdrawal is separately metered at each well, and readings are taken daily. The project sponsor has agreed to provide these data to the Commission to document the ground-water withdrawal.

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.438 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
- b. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain a meter, accurate to within five (5) percent, on the irrigation system for the turf racetrack to measure the quantity of water used by the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.
- c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the horse barns, accurate to within five (5) percent, to measure water usage for the care and watering of the racehorses. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.
- d. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily

quantity of water consumptively used shall be the quantity of water used for the care and watering of the racehorses plus the quantity used by turf racetrack the irrigation system, plus the quantity used for maintenance and conditioning of the dirt racetrack, plus the quantity used for dust control. The project sponsor shall install and maintain metering on the irrigation system, accurate to within five (5) percent, and track the daily truckloads of water used for racetrack maintenance and conditioning and dust control. Commission staff shall review and approve the method of measurement/calculation of water usage for the care and watering of the racehorses. The project sponsor shall maintain the proposed meters, accurate to within five (5) percent, to calculate the consumptive water use.

e. The project sponsor shall propose a spreadsheet accounting procedure to keep daily records of the project's consumptive water use. Commission staff shall review and approve the proposed accounting procedure for quantifying consumptive water use at the facility.

f. The project sponsor shall maintain metering on the two on-site wells, accurate to within five (5) percent, to measure its ground-water withdrawal. The project sponsor shall keep daily records of the project's ground-water withdrawal and shall report the data to the Commission quarterly, and as otherwise required. If the ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission.

g. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the quantity computed in condition d. 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.

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

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

monitoring of the proposed meters shall be estimated based on fifty (50) percent of the daily total ground-water withdrawal.

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

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

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

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

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

o. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020820
Approval Date: August 15, 2002

FAIRVIEW GOLF COURSE

Consumptive Water Use of Up to 0.285 mgd, for Golf Course Irrigation,
West Cornwall Township, Lebanon County, Pennsylvania

Review Authority

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

Description

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

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

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.285 million gallons per day (mgd). Based on irrigation data submitted by the project sponsor for the year 2001, the project has a maximum average 30-day consumptive use of water of 0.077 mgd and a peak-day consumptive water use of 0.259 mgd.

The project was constructed as an 18-hole golf course in 1959, and has been in continuous operation since that time. As part of the project, the project sponsor constructed one ornamental pond. The project sponsor currently has one pumping station that is used to irrigate the golf course. Water for irrigation primarily is supplied from one on-site well drilled in 1984. Water is pumped from the well to the storage pond, and then through a gasoline-powered pump (600 gallons per minute (gpm)), as needed, to irrigate greens, tees, and fairways. The pond was constructed in 1967, has a surface area of approximately 0.65 acres, and stores an estimated 0.95 million gallons of water. The project sponsor has sufficient storage for approximately 12 days of irrigation, based on the maximum average 30-day consumptive use.

The total pumping capacity of the well, as reported by the project sponsor, is 110 to 120 gpm, however, the project sponsor has reported that the well is utilized at less than

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

Findings

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

All water withdrawn from the storage pond and used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water withdrawn from the storage pond. In accordance with the Commission's consumptive water use reporting requirements, staff recommends that the project sponsor continue to maintain the meter on the pumping station to measure the quantity of water pumped from the pond to the irrigation system.

The project sponsor has requested a consumptive water use approval of up to 0.285 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current peak-day use of 0.259 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed, or be expected to exceed 0.285 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's primary source of water is an on-site well that is used to fill the irrigation storage pond. No other water source is available. The project's ground-water withdrawal has been in operation since 1984, but is not metered. The project sponsor has reported that the well is utilized at less than 100,000 gallons per day, based on a 30-day average and, thus, this withdrawal is less than the threshold contained in Commission Regulation §803.43, relating to ground-water withdrawals. However, since the project sponsor currently does not meter the actual quantity of ground water withdrawn and the well is capable of producing 158,400 gallons per day (gpd), Commission staff recommends that the project sponsor install appropriate metering to provide to the Commission documentation of the well usage.

Commission staff has calculated the pre-1971 consumptive water use by the project sponsor to be 45,000 gallons per day (gpd) and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation minus the pre-1971 consumptive use of 45,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.285 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements as per Commission Regulation §803.42.
- b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.
- c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the on-site well, accurate to within five (5) percent, to measure its ground-water withdrawal. The project sponsor shall keep daily records of the project's ground-water withdrawal and shall report the data to the Commission quarterly, and as otherwise required. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds the threshold contained in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission.
- d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly

payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 45,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 45,000 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above.

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

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

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

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

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

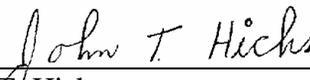
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



 John T. Hicks
 Chairman

Docket No. 20020821
Approval Date: August 15, 2002

ROYAL OAKS GOLF CLUB, L.P.

Ground-Water Withdrawal of 0.400 mgd from Well 1 for Golf Course Irrigation
North Cornwall Township, Lebanon County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to ground-water withdrawals. The Commission received the application on July 22, 2002.

Description

Purpose. The purpose of the application is to request approval for a ground-water withdrawal from Well 1. The water will be used for irrigation of turf grasses at an 18-hole golf course.

Location. The project is located in North Cornwall Township, Lebanon County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.400 million gallons per day (mgd) from Well 1. This well will be used in conjunction with a surface-water withdrawal from Beck Creek, and will not require an increase in the consumptive water use of 0.400 mgd, as previously approved in Commission Docket No. 20020203.

Well 1 was constructed in September 1991, as an 8-inch bedrock well to a depth of 120 feet. The well has 99 feet of steel casing grouted in place. The well penetrates the water-bearing limestone of the Ordovician Stonehenge Formation. The well is pumped to an off-stream pond that provides for water storage on-site. The pond is approximately 3.8 acres in size. The project sponsor has sufficient storage on-site for approximately 25 days of irrigation. The testing performed indicates that the pond has leakage that accounts for approximately 0.100 mgd.

Pumping Test. A 168-hour constant-rate pumping test was conducted from July 8 to 15, 2002. Pumping at an average rate of 400 gallons per minute (gpm) (0.576 mgd) over 168 hours produced 6.5 feet of total drawdown in Well 1. The monitoring points for the test involved

five wells, including four residential wells, and the Lebanon Country Club well, and two stream monitoring points. Four observation wells showed measurable drawdown (approximately 0.5 feet), as a result of the pumping test. Stream monitoring during the testing of Well 1 showed a loss of streamflow from Beck Creek downstream of the Lebanon Country Club Property due to the well withdrawal. Following the completion of the required pumping test, the project sponsor further developed Well 1 and deepened it to 200 feet to reduce the turbidity present during the testing.

Findings

The project sponsor's withdrawal of water from Well 1 is subject to the Commission's ground-water withdrawal approval and reporting requirements, as per Commission Regulation 803.43.

Staff finds that, based on the testing data submitted, the withdrawal of water from Well 1 impacts the flow in Beck Creek and effects a net withdrawal from Beck Creek of greater than 27 gpm. Commission staff used data from the U.S. Geological Survey's stream gage 01573086, Beck Creek near Cleona, Pa., (which was active from 1963 until 1981), to calculate the 7-day 10-year flow (Q7-10 flow) for Beck Creek of 0.59 cubic feet per second (cfs) (264.8 gallons per minute (gpm)). The well pumping causes a stream withdrawal that is greater than 10 percent of the Q7-10 for Beck Creek (26 gpm), thereby requiring a passby flow to protect aquatic resources and downstream users.

Beck Creek is classified as a warm water fishery (WWF) in Title 25, Chapter 93 of the Pa. Code. However, the reach, located downstream of the Lebanon Country Club to the confluence with the Quittapahilla Creek, provides habitat suitable for an adult trout population due to the abundance of springs that discharge in this reach and its location immediately upstream from a trout stocking area (on the Quittapahilla Creek). Commission staff is recommending, and staff of the Pa. Fish and Boat Commission agree, that this lower reach of Beck Creek be treated as a cold water fishery (CWF). Based on this finding and the anticipated adult trout fishery, Commission staff used the Instream Flow Incremental Methodology (SRBC Publication No. 191, May 1998) to determine the appropriate passby flow requirement. Commission staff has determined a minimum flow of Q7-10 (264 gpm) is required to prevent loss of aquatic habitat.

Commission staff recommends that the U.S. Geological Survey's stream gage 01573560 on Swatara Creek near Hershey, Pa., be used as a reference gage for this site. The project sponsor could propose an alternative monitoring location to the Commission for staff review and approval.

According to staff's analysis, approximately 1 percent of the time streamflow will not be sufficient to maintain the recommended passby flow rate and meet the golf course irrigation needs. Further, staff recommends that the project sponsor investigate lining or sealing the irrigation pond to allow water to be reliably stored on-site for use during times of low streamflow, when the ground water may be unavailable.

The testing data show that the residential wells located near the Royal Oaks property may experience up to 0.5 feet of additional drawdown, as a result of pumping Well 1. Staff finds that adverse impact to most of these wells is highly unlikely, and recommends no follow-up monitoring of these wells. Staff has determined that the modifications to Well 1 that occurred following the completion of the required pumping test to reduce turbidity are unlikely to significantly change the impacts measured during the testing.

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

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

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

Decision

The project's ground-water withdrawal of 0.400 mgd (30-day average) from Well 1 and an instantaneous pumping rate of 400 gpm is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.
- b. The project sponsor shall keep daily records of the metered withdrawal and continuous water level monitoring from Well 1. The required reporting data shall be submitted to the Commission quarterly, and as otherwise required. The project sponsor shall install and maintain a meter, accurate to within five (5) percent, on Well 1.
- c. The maximum instantaneous rate of production from Well 1 shall not exceed 400 gpm and a 30-day average daily withdrawal rate of 0.400 mgd.
- d. The project sponsor shall allow a flow to pass in Beck Creek at its confluence with the Quittapahilla Creek of not less than 0.59 cfs (264 gpm). When the streamflow is less than this amount, the withdrawal shall be reduced to maintain 0.59 cfs (264 gpm) in the stream channel. When the natural flow is equal to or less than 0.59 cfs (264 gpm), no water may be withdrawn. The project sponsor shall use the U.S. Geological Survey's stream gage 01573560 on Swatara Creek near Hershey, Pa., as a reference gage for this site. The project sponsor could propose an alternative monitoring location to the Commission for staff review and approval.

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

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

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

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

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

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

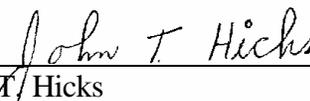
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

m. 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 applicant and approved by the Commission.

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020822
Approval Date: August 15, 2002

WEST SHORE COUNTRY CLUB

Consumptive Water Use of Up to 0.500 mgd, for Golf Course Irrigation,
East Pennsboro Township, Cumberland County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Conodoguinet Creek Watershed, East Pennsboro Township, Cumberland County, Pennsylvania.

Project Features. The project sponsor has requested approval for a consumptive use of water of up to 0.500 mgd. Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.101 million gallons per day (mgd) and the current peak-day consumptive water use to be 0.606 mgd. The project sponsor is aware that the historical peak-day consumptive use is in excess of the requested peak-day use and will manage its water withdrawals and usage to stay within the requested quantity.

The source of water is an existing surface-water withdrawal from the Conodoguinet Creek, which predates Commission Regulation §803.44, relating to surface-water withdrawals, and has not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation.

The project was originally constructed in 1928 as a 9-hole golf course, and an additional 9-holes were added in 1938 and has been in continuous operation since that time. The original irrigation system was installed in 1965, and was replaced by the current system in 1997.

Water is withdrawn from the Conodoguinet Creek and transferred to a storage pond on the golf course. Water for the irrigation system is withdrawn from the storage pond to irrigate greens, tees, and fairways. Both pumping stations are equipped with totalizing meters. The storage pond was constructed in the 1950s and, based on irrigation system drawings, has a surface area of 1.3 acres. Commission staff has calculated a maximum storage capacity for the storage pond to be 3.19 million gallon

Findings

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

All water withdrawn from the pond and used for golf course irrigation is considered to be used consumptively. Commission staff and the project sponsor have agreed to a calculated pre-1971 consumptive water use of 0.077 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements. The irrigation system is equipped with a meter that measures the quantity of water pumped to the irrigation system. Since the storage pond predates the Commission's consumptive use regulations, the project sponsor is not required to provide compensation for the evaporative losses from the pond.

The project sponsor has requested a consumptive water use approval of up to 0.500 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount. Should the project's future consumptive water use exceed or be expected to exceed 0.500 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor operates a surface-water intake on Conodoguinet Creek. Conodoguinet Creek is classified as a warm-water fishery (WWF) (Title 25, Chapter 93, Pa. Code). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Conodoguinet Creek to be 66.2 cubic feet per second (cfs) (29,710 gallons per minute (gpm)) at the point of withdrawal. The project sponsor's requested maximum day withdrawal of 0.500 mgd, if used for irrigation over an 8-hour period, results in a surface-water withdrawal rate of approximately 1,263 gpm. This rate of withdrawal is less than 10 percent (2,971 gpm) of the Q7-10 flow for Conodoguinet Creek at the point of withdrawal. Therefore, no additional surface-water withdrawal limitations currently are necessary to protect flows in Conodoguinet Creek.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.077 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.500 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
- b. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).
- c. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.
- d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 77,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is

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

e. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 77,000 gpd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above.

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

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

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

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

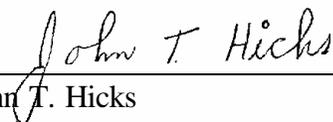
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020823
Approval Date: August 15, 2002

**DEFENSE DISTRIBUTION DEPOT SUSQUEHANNA PENNSYLVANIA
(DDSP) – RIVERVIEW GOLF CLUB**

Consumptive Water Use of Up to 0.145 mgd, for Golf Course Irrigation,
Fairview Township, York County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Yellow Breeches Creek Watershed, Fairview Township, York County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.145 million gallons per day (mgd). Based on the new irrigation system design, the project sponsor calculates the project's peak-day consumptive water use to be 0.145 mgd.

The project was constructed as a 9-hole golf course in 1959, and has been in continuous operation since that time. The irrigation system for the greens and tees of the golf course was installed prior to 1971. The new irrigation system that will water greens, tees, and fairways is anticipated to be operational in August 2002.

The sole source of water for the irrigation system is the public water supply provided by the Pennsylvania American Water Company. Water used for irrigation is metered by the irrigation system.

Findings

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

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

Commission staff has agreed to the project sponsor's calculated pre-1971 consumptive water use of 0.018 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.018 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Decision

The project's consumptive water use of up to 0.145 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

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

d. The project sponsor is exempt from application fee requirements, pursuant to Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06.

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

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

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

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

from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of non-compliance.

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

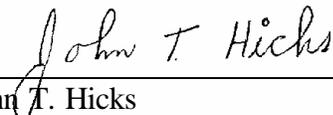
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2026, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020824
Approval Date: August 15, 2002

MANHEIM TOWNSHIP OVERLOOK COMMUNITY FOUNDATION

Consumptive Water Use of Up to 0.088 mgd, for Athletic Fields Irrigation,
Manheim Township, Lancaster County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on May 24, 2002.

Description

Purpose. The purpose of the application is to request approval for a consumptive use of water for irrigation of athletic fields.

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

Project Features. The project sponsor has requested approval for a consumptive use of water of up to 0.088 million gallons per day (mgd). The source of water is a ground-water withdrawal from an existing on-site well that was formerly used by a nursery operation.

The project sponsor began construction of the nonsand-based athletic fields in 2001 and irrigated a limited area in the fall. Construction is continuing, and has an anticipated completion date of 2004. Based on the submitted design, water will be transferred from the well to an existing storage pond and then pumped to the irrigation system. Commission staff has calculated the surface area of the pond to be 0.5 acres, with an effective storage capacity of approximately 824,500 gallons. The project sponsor has sufficient storage capacity for approximately 10 days of irrigation, based on the peak-day consumptive water use of 0.088 mgd.

The irrigation system will have a meter that measures the quantity of water consumptively used.

Findings

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

All water used for athletic field irrigation is considered to be used consumptively. Since the storage pond predates the Commission's consumptive water use regulation, the project sponsor is not required to provide compensation for the evaporative losses from the pond. The irrigation system will be equipped with a meter that measures the quantity of water withdrawn from the storage pond.

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

The project sponsor began withdrawals from the well in fall 2001 to irrigate a limited area of athletic fields. At that time, and again this summer as the use continued, the Commission received complaints from a neighboring property owner that a spring used to water livestock had gone dry due to the well withdrawal. Staff investigated the complaint and has concluded that, only by monitoring the flow from the spring during project operations, on a continuous basis concurrent with continuous monitoring of water levels in the irrigation well, can any adverse impacts (or lack thereof) be determined. Staff recommends that the project sponsor conduct monitoring for one year of project operations, following which staff can review the data and make appropriate determinations.

The on-site well is used to fill the storage pond, as needed. The project sponsor has reported that the well is utilized at less than 100,000 gallons during a 24-hour period and, therefore, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the project sponsor does not currently meter the actual quantity of ground water withdrawn and the total rated pump capacity is 200 gpm (0.288 mgd), staff recommends that the project sponsor install appropriate metering, and provide to the Commission documentation of the well's usage. If the ground-water withdrawal exceeds, or is expected to exceed the threshold contained in Commission Regulation §803.43, the project sponsor must submit the appropriate application for review and approval by the Commission.

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

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

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

Decision

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

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

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

c. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

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

e. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. 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.

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

g. The project sponsor shall propose a monitoring plan, under which it shall monitor the flow from the neighboring spring during project operations, on a continuous basis concurrent with continuous monitoring of water levels in the irrigation well. The monitoring plan shall be submitted to the Commission for review and approval within sixty (60) days of docket approval. The project sponsor shall conduct monitoring, consistent with the approval plan, for one (1) year of project operations. The project sponsor shall submit these monitoring data and an interpretive report quarterly, and otherwise as requested. At the end of the one (1)-year monitoring period, or earlier if warranted, Commission staff will determine whether the ground-water withdrawal causes substantial adverse impact to the surface-water resources. Should the monitoring data prove to be inconclusive with respect to impacts to surface-water resources, the Commission reserves the right to require additional monitoring, as necessary.

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

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

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

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

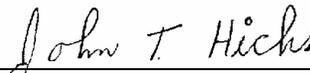
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020827
Approval Date: August 15, 2002

HONEY RUN GOLF CLUB

Surface-Water Withdrawal of Up to 0.382 mgd, When Available, From Honey Run and
Consumptive Water Use of Up to 0.382 mgd, for Golf Course Irrigation,
Dover Township, York County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on August 23, 2000, and the application for the surface-water withdrawal on June 28, 2002.

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Little Conewago Creek Watershed, Dover Township, York County, Pennsylvania.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of 0.382 million gallons per day (mgd) of water from Honey Run, when available, and a consumptive use of that water of up to 0.382 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.174 mgd and current peak-day consumptive water use to be 0.347 mgd.

The primary source of water is an existing withdrawal from Honey Run. Although the withdrawal predates Commission Regulation §803.44, relating to surface-water withdrawals, the project sponsor has increased its withdrawal by more than 0.100 mgd since November 11, 1995, the effective date of the regulation, and, therefore, is subject to the regulation.

The project was constructed as an 18-hole golf course in 1970, and has been in continuous operation since that time. The original irrigation system was installed in 1970, and was replaced by the current system in 2000.

Water for the irrigation system currently is withdrawn from Honey Run and stored in a storage pond. The gravity-fed withdrawal is not equipped with passby controls. Water is pumped from the pond to the golf course's irrigation system, which is equipped with a totalizing meter.

According to the project sponsor, the storage pond was constructed prior to 1971, and has a maximum depth of 10 feet. Commission staff has calculated that the storage pond has a surface area of 1.7 acres and an average depth of approximately 7 feet. Based on these calculations, the storage pond has a maximum storage capacity of approximately 3.87 million gallons, which is sufficient storage for approximately 22 days of irrigation, based on the maximum average 30-day use of 0.174 mgd.

Findings

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

All water withdrawn from the storage pond and used for golf course irrigation is considered to be used consumptively. The irrigation system is equipped with a meter that measures the quantity of water withdrawn from the pond and used for irrigation. Since the storage pond predates the Commission's consumptive use regulation, the project sponsor is not required to provide compensation for evaporative losses from the pond.

The project sponsor has requested a consumptive water use approval of up to 0.347 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of up to 0.382 mgd, which represents an increase of approximately 10 percent above the current peak day use of 0.347 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed, or be expected to exceed 0.382 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor has agreed to Commission staff's calculated pre-1971 consumptive water use of 0.055 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project sponsor currently does not meter the quantity of water withdrawn from Honey Run. Commission staff recommends that the project sponsor install appropriate metering and monitor the stream withdrawal, as required by Commission Regulation §803.44.

The project sponsor operates a surface-water intake on Honey Run without engineering controls in place to ensure a passby flow is allowed at the site. Honey Run is classified as a trout-stocked, cold-water fishery (CWF) (Title 25, Chapter 93, Pa. Code). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Honey Run to be 0.462 cubic feet per second (cfs) (207 gallons per minute (gpm)) at the point of withdrawal. The project sponsor's requested maximum day withdrawal of 0.382 mgd, if used for irrigation over an 8-hour period,

results in a surface-water withdrawal rate of approximately 795 gpm. This rate of withdrawal is greater than 10 percent of the Q7-10 flow for Honey Run (20.7 gpm) at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users. Staff recommends that the project sponsor allow a passby flow of not less than 20 percent of annual average daily flow (ADF), which equals 4.51 cfs (2,023 gpm), and to cease all withdrawals when streamflow is less than 4.51 cfs.

According to staff's analysis, approximately 56 percent of the time streamflow will not be sufficient to allow the recommended passby flow rate and meet the golf course irrigation needs. Based on this finding, Commission staff recommends that the project sponsor initiate a study to identify other sources of water to address this deficiency.

Staff recommends, as an interim protective measure, that the project sponsor modify its withdrawal to allow a minimum stream passby flow equal to the calculated Q7-10 flow of 0.462 cfs (207 gpm) and to cease all withdrawals when streamflow is less than the Q7-10 flow of 0.462 cfs (207 gpm). Staff recommends that the project sponsor modify its intake structure and incorporate a passive passby flow device. This interim protective measure should expire four years from the date of this approval.

The project sponsor should submit its design and a proposed construction schedule within 60 days following Commission action for review and approval by Commission staff prior to any construction.

Further, staff recommends that the project sponsor investigate alternative water supply options for the site to allow for a passby of at least 20 percent of ADF (equivalent to 4.51 cfs (2,023 gpm)) at all times. In this regard, the project sponsor should prepare a plan to develop alternate sources of water supply and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan should be submitted to the Commission for staff's review and approval within two years.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.055 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's surface-water withdrawal from Honey Run of up to 0.382 mgd, when available, and the consumptive use of water of up to 0.382 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the surface water withdrawal, accurate to within five (5) percent, and keep daily records of the project's surface-water withdrawal. The project sponsor 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.

d. The project sponsor shall, as an interim protective measure, modify its withdrawal to allow a flow to pass in Honey Run directly below the intake of not less than 0.462 cfs (207 gpm). When the streamflow below the intake is less than this amount, the withdrawal shall be reduced to maintain 0.462 cfs (207 gpm) in the stream channel below the intake. When the natural flow is equal to or less than 0.462 cfs (207 gpm), no water may be withdrawn, and the entire natural flow shall be allowed to pass the intake to maintain such natural flow in the channel below the intake as may prevail above. The project sponsor shall replace its intake structure and incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule within sixty (60) days from the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify

to the Commission that construction has been completed in accordance with the approved design. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval. This interim protective measure shall expire four (4) years from the date of this approval.

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

f. Upon termination of the interim protective measure described in condition (d), the project sponsor shall allow a flow to pass in Honey Run directly below the intake of not less than 4.51 cfs (2,023 gpm). When the streamflow below the intake is less than this amount, the withdrawal shall be reduced to maintain 4.51 cfs (2,023 gpm) in the stream channel below the intake. When the natural flow is equal to or less than 4.51 cfs (2,023 gpm), no water may be withdrawn, and the entire natural flow shall be allowed to pass the intake to maintain such natural flow in the channel below the intake as may prevail above. The project sponsor shall modify its passive passby flow device accordingly. The project sponsor shall submit its design and a proposed construction schedule one hundred eighty (180) days before the termination of the interim protective measures for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall 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. The Commission reserves the right to inspect the passby flow device and intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval.

g. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 55,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

i. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use, and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used, above the grandfathered quantity of 55,000 gpd, during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (g) above.

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

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

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

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

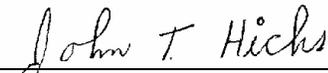
n. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

o. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2027, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman

Docket No. 20020828
Approval Date: August 15, 2002

HANOVER COUNTRY CLUB

Consumptive Water Use of Up to 0.244 mgd, for Golf Course Irrigation,
Abbottstown Borough and Berwick Township, Adams County, and
Paradise Township, York County, Pennsylvania

Review Authority

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

Description

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

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Beaver Creek Watershed, Abbottstown Borough and Berwick Township, Adams County, and Paradise Township, York County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.244 million gallons per day (mgd). Based on 2001 data, the project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.200 mgd and current peak-day consumptive water use to be 0.294 mgd. The project sponsor is aware that the historical peak-day consumptive use is in excess of the requested peak-day use and has agreed to manage its water usage to stay within the requested quantities.

The project was constructed as an 18-hole golf course in 1923, and has been in continuous operation since that time. The irrigation system for the tees, greens, and fairways of the golf course, including a storage pond, was installed in 1968. Prior to that time, all irrigation was accomplished by hand-watering. The original irrigation system was used until 1996, when the current irrigation system was installed.

The primary source of water is an existing spring-fed pond. Water also can be withdrawn from three wells located on the property. The wells predate Commission Regulation §803.43, relating to ground-water withdrawals.

The metered irrigation system pumps water from the spring-fed storage pond to irrigate greens, tees, and fairways. Ground water also can be pumped to the pond from of the three wells that are located in the Beaver Creek stream valley. One of the wells (Well 3) is located immediately adjacent to Beaver Creek. The project sponsor reports the static water level in Well 3 to be approximately 12 feet below the ground surface, or approximately 10 feet below the bottom of the Beaver Creek stream channel.

According to the project sponsor, the storage pond was constructed in 1968. The project sponsor has calculated that the pond has a surface area of 1.5 acres and an average depth of approximately 8 feet. Commission staff has calculated a maximum storage capacity for the storage pond to be approximately 3.91 million gallons, which is sufficient storage for approximately 19 days of irrigation, based on the maximum 30-day average use of 0.200 mgd.

Findings

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

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

The project sponsor originally requested a consumptive water use approval of up to 0.343 mgd. Based on an analysis of 2001 irrigation records supplied by the project sponsor, Commission staff is recommending approval of up to 0.244 mgd. Should the project's future consumptive water use exceed, or be expected to exceed 0.244 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff has agreed to the project sponsor's calculated pre-1971 consumptive water use of 145,000 gallons per day (gpd) for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's ground-water withdrawals have been in operation since 1968 but are not metered. The on-site wells are used to fill the storage pond as needed. It appears from available data that the project relies almost exclusively on ground water during the summer months. It is assumed that the grandfathered consumptive use amount of 145,000 gpd also applies to the total ground-water withdrawal. The project sponsor has reported that the wells are utilized at less than 100,000 gpd in excess of the grandfathered amount of 145,000 gpd during a 24-hour pumping period and, therefore, this withdrawal is less than the threshold contained in Commission Regulation §803.43. However, since the project sponsor does not currently meter the actual quantity of ground water withdrawn, and has no records associated with the wells that could be used to estimate the withdrawal, staff recommends that the project sponsor install appropriate metering and provide to the Commission documentation of the wells' usage.

Three ground-water supply wells are located within the Beaver Creek stream valley. The reported static water level in Well 3 indicates that the ground-water withdrawal from the wells may impact the flow of Beaver Creek.

Beaver Creek is classified as a warm-water fishery (WWF) (Title 25, Chapter 93, Pa. Code). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Beaver Creek to be 0.112 cubic feet per second (cfs) (50 gallons per minute (gpm)) adjacent to Well 3. The project sponsor's maximum average 30-day consumptive use of 0.200 mgd requires a minimum constant ground-water withdrawal of 139 gpm to maintain the average consumptive use. If more than 3.6 percent of the ground-water withdrawal originates from Beaver Creek, the operation of the ground-water wells would result in a surface-water withdrawal greater than 10 percent (5.0 gpm) of the Q7-10 for Beaver Creek, and a passby flow would be required to protect aquatic resources and downstream users.

Staff recommends the project sponsor monitor the stream conditions during the 2003 irrigation season to document to the Commission whether or not the existing ground-water withdrawal is impacting Beaver Creek. The project sponsor should submit its proposed monitoring plan within 60 days following Commission action for review and approval by Commission staff.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation minus the pre-1971 consumptive use of 0.145 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.244 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

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

d. Within sixty (60) days from the date of this approval, the project sponsor shall submit its proposed monitoring plan for Beaver Creek to the Commission for review and approval.

e. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 145,000 gpd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate

notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

g. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use, and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 145,000 gpd during the period from January 1, 2001 until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above.

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

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

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

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

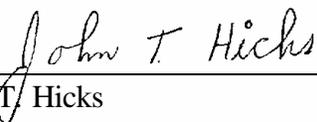
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until August 15, 2027. The project sponsor shall submit a renewal application by February 15, 2026, and obtain Commission approval prior to continuing operation beyond August 15, 2027.

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

By the Commission:

Dated: August 15, 2002



John T. Hicks
Chairman