

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



September 12, 2003

TO ALL CONCERNED:

At the August 14, 2003 meeting, the draft minutes of the May 22, 2003 and June 12, 2003 Commission meetings were approved as written. Please attach this notice to your copies of the May 22, 2003 and June 12, 2003 minutes.

- DRAFT -

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION**

August 14, 2003
#2003-07&08

The meeting was held at the Inn at Nichols Village, Clarks Summit, Pa. Chairwoman Cathy Curran Myers called the meeting to order at 8:37 a.m.

ROLL CALL

Commissioners Present

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

Mr. Matthew G. Pajeroski, Chief, Water Rights Division, Md. Dept. of the Environment

Colonel John P. Carroll, Dep. Commander, U.S. Army Corps of Engineers, North Atlantic Division

Mr. Kenneth P. Lynch, Director, Region 7, N.Y. Dept. of Environmental Conservation

**Alternate Commissioners
and Advisors Present**

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

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

Staff Present

Mr. Paul O. Swartz, Executive Director

Mr. Thomas W. Beauduy, Deputy Director

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

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

Mr. Duane A. Friends, Chief Admin. Officer

Mr. Richard A. Cairo, Counsel/Secretary

Ms. Deborah J. Dickey, Executive Administrator

Ms. Susan S. Obleski, Director of
Communications

Mr. David S. Ladd, SRBC Independent Contractor

INTRODUCTION/WELCOME

Chairwoman Cathy Myers introduced the members of the Commission and the Executive Director.

MINUTES OF THE MAY 22, 2003 AND JUNE 12, 2003 COMMISSION MEETINGS

On a motion by Commissioner Pajerowski, seconded by Commissioner Carroll, the minutes of the special business meeting of May 22, 2003 and the regular business meeting of June 12, 2003, were unanimously adopted as written.

HYDROLOGIC CONDITIONS REPORT

SRBC Water Management Division Chief Glen DeWillie reported on continuing wet conditions in the Susquehanna River Basin. Precipitation over the last two months has essentially saturated the basin from north to south. Some areas of the lower basin are now registering excess precipitation of as much as one foot for the period October 2002 to July 2003. As would be expected, stream flows and ground-water levels have responded, producing normal or above normal conditions in virtually all of the six subbasins. The Cumberland County, Pennsylvania, monitoring well that had registered an all-time long-term low last year, has now registered an all-time long-term high.

The abundant precipitation in the basin led Mr. DeWillie to add a word of caution regarding “low water crossings” on basin roadways. Motorists should never try to cross a flooded road. Water on a roadway presents a severe drowning hazard to the occupants of vehicles. The phrase for all motorists to remember is, “Turn Around, Don’t Drown!” SRBC has a video on the subject of low water crossings and more information on the SRBC web site (www.srbc.net).

The Executive Director also commented briefly on the Commission’s use of Growing Greener grant monies to assist local groups in organizing streamside cleanup events. These events involve removal of man-made debris from floodplains, preventing these materials from being carried away by flood waters during high-flow events.

ACTION ITEMS

a. Public Hearing – Project Review

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

Mr. DeWillie first provided some background information on the Commission’s review authority, water use regulations and procedures. The main purpose of these regulations is to avoid adverse environmental impacts and conflicts among users, particularly during periods of drought and low flow. Cumulative impacts are also considered. He explained the methods available for compliance with the consumptive use regulation, including discontinuance of use,

provision of storage water, and payment into the SRBC Water Management Fund to enable purchase of water storage for release during low flow periods. Unless otherwise noted, projects described have chosen payment as their compliance method.

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

The dockets recommended for action included the following 20 projects:¹

- Labrador Mountain (Exhibit A1)
- BAE SYSTEMS Controls (Exhibit A2)
- Twin Hickory Golf Course (Exhibit A3)
- Fox Ledge, Inc. (Exhibit A4)
- Pa. Suburban Water Co. – Waymart System (Exhibit A5)
- Borough of Tunkhannock Municipal Authority (Exhibit A6)
- Viking Energy of Northumberland (Exhibit A7)
- USGS N. Appalachian Research Laboratory (Exhibit A8)
- Tyoga Country Club (Exhibit A9)
- Philipsburg Country Club (Exhibit A10)
- Centre Hall Country Club (Exhibit A11)
- Empire Kosher Poultry, Inc. (Exhibit A12)
- Standing Stone Golf Course (Exhibit A13)
- Wren Dale Golf Course (Exhibit A14)
- Rohrer’s Quarry Inc. (Exhibit A15)
- Masonic Homes (Exhibit A16)
- PPG Industries, Inc., Works No. 6 (Exhibit A17)
- Turkey Hill Dairy, Inc. (Exhibit A18)
- Turkey Hill Dairy, Inc. (Exhibit A19)
- Hanover Foods Corp. (Exhibit A20)

Mr. DeWillie devoted extra time to the description of the Pennsylvania Suburban Water Company’s Waymart System Application. The Commission held a special public hearing on this application on June 25, 2003 at this same location in Clarks Summit, Pa. This application involves an out-of-basin diversion of water to serve both state and federal prison facilities and was therefore carefully analyzed by staff in accordance with the Commission’s out-of-basin diversion policy and protocol. He detailed the results of the staff’s analysis, which indicated compliance with the guiding principles set forth in the policy.

The Executive Director pointed out one correction to the Waymart System docket changing the date of arrival of inmates at the new federal prison facility to October 2003 instead of January 2004.

¹ Docket decisions are not included with the hard copy of the minutes. However, they are available upon request and at www.srbc.net. A transcript of the public hearing on June 25, 2003 is also available for review at the Commission’s Office in Harrisburg, Pa.

Mr. DeWillie then presented specific information on the remaining 19 dockets. All dockets and any accompanying written comments from the public were provided to the commissioners in advance of this meeting.

Chairwoman Myers pointed out that one of the applicants, Viking Energy of Northumberland, was a former client of hers when she was in the private practice of law. She therefore indicated that she would recuse herself from voting on this application. She then asked if there were any comments by the public on any of the project applications before the Commission.

Mr. Robert Suhosky of the Wayne County Economic Development Authority reiterated the support he expressed for the Pennsylvania Suburban Waymart System project at the public hearing on June 25, 2003.

On a motion by Commissioner Lynch, seconded by Commissioner Carroll, the Commission approved by three affirmative votes (excluding Chairwoman Myers) the recommendations of staff with respect to the Viking Energy application.

On a motion by Commissioner Pajerowski, seconded by Commissioner Carroll, the Commission unanimously approved the staff recommendations for the remaining 19 projects.

PRESENTATIONS

a. Panel Session – Water and Economic Development

The Commission sponsored a panel session on *Water and Economic Development*. Panelists included John Blake, Director of the Governor's Northeast Office, Todd Vonderheid with the Greater Wilkes-Barre Chamber of Business and Industry, and Cindy Campbell with the Pennsylvania Department of Community and Economic Development, Northeast Region. SRBC Chairwoman Cathy Curran Myers moderated the panel. Among other things, panelists discussed the importance of water in the economic revitalization of northeast Pennsylvania and the role government needs to play in avoiding conflicts among water users and restoring aging infrastructure.

Some of the other observations made by panel members included:

1. Sound comprehensive planning at the municipal level, including inter-municipal cooperation, is a good place to start planning for the availability and use of water.
2. Water planning must transcend political boundaries.
3. The ability to provide water has made the difference in attracting and retaining a number of important businesses in northeast Pennsylvania, such as Quaker Oats, Mountain Top, and Fairchild Semi-Conductor.
4. Treatment of water is as important an issue as capacity to supply water.

5. More resources need to be devoted to adding and updating water supply and treatment infrastructure.

ACTION ITEMS – PROJECT REVIEW (Cont'd)

b. City of Aberdeen Docket Modification

The Deputy Director presented a proposed docket modification dated August 14, 2003 for Docket No. 20021210, City of Aberdeen. He explained that this docket modification is recommended by staff and not at the request of the project sponsor.

The Commission originally approved the project on December 12, 2002. As approved, the project authorized the City of Aberdeen to make out-of-basin withdrawals of up to 3.0 million gallons per day (mgd) from Deer Creek, when available, to supply water for operations associated with the Aberdeen area of the Aberdeen Proving Ground (APG). It also contained certain provisions authorizing an emergency use of APG's Deer Creek supply to serve the City on an interim basis, which were inserted in the docket at the request of Maryland to address public health and safety concerns that could arise in the City's public water supply system as a result of the presence of perchlorate contamination in the City's well field.

In response to concerns raised over the emergency use provisions contained in the docket, including litigation initiated by the Deer Creek Watershed Association (DCWA), a special Commission meeting and public hearing was held on May 22, 2003 in Harford County, Maryland, to allow the public and interested parties to submit additional comment on the issue of emergency use of water by the City, including historical (pre-Compact) emergency use.

After consideration of the comments received at the May 22, 2003 public hearing and additional information submitted for the record by interested parties, the Commission, pursuant to a docket modification it approved on June 12, 2003, rescinded the emergency use provisions contained in the docket. This action was taken on the basis that Commission Regulation §803.27, which authorizes the issuance of emergency approvals to protect public health, safety and welfare, provides the City with an adequate administrative mechanism for requesting approval to transfer Deer Creek water to the City's public water supply system in the event of an emergency.

The City, in fact, utilized that administrative mechanism provided by the regulation in July, as noted in the following meeting agenda item. The purpose of this unilateral modification action is to reissue the original December 12, 2002 docket, as modified by the Commission on June 12, 2003, with additional modifications striking references to the emergency use provisions contained in the "Findings" section of the original December 12, 2002 docket. These references were not rescinded by the Commission's modification action of June 12, 2003. By approving this modification, the Commission makes no further finding and takes no further action with regard to the issue of historic emergency use of Deer Creek water by the City of Aberdeen.

The Deputy Director went on to explain why staff believes the recommended action is appropriate. There were two components to the emergency use matter in the December 12

docket—the primary one being the conditions under which emergency transfers could occur, plus a secondary, yet important one, dealing with the history of such transfers prior to 1971 when the Susquehanna River Basin Compact became effective.

At the public hearing in May, the Commission took testimony on both these aspects, and the Commission acknowledged that it was appropriate to build and strengthen the record on historic use.

When the follow-up action was taken in June, the Commission effectively rescinded the emergency use provisions, but the staff did not recommend that the Commission also rescind language in the docket related to historic emergency use. Staff felt that the historic use language was effectively nullified by the June 12, 2003 modification action. The DCWA believes otherwise, however, and has indicated an intention to continue litigation to strike that language.

The docket modification recommended by staff would rescind the language related to historic use, setting it aside and leaving a final determination to another day.

Meanwhile, the staff currently has under review the second Aberdeen application and would recommend that the final determination on that issue be made in conjunction with that contemplated action. This effectively allows the record to remain open with regard to historic use and gives the Commission the benefit of any supplemental information or evidence upon which to make a final determination. The proposed docket modification expressly states that, in taking an action at today's meeting, the Commission makes no finding and takes no action with regard to the issue of historic emergency use of Deer Creek water by the City of Aberdeen.

On a motion by Commissioner Carroll, seconded by Commissioner Lynch, the Commission unanimously adopted the recommendations of staff with respect to modification and reissuance of Docket No. 20021210 (Exhibit A21).

c. Extension of Aberdeen Docket Modification

In accordance with the procedures set forth in Section §803.27 of the Commission's regulations, and in response to an emergency situation created by the presence of perchlorate contamination in City wells, the Executive Director issued an emergency certificate to the City of Aberdeen, Maryland, on July 14, 2003 approving a withdrawal from Deer Creek in an amount up to 0.5 mgd, when available, for the purposes of providing public water supply to the City. This certificate expired on August 13, 2003 and the City requested an extension of the certificate to correspond with a State of Maryland emergency approval that extended to September 30, 2003.

Mr. DeWillie noted that the City had offered evidence indicating that reduced pumping from the contaminated wells would keep the perchlorate levels down. However, reduced pumping decreases the City's overall supply capability during the peak summer demand period necessitating emergency relief. He then read a resolution (Exhibit B) reciting the evidence provided by the City and providing for an extension of the emergency certificate to September 30, 2003.

Mr. Don Brand, an attorney representing the City of Aberdeen, requested that the Commission ensure that its resolution extending the emergency certificate not allow the previously issued certificate to lapse. Chairwoman Myers agreed that the resolution should be amended to provide an uninterrupted extension of the July 14, 2003 certificate.

Commissioner Pajerowski added that the Maryland Department of the Environment issued a directive to the City of Aberdeen ordering the City to maintain a perchlorate level below 1 ppm and, as mentioned above, had extended its own emergency authorization to September 30, 2003 to cover the peak summer use period.

Chairwoman Myers emphasized that an action to extend the emergency certificate would not, in any way, affect a pending application from the City for a permanent withdrawal and use of water from Deer Creek in the City's water distribution system. Comments continue to be accepted by the Commission on that application.

On a motion by Commissioner Pajerowski, seconded by Commissioner Lynch, the Commission unanimously approved a resolution providing for an uninterrupted extension of the emergency certificate of July 14, 2003, to September 30, 2003.

d. Procedural Guidelines for Dealing with Violations of Commission Project Review Docket Conditions

The General Counsel presented a resolution (Exhibit C) to adopt procedural guidelines for dealing with violations of Commission Project Review Docket Conditions. The SRBC Water Resources Management Advisory Committee (WRMAC) reviewed the proposed guidelines and its input was incorporated.

The procedural guidelines outline a set of procedures that SRBC staff may use to deal with violations of conditions set forth in approved Commission dockets. Essentially, the guidelines cover three situations: 1) violations of administrative docket conditions; 2) violations of non-administrative docket conditions, and 3) violations causing environmental harm.

Counsel emphasized that these are guidelines only, not hard and fast rules of operation binding in every single instance. The Commission staff will be free to exercise its best judgment in the application of the guidelines. If approved, the guidelines will be numbered and cataloged as a Commission policy.

Commissioner Pajerowski moved adoption of the resolution and commented that these guidelines should not, in anyway, be interpreted as relieving project sponsors from their responsibility to report violations to the Commission. This motion was seconded by Commissioner Lynch and unanimously adopted by the Commission.

e. Grants/Contract Approvals

Watershed Assessment and Monitoring Chief David Heicher requested that the Commission ratify the following grants/contracts:

1. A Pa. DEP grant to continue the development of Total Maximum Daily Loads Studies (TMDLs) for various stream reaches in Pennsylvania. This grant scored 10 out of 10 on the SRBC grant evaluation scale. DEP would provide \$205,500, and the Commission would contribute \$20,400.
2. An EPA grant proposal to collect public water system location data using global positioning systems in order to assist Pa. DEP with its Source Water Assessment requirements. Fifteen thousand dollars would be coming directly to the Commission from EPA to carry out this federally-mandated requirement.
3. An agreement with USGS to partially fund equipment costs and conduct field investigations for the establishment of more reliable and accurate streamflow measurements in the Susquehanna River Basin at a cost of \$12,000.

Commissioner Pajerowski asked where most of the money was coming from for the streamflow measurements project. Mr. Heicher responded that most of the funding would be coming from the National Weather Service. Commissioner Carroll wondered whether the Commission would have access to the streamflow measurement data. The Executive Director indicated that, because this effort is part of the Flood Forecast and Warning Program, all participating parties, including the Commission, will share in the benefits.

On a motion by Commissioner Lynch, seconded by Commissioner Pajerowski, the Commission unanimously ratified the grants/contracts described above.

f. Vehicle Purchases

In accordance with the requirements of the Compact regarding purchases, Chief Administrative Officer Duane Friends requested that the Commission approve an expenditure of up to \$50,000 to replace two of the Commission's high mileage vehicles. The vehicles to be replaced include a 1995 Ford Windstar and a 1995 Chevy Van. Grant fieldwork has, in general, driven up the mileage on Commission vehicles. On a motion by Commissioner Pajerowski, seconded by Commissioner Carroll, the Commission unanimously approved Mr. Friends' request.

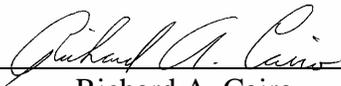
ADJOURNMENT

There being no further business before the Commission, Chairwoman Myers adjourned the meeting at approximately 11:58 a.m.

NEXT MEETING

The next regular meeting of the Commission is tentatively scheduled for October 9, 2003 in Oneonta, N.Y.

Date Adopted



Richard A. Cairo
General Counsel/Secretary to the Commission

Docket No. 20030801
Approval Date: August 14, 2003

LABRADOR MOUNTAIN

Surface-Water Withdrawal of Up to 2.57 mgd from Labrador Creek, When Available, and a Consumptive Water Use of Up to 0.585 mgd, for Snowmaking, Town of Truxton, Cortland County, New York

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on July 02, 2001, and the application for the surface-water withdrawal on April 24, 2003.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of water from Labrador Creek and the consumptive use of a portion of that water for the production of snow at an existing ski resort.

Location. The project is located in the Upper Susquehanna Subbasin, HUC 02050102, Labrador Creek Watershed, Town of Truxton, Cortland County, New York.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of up to 2.57 million gallons per day (mgd) of water, when available, from Labrador Creek, and a consumptive use of water of up to 0.585 mgd. The project sponsor calculates the project's maximum average 30-day surface-water withdrawal to be 1.42 mgd, and current peak-day surface-water withdrawal to be 2.57 mgd, that results in a maximum 30-day average consumptive water use of 0.311 mgd, and current peak-day consumptive water use of 0.585 mgd.

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

The project was constructed as a ski resort in 1959, and began snowmaking operations in 1961. The project continued to add slopes and trails until 1979, when the Ptarmigan slope was

completed. A portion of the existing ski slopes were converted to a half pipe and terrain park to accommodate snowboarding in the late 1980s.

The project sponsor withdraws water directly from Labrador Creek to meet the snow-making needs. The withdrawal began in 1961 using a single 600-gallon-per-minute (gpm) capacity pump. A second 600 gpm pump was installed in 1969. Two 300-gpm pumps were added to the system in the 1980s. The current system was installed in 1998, and consists of two 1,200-gpm turbine pumps. The snowmaking system is equipped with a meter that measures the quantity of water pumped through the snowmaking system.

Findings

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

Twenty-two percent (22 percent) of the water withdrawn from Labrador Creek, and used for snowmaking, is considered to be used consumptively. The snowmaking system is equipped with meters that measure the quantity of water pumped from Labrador Creek and through the snowmaking system.

The project sponsor requested approval for a consumptive water use of up to 0.585 mgd. Based on an analysis of the snowmaking records supplied by the project sponsor, Commission staff is recommending approval of that amount. Should the project's future consumptive water use exceed or be expected to exceed 0.585 mgd, the project sponsor must apply for a modification to this docket at that time.

Water is withdrawn from Labrador Creek and pumped directly to the snowmaking equipment. The project sponsor currently withdraws water at a rate of 2,400 gpm (two 1,200 gpm turbine pumps). Labrador Creek is classified as Class C, Trout Waters, (Title 6, Environmental Conservation, Chapter X, Subchapter B, Fresh Surface and Tidal Salt Waters, New York State Department of Environmental Conservation (NYSDEC)). Based on the stream's classification, its geographic location in the watershed and the anticipated associated fishery of trout and combined species of fish, Commission staff has determined a minimum flow of 25 percent of the annual average daily flow (ADF), or 2,016 gpm, is required at the point of withdrawal to prevent loss of aquatic habitat.

Commission staff recommends that the project sponsor allow a passby flow below its intake on Labrador Creek of not less than 25 percent of ADF, which equals 4.49 cfs (2,016 gpm), and to cease all withdrawals when streamflow is less than 4.49 cfs. According to Commission staff's analysis, approximately 13 percent of the time (in November and December) the project sponsor will be unable to withdraw water from Labrador Creek.

The project sponsor has agreed to Commission staff's calculated pre-1971 consumptive water use of 0.182 mgd for snowmaking and, for purposes of this docket, this quantity of water used for snowmaking is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water for snowmaking, 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 consumptive water use payment will be based on 22 percent of the daily quantity of water used for snowmaking, minus the pre-1971 consumptive use of 0.182 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

Compliance Incentive Program

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water 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 Labrador Creek of up to 2.57 mgd, when available, and the consumptive use of water of up to 0.585 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. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used for snowmaking shall be 22 percent of the water pumped to the snowmaking system. The project sponsor shall maintain metering on the

snowmaking system, accurate to within five (5) percent.

c. The maximum instantaneous rate of withdrawal from Labrador Creek shall not exceed 2,400 gpm.

d. Within sixty (60) days from the date of this approval, the project sponsor shall 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. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

e. The project sponsor shall allow a flow to pass in Labrador Creek directly below the intake of not less than 4.49 cfs (2,016 gpm). When the streamflow below the intake is less than this amount, the withdrawal shall be reduced to maintain 4.49 cfs (2,016 gpm) in the stream channel below the intake. When the natural flow is equal to or less than 4.49 cfs (2,016 gpm), no water may be withdrawn, and the entire natural flow shall be allowed to pass the intake to maintain equal natural flows in the channel above and below the intake.

f. The project sponsor shall modify or replace the stream intake structure to incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule for a modified or replacement intake structure within 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.

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 for snowmaking shall be 22 percent of the water pumped to the snowmaking system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.182 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

h. The project sponsor shall comply with the water conservation requirements specified 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 in excess of the grandfathered quantity of 0.182 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 (g) above.

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

k. 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. 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.

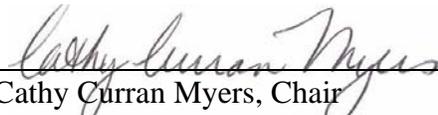
n. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

o. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2027, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

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

By the Commission:

Dated: August 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20030802
Approval Date: August 14, 2003

BAE SYSTEMS CONTROLS

Consumptive Water Use of Up to 0.050 mgd, for Manufacture of Electronic Controls,
Town of Union, Broome County, New York

Review Authority

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

Description

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

Location. The project is located in the Upper Susquehanna Subbasin, HUC 02050103, Susquehanna River Watershed, Town of Union, Broome County, New York.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.050 million gallons per day (mgd). Based on weekly-metered water use data for the years 2000 through 2002 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be approximately 0.043 mgd, and estimates current peak-day consumptive water use to be approximately 0.045 mgd.

The facility was constructed in 1941, and the manufacture of electronic controls began at the facility in 1948 by the Aeronautical and Ordinance Systems Division of the General Electric Company (GE). Martin Marietta Aircraft Controls acquired GE Aerospace in 1993, and took over operation of the facility. In 1995, Martin Marietta joined with Lockheed, and the facility became Lockheed Martin Control Systems. In 2000, BAE SYSTEMS acquired the Lockheed Martin Control Systems and currently operates in the facility under BAE SYSTEMS Controls.

The project sponsor develops, manufactures, and tests electronic controls for commercial and military systems at the facility, including airplane flight controls, digital controls for aircraft engines, mission computers, and integrated systems that combine flight, propulsion, and weapon control functions. In addition, the project sponsor develops drive systems that combine electric and diesel technology to power buses and other large vehicles.

Water is supplied to the facility by the Johnson City public water supply system and from one on-site well (Well W1). Water supplied by Johnson City is metered as it enters the facility in two locations (JC1 and JC2), and is used for building air conditioning and sanitary purposes.

Water supplied by Well W1 is used for noncontact process cooling and building air conditioning. The project's ground-water withdrawal began in 1974, and is metered. The well has a pump capacity of 500 gallons per minute (gpm).

The facility uses four cooling towers to meet the building air conditioning and noncontact process cooling demands. A system of three cooling tower units, identified by the project sponsor as the Chiller Towers, is used solely to provide building air conditioning. Metered make-up water for the Chiller Towers is supplied by Johnson City. Blowdown from the Chiller Towers is metered and discharged to the Binghamton-Johnson City sanitary sewer system.

The facility's fourth cooling tower, identified as the Well Tower, is used to provide both building air conditioning and noncontact process cooling. Make-up water for the Well Tower is withdrawn from Well W1 and discharged to a 0.25-million-gallon (mg) enclosed reservoir located adjacent to the Well Tower. Ground water is pumped to the reservoir, based on water level controls and cooling water temperature requirements. Blowdown from the reservoir is metered and discharged to one of two outfalls (Outfalls 2 and 3), and conveyed to Little Choconut Creek. The project's noncontact cooling water and storm water discharges into the creek are subject to, and regulated by, the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES), Permit No. NY 000 4073.

Sanitary wastewater from the facility is discharged to the Binghamton-Johnson City sanitary sewer system. Sanitary wastewater from the facility is not metered.

Findings

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

All water evaporated by the facility's cooling towers is considered to be used consumptively. The project sponsor has determined, and Commission staff concurs, that evaporation from the cooling towers should be calculated by subtracting metered blowdown water from metered make-up water for the cooling towers. Commission staff recommends that the project's total daily consumptive water use be determined by summing the daily consumptive water use of the facility's Chiller Towers and the Well Tower.

Make-up water supplied by the Johnson City public water supply system for the facility's Chiller Towers and blowdown from the Chiller Towers currently is metered and recorded on a weekly basis by the project sponsor.

The facility's Well Tower receives make-up water from Well W1. The ground water is withdrawn and discharged to the 0.25 mg reservoir, based on level controls in the reservoir and on water temperature requirements of the noncontact process cooling water. The ground-water

withdrawal currently is recorded on a weekly basis. Blowdown from the reservoir to Little Choconut Creek currently is measured by two means.

During normal operating periods, blowdown from the Well Tower is discharged from the reservoir to Outfall 2, which is metered and recorded on a weekly basis.

During warm weather, typically in the spring and summer months, the water temperature in the reservoir must be further reduced to meet the noncontact process cooling demands at the facility. To accomplish this, the project sponsor pumps additional ground water from Well W1, while operating the reservoir in overflow mode to produce the required water temperature. Warmer water is released from the top of the reservoir over a V-notch weir to Outfall 3. Discharges from the reservoir over the weir currently are measured on a weekly basis but, according to the project sponsor, are not accurate. When the system is being operated in overflow mode, evaporation from the Well Tower currently is calculated by a formula. The reported evaporation quantities are conservatively based on the Well Tower operating at full capacity during the entire overflow period. The project sponsor has agreed to correct the metering problem, or propose an alternative means of measuring the daily evaporation by the Well Tower to the Commission for staff review and approval.

For both normal and overflow operations of the Well Tower, Commission staff finds that evaporation from Well Tower should be calculated as the total quantity of ground water pumped to the reservoir, which is measured by the meter on Well W1, minus the total quantity of water released from the reservoir to Outfalls 2 and 3.

Since manufacturing operations at the facility are fairly uniform during each week, Commission staff recommends that evaporation from both the Chiller Towers and Well Tower be measured on a weekly basis, as described above. The computed weekly consumptive use of the Chiller Towers and Well Tower should be prorated as a daily basis to determine the project's daily consumptive water use. Commission staff recommends that all flows be measured and recorded at approximately the same time and on the same day each week.

The project sponsor has requested a consumptive water use approval of up to 0.050 mgd. Based on an analysis of metered water use records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 11 percent above the current estimated peak-day use of 0.045 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.050 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff and the project sponsor have agreed to a pre-1971 consumptive water use of 9,000 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 project's ground-water withdrawal has been in operation since 1974. The withdrawal predates Commission Regulation §803.43, relating to ground-water withdrawals, and has not increased more than 0.100 mgd since July 13, 1978, the effective date of the regulation. Therefore, Commission staff finds that this withdrawal is not subject to the regulation.

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.050 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep weekly records of the project's consumptive water use, prorated to a daily basis, and shall report the daily data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the facility's cooling towers (the Chiller Towers plus the Well Tower). The project sponsor shall maintain metering on the Chiller Towers and Well Tower, 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 to measure the discharge from the reservoir to Outfall 3, accurate to within five (5) percent, to calculate the evaporative loss from the Well Tower. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

d. The project sponsor shall keep weekly records of the project's ground-water withdrawal, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. If the ground-water withdrawal exceeds the threshold specified in Commission Regulation §803.43, the project sponsor shall submit the appropriate application(s) for review and approval by the Commission.

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 facility's cooling towers. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.009 mgd. 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 specified in Commission Regulation §804.20(b).

g. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.009 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.

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. 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.

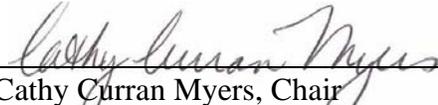
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

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

By the Commission:

Dated: August 14, 2003



 Cathy Curran Myers, Chair
 Pennsylvania Commissioner

Docket No. 20030803
Approval Date: August 14, 2003

TWIN HICKORY GOLF COURSE

Consumptive Water Use of Up to 0.128 mgd, for Golf Course Irrigation,
Town of Hornellsville, Steuben County, New York

Review Authority

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

Description

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

Location. The project is located in the Chemung River Subbasin, HUC 02050104, Canisteo River Watershed, Town of Hornellsville, Steuben County, New York.

Project Features. The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.128 million gallons per day (mgd). The project sponsor calculates the project's current maximum average 30-day consumptive water use to be 0.066 mgd, and peak-day consumptive water use to be 0.177 mgd.

The project was constructed as a 9-hole golf course in 1964. The irrigation system included the existing storage pond and irrigated greens and tees. The course was expanded to 18 holes in 1987 and fully irrigated all greens, tees, and fairways by the early 1990s.

Currently, the project sponsor withdraws water from two wells that is pumped to the storage pond. The wells are not metered. Water from the storage pond is pumped to the irrigation system to meet the golf course's needs. The withdrawal began in 1989, and has not exceeded a maximum 30-day average of 0.100 mgd. The irrigation system is not equipped with a meter.

Findings

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

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

The area of the storage pond has not expanded since 1964. Therefore, water evaporated from the existing 1.5-acre storage pond is considered “grandfathered,” and is exempt from water compensation requirements. The project sponsor has agreed to the Commission staff’s calculated pre-1971 consumptive water use of 0.029 mgd for golf course irrigation and, for purposes of this docket, this quantity of water used for golf course irrigation is considered “grandfathered” and is exempt from water compensation requirements.

The project sponsor originally requested approval for a consumptive water use of up to 0.1975 mgd. Based on an analysis of its data, the project sponsor has determined that a maximum daily consumptive use of 0.128 mgd would meet the operational needs of Twin Hickory Golf Course. Although this amount is less than the current maximum daily consumptive water use of 0.177 mgd, the project sponsor has decided to operate the system within the 0.128 mgd limit. Should the project’s future consumptive water use exceed or be expected to exceed 0.128 mgd, the project sponsor must apply for a modification to this docket at that time.

The project’s consumptive use of water for irrigation, 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 consumptively used for golf course irrigation, minus the pre-1971 consumptive use of 0.029 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.

Water is withdrawn from two wells and pumped to the storage pond. The project’s ground-water withdrawal is less than the regulatory threshold specified in Commission Regulation §803.43, relating to ground-water withdrawals. Therefore, Commission staff finds that this withdrawal is not subject to the regulation. However, the wells currently are not equipped with meters. Commission staff recommends that the project sponsor install appropriate metering and monitor the daily ground-water withdrawal. The project sponsor may propose alternative monitoring to Commission staff.

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 use of water of up to 0.128 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 quantities 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. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system.
- d. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the two on-site wells, accurate to within five (5) percent, and keep daily records of the project's ground-water withdrawal quantities. The project sponsor shall limit its combined withdrawal from the wells to 0.099 mgd on a thirty (30)-day average. The project sponsor shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative monitoring to the Commission for staff 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 0.029 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

f. The project sponsor shall comply with the water conservation requirements specified 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 0.029 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above.

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. 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.

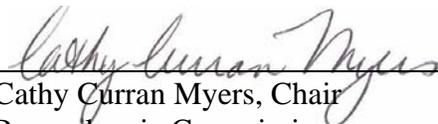
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

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

By the Commission:

Dated: August 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20030804
Approval Date: August 14, 2003

FOX LEDGE, INC.
WHITE PROPERTY—SPRING 2

Consumptive Water Use of Up to 0.0576 mgd, for Bulk Water Hauling,
Clifford Township, Susquehanna County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on February 28, 2003.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for bulk hauling of water for sale as spring water.

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050106, Little Creek Watershed, Clifford Township, Susquehanna County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.072 million gallons per day (mgd). Based on data provided by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use will be 0.0510 mgd, and peak-day consumptive water use will be 0.0576 mgd.

The source of water is a spring (Spring 2), and the project is currently under construction. Water from the spring is gravity-fed through a 4-inch PVC pipe to a concrete collection chamber. Water will be then pumped from the collection chamber to the on-site treatment system and stored in a 15,000-gallon stainless steel tank. Water will be periodically removed from the storage tank and transported to the bottling facility.

Based on data provided by the project sponsor, Commission staff has calculated an average daily flow of 0.061 mgd for the spring.

Coordination. Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (Pa. DEP) Northeast Region Office during review of the project. The spring passed surface-water influence protocol (SWIP) monitoring. In its draft permit, Pa. DEP has required a passby flow, and is withholding the permit issuance until Commission action.

Findings

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

All water pumped to tanker trucks at the loading station is considered to be consumptively used. The project sponsor has agreed to meter the quantity of water pumped to the loading station.

The project sponsor requested approval for a consumptive water use of up to 0.072 mgd. Based on the pending Pa. DEP permit, the current system will be limited by the maximum disinfection capacity of 40 gallons per minute (gpm), or 0.0576 mgd. Commission staff is recommending approval of a quantity up to the system disinfection capacity of 0.0576 mgd. Should the project wish to increase its consumptive water use, the project sponsor must apply to the Pa. DEP for a revision of its permit and apply to the Commission for a modification to this docket.

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

Fox Ledge, Inc.'s Spring 2 is located upstream from Cottrell Lake, in the headwaters area of an unnamed tributary to Little Creek, which flows to Tunkhannock Creek, a cold-water fishery (CWF) (Title 25, Chapter 93, Pennsylvania Code). Little Creek has a wild brook trout population. Based on the stream's classification and its geographic location in the watershed, the Pennsylvania Fish and Boat Commission staff has recommended a minimum flow of 25 percent of the annual average daily flow (ADF), or 10.6 gpm, at the spring to prevent loss of aquatic and wetland habitats. Commission staff concurs with this recommendation.

Commission staff recommends that the project sponsor allow a minimum passby flow of 25 percent of the annual ADF (10.6 gpm) from the spring at times water is being withdrawn. The project sponsor should install and maintain a passby device to ensure that the minimum flow of 10.6 gpm is allowed to pass during these times.

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

The Commission received correspondence about this project from representatives of the Cottrell Lake Association. The Association is concerned that the proposed withdrawal of 40 gpm from the spring upstream from the lake poses a risk to the lake and outlet stream. The dam on Cottrell Lake is permitted by Pa. DEP (Permit No. 70-58-41, issued to the Cottrell Lake Association), however, as part of Pa. DEP's review, it was determined that no low flow release was required from the dam. Further, even though there are other springs supplying the lake and some leakage under the dam, the discharge from the lake stops during the summer now, even

though there is no withdrawal from Spring 2, which suggests that evaporation exceeds inflow during the summer. Therefore, Commission staff finds that the withdrawal appears to pose no risk to the outlet stream to Cottrell Lake and the passby flow is sufficient to protect the lake.

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 0.0576 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. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity pumped to tanker trucks at the loading station. The project sponsor shall install and maintain metering at the loading station, accurate to within five (5) percent.

c. The project sponsor shall allow a flow to leave the spring (a passby flow) of not less than twenty five (25) percent of annual average daily flow (ADF), which equals 10.6 gallons per minute (gpm) at all times when water is being withdrawn from the spring. The project sponsor shall install a device to regulate the amount of withdrawal from the spring to meet the passby flow requirement.

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

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

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

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. 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.

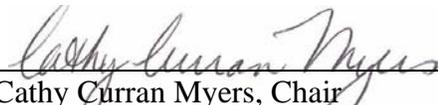
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

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 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20030805
Approval Date: August 14, 2003

**PENNSYLVANIA SUBURBAN WATER COMPANY—
SCI WAYMART SYSTEM**

Ground-Water Withdrawal of 0.136 mgd (30-day average) from Well 1 and
0.259 mgd (30-day average) from Well 2, and
Consumptive Water Use Through an Out-of-Basin Diversion
of Up to 0.494 mgd, for Institutional Water Supply,
Canaan Township, Wayne 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 diversion of water from the basin, and §803.43, relating to ground-water withdrawals. The Commission received the consumptive water use and ground-water withdrawal applications on March 31, 2003. The project sponsor submitted information in support of the application to the Commission on January 23, 2003, March 12, 2003, June 2, 2003, June 18, 2003, July 21, 2003, and July 22, 2003.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of ground water from Wells 1 and 2 and diversion of that water from the basin for institutional water supply.

Location. Wells 1 and 2 are located in the Middle Susquehanna Subbasin, HUC 02050107, Racket Brook Watershed, in Canaan Township, Wayne County, Pennsylvania.

Background. The water system to supply Farview State Hospital for the Criminally Insane (Farview State Hospital), which is now the Pennsylvania State Correctional Institution at Waymart (SCI facility), was constructed in 1911. The water supply system consisted of a variety of sources over the years, including three wells (Wells 1, 2, and 3), Reservoir No. 7, and Cold Spring, along with typical storage and water distribution features connected to the SCI facility. Following the 1980-81 drought, Wells 1 and 2 provided the majority of the water supply. Wells 1 and 2 currently are the sole sources of supply, providing 0.188 million gallons per day (mgd) (30-day average). Reservoir No. 7, Well 3, and Cold Spring are no longer in use.

In 2000, the project sponsor, Pennsylvania Suburban Water Company (PSW), acquired the Waymart Water Company (now known as PSW-Waymart Division), which had secured a contract to supply water to a new Federal Bureau of Prisons facility (FBOP facility). PSW also acquired the SCI Waymart System, which currently only supplies water to the SCI facility located in the Delaware River Basin. The new FBOP facility, currently under construction, is located in the Delaware River Basin near the property of the SCI facility. Both the SCI facility and the FBOP facility are located in Canaan Township (adjacent to the Borough of Waymart), Wayne County, Pennsylvania. The project sponsor proposes to serve both prison facilities with the SCI Waymart System.

Project Features. The project sponsor has requested approval for a ground-water withdrawal of 0.136 mgd (30-day average) from Well 1 and 0.259 mgd (30-day average) from Well 2, and a consumptive water use through an out-of-basin diversion of up to 0.494 mgd (peak daily water requirement). The wells will only be used to supply water to the SCI and the FBOP facilities.

Wells 1 and 2 were drilled in the Duncannon member of the Catskill Formation in 1965. Both wells were drilled and constructed as 10-inch-diameter open rock holes, with 121 and 134 feet of casing, respectively. The wells are located in the headwaters of the Racket Brook Watershed, near Reservoir No. 7. Two public water supply sources owned by Pennsylvania American Water Company (PAWC), Reservoir No. 4 and the Brownell Reservoir, are located downstream from Reservoir No. 7.

Withdrawals from Wells 1 and 2 are separately metered and pumped to a 2.0-million-gallon underground reservoir to provide short-term peaking capability for the water supply system. The water also is separately metered as it enters the SCI facility and FBOP facility. One private residence, formerly the warden's house, also is served at the SCI facility.

PSW plans to supply the FBOP facility with up to 0.259 mgd of water on a peak usage day, and 0.207 mgd based on a maximum consecutive 30-day average. The SCI facility currently uses an annual average of 0.178 mgd, a maximum consecutive 30-day average of 0.188 mgd, and a peak day use of 0.235 mgd. PSW currently is operating the wells and serving the SCI facility under Permit No. 166W002, originally issued by the Pennsylvania Department of Health to Farview State Hospital on May 16, 1966. PSW recently constructed an interconnection between the SCI Waymart System and its Waymart Division (PSW-WD), a separate water supply system serving the Borough of Waymart. This connection normally is closed and only will be used in the case of a public health or safety emergency in either the SCI facility or FBOP facility. This connection is not metered.

Water demands at the SCI facility are based on design capacities of 1,321 inmates and 750 employees, and at the FBOP facility 1,500 inmates and 500 employees. The SCI facility currently has 1,321 inmates. The FBOP facility is scheduled to receive inmates as early as October 2003, and reach its design prison population within the first year of operation.

Effluent from the SCI facility is treated at the SCI wastewater treatment plant, metered, and discharged to an unnamed tributary of Middle Creek. Effluent from the FBOP facility will

be treated at the Waymart Area Authority wastewater treatment plant and discharged to Van Auken Creek and was the subject of Delaware River Basin Commission Docket No. D-2002-32 CP, (October 16, 2002). Both wastewater discharges are located within the Delaware River Basin.

Pumping Test. The pumping test plans for Wells 1 and 2 were reviewed and approved by Commission staff. In addition to the production wells, monitoring was conducted at 1 domestic well, 6 wetland piezometers, and the discharge from Reservoir No. 7. A 48-hour constant-rate pumping test for Well 1 was conducted May 5-7, 2003. Pumping at an average rate of 151 gallons per minute (gpm), total drawdown at the end of the test was 132 feet. There was no drawdown observed in any surface water, wetland, or ground-water monitoring points.

A 72-hour constant-rate pumping test for Well 2 was conducted May 12-15, 2003. Pumping at an average rate of 252 gallons per minute (gpm), total drawdown at the end of the test was 32 feet. A drawdown of 2.7 feet was observed in a residential well at a distance of approximately 1,500 feet. There was no drawdown observed in any other surface water, wetland or ground-water monitoring points. The period of testing (late April through early May) was marked by several rainfall events, ranging from 0.10 to 0.72 inches onsite.

Coordination. The Pennsylvania Department of Environmental Protection (Pa. DEP) issued a construction permit (APS No. 361582) to PSW on March 28, 2002, to construct a water main interconnecting SCI Waymart System and the Waymart Division system; upgrade the SCI storage reservoir, change the disinfection system from chlorine gas to liquid hypo-chlorite, and replace the well pumps with new pumps of the same permitted capacity (Well 1--150 gpm, Well 2--250 gpm). Pa. DEP is holding its approval of a Safe Drinking Water Act Operations Permit for the interconnection between the SCI and Waymart systems; and the transfer of the Public Drinking Water Supply Permits from Farview State Hospital to the project sponsor, pending Commission action. Commission staff has coordinated with the Pa. DEP's Northeast Region Office during review of the project, and Pa. DEP staff has reviewed this docket for consistency with its requirements.

Public Hearing. On Wednesday, June 25, 2003, the Commission held a public hearing on the proposed project in Clarks Summit, Pa. A written transcript was created to document the hearing. Commission staff provided a detailed description of the project, and outlined the Commission's out-of-basin diversion policy. Testimony was then accepted from those in attendance. In addition to representatives for the project sponsor, four other parties provided testimony. Only one party was opposed to the project, the PAWC, which expressed its concerns regarding the increased ground-water withdrawal in the headwaters of the watershed of its Brownell water supply system. In its testimony, PAWC maintained that the out-of-basin diversion would reduce the recharge capability of feeder streams into its Reservoir No. 4 and the Brownell Reservoir.

Findings

The project's consumptive use of water through an out-of-basin diversion and its ground-water withdrawal are subject to Commission review, approval, and reporting requirements, as per Commission Regulations §803.4, §803.42, and §803.43, and Section 3.10 of the Compact.

All water withdrawn from Wells 1 and 2 and transmitted to the SCI and FBOP facilities constitutes a diversion of Susquehanna River basin's waters as defined in section 1.2 (4) of the Compact. The diverted waters are considered to be consumptively used under Commission Regulation §803.42. The wells are equipped with separate meters. The project sponsor proposes to sum the daily metered water withdrawals from Wells 1 and 2 to determine the project's daily consumptive water use. The daily records will be submitted to the Commission quarterly, and as otherwise required, to document the out-of-basin diversion.

The project sponsor has requested a consumptive water use approval of up to 0.494 mgd. Based on design capacities of the facilities 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 0.494 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff determined (as documented by correspondence to PSW dated February 28, 2003) that the pre-1971 diversion and consumptive water use for the SCI Waymart System from all sources was 0.300 mgd, based on a peak 30-day average. Prior to the development of Wells 1 and 2 in 1966, the entire project was supplied exclusively from a surface water withdrawal from Racket Brook (at Reservoir No. 7), a surface-water withdrawal at Cold Spring, and Well 3. Reservoir No. 7 was the primary source of supply. The project's ground-water withdrawal from Wells 1 and 2 began in 1966 to supplement the supply from Reservoir No. 7 (and other sources).

Commission Policy No. 98-06 allows a transfer of the exemption from consumptive water use regulation for pre-Compact users in cases where the nature and amount of consumptive water use remains unchanged. The project sponsor and new owner of the system, although a privately-owned public water supplier, proposes to continue to supply the SCI facility with consistent quantities of water. The new FBOP facility also is a prison and, therefore, the institutional nature of the water use is unchanged, provided that no other permanent connections will be made to the PSW prison water supply system. Therefore, Commission staff recommends that Well 1 and 2 withdrawals be limited in their use solely to supply the needs of the two prison facilities.

For purposes of this docket, the pre-1971 quantity of water consumptively used is considered "grandfathered," and is exempt from water compensation requirements, although the project would not be exempt from other Commission regulations, including those related to environmental protection and reporting requirements.

The project's diversion and 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 or discontinuing use.

Should the project sponsor plan to supply water to any entity other than the SCI facility and the FBOP facility it will be considered a new use, and subject to Commission regulations, the project sponsor must apply for a modification to this docket prior to that time. Furthermore, the project sponsor may not use the interconnection between the SCI Waymart System and the PSW-WD for emergency transfers of water between the two systems without having first obtained an emergency certificate pursuant to Commission Regulation §803.27.

The project's ground-water withdrawal from Wells 1 and 2 began in 1966. Based on historical water use for the SCI Waymart System documented in Pennsylvania Annual Water Supply Reports, consultant reports in support of prior permits, and technical calculations, Commission staff has determined that a maximum 30-day average withdrawal from Wells 1 and 2 of 0.150 mgd, based on a 30-day average, predates July 13, 1978, the effective date of Commission Regulation §803.43. The project sponsor has requested a total withdrawal of 0.395 mgd, based on a 30-day average, from Wells 1 and 2, which represents an increase of more than 0.100 mgd since the effective date of the regulation. Therefore, Commission staff finds that the ground-water withdrawal is subject to Commission Regulation §803.43.

Commission staff recommends approval of a 30-day average withdrawal of 0.136 mgd from Well 1 and a 30-day average withdrawal of 0.259 mgd from Well 2. Based on the pumping tests, the maximum instantaneous pumping rates for Wells 1 and 2 should be limited to 150 gpm and 250 gpm, respectively. Tested singly, neither well induced drawdown in the other. Therefore, minimal well interference is expected.

Water level trends in the water supply wells, monitored during the period of testing, did not respond to the rain events. Water levels in the shallow (wetland) piezometers responded rapidly to each rain event, but quickly returned to the prerin-event trend, with the exception of Piezometer 3, which exhibited anomalous behavior throughout the Well 2 test.

The only documented impact indicated during the pumping test is that to the nearby residential well. The project sponsor has agreed with the landowner to monitor this well and mitigate any loss of use. Commission staff recommends that the project sponsor prepare a monitoring and mitigation plan for the residential well and submit this plan for Commission staff review and approval.

The project sponsor cited previous work (PGS Water Resource Report 41, Water Resources of Lackawanna County, Pennsylvania, 1975) which indicated that the upper Racket Brook Watershed was perched with respect to regional ground-water flow. Commission staff requested current water table mapping by the project sponsor to verify the existing water table conditions and previous mapping. The additional study performed by the project sponsor's consultant and hydrogeologic staff indicates that Racket Brook and the reservoirs along it are perched. This recent water table mapping is in general agreement with mapping published by the Pennsylvania Geological Survey (Water Resource Report 41). The consultant has suggested that

the perching is due to a dense clay-rich horizon in the glacial deposits that occur in the area valleys. The delineation of these deposits by the consultant is generally in agreement with the mapping of surficial deposits on the Waymart quadrangle by Dr. Duane D. Braun of Bloomsburg University, which was reviewed by the consultant. No information submitted by the project sponsor and/or otherwise reviewed by Commission staff is in conflict with this interpretation.

The degree of perching along the axis of the stream and beneath Reservoirs 4 and 7 is only a few tens of feet, and water level monitoring points are few and widespread. In addition, the Brownell Reservoir and Reservoir 4 are sources for a water supply operated by the PAWC. Therefore, Commission staff recommends additional monitoring of the ground-water level in the vicinity of Reservoirs 4 and 7, where impact to the surface water by the operation of Wells 1 and 2 is most likely to occur. The water level in the bedrock/deep aquifer should be monitored from at least 2 locations, continuously, for a minimum of 2 years. Monitoring should be by transducer and digital recorder. Monitoring results should be submitted on a quarterly basis, in an interpretive report that includes a hydrograph of the data, a digital copy of all of the data, and supporting text.

Implementation of this monitoring plan should result in sufficient data to address PAWC's and the Commission's concerns.

Additional water sources (Reservoir No. 7, Well 3, and Cold Spring) formerly supplied the SCI facility. The project sponsor has offered to permanently relinquish their rights to the use of these sources (page 3 of the matrix response to the Commission's Out-of-Basin Diversion Protocol), and PAWC in its comments presented at the public hearing suggested an approval should contain such a condition. However, the project sponsor did not request approval of the sources of supply, and has indicated that these sources are abandoned. Therefore, this docket only approves the use of Wells 1 and 2. Any other sources, including the above, cannot be used without prior Commission approval.

The project is subject to the Commission's water conservation requirements, as per Commission Regulation §803.20(a). The project sponsor has agreed to limit transmission losses between the wells and the facilities to 10 percent. Further, the project sponsor has agreed to insure that water-conserving plumbing fixtures are installed and functioning properly in both prison facilities.

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 other proofs of notification, as called for in Commission Regulation §803.25.

OUT OF BASIN DIVERSION CONSIDERATIONS

1. *Any adverse effects and cumulative adverse effects the project may have on the ability of the Susquehanna River Basin to meet its own present and future needs.*

Consistent with the findings noted above, Commission staff has determined that the diversion can be characterized as having a minimal adverse effect on the ability of the Susquehanna River Basin to meet its own needs. The project sponsor has agreed to mitigate possible environmental impacts or impacts on other users within the Susquehanna River Basin through a monitoring program, and mitigate any loss of use to an adjacent landowner's well.

2. The location, amount, timing, purpose, and duration of the proposed diversion and how the project will individually and cumulatively affect the flow of any impacted stream or freshwater inflow of the Chesapeake Bay.

The increased amount of ground-water withdrawal and diversion above the pre-Compact amount will have minimal affect on local stream flows and freshwater inflows to the Chesapeake Bay. Flow impacts in Racket Brook, and within the watershed itself, were previously discussed in the findings section. The imposition of a monitoring program is intended to identify possible additional impacts not previously identified during the pumping tests and water level mapping. Thirty day average and peak consumptive uses represent insignificant impacts to average daily and minimum flows from the Susquehanna River Basin to the Chesapeake Bay.

3. How the project will individually or cumulatively affect other environmental, social, and recreational values.

In addition to previously discussed environmental findings, Commission staff finds no significant individual or cumulative social or recreational impacts. No new water supply source or transmission facilities will be constructed in the basin; therefore, the proposed project will not adversely impact the remains of the historic Delaware and Hudson inclined plane gravity railroad system that operated through nearby Fairview Gap from 1828 to 1898. The project wells are located on a 392-acre tract of former state land, which is now owned by PSW. No recreational uses of the land, or water resources on this property, are currently authorized.

4. Whether there is a reasonably foreseeable need for the quantity of water requested by the project sponsor and how that need is measured against other reasonably foreseeable needs in the Susquehanna River Basin.

There is a reasonably foreseeable need for the water use by the project sponsor; this use is consistent with other similar demands in the basin, and conservation requirements in accordance with Commission Regulation §803.20(a) will be met. The SCI facility currently uses an annual average of 0.178 mgd to serve a population of 1,321 inmates, 750 employees, and one private residence, which equates to a full-time population served of 1,575 persons. SCI facility's current per capita use is 113 gallons per capita per day (gpcd). The proposed FBOP facility has a design capacity of 1,500 inmates and 500 employees, which equates to a full-time population served of 1,667 persons, or a per capita use of 103 gpcd.

Water demand at SCI-Waymart is expected to remain constant during the next 25 years. The FBOP facility expects to receive inmates beginning as early as October 2003, and reach full capacity within a year. Based on metered data from Pennsylvania Annual Water Supply Reports, Commission staff has calculated current per capita water use at two in-basin prisons, Rockview

State Penitentiary and Huntingdon State Correctional Institution, to be 192 gpcd and 176 gpcd, respectively. Comparing these similar in-basin water uses to the current and projected water demands at the SCI and FBOP facilities, Commission staff concludes that the water demands are reasonably foreseeable, and as previously discussed in the findings section, conservation measures will be put in place to minimize demand.

5. The impact of the diversion on economic development within the Susquehanna River Basin, the member jurisdictions, or the United States of America.

The proposed project is expected to positively impact that part of the basin immediately adjacent to the project area. In its testimony on the project, the Wayne County Economic Development Corporation reported that construction of the FBOP facility and staffing of that facility will create 407 new jobs in the Waymart area, and will contribute \$25 million annually into the regional economy. Substantial secondary benefits to basin businesses are expected to accrue from supplying the two prisons with food, clothing, and other basic goods and services. Commission staff concludes that, based on existing housing and infrastructure in the area, at least half of the jobs and annual benefits generated by the project could accrue to persons residing in, and businesses located within, the Susquehanna River Basin.

6. The cost of the diversion versus other alternatives, including certain external costs such as impacts on the environment or natural resources.

The project sponsor investigated a variety of in- and out-of-basin sources to supply the SCI and FBOP facilities. In total, the project sponsor investigated 12 different alternatives to provide water supply for the facilities. Capital costs ranged from \$300,000 for an individual well located in the Delaware River Basin that yielded only 15 percent of the peak requirement and had numerous interference problems with surrounding wells, to an excess of \$1,000,000 for several alternative Susquehanna and Delaware River Basin options. Aquifer characteristics in the vicinity of the individual well located in the Delaware River Basin indicated insufficient recharge to support ground-water withdrawals necessary to supply the prison facilities. Incremental operating costs above the present SCI Waymart System operating costs for alternative options ranged from \$0.05 per 1,000 gallons of water produced to over \$2.00 per 1,000 gallons of water produced.

Most of the infrastructure comprising the SCI system utilizing water from the Susquehanna River Basin was already in place and delivering water to the SCI Waymart facility before the effective date of the Susquehanna River Basin Commission Compact. External costs associated with evaluated alternatives identified by the project sponsor include additional impacts to surrounding wells and possible increased environmental impacts to the PAWC supply system and Racket Brook Watershed. Commission staff has reviewed the provided cost estimates and found them to be reasonable.

7. The amount and location of water being diverted to the Susquehanna River Basin from the importing basin.

There is no in-basin diversion associated with this project.

8. *The proximity of the project to the Susquehanna River Basin.*

Both prison facilities are very close to the Susquehanna River Basin divide, and some of the land for the SCI facility actually lies within the basin. The two wells that supply both prisons are very close to the water divide that separates the Susquehanna River Basin from the Delaware River Basin.

9. *The project sponsor's pre-Compact legal authority to withdraw or divert the waters of the basin.*

Pre-Compact uses have already been addressed in the findings section of this docket. The Commission issued a letter dated February 28, 2003, which acknowledges pre-Compact uses for the SCI Waymart system

10. *Any policy of the member jurisdictions relating to water resource, growth, and development.*

Federal, state and local decisions to construct the FBOP facility complement and are consistent with zoning and development policies of Wayne County. Additionally, the Commonwealth's approval of PennVest financing for the SCI facility's renovation demonstrates consistency with water resources development and planning for the Commonwealth. The Pa. DEP has issued a construction permit to PSW for the renovation of the institutional water supply facilities to include service to the FBOP.

11. *Any land use or natural resource planning being carried out in the importing basin?*

The project is consistent with known land use and natural resource planning at the municipal, county, state, and federal level.

12. *Has the project sponsor demonstrated that reasonable efforts have been made to develop sources within the basin of need?*

The project sponsor made a reasonable effort to develop estimates and capabilities for in--basin sources and quantified source capability from within the Delaware River Basin to meet the present and forecasted water demands for the project. The project sponsor identified a variety of Delaware River Basin ground-water sources to include a new well developed and tested in May 2003, and two unsuccessful wells drilled and tested in 2002 that yielded only 15 gpm each. Expenses for these tests and well development were in excess of \$60,000. In all cases, yields could not individually or collectively match supply requirements. The project sponsor also evaluated 25 additional sites in the Delaware River Basin provided by two independent consultants. Reasons for eliminating specific sites, other than the three tested, included property access denials, proximity to wetlands, and excessive developmental costs due to logistics.

The project sponsor also investigated two possible existing water supplies in the Delaware River Basin; the PSW-Waymart Division (PSW-WD) system, and a seasonal supply known as the Salvation Army system. Currently, the PSW-WD water supply system, adjacent to the SCI facility, has an average annual water requirement of 101,000 gpd and peak daily water requirements reaching 265,000 gpd. Over the next 25-years, these system demands are expected to increase by 20 percent to an average annual requirement of 120,000 gpd and a peak daily demand of 320,000 gpd. The PSW-WD is supplied water by three wells and a spring. The drought of 2001-02 demonstrated that the yield of the spring is negligible during periods of extended drought. Based on recent drought year production data, the safe yield of the three wells has been determined to be 381,600 gpd with 75 percent of that yield produced by Well 4, the newest well. With Well 4 out of service, the system is inadequate to meet demands. In Docket D-75-78-CP for Well 4, the Delaware River Basin Commission has limited the withdrawal from all PSW-WD sources to 120,000 gpd, based on a 30-day average. This quantity will only meet the system's future requirements with no excess capacity to supply other users such as the prison facilities.

In addition to the PSW-WD alternative, the project sponsor also evaluated the feasibility of purchasing a water system from the Salvation Army Camp, located in Waymart, Pa., within the Delaware River Basin. PSW determined that the camp's water supply system did not have sufficient excess capacity in the existing wells to supply the FBOP facility. Much of the infrastructure needed rehabilitation. Since the facility was constructed to provide water service for a seasonal demand, most water mains were constructed above ground and were drained after the summer season. Therefore, the system would have to be reconstructed to meet PSW requirements. PSW determined that purchasing the Salvation Army system was not viable.

After an analysis of the costs and yields of all test wells developed within the Delaware River Basin, the project sponsor has concluded, and Commission staff concurs, that the development of new Delaware Basin ground-water supplies sufficient to supply the proposed project would cost in excess of \$1 million. These costs preclude these alternatives as being a viable option to supply water to the project, as compared with the utilization of existing ground-water supplies within the Susquehanna River Basin.

Following a thorough review of the material submitted by the project sponsor, and providing that the project sponsor meets all conditions contained in this docket and all other necessary governmental approvals, Commission staff has determined that the proposed diversion of water meets the requirements of the Commission's out-of-basin diversion policy, will not conflict with or adversely affect the Commission's Comprehensive Plan, is physically feasible, 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 0.136 mgd (30-day average) from Well 1 and 0.259 mgd (30-day average) from Well 2, and consumptive water use through an out-of-basin diversion of up to 0.494 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use resulting from the out-of-basin diversion, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly data are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used by the project shall be the sum of the daily withdrawals from Wells 1 and 2.

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the sum of the daily quantity of water withdrawn from Well 1 and Well 2, less the grandfathered quantity of 0.300 mgd, during the preceding calendar quarter. If the daily grandfathered amount exceeds the project's calculated daily 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 monitor the water level in the bedrock/deep aquifer, in the vicinity of Reservoirs 4 and 7 for a period of at least two (2) years. A monitoring plan shall be submitted to the Commission within sixty (60) days of docket approval, and implemented within one hundred twenty (120) days of staff approval. The monitoring results shall be documented in a report due sixty (60) days after the end of each quarter.

e. The project sponsor shall make no withdrawals or diversions from Reservoir No. 7, Cold Spring, and Well No. 3, or any other source, without first obtaining approval from the Commission for such withdrawals or diversions. Furthermore, the project sponsor shall not use the interconnection between the SCI Waymart System and the PSW-WD for emergency transfers of water between the two systems without having first obtained an emergency certificate pursuant to Commission Regulation §803.27.

f. The project sponsor shall continue to maintain separate meters on Well 1 and Well 2. The meters shall be accurate to within five (5) percent to measure individual ground-water withdrawals from each well. Daily records of the project's Well 1 and Well 2 withdrawals shall be monitored and recorded. The maximum instantaneous pumping rates for Wells 1 and 2 shall be limited to 150 gpm and 250 gpm, respectively. Also, weekly water levels shall be monitored in Well 1 and Well 2. All required ground-water monitoring data shall be provided to the Commission quarterly.

g. Within sixty (60) days of the date of this approval, the project sponsor shall submit to the Commission for staff's approval its proposed monitoring plan for the Salko residential well. Following Commission staff's approval, the project sponsor shall conduct the appropriate monitoring, and submit reports quarterly. Quarterly reports are due within thirty (30) days after

the close of the preceding quarter. If the Commission determines that the operation of the project's ground-water withdrawal from Wells 1 and 2 adversely affects this use or any other 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. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(a). The project's transmission loss is limited to ten (10) percent and shall be determined by subtracting the metered water entering the SCI and FBOP facilities from the sum of the daily withdrawals from Wells 1 and 2. The project sponsor shall maintain the existing metering of the withdrawals from Wells 1 and 2 and meter the inflows to the SCI and FBOP facilities, accurate to within five (5) percent.

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. 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

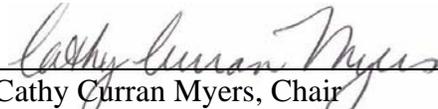
of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2027, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

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

By the Commission:

Dated: August 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20030806
Approval Date: August 14, 2003

BOROUGH OF TUNKHANNOCK MUNICIPAL AUTHORITY

Ground-Water Withdrawal (30-Day Average) of 0.085 mgd from Well 2,
0.080 mgd from Well 5, and a Total System Ground-Water Withdrawal Limit
(30-Day Average) of 0.300 mgd, for Public Water Supply,
Borough of Tunkhannock, Wyoming County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to ground-water withdrawals. The Commission received the application on June 29, 2001, and additional documentation on April 10, 2003.

Description

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

Location. The project is located in the Middle Susquehanna River Subbasin, HUC 02050106, Tunkhannock Creek Watershed, Borough of Tunkhannock, Wyoming County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.085 million gallons per day (mgd) of water from Well 2 and 0.080 mgd of water from Well 5. The combined withdrawal from these wells exceeds 0.100 mgd. The project sponsor currently utilizes two reservoirs and five wells (Wells 1, 2, 3, 4 and 5). All wells are open rock wells, and all are drilled into a sandstone aquifer. The use of Wells 1, 3, and 4 predate July 13, 1978, the effective date of Commission Regulation §803.43.

Well construction information and other information is summarized in the table below.

Well No.	Date of Initial Use	Diameter (inches)	Depth (feet)	Pump Capacity (gallons per minute)
Well 1 (aka Hillside Well 2)	1922	10	415	115
Well 2 (aka Hillside 1)	1982	8	560	60
Well 3 (aka Swale Brook)	1951	6	344	61
Well 4 (aka Ravine)	1969	6	400	60
Well 5 (aka Sunnyside)	1979	8	450	56

Well 2 is located approximately 700 feet south of U.S. Route 6, and Well 5 is located at the east end of the system, adjacent to the Sunnyside Cemetery.

The municipal water supply system had an average metered daily demand of 0.245 mgd in 2002, and a maximum daily demand of 0.394 mgd. The average daily demand is projected to remain unchanged through 2028. The project sponsor serves the Borough of Tunkhannock.

Wastewater generated throughout the water system is discharged to the sanitary sewer system and treated at the Borough of Tunkhannock wastewater treatment facility, which discharges to the Susquehanna River.

Pumping Test. A 24-hour pumping test was conducted March 21-22, 1979, for Well 5. Pumping at an average rate of 75 gallons per minute (gpm), drawdown stabilized at approximately 253 feet after 12 hours. At the end of the test, total drawdown was 253 feet. No recovery test was performed.

A 24-hour pumping test was conducted November 23-24, 1982, for Well 2. Pumping at an average rate of 105 gpm, drawdown stabilized at approximately 244 feet after 6 hours. At the end of the test, total drawdown was 244 feet. A 6-minute recovery test was performed.

Findings

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

Testing for Wells 2 and 5 was conducted in March 1979 and November 1982, respectively, and does not meet current Commission standards in accordance with the pumping test guidance approved by the Commission in 2002. However, after evaluating the existing pumping test data, Commission staff recommends that the tests be accepted because of the nature

of the hydrogeologic setting and the lack of potential adverse impacts to any existing use and the environment.

Commission staff recommends approval for Well 2 of an instantaneous withdrawal rate of 105 gpm, the pumping rate used during the constant-rate pumping test, and a 30-day average withdrawal rate of 0.085 mgd. Commission staff recommends approval for Well 5 of an instantaneous withdrawal rate of 75 gpm, the pumping rate used during the constant-rate pumping test, and a 30-day average withdrawal rate of 0.080 mgd. Further, Commission staff recommends that the total withdrawal from the system be limited to 0.300 mgd.

Commission staff recommends that the project sponsor maintain the existing, separate metering on all wells and provide to the Commission documentation of each well's usage. The project sponsor has agreed to the monitoring requirement.

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

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

No adverse impacts on other area ground-water withdrawals and on the environment have been reported during the operation of these wells. 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 in violation of Commission Regulation §803.43.

Decision

The project's ground-water withdrawals (30-day averages) of 0.085 mgd from Well 2, 0.080 mgd from Well 5, and a total system withdrawal limit of 0.300 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 ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.
- b. The project sponsor shall keep daily records of the metered withdrawals from Wells 1, 2, 3, 4, and 5, and weekly water levels from Wells 2 and 5. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Annual monitoring

reports are due within sixty (60) days after the close of the preceding calendar year. The project sponsor shall maintain the meters, accurate to within five (5) percent, on Wells 2 and 5.

c. The maximum instantaneous rates of production shall not exceed 105 gpm from Well 2, and 75 gpm from Well 5.

d. 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 in violation of Commission Regulation §803.43.

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

f. If the Commission determines that the operation of the project's ground-water withdrawal from Well 2 or Well 5 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. 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.

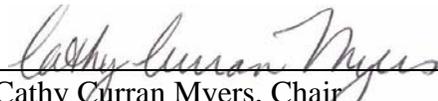
k. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

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

By the Commission:

Dated: August 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 19870301
Approval Date: March 12, 1987
Modification Date: August 14, 2003

VIKING ENERGY OF NORTHUMBERLAND

Ground-Water Withdrawal of Up to 0.432 mgd, and a
Consumptive Water Use of Up to 0.288 mgd,
for the Production of Electricity and Steam,
Point 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, §803.42, relating to the consumptive use of water, and §803.43, relating to ground-water withdrawals. The original Commission approval for ground-water withdrawal and the consumptive water use of that water was issued on March 12, 1987, as Docket No. 19870301. The current modification request was received on January 24, 2003.

Description

Purpose. The purpose of the application is to request approval to use water from the Pennsylvania American Water Company municipal water system as an alternate water supply for the production of steam and electricity.

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

Project Features. The project sponsor has an existing approval for a maximum daily ground-water withdrawal of up to 0.432 million gallons per day (mgd) and the consumptive use of up to 0.288 mgd of that water for the production of electricity and steam. The project sponsor has requested approval for the use of water supplied by Pennsylvania American Water Company water system as an additional source. The facility was constructed in 1987, and has been in continuous operation since that time.

Water is consumptively used at the facility by evaporative cooling units and steam losses throughout the plant. Wastewater from the facility is treated at an on-site treatment plant, and discharged to an unnamed tributary to the Susquehanna River.

Findings

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

All water withdrawn from the approved wells and/or the municipal water supply system and not returned through the wastewater treatment plant discharge is considered to be used consumptively. The project sponsor currently meters the ground-water withdrawal, the water supplied by Pennsylvania American Water Company, and the treatment pond discharge.

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 provide compensation water from the Red Run Reservoir, Lycoming County, Pennsylvania.

When required to provide compensation, Viking Energy releases water from the Red Run Reservoir to Red Run. From there, the water will flow to Lycoming Creek, entering at Ralston, Pennsylvania. Lycoming Creek discharges into the Susquehanna River, which flows past the Viking Energy facility.

The project sponsor previously released water when contacted by the Commission. Commission staff recommends that the release be made at all times when a flow equal to, or less than, the 7-day 10-year low flow (Q7-10 flow) of 7.63 cubic feet per second (cfs) is recorded at U.S. Geological Survey stream gage No. 0155000 on Lycoming Creek near the confluence with Trout Run. Commission staff recommends the amount of the release be a minimum of 186.7 gallons per minute (gpm), which is equal to the 30-day average consumptive use of Viking Energy of 268,787 gpd. The project sponsor should monitor this stream gage, make the release, as necessary, and report these data to the Commission.

When releases are made from the reservoir, the water level will drop, and there may be no flow over the spillway into Red Run. This condition may result in an adverse environmental impact to Red Run. For this reason, the release should continue until the reservoir level has recovered sufficiently to overtop the dam.

All monitoring of the water quality of the release water, in accordance with the existing approved plan, should continue.

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

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

Based on Commission Regulation §803.30(a), the prior docket approval is effective until March 12, 2012. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval.

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

Decision

The project's ground-water withdrawal of up to 0.432 mgd and the consumptive water use of up to 0.288 mgd are approved pursuant to Article 3, Section 3.10 of the Compact, subject to the following conditions:

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

b. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, or upon notice from the Commission during periods of low flow, the project sponsor shall release water at a rate of at least 186.7 gpm from the Red Run Reservoir to Red Run. The project sponsor shall make the release at all times when a flow equal to, or less than, the Q7-10 flow of 7.63 cfs is recorded at U.S. Geological Survey stream gage No. 0155000 on Lycoming Creek near Trout Run. This release shall continue until the Red Run Reservoir has recovered sufficiently to overtop the dam. The project sponsor shall monitor this stream gage, make the release, as necessary, and report these data to the Commission annually, and as otherwise required. The project sponsor may propose an alternate monitoring location to the Commission for staff review and approval.

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

d. 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.

e. 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.

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

g. 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.

h. 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.

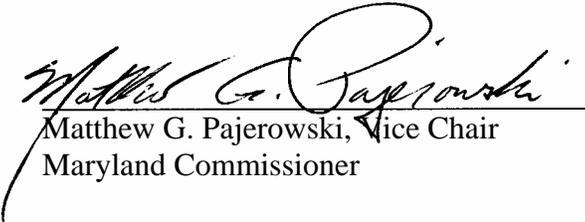
i. All other conditions in Commission Docket No. 19870301 not inconsistent herewith shall remain effective.

j. Based on Commission Regulation §803.30(a), this approval is effective until March 12, 2012. 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 12, 2011, and obtain Commission approval prior to continuing operation beyond March 12, 2012.

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

By the Commission:

Dated: August 14, 2003


Matthew G. Pajeroski, Vice Chair
Maryland Commissioner

Docket No. 20030807
Approval Date: August 14, 2003

**U.S. GEOLOGICAL SURVEY NORTHERN APPALACHIAN
RESEARCH LABORATORY**

Ground-Water Withdrawal (30-Day Average) of 1.44 mgd from Well 5,
and a Total System Withdrawal Limit (30-Day Average) of 4.32 mgd,
for Cold-Water Fish Research,
Shippen 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 §803.43, relating to ground-water withdrawals. The Commission received the application on December 19, 2001.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of ground water to support cold-water fish research.

Location. The project is located in the West Branch Susquehanna Subbasin, HUC 02050205, Pine Creek Watershed, Shippen Township, Tioga County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 1.44 million gallons per day (mgd) from Well 5. The Commission previously approved withdrawals from Wells 1, 3, and 4 in 1986 in Commission Docket No. 19860401 and modified this approval in 1989. Well 5, which was drilled in 2000, replaces previously-approved Well 4, which has been abandoned because it produced excessive amounts of sand.

Well 5 was constructed with a 14-inch-diameter screen over the depth intervals of 76 to 85 feet and 94 to 105 feet, and a gravel pack from 64 to 105 feet. The well penetrates predominantly sand and gravel of a valley-fill, stratified-drift aquifer. Well 5 is located approximately 1,100 feet north of the intersection of U.S. Route 6 and Straight Run Road.

In the original 1986 Commission approval, total withdrawals from the U.S. Geological Survey Northern Appalachian Research Laboratory (USGS NARL) well field, comprised of Wells 1 and 3 (presently active) and now-abandoned Well 4, were limited to 2,000 gpm. In the

1989 modification of that approval, maximum withdrawals from the well field were increased to 3,000 gpm, with one exception. During periods when flow in Straight Run, as measured at a USGS gaging station at a bridge on Straight Run Road upstream of the facility was less than 3,000 gpm, the withdrawal was limited to the flow in Straight Run or to 2,000 gpm, whichever was greater.

Currently, the USGS NARL facility has an average (30 day) use of approximately 1.44 mgd, significantly less than the previously-approved withdrawal limit. However, withdrawals at the facility in the future may return to the previously-approved limit of 4.32 mgd (three wells at 1,000 gpm each), depending on research needs. The Straight Run staff gage, which is used to establish seasonal withdrawal limits, however, is in need of repair and recalibration.

Pumping Test. A 72-hour constant-rate pumping test of Well 5 was conducted on December 4-7, 2000. The testing was not preapproved by Commission staff. Pumping at an average rate of 1,100 gallons per minute (1.58 mgd) lowered the water level in Well 5 from a pretest depth (below top of casing) of 21.6 feet to 70.4 feet, for a total measured drawdown of 48.8 feet. Drawdown at Observation Well 4 from the pumping test was 12.1 feet. Drawdown at Well 3, which was pumping throughout the pumping test of Well 5, was approximately 6.5 feet at the conclusion of the pumping test. The water level in Well 3 was lowered to the pump intake by the combination of pumping of Well 3 and the pumping of Well 5. There was no monitoring of surface water or nearby wetlands during this pumping test.

Findings

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

Wells 1, 3, and 5 are each capable of an instantaneous pumping rate of 1,000 gpm, or 1.44 mgd, although interference between wells in the well field and the seasonally-limited recharge, which occurs largely as natural and induced infiltration from nearby Straight Run, limits the collective withdrawal from the well field.

The greatest increase in ground-water withdrawal at the facility occurred during the mid-1980s when ground-water pumping increased from less than 0.5 mgd to over 2 mgd. At that time, 11 nearby private wells, which had been adversely affected by withdrawals at the USGS NARL well field, were replaced by the facility.

Although the pumping test of Well 5 in 2000 involved only limited monitoring of surrounding wells and no monitoring of surface water or wetlands, the USGS extensively studied the valley-fill aquifer and surface-water-ground-water interactions in the site area in the 1980s and 1990s (Williams, 1991; Williams & Morrissey, 1997). USGS determined that Straight Run becomes a naturally losing stream as it flows from the bedrock and till-mantled uplands over the valley-fill aquifer in the area of the USGS NARL facility. Straight Run naturally goes dry near the USGS NARL facility, although pumping from the USGS NARL well field may increase the period of dryness of this stream. Based on a ground-water-flow model prepared for the valley-

fill aquifer in the site area, USGS staff estimated natural losses of 4.5 cfs, and losses of up to 1 cfs from Straight Run due to pumping at the USGS NARL well field during peak pumping periods.

Wetlands occur to the south and southeast of the USGS NARL well field, along Marsh Creek, the main stream in the valley bottom, to which Straight Run is tributary. Geologic data indicate that these wetlands may be, in part, the result of lower permeability, shallow, finer-textured over-bank deposits along Marsh Creek (“semi-perched”), although they may have historically been supported, in part, by ground-water discharge that is now captured by the USGS NARL well field; and drawdown from the well field may induce infiltration from the wetlands.

Because withdrawals at the USGS NARL well field may have an impact on nearby wetlands, Commission staff recommends that these wetlands be monitored for impact if withdrawals from the well field return to their previously-approved 2,000-3,000 gpm (2.88-4.32 mgd) level. At least 60 days before such time as withdrawals from the well field return to this level, Commission staff recommends that the project sponsor:

1. Propose a plan for monitoring the wetlands for impact. Such a plan should consist of one or more piezometers installed in the wetlands in which water levels would be monitored for a 1-year period during operation of the well field; and
2. Refurbish and recalibrate the staff gage on Straight Run at the bridge on Straight Run Road upstream of the facility; and resume flow monitoring on Straight Run.

At the end of the 1-year monitoring period, Commission staff will determine whether the ground-water withdrawal causes substantial adverse impact to the wetlands. Should the monitoring data prove to be inconclusive, Commission staff recommends that the Commission require additional monitoring, as necessary.

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 by Commission Regulation §803.25.

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

Decision

The project’s ground-water withdrawals (30-day averages) of 1.44 mgd from Well 5 and a total system withdrawal limit of 4.32 mgd (30-day average) 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 ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.

b. The project sponsor shall keep weekly records of the metered withdrawal from Well 5 and weekly water levels from Well 5. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Annual monitoring reports are due within sixty (60) days after the close of the preceding year. The project sponsor shall install a meter, accurate to within five (5) percent, on Well 5 prior to its use as a water supply source.

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

d. Before the total withdrawal (30-day average) at the well field exceeds 2,000 gpm (2.88 mgd), the project sponsor shall refurbish and recalibrate the staff gage on Straight Run at the Bridge on Straight Run Road upstream of the facility. When the flow in Straight Run at this gaging station is less than 3,000 gpm (4.32 mgd), total withdrawals from the well field will be limited to the flow in Straight Run or to 2,000 gpm (2.88 mgd), whichever is greater.

e. Before the total withdrawal (30-day average) at the well field exceeds 2,000 gpm (2.88 mgd), the project sponsor shall develop a monitoring plan to generate data for the site sufficient to determine whether or not the ground-water withdrawals have any impact on the nearby wetlands. The monitoring plan shall be submitted for Commission staff's review and approval at least sixty (60) days before withdrawals from the well field are anticipated to exceed 2,000 gpm (2.88 mgd). The results of this plan shall be submitted to the Commission within one (1) year from approval of the monitoring plan, or as otherwise directed by Commission staff.

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

g. If the Commission determines that the operation of the project's ground-water withdrawal from Well 5 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. 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.

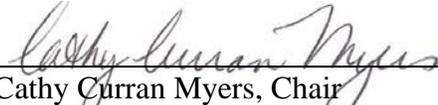
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

n. 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 14, 2003



 Cathy Curran Myers, Chair
 Pennsylvania Commissioner

Docket No. 20011010
Approval Date: October 11, 2001
Modification Date: August 14, 2003

TYOGA COUNTRY CLUB

Consumptive Water Use of Up to 0.400 mgd, for Golf Course Irrigation,
Delmar 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 current modification request was received on March 3, 2003.

Description

Purpose. The Commission originally approved the project on October 11, 2001, as Docket No. 20011010 (docket). As approved, the Tyoga Country Club was authorized for the consumptive use of water of up to 0.100 million gallons per day (mgd) for the irrigation of greens, tees, and fairways at the 18-hole golf course, subject to conditions enumerated in the docket. The project sponsor has requested approval for an increase in the consumptive use of water from 0.100 mgd to a maximum daily use of 0.400 mgd. This docket modification approves the requested increase.

Project Features. The current automatic irrigation system for greens, tees, and fairways was installed in 2001, and the docket did not accurately account for the water use by this upgrade. During the 2002 irrigation season, the project sponsor exceeded the approved maximum daily consumptive water use on 48 days. When notified of the exceedences of its approved quantity of consumptive water use, the project sponsor submitted this modification request.

Based on irrigation data for the year 2002 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.102 mgd, and current peak-day consumptive water use to be 0.151 mgd. The single peak-day use during 2002 was significantly lower than the design demand of the irrigation system.

Findings

The project sponsor has requested approval for a consumptive water of up to 0.400 mgd. Based on an analysis of irrigation records supplied by the project sponsor and design data for the irrigation system installed at the course, Commission staff is recommending approval of the requested quantity. Although the single peak-day use during 2002 was significantly lower than the design demand of the irrigation system, the requested amount is about the same as the approved quantities of similar golf courses in the Susquehanna River Basin. The increase should accommodate the peak usage days likely to occur over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.400 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 ponds to maintain a continuous conservation release equal to the 7-day, 10-year low flow (Q7-10 flow). The on-site ponds collectively store an estimated 11 million gallons of water when at full capacity. Commission staff has determined that the quantity of storage is sufficient to supply the golf course during drought conditions and maintain the conservation release.

Overflow from the storage ponds discharges to an unnamed tributary of Boyden Brook. Commission staff has calculated the Q7-10 flow at the point of withdrawal from the lower storage pond to be 0.006 cubic feet per second (cfs) (2.8 gpm). Commission staff recommends that a conservation release be maintained from the lower storage pond equal to 2.8 gpm. The collective storage pond volume should provide approximately 105 days of storage based on pond evaporation, a conservation release of 2.8 gpm, and a maximum average 30-day consumptive use of 0.102 mgd. Commission staff recommends that the project sponsor install and maintain a passive device or system to ensure that the conservation release of 2.8 gpm is maintained at all times.

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

During the 2002 irrigation system, the project sponsor exceeded the approved maximum daily consumptive water use of 0.100 mgd on 48 days. While the project's recent consumptive water use has been in noncompliance with Commission regulation, a conservation release was maintained, and there have been no adverse impacts associated with the consumptive use. Additionally, the project sponsor has cooperated with Commission staff during its review of the modification request. Due to these circumstances, Commission staff recommends that the project sponsor not be subject to penalty for its prior noncompliance.

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

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

Based on Commission Regulation §803.30(a), the prior docket approval is effective until October 11, 2026. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval.

Decision

Commission Docket No. 20011010, as approved October 11, 2001, is hereby amended, and the project's consumptive water use of up to 0.400 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. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall use water stored in its on-site ponds to maintain a continuous conservation release equal to the 7-day, 10-year low flow (Q7-10 flow) of 0.006 cfs, or 2.8 gpm. The project sponsor shall incorporate a passive flow device to provide for the conservation release. The project sponsor shall provide the Commission with documentation every five (5) years certifying that sufficient water storage exists in its on-site storage pond.

c. The project sponsor shall submit its design and a proposed construction schedule for the passive flow device or system within ninety (90) days from the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The conservation release system shall be kept fully-functional and free of debris.

d. The project sponsor may pay the application fee in installments, pursuant to Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06. The project sponsor has paid one annual installment and shall be invoiced for the balance over each of the next two years.

e. 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.

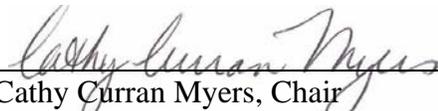
f. All other conditions in Commission Docket No. 20011010 not inconsistent herewith shall remain effective.

g. Based on Commission Regulation §803.30(a), this approval is effective until October 11, 2026. The duration of this docket modification is in accordance with the term of the prior docket approval. The project sponsor shall submit a renewal application by April 11, 2026, and obtain Commission approval prior to continuing operation beyond October 11, 2026.

h. 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 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20020608
Approval Date: June 12, 2002
Modification Date: August 14, 2003

PHILIPSBURG COUNTRY CLUB

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

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The current modification request was received on May 30, 2003.

Description

Purpose. The Commission originally approved the project on June 12, 2002, as Docket No. 20020608 (docket). As approved, the Philipsburg Country Club was authorized the consumptive use of water of up to 0.050 million gallons per day (mgd) for the irrigation of greens, tees, and fairways at the 9-hole golf course, subject to conditions enumerated in the docket. The project sponsor has requested approval for an increase in the consumptive use of water from 0.050 mgd to a maximum daily use of 0.099 mgd. This docket modification approves the requested increase.

Project Features. The maximum daily consumptive water use approved in the docket was based on limited data, and did not accurately account for the water use in the irrigation system. During the 2002 irrigation season, the project sponsor exceeded the approved maximum daily consumptive water use on 11 days. When notified of the exceedences of its approved quantity of consumptive water use, the project sponsor submitted this modification request.

Based on irrigation data for the year 2002 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.037 mgd, and current peak-day consumptive water use to be 0.090 mgd.

Findings

The project sponsor has requested approval for a consumptive water use of up to 0.099 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested quantity, which represents an

increase of 10 percent above the current peak-day use of 0.090 mgd. 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.

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

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

Based on Commission Regulation §803.30(a), the prior docket approval is effective until June 12, 2027. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval.

Decision

Commission Docket No. 20020608, as approved June 12, 2002, is hereby amended and 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 has offered a settlement by agreement, pursuant to Commission Regulation §805.27, for its consumptive water use found to be in noncompliance with Commission Regulation §803.42, and is hereby accepted. Except where the full amount of same has been tendered to the Commission in advance hereof, this action shall be contingent upon, and shall not be effective until payment of the settlement amount is made to the Commission or arrangements for such payment have been made that are acceptable to the Executive Director of the Commission. Failure to make such payment or payment arrangement with the Commission within forty-five (45) days hereof shall render this approval null and void.

c. 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.

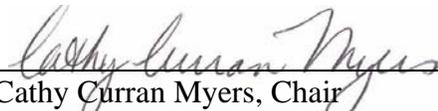
d. All other conditions in Commission Docket No. 20020608 not inconsistent herewith shall remain effective.

e. Based on Commission Regulation §803.30(a), this approval is effective until June 12, 2027. The duration of this docket modification is in accordance with the term of the prior docket approval. The project sponsor shall submit a renewal application by December 12, 2026, and obtain Commission approval prior to continuing operation beyond June 12, 2027.

f. 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 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20030808
Approval Date: August 14, 2003

CENTRE HILLS COUNTRY CLUB

Consumptive Water Use of Up 0.632 mgd, for Golf Course Irrigation,
College Township, Centre County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on May 12, 2000 and supplemental information on July 2, 2003.

Description

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

Location. The project is located in the West Branch Susquehanna Subbasin, HUC 02050204, Slab Cabin Run Watershed, College Township, Centre County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water 0.632 million gallons per day (mgd). Two wells provide water to the irrigation system, but are currently being collectively utilized together at less than 0.100 mgd on a 30-day average, which is less than the regulatory threshold specified in Commission Regulation §803.43. In addition, the project sponsor has installed a temporary hookup to the State College Borough Water Authority, which has agreed to provide up to 200,000 gpd for use as irrigation water by the project sponsor. This hookup will act as a temporary water source until the project sponsor comes into compliance with the SRBC and normal use of its wells can resume.

The project was constructed as a 9-hole golf course in 1921, and has been in continuous operation since that time. The golf course was expanded to 18 holes in 1966 and further expanded to 27 holes in 1992. The current irrigation system for greens, tees, and fairways was completed in 1993.

The project sponsor uses one pond to provide irrigation water storage on site. The storage pond was constructed in 1921, and has a total surface area of approximately 1.12 acres. Water initially is pumped to the irrigation system from the pond at a rate of 200 gallons per

minute (gpm). When the drawdown in the pond reaches a certain level, the pond withdrawal shuts down and either the wells or public water is pumped directly to the irrigation system. The golf course's irrigation system is equipped with a flow meter. The pond is refilled by some surface flow and from either the wells or public water supply.

Based on irrigation data for the year 2002 submitted by the project sponsor, the project's maximum average 30-day consumptive water is 0.283 mgd, and current peak-day consumptive water use 0.486 mgd.

Findings

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

All water used for golf course irrigation is considered to be used consumptively. Since the storage pond predates the Commission's consumptive water use regulation, evaporation from this storage pond is exempt from the regulation. 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 0.632 mgd. Based on an analysis of irrigation records supplied by the project sponsor and peak design data for the irrigation system installed at the course, Commission staff is recommending approval of the requested quantity. The requested amount should accommodate the peak usage days that will occur over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.632 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff determined that the pre-1971 consumptive water use for the project was 0.178, and this quantity of water is considered "grandfathered," and is exempt from water compensation requirements.

The project's consumptive use of water for irrigation, 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 consumptively used for golf course irrigation, minus the pre-1971 consumptive use of 0.178 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 pursuant to Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by

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

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

Compliance Incentive Program

The project sponsor submitted the necessary application to participate in the Commission's Compliance Incentive Program (CIP). However, the project sponsor failed to comply with application procedures and to cooperate with the repeated requests by Commission staff to provide information required to complete a review of the project. Based on the failure to comply with Commission directives, the Commission acted on April 10, 2003, to revoke the project sponsor's eligibility to participate in the Compliance Incentive Program. Accordingly, based on both the present and prior noncompliance, the project will be subject to such payments, and to such orders and civil penalty assessments, as the Commission deems appropriate.

The project sponsor has offered a \$34,578.00 settlement to the Commission to compensate for noncompliance in violation of Commission Regulations §803.42 and §803.43 for the period of noncompliance beginning in 1992 and ending on the date of this approval. Commission staff recommends acceptance of the project sponsor's proposed settlement.

Decision

The project's consumptive water use of up to 0.632 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. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.
- c. The 30 day average withdrawal rate from the two production wells shall not exceed 0.100 mgd, combined.
- d. 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. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose

alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds the threshold specified in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission.

e. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.178 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

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

g. The project sponsor is not eligible to participate in the CIP as a result of its failure to comply with the directives from the Commission. A settlement by agreement pursuant to Commission Regulation §805.27, in the amount of \$34,578.00, has been offered by the project sponsor as payment for its violations of the Commission's regulations, and is hereby accepted. Except where the full amount of same has been tendered to the Commission in advance thereof, this action shall be contingent upon, and shall not be effective until, the payment to the Commission or arrangements for payment have been made, that are acceptable to the Executive Director of the Commission, of the settlement set forth herein within 45 days of the date of this approval. Failure to make such payment or agreement with the Commission within 45 days hereof shall render this approval null and void.

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. 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.

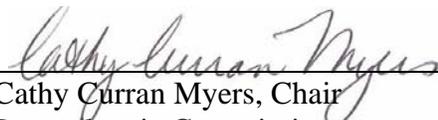
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

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

By the Commission:

Dated: August 14, 2003



 Cathy Curran Myers, Chair
 Pennsylvania Commissioner

Docket No. 20030809
Approval Date: August 14, 2003

EMPIRE KOSHER POULTRY, INC.

Ground-Water Withdrawal (30-Day Average) of 0.770 mgd from 12 wells:
Wells 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, and 17,
for the Processing of Kosher Poultry
Walker Township, Juniata County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.43, relating to ground-water withdrawals. The Commission received the original application on July 2, 2001, and an amended application on June 17, 2003.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of ground water for the processing of kosher poultry.

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

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.770 million gallons per day (mgd) of water from its well field, which consists of 12 wells. The facility typically operates 4 days per week, and peak daily withdrawals approach 1.7 mgd.

In addition to the ground-water withdrawal, Empire Kosher also purchases approximately 86,900 gpd from the Mifflintown Municipal Authority.

Water is used for one or more of the following: ice production, steam generation, product absorption, evaporative losses from the cooling towers and the wastewater treatment system, production water and potable water. According to the project sponsor, consumptive water use currently is approximately 0.030 mgd on a peak day. The consumptive use of water predates Commission Regulation §803.42.

The facility began operations in the mid-1900s, and the project sponsor has drilled 17 production wells in a well field located adjacent to the Juniata River. Five (5) of these wells (Wells 1, 2, 3, 4, and 8) have been abandoned. Three (3) of the 12 active wells, Wells 5, 6, and 7, were drilled prior to 1978, the effective date of the ground-water withdrawal regulation.

Data for the 12 active wells are limited, however, each of these wells apparently had initial yields of greater than 200 gpm (0.288 mgd). All 12 wells are open-rock boreholes, drilled into the Wills Creek Formation. The Wills Creek Formation is comprised of principally shale, siltstone, and calcareous shale, with some limestone, which is tightly folded in the project area. Bedrock has generally moderate-to-steep dip with a strike towards the adjacent Juniata River. Well logs indicate the presence of permeable valley-fill sand-and-gravel alluvium, which extends to depths of 30 to 45 ft, beneath finer textured, over-bank, flood-plain deposits (vertical accretion material). The following table summarizes the available data.

Well No.	Total Depth (ft)	Casing Depth (ft)	Pump Capacity (gpm)	Current Average Withdrawal (mgd)	Pre-1978
5*	200	28	210	0.024	0.156**
6*	305	41	225	0.024	0.156**
7*	310	39	225	0.005	0.156**
9	400	68	250	0.009	N/A
10	297	42	200	0.024	N/A
11	292	40	260	0.024	N/A
12	290	39	291	0.131	N/A
13	375	118	230	0.131	N/A
14	400	81	209	0.131	N/A
15	400	82	220	0.131	N/A
16	400	100	220	0.131	N/A
17	400	100	220	0.131	N/A

*Pre-1978 wells

**Based on a recorded 0.625 mgd withdrawal from four pre-1978 wells, or approximately 0.156 mgd per well.

Pumping Test. The 12 active wells at the facility were drilled between 1972 and 1988. No records of pumping tests for any of the wells has been found by the project sponsor, which may be due, in part, to records lost in the 1986 plant fire. Because the wells have been in service for a long time (15 to 31 years), and because there are no reported incidents of impacts to adjacent water users, the project sponsor requested a waiver from the pumping test requirements.

Findings

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

The project sponsor requested a waiver from the pumping test requirements, based on the historic use of its well field. In the absence of pumping test information, Commission staff reviewed available hydrogeologic information on the site to estimate the impact from the

withdrawals at the well field. To assist in this assessment, the project sponsor was able to provide some hydrogeologic information on the site, including: (1) a 1982 water-table-contour map for the well-field area; and (2) recent ground-water-level data from two on-site bedrock monitoring wells located within the well field.

Given the combination of moderate-to-steep bedrock dip, with bedding strike trending from the Juniata River toward the well field, and the presence of permeable valley-fill alluvium on top of bedrock, there is a high potential for the well field to induce infiltration of surface water from the adjacent Juniata River.

The water-table-contour map for the area of the well field during a period when the wells were pumping showed minimal drawdown within the well field, suggesting either high transmissivity to the aquifer or induced infiltration from the adjacent Juniata River. Recent water-level data from two bedrock water-quality monitoring wells located within the well field, supplied by the project sponsor, shows a continuing pattern of minimal drawdown within the well field. The center of the collective cone of depression from the well field is not deep, and if it is not deep, significant drawdown from the well field is not likely to be laterally extensive.

While water-level data suggest that significant water could be induced from the Juniata River by the well field, water-quality data indicate that induced infiltration from the Juniata River is probably less than half of the withdrawn ground water. Analyses of water from wells in the well field show high sulfate concentrations (136-140 milligrams per liter (mg/l)), which is typical of ground water in the Wills Creek Formation. Commission studies indicate that the adjacent Juniata River is typically low in sulfate (30+/- mg/l).

Although some of the withdrawn water is probably induced as infiltration out of the Juniata River, these water quality data suggest that the withdrawn water is, in large part, ground water. If it was largely induced surface-water infiltration, sulfate concentrations at the wells would probably be lower.

If the entire 0.77-mgd average withdrawal was induced from the Juniata River, the withdrawal would constitute only 0.4 percent of Q 7-10.

Commission staff recommends that the pumping test requirement be waived.

Wells at the well field are not metered individually, but are clustered together on three different manifolds entering the plant. A meter is provided on each of these manifolds. However, the meters currently are inoperative. Commission staff recommends acceptance of this method of metering the ground-water withdrawal, and that the meters be repaired.

The project has been in operation since the mid-1900s, and consumptive water use at the facility predates Commission Regulation §803.42. The project sponsor has agreed to Commission staff's calculated pre-1971 consumptive water use of 0.049 mgd for poultry processing and, for purposes of this docket, this quantity of water used for poultry processing is considered "grandfathered" and is exempt from water compensation requirements.

Should the facility's 30-day average consumptive water use increase by 0.020 mgd and exceed 0.069 mgd, the project sponsor should immediately notify the Commission and submit an application for approval of the consumptive water use.

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

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

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

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 in violation of Commission Regulation §803.43 prior to January 1, 2001.

Decision

The project's ground-water withdrawal of a total of 0.770 mgd (30-day average) from Wells 9, 10, 11, 12, 13, 14, 15, 16, and 17 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 weekly records of the metered withdrawals from the 12 wells in the well field, and weekly water levels from each of the wells. The meters on the three (3) manifolds leading to the plant shall be repaired and then maintained, accurate to within five (5) percent, and these three (3) meters shall be used for this reporting in-lieu-of meters on each of the 12 wells. Alternatively, the project sponsor could propose an alternate ground-water elevation monitoring plan to the Commission for staff review and approval. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Annual monitoring reports are due within sixty (60) days after the close of the preceding year.
- c. The maximum instantaneous rate of production from each of the 12 wells shall not exceed the pump capacities listed in the table (page 2).

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

e. If an increase in the project's consumptive water use exceeds the threshold specified in Commission Regulation §803.42, the project sponsor shall submit the appropriate application for review and approval by the Commission.

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

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

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

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

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

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

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.

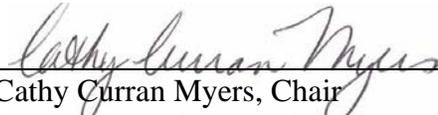
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

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

By the Commission:

Dated: August 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20020612
Approval Date: June 12, 2002
Modification Date: August 14, 2003

STANDING STONE GOLF CLUB

Consumptive Water Use of Up to 0.310 mgd, for Golf Course Irrigation,
Oneida Township, Huntingdon 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.

Description

Purpose. The Commission originally approved the project on June 6, 2002, as Docket No. 20020612 (docket). As approved, the Standing Stone Golf Club was authorized for the consumptive use of water of up to 0.310 million gallons per day (mgd) for the irrigation of greens, tees, and fairways at the 18-hole golf course, subject to conditions enumerated in the docket. The project sponsor has requested to use the Huntingdon Borough Water Works gage on Standing Stone Creek as the reference gage for regulating its withdrawal from Standing Stone Creek. This docket modification approves the request and establishes new conditions for the passby flow requirement.

Findings

The passby flow provisions contained in the docket as Conditions (b), and (c), were intended to provide protection to aquatic resources and downstream users, such as the Borough of Huntingdon, which has a permitted surface-water withdrawal of 4.0 mgd from its intake on Standing Stone Creek. The conditions under which such withdrawals were authorized are set forth below:

b. The project sponsor shall cease all withdrawals when the streamflow as measured at the U.S. Geological Survey's stream gage 01564500 on Augwick Creek near Three Springs Pa. goes below 34,193 gpm or 76 cfs and shall not begin withdrawals again until streamflow is above 34,193 gpm or 76 cfs.

c. The project sponsor shall keep daily records of the project's consumptive water use and shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor also shall keep daily records of readings from the U.S. Geological Survey's

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

Although the current approval specifies the use of the U.S. Geological Survey's stream gage 01564500 on Augwick Creek near Three Springs, Pa., as the reference gage for the passby flow requirement for the project, the project sponsor has proposed an alternative gage. Commission staff has determined that the proposed Huntingdon Borough Water Works gage on Standing Stone Creek better represents the streamflow conditions on Standing Stone Creek and therefore better protects the environment and downstream public water supply purveyors on Standing Stone Creek than the current reference gage.

Therefore, the Commission staff recommends that the docket be modified to replace conditions (b) and (c).

Decision

Commission Docket No. 20020612, as approved June 12, 2002, is hereby amended as follows:

- a. Conditions (b) and (c) are hereby rescinded and replaced by the following conditions.
- b. The project sponsor shall cease all withdrawals when the streamflow, as measured at the Huntingdon Borough Water Works stream gage on Standing Stone Creek near Huntingdon, Pa., is less than 4,802 gpm, or 10.7 cfs, and shall not begin withdrawals again until streamflow is above 10.7 cfs. The project sponsor may propose alternative streamflow monitoring to the Commission for staff review and approval.
- c. The project sponsor shall keep daily records of the project's consumptive water use and shall provide the results to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the storage pond plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system and surface-water withdrawal, accurate to within five (5) percent. Commission staff shall review and approve of the method of calculation of evaporative loss from the pond system. The project sponsor also shall keep daily records of readings from the Huntingdon Borough Water Works stream gage on Standing Stone Creek near Huntingdon, Pa., or an alternative gage acceptable to Commission staff, during the irrigation season, and shall provide the results to the Commission quarterly, and as otherwise required.

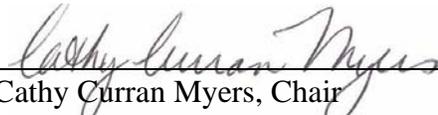
d. All other conditions in Commission Docket No. 20020612 not inconsistent herewith shall remain effective.

e. Based on Commission Regulation §803.30(a), this approval is effective until June 12, 2027. The duration of this docket modification is in accordance with the term of the prior docket approval. The project sponsors shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

f. 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 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20020407
Approval Date: April 11, 2002
Modification Date: August 14, 2003

WREN DALE GOLF COURSE

Surface-Water Withdrawal of up to 0.569 mgd from the Swatara Creek and a
Consumptive Water Use of up to 0.569 mgd, for Golf Course Irrigation,
South Hanover Township, Dauphin County, Pennsylvania

Review Authority

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

Description

Purpose. The Commission originally approved the project on April 11, 2002, as Docket No. 20020407 (docket). As approved, the Wren Dale Golf Course was authorized to withdraw up to 0.569 million gallons per day (mgd), when available, from Swatara Creek, and the consumptive use of water of up to 0.569 mgd for the irrigation of greens, tees, and fairways at the 18-hole golf course, subject to conditions enumerated in the docket. This docket modification rescinds certain provisions and establishes new conditions for the passby flow requirement.

Findings

The passby flow provision contained in the docket as Condition (b) was intended to provide protection to other users, including the Pennsylvania American Water Company (PAWC), which has a permitted intake in the same pool as the project sponsor's on Swatara Creek, and aquatic resources. The PAWC surface-water allocation of 11.0 mgd is conditioned so that, when streamflow is less than 31.5 mgd (the seven-day, ten-year low flow, or Q7-10) below its intake for seven consecutive days (as measured at the US Geological Survey Streamgage No. 1573560 on Swatara Creek at Hershey), PAWC must impose mandatory water conservation on its customers, and not resume normal operation until the 7-day average streamflow has remained above 38.0 mgd (58.8 cfs) for 21 consecutive days (Pennsylvania Department of Environmental Resources Permit No. WA22-133D, as modified March 18, 1998). This requirement is 10 cfs above the initial trigger flow, and 14 days longer in duration in order to prevent PAWC from cycling on and off mandatory water use restrictions during periods of drought. It is not related to

instream flow needs downstream from the PAWC intake. However, in the prior approval, a passby restriction similar to the PAWC passby was required for the withdrawal from Swatara Creek by the project. In the prior approval, the condition under which such withdrawals were authorized is set forth below:

b. The applicant shall cease all withdrawals when the streamflow as measured at the U.S. Geological Survey's stream gage 01573560 goes below 32.1 mgd (31.5+0.569 mgd) or 49.7 cfs, and not be used again until the seven-day average streamflow has remained above 38.4 mgd (37.8+0.569) or 59.4 cfs for 21 consecutive days.

While the project's intake on Swatara Creek is in the same pool as the PAWC intake, it is about 500 yards downstream from the PAWC intake, but upstream from the Hershey streamgage. Therefore, the project's withdrawal from Swatara Creek will not impact PAWC's ability to make withdrawals so long as a flow equal to the Q7-10 flow plus the project's approval is maintained at the Hershey streamgage. However, Commission staff has identified that United Water of Pennsylvania – Harrisburg system (UWP) has an intake and a 3.0 mgd allocation (Pa DEP WA–22-303E) at Hummelstown, just a few miles downstream from the Hershey streamgage. This downstream allocation does require protection so that the project's passby should be increased by this amount or 3.0 mgd. Thus, the project will be allowed to make withdrawals from Swatara Creek anytime that the daily flow, as measured by the Hershey streamgage, is greater than 35.1 mgd (31.5 mgd + 0.569 mgd + 3.0 mgd) or 54.3 cfs.

Commission staff has determined that Condition (b) of the prior approval could unintentionally deny the project's use of Swatara Creek, while not affording any significant protection to downstream users and aquatic life. Therefore, Commission staff recommends that the docket be modified to replace condition (b).

Decision

Commission Docket No. 20020407, as approved April 11, 2002, is hereby amended as follows:

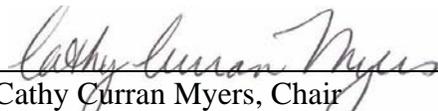
- a. Condition (b) is hereby rescinded and replaced by the following condition (b).
- b. The project sponsor shall cease all withdrawals when the streamflow, as measured at the U.S. Geological Survey's stream gage No. 01573560 on Swatara Creek near Hershey, Pa., goes below 35.1 mgd (31.5 mgd + 3.0 mgd +0.569 mgd), or 54.3 cfs, and that further withdrawals from Swatara Creek shall not be made until the streamflow, as measured at the stream gage, again exceeds 35.1 mgd.
- c. All other conditions in Commission Docket No. 20020407 not inconsistent herewith shall remain effective.
- d. Based on Commission Regulation §803.30(a), this approval is effective until April 11, 2027. The duration of this docket modification is in accordance with the term of the

prior docket approval. The project sponsor shall submit a renewal application by October 11, 2026, and obtain Commission approval prior to continuing operation beyond April 11, 2027.

e. 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 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20030810
Approval Date: August 14, 2003

ROHRER'S QUARRY INC.
LITITZ, PA.

Consumptive Water Use of Up to 0.145 mgd
for Processing of Aggregate and Production of Concrete,
Warwick and Penn Townships, Lancaster County, Pennsylvania

Review Authority

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

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water associated with aggregate processing and concrete production.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Conestoga River Watershed, Warwick and Penn Townships, Lancaster 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). The project's maximum daily consumptive water use, based upon water use records submitted to the Commission, is 0.132 mgd.

The project sponsor excavates limestone from Ordovician-age Epler Formation in an open pit for the production of aggregate and concrete. Quarry operations began at the current location in the 1880s.

Water for the quarry's operation is withdrawn from three wells (Well 1, Well 2 and Well 3) and a storage pond located on the southeast corner of the property. The wells are utilized at less than 100,000 gallons per day (gpd) on a 30-day average and, thus, the withdrawal is less than the threshold specified in Commission Regulation §803.43, relating to ground-water withdrawals.

Water is pumped from the sump of the main pit to a 0.7-acre storage pond that was constructed since 1971. Overflow from the main quarry pond is released into an unnamed tributary of the Conestoga River. The overflow is not metered. The project's original quarry pit is no longer active, contains no water, and is being backfilled.

Well 1, located near the concrete batch plant, supplies a storage tank from which water is withdrawn for concrete production and equipment washing. Some water for water trucks that are used for dust control is also withdrawn from this tank. Well 1 has been in operation since 1975 and has a pump capacity of 30 gallons per minute (gpm). The well is metered and monitored daily.

Well 2 supplies water to control fugitive emissions (dust) at the project's primary crusher. Well 2 has been in operation since 1975 and has a pump capacity of 60 gpm. The well is metered and monitored daily.

Well 3, located at the agricultural lime plant, supplies water for the production of agricultural lime and some sanitary uses. Well 3 has been in operation since 1975 and has a pump capacity of 30 gpm. It is metered and monitored daily.

Water withdrawn from the storage pond is routed to the main crushing and wash plant where it is used to control fugitive emissions (dust). The withdrawal is metered and monitored daily. Water is also withdrawn from the storage pond for water trucks that are used for dust control. The withdrawal is not metered; however, the project sponsor maintains a log documenting the daily number of truckloads of water withdrawn.

Based on daily water use data for the years 2001 (estimated) and 2002 submitted by the project sponsor, Commission staff has determined the project's maximum average 30-day consumptive water use to be 0.059 mgd, and current peak-day consumptive water use to be 0.132 mgd.

Coordination. Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (Pa. DEP) Bureau of District Mining Operations, during review of the project. Pa. DEP approved the project's withdrawal of ground water for dewatering at quarry sump during its review of the quarry operation, and the Commission considered this review as adequate to meet the requirement of Commission Regulation §803.43. Pa. DEP Bureau of Mining staff has reviewed this docket for consistency with its Noncoal Surface Mining Permit No. 8274SM4.

Findings

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

All water retained in the aggregate, used for the manufacture of concrete, used for equipment washing, trucked off site, evaporated from the storage pond, and used for fugitive emission control is considered to be used consumptively. Water evaporated from the storage pond will be calculated by the project sponsor employing a methodology acceptable to the

Commission. Commission staff recommends that the project's total daily consumptive water use be calculated by summing the daily consumptive water use from these categories of use.

The project sponsor withdraws water from the storage pond and the holding tank adjacent to the concrete plant to control fugitive emissions on the property. Commission staff recommends that the quantity of water withdrawn from the storage pond and the holding tank for fugitive emission control should be calculated based on the capacity of the water trucks and the number of truckloads of water. The project sponsor maintains a log of the daily number of truckloads of water withdrawn.

The total quantity of water used in the manufacture of concrete, supplied to the processing plant, crushing plant and lime plant is metered and read daily. The total quantity of water used to control fugitive emissions is calculated on a daily basis from the log of truck loads of water. The sum of these quantities, less the amount used for sanitary use, will constitute the consumptive use at the facility.

Commission staff and the project sponsor have agreed to a pre-1971 consumptive water use of 2,000 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 project sponsor has requested a consumptive water use approval of up to 0.145 mgd. Based on an analysis of water use records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current estimated peak-day use of 0.132 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 0.145 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's withdrawal from the three on-site wells has been in operation since 1975. These wells are metered and monitored daily. Commission staff finds that the wells currently are utilized at less than 100,000 gpd on a 30-day average and, thus, the withdrawal is not subject to review and approval under Commission Regulation §803.43. If the combined ground-water withdrawal from the wells exceeds or is expected to exceed 100,000 gpd on a 30-day average (3,000,000 gallons in any consecutive 30-day period), the project sponsor must submit a ground-water withdrawal application to the Commission.

Further, under the terms of the Memorandum of Understanding between the Commission and the Pa. DEP, the project has been reviewed and approved for the ground-water withdrawal at the sump for the quarry dewatering. Commission staff recommends that the project sponsor install and maintain metering, accurate to within five (5) percent, on the ground-water

withdrawal for the quarry sump, and report the data to the Commission annually. The project sponsor could propose an alternative to metering for Commission staff's review and 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 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 use of water 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 comply with the water conservation requirements specified in Commission Regulation §804.20(b).

c. The project sponsor shall maintain meters, accurate to within five (5) percent, on Wells 1, 2, and 3 and the pumps located at the quarry pond that transfers water to the aggregate processing plant. The project sponsor may propose alternative monitoring to quantify daily consumptive water use to the Commission for staff review and approval.

d. Within sixty (60) days from the date of this approval, the project sponsor shall install and then maintain meters, accurate to within five (5) percent, on the ground-water withdrawal from the quarry sump. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

e. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity of water retained in the aggregate product, used for the manufacture of concrete, including water incorporated into concrete, used for equipment washing, trucked off site, used for fugitive emission control, plus the evaporative loss from the storage pond. The consumptive use will be calculated by summing the meter readings from Wells 1, 2, 3 and the quarry pond, and the amount used for fugitive emission control plus the evaporative loss from the storage pond. Sanitary use from Well 3 is minimal and is not subtracted from overall quantities. The quantity of water used for fugitive emission control shall be calculated based on the capacity of the trucks and the number of truckloads of water, less the amount used for sanitary use.

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 retained in the aggregate product, used for the manufacture of concrete, including water incorporated into concrete, used for equipment washing, trucked off site, and used for fugitive emission control. 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 2,000 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 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 2,000 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.

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. 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.

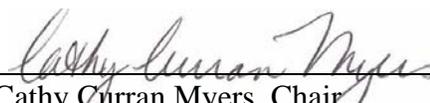
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

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

By the Commission:

Dated: August 14, 2003



 Cathy Curran Myers, Chair
 Pennsylvania Commissioner

Docket No. 20030811
Approval Date: August 14, 2003

**MASONIC HOMES OF THE R. W. GRAND LODGE
F. & A. M. OF PENNSYLVANIA**

Ground-Water Withdrawals (30-Day Averages) of 0.259 mgd from Well EM-500,
0.259 mgd from Well EM-600 and 0.259 mgd from Well EM-700, and a Total System
Withdrawal Limit (30-Day Average) of 0.400 mgd
and a Consumptive Water Use of Up to 0.035 mgd,
for Institutional Water Use,
West Donegal Township, Lancaster County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to the consumptive use of water, and §803.43, relating to ground-water withdrawals. The Commission received the application on June 29, 2001.

Description

Purpose. The purpose of the application is to request approval for withdrawal of ground water and the consumptive use of that water at the Masonic Homes of the R. W. Grand Lodge F. & A. M. of Pennsylvania (Masonic Homes).

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

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.035 million gallons per day (mgd) and withdrawals (30-day averages) of 0.259 mgd from Well EM-500, 0.259 mgd from Well EM-600, and 0.259 mgd from Well EM-700. Wells EM-500, EM-600, and EM-700 were drilled in 1978, 1997, and 1998, respectively. The Masonic Homes was established in 1910.

Currently, the Masonic Homes has an existing average daily demand of 0.305 mgd, and an existing maximum daily demand of 0.425 mgd. The average and maximum daily demands are projected to grow to 0.400 and 0.518 mgd, respectively, by 2028. Currently, the Masonic Homes has a maximum average 30-day consumptive water use of approximately 0.030 mgd, based on actual metered usage since January 2000.

Water is supplied to the Masonic Homes' distribution system primarily from Wells EM-600 and EM-700. Well EM-500 is currently used as a backup supply well. Withdrawals from the wells are metered and monitored daily. The Masonic Homes also maintains a metered interconnection with the Borough of Elizabethtown Municipal Authority (EMA), as an emergency water supply.

Well EM-500 is a 10-inch-diameter open rock well, finished to a depth of 500 feet below ground surface (bgs) in the Triassic-aged New Oxford Formation. The turbine pump on Well EM-500 has a capacity of 250 gallons per minute (gpm). Well EM-600 is a 10-inch-diameter open rock well finished to a depth of 600 feet bgs in the Triassic-aged New Oxford Formation. The submersible pump in Well EM-600 has a capacity of 180 gpm, and a maximum pumping water level of 164 feet. Well EM-700 is a 10-inch-diameter open rock to a depth of 600 feet bgs, and finished to a depth of 700 feet bgs as a 6-inch-diameter open hole in the Triassic-aged New Oxford Formation. The submersible pump on Well EM-700 has a capacity of 180 gpm, and a maximum pumping water level of 330 feet.

Consumptive water uses at Masonic Homes include boiler feed make-up, cooling, laundry, and miscellaneous other uses.

All of the wastewater generated from the Masonic Homes is discharged to the sanitary sewer system through one metered outfall line, and treated in the Elizabethtown Borough Sewer Authority's wastewater treatment facility.

Pumping Test. The project sponsor conducted a 48-hour pumping test for Well EM-600 September 23–25, 1997. The well was pumped at a rate of 248 gpm (0.357 mgd), resulting in a total drawdown of 205 feet in Well EM-600. This amount of drawdown uncovered a primary water-bearing zone at 164 feet bgs. It was determined by the project sponsor's consultant that the appropriate maximum pumping rate for this well is 183 gpm, and the maximum pumping water level should not exceed the depth of the water-bearing zone at 164 feet bgs.

The project sponsor conducted a 48-hour pumping test on March 18–20, 1998, for Well EM-700. The well was pumped at a rate of 180 gpm (0.259 mgd), resulting in a total drawdown of 148 feet in Well EM-700. Based on an analysis of the pumping test data and the well log, it was determined by the project sponsor's consultant that the appropriate maximum pumping rate for this well is 180 gpm, and the maximum pumping water level should not exceed the depth of the water bearing zone at 330 feet bgs.

Well EM-500 was drilled in December 1978, and was used as the primary water source until 1997 when Well EM-600 was drilled. Although no records of a pumping test were submitted for review, operational data was submitted and reviewed by Commission staff to establish that no adverse impacts were indicated during the years this well was in operation.

Coordination. The Pennsylvania Department of Environmental Protection (Pa. DEP) previously issued Public Water Supply Operations Permits (Pa. DEP Nos. 101727-001 through 006) for the Masonic Homes Wells EM-500, EM-600 and EM-700.

Findings

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

All water used for boiler feed make-up and evaporative cooling is entirely consumptively used. The project sponsor obtains water from on-site wells, and is interconnected with a public water purveyor that can provide an emergency supply. The water from both sources is metered prior to its use, with well withdrawals being metered and recorded daily. Public water supplied to the Masonic Homes is metered and recorded daily, when used.

The project's total consumptive water use will be calculated as the total metered water supplied to the facility from the wells and/or the public water supplier, minus the metered outflow from the facility. If the measured daily outflow from the Masonic Homes exceeds the daily sum of the water withdrawn from wells and the water supplied by Elizabethtown Borough, that day's consumptive water use is considered to be zero.

The project sponsor has requested a consumptive water use approval of up to 0.035 mgd, based on an estimated 10 percent increase in water usage over the duration of this approval. Should the project's future consumptive water use exceed 0.035 mgd, the project sponsor must apply for a modification to this docket at that time.

Water was being consumptively used at the facility before January 23, 1971, the effective date of Commission Regulation §803.42. The project sponsor has limited knowledge of the pre-1971 consumptive water use. Commission staff estimates and the project sponsor agrees to a pre-1971 water use of 9,000 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, minus the pre-1971 consumptive use of 9,000 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.

Commission staff recommends that, based on the results of the 48-hour pumping test on Well EM-600, the maximum pumping rate be limited to 180 gpm (0.259 mgd), and the maximum pumping water level be limited to 164 feet bgs. Commission staff recommends that, based on the results of the 48-hour pumping test on Well EM-700, the pumping rate be limited to 180 gpm (0.259 mgd), and the maximum pumping water level be limited to 330 feet bgs. Commission staff concurs with the project sponsor's request to limit Well EM-500 to 180 gpm (0.259 mgd), and a total system withdrawal limit of 0.400 mgd (30-day average).

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

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 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 ground-water withdrawals of 0.259 mgd (30-day average) from Well EM-500, 0.259 mgd (30-day average) from Well EM-600, 0.259 mgd (30-day average) from Well EM-700 and a total system withdrawal limit of 0.400 mgd (30-day average) and the consumptive use of water of up to 0.035 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity supplied to the facility from the public water supplier and the wells, minus the metered outflow from the facility. The project sponsor shall maintain metering on the wells and the wastewater outfall, accurate to within five (5) percent. Should the proposed accounting procedure, utilizing daily metered inflow minus daily metered outflow, consistently result in negative values, the Commission reserves the right to modify the accounting procedure. Any alternative monitoring/accounting procedure shall be

reviewed and approved by Commission staff. The project sponsor shall be directed by written notice of any required change in the accounting procedure.

c. The project sponsor shall keep daily records of the metered withdrawal and weekly water levels from Wells EM-500, EM-600 and EM-700. The required reporting data shall be submitted to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The project sponsor shall maintain the existing meters, accurate to within five (5) percent, on Wells EM-500, EM-600 and EM-700.

d. The maximum instantaneous rates of production from Wells EM-500, EM-600, and EM-700 shall not exceed 180 gpm individually. The maximum pumping water level for Well EM-600 should not exceed 164 feet bgs. The maximum pumping water level for Well EM-700 should not exceed 330 feet bgs.

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 supplied to the facility from the public water supplier and the wells, minus the metered outflow from the facility. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.009 mgd. 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 is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use, and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.009 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (e) above.

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

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. 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.

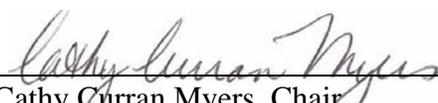
l. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

m. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

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

By the Commission:

Dated: August 14, 2003



 Cathy Curran Myers, Chair
 Pennsylvania Commissioner

Docket No. 20020209
Approval Date: February 21, 2002
Modification Date: August 14, 2003

PPG INDUSTRIES, INC.,
WORKS NO. 6

Consumptive Water Use of Up to 0.350 mgd,
for the Manufacture and Finishing of Flat Glass,
South Middleton Township, Cumberland County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The current modification request was received by the Commission on May 9, 2003.

Description

Purpose. The purpose of the application is to request approval for an increase in the consumptive use of water associated with the manufacture and finishing of flat glass at PPG Industries, Inc. (PPG Industries), Works No. 6. The original Commission approval for consumptive water use was issued on February 21, 2002, as Docket No. 20020209 (docket).

Project Features. The project sponsor has requested approval for an increase in the consumptive water use from 0.260 million gallons per day (mgd) up to 0.350 mgd for use in the manufacture of glass products.

During the past year, the maximum daily amount of water supplied by the South Middleton Township Municipal Authority (Authority) was 502,000 gallons per day (gpd) and the average daily use was 383,000 gpd. This represents a 21 percent increase over the previous year's peak-day use by the facility, and a 31 percent increase in the average daily use (over the previous year's average use) by the facility.

The year 2001 was the first year in which actual metered data was available for monitoring consumptive water uses at PPG Industries. Based on limited metered usage available at the time of the prior approval, the facility's maximum 30-day average consumptive water use was 0.167 mgd and peak-day consumptive water use reached 0.210 mgd. During the hot, dry summer of 2002, the facility's maximum 30-day average consumptive water use reached

0.260 mgd from June 20 through July 19, 2002, and consumptive water use reached a peak day on June 29, 2002, of 0.333 mgd.

Several other daily peaks in consumptive water use exceeded 0.400 mgd during September 2002 and February 2003; however, these are considered anomalies caused by high evaporative losses occurring during emergency repairs to the crown of the main furnaces.

Findings

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

The consumptive water use approval in the docket was based on metered and estimated consumptive water use data for the facility from January 1, 2001, through January 31, 2002. Since that time, the facility's consumptive water use has continued to grow steadily. Additionally, during the hot, dry summer of 2002, cooling requirements at the facility reached levels in both magnitude and duration that had not previously been experienced. In order to meet these peak cooling requirements, the facility's seven cooling towers operated at high levels of capacity.

The project sponsor is requesting a consumptive water use approval of up to 0.350 mgd, based on a 5 percent increase over the facility's current consumptive water use during peak summer operations. Several daily peaks occurred during September 2002 and February 2003 that exceeded 0.400 mgd. However, the anomalies were caused by high evaporative losses that occurred during emergency repairs to the crown of the main furnaces. These extraordinary events have only occurred once since the facility began operations and, therefore, were not considered in the requested amount of consumptive water use.

Commission staff recommends approval of the project sponsor's request for an increase in consumptive water use from 0.260 mgd to 0.350 mgd. Should the project's future consumptive water use exceed 0.350 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor is currently using a spreadsheet accounting procedure, approved in the docket, whereby the difference between the metered daily public water inflow and the metered and estimated daily plant discharges (outflows) is the total quantity of daily consumptive water use. Commission staff recommends that the existing spreadsheet accounting procedure continue to be used to calculate daily consumptive water use. However, the totalizing meters recording the daily public water inflow and daily plant discharge are read at different times during the second shift, as personnel and work schedules permit. Consequently, reported daily consumptive water use may represent usage for greater than or less than a 24-hour period.

In order to monitor actual daily consumptive water use, the project sponsor has agreed to read and record both inflow and outflow (discharge) metered usage between 4:15 p.m. and 5:00 p.m. daily. Commission staff concurs that strict adherence to the proposed meter reading schedule will eliminate this type of violation.

Commission staff recommends that all conditions in Commission Docket No. 20020209 that are not inconsistent with those approved under this docket should remain effective.

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

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

Based on Commission Regulation §803.30(a), the prior docket approval is effective until February 21, 2027. Commission staff recommends the duration of this docket modification be consistent with the term of the prior docket approval.

Decision

The project's consumptive water use of up to 0.350 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 continue to keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly, and as otherwise requested. The project sponsor shall continue to compute the project's daily consumptive water use utilizing the existing spreadsheet accounting procedure, reading and recording the facility's daily public water inflow and daily plant discharge at the same time each day. The project sponsor shall continue to maintain the existing meters, accurate to within five (5) percent, to calculate the consumptive water use.

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

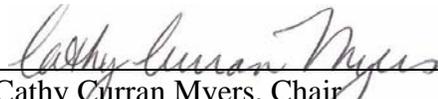
d. All other conditions in Commission Docket No. 20020209 not inconsistent herewith shall remain effective.

e. 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.

f. Based on Commission Regulation §803.30(a), this approval is effective until February 21, 2027. The duration of this docket modification is in accordance with the term of the prior docket approval. The project sponsor shall submit a renewal application by August 21, 2026, and obtain Commission approval prior to continuing operation beyond February 21, 2027.

By the Commission:

Dated: August 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20030812
Approval Date: August 14, 2003

TURKEY HILL Dairy, Inc.

Ground-Water Withdrawal (30-Day Average) of 0.900 mgd from Well 1,
Total System Ground-Water Withdrawal Limit (30-Day Average) of 0.900 mgd,
for the Manufacture of Beverages and Ice Cream,
Manor 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 §803.43, relating to ground-water withdrawals. The Commission received the application on July 2, 2001, and additional documentation on June 25, 2003.

Description

Purpose. The purpose of the application is to request approval for the ground-water withdrawal associated with the manufacture of consumer beverages and ice cream.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Susquehanna River Watershed, Manor Township, Lancaster County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.900 million gallons per day (mgd) of water from Well 1. The project sponsor currently utilizes three wells (Wells 2, 3, and 4) in Commission Docket No. 20030813.

Well 1 is cased to a depth of 90 feet below ground surface (bgs) and completed as a 10-inch-diameter open rock hole from 90 to 300 feet bgs, and finished as a 6-inch-diameter open rock hole to a depth of 600 feet bgs in the Ordovician-aged Conestoga Formation. The submersible pump in Well 1 has a capacity of 350 gallons per minute (gpm), and a pump intake setting of 120 feet bgs.

The water supply system is metered, and has a maximum 30-day-average demand of 0.354 mgd in 2002, and a maximum daily demand of 0.520 mgd. The average daily demand is projected to increase approximately 5 percent per year through 2028.

Pumping Test. A 48-hour pumping test was conducted July 6-8, 1999, for Well 1. Pumping at an average rate of 1,200 gpm, the maximum drawdown during the test was 27.97 feet bgs. Recovery data provided by the project sponsor indicates no residual drawdown due to the pumping test. Observation wells monitored during the pumping test showed no discernable water level response.

Findings

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

Although testing for Well 1 was conducted in July 1999, it meets current Commission standards in accordance with the pumping test guidance.

Commission staff recommends approval of an instantaneous withdrawal rate of 1,200 gpm, the pumping rate used during the constant-rate pumping test, and a 30-day average withdrawal rate of 0.900 mgd for Well 1. Further, based on the ground-water availability analysis and supporting information submitted by the project sponsor, Commission staff recommends a total system withdrawal limit from all four wells of 0.900 mgd.

Commission staff recommends that the project sponsor installs and maintains separate metering on Well 1 and provide documentation of the well's usage to the Commission.

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

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

No adverse impacts on other area ground-water withdrawals and on the environment have been reported during the testing operation of this well. 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 0.900 mgd (30-day average) from Well 1, and a total system (30-day average) withdrawal limit of 0.900 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 ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.

b. The project sponsor shall keep daily records of the metered withdrawals and weekly water levels from Well 1. The required reporting data shall be submitted to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The project sponsor shall maintain the meter, accurate to within five (5) percent, on Well 1.

c. The maximum instantaneous rate of production from Well 1 shall not exceed 1,200 gpm, the pumping rate used during the constant-rate pumping test.

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

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

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

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

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

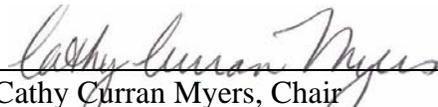
k. All other conditions in Commission Docket No. 20030813 not inconsistent herewith shall remain effective.

l. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

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 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20030813
Approval Date: August 14, 2003

TURKEY HILL DAIRY, INC.

Ground-Water Withdrawals (30-Day Averages) of 0.216 mgd from Well 2, 0.030 mgd from Well 3, and 0.049 mgd from Well 4, and a Consumptive Water Use of Up to 0.900 mgd, for the Manufacture of Beverages and Ice Cream, Manor Township, Lancaster County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, §803.42, relating to consumptive use of water, and §803.43, relating to ground-water withdrawals. The Commission received the application on July 2, 2001.

Description

Purpose. The purpose of the application is to request approval for the ground-water withdrawal and consumptive use of water associated with the manufacture of consumer beverages and ice cream.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Susquehanna River Watershed, Manor Township, Lancaster County, Pennsylvania.

Project Features. The project sponsor is requesting withdrawals (30-day averages) of 0.216 million gallons per day (mgd) from Well 2, 0.030 mgd from Well 3, and 0.049 mgd from Well 4 and the consumptive use of water of up to 0.900 mgd. The water is used in the products and for sanitary purposes. The project sponsor also provides an average of approximately 80,000 gallons per day (gpd) to the adjacent Frey Dairy Farm for agricultural use.

The project sponsor's maximum average 30-day consumptive water use is approximately 0.319 mgd (August 2002), based on information submitted by the project sponsor. Peak-day consumptive water use is estimated to be 0.419 mgd (March 2000).

The project sponsor has been in business since 1931. Wells are used as the source of water supply and water is metered as it enters the facility. Water from the wells is pumped to a 500,000-gallon storage tank. The project sponsor is required to maintain 200,000 gallons of this storage at all times for fire protection. Therefore, the effective storage volume is

300,000 gallons. Water is conveyed from the storage tank, by gravity, to the processing facility and Frey Dairy Farm.

All three wells penetrate limestone of the Conestoga Formation. The following table summarizes construction information for the three wells:

Well No.	Date of Initial Use	Diameter (inches)	Depth (feet)	Pump Capacity (gallons per minute)
2	1999	8	593	300
3	June 1994	8	500	82
4	1988	10	200	100

Water is consumptively used on the product lines. The bulk of the water is used to make flavored consumer beverages with some used for cleaning purposes.

Sludge from the facility's wastewater treatment plant is trucked from the facility to the Lancaster Area Sewer Authority (LASA). The project sponsor has estimated the water content of the sludge to average 95 percent by volume. All of the wastewater generated on the property is either treated at an on-site wastewater treatment facility (Pa. DEP Permit No. PA008377) and discharged to Mann's Run, a tributary of the main stem of the Susquehanna River, or trucked to the LASA treatment facility and discharged directly to the Susquehanna River.

The project sponsor has requested approval for the consumptive use of water of up to 0.900 mgd. Based upon data from 1992 to 2001, the project sponsor has projected growth over the next 25 years, and estimates its peak consumption use to be 0.900 mgd. The project sponsor has calculated that approximately 60 percent of the water used in the facility is consumptively used. Currently, the plant's maximum daily consumptive use reaches 0.419 mgd during peak days.

Pumping Test. The project sponsor conducted a 49-hour constant-rate pumping test on May 13–15, 1999, for Well 2. The well was pumped at a rate of 344 gpm (0.495 mgd). The results of the pumping test indicated a total drawdown of 49.6 feet in Well 2, and that drawdown increased after 36 hours of pumping, indicating an interception of a relatively impermeable (low/no flow) boundary. The long-term pumping rate for this well was established at 255 gpm (0.367 mgd), based on this testing. Additional analysis performed by the project sponsor's consultant also established a maximum pumping water level of 79 feet below ground surface (bgs).

The project sponsor conducted a 48-hour pumping test on April 4-6, 1994, for Well 3. The well was pumped at an initial rate of 100 gpm for 8 hours, with a total drawdown of 286 feet. The pumping rate was reduced to 90 gpm for a period of 26 hours, with an additional 47 feet of drawdown. The pumping rate was reduced again to a rate of 80 gpm for 14 hours until the end of the test. There was no apparent additional drawdown during the last 14 hours of the test. The maximum drawdown during the test was 346 feet. One observation well, 250 feet southeast of Well 3, experienced approximately 141 feet of drawdown during the first two pumping rates (100 gpm and 90 gpm). No additional drawdown was apparent in the observation

well during the 80 gpm pumping rate. Therefore, a maximum pumping rate of 80 gpm (0.115 mgd) was established for Well 3. Additional analysis performed by the project sponsor's consultant established a long-term pumping rate of 20.8 gpm (0.030 gpd), a maximum daily withdrawal rate of 0.040 gpd, and a maximum pumping water level of 188 feet bgs.

The project sponsor conducted a 48-hour constant rate pumping test on January 4-6, 1988, for Well 4. The well was pumped at a rate of 175 gpm (0.252 mgd). The results of the pumping test indicated a total drawdown of 42 feet in Well 4. Analysis of operational data for 2002 by the project sponsor's consultant documents that Well 4 is capable of a long-term pumping rate of 34 gpm (0.049 mgd), and a maximum daily withdrawal rate of 40 gpm (0.057 mgd). Well 4 is operated with a shut-off probe at 70 feet bgs to prevent dewatering.

Findings

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

Testing for Wells 2, 3, and 4 conducted in May 1999, April 1994, and January 1988, respectively, does not meet current Commission standards in accordance with the pumping test protocol developed and approved by the Commission in 2002. After evaluating the existing pumping test data, Commission staff recommends that the tests be accepted, provided that the special monitoring conditions recommended for Well 4 are imposed.

Commission staff recommends approval of a 30-day average withdrawal rate of 0.216 mgd, a maximum instantaneous pumping rate of 344 gpm, and a maximum pumping water level of 79 feet bgs for Well 2.

Commission staff recommends approval of a 30-day average withdrawal rate of 0.030 mgd, a maximum instantaneous pumping rate of 80 gpm, and a maximum pumping water level of 188 feet bgs for Well 3.

Commission staff recommends approval of a 30-day average withdrawal rate of 0.049 mgd, a maximum instantaneous pumping rate of 175 gpm, and a maximum pumping water level of 70 feet bgs for Well 4. However, because of the nature of the hydrogeologic setting, Commission staff finds that there is the potential for adverse impacts specifically related to Well 4.

Well 4 is located proximate to Wissler's Run (designated a High Quality Cold-Water Fishery (HQCWF), 25 Pa. Code, Chapter 93). No monitoring of surface- or ground-water features occurred during the 48-hour pumping test. Because of the geology indicated by the well log, the location of Well 4 relative to Wissler's Run, the stream's designation as a HQCWF, the surrounding wetlands, and the potential for induced infiltration from alluvium beneath Wissler's Run and associated wetlands, Commission staff recommends that the project sponsor prepare a monitoring plan for Commission staff review and approval. This plan should generate data from June through October during which Well 4 is operated at its approved withdrawal rate to

determine whether water withdrawals from Well 4 adversely impact Wissler's Run or any associated wetlands.

Commission staff recommends that the project sponsor maintain existing metering and install separate metering on all wells and provide to the Commission documentation of each well's usage.

The project currently obtains all of its water from three wells, and the water is metered on a daily basis prior to its use in the plant. Wastewater and sanitary waste that is discharged from the production facility to the on-site sewage treatment facility or trucked off site is metered daily.

All water that is bottled, incorporated into beverages and other consumer products is considered to be used consumptively. Sludge from the facility's wastewater treatment plant is trucked from the site to LASA for treatment. The project sponsor has estimated the average water content of the sludge to be 95 percent by volume, and the water content of the sludge is considered to be entirely consumptively used unless treated at the LASA facility. Commission staff concurs with this finding.

The project sponsor has proposed a spreadsheet accounting procedure quantifying the consumptive water use for quarterly reporting to the Commission. Ground-water withdrawals from the three wells will be monitored daily. Water provided to Frey Dairy Farm will be metered daily. The daily consumptive water use will be the total ground-water withdrawal, minus the sum of the water provided to Frey Dairy Farm, the metered effluent to Mann's Run, and water contained within the sludge transported to LASA for treatment.

Staff recommends approval of the project sponsor's proposed spreadsheet accounting procedure for use in calculating daily consumptive water use for the project.

The project sponsor requested approval for a consumptive water use of up to 0.900 mgd. Commission staff is recommending approval of the requested quantity. An increase in consumptive water use is anticipated through the year 2028 at an annualized rate of approximately 5 percent per year. Should the project wish to increase its consumptive water use, the project sponsor must apply to the Commission for a modification to this docket.

Although the project sponsor has operated since 1931, it has reported that consumptive water use was minimal prior to January 23, 1971, and claimed no "grandfathered" quantity.

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

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

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

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

Compliance Incentive Program

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

Decision

The project's consumptive water use of up to 0.900 mgd and ground-water withdrawals (30-day averages) of 0.216 mgd from Well 2, 0.030 mgd from Well 3, and 0.049 mgd from Well 4, are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42, and ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.
- b. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity pumped to the production facility, minus the sum of the water transmitted to Frey Dairy Farm, the metered effluent to Mann's Run at the point of discharge, and water contained within the sludge transported to LASA for treatment. The project sponsor shall maintain metering on the wells, wastewater treatment plant effluent, and water transmitted to Frey Dairy Farm, accurate to within five (5) percent. The project sponsor also will maintain records for sludge transported and treated at the LASA facility.
- 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 weekly water levels from the wells, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within

thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. The maximum instantaneous rate of production from Well 2 shall not exceed 344 gpm, and the maximum pumping water level shall not exceed 79 feet bgs.

e. The maximum instantaneous rate of production from Well 3 shall not exceed 80 gpm, and the maximum pumping water level shall not exceed 188 feet bgs.

f. The maximum instantaneous rate of production from Well 4 shall not exceed 175 gpm, and the maximum pumping water level shall not exceed 70 feet bgs.

g. The project sponsor shall develop a ground-water monitoring plan for Well 4 to generate data for the site sufficient to demonstrate that the water withdrawal does not impact surface-water, wetlands, or existing ground-water users. The monitoring plan shall be submitted within ninety (90) days of this approval for Commission staff's review and approval. The results of this plan shall be submitted to the Commission by January 1, 2005, or as otherwise directed by Commission staff.

h. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project. The daily quantity of water consumptively used shall be the quantity pumped to the production facility, minus the sum of the water transmitted to Frey Farm, the metered effluent to Mann's Run at the point of discharge, and water contained within the sludge transported to LASA for treatment. 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.

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

j. 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 (h) above.

k. If the Commission determines that the operation of the project's ground-water withdrawal from Wells 2, 3, or 4 adversely affects any existing ground-water or surface-water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

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

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

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

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

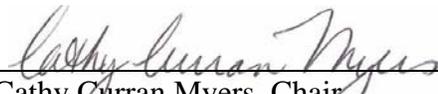
p. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

q. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

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

By the Commission:

Dated: August 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20030814
Approval Date: August 14, 2003

HANOVER FOODS CORPORATION

Ground-Water Withdrawal (30-Day Average) of 0.0792 mgd from Well PW-2
and a Total System Withdrawal Limit (30-Day Average) of 0.5262 mgd
for Industrial Use, Penn and Heidleberg Townships, York County, Pennsylvania

Review Authority

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

Description

Purpose. The purpose of the application is to request approval for the withdrawal of ground water to supply non-contact cooling water.

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

Project Features. The project sponsor has requested approval for the withdrawal of 0.0792 million gallons per day (mgd) (30-day average) from Well PW-2. The Commission previously approved withdrawals totaling 0.447 mgd (30-day average) from Wells PW-3, PW-4, and PW-5 in 1998 in Commission Docket No. 19980503. With the addition of Well PW-2 to the well field, the total system withdrawal will be 0.5262 mgd.

Well PW-2 is cased to a depth of 40 feet below ground surface (bgs) and completed as a 10-inch-diameter open rock hole from 40 to 360 feet bgs. The well penetrates limestone and shaley (or phyllitic or schistose) limestone of the Conestoga Formation.

Well PW-2 is located approximately 400 feet northwest of State Route 116, and approximately 6,300 feet north-northeast of the intersection of State Route 116 with State Route 216.

Pumping Test. The project sponsor requested a waiver from the Commission's constant-rate pumping-test requirement for Well PW-2, based on the previously-completed pumping test of nearby Wells PW-3 and PW-5, and the completion of an aquifer simulation

model. Wells PW-3 and PW-5 were previously subjected to constant-rate pumping tests at pumping rates of 50 gallons per minute (gpm) and 100 gpm, respectively. In both tests, water levels in the production wells and the observation wells stabilized within the first 8 hours. Using the data from these pumping tests, a computerized aquifer-simulation model was developed for the site area to predict the impact of the 0.5262-mgd withdrawal at the well field.

Well PW-2 was subjected to an approximate 9-hour variable-rate pumping test in November 2002, during which the well was pumped at a diminishing rate, starting at an initial rate of 100 gpm and ending at a pumping rate of 55 gpm. At the time of the pumping test, existing production wells in the well field were in operation. After the reduction to the final pumping rate of 55 gpm, the pumping water level in Well PW-2 was at a depth of 170 feet bgs. Drawdowns of 10.8 feet and 2.1 feet were noted at Wells PW-4 and PW-5, respectively, from the variable-rate pumping test of PW-2.

Findings

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

Well PW-2 appears to be capable of a 55-gpm pumping rate. During a pumping test of Well PW-2, the water level in the pumping well at the 55-gpm pumping rate was drawdown to a depth of 170 feet. With the water level at this depth, some of the shallower yielding zones (74 and 122 feet) in the well may dewater, and the 55-gpm yield may not be sustainable if the well is pumped continuously, along with other approved wells in the well field pumping. As designed, however, the well will be equipped with a low-level shut off, and the well will be pumped in a cyclic fashion as are the other wells in the well field. Commission staff concurs that the pumping test requirement be waived.

Commission staff recommends approval of an instantaneous withdrawal rate of up to 55 gpm, and a 30-day average withdrawal rate of 0.0792 mgd and that the pumping water level should not exceed 260 feet bgs in Well PW-2. Further, based on the ground-water availability analysis and supporting information submitted by the project sponsor, Commission staff recommends a total system withdrawal limit from all four wells of 0.5262 mgd.

Commission staff recommends that the project sponsor install and maintain separate metering on Well PW-2 and provide to the Commission documentation of the well's usage.

The aquifer simulation modeling for a total well-field withdrawal of 0.447 mgd indicated that drawdown from the well field would extend to an area of off-site wells. Given the increase in the proposed withdrawal from the well field from 0.447 mgd to 0.5262 mgd and that Well PW-2 is near these private wells, Commission staff recommends that the project sponsor prepare a plan to monitor impacts to the private wells.

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

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

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

Decision

The project's ground-water withdrawal of 0.0792 mgd (30-day average) from Well PW-2 and a total system withdrawal limit of 0.5262 mgd (30-day average) 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 ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.
- b. The maximum instantaneous rate of production from Well PW-2 shall not exceed 55 gpm, and the pumping water level shall not exceed 260 feet bgs.
- c. The project sponsor shall keep weekly records of the metered withdrawal from Well PW-2 and weekly water levels from Well PW-2. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Annual monitoring reports are due within sixty (60) days after the close of the preceding year. The project sponsor shall install a meter, accurate to within five (5) percent, on Well PW-2 prior to its use as a water-supply source.
- d. The project sponsor shall develop a ground-water monitoring plan for the site sufficient to demonstrate that the ground-water withdrawal from the well field does not impact existing ground-water users located to the northeast of the well field. The ground-water monitoring plan shall be submitted within sixty (60) days for Commission staff's review and approval. The results of this monitoring shall be submitted to the Commission within one (1) year from the date of the approval of the plan, or as otherwise directed by Commission staff.
- e. The project sponsor shall comply with water conservation requirements, as per Commission Regulation §804.20(b).
- f. The constant-rate pumping-test requirement specified in Commission Regulation §803.43(b) is hereby waived.
- g. If the Commission determines that the operation of the project's ground-water withdrawal from the well field 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. 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.

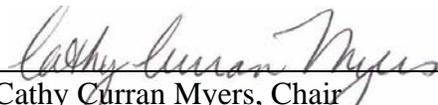
m. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

n. 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 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

Docket No. 20021210
Approval Date: December 12, 2002
Modification Date: June 12, 2003
Modification Date: August 14, 2003

THE CITY OF ABERDEEN

Withdrawal of Up to 3.0 mgd from Deer Creek, When Available,
and Consumptive Water Use Through an Out-of-Basin Diversion
of up to 3.0 mgd, for Water Supply to Aberdeen Proving Ground,
Harford County, Maryland

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 diversion of water from the basin, and §803.44, relating to surface-water withdrawals.

Description

Purpose. The Commission originally approved the project on December 12, 2002 as Docket No. 20021210 (docket). As approved, the project authorized the City of Aberdeen (City) to withdraw up to 3.0 mgd of water from Deer Creek, when available, and the consumptive use of up to 3.0 mgd of water from Deer Creek as an out-of-basin diversion to supply water for operations associated with the Aberdeen area of the Aberdeen Proving Ground (APG), a U.S. Army installation, subject to conditions enumerated in the docket. It also contained certain provisions authorizing an emergency use of APG's Deer Creek supply to serve the City on an interim basis.

In response to concerns raised over the emergency use provisions contained in the docket, a special Commission meeting and public hearing was held on May 22, 2003 in Harford County, Maryland, to allow the public and interested parties to submit additional comment on the issue of emergency use of water by the City. After consideration of the comments received at the May 22, 2003 public hearing and additional information submitted for the record by interested parties, the emergency use provisions contained in the docket were rescinded by the Commission pursuant to a docket modification it approved on June 12, 2003. This action was taken on the basis that Commission Regulation §803.27, which authorizes the issuance of emergency approvals to protect public health, safety and welfare, provides the City with an adequate administrative mechanism for requesting approval to transfer Deer Creek water to the City's public water supply system in the event of an emergency.

The purpose of this unilateral modification action is to reissue the original December 12, 2002 docket, as modified by the Commission on June 12, 2003, and with additional modifications striking references to the emergency use provisions contained in the Findings section of the original December 12, 2002 docket, but not rescinded by its modification action of June 12, 2003. In approving this modification, the Commission makes no finding and takes no action with regard to the issue of historic emergency use of Deer Creek water by the City of Aberdeen.

Location. The Deer Creek intake is located in the Lower Susquehanna Subbasin, HUC 02050306, Deer Creek Watershed, near the Town of Darlington, Harford County, Maryland. APG is located in the Chesapeake Bay watershed outside of the Susquehanna River Basin, in and adjacent to the City of Aberdeen (City), Harford County, Maryland.

Background. Since the 1940s, the Department of the Army (Army) has operated two withdrawals from Deer Creek in Harford County; one near Churchville for supply to the Churchville Test Track, and the other near Darlington for supply to the Chapel Hill Water Treatment Plant, which serves APG.

In 1996, the Department of Defense initiated a program to privatize utility systems on military bases and awarded the privatization contract for APG to the City of Aberdeen (City) in 1999. Ownership of the Darlington intake and Chapel Hill treatment facilities was transferred to the City in 2000. The City proposes to continue using the existing Darlington intake and Chapel Hill treatment plant to serve APG. The withdrawal at Churchville was not privatized and will continue to be operated by the Army.

The Army has operated the two Deer Creek withdrawals under a Water Appropriation and Use Permit (HA78S028(04)) first issued by the Maryland Department of the Environment (MDE) in 1979. Prior to that time, federal facilities claimed exemption from state permitting requirements. The most recent permit issued to APG expired in February 2001, and has not been renewed due to the transfer of ownership to the City. The City continues to operate under the APG permit while its new permit application is pending with MDE to operate the Darlington intake. The permit was issued for a combined withdrawal at the Churchville and Darlington facilities, totaling a daily average of 3.5 million gallons per day (mgd) and a maximum daily withdrawal of 6.0 mgd.

Project Features. The privatization contract requires the City to supply APG with up to 3.0 mgd of water on a peak usage day and 1.8 mgd on an average annual basis. APG currently uses an average of 1.50 mgd, with a peak of 2.80 mgd. The City has requested approval for the withdrawal and diversion of water from Deer Creek of up to 3.15 mgd to supply APG through 2020. The City is currently operating the Deer Creek intake at Darlington and serving APG under the permit first issued to APG by MDE in 1979. The Deer Creek withdrawal at Darlington is not currently metered at the intake. The distribution system is metered at the main service connections at the base.

Water demand at APG is dependent on the size of the military and civilian populations living at the installation. Historic withdrawals from Deer Creek for water supply to the post

during periods of heavier population have been estimated to be approximately 4.0 mgd, based on a maximum 30-day average.

Because the existing MDE permit is nontransferable, the City has applied to MDE for a new permit, allowing withdrawal by the City from Deer Creek for water supply to both APG and the City. In addition to its application to the Commission to supply APG, the City has made a separate application to the Commission for approval to withdraw additional water from Deer Creek for supply to the City system.

Coordination. Commission staff has coordinated with the MDE's Water Management Administration, the Maryland Department of Natural Resources (MDNR), and Harford County's Department of Water and Sewer during review of the project. MDE is reviewing the use of Deer Creek as a source of public water supply for the City, and has reviewed this docket for consistency with its draft Water Appropriation and Use Permit.

Findings

The project's diversion of water from the basin and surface-water withdrawal are subject to Commission review and approval, as per Commission Regulations §803.42 and §803.44, respectively.

All the water withdrawn from Deer Creek for supply to APG is diverted from the Susquehanna River Basin to the Chapel Hill Water Treatment Plant. Finished water is then distributed to APG. Wastewater from APG is treated by the City of Aberdeen and returned to Dipple Creek, which discharges to the Chesapeake Bay. The entire diversion is, therefore, considered to be consumptively used.

The project sponsor requested a consumptive water use and surface-water withdrawal approval of up to 3.15 mgd on a peak-day basis. The City's water demand projections for APG are based on an assumed constant growth rate of population on the base through 2020. To facilitate coordination with MDE, and in accordance with Commission Regulation §803.30(a), Commission staff recommended that approval to the City to operate the Deer Creek intake for supply to APG be limited to a 12-year timeframe to coincide with the term of the MDE Water Appropriation and Use Permit. Therefore, the review of the application has been based on estimated demands in 2014.

The projected average demand provided by the City exceeds the contracted service quantity in the years 2011 through 2014. However, future missions and staffing of the post are very difficult to predict, and the Commission finds there is no basis for assuming a constant growth rate. The Army has determined that the quantities of 1.8 mgd on an annual average basis and 3.0 mgd on a peak day are adequate to serve APG for the foreseeable future. Commission staff recommended approval of a consumptive water use of up to 3.0 mgd on a peak-day basis, rather than the requested quantity of 3.15 mgd, which is consistent with the City's contractual obligation to the Army. Should the project's future withdrawal needs exceed or be expected to exceed 3.0 mgd on a peak day, the project sponsor must apply for a modification to this docket at that time.

The Army began withdrawing water from Deer Creek to supply APG in the 1940s, which predates the effective date of Commission Regulation §803.42 and the Susquehanna River Basin Compact. Therefore, the project is considered to be “grandfathered,” and Commission approval of this prior diversion and withdrawal is not required. The project also is considered to be exempt from Commission consumptive water use compensation requirements.

The City requested that the exemptions for APG’s withdrawal and diversion from Deer Creek be transferred to the City’s operation of the APG system. Commission Policy 98-06 limits the transferability of the exemption from consumptive use regulation to projects in which the nature and amount of the exempted use remain unchanged. Because the application involves only a change in ownership and operator, with consistent quantities of water being delivered to APG, the portion of the withdrawal historically used by APG is exempt from consumptive water use compensation requirements contained in Commission Regulation §803.42. The exempt quantity is, therefore, transferable to the project sponsor, although the project would not be exempt from other Commission regulations, including those related to environmental protection and reporting requirements. Any portion of the withdrawal that will be used by an entity other than APG will be considered a new use, and subject to Commission regulations, particularly those related to consumptive water use, as an out-of-basin diversion.

Under the privatization contract, the City will operate only the Darlington intake supplying the Chapel Hill Water Treatment Plant; the Army will continue to operate the withdrawal supplying the Churchville Test Track. The Churchville withdrawal is less than Commission thresholds for the surface-water withdrawal and consumptive water use regulations, and is used on-site, within the drainage area of the Susquehanna River. The withdrawal at Churchville is, therefore, not an out-of-basin diversion, and Commission approval is not needed for continued water withdrawal or consumptive use at the Churchville Test Track.

The project sponsor operates the surface-water intake on Deer Creek at Darlington without metering of the withdrawal or engineering controls in place to ensure a passby flow is maintained at the site. Deer Creek is classified as a Use IV-P: Recreational Trout Waters plus Public Water Supply stream in the state of Maryland (Code of Maryland Regulations (COMAR), Title 26, Subtitle 08, Chapter 02, Regulation 08). This designation includes cool water/warm water fishery, and Deer Creek also supports populations of anadromous species during spawning. Furthermore, it is classified as a Scenic River, pursuant to Section 8-402 of the Maryland Scenic and Wild Rivers Act.

Commission staff recommends that the project sponsor install and maintain metering to measure the daily quantity of water withdrawn from Deer Creek. Commission staff recommends that the U.S. Geological Survey’s stream gage 01580520, located on Deer Creek near Darlington, Md., be used as the reference gage for monitoring flow past the intake, and has calculated the 7-day 10-year low flow (Q7-10 flow) for Deer Creek to be 45 cubic feet per second (cfs) (29 mgd) at the point of withdrawal. The surface-water intake has a pumping station with the capacity of 4.0 mgd. The withdrawal of 3.0 mgd is greater than 10 percent of the Q7-10 flow (2.9 mgd) 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 seasonal passby flow of not less than 30 percent of annual average daily flow (ADF), which equals 69 cfs, from March 1 through June 30, and not less than 20 percent of ADF, which equals 46 cfs, at all other times of the year, and to cease all withdrawals when streamflow is less than the prescribed quantities. The recommendation is based on analysis of instream flow needs for indigenous and spawning species in Deer Creek. The MDE allocation permit under which the project sponsor is currently operating requires a passby flow equivalent to the Q7-10 flow of 45 cfs. MDE and MDNR have been consulted on Commission staff's recommendation of a seasonal passby flow and have expressed no objections to the more protective standard.

Because the gage at Darlington is located a few feet upstream of the Deer Creek intake, the project sponsor must monitor both the gage and the intake meter to be installed to correctly measure the flow past the intake. Commission staff recommends that the project sponsor read the gage and intake meter every morning, and determine the flow past the intake by subtracting the withdrawal from the gage measurement.

According to Commission staff's analysis of historic flows on Deer Creek, streamflow will occasionally be insufficient to maintain the recommended passby flow rate and meet APG's needs. Based on this finding, Commission staff recommends that the project sponsor secure other sources of water to serve as a backup supply during those times when intake from Deer Creek is unavailable. Staff further recommends that the City be required to make suitable arrangements for such supply within one year, and supply quarterly progress reports to the Commission until such time as that backup supply is secured.

Deer Creek is classified as a Scenic River by the State of Maryland. MDNR and MDE have reviewed the proposed use under this docket and have found that it is not in conflict with the Deer Creek Scenic River Plan. Because the amount of the proposed withdrawal by the City for supply to APG would not exceed the historically permitted withdrawal by MDE from the creek, there were no concerns expressed by MDNR or MDE about impact to fish, aquatic species, or other natural resources of Deer Creek.

The project is subject to Commission water conservation requirements, as per Commission Regulation §804.20(a). Commission staff is recommending that, within five years of the date of the approval, the project sponsor reduce to a level of 20 percent or less the unaccounted-for water in the APG system.

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

If the conditions of the pending MDE water appropriation and use permit are met, the proposed project will not conflict with or adversely affect the Commission's Comprehensive Plan, is physically feasible, and does not adversely influence the present or future use and development of the water resources of the basin.

Out-of-Basin Diversion Considerations

Commission Policy No. 98-01 discourages the diversion or transfer of water from the basin in order to conserve, protect, and utilize the water resources of the basin in accordance with the best interests of the people in the basin and the Commission's signatory jurisdictions. Commission Policy No. 98-06, relating to the transferability of grandfathered consumptive water use quantities, allows exemptions to transfer in cases where the nature and amount of the exempted consumptive water use remains unchanged.

Because the application is for a change in operator only, with consistent quantities of water being delivered to APG, the consumptive water use exemption of the diversion for APG transfers to the City for use of water at APG.

Decision

The project's surface-water withdrawal from Deer Creek of up to 3.0 mgd on a peak-day basis, when available, and the consumptive use of water of up to 3.0 mgd on a peak-day basis through an out-of-basin diversion are approved, effective December 12, 2002, pursuant to Article 3, Section 3.10 of the Compact for use at APG, 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. Within sixty (60) days from the effective date of this approval, the project sponsor shall install and then maintain metering, accurate to within five (5) percent, on the withdrawal from Deer Creek at the Darlington pumping station.

c. The project sponsor shall keep daily records of the project's surface-water withdrawal and its 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 withdrawn at the Deer Creek intake at Darlington. The project sponsor shall maintain metering on the intake, accurate to within five (5) percent.

d. The project sponsor shall keep daily records of readings from the U.S. Geological Survey's stream gage 01580520, located on Deer Creek near Darlington, Md., for use as the reference gage for monitoring flow past the intake, and shall report the data to the Commission quarterly, and as otherwise required.

e. The project sponsor shall allow a flow of not less than 69 cfs to pass in Deer Creek directly below the intake from March 1 through June 30, and not less than 46 cfs to pass in Deer Creek directly below the intake at all other times of the year. The project sponsor shall reduce its withdrawals, as necessary, to allow this amount of flow to pass unless natural streamflow is equal to or less than this amount, at which times the project sponsor shall cease all withdrawals.

f. The City shall develop and secure a backup supply or agreement for backup supply to the Deer Creek withdrawal for the amount of this approval on or before December 31, 2003, and

shall report to the Commission quarterly on its progress in regard thereto until this condition is met. Any backup supply or agreement for backup supply is subject to review and approval by the Commission.

g. In the event of a supply emergency in the City of Aberdeen's public water supply system, the City may submit a request for an emergency certificate authorizing use of Deer Creek water for the City system pursuant to Commission Regulation §803.27, which shall be given prompt consideration by the Commission and for which approval shall not be unreasonably withheld.

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

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.

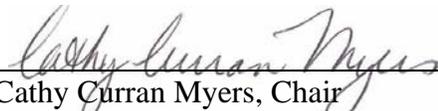
m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. Based on Commission Regulation §803.30(a), this approval is effective until December 12, 2014. The duration of this docket modification is in accordance with the term of the prior docket approval. The project sponsor shall submit a renewal application by June 12, 2014, and obtain Commission approval prior to continuing operation beyond December 12, 2014.

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 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner

RESOLUTION NO. 2003-07

A RESOLUTION of the Susquehanna River Basin Commission re-issuing and extending the term of an Emergency Certificate issued to the City of Aberdeen, Maryland, on July 14, 2003.

WHEREAS, pursuant to Commission Regulation 18 CFR §803.27, the Executive Director issued an Emergency Certificate to the City of Aberdeen, Maryland, on July 14, 2003 authorizing a temporary withdrawal from Deer Creek in an amount up to 0.5 million gallons per day (mgd), when available, for the purpose of providing public water supply to the City, which authorization expired on August 13, 2003; and

WHEREAS, pursuant to a letter dated August 8, 2003, the City of Aberdeen has requested an extension of the term of the Emergency Certificate to September 30, 2003; and

WHEREAS, in support of its request, the City of Aberdeen has provided information regarding seasonal peak demand which demonstrates that continued seasonal demand and perchlorate contamination-related limitations on its public water supply system has the potential to render it unable to furnish adequate water supply to its users beyond August 13, 2003; and

WHEREAS, to further limit demand in its public water supply system, the City of Aberdeen approved a resolution on August 11, 2003 instituting mandatory water use restrictions; and

WHEREAS, the requested extension of the Emergency Certificate is consistent with Temporary Emergency Permit No. HA2003S011(01), issued by the Maryland Department of the Environment on June 16, 2003, also authorizing a 0.5 mgd withdrawal from Deer Creek, which permit expires on September 30, 2003.

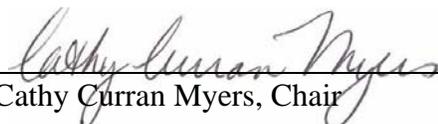
NOW THEREFORE BE IT RESOLVED THAT:

1. The Susquehanna River Basin Commission hereby re-issues and extends to September 30, 2003 the term of the Emergency Certificate issued by the Executive Director to the City of Aberdeen on July 14, 2003.

2. All other findings, terms and conditions of the said Emergency Certificate not inconsistent herewith shall remain in effect.

3. This Resolution is retroactive to August 13, 2003, and continues uninterrupted the emergency certificate issued on July 14, 2003, as amended herein.

Dated: August 14, 2003



Cathy Curran Myers, Chair

RESOLUTION NO. 2003-06

A RESOLUTION of the Susquehanna River Basin Commission commending the Commission staff and members of the SRBC Water Resources Management Advisory Committee on the recently-developed "Procedural Guidelines for Addressing Compliance with Docket Conditions," and authorizing the use of those guidelines in the administration of the project review program.

WHEREAS, under Section 3.5 of the Susquehanna River Basin Compact, P.L. 91-575, the Commission has a duty to investigate and determine if the requirements of the Compact and the rules and regulations of the Commission are complied with, and, if necessary, to compel compliance.

WHEREAS, the Commission administers regulations (18 CFR §§803.42, 43 & 44) governing consumptive use and withdrawal of the waters of the Susquehanna River Basin; and

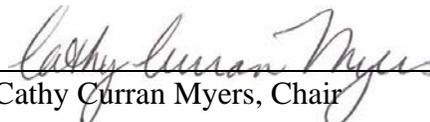
WHEREAS, under the said regulations, the Commission issues docket approvals for projects containing various requirements and conditions designed to avoid conflicts with other users, protect the environment and expedite Commission administration; and

WHEREAS, the staff, in close consultation with the SRBC Water Resources Management Advisory Committee (WRMAC), has developed a set of "Procedural Guidelines for Addressing Compliance with Docket Conditions."

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby commends the Commission staff and members of the SRBC Water Resources Management Advisory Committee on the recently developed "Procedural Guidelines for Addressing Compliance with Docket Conditions," dated August 14, 2003, and authorizes the use of those guidelines in the administration of the project review program.
2. In consultation with the Commission, the staff is encouraged to periodically review and, if appropriate, amend these guidelines.
3. This Resolution shall be effective immediately.

Dated: August 14, 2003


Cathy Curran Myers, Chair