



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 19860201-2**

**Approval Date: February 13, 1986**

**Modification Date: December 4, 2015**

**Modification Date: March 12, 2021**

## VILLAGE OF SIDNEY

**Groundwater Withdrawal (30-Day Average) of 2.000 mgd  
from Well 2-88**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves modification of the project described herein in accordance with the conditions set forth below.

On February 13, 1986, the Commission approved the project sponsor for the withdrawal of 2.000 million gallons per day (mgd) from Well 2-88 under Commission Docket No. 19860201. Under Commission Docket No. 19860201-1, the Commission extended the term of the approval through February 13, 2021, to allow time for development of a new groundwater source that will replace Well 2-88, which is located within a floodplain, exhibits trace concentrations of volatile organic compounds, and has concentrations of manganese that exceed the New York State Department of Health (NYSDOH) maximum contaminant level. On August 13, 2020, the project sponsor indicated that, due to circumstances largely beyond its control, new groundwater sources have not been fully developed and requested an extension of the approval for Well 2-88 through December 2023. Although the new sources have not been fully developed, the project sponsor has made significant progress in developing two new sources and is working with the Commission to test and seek approval of those sources. Commission staff recommended approval of the extension to provide additional time for the project sponsor to finish development of the replacement sources, work through the application process, and for staff to complete coordination with the New York State Department of Environmental Conservation (NYSDEC) and NYSDOH. This approval incorporates those recommendations.

The Commission hereby approves the extension to the term of Commission Docket No. 19860201 through December 31, 2023, in accordance with the conditions set forth below.

Commission staff has coordinated with NYSDEC and NYSDOH during review of this project.

## Section 2. Project Information

Information concerning the project sponsor, water use type, and location are set forth in the table below.

Project Information	
<b>Project Sponsor:</b>	Village of Sidney
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Original Docket No.:</b>	19860201
<b>Past Docket No.:</b>	19860201-1
<b>Authorized Water Use Purpose:</b>	Public Water Supply
<b>Municipality:</b>	Village of Sidney
<b>County:</b>	Delaware County
<b>State:</b>	New York

## Section 3. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the Annual Compliance and Monitoring fee as specified in the Commission's Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. The project sponsor shall maintain the totalizing meter and other flow and volume measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, and certify to the Commission once every five (5) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

4. The project sponsor shall keep daily records of the project's withdrawal and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure shall be submitted for review and approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

5. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, 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, or otherwise exercise all investigative powers authorized under 18 CFR § 808.12.

6. In accordance with 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

7. In accordance with 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of all approvals to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

8. The project sponsor shall comply with the water conservation requirements specified in 18 CFR § 806.25.

9. This approval is conditioned on the project sponsor maintaining legal access to the withdrawal location for the duration of the approval.

10. The project sponsor shall register with the appropriate agency all surface water and groundwater sources described herein, as may be required by regulations of the member jurisdiction. The project sponsor shall also satisfy annual usage, capacity, and conservation reporting requirements in the form and manner prescribed by NYSDEC's Division of Water.

11. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to 18 CFR Part 808.

12. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The foregoing shall include, but not be limited to, any applicable permitting requirements of NYSDEC. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals. Furthermore, no water withdrawn by this project may be used in natural gas well development using High Volume Hydraulic Fracturing in New York State.

13. The Commission may at any time reopen any project approval 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, pursuant to 18 CFR § 806.32.

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

15. This project is approved for inclusion in the Commission's Comprehensive Plan for the Water Resources of the Susquehanna River Basin.

16. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal that would exceed the amounts listed herein.

17. In accordance with 18 CFR § 806.31(d), 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.

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

#### **Section 4. Special Conditions**

19. All other limitations and conditions in Commission Docket No. 19860201 not inconsistent herewith shall remain effective.

20. The project sponsor is required to apply for and obtain approval prior to any withdrawal from unapproved sources. Emergency use of unapproved sources can be completed in accordance with 18 CFR § 806.34.

21. The meter for Well 2-88 was last certified on July 10, 2015. Therefore, the project sponsor shall provide a certification of meter accuracy for Well 2-88 demonstrating accuracy to within five (5) percent within ninety (90) days from the date of this approval.

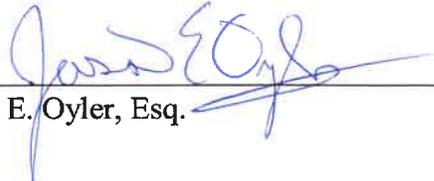
22. Commission Docket No. 19860201-1 is hereby superseded.

#### **Section 5. Term**

23. This modified approval shall be effective immediately and shall remain effective until December 31, 2023. Should the project sponsor determine that the need for use of Well 2-88 as a source will continue beyond December 31, 2023, as specified in 18 CFR § 806.31(e), the project sponsor shall submit an application for Well 2-88 on or before June 30, 2023. The project sponsor may continue operation of Well 2-88 pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

**CERTIFICATION:** I, Jason E. Oyler, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on March 12, 2021.

Dated: March 15, 2021

  
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Jason E. Oyler, Esq.