



SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

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

www.srbc.net

Docket No. 19980702-2

Approval Date: July 9, 1998

Modification Date: December 15, 2011

Modification Date: September 18, 2020

MUNICIPAL AUTHORITY OF THE BOROUGH OF BERLIN

**Groundwater Withdrawal (30-Day Average) of 0.440 mgd from Well Nos. 9 and 10,
Total System Withdrawal Limit (30-Day Average) of 0.498 mgd,
Consumptive Water Use of up to 0.498 mgd,
and the Out-of-Basin Diversion of up to 0.498 mgd,
for Public Water Supply**

Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts are anticipated by the operation of this project, and that 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. Upon further review of the previously approved docket, the Commission determined that a condition related to the reporting requirements was in need of clarification. Accordingly, the approval of the withdrawal, consumptive use, and out-of-basin diversion of water in support of the project and water use purpose identified in Section 2, from the sources and locations identified in Sections 3 and 7, is hereby modified by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) and the Pennsylvania Fish and Boat Commission (PFBC) during review of this project.

On June 29, 2018, the project sponsor submitted a grandfathered water use registration form (Form) in accordance with 18 CFR Part 806, Subpart E. Based on the review of the Form and available data, and in accordance with 18 CFR §806.44, the Executive Director has determined clarification was needed regarding the grandfathered withdrawal quantity from Well No. 6 and the projects pre-1971 consumptive use. This determination supersedes the grandfathered quantity listed in Commission Docket No. 19980702-1; therefore, the Commission initiated this corrective modification to conform the approval with the registration.

Section 2. Project Information

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

Project Information	
Project Sponsor:	Municipal Authority of the Borough of Berlin
Approval Types:	Groundwater Withdrawal, Consumptive Use and Out-of-Basin Diversion
Authorized Water Use Purpose:	Public Water Supply
Municipality:	Allegheny Township
County:	Somerset County
State:	Pennsylvania

Section 3. Source Information

Information concerning the source of water from which the withdrawal will be made is set forth in the table below.

Source Information	
Withdrawal Type:	Groundwater
Withdrawal Source:	Well Nos. 9 and 10
Subbasin:	Juniata River
Watershed Boundary Dataset (WBD):	0205030301 (Raystown Branch Juniata River)
Withdrawal Location (degrees)*:	Lat: -- Long: --
Special Flow Protection Required:	No
* Specific location information concerning discrete water-related project features has been withheld for security reasons.	

Section 4. Aquifer Testing

The constant-rate aquifer testing requirements of Commission Regulation 18 CFR §806.12 were satisfied by the project sponsor prior to Commission issuance of the previous approval and are documented in Docket No. 19980702.

Section 5. Approved Withdrawal Quantities and Limitations

The withdrawal approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

Approved Withdrawal Quantities and Limitations	
30-Day Average Withdrawal (mgd):	0.440 from Well Nos. 9 and 10
Total System Withdrawal Limit (30-Day Average) (mgd):	0.498
mgd – million gallons per day	

The withdrawal is also subject to all other conditions set forth in this docket approval.

Section 6. Approved Consumptive Water Use Quantities and Limitations

The consumptive water use approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

Approved Consumptive Water Use Quantities and Limitations	
Sources for Project Consumptive Water	
Use:	Well Nos. 6, 9 and 10
Peak Day Consumptive Water Use	
Amount (mgd):	0.498 (Not to Exceed)
Project Consumptive Water Uses:	Out-of-basin diversion for public water supply
Consumptive Water Use Mitigation Type:	Payment of consumptive use mitigation fee

The consumptive use of water is also subject to all other conditions set forth in this docket approval.

Section 7. Grandfathering Determination

On June 29, 2018, the project sponsor submitted a Form under 18 CFR §§806.40-45. The Executive Director has made the following determination pursuant to 18 CFR §806.44:

Grandfathered Groundwater Withdrawal	
Source	30-Day Average Withdrawal (mgd)
Well No. 6	0.030

Section 8. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. Within ninety (90) days from the date of this approval, the project sponsor shall submit a plan to Commission staff for review and approval for the implementation of a groundwater elevation monitoring program. The plan shall include proposed methods for the daily measurement and recording of groundwater elevations in the sources listed in Sections 3 and 7. Following approval, the project sponsor shall execute the plan and complete installation of water level monitoring equipment in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall notify the Commission when the monitoring plan has been fully

implemented. Thereafter, the groundwater elevation data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter.

4. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

5. The project sponsor shall keep daily records of the project's withdrawal and out-of-basin diversion and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

6. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and the out-of-basin diversion, 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.

7. The project sponsor shall keep daily records of the project's consumptive water use and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of water diverted to the Ohio River Basin from Well Nos. 6, 9, and 10. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approved by Commission staff.

8. The project's consumptive use is subject to mitigation requirements, as per 18 CFR §806.22(b). For the purposes of this project, 0.030 mgd was determined to be the project's pre-1971 consumptive use and is considered to not be subject to consumptive use mitigation requirements. To satisfy the Commission's current mitigation requirements for consumptive use, the project sponsor shall make quarterly payments to the Commission at the rate specified in the effective Regulatory Program Fee Schedule, as modified from time to time by the Commission. Payments shall be made quarterly and shall be calculated by applying this rate to the total 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.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(a).

10. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

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

13. The Commission reserves the right to 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, pursuant to Commission Regulation 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. 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.

17. Should the project's anticipated withdrawals, consumptive use, or out-of-basin diversion be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

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.

19. This modified approval is effective until July 9, 2023, the term of the prior docket approval. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by January 9, 2023, and obtain Commission approval prior to continuing operation beyond July 9, 2023.

Section 9. Special Conditions

20. All other conditions in Commission Docket No. 19980702 not inconsistent herewith shall remain effective.

21. Should the project's grandfathered withdrawals or consumptive water uses be expected to exceed the amounts listed herein, the project sponsor is required to make application at that time.


22. Should the project's anticipated total system demand be expected to exceed the approved total system withdrawal limit herein, the project sponsor is required to make application for modification to this approval at that time.

23. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

24. Commission Docket No. 19980702-1 is hereby superseded.

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 September 18, 2020.

Dated: September 21, 2020



Jason E. Oyler, Esq.