



SUSQUEHANNA RIVER
BASIN COMMISSION

4423 N. Front Street | Harrisburg, PA 17110-1788 | 717.238.0423 | srbc.net | [@SRBCnews](https://twitter.com/SRBCnews)

NY ■ PA ■ MD ■ USA

July 24, 2019

Mr. Roy E. Redner, Owner
Mill Race Golf and Camping Resort, LLC
4584 Red Rock Road
Benton, PA 17814

Re: Notice of Transfer of Approval;
from Mill Race Golf and Camping Resort, Inc.
to Mill Race Golf and Camping Resort, LLC;
Benton Township, Columbia County, Pennsylvania;
Commission Docket No. 20020606

Dear Mr. Redner:

The Susquehanna River Basin Commission (Commission) received a Request for Transfer of Approval (Commission Form #86) on April 19, 2019, for Commission Docket No. 20020606. This request indicated the change in ownership was effective January 22, 2019, from Mill Race Golf and Camping Resort, Inc. to Mill Race Golf and Camping Resort, LLC (Mill Race). Upon review of the project and the submitted request for transfer, it was determined that the request is in compliance with the regulations and consistent with 18 CFR § 806.6(a). Therefore, the approval listed above is hereby transferred effective July 24, 2019.

A copy of the above-referenced approval is available on the Commission's Water Application and Approval Viewer (WAAV) at www.srbc.net/waav.

Please note that Mill Race may operate under the terms and conditions of the transferred approval not inconsistent with the conditions of this transfer, provided that:

1. Mill Race submits an updated, comprehensive metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals and consumptive use associated with this approval by October 22, 2019.
2. In accordance with the Commission's Regulatory Program Fee Schedule, the facility is subject to the Annual Compliance and Monitoring fee (ACMF). The ACMF is contained in the Regulatory Program Fee Schedule, which may be modified over the term of the approval. The ACMF will be invoiced separately.

Outstanding post-approval items should be submitted electronically via the Monitoring Data Website (MDW). If you have any questions regarding the submittal of post-approval conditions, please feel free to contact Steve McFeaters at (717) 238-0423, extension 1225, or via e-mail at samcfeaters@srbc.net.

Please be advised that, under 18 CFR § 808.11, you have a duty to comply with all provisions of the Susquehanna River Basin Compact (Compact), as well as the Commission's rules, regulations, orders, approvals, conditions of approval, and any other requirements of the Commission. It is your obligation to fulfill all conditions of this approval within the specified time limits and provide written notification to the Commission, as appropriate, and comply with all conditions set forth therein. Failure to meet any term or condition within the specified time may subject you to enforcement action and imposition of civil penalties pursuant to 18 CFR Part 808, Subpart B, and Section 15.17 of the Compact. Penalties range from \$50 to \$1,000 per day, per condition (which includes exceeding approved quantities), with every day being a separate offense.

Pursuant to 18 CFR § 808.2 relating to administrative appeals, any appeal to this action must be made to the Commission within 30 days of receipt of this notice. All appeals must be made in writing on the Commission's Notice of Appeal form and conform to the requirements of 18 CFR § 808.2. Pursuant to 18 CFR § 808.2(i), an appeal made under this section stays the commencement of the 90-day appeal period to Federal Court contained in Section 3.10(6) of the Compact.

Should you have any questions, please contact Todd Eaby, Manager of Project Review, at (717) 238-0423, extension 1234, or via e-mail at teaby@srbc.net.

Sincerely,



Andrew D. Dehoff
Executive Director

cc: James Hileman – Mill Race Golf and Camping Resort, LLC



SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

Web <http://www.srbc.net>

Docket No. 20020606

Approval Date: June 12, 2002

MILL RACE GOLF AND CAMPING RESORT, INC.

Consumptive Water Use of up to 0.300 mgd, for Golf Course Irrigation,
Benton Township, Columbia County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application on August 14, 2000.

Description

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

Location. The project is located in the Middle Susquehanna Subbasin, Fishing Creek watershed, HUC 02050107, Benton Township, Columbia County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.300 million gallons per day (mgd). Commission staff calculates that the project has a maximum average 30-day consumptive use of water of 0.121 mgd and a peak day consumptive water use of 0.273 mgd. The source of water is an existing surface-water withdrawal from a millrace that receives water from Fishing Creek and predates Commission Regulation §803.44, relating to surface-water withdrawals, and has not increased more than 0.100 mgd since November 11, 1995.

The project began operating in 1974 and has been in continuous operation since that time. The irrigation of greens, tees, and fairways began in 1974. Water from Fishing Creek is diverted through a 48-inch concrete pipe under Pennsylvania Route 487 and into the millrace. Water for the irrigation system is withdrawn via a 4-inch intake pipe and fed, by gravity, to a sump. Two 50-horsepower pumps [490 gallons per minute (gpm)] convey water from the sump to the irrigation system.

The project sponsor has withdrawn water from the millrace over the life of the project with no passby flow structure or engineering controls. Neither the project's surface-water withdrawal nor its irrigation system currently is metered.

The golf course has a series of eight, interconnected ponds with a total surface area of approximately 14 acres that are not used for irrigation. These ponds are filled by stormwater runoff and spring flow.

Findings

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

All water withdrawn from the millrace and used for golf course irrigation is considered to be used consumptively. The irrigation system is not equipped with a meter. In accordance with the Commission's consumptive water use reporting requirements, staff recommends that the project sponsor install a meter on the irrigation system to measure the quantity of water pumped from the millrace to the irrigation system.

The project sponsor has requested a consumptive water use approval of up to 0.300 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current peak day use of 0.273 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 0.300 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's surface-water withdrawal has been in operation since 1974 with no passby criteria in use at the site. Fishing Creek has an annual average daily flow (ADF) rate at the site of 126.6 cubic feet per second (cfs) or 56,818 gallons per minute (gpm). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) in Fishing Creek to be 4.50 cfs or 2,020 gpm. The surface-water intake has pumps with the combined capacity of 490 gpm. The withdrawal is greater than 10 percent of the Q7-10 flow (0.45 cfs or 202 gpm) at the point of taking, thereby requiring a passby flow to protect aquatic resources and downstream users.

Fishing Creek is classified as a cold-water fishery (CWF) and, based on the project's geographic location in the watershed and the anticipated associated fishery of brown trout and combined species of fish, Commission staff used the Instream Flow Incremental Methodology (SRBC Publication No. 191, May 1998) to determine the appropriate passby flow requirement. Commission staff recommends that the project sponsor maintain a passby flow of not less than the Q7-10 flow, and to cease all withdrawals when streamflows drop below 4.50 cfs (2020 gpm). Commission staff has calculated that less than 1 percent of the time from June 1 to August 31 streamflow is less than the minimum passby criteria of 4.50 cfs. Further, staff recommends that the U.S. Geological Survey's stream gage 01539000 on Fishing Creek near Bloomsburg, Pa., be used as a reference gage for this site.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to

make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the quantity of water used for irrigation.

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

The project sponsor has elected 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 project sponsor has paid two annual installments and will be invoiced for the final balance. 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 0.300 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 60 days from the date of this approval, the project sponsor shall install a meter on the irrigation system to measure the quantity of water pumped from the millrace to the irrigation system.
- c. The project sponsor shall cease all withdrawals when the streamflow as measured at the U.S. Geological Survey's stream gage 01539000 on Fishing Creek near Bloomsburg, Pa., is less than 7,674.5 gpm or 17.1 cfs, and shall not begin withdrawals again until streamflow is above 7,674.5 gpm or 17.1 cfs.
- d. 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 01539000 on Fishing Creek near Bloomsburg, 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 pumped to the irrigation system. The project sponsor shall install and maintain metering on the irrigation system, accurate to within five percent.

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

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

g. 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 two annual installments and shall be invoiced for the balance over the next year.

h. 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. 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 included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (d) above.

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

j. 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. 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.

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

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

m. This approval is effective until June 12, 2027. The project sponsor shall submit a renewal application by December 12, 2026 and obtain Commission approval prior to continuing operation beyond June 12, 2027.

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

By the Commission:

Dated: June 12, 2002



John T. Hicks
Chairman