



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20021022**

**Approval Date: October 10, 2002**

## CONESTOGA COUNTRY CLUB

Surface-Water Withdrawal of Up to 0.440 mgd, When Available, From Little Conestoga Creek, and a Consumptive Water Use of Up to 0.440 mgd, for Golf Course Irrigation, Manor and Lancaster 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, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on August 21, 2000, and the application for the surface-water withdrawal on April 30, 2002.

### Description

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

**Location.** The project is located in the Lower Susquehanna Subbasin, HUC 02050306, Little Conestoga Creek Watershed, Manor and Lancaster Townships, Lancaster County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for a maximum daily withdrawal of up to 0.440 million gallons per day (mgd) of water from Little Conestoga Creek, when available, and a consumptive use of water of up to 0.440 mgd. Based on irrigation data submitted by the project sponsor for the year 2002, the project has a maximum average 30-day consumptive water use of 0.114 mgd and a current peak-day consumptive water use of 0.396 mgd.

The project was constructed as an 18-hole course in 1948, and has been in continuous operation since that time. As part of the project, the project sponsor constructed a surface-water intake on Little Conestoga Creek, south of the club swimming pool, to provide for irrigation water at the site. The project sponsor has withdrawn water from the stream over the life of the project with no passby structure or engineering controls in place.

The original irrigation system for greens and tees was installed in 1948. The current system, which was modified to include fairway irrigation in 1964, was updated and automated in 1994. Irrigation water is pumped directly from the stream to irrigate greens, tees, and fairways. The current water withdrawal from the stream is accomplished via a metered pumping station that has a capacity of 1,000 gallons per minute (gpm).

### **Findings**

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

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

The project sponsor has requested a consumptive water use approval of up to 0.440 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 0.396 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 0.440 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor has agreed to Commission staff's calculated pre-1971 consumptive water use of 0.095 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The primary source of water is an existing withdrawal from Little Conestoga 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. Therefore, the project sponsor must comply with the regulation.

The project sponsor operates a surface-water intake on Little Conestoga Creek without engineering controls in place to ensure a passby flow is maintained at the site. Little Conestoga Creek is classified as a warm-water fishery (WWF) (25 Pa. Code Chapter 93). Commission staff has calculated the 7-day 10-year low flow (Q7-10 flow) for Little Conestoga Creek to be 5.0 cubic feet per second (cfs) (2,244 gpm) at the point of withdrawal. The surface-water intake has a pumping station with the capacity of 1,000 gpm. The withdrawal is greater than 10 percent of the Q7-10 flow (0.499 cfs or 224 gpm) at the point of withdrawal, thereby requiring a passby flow to protect aquatic resources and downstream users.

Commission staff recommends that the project sponsor allow a passby flow of not less than 20 percent of annual average daily flow (ADF), which equals 10.0 cfs (4,489 gpm), and to cease all withdrawals when streamflow is less than 10.0 cfs. According to Commission staff's analysis, approximately 30 percent of the time streamflow will not be sufficient to maintain the

recommended passby flow rate and meet the golf course irrigation needs. Based on this finding, Commission staff recommends that the project sponsor initiate a study to identify other sources of water to address this deficiency.

Commission staff recommends, as an interim protective measure, that the project sponsor modify its withdrawal from Little Conestoga Creek to allow a minimum stream passby flow equal to the calculated Q7-10 flow of 5.0 cfs (2,244 gpm) and to cease all withdrawals when streamflow is less than the Q7-10 flow of 5.0 cfs (2,244 gpm). Staff recommends that the project sponsor modify its intake structure and incorporate a passive passby flow device. This interim protective measure should expire four years from the date of this approval.

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

Further, Commission staff recommends that the project sponsor investigate alternative water supply options for the site to allow for a passby of at least 20 percent of ADF (equivalent to 10.0 cfs or 4,489 gpm). In this regard, the project sponsor should prepare a plan to develop alternate sources of water supply and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan should be submitted to Commission staff for review and approval within two years.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation minus the pre-1971 consumptive use of 0.095 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero.

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

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

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

## **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water 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 Little Conestoga Creek of up to 0.440 mgd, when available, and the consumptive use of water of up to 0.440 mgd are approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

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

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

c. 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. The Commission reserves the right to inspect all measurement equipment and audit all measurement records.

d. The project sponsor shall, as an interim protective measure, allow a flow of not less than 5.0 cfs (2,244 gpm) to pass in Little Conestoga Creek below the intake. 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. The project sponsor shall replace its intake structure and incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule within sixty (60) days from the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval. This interim protective measure shall expire four (4) years from the date of this approval.

e. Upon termination of the interim protective measure described in condition (d), the project sponsor shall allow a flow of not less than 10.0 cfs (4,489 gpm) to pass in Little Conestoga Creek below the intake. 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. The project sponsor shall replace its intake structure and incorporate a passive passby flow device. The project sponsor shall submit its design and a proposed construction schedule one hundred eighty (180) days before the termination of the interim protective measures for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The passby system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the passby flow device and intake structure at any time. The project sponsor may propose an alternative to a passive passby flow device to the Commission for staff review and approval.

f. The project sponsor shall investigate alternative water supply options for the site to allow for a passby flow of at least 10.0 cfs (4,489 gpm) to be maintained at all times. In this regard, the project sponsor shall prepare a plan to develop alternate sources of water supply and/or develop an adequate amount of storage to meet the irrigation demands at the site. The plan shall be submitted to the Commission within two (2) years for staff's review and approval.

g. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.095 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 contained in Commission Regulation §804.20(c).

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

quantity of 0.095 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. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

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


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

o. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

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

By the Commission:

Dated: October 10, 2002

  
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John T. Hicks, Chairman  
New York Commissioner