



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20030809-2
Approval Date: August 14, 2003
Modification Date: June 7, 2012
Modification Date: March 12, 2021

EMPIRE KOSHER POULTRY, INC.

**Total System Withdrawal Limit (30-Day Average) of 1.269 mgd
from 12 Wells: Wells 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, and 17**

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. Accordingly, the Commission hereby approves the requested modification to the project, as described herein, 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 May 17, 2018, the project sponsor submitted a grandfathered water uses 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 a revised grandfathered quantity basis for consumptive use at the facility. The grandfathered consumptive use quantity basis provided in the table in Section 6 has been updated from a peak day value to a consecutive 30-day average and Condition 23 has been added to reflect this modification. All other conditions reflect the original approval and initial modification. This determination supersedes the grandfathered quantity basis listed in Commission Docket Nos. 20030809 and 20030809-1; therefore, the Commission initiated this corrective modification to update the previously considered grandfathered quantity basis.

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:	Empire Kosher Poultry, Inc.
Approval Type:	Groundwater Withdrawal
Past Docket No.	20030809-1
Authorized Water Use Purpose:	Processing of Kosher Poultry
Municipality:	Walker Township
County:	Juniata 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:	Wells 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, and 17
Subbasin:	Juniata
Watershed Boundary Dataset (WBD):	0205030408 (Juniata River)
Withdrawal Location (degrees)*:	Lat: 40.55925 N Long: 77.40027 W
Special Flow Protection Required:	No
* Because the project includes multiple withdrawal locations, the coordinates provided correspond to the center point of the facility. All withdrawal locations are located within 1,500 feet of the center point of the facility.	

Section 4. Approved Withdrawal Quantities and Limitations

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

Approved Withdrawal Quantities and Limitations	
Total System Withdrawal Limit (30-Day Average) (mgd):	1.269
mgd – million gallons per day	

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

Section 5. Existing Approved Withdrawals

Quantities applicable to the existing approved withdrawals are listed in the table below. The proposed modification does not include requests to increase the previously approved individual withdrawal limits from any of the existing sources identified in the table below.

Existing Approved Groundwater Withdrawals			
Source	Maximum Instantaneous Withdrawal (gpm)	Commission Docket No.	Docket Expiration Date
Well 5	210	20030809	August 14, 2028
Well 6	225	20030809	August 14, 2028
Well 7	225	20030809	August 14, 2028
Well 9	250	20030809	August 14, 2028
Well 10	200	20030809	August 14, 2028
Well 11	260	20030809	August 14, 2028
Well 12	291	20030809	August 14, 2028
Well 13	230	20030809	August 14, 2028
Well 14	209	20030809	August 14, 2028
Well 15	220	20030809	August 14, 2028
Well 16	220	20030809	August 14, 2028
Well 17	220	20030809	August 14, 2028
gpm – gallons per minute			

Section 6. Grandfathering Determination – Consumptive Water Use

On May 17, 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 Consumptive Water Use		
Consumptive Water Use	Source	30-Day Average Consumptive Water Use (mgd)
1. Poultry processing 2. Product absorption, cooling tower evaporation 3. Steam boiler evaporation 4. Wastewater treatment system and pond evaporation	1. Wells 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, and 17 2. Mifflintown Municipal Water Authority	0.049

Section 7. 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. 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 from time to time.

2. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for

all withdrawals and consumptive use. Following approval of the proposed metering plan, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved plan and schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meters when they have been installed, provide the serial numbers of the meters, and certify the accuracy of the measuring devices to within five (5) percent of actual flow.

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 in accordance with Commission Regulation 18 CFR §806.30(a)(4). The plan shall include proposed methods for the daily measurement and recording of groundwater elevations in the sources listed in Section 5. 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 withdrawals 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 consumptive water uses, 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. 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 sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

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

10. 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.

11. 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.

12. 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.

13. 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.

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

15. In accordance with Commission Regulation 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 unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's anticipated withdrawals or consumptive uses be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. 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.

18. This modified approval is effective until August 14, 2028, 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 February 14, 2028, which will authorize continued operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application.

Section 8. Special Conditions

19. All other conditions in Commission Docket No. 20030809 not inconsistent herewith shall remain effective.

20. Should the project's anticipated consumptive water use exceed the grandfathered quantity listed herein, the project sponsor shall immediately notify the Commission and submit an application for approval of its consumptive water use.

21. 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.

22. The project sponsor shall maintain legal access to the withdrawal locations for the duration of the approval.

23. Commission Docket No. 20030809-1 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 March 12, 2021.

Dated: March 15, 2021



Jason E. Oyler, Esq.