



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20080306

Approval Date: March 13, 2008

**BOTTLING GROUP, LLC,
d.b.a THE PEPSI BOTTLING GROUP – HARRISBURG**

Consumptive Water Use of up to 0.466 mgd (Peak Day),
for Beverage Manufacturing,
Lower Paxton Township, Dauphin County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulation §806.4, relating to projects requiring review and approval. The Commission received an application for consumptive use of water on December 31, 2007.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water associated with the manufacturing of beverages for public consumption at a bottling and distribution facility.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Lower Paxton Township, Dauphin County, Pennsylvania.

Project Features. The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.466 million gallons per day (mgd). Based on daily water use data for the years 2005 through 2007 submitted by the project sponsor, Commission staff has determined the project's maximum 30-day average consumptive water use to be 0.090 mgd and maximum day use to be 0.112 mgd. Water is used at the facility for making bottled water products and evaporated from an evaporation condenser (chiller).

The Pepsi Bottling Group began distribution of beverages at the facility in Lower Paxton Township in February 1994. On April 5, 2006, The Pepsi Bottling Group added the manufacturing of bottled water to the distribution facility, where water is bottled into 16.9-ounce containers. The project sponsor intends to expand its beverage manufacturing capabilities within the next 15 years.

Specific location information concerning discrete water-related project features has been withheld for security reasons.

Water for the facility is purchased from the City of Harrisburg and is currently metered. The source of the water is the DeHart Reservoir, with the Susquehanna River serving as a backup supply source. Effluent is discharged to the City of Harrisburg's sanitary sewer system for treatment and is not metered.

Findings

The project is subject to Commission approval, monitoring, and reporting requirements, as per Commission Regulations §806.4, §806.22, and §806.30.

All water incorporated into beverages and evaporated from the chiller is considered to be consumptively used. Commission staff recommends that consumptive use be calculated by using daily production records for the facility plus metering at the chiller. As an alternative, the project sponsor could propose to calculate daily water use as the difference between metered inflow to the facility and metered outflow, which would require metering of the effluent.

The project sponsor should keep daily records of the consumptive use at the chiller and daily records of consumptive use by beverage manufacturing. The required daily monitoring data should be submitted electronically to the Commission quarterly, as specified in Commission Regulation §806.30(b)(1).

The Commission reserves the right to modify the measuring, monitoring, and accounting procedures for consumptive water use. Commission staff will provide the project sponsor with prior written notice of any required change in the measuring, monitoring, and accounting procedures. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor must be reviewed and approved by Commission staff.

The project sponsor reports a current maximum daily consumptive use of 112,500 gallons per day (gpd) and projects a maximum daily consumptive use of 466,000 gpd for the year 2023. Considering its business plan to increase the manufacturing capacity, Commission staff recommends approval of the requested consumptive water use of up to 0.466 mgd (peak day).

The project's consumptive use of water is subject to mitigation requirements, as per Commission Regulation §806.22. To satisfy these requirements, the project sponsor proposes the use of public water supply storage provided by the City of Harrisburg as its method of mitigation for consumptive water uses.

The City of Harrisburg utilizes raw water storage in DeHart Reservoir as its primary source of water supply for the system. The City of Harrisburg's water allocation permit (No. WA 22-53B), issued by the Pennsylvania Department of Environmental Protection (PADEP), requires the City of Harrisburg to maintain a continuous conservation release downstream from Dehart Dam of 3.340 mgd. Commission staff has determined that, at the point of withdrawal, this conservation release exceeds the Commission's low flow criterion for Clarks

Creek. Therefore, Commission staff concurs that the use of the City of Harrisburg's water is an acceptable method of mitigation for the facility's consumptive water use, so long as DeHart Reservoir is being used exclusively by the City of Harrisburg as its water supply, and the conservation release is continuously maintained.

However, during periods of severe drought, or at other times when DeHart Reservoir is unable to provide the City of Harrisburg's entire supply, the City of Harrisburg uses its Susquehanna River intake as its alternate source of supply. According to the City of Harrisburg's water allocation permit, the Susquehanna River intake does not have a passby flow requirement. If the City of Harrisburg were to utilize the Susquehanna River intake during low flow conditions (as defined by the Commission) or during any period when the Commission is making a release from storage, or if it fails to maintain a conservation release from DeHart Reservoir, then the project sponsor's method of mitigation would not be acceptable, and a backup compliance method would be required. To satisfy this requirement, the project sponsor has agreed to pay the Commission for all water used consumptively during the calendar year in which any of the foregoing occurs.

The project sponsor has paid the appropriate application fee, in accordance with Commission Regulation §806.16, and in accordance with Commission Resolution No. 2006-08. The project sponsor has provided all proofs of notification, as required by Commission Regulation §806.15.

The project sponsor operated in violation of Commission regulations since May 2006, when its consumptive use exceeded the regulation threshold of 20,000 gpd. Commission staff notified the project sponsor of the need to comply with Commission regulations on November 29, 2007. The project sponsor subsequently submitted its application to the Commission, complied with application procedures, and cooperated with Commission staff during review of the project. The project sponsor has offered a \$13,446.79 settlement to the Commission for the noncompliance with Commission Regulation §806.4. Commission staff recommends acceptance of the project sponsor's proposed settlement.

No adverse impacts to area surface water or groundwater withdrawals are anticipated. 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.

Decision

1. Consumptive water use of up to 0.466 mgd (peak day) is approved pursuant to Article 3, Section 3.10, of the Compact.
2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.
3. The project sponsor shall comply with all Commission regulations, including monitoring and reporting requirements, as per Commission Regulation §806.30.

4. Consumptive water use by the chiller shall be calculated based on metering. The project sponsor shall submit a metering plan to account for the total daily consumptive water use resulting from beverage manufacturing for approval by the Commission within thirty (30) days of approval of this docket. The project sponsor will be required to update the metering plan as expansion of the facility occurs.

5. The project sponsor shall keep daily records at the chiller and of the project's consumptive water use by beverage manufacturing, 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. The daily quantity of water consumptively used shall be the quantity of water incorporated into the beverages manufactured at the facility plus the quantity evaporated by the chiller.

6. The project sponsor shall maintain any meters or other measuring devices approved by the Commission, accurate to within five (5) percent, so as to provide a continuous, accurate record of consumptive use, 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 comply with applicable Commission water conservation requirements as per Commission Regulation §806.25(b).

8. To satisfy the Commission's current mitigation requirements for consumptive water use set forth in Commission Regulation §806.22, and subject to the conditions listed below, the project sponsor's use of water from the City of Harrisburg's public water supply utilizing raw water storage in DeHart Reservoir shall be acceptable as a method of mitigation for the project's consumptive water use.

9. If the City of Harrisburg utilizes its Susquehanna River intake during low flow conditions (as defined by the Commission) or during any period when the Commission is making a release from storage, or if it fails to maintain a conservation release from DeHart Reservoir, the project sponsor's method of mitigation described above shall not be acceptable during that calendar year. In such case, the project sponsor shall make payments to the Commission in the amount of \$0.14 per 1,000 gallons of water for all water consumptively used by the project during that calendar year. The payment amount shall be calculated by applying this rate to the amount of water used consumptively by the project during the calendar year. The payment is due and payable within thirty (30) days after the close of the calendar year. 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.

10. The project sponsor has offered a settlement by agreement, pursuant to Commission Regulation §808.18, in the amount of \$13,446.79 for its consumptive water use found to be in noncompliance with Commission Regulation §806.4, and is hereby accepted. Except where the full amount of same has been tendered to the Commission in advance hereof, this action shall be contingent upon and shall not be effective until payment of the settlement amount is made to the

Commission, or arrangements for such payment have been made that are acceptable to the Executive Director of the Commission. Failure to make such payment or payment arrangements with the Commission within forty-five (45) days hereof shall render this approval null and void.

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. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. If the project sponsor fails to comply with the provisions of the 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 §808.

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.

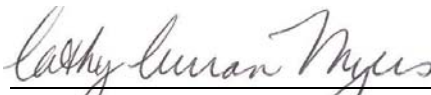
14. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

15. This approval is effective until March 13, 2023. As specified in Commission Regulation §806.31(e), if the project sponsor submits a renewal application no later than September 13, 2022, the existing approval shall be deemed extended until such time as the Commission renders decision on the application.

16. 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: March 13, 2008



 Cathy Curran Myers, Chair
 Pennsylvania Commissioner