

SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20110618
Approval Date: June 23, 2011

NATURE’S WAY PUREWATER SYSTEMS, INC.

**Groundwater Withdrawal (30-Day Average) of 0.057 mgd
 from Covington Springs Borehole 1 (BH-1) and
 Consumptive Water Use of up to 0.257 mgd**

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 to area surface water or groundwater withdrawals 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 application of the project sponsor requesting a withdrawal and the consumptive use of water in support of the project identified in Section 2, from the sources identified in Sections 3 and 6, is hereby approved 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 Delaware River Basin Commission (DRBC) during review of this project.

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:	Nature’s Way Purewater Systems, Inc.
Approval Types:	Groundwater Withdrawal and Consumptive Water Use
Water Use Type:	Bottled Water
Municipality:	Dupont Borough
County:	Luzerne 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:	Covington Springs Borehole 1 (BH-1)
Subbasin:	Middle Susquehanna
Watershed Boundary Dataset (WBD):	0205010701 (Lackawanna River)
Withdrawal Location (degrees):	Lat: 41.271825 N Long: -75.538150 W
Special Flow Protection Required:	No

Section 4. Aquifer Testing

The constant-rate aquifer testing required by Commission Regulation 18 CFR §806.12 for groundwater withdrawals was completed with prior Commission approval. A 72-hour, constant-rate aquifer test of Well BH-1 was conducted on June 1 through 4, 2010, pumping at an average rate of 81.5 gallons per minute (gpm).

Commission staff determined that the withdrawal from Well BH-1 at the tested and the requested withdrawal rate has the potential for causing adverse impacts to competing supplies along with potential to cause adverse impacts to the water resources of the basin. Commission staff calculated, using the supplied testing results, a reduced withdrawal quantity that should not result in adverse impacts to either competing water supplies or the water resources of the basin, subject to the conditions set forth below.

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):	0.057
Maximum Instantaneous Withdrawal Rate (gpm):	40 (Not to Exceed)
Total System Withdrawal Limit (30-Day Average) (mgd):	0.057
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:	1. Covington Springs BH-1 2. Public Water Supply – Pennsylvania American Water
Peak Day Consumptive Water Use Amount (mgd):	0.257 (Not to Exceed)
Project Consumptive Water Uses:	Bottled Water
Consumptive 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. 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. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 consumptive water use. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.

4. 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 source listed in Section 3, along with monitoring well BH-4 and wetlands piezometers WP-1, WP-2 and WP-3 (new wetlands piezometer). 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 elevations 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.

5. 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.

6. The project sponsor shall keep daily records of the project's withdrawal 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.

7. 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, consumptive water 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.

8. 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 combined quantity of water received from Covington Springs BH-1 and Pennsylvania American Water. 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.

9. The project's consumptive water use is subject to water mitigation requirements, as per Commission Regulation 18 CFR §806.22(b). To satisfy the Commission's current compensation requirements for consumptive water 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 daily 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. Water approved for consumptive use under this approval but originating from sources outside the Susquehanna River Basin are not subject to the water mitigation requirement; therefore, the consumptive use mitigation fee required for this project

shall be calculated from the total combined water received from the Covington Springs BH-1 and the Pennsylvania American Water interconnect sources, both of which are located within the Susquehanna River Basin.

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

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

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

17. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, 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.

18. Should the project's approved 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.

19. 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.

20. This approval is effective until June 22, 2026. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2025, and obtain Commission approval prior to continuing operation beyond June 22, 2026.

Section 8. Special Conditions


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 location for the duration of the approval.

23. For evaluation of potential ongoing impacts to the site wetlands, an additional wetlands piezometer to be identified as WP-3 should be installed 50 to 80 feet to the west and downslope of the Weir 1 location. WP-3 should be installed with similar depth and construction as WP-2. Following the installation of WP-3, the project sponsor shall provide the Commission an updated site map illustrating the location of WP-3, and a construction and lithologic log for WP-3. Additionally, during the period of three (3) years following the initiation of operation of the approved withdrawal from BH-1, the project sponsor shall prepare and submit a report annually providing the results and evaluations of groundwater elevation and wetlands piezometer monitoring required herein. The report must be submitted within sixty (60) days after the close of the preceding year of operation. The report shall be submitted in both hard copy and by electronic file. Upon receiving the monitoring and reporting for the third year of operation, Commission staff will make a determination regarding impacts of the operation and the need for continued monitoring. Commission staff will notify the project sponsor in writing if it determines that the monitoring and reporting requirement may be terminated.

CERTIFICATION: I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 23, 2011.

Dated: June 24, 2011


Stephanie L. Richardson