



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20190302

Approval Date: March 15, 2019

AQUA PENNSYLVANIA, INC. – BEECH MOUNTAIN SYSTEM

**Groundwater Withdrawals (30-Day Averages) of 0.095 mgd from Well 1,
0.079 mgd from Well 2, and 0.124 mgd from Well 3; and
Total System Withdrawal Limit (30-Day Average) of 0.220 mgd**

Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

The project sponsor maintains and operates a public water supply system within the Beech Mountain Lakes community in Butler and Dennison Townships, Luzerne County, Pennsylvania. The public water supply system includes three wells (Wells 1, 2, and 3), all of which are incorporated into the total system limit. According to information provided by the project sponsor, no other sources are utilized by the project.

The system was acquired by the project sponsor in 2012, and Wells 1 and 2 became subject to Commission review and approval in accordance with 18 CFR § 806.4. To allow the project sponsor to continue to meet the needs of the public water supply system until Well 3 is placed in service, this approval establishes interim operating limits of 0.149 million gallons per day (mgd) (30-day average) for Well 1 and 0.105 mgd (30-day average) for Well 2 in accordance with Special Condition 21. This approval also authorizes long-term use of Wells 1, 2, and 3 at the rates specified in Section 5 after Well 3 is placed into service, and establishes a total system limit based on the 15-year projected demand through 2033.

Should demand exceed the total system limit established herein, the project sponsor may request a minor modification in accordance with 18 CFR § 806.18(c)(7) to increase the total system limit. The current 30-day average maximum demand is 0.209 mgd.

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.

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:	Aqua Pennsylvania, Inc.
Approval Type:	Groundwater Withdrawal
Authorized Water Use Purpose:	Public Water Supply
Municipality:	Butler and Dennison Townships
County:	Luzerne County
State:	Pennsylvania

Section 3. Source Information

Information concerning the source of water from which the withdrawals will be made is set forth in the table below.

Source Information	
Withdrawal Type:	Groundwater
Approved Sources:	Wells 1, 2, and 3
Subbasin:	Middle Susquehanna
Watershed Boundary Dataset (WBD):	0205010704 (Nescopeck Creek)
Withdrawal Location (degrees)*:	Lat: -- Long: --
Special Flow Protection Required:	No
* Specific location information concerning discrete water-related project features has been withheld for security reasons.	

Section 4. Aquifer Testing

The constant-rate aquifer testing required by 18 CFR § 806.12 for groundwater withdrawals was completed with prior Commission approval. A 104-hour, combined constant-rate aquifer test of Wells 1 and 2 was conducted from November 9 through 13, 2016, pumping at average rates of 69 gallons per minute (gpm) (Well 1) and 55 gpm (Well 2). A 72-hour, combined constant-rate aquifer test of Wells 1, 2, and 3 was conducted from November 26 through 29, 2017, pumping at average rates of 83 gpm (Well 1), 55 gpm (Well 2), and 86 gpm (Well 3).

Commission staff determined that the withdrawals from Wells 1, 2, and 3 at the requested withdrawal rates should not cause permanent loss of aquifer storage, render competing supplies unreliable, or cause adverse impacts to the water resources of the basin, subject to the conditions set forth below.

Section 5. Approved Withdrawal Quantities and Limitations

The withdrawals approved hereunder are subject to the quantitative limits and restrictions set forth in the table below.

Approved Withdrawal Quantities and Limitations			
	Well 1	Well 2	Well 3
Interim 30-Day Average Withdrawal (mgd)*:	0.149	0.105	NA
Interim Maximum Instantaneous Withdrawal Rate (MIWR) (gpm)*:	105	73	NA
Final 30-Day Average Withdrawal (mgd):	0.095	0.079	0.124
Final MIWR (gpm):	66	55	86
Total System Withdrawal Limit – Wells 1, 2, and 3 (30-Day Average) (mgd):	0.220		
* Interim withdrawal limits are authorized as provided in Special Condition 21. NA – Not Applicable			

The withdrawals are also subject to all other conditions set forth in this docket approval.

Section 6. Existing Approved Withdrawals

The project does not have existing approved withdrawals.

Section 7. Grandfathering Determination – Withdrawals

The project did not utilize surface water withdrawals prior to November 11, 1995.

With this approval, all withdrawals used by the project sponsor for the Beech Mountain System will have Commission approval.

Section 8. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. 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 over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. Prior to any withdrawal from Well 3, the project sponsor shall install and maintain metering on Well 3 in accordance with 18 CFR § 806.30. The project sponsor shall notify the

Commission, in writing, and submit photographs of the meter when it has been installed, provide the serial number of the meter, and certify the accuracy of the measuring device to within five (5) percent of actual flow. Withdrawals from Well 3 shall not commence until Commission staff has approved the implementation of the approved metering plan and notified the project sponsor of such approval.

4. The project sponsor shall maintain the totalizing meters and other flow and volume measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, 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.

5. The project sponsor shall adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the sources listed in Section 3. Prior to initiating withdrawal from Well 3, the project sponsor shall install and maintain water level monitoring equipment in Well 3 in accordance with 18 CFR § 806.30. The project sponsor shall notify the Commission, in writing, and submit make, model, serial number, and photographs of the water level monitoring equipment when it has been installed in Well 3 and certify the accuracy of the measuring device. The project sponsor shall maintain and monitor the accuracy of the measuring devices in accordance with the manufacturer's specifications.

6. The project sponsor shall keep daily records of the project's withdrawals and groundwater elevations for the sources listed in Section 3, and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure, and any modifications proposed for the groundwater elevation monitoring plan, shall be submitted for review and approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. The project sponsor or any other person representing the project sponsor 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 18 CFR § 808.12.

8. In accordance with 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

9. In accordance with 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for

transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

10. The project sponsor shall comply with the water conservation requirements specified in 18 CFR § 806.25.

11. This approval is conditioned on the project sponsor maintaining legal access to the withdrawal locations for the duration of the approval.

12. The project sponsor shall register with the appropriate agency all groundwater sources described herein, as may be required by regulations of the member jurisdiction.

13. 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 sponsor is subject to enforcement actions pursuant to 18 CFR Part 808.

14. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining 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 may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

15. The Commission may at any time reopen any project approval 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 18 CFR § 806.32.

16. 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.

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

18. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawals that would exceed the amounts listed herein.

19. The project sponsor is required to apply for and obtain approval prior to any increase in the total system withdrawal that would exceed the approved total system withdrawal limits listed herein.

20. If the Commission determines that the operation of the project's groundwater withdrawals adversely affect 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.

Section 9. Special Conditions

21. To meet the ongoing demand of the public water supply system, the project sponsor may continue to operate Wells 1 and 2 at the following interim rates until an operations permit is received from PADEP and Well 3 is placed into service:

- a. Well 1 – 0.149 mgd (30-day average); 105 gpm (MIWR, not to exceed)
- b. Well 2 – 0.105 mgd (30-day average); 73 gpm (MIWR, not to exceed)

The project sponsor shall inform the Commission when the operations permit has been received and when Well 3 is placed into service. Upon placing Well 3 into service, the limits authorized for Wells 1 and 2 in Section 5 shall be effective.

22. The project sponsor shall comply with the water conservation requirements and reduce system water losses to less than twenty (20) percent to comply with 18 CFR § 806.25(a)(1). The project sponsor shall reduce system losses and achieve compliance with the water conservation requirements within five (5) years of the effective date of this docket approval unless the Commission grants an extension of time due to extenuating circumstances described, in writing, by the project sponsor. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement. Annual reports are due within sixty (60) days after the close of the preceding calendar year. If the project sponsor can show that system water losses are below twenty (20) percent for two (2) consecutive calendar years, annual reports for the remainder of the five (5)-year period may no longer be required following written notification from Commission staff.

23. The date of the last meter certifications for Wells 1 and 2 was February 26, 2019; therefore, the next meter certifications for Wells 1 and 2 are due no later than February 26, 2024. Certification of meter accuracy shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

24. The project sponsor shall keep records, and shall report the same to the Commission upon request, of all persons supplied water from the project that maintain a permanent connection to the public water supply system. The project sponsor shall also keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project that do not maintain a permanent connection to the public water supply system, including daily quantities supplied.

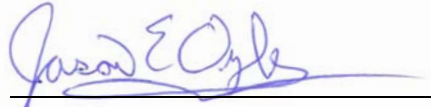
Section 10. Term

25. The project sponsor has a period of three (3) years from the date of this approval to commence the withdrawal from Well 3 or the approval for Well 3 will automatically expire, unless an extension is requested, in writing, by the project sponsor no later than one hundred twenty (120) days prior to such expiration and approved by the Commission as provided in 18 CFR § 806.31(b).

26. This approval is effective until March 14, 2034. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before September 14, 2033, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

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 15, 2019.

Dated: March 18, 2019



Jason E. Oyler, Esq.