



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20190305

Approval Date: March 15, 2019

**FARMERS PRIDE, INC.
dba BELL & EVANS**

**Groundwater Withdrawal (30-Day Average) of 0.045 mgd
from Well 1**

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 renewal of the project described herein in accordance with the conditions set forth below.

The project sponsor operates two wells (Well 1 and the Main Well) at the facility located in Bethel Township, Lebanon County, Pennsylvania. The project sponsor also purchases water from the local public water supply system. According to information provided by the project sponsor, no other sources are used by the project.

On November 10, 1988, the Commission approved the groundwater withdrawal (consecutive 30-day average) of 0.100 million gallons per day (mgd) from Well 1 under Commission Docket No. 19881101. On May 10, 2018, the project sponsor submitted an application to the Commission requesting renewal of the withdrawal from Well 1 at a rate of 0.060 mgd (30-day average). This approval authorizes the continued withdrawal from Well 1 at a reduced rate.

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:	Farmers Pride, Inc. dba Bell & Evans
Approval Type:	Groundwater Withdrawal
Past Docket No.:	19881101
Authorized Water Use Purpose:	Industrial Food Processing, Incidental Uses Related to Food Processing, and Potable Supply
Municipality:	Bethel Township
County:	Lebanon 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
Approved Source:	Well 1
Subbasin:	Lower Susquehanna
Watershed Boundary Dataset (WBD):	0205030507 (Little Swatara 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 project sponsor requested that the constant-rate aquifer testing required by 18 CFR § 806.12 for groundwater withdrawals be waived. In support of the aquifer testing waiver request for Well 1, the project sponsor provided the required groundwater availability analysis and historical withdrawal and water level data for Well 1. Staff recommended waiver of the aquifer testing requirements of 18 CFR § 806.12.

The project sponsor requested a consecutive 30-day average withdrawal rate of 0.060 mgd. However, staff found that significant and potentially adverse drawdown would occur at the requested rate and recommended that the 30-day average rate be reduced to 0.045 mgd due to the potential for significant adverse impacts.

Commission staff determined that the withdrawal from Well 1 at the reduced withdrawal rate should not cause permanent loss of aquifer storage, render competing supplies unreliable, or cause adverse impacts to the water resources of the basin.

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):	0.045
Maximum Instantaneous Withdrawal Rate (gpm):	60 (Not to Exceed)
Peak Day Withdrawal (mgd):	0.086

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

Section 6. Grandfathering Determination – Withdrawals and Consumptive Use

On February 2, 2018, the project sponsor submitted a grandfathered water use registration form under 18 CFR §§ 806.40-45. The Executive Director has made the following determination pursuant to 18 CFR § 806.44:

Grandfathered Groundwater Withdrawal	
Source	30-Day Average Withdrawal (mgd)
Main Well	0.440

Grandfathered Consumptive Use	
Consumptive Use	30-Day Average Consumptive Use (mgd)
Industrial Food Processing and Incidental Uses Related to Food Processing	0.281

Section 7. 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. The project sponsor shall maintain the totalizing meter 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.

4. The project sponsor shall adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the sources listed in Sections 3 and 6. The project sponsor shall maintain and monitor the accuracy of the measuring devices in accordance with the manufacturer's specifications.

5. The project sponsor shall keep daily records of the project's withdrawals and groundwater elevations for the sources listed in Sections 3 and 6, 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.

6. 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.

7. 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.

8. 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.

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

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

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

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

13. 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.

14. 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.

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 is required to apply for and obtain approval prior to any increase in withdrawal that would exceed the amounts listed herein.

18. 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.

Section 8. Special Conditions

19. The date of the last meter certification was April 11, 2018; therefore, the next meter certification is due no later than April 11, 2023. 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.

20. Prior to supplying water for any use not authorized pursuant to Sections 2 or 6 of this approval, the project sponsor shall first submit a request for minor modification under 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

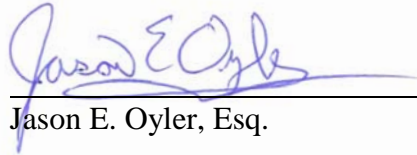
Section 9. Term

21. This approval shall be effective April 1, 2019, and shall remain effective until March 31, 2034. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before September 30, 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.

22. Commission Docket No. 19881101 shall remain effective through March 31, 2019, whereupon it shall expire.

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.