



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20190609**

**Approval Date: December 11, 2003**

**Modification Date: April 27, 2018**

**Modification Date: June 14, 2019**

## **SKI ROUNDTOP OPERATING CORP**

**Surface Water Withdrawals of up to 5.760 mgd (30-Day Average) from an Unnamed Tributary to Beaver Creek and up to 2.880 mgd (Peak Day) from the North Branch Beaver Creek, and Consumptive Use of up to 1.267 mgd (30-Day Average) from the Unnamed Tributary to Beaver Creek and North Branch Beaver Creek**

### **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 modification of the project described herein in accordance with the conditions set forth below.

This approval is a modification of Commission Docket No. 20031209 that was originally approved on December 11, 2003, and modified on April 27, 2018, with a peak day withdrawal rate of 5.760 million gallons per day (mgd) from the Compressor House Pond on an unnamed tributary to Beaver Creek and up to 2.880 mgd from the Western Pond on the North Branch Beaver Creek, and consumptive use of up to 1.267 mgd (peak day). The project sponsor requested a change from a peak day withdrawal basis to a 30-day average withdrawal basis, and an associated increase in the instantaneous withdrawal rate for the surface water withdrawal on the unnamed tributary to Beaver Creek. Additionally, the project sponsor requested a change from a peak day basis to a 30-day average basis for its consumptive use limit. Following technical review, and consistent with applicable regulatory standards, Commission staff recommended approval of the requested modifications. This approval incorporates those recommendations.

The project sponsor currently maintains a system of ten (10) ponds. The North Slope Ponds are located on an unnamed tributary to Beaver Creek and, progressing downstream, consist of: Discovery Pond, Ski Patrol Pond, Compressor House Pond, Chair #4 Pond, and Chair #6 Pond. The Western Pond is located on the North Branch Beaver Creek. Additionally, there are four (4) off-stream storage ponds consisting of the Upland Pond and the three Southern Area Holding Ponds – formerly named the Hughes Ponds (Upper Pond, Middle Pond, and Lower

Pond). Infrastructure is maintained to circulate water from the downstream North Slope Ponds to upstream North Slope Ponds.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the Department of Conservation and Natural Resources (DCNR), 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	
<b>Project Sponsor:</b>	Ski Roundtop Operating Corp
<b>Approval Types:</b>	Surface Water Withdrawal and Consumptive Use
<b>Past Docket Nos.:</b>	20031209 and 20031209-1
<b>Authorized Water Use Purpose:</b>	Snowmaking, Water-based Amusement Operations, and Related Incidental Uses
<b>Municipality:</b>	Warrington Township
<b>County:</b>	York County
<b>State:</b>	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		
<b>Approved Sources:</b>	1. Unnamed Tributary (UNT) to Beaver Creek 2. North Branch (NB) Beaver Creek	
<b>Subbasin:</b>	Lower Susquehanna	
<b>Watershed Boundary Dataset (WBD):</b>	0205030605 (Lower Conewago Creek)	
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)	
<b>Withdrawal Location (degrees):</b>		
UNT to Beaver Creek	Lat: 40.109144 N	Long: 76.924419 W
NB Beaver Creek	Lat: 40.108094 N	Long: 76.937968 W
<b>Impairment:</b>	Pathogens	
<b>Drainage Area (square miles):</b>		
UNT to Beaver Creek	0.3*	
NB Beaver Creek	1.4	
<b>Aquatic Resource Class**:</b>	1	
<b>Special Flow Protection Required:</b>	Yes	
cfs – cubic feet per second		
* Drainage area listed is to Chair #6 Pond, the most downstream pond of the North Slope Ponds.		
** Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals).		

#### Section 4. Approved Withdrawal Quantities and Limitations

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

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Withdrawal Amount (mgd):</b>	
UNT to Beaver Creek	5.760 (30-Day Average) (Not to Exceed)
NB Beaver Creek	2.880 (Peak Day) (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	
UNT to Beaver Creek	5,250 (Not to Exceed)
NB Beaver Creek	2,000 (Not to Exceed)
<b>Flow Protection Type:</b>	
UNT to Beaver Creek	Conservation Release from Chair #6 Pond
NB Beaver Creek	Conservation Release from Western Pond
<b>On-Site Flow Protection Rate (gpm):</b>	
UNT to Beaver Creek	2.7
NB Beaver Creek	13.0
<b>Method for Monitoring Flow Protection:</b>	Per Approved Metering and Monitoring Plan (see Standard Condition 2)
gpm – gallons per minute	

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

#### Section 5. Approved Consumptive Use Quantities and Limitations

The consumptive use approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Consumptive Use Quantities and Limitations</b>	
<b>Sources for Project Consumptive Use:</b>	1. UNT to Beaver Creek 2. NB Beaver Creek
<b>30-Day Average Consumptive Use Amount (mgd):</b>	1.267 (Not to Exceed)
<b>Authorized Project Consumptive Uses:</b>	1. Snowmaking 2. Water-based amusement operations 3. Related incidental uses
<b>Consumptive Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

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

## **Section 6. Unapproved Sources**

On December 27, 2018, pursuant to 18 CFR Part 806, Subpart E, the project sponsor submitted application for registration of Well 1.

## **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 and monitoring plan reviewed and approved by Commission staff. Any modifications proposed for the metering and monitoring 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 consumptive 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.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff. Any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with 18 CFR § 806.21 and § 806.23 prior to undertaking such modification(s).

5. The project sponsor shall keep daily records of the project's withdrawal and consumptive use 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 requested by the project sponsor 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's consumptive use is subject to mitigation requirements, as per 18 CFR § 806.22(b). For the purposes of this project, 0.127 mgd was determined to be the project's pre-1971 consumptive use, with respect to snowmaking uses, and is considered to not be subject to consumptive use mitigation requirements. To satisfy the Commission's current mitigation requirements for consumptive 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 total 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.

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 location for the duration of the approval.

12. The project sponsor shall register with the appropriate agency all surface water 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 withdrawal or consumptive use that would exceed the amounts listed herein or to add a source used for consumptive use that is not listed in Section 5.

### **Section 8. Special Conditions**

19. The project sponsor shall maintain conservation releases specified in Section 4 as detailed in the approved metering and monitoring plan.

20. The date of the last meter certification was January 11, 2019; therefore, the next meter certification is due no later than January 11, 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.

21. Prior to supplying water for any use not authorized pursuant to Sections 2 or 5 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.

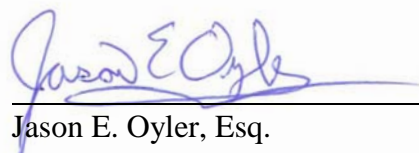
### **Section 9. Term**

22. This approval shall be effective July 1, 2019, and shall remain effective until December 11, 2028. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before June 11, 2028, 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.

23. Commission Docket Nos. 20031209 and 20031209-1 are 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 June 14, 2019.

Dated: June 17, 2019

  
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Jason E. Oyler, Esq.