



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20190901

Approval Date: September 6, 2019

AQUA PENNSYLVANIA, INC. – EAGLE ROCK UTILITIES WATER SYSTEM

**Groundwater Withdrawal (30-Day Average) of 0.163 mgd from Well ER-8,
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 Eagle Rock Resorts community. The public water supply system includes three wells (Wells ER-4, ER-6, and ER-8), all of which are incorporated into the total system limit. Well ER-8 was installed approximately 85 feet west of Well ER-2 in September 2018, to replace Well ER-2 due to lost production. The project sponsor has indicated that Well ER-2 will be decommissioned and abandoned. According to information provided by the project sponsor, no other sources are utilized by the project.

Because declining production from Well ER-2 caused Aqua to not be able to meet system demand without hauling water, the withdrawal from Well ER-8 was initiated under an Emergency Certificate dated June 7, 2019, which expires with this approval.

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, as the total system limit established herein is based on the 15-year projected demand.

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 and County:	Black Creek and Hazle Townships, Luzerne County, and North Union and East Union Townships, Schuylkill 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 ER-8
Subbasin:	Middle Susquehanna
Watershed Boundary Dataset (WBD):	0205010708 (Catawissa 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 78-hour, constant-rate aquifer test of Well ER-8 was conducted on January 14 through 17, 2019, pumping at an average rate of 146 gallons per minute (gpm). Aquifer testing indicated that operation of Well ER-8 at the tested rate was acceptable. However, it is expected that PADEP will not issue a public water supply permit in excess of 113 gpm. Should the PADEP approve a higher rate from Well ER-8, the project sponsor may operate Well ER-8 at the approved maximum instantaneous withdrawal rate of up to 146 gpm and increase the 30-day average withdrawal up to 0.210 million gallons per day (mgd), in accordance with Special Condition 20.

Commission staff determined that the withdrawal from Well ER-8 at the requested 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, 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):	0.163
Maximum Instantaneous Withdrawal Rate (gpm):	146 (Not to Exceed)*
Peak Day Withdrawal (mgd):	0.210
Total System Withdrawal Limit – Wells ER-4, ER-6, and ER-8 (30-Day Average) (mgd):	0.220
* See Special Condition 20	

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

Section 6. Existing Approved Withdrawals

Quantities applicable to the existing approved withdrawals are listed in the table below.

Existing Approved Groundwater Withdrawals			
Source	30-Day Average Withdrawal (mgd)	Commission Docket No.	Docket Expiration Date
Well ER-4	0.072	20061202	December 5, 2031
Well ER-6	0.220	20120602	June 6, 2027

The existing sources Well ER-2 and Huron Well (Well H) are hereby rescinded per Special Condition 21.

Section 7. Grandfathering Determination – Withdrawals and Consumptive Use

The project did not utilize surface water withdrawals or groundwater withdrawals prior to November 11, 1995 or July 13, 1978, respectively.

The project did not consumptively use water prior to January 23, 1971.

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. 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 withdrawal 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. 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.

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.

Section 9. Special Conditions

20. Commission staff evaluated the withdrawal from Well ER-8 at the higher tested rate of 0.210 mgd and determined the tested rate to be sustainable with no anticipated adverse impact. The Executive Director may authorize an increase in the 30-day average withdrawal rate from Well ER-8 up to 0.210 mgd if PADEP increases the permitted maximum instantaneous withdrawal from Well ER-8 above 113 gpm. The project sponsor shall notify the Commission of any approved modification by PADEP of the maximum instantaneous withdrawal rate and provide a copy of the PADEP operations permit to the Commission. Operating Well ER-8 at the increased 30-day average rate shall not occur until the project sponsor receives written notification of approval of the increased 30-day average rate from the Commission.

21. Commission Docket No. 20050304 approving withdrawals from Well ER-2 and the Huron Well (Well H) will be rescinded thirty (30) days from the date of the operations permit issued by PADEP for Well ER-8. The project sponsor shall provide a copy of the PADEP operations permit to the Commission within thirty (30) days of issuance of the permit.

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). Pursuant to the water conservation plan submitted in response to Special Condition 20 of Commission Docket No. 20120602 and approved by Commission staff on September 21, 2017, the project sponsor shall reduce system losses and achieve compliance with water conservation requirements by June 7, 2020, unless an extension of time is granted 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.

23. The date of the last meter certifications was August 1, 2019; therefore, the next meter certifications are due no later than August 1, 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 only supply water for use in hydrocarbon development to persons who have properly registered or received approval pursuant to 18 CFR § 806.22(f), as applicable.

25. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also 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

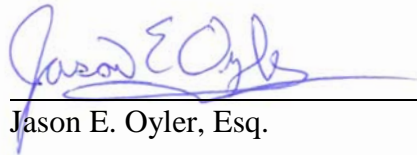
public water supply system for uses other than hydrocarbon development, including daily quantities supplied.

Section 10. Term

26. This approval is effective until September 5, 2034. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before March 5, 2034, 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 September 6, 2019.

Dated: September 9, 2019



Jason E. Oyler, Esq.