



SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

Docket No. 20201203

Approval Date: December 11, 2020

DENVER BOROUGH

**Groundwater Withdrawal (30-Day Average) of 0.120 mgd from Well 4,
and Total System Withdrawal Limit (30-Day Average) of 0.310 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 renewal of the project described herein in accordance with the conditions set forth below.

The project sponsor maintains and operates a public water supply system within Denver Borough, Lancaster County, Pennsylvania. The public water supply system includes five sources (Wells 1, 2, 3, and 4 and Cocalico Creek) that are incorporated into the total system limit. Based on information provided by the project sponsor, no other sources are operated by the project.

The Commission previously approved the withdrawal of 0.430 million gallons per day (mgd) from Well 4 under Commission Docket No. 19960102. Renewal of Well 4 was requested by the project sponsor at a reduced withdrawal rate of 0.120 mgd, consistent with its historical use. This approval authorizes the continued withdrawal from Well 4 at 0.120 mgd and maintains the total system limit established under Commission Docket No. 20181204 of 0.310 mgd for withdrawals from Wells 1, 2, 3, and 4 and Cocalico Creek to be consistent with the 15-year projected demand through 2035.

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.

at times been drawn down to the current pump intake level. The current pump intake is set to an elevation slightly above a water-bearing zone at 289 feet above mean sea level (AMSL) which has prevented dewatering and exposure of the water-bearing zone. To protect the water-bearing zone in Well 4, Commission staff finds that the water level in Well 4 should not be drawn down below 290 feet AMSL. Staff recommends that the Well 4 approval be conditioned so that if the pump setting is lowered below the water-bearing zone, that a water level restriction of 290 feet AMSL be established as provided in Special Condition 20.

Additionally, staff recommends that, if the Well 4 pump is replaced, a lower capacity pump be installed or use of a variable frequency drive to achieve lower instantaneous withdrawal rates that may avoid drawing the water level down to the pump intake, in addition to gaining other operating efficiencies.

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):	0.120
Maximum Instantaneous Withdrawal Rate (gpm):	300 (Not to Exceed)
Peak Day Withdrawal (mgd):	0.430
Total System Withdrawal Limit – Wells 1, 2, 3, and 4 and Cocalico Creek (30-Day Average) (mgd):	0.310

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 tables below.

Existing Approved Groundwater Withdrawals			
Source	30-Day Average Withdrawal (mgd)	Commission Docket No.	Docket Expiration Date
Well 2	0.098	20181204	December 31, 2033
Well 3	0.092	20181204	December 31, 2033

Existing Approved Surface Water Withdrawals			
Source	Peak Day Withdrawal (mgd)	Commission Docket No.	Docket Expiration Date
Cocalico Creek	0.302	20180915	May 3, 2043

Section 7. Grandfathering Determination – Withdrawals

On March 9, 2018, the project sponsor submitted a grandfathered water use registration form under 18 CFR §§ 806.40-45. The Executive Director issued Certificate of Registration No. GF-201903018 with the following determination pursuant to 18 CFR § 806.44.

Grandfathered Groundwater Withdrawals	
Source	30-Day Average Withdrawal (mgd)*
Well 1 (Smokestown)	0.145
* Value represents maximum documented 30-day average amount that occurred prior to applicable regulatory effective date.	

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, 6, and 7. 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, 6, and 7, 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 all approvals 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 surface water and 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. To avoid the potential for dewatering a significant water-bearing zone in Well 4, drawdown shall be limited to 290 feet AMSL. The pump intake shall not be lowered below the current location unless an automatic shutoff switch that automatically ceases withdrawals from Well 4 at the prescribed elevation is installed. The project sponsor shall notify the Commission if the Well 4 pump is to be reinstalled at an elevation lower than 290 feet AMSL. Prior to operating withdrawals from Well 4 with a pump intake lower than 290 feet AMSL, the project sponsor shall provide documentation to the Commission that an automatic shutoff switch that ceases withdrawals from Well 4 at the prescribed elevation has been installed.

21. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal from grandfathered sources that would exceed the amounts listed herein.

22. In accordance with 18 CFR § 806.4(a)(2)(v), a change of ownership of the facility or project will forfeit the grandfathered status and subject pre-regulation withdrawals to Commission review and approval.

23. The date of the last meter certification was October 2, 2019; therefore, the next meter certification is due no later than October 2, 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.

Section 10. Term

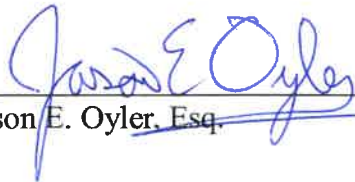
24. This approval shall be effective January 1, 2021, and shall remain effective until December 31, 2035. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before June 30, 2035, the project sponsor may continue operation of this

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.

25. Commission Docket No. 19960102 shall remain effective through December 31, 2020, 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 December 11, 2020.

Dated: December 14, 2020



Jason E. Oyler, Esq.