



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20201204

Approval Date: December 11, 2020

ELMIRA WATER BOARD

Groundwater Withdrawals (30-Day Averages) of 2.614 mgd from Foster Island Wellfield (Wells PW-40 and PW-41), 3.000 mgd from Foster Island Wellfield (Wells PW-40, PW-41, and PW-42) if Well PW-42 is Reactivated, and Total System Withdrawal Limit (30-Day Average) of 7.860 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 that includes seven wells (Foster Island Wellfield – Wells PW-40, PW-41, and PW-42; Hudson Street Wellfield – Wells 1A and 2; and Sullivan Street Wellfield – Wells 1 and 2) and two surface water sources (Chemung River and Hoffman Reservoir), all of which are incorporated in the total system limit. At the time of this renewal, the Sullivan Street Wellfield – Wells 1 and 2 and Well PW-42 were all inactive. The project sponsor also maintains interconnections with the Town of Horseheads and the Town of Big Flats, which are not included in 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 4.500 million gallons per day (mgd) from the Foster Island Wellfield under Commission Docket No. 19901105. The project sponsor submitted groundwater withdrawal applications for Wells PW-40, PW-41, and PW-42 requesting approval of a reduced withdrawal rate from the Foster Island Wellfield of 3.000 mgd. However, because the project sponsor does not currently utilize Well PW-42, this approval authorizes the continued withdrawal from the Foster Island Wellfield – Wells PW-40 and PW-41 at the reduced wellfield rate of 2.614 mgd, which is based on the requested rates from Wells PW-40 and PW-41 combined, and a combined wellfield limit that includes the conditional use of Well PW-42 as prescribed in Special Condition 26. This renewal also establishes a total system limit for withdrawals based on 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

impacts to the water resources of the basin. Pursuant to Commission Resolution Nos. 2013-11 and 2015-06, the Executive Director approved the waiver of the aquifer testing requirements of 18 CFR § 806.12 on November 17, 2020.

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 PW-40	Well PW-41	Well PW-42
Foster Island Wellfield Withdrawal Limit (Wells PW-40 and PW-41) (30-Day Average) (mgd):	2.614		Not Applicable
Foster Island Wellfield Withdrawal Limit (Wells PW-40, PW-41, and PW-42) (30-Day Average) (mgd):	3.000		
Maximum Instantaneous Withdrawal Rate (Wells PW-40 and PW-41) (gpm) (Not to Exceed):	1,815		Not Applicable
Maximum Instantaneous Withdrawal Rate (Wells PW-40, PW-41, and PW-42) (gpm) (Not to Exceed)*:	2,085		
Total System Withdrawal Limit – Foster Island Wellfield (Wells PW-40, PW-41, and PW-42), Hudson Street Wellfield (Wells 1A and 2), Sullivan Street Wellfield (Wells 1 and 2), Chemung River, and Hoffman Reservoir (30-Day Average) (mgd):	7.860		
gpm – gallons per minute			
* Conditional wellfield withdrawal limit in accordance with Special Condition 26.			

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 other existing approved withdrawals.

Section 7. Grandfathering Determination – Withdrawals

On June 18, 2018, pursuant to Subpart E to 18 CFR §§ 806.40-45, the project sponsor submitted a grandfathered water use registration for the Hudson Street Wellfield (Wells 1A and 2), Sullivan Street Wellfield (Wells 1 and 2), Chemung River, and Hoffman Reservoir.

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, 5, 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 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.

6. 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.

7. 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.

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

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

10. 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. The project sponsor shall also satisfy annual usage, capacity, and conservation reporting requirements in the form and manner prescribed by NYSDEC's Division of Water.

11. 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.

12. 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. The foregoing shall include, but not be limited to, any applicable permitting requirements of NYSDEC. 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. Furthermore, no water withdrawn by this project may be used in natural gas well development using High Volume Hydraulic Fracturing in New York State.

13. 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.

14. 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.

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

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

17. 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.

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 9. Special Conditions

19. Within ninety (90) days from the date of this approval, the project sponsor shall install and maintain metering on the sources of the project's grandfathered withdrawals listed in Section 7, in accordance with 18 CFR § 806.30(a)(1). The project sponsor shall notify the Commission, in writing, and submit photographs of the meter(s) when installed and certify the accuracy of the measuring device(s) to within five (5) percent of actual flow.

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

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 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.

24. Within sixty (60) days of the date of this approval, meter certification shall be submitted to the Commission for all existing meters currently in use (Foster Island Wellfield, Hudson Street Wellfield, Chemung River, and Combined Raw Water). 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. Within sixty (60) days of reinitiating withdrawals from the Sullivan Street Wellfield, meter certification shall be submitted to the Commission.

25. To avoid the potential for dewatering the well below the top of the well screens, water levels shall be kept above the following specified elevations: Well PW-40 (819.99 feet above mean sea level [AMSL]), Well PW-41 (821.14 feet AMSL), and Well PW-42 (814.00 feet AMSL). The intakes for the pumps for each well are installed at least 1 foot above the top of the screen. If the pump in any of the wells is lowered below the top of the screen in that well, the project sponsor shall install automatic shutoff equipment to stop operation of the pump if the water level reaches the elevations of the top of screen prescribed herein.

26. The Foster Island Wellfield can be operated up to 3.000 mgd if the project sponsor obtains and maintains all necessary approvals from applicable state agencies to reactivate Well PW-42 as a public water supply source. The project sponsor shall notify the Commission and provide copies of the approvals within thirty (30) days of reactivation and operation of withdrawal of Well PW-42 as a public water supply source.

27. 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

28. 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.

29. Commission Docket No. 19901105 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.