



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20201207

Approval Date: December 11, 2020

BOROUGH OF MIDDLETOWN

**Groundwater Withdrawals (30-Day Averages) of
0.565 mgd from Well 1, 0.410 mgd from Well 2, 0.108 mgd from Well 3,
0.099 mgd from Well 4, and 0.219 mgd from Well 5; and
Total System Withdrawal Limit (30-Day Average) of 1.110 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 a public water supply system operated by SUEZ Middletown that includes six sources (Wells 1, 2, 3, 4, 5, and 6), all of which are 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 up to 0.300 million gallons per day (mgd) from Well 5 under Commission Docket No. 19890701. The project sponsor submitted a groundwater withdrawal renewal application for Well 5 requesting approval of a reduced withdrawal of 0.219 mgd. Additionally, consistent with the September 29, 2017, waiver and conditional transfer approval letter, Resolution No. 2017-12, and applicable Commission regulations, four previously unapproved sources (Wells 1 through 4) are being recognized, assessed, and regulated with this docket renewal. This approval authorizes the continued withdrawal from Well 5 at the requested reduced rate, establishes withdrawal quantities from Wells 1 through 4 that are consistent with historical withdrawal rates and had previously been eligible for grandfathering, and reduces the total system limit established under Commission Docket No. 19970702 from 1.590 mgd to 1.110 mgd for withdrawals from Wells 1, 2, 3, 4, 5, and 6 to be consistent with the 15-year project 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.

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:	Borough of Middletown
Approval Type:	Groundwater Withdrawal
Past Docket No.:	19890701
Authorized Water Use Purpose:	Public Water Supply
Municipality:	Middletown Borough
County:	Dauphin County
State:	Pennsylvania

Section 3. Source Information

Information concerning the sources of water from which the withdrawals will be made is set forth in the table below.

Source Information	
Withdrawal Type:	Groundwater
Approved Sources:	Wells 1, 2, 3, 4, and 5
Subbasin:	Lower Susquehanna
Watershed Boundary Dataset (WBD):	0205030509 (Lower 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 constant-rate aquifer testing for Well 5 required by 18 CFR § 806.12 for a groundwater withdrawal be waived. Commission staff determined that the withdrawal from Well 5 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. 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 9, 2020.

The terms of the 2017 docket transfer stated that the four previously unapproved sources (Wells 1 through 4) would be assessed without the need for the project sponsor to submit aquifer test plans, waiver requests, or applications at this time. Consistent with Resolution No. 2017-12, aquifer test plans, aquifer test waivers, or groundwater withdrawal applications were not required to be submitted. In recognizing and assessing Wells 1 through 4, staff reviewed the hydrogeologic settings, nearby private supply wells, nearby water resources, and limited available historical operations data to establish withdrawal quantities for Wells 1 through 4. Standard review and application materials will be required for Wells 1 through 4 at the next renewal.

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 1	Well 2	Well 3	Well 4	Well 5
30-Day Average Withdrawal (mgd):	0.565	0.410	0.108 ¹	0.099 ²	0.219
Maximum Instantaneous Withdrawal Rate (gpm) (Not to Exceed):	400	285	75	140	250
Total System Withdrawal Limit – Wells 1, 2, 3, 4, 5, and 6 (30-Day Average) (mgd):	1.110				
gpm – gallons per minute					
¹ Withdrawal rate established at the PADEP-permitted rate. The previously allowable maximum grandfathered rate was 0.128 mgd (30-day average). The withdrawal from Well 3 can be increased if the PADEP permit is amended, increasing the rate to the allowable grandfathered rate.					
² Withdrawals from Well 4 were initiated on March 5, 1979. The maximum quantity allowable at the time without Commission review and approval was 0.099 mgd.					

The withdrawals are 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 6	1.070	19970702	July 10, 2022

Section 7. Unapproved Sources – Withdrawals and Consumptive Use

The project did not utilize surface water withdrawals prior to November 11, 1995. The project utilizes groundwater sources that were not reviewed and approved by the Commission. The conditional transfer of approvals effective on September 29, 2017, required that all sources operated by the project be approved by the Commission. With this approval, all groundwater withdrawals used by the project have Commission approval.

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 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.

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 groundwater sources described herein, as may be required by regulations of the member jurisdiction.

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. 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.

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. 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.

20. The date of the last meter certifications for Wells 1 through 6 was December 4, 2017; therefore, the next meter certifications are due no later than December 4, 2022. 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. 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.

22. 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.

23. The project sponsor shall adhere to the groundwater elevation monitoring plan previously 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. However, the project sponsor has indicated that water level monitoring equipment approved in the groundwater elevation monitoring plan is not accurate. The project sponsor shall assess and update the monitoring equipment, as needed,

and update the previously approved groundwater elevation monitoring plan prior to February 28, 2021. Any changes to this date must be preapproved by Commission staff.

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. 19890701 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.