



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20220305

Approval Date: March 17, 2022

CORNING INCORPORATED FACILITY: SULLIVAN PARK

**Groundwater Withdrawals (30-Day Averages) of
0.800 mgd from Well 2, 0.800 mgd from Well 3, and
Wellfield Withdrawal Limit of 0.800 mgd from Wells 2 and 3 (Combined); and
Consumptive Use (30-Day Average) of up to 0.350 mgd
from Wells 2 and 3 and Public Water Supply**

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 system to supply water for the research and development facility that includes two groundwater sources (Wells 2 and 3). The project sponsor also maintains a service connection from the Town of Erwin. Based on information provided by the project sponsor, no other sources are operated by the project.

The Commission previously approved the withdrawal of 0.800 million gallons per day (mgd) from Wells 2 and 3, and consumptive use for industrial uses under Commission Docket Nos. 19970705, 19970705-1, and 19970705-2. The project sponsor submitted a groundwater withdrawal renewal application requesting approval to withdraw up to 0.800 mgd from Wells 2 and 3, and consumptive use up to 0.350 mgd for industrial uses. This approval authorizes continued withdrawals and consumptive use at the requested rates.

Commission staff has coordinated with the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH) 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: | Corning Incorporated |
| Facility: | Sullivan Park |
| Approval Types: | Groundwater Withdrawal and Consumptive Use |
| Past Docket Nos.: | 19970705, 19970705-1, and 19970705-2 |
| Authorized Water Use Purpose: | Operation of a Research and Development Facility, Evaporative Cooling, Potable Supply, and Related Incidental Uses |
| Municipality: | Town of Erwin |
| County: | Steuben County |
| State: | New York |

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 | |
|--|--------------------------|
| Withdrawal Type: | Groundwater |
| Approved Sources: | Wells 2 and 3 |
| Subbasin: | Chemung |
| Watershed Boundary Dataset (WBD): | 0205010409 (Tioga River) |
| 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 72-hour, constant-rate aquifer test of Well 3 was conducted on October 12 through 15, 2020, pumping at an average rate of 733 gallons per minute (gpm). Short-term operational testing of Wells 2 and 3 was conducted on September 8, 2020, which indicates that the aquifer test for Well 3 was sufficient to evaluate impacts as a result of operating Well 2 or the wellfield.

Commission staff determined that the withdrawals from Wells 2 and 3 at the requested withdrawal rates 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 withdrawals approved hereunder are subject to the quantitative limits and restrictions set forth in the table below.

| Approved Withdrawal Quantities and Limitations | | | |
|---|--------|--------|-------------------------------------|
| | Well 2 | Well 3 | Wellfield (Wells 2 and 3, Combined) |
| 30-Day Average Withdrawal (mgd): | 0.800 | 0.800 | 0.800 |
| Maximum Instantaneous Withdrawal Rate (gpm) (Not to Exceed): | 760 | 760 | 730 |
| Peak Day Withdrawal (mgd): | 1.094 | 1.094 | 1.051 |

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

Section 6. 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.

| Approved Consumptive Use Quantities and Limitations | |
|---|--|
| Sources for Project Consumptive Use: | 1. Well 2 2. Well 3 3. Public Water Supply – Town of Erwin |
| 30-Day Average Consumptive Use Amount (mgd): | 0.350 (Not to Exceed) |
| Authorized Project Consumptive Use: | Evaporative Cooling |
| Consumptive Use Mitigation Type: | Payment of consumptive use mitigation fee |

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

Section 7. Existing Approved Withdrawals and Consumptive Uses

The project does not have other existing approved withdrawals or consumptive uses.

Section 8. Grandfathering Determination – Withdrawals and Consumptive Use

All withdrawals and consumptive use by the project have Commission approval.

Section 9. 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 consumptive use, 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 Section 3. 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 withdrawals, consumptive use, 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's consumptive use is subject to mitigation requirements, as per 18 CFR § 806.22(b). 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. For the purposes of this project, 0.005 mgd was determined to be the project's pre-1971 consumptive use and is considered to not be subject to consumptive use mitigation payment. 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 all approvals 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 locations for the duration of the approval.

12. The project sponsor shall register with the appropriate agency all 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.

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. 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.

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 Sections 3 or 6.

19. 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.

20. If the Commission determines that the operation of the project's groundwater withdrawals 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 10. Special Conditions

21. The date of the last meter certifications was November 11, 2021; therefore, the next meter certifications are due no later than November 11, 2026. 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.

22. Prior to operation of Cooling Tower 1, the project sponsor shall submit to the Commission certification of the accuracy of the related measuring devices to within five (5) percent of actual flow. If the meters are replaced or the accounting methods are changed, the project sponsor must provide a revised metering plan for Commission staff review and approval.

23. Prior to supplying water for any use not authorized pursuant to Sections 2 or 6 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 11. Term

24. This approval shall be effective April 1, 2022, and shall remain effective until June 30, 2037. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2036, 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 Nos. 19970705, 19970705-1, and 19970705-2 shall remain effective through March 31, 2022, whereupon they 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 March 17, 2022.

Dated: March 18, 2022



Jason E. Oyler, Esq.