SUSQUEHANNA RIVER BASIN COMMISSION
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Docket No. 20220316
Approval Date: March 17, 2022

CHESTER WATER AUTHORITY

Out-of-Basin Diversion, Consumptive Use, and Transfer (30-Day Average) of up to 3.000 mgd via Interconnection to Artesian Water Company, Inc. – New Castle County, Delaware

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.

Chester Water Authority's (CWA's) right to divert up to 30.000 million gallons per day (mgd) from the Octoraro Reservoir on Octoraro Creek and 30.000 mgd from the Susquehanna River is recognized in the Commission's Comprehensive Plan as an authorized "pre-Compact" diversion. Over the years, CWA has expanded its service area beyond that proposed when the applications and associated permits for the 60.000 mgd were issued. The bulk supply to Artesian Water Company, Inc. (Artesian) in New Castle County, Delaware, is not covered by the pre-Compact authorization and is subject to Commission review and approval.

This approval is a renewal of the project which was originally approved by Commission Docket No. 19961104 on November 26, 1996, to divert and provide bulk supply to Artesian of up to 6.000 mgd, based on a 30-day average. CWA has requested renewal at a decreased quantity to divert and provide bulk supply to Artesian of 3.000 mgd (30-day average). Commission staff recommended that the approval term coincide with the Pennsylvania Department of Environmental Protection's (PADEP's) water allocation permit under which CWA operates the withdrawals from their sources. This approval incorporates those recommendations.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the Pennsylvania Fish and Boat Commission (PFBC), and the Maryland Department of the Environment (MDE) 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:	Chester Water Authority
Approval Types:	Out-of-Basin Diversion, Consumptive Use, and Interstate Project/Transfer via Interconnection
Past Docket No.:	19961104
Authorized Water Use Purpose:	Bulk Supply to Artesian Water Company, Inc. – New Castle County, Delaware, for Public Water Supply
Municipality:	New Garden Township
County:	Chester County
State:	Pennsylvania

Section 3. Approved Out-of-Basin Diversion Quantities and Limitations

The out-of-basin diversion approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

Approved Out-of-Basin Diversion via Interconnection Quantities and Limitations	
30-Day Average Amount (mgd):	3.000 (Not to Exceed)

The out-of-basin diversion is also subject to all other conditions set forth in this docket approval.

Section 4. 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 via Interconnection Quantities and Limitations	
Sources for Project Consumptive Use:	1. Susquehanna River 2. Octoraro Creek Reservoir
30-Day Average Consumptive Use Amount (mgd):	3.000 (Not to Exceed)
Authorized Project Consumptive Use:	Bulk Supply to Artesian Water Company, Inc. – New Castle County, Delaware, for Public Water Supply
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 5. 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 diversions, 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 diversion and consumptive use, 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 requested by the project sponsor 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'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. 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.

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 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 interconnection pipeline and associated infrastructure locations for the duration of the approval.

11. The project sponsor shall register with the appropriate agency all surface water 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 diversion 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 the diversion or consumptive use that would exceed the amounts listed herein.

Section 6. Special Conditions

18. The date of the last meter certification was September 20, 2021; therefore, the next meter certification is due no later than September 20, 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.

Section 7. Term

19. This approval is effective April 1, 2022, and shall remain effective until March 31, 2038, to align with the project's associated PADEP approval. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before September 30, 2037, 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.

20. Commission Docket No. 19961104 shall remain effective through March 31, 2022, 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 March 17, 2022.

Dated: March 18, 2022

Jason E. Oyler, Esq.