



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. 20220614

Approval Date: June 16, 2022

TOWN OF KIRKWOOD

**Groundwater Withdrawal (30-Day Average) of 0.841 mgd from Well 3,
and Total System Withdrawal Limit (30-Day Average) of 1.100 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 two groundwater sources (Wells 1 and 3), both of which are incorporated into the total system limit. The project sponsor also maintains an emergency interconnection from the City of Binghamton, which is 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 2.880 million gallons per day (mgd) from Well 3 under Commission Docket No. 19920304. The project sponsor submitted a groundwater withdrawal renewal application requesting approval to withdraw up to 0.841 mgd from Well 3.

This approval authorizes the continued withdrawal from Well 3 at the requested rate and establishes a total system withdrawal limit of 1.100 mgd for withdrawals from Wells 1 and 3 to be consistent with the 15-year project demand through 2037. The recent maximum 30-day average demand for the public water supply system is approximately 1.031 mgd.

Should demand exceed the total system limit established herein, the project sponsor may submit a minor modification application in accordance with 18 CFR § 806.18(c)(7) to request an increase to 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 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:	Town of Kirkwood
Approval Type:	Groundwater Withdrawal
Previous Docket No.:	19920304
Authorized Water Use Purpose:	Public Water Supply
Municipality:	Town of Kirkwood
County:	Broome County
State:	New York

Section 3. Source Information

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

Source Information	
Withdrawal Type:	Groundwater
Approved Source:	Well 3
Subbasin:	Upper Susquehanna
Watershed Boundary Dataset (WBD):	0205010113 (Lower Susquehanna 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 project sponsor requested that the requirements of 18 CFR § 806.12 be considered satisfied using an evaluation completed by Commission staff under the Public Water Supply Assistance Program (PWSAP). Staff evaluated hydrogeologic setting information, results of a historical 24-hour aquifer test, historical withdrawal and groundwater elevation data for Well 3 provided by the project sponsor, and prepared a Voluntary Action Plan (VAP) that provided renewal options and identified data gaps for Well 3. Commission staff evaluated the available hydrogeologic and operational data and found that the existing data meets the essential purpose of testing and provides the necessary data to evaluate potential impacts to other users, impacts to the environment, and the sustainability of the withdrawal at a withdrawal rate of up to 0.841 mgd without requiring new testing or additional hydrogeologic evaluation. Accordingly, the VAP provided the project sponsor with an option to accept staff's evaluation of the Well 3

hydrogeological data and apply for the quantity identified in the VAP (30-day average of 0.841 mgd) and utilize Commission staff's hydrogeologic evaluation to support renewal.

The project sponsor utilized staff's evaluation, which determined that the withdrawal from Well 3 at a rate of 0.841 mgd should not cause permanent loss of aquifer storage, render competing supplies unreliable, or cause adverse impacts to the water resources of the basin. The VAP analysis of the requested rate satisfies the hydrogeologic evaluation requirement of 18 CFR § 806.12, and an Alternative Hydrogeologic Evaluation was approved on May 4, 2022.

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):	0.841
Maximum Instantaneous Withdrawal Rate (gpm):	2,000 (Not to Exceed)
Peak Day Withdrawal (mgd):	2.880
Total System Withdrawal Limit – Wells 1 and 3 (30-Day Average) (mgd):	1.100
gpm – gallons per minute	

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

Section 6. Existing Approved Withdrawals

The project does not have existing approved withdrawals.

Section 7. Grandfathering Determination – Withdrawals and Consumptive Use

The project did not utilize surface water withdrawals prior to November 11, 1995. Additionally, the project did not consumptively use water prior to January 23, 1971.

On April 19, 2018, the project sponsor submitted a grandfathered water use registration under 18 CFR §§ 806.40-45 for Well 1. The Executive Director issued Certificate of Registration No. GF-202002086 on February 24, 2020, pursuant to 18 CFR § 806.44.

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 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 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 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.

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. 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.

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. 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.

21. The date of the last meter certification was February 27, 2021; therefore, the next meter certification is due no later than February 27, 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. 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

23. This approval shall be effective July 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.

24. Commission Docket No. 19920304 shall remain effective through June 30, 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 June 16, 2022.

Dated: June 17, 2022



Jason E. Oyler, Esq.