



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20220907

Approval Date: September 15, 2022

LANCASTER COUNTY SOLID WASTE MANAGEMENT AUTHORITY FACILITY: FREY FARM LANDFILL

**Consumptive Use (Peak Day) of up to 0.095 mgd from
Frey Dairy Well, Treated Leachate and Groundwater from Creswell Landfill,
and Turkey Hill LLC Water (if applicable)**

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 modification of the project described herein in accordance with the conditions set forth below.

This approval is a modification of the project that was previously approved by Commission Docket No. 20061208 on December 5, 2006, modified March 14, 2007, under Commission Docket No. 20061208-1, and modified on May 12, 2020, under Commission Docket No. 20061208-2. The Commission previously approved the groundwater withdrawal of 0.880 million gallons per day (mgd) for leachate collection and treatment at the Creswell Landfill and the consumptive use of 0.065 mgd at the Frey Farm Landfill. The project sponsor submitted a major modification application for an increase in consumptive use at the Frey Farm Landfill and addition of approved sources for consumptive use, and to remove the separate Creswell Landfill project withdrawal activities from the Frey Farm Landfill project. The project sponsor has applied for and received approval for coverage of the withdrawal and treatment of leachate at the Creswell Landfill under General Permit GP-01 Groundwater Remediation Projects (No. GP-01-20220901).

Groundwater withdrawals at the Frey Farm Landfill will be from the Frey Dairy Well (a.k.a. Frey Dairy Farm Well), which will be operated below the Commission's regulatory threshold of 0.100 mgd (30-day average), and continued operation below the withdrawal threshold does not require separate Commission review and approval. The project's setting, including the hydrogeologic setting and nearby water resources, has been considered with review of the consumptive use project. In accordance with 18 CFR § 806.4(a)(1), additional withdrawal limits are not needed, provided the project is operated as conditioned herein.

This approval also authorizes the consumptive use of water received from Turkey Hill LLC (Turkey Hill) (pending establishment of a final agreement) and increases the consumptive use at the Frey Farm Landfill from 0.065 mgd to the requested rate of up to 0.095 mgd (peak day). Based on information provided by the project sponsor, no other sources are operated by the project in support of its consumptive use.

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:	Lancaster County Solid Waste Management Authority
Facility:	Frey Farm Landfill
Approval Type:	Consumptive Use
Previous Docket Nos.:	20061208, 20061208-1, and 20061208-2
Authorized Water Use Purpose:	Landfill Operations, Truck and Tire Washing, Dust Suppression, Hydroseeding, Irrigation, and Related Incidental Uses
Municipality:	Manor Township
County:	Lancaster County
State:	Pennsylvania

Section 3. 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:	<ol style="list-style-type: none"> 1. Frey Dairy Well 2. Treated Groundwater/Leachate from Creswell Landfill 3. Turkey Hill LLC Water*
Peak Day Consumptive Use Amount (mgd):	0.095 (Not to Exceed)

Approved Consumptive Use Quantities and Limitations (continued)	
Authorized Project Consumptive Uses:	<ol style="list-style-type: none">1. Landfill Operations2. Truck and Tire Washing3. Dust Suppression4. Hydroseeding5. Irrigation6. Related Incidental Uses
Consumptive Use Mitigation Type:	Payment of consumptive use mitigation fee
* Pending final agreement as specified in Special Condition 22.	

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

Section 4. Under Threshold Withdrawals

The project sponsor has indicated that operation of the Frey Dairy Well and all other withdrawals at the facility will remain below the regulatory threshold. Therefore, the project's withdrawals do not require separate Commission review and approval provided that combined and individual withdrawals at the Frey Farm Landfill facility remain below 0.100 mgd (consecutive 30-day average). If adverse impacts are identified, or if withdrawals exceed 0.100 mgd (consecutive 30-day average) individually or in combination, the project sponsor may be required to obtain Commission approval in accordance with Standard Condition 14 or Special Condition 19, respectively.

Three wells that are not used to support the project's consumptive use are located at the Frey Farm Landfill. These wells provide non-potable sanitary service water and for minor maintenance tasks are adjacent to the landfill operations office, adjacent to the landfill environmental office, and adjacent to the future maintenance facility.

Because the project operates a groundwater well, the Commission strongly encourages the collection of daily groundwater elevation data to ensure sustainable operating conditions. Water level data will prove invaluable in the course of future regulatory reviews, should they arise, as well as for daily operations.

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 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 keep daily records of the project's withdrawals 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 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 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.

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 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.

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 consumptive use that would exceed the amounts listed herein or to add a source used for consumptive use that is not listed in Section 3.

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 6. Special Conditions

19. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawals that would equal or exceed 0.100 mgd (consecutive 30-day average) individually or in a combination.

20. The date of the last meter certification for the Creswell Control Structure 5 (CWCS5) meter was June 16, 2021, and the last certification for Frey Farm Landfill-Frey Dairy Well (FFLFFDFW) meter was September 30, 2021. The next meter certifications are due no later than September 30, 2026, respectively. 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. Prior to supplying water for any use not authorized pursuant to Sections 2 or 3 of this approval, the project sponsor shall first submit a minor modification application 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.

22. The project sponsor shall not utilize water from Turkey Hill prior to a modification to Turkey Hill's Docket No. 20030813 adding supply of water to the Frey Farm Landfill as an authorized water use and execution of an agreement for supply from Turkey Hill or other subsequent approval authorizing supply from Turkey Hill to Frey Farm Landfill.

23. Prior to utilizing Turkey Hill as a source for consumptive use, the project sponsor must submit a revised metering plan for Commission review and approval that documents metering and the revised consumptive use calculation to include water from Turkey Hill. The project shall not utilize water from Turkey Hill until the Commission responds, in writing, that the metering plan revisions have been approved and the revised metering plan has been implemented.

Section 7. Term

24. This modified approval shall be effective immediately and shall remain effective until December 5, 2031. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before June 5, 2031, 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. 20061208, 20061208-1, and 20061208-2 are hereby superseded.

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 September 15, 2022.

Dated: September 16, 2022



Jason E. Oyler, Esq.