



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20220917**

**Approval Date: September 15, 2022**

## **VILLAGE OF HORSEHEADS**

**Groundwater Withdrawal (30-Day Average) of 1.440 mgd from Well 5,  
and Total System Withdrawal Limit (30-Day Average) of 2.200 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 four groundwater sources (Wells 1, 2, 4, and 5), all of which are incorporated into the total system limit. Well 4 is maintained as an emergency backup source and requires approval from the New York State Department of Health (NYSDOH) prior to use. The project sponsor also maintains emergency interconnections with the Town of Big Flats and the Elmira Water Board, which are 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 1.440 million gallons per day (mgd) from Well 5 under Commission Docket No. 19870302. The project sponsor submitted a groundwater withdrawal renewal application requesting approval to withdraw up to 1.440 mgd from Well 5. This approval authorizes continued withdrawals at the requested rate and establishes a total system withdrawal limit of 2.200 mgd consistent with the 15-year projected demand through 2037.

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 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	
<b>Project Sponsor:</b>	Village of Horseheads
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Previous Docket No.:</b>	19870302
<b>Authorized Water Use Purpose:</b>	Public Water Supply
<b>Municipality:</b>	Village of Horseheads
<b>County:</b>	Chemung County
<b>State:</b>	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	
<b>Withdrawal Type:</b>	Groundwater
<b>Approved Source:</b>	Well 5
<b>Subbasin:</b>	Chemung
<b>Watershed Boundary Dataset (WBD):</b>	0205010505 (Middle Chemung River)
<b>Withdrawal Location (degrees)*:</b>	Lat: -- Long: --
<b>Special Flow Protection Required:</b>	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 120-hour, constant-rate aquifer test of Well 5 was conducted on July 9 through 14, 2020, pumping at an average rate of 1,060 gallons per minute (gpm). A supplemental 72-hour operational test was conducted on December 7 through 10, 2020, at a rate of 1,000 gpm due to data collection issues during the July 2020 aquifer test.

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.

## 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	
<b>30-Day Average Withdrawal (mgd):</b>	1.440
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,000 (Not to Exceed)
<b>Peak Day Withdrawal (mgd):</b>	1.440
<b>Total System Withdrawal Limit – Wells 1, 2, 4, and 5 (30-Day Average) (mgd):</b>	2.200

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

On March 6, 2018, the project sponsor submitted a grandfathered water use registration under 18 CFR §§ 806.40-45 for Wells 1, 2, and 4.

## 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 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 location 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. 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.

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. 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.

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 keep daily records of the project's withdrawals 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.

20. In accordance with the approved groundwater elevation monitoring plan, the project sponsor shall keep records of the project's groundwater elevations as follows:

- a. Daily water levels for Well 5; and
- b. Daily water levels for Wells 1 and 2 after automatic water level monitoring equipment has been installed, no later than December 31, 2024. If delays in installation of equipment are encountered, the project sponsor may submit a request for extension of the deadline for installation in Wells 1 and 2, including justification for the delay to Commission staff for review and, if appropriate, approval. The project sponsor shall notify the Commission, in writing, and submit photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices.
- c. The project sponsor shall report water level data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff.

21. 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.

22. 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.

23. The date of the last meter certification for Well 5 was July 21, 2021; therefore, the next meter certification for Well 5 is due no later than July 21, 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.

24. Within ninety (90) days from the date of this approval, the project sponsor shall certify the meters and submit meter certifications to the Commission for Wells 1 and 2.

25. Prior to use of Well 4 as a regular or routinely used source of water for the system, the project sponsor shall certify the meter and submit meter certifications to the Commission for Well 4.

26. 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.

27. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also 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 for uses other than hydrocarbon development, including daily quantities supplied.

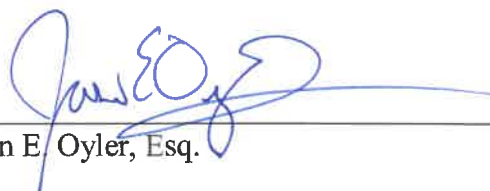
## Section 10. Term

28. This approval shall be effective October 1, 2022, and shall remain effective until September 30, 2037. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before March 31, 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.

29. Commission Docket No. 19870302 shall remain effective through September 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 September 15, 2022.

Dated: September 16, 2022

  
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Jason E. Oyler, Esq.