

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



Docket No. 20010804
Approval Date: August 9, 2001

M&M/MARS, INCORPORATED

Consumptive Water Use of up to 0.250 mgd,
for Manufacture of Chocolate and Confectionary Products,
Borough of Elizabethtown, Lancaster County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42 relating to the consumptive use of water. The Commission received the application on May 21, 2001.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water associated with the manufacture of chocolate and confectionery products.

Location. M&M/Mars, Incorporated is located in the Borough of Elizabethtown, Lancaster County, Pennsylvania.

Project Features. The applicant has requested approval for the consumptive water use of up to 0.250 million gallons per day (mgd). M&M/Mars, Incorporated began operations at the facility in October 1970. In addition to the manufacture of chocolate and confectionery products, cocoa beans also are processed at the plant.

Water is supplied to the facility by the Borough of Elizabethtown and also from an on-site well. The well, identified as Well 6, was drilled in August 1976 and its use predates the Commission's ground-water withdrawal regulation. The water supplied by the Borough of Elizabethtown is metered as it enters the facility and is used for the manufacturing process, boiler make-up and sanitary purposes. The well provides metered water that is used by the plant's cooling towers. Currently, the plant's consumptive water use is approximately 0.0993 mgd, based on the maximum 30-day average, which occurs during the summer months. Peak day consumptive water use currently is approximately 0.162 mgd.

All of the wastewater generated from the M&M/Mars, Incorporated plant is discharged to the sanitary sewer system and treated in the Borough of Elizabethtown's wastewater treatment facility. Wastewater generated from the manufacturing process is pretreated in an on-site wastewater treatment plant. The metered treatment plant effluent is then conveyed to the sanitary sewer system. Wastewater generated by sanitary use and the blowdown from the cooling towers are both metered and then also conveyed to the Borough's sewer system. Water discharged from the boiler room is not currently metered.

Findings

The project's consumptive water use is subject to Commission approval and reporting requirements as per Commission Regulation §803.42 regarding the consumptive use of water.

The applicant obtains water from both a public supplier and an on-site well. The water from each source is metered prior to entering the plant. The applicant meters all of the effluent discharged to the Borough of Elizabethtown's sanitary sewer system, with the exception of the blowdown from the boiler room. Though the water discharged from the boiler room is not metered, there is a usage meter on the water conditioning system that can be used to estimate the boiler room discharge. The water conditioning system treats only the make-up water supplied to the boilers. Accordingly, the usage meter can be used to record the quantity of water supplied to the boilers. The applicant estimates that 5 percent of the boiler makeup water is lost due to evaporation; therefore, an estimated 95 percent of the boiler make-up water is discharged to Elizabethtown's sanitary sewer system. The difference between the sum of the metered public and well water withdrawals and the sum of the total metered outflow and estimated boiler blowdown water is the quantity of consumptive water use that is subject to water compensation requirements.

The consumptive use of water by the project is subject to water compensation requirements as per Commission Regulation §803.42. To satisfy these requirements, the applicant has agreed to pay the Commission quarterly in-lieu-of providing actual compensation water use.

The applicant began operations at the facility in the fall of 1970 and has indicated that consumptive water use at this time was likely to have been low; however, the applicant is lacking documentation to quantify the pre-1971 consumptive water use. Therefore, the applicant has requested no "grandfathered" quantity of consumptive water.

The well used to supply water to the cooling towers has been in use since August 1976 and, therefore, is not subject to the Commission's ground-water withdrawal regulation, which has an effective date of July 13, 1978. Should the applicant propose to increase the ground-water withdrawal in excess of 100,000 gallons per day above the quantity that the project was withdrawing prior to the said effective date of the regulation, approximately 0.08 mgd, the applicant shall apply to the Commission for approval.

The applicant has paid the appropriate application fee, pursuant to Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by

Commission Resolution 2000-06. The applicant has provided all proofs of notification, as called for in Commission Regulation §803.25.

The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Compliance Incentive Program

Commission staff has determined that the applicant is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the applicant is not subject to any penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project as of January 1, 2001.

Decision

The consumptive water use of up to 0.250 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The applicant shall comply with all Commission regulations, including consumptive water use reporting requirements as per Commission Regulation §803.42.

b. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly and as otherwise requested. The applicant shall compute consumptive water use by subtracting the total quantity of metered wastewater and estimated boiler blowdown water discharged by the facility to the Borough of Elizabethtown's sanitary sewer system from the total quantity of water provided to the facility by the Borough of Elizabethtown and withdrawn from Well 6. The applicant shall maintain the existing meters, accurate to within five percent, to calculate the consumptive water use.

c. The applicant shall comply with water conservation requirements as per Commission Regulation §804.20 (b).

d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the applicant shall make quarterly payments to the Commission in the amount of \$0.14 per 1,000 gallons of water consumptively used by the project. Payment amounts shall be calculated by applying this rate to the amount of water used consumptively by the project during the preceding calendar quarter. Quarterly payments are due and payable within 30 days after the close of the preceding quarter. The rate of payment, after appropriate notice to all consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

e. The applicant is eligible for the Commission's Compliance Incentive Program (CIP). Therefore, the applicant is not subject to any penalties for prior noncompliance. In accordance

with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The applicant shall provide records of its water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used during the period from January 1, 2001 until the effective date of this approval. This payment shall be included in the first quarterly payment made by the applicant in accordance with the requirements of condition (d) above.

f. This action shall not be construed to exempt the applicant from obtaining all necessary permits and/or approvals required for the project from other federal, state or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend or revoke this action if the applicant fails to obtain or maintain such approvals.

g. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such non-compliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the non-compliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

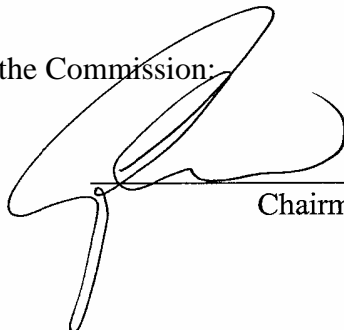
h. The Commission reserves the right, based upon new findings, to reopen any project docket and make additional orders that may be necessary to mitigate or avoid adverse impacts or otherwise to protect the public health, safety, welfare or the environment. Commission approval confers no property rights upon project sponsors.

i. This approval is effective until August 9, 2026. The applicant shall submit a renewal application by February 9, 2026 and obtain Commission approval prior to continuing operation beyond August 9, 2026.

j. If the project is discontinued for such a period of time and under such circumstances that an abandonment of the project may reasonably be inferred, the Commission may rescind the approval of the project unless a renewal is requested by the applicant and approved by the Commission.

By the Commission:

Date: August 9, 2001



Chairman