



SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

Phone (717) 238-0423 • Fax (717) 238-2436

Web <http://www.srbc.net>

Docket No. 20030809

Approval Date: August 14, 2003

EMPIRE KOSHER POULTRY, INC.

Ground-Water Withdrawal (30-Day Average) of 0.770 mgd from 12 wells:

Wells 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, and 17,

for the Processing of Kosher Poultry

Walker Township, Juniata 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 §803.43, relating to ground-water withdrawals. The Commission received the original application on July 2, 2001, and an amended application on June 17, 2003.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of ground water for the processing of kosher poultry.

Location. The project is located in the Juniata Subbasin, HUC 02050304, Juniata River Watershed, Walker Township, Juniata County, Pennsylvania.

Project Features. The project sponsor has requested approval for the withdrawal (30-day average) of 0.770 million gallons per day (mgd) of water from its well field, which consists of 12 wells. The facility typically operates 4 days per week, and peak daily withdrawals approach 1.7 mgd.

In addition to the ground-water withdrawal, Empire Kosher also purchases approximately 86,900 gpd from the Mifflintown Municipal Authority.

Water is used for one or more of the following: ice production, steam generation, product absorption, evaporative losses from the cooling towers and the wastewater treatment system, production water and potable water. According to the project sponsor, consumptive water use currently is approximately 0.030 mgd on a peak day. The consumptive use of water predates Commission Regulation §803.42.

The facility began operations in the mid-1900s, and the project sponsor has drilled 17 production wells in a well field located adjacent to the Juniata River. Five (5) of these wells (Wells 1, 2, 3, 4, and 8) have been abandoned. Three (3) of the 12 active wells, Wells 5, 6, and 7, were drilled prior to 1978, the effective date of the ground-water withdrawal regulation.

Data for the 12 active wells are limited, however, each of these wells apparently had initial yields of greater than 200 gpm (0.288 mgd). All 12 wells are open-rock boreholes, drilled into the Wills Creek Formation. The Wills Creek Formation is comprised of principally shale, siltstone, and calcareous shale, with some limestone, which is tightly folded in the project area. Bedrock has generally moderate-to-steep dip with a strike towards the adjacent Juniata River. Well logs indicate the presence of permeable valley-fill sand-and-gravel alluvium, which extends to depths of 30 to 45 ft, beneath finer textured, over-bank, flood-plain deposits (vertical accretion material). The following table summarizes the available data.

| Well No. | Total Depth (ft) | Casing Depth (ft) | Pump Capacity (gpm) | Current Average Withdrawal (mgd) | Pre-1978 |
|----------|------------------|-------------------|---------------------|----------------------------------|----------|
| 5* | 200 | 28 | 210 | 0.024 | 0.156** |
| 6* | 305 | 41 | 225 | 0.024 | 0.156** |
| 7* | 310 | 39 | 225 | 0.005 | 0.156** |
| 9 | 400 | 68 | 250 | 0.009 | N/A |
| 10 | 297 | 42 | 200 | 0.024 | N/A |
| 11 | 292 | 40 | 260 | 0.024 | N/A |
| 12 | 290 | 39 | 291 | 0.131 | N/A |
| 13 | 375 | 118 | 230 | 0.131 | N/A |
| 14 | 400 | 81 | 209 | 0.131 | N/A |
| 15 | 400 | 82 | 220 | 0.131 | N/A |
| 16 | 400 | 100 | 220 | 0.131 | N/A |
| 17 | 400 | 100 | 220 | 0.131 | N/A |

*Pre-1978 wells

**Based on a recorded 0.625 mgd withdrawal from four pre-1978 wells, or approximately 0.156 mgd per well.

Pumping Test. The 12 active wells at the facility were drilled between 1972 and 1988. No records of pumping tests for any of the wells has been found by the project sponsor, which may be due, in part, to records lost in the 1986 plant fire. Because the wells have been in service for a long time (15 to 31 years), and because there are no reported incidents of impacts to adjacent water users, the project sponsor requested a waiver from the pumping test requirements.

Findings

The project is subject to Commission approval and reporting requirements, as per Commission Regulation §803.43.

The project sponsor requested a waiver from the pumping test requirements, based on the historic use of its well field. In the absence of pumping test information, Commission staff reviewed available hydrogeologic information on the site to estimate the impact from the

withdrawals at the well field. To assist in this assessment, the project sponsor was able to provide some hydrogeologic information on the site, including: (1) a 1982 water-table-contour map for the well-field area; and (2) recent ground-water-level data from two on-site bedrock monitoring wells located within the well field.

Given the combination of moderate-to-steep bedrock dip, with bedding strike trending from the Juniata River toward the well field, and the presence of permeable valley-fill alluvium on top of bedrock, there is a high potential for the well field to induce infiltration of surface water from the adjacent Juniata River.

The water-table-contour map for the area of the well field during a period when the wells were pumping showed minimal drawdown within the well field, suggesting either high transmissivity to the aquifer or induced infiltration from the adjacent Juniata River. Recent water-level data from two bedrock water-quality monitoring wells located within the well field, supplied by the project sponsor, shows a continuing pattern of minimal drawdown within the well field. The center of the collective cone of depression from the well field is not deep, and if it is not deep, significant drawdown from the well field is not likely to be laterally extensive.

While water-level data suggest that significant water could be induced from the Juniata River by the well field, water-quality data indicate that induced infiltration from the Juniata River is probably less than half of the withdrawn ground water. Analyses of water from wells in the well field show high sulfate concentrations (136-140 milligrams per liter (mg/l)), which is typical of ground water in the Wills Creek Formation. Commission studies indicate that the adjacent Juniata River is typically low in sulfate (30+/- mg/l).

Although some of the withdrawn water is probably induced as infiltration out of the Juniata River, these water quality data suggest that the withdrawn water is, in large part, ground water. If it was largely induced surface-water infiltration, sulfate concentrations at the wells would probably be lower.

If the entire 0.77-mgd average withdrawal was induced from the Juniata River, the withdrawal would constitute only 0.4 percent of Q 7-10.

Commission staff recommends that the pumping test requirement be waived.

Wells at the well field are not metered individually, but are clustered together on three different manifolds entering the plant. A meter is provided on each of these manifolds. However, the meters currently are inoperative. Commission staff recommends acceptance of this method of metering the ground-water withdrawal, and that the meters be repaired.

The project has been in operation since the mid-1900s, and consumptive water use at the facility predates Commission Regulation §803.42. The project sponsor has agreed to Commission staff's calculated pre-1971 consumptive water use of 0.049 mgd for poultry processing and, for purposes of this docket, this quantity of water used for poultry processing is considered "grandfathered" and is exempt from water compensation requirements.

Should the facility's 30-day average consumptive water use increase by 0.020 mgd and exceed 0.069 mgd, the project sponsor should immediately notify the Commission and submit an application for approval of the consumptive water use.

The project is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(b).

The project sponsor has paid the appropriate application fee in accordance with Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06. The project sponsor has provided all proofs of notification, as called for in Commission Regulation §803.25.

No adverse impacts on other area ground-water withdrawals and on the environment are anticipated. 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 project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water withdrawn in violation of Commission Regulation §803.43 prior to January 1, 2001.

Decision

The project's ground-water withdrawal of a total of 0.770 mgd (30-day average) from Wells 9, 10, 11, 12, 13, 14, 15, 16, and 17 is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The project sponsor shall comply with all Commission regulations, including ground-water withdrawal reporting requirements, as per Commission Regulation §803.43.

b. The project sponsor shall keep weekly records of the metered withdrawals from the 12 wells in the well field, and weekly water levels from each of the wells. The meters on the three (3) manifolds leading to the plant shall be repaired and then maintained, accurate to within five (5) percent, and these three (3) meters shall be used for this reporting in-lieu-of meters on each of the 12 wells. Alternatively, the project sponsor could propose an alternate ground-water elevation monitoring plan to the Commission for staff review and approval. The required reporting data shall be submitted to the Commission annually, and as otherwise required. Annual monitoring reports are due within sixty (60) days after the close of the preceding year.

c. The maximum instantaneous rate of production from each of the 12 wells shall not exceed the pump capacities listed in the table (page 2).

d. The project sponsor shall comply with water conservation requirements, as per Commission Regulation §804.20(b).

e. If an increase in the project's consumptive water use exceeds the threshold specified in Commission Regulation §803.42, the project sponsor shall submit the appropriate application for review and approval by the Commission.

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to penalties for its prior noncompliance.

g. The constant rate pumping test requirements specified in Commission Regulation §803.43 (b) are hereby waived.

h. If the Commission determines that the operation of the project's ground-water withdrawal from the well field adversely affects any existing ground-water or surface-water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

i. Commission approval shall not be construed to exempt the project sponsor 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 project sponsor fails to obtain or maintain such approvals.

j. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without advance notice or a search warrant, 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. Such employees or agents shall be authorized to conduct tests or sampling, to take photographs, to perform measurements, surveys, and other tests, to inspect the methods of construction, operation, or maintenance, to inspect all measurement equipment, to audit, examine, and copy books, papers, and records pertinent to any matter under investigation, and to take any other action necessary to assure that the project is constructed, operated, or maintained in accordance with the terms and conditions of this approval or any other rule, regulation, or order of the Commission.

k. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. 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, or from imposing fines and penalties, regardless of the period of noncompliance.

l. The Commission reserves the right to reopen any project docket 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.

m. 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.

n. This approval is effective until August 14, 2028. The project sponsor shall submit a renewal application by February 14, 2028, and obtain Commission approval prior to continuing operation beyond August 14, 2028.

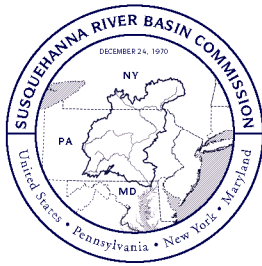
o. If the project is discontinued for such a period of time and under such circumstances that an abandonment of the project may reasonably be inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

By the Commission:

Dated: August 14, 2003



Cathy Curran Myers, Chair
Pennsylvania Commissioner



SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

Docket No. 20030809-1

Approval Date: August 14, 2003

Modification Date: June 7, 2012

EMPIRE KOSHER POULTRY, INC.

**Total System Withdrawal Limit (30-Day Average) of 1.269 mgd
from 12 Wells: Wells 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, and 17**

Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts are anticipated by the operation of this project, and that 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. Accordingly, the Commission hereby approves the requested modification to the project, as described herein, in accordance with the conditions set forth below.

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: | Empire Kosher Poultry, Inc. |
| Approval Type: | Groundwater Withdrawal |
| Authorized Water Use Purpose: | Processing of Kosher Poultry |
| Municipality: | Walker Township |
| County: | Juniata County |
| State: | Pennsylvania |

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 |
| Withdrawal Source: | Wells 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, and 17 |
| Subbasin: | Juniata |
| Watershed Boundary Dataset (WBD): | 0205030408 (Juniata River) |
| Withdrawal Location (degrees)*: | Lat: 40.55925 N Long: 77.40027 W |
| Special Flow Protection Required: | No |
| * Because the project includes multiple withdrawal locations, the coordinates provided correspond to the center point of the facility. All withdrawal locations are located within 1,500 feet of the center point of the facility. | |

Section 4. Approved Withdrawal Quantities and Limitations

The total system withdrawal approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

| Approved Withdrawal Quantities and Limitations | |
|--|-------|
| Total System Withdrawal Limit (30-Day Average) (mgd): | 1.269 |
| mgd – million gallons per day | |

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

Section 5. Existing Approved Withdrawals

Quantities applicable to the existing approved withdrawals are listed in the table below. The proposed modification does not include requests to increase the previously approved individual withdrawal limits from any of the existing sources identified in the table below.

| Existing Approved Groundwater Withdrawals | | | |
|--|---|------------------------------|-------------------------------|
| Source | Maximum Instantaneous Withdrawal (gpm) | Commission Docket No. | Docket Expiration Date |
| Well 5 | 210 | 20030809 | August 14, 2028 |
| Well 6 | 225 | 20030809 | August 14, 2028 |
| Well 7 | 225 | 20030809 | August 14, 2028 |
| Well 9 | 250 | 20030809 | August 14, 2028 |
| Well 10 | 200 | 20030809 | August 14, 2028 |
| Well 11 | 260 | 20030809 | August 14, 2028 |
| Well 12 | 291 | 20030809 | August 14, 2028 |

| Existing Approved Groundwater Withdrawals | | | |
|--|---|------------------------------|-------------------------------|
| Source | Maximum Instantaneous Withdrawal (gpm) | Commission Docket No. | Docket Expiration Date |
| Well 13 | 230 | 20030809 | August 14, 2028 |
| Well 14 | 209 | 20030809 | August 14, 2028 |
| Well 15 | 220 | 20030809 | August 14, 2028 |
| Well 16 | 220 | 20030809 | August 14, 2028 |
| Well 17 | 220 | 20030809 | August 14, 2028 |
| gpm – gallons per minute | | | |

Section 6. Grandfathering Determination – Consumptive Water Use

The quantities applicable to the project’s grandfathering determination for existing consumptive water uses are listed in the table below.

| Grandfathered Consumptive Water Use | | |
|---|---|---|
| Consumptive Water Use | Source | Peak Day Consumptive Water Use (mgd) |
| 1. Poultry processing 2. Product absorption, cooling tower evaporation 3. Steam boiler evaporation 4. Wastewater treatment system and pond evaporation | 1. Wells 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, and 17 2. Mifflintown Municipal Water Authority | 0.049 |

Section 7. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 from time to time.

2. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals and consumptive use. Following approval of the proposed metering plan, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved plan and schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meters when they have been installed, provide the serial numbers of the meters, and certify the accuracy of the measuring devices to within five (5) percent of actual flow.

3. Within ninety (90) days from the date of this approval, the project sponsor shall submit a plan to Commission staff for review and approval for the implementation of a groundwater elevation monitoring program in accordance with Commission Regulation 18 CFR §806.30(a)(4). The plan shall include proposed methods for the daily measurement and recording of groundwater elevations in the sources listed in Section 5. Following approval, the project sponsor shall execute the plan and complete installation of water level monitoring equipment in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented. Thereafter, the groundwater elevation data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter.

4. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

5. The project sponsor shall keep daily records of the project's withdrawals and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

6. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, 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.

7. The project sponsor shall keep daily records of the project's consumptive water use and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor 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. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

14. This project is approved for inclusion in the Commission's Comprehensive Plan for the Water Resources of the Susquehanna River Basin.

15. In accordance with Commission Regulation 18 CFR §806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's anticipated withdrawals or consumptive uses be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. 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.

18. This modified approval is effective until August 14, 2028, the term of the prior docket approval. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by February 14, 2028, which will authorize continued operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application.

Section 8. Special Conditions

19. All other conditions in Commission Docket No. 20030809 not inconsistent herewith shall remain effective.

20. Should the project's anticipated consumptive water use exceed the grandfathered quantity listed herein, the project sponsor shall immediately notify the Commission and submit an application for approval of its consumptive water use.

21. Should the project's anticipated total system demand be expected to exceed the approved total system withdrawal limit herein, the project sponsor is required to make application for modification to this approval at that time.

22. The project sponsor shall maintain legal access to the withdrawal locations for the duration of the approval.

CERTIFICATION: I, Stephanie L. Richardson, 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 7, 2012.

Dated: June 8, 2012


Stephanie L. Richardson