



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20021002

Approval Date: October 10, 2002

ELKVIEW COUNTRY CLUB

Consumptive Water Use of Up to 0.277 mgd, for Golf Course Irrigation,
Greenfield and Fell Townships, Lackawanna 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 August 24, 2000.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for irrigation of greens, tees, and fairways at an existing 18-hole golf course.

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Fall Brook Watershed, Greenfield and Fell Townships, Lackawanna County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.277 million gallons per day (mgd). Based on irrigation data for the years 2000 and 2001 submitted by the project sponsor, Commission staff calculates the project's maximum average 30-day consumptive water use to be 0.086 mgd and current peak-day consumptive water use to be 0.252 mgd.

The source of water is an existing withdrawal from Crystal Lake that predates Commission Regulation §803.44, relating to surface-water withdrawals. The withdrawal has not increased more than 0.100 mgd since November 11, 1995, the effective date of the regulation, and therefore, is not subject to the regulation.

The project was constructed as a 9-hole golf course in 1919, and has been in continuous operation since that time. The course was expanded to 18 holes in 1959. The irrigation of the greens and approximately half of the tees began in 1959. In 1985, the irrigation system was expanded to include the remainder of the tees and the fairways.

Water for the irrigation system is withdrawn from Crystal Lake and directly applied to the golf course through the irrigation system. Crystal Lake is adjacent to the golf course property. The lake has a surface area of approximately 191 acres and holds approximately 425 million gallons of water. The project sponsor has withdrawn irrigation water from Crystal Lake since 1959. The current surface-water withdrawal is accomplished using a pumping station containing two pumps with a combined capacity of 700 gallons per minute (gpm). The irrigation system is equipped with a flow meter.

Findings

The project is subject to Commission approval and reporting requirements, as per Commission Regulation §803.42.

All water used for golf course irrigation is considered to be used consumptively. The pumping station is equipped with a meter that measures the quantity of water pumped to the irrigation system. Crystal Lake predates the Commission's consumptive use regulations and, therefore, the project sponsor is not required to provide compensation for evaporative losses from the lake.

The project sponsor has requested a consumptive water use approval of up to 0.277 mgd. Based on an analysis of irrigation records supplied by the project sponsor, Commission staff is recommending approval of the requested amount, which represents an increase of approximately 10 percent above the current peak-day use of 0.252 mgd. This will allow for an anticipated increase in water usage over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.277 mgd, the project sponsor must apply for a modification to this docket at that time.

Commission staff and the project sponsor have agreed to a pre-1971 consumptive water use of 0.012 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water in excess of the grandfathered quantity is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water used for irrigation, minus the pre-1971 consumptive use of 0.012 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

The project's surface-water withdrawal from Crystal Lake has been in operation since 1959 with no passby controls in use at the site. The project sponsor reports that an agreement existed with the former owner of the lake, Pennsylvania Gas & Water Company (PG&W), for the project's use of water from the lake. In the 1990s, PG&W was sold to Pennsylvania-American Water Company (PAWC), who assumed all rights, contracts, and easements to the waters of Crystal Lake. PAWC operates Crystal Lake as a public water supply for the Carbondale portion of its Scranton system.

The project is subject to water conservation requirements, as per Commission Regulation §804.20(c).

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.

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 consumed in violation of Commission Regulation §803.42 prior to January 1, 2001.

Decision

The project's consumptive water use of up to 0.277 mgd 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 consumptive water use reporting requirements, as per Commission Regulation §803.42.

b. 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. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.

c. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.012 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. 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.

d. The project sponsor shall comply with the water conservation requirements contained in Commission Regulation §804.20(c).

e. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its 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 project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.012 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (c) above.

f. 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.

g. 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.

h. 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. 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 sponsor fails to address the noncompliance 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, or from imposing fines and penalties, regardless of the period of noncompliance.

i. 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.

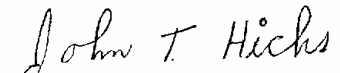
j. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

k. This approval is effective until October 10, 2027. The project sponsor shall submit a renewal application by April 10, 2027, and obtain Commission approval prior to continuing operation beyond October 10, 2027.

l. 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: October 10, 2002



John T. Hicks, Chairman
New York Commissioner



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20021002-1

Approval Date: October 10, 2002

Modification Date: May 29, 2020

ELKVIEW COUNTRY CLUB

Consumptive Use (Peak Day) of up to 0.277 mgd; Greenfield and Fell Townships, Lackawanna County, Pennsylvania

Susquehanna River Basin Commission (Commission) Docket No. 20021002 authorized the above-referenced project, subject to conditions including consumptive use mitigation requirements for evaporative losses.

On March 13, 2020, the Commission adopted Resolution No. 2020-02 (Resolution) and companion Policy No. 2020-01 (Policy), which clarified the interpretation of consumptive use mitigation rules as applied to certain water impoundment evaporation (ponds, tanks, etc.).

Pursuant to, and consistent with, the Resolution and Policy, the Executive Director hereby modifies this facility's approval to clarify that the evaporative losses from the defined structures are not subject to consumptive use mitigation, in accordance with the conditions set forth below.

Conditions

1. Effective April 1, 2020, consistent with the Resolution and Policy, evaporative losses for this facility's impoundments are not subject to consumptive use mitigation and shall be excluded from reported daily consumptive use quantities.

2. All other limitations and conditions in Commission Docket No. 20021002 not inconsistent herewith shall remain effective.

This modified approval is issued by the Executive Director pursuant to the authority set forth in Commission Resolution No. 2020-02.

Dated: May 29, 2020

A handwritten signature in blue ink, appearing to read "Andrew D. Dehoff".

Andrew D. Dehoff, Executive Director