



SUSQUEHANNA RIVER BASIN COMMISSION

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TRANSFERRED

To: City of DuBois

Date: April 14, 2026

Docket No. 20060304
Approval Date: March 15, 2006

CITY OF DUBOIS

Withdrawal of Up to 3.000 mgd from Anderson Creek Reservoir,
and Consumptive Water Use Through an Out-of-Basin Diversion
of Up to 3.000 mgd, for Water Supply to the City of DuBois,
Clearfield County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to consumptive water use and the diversion of water from the basin. The Commission received the consumptive water use application on October 5, 2005. The project sponsor submitted additional information relating to the out-of-basin diversion to the Commission on January 23, 2006.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of water from Anderson Creek Reservoir and diversion of water from the basin to supply water to the City of DuBois and its subsidiary water suppliers.

Location. Anderson Creek Reservoir is located in the West Branch Susquehanna River Subbasin, HUC 02050201, Anderson Creek Watershed, in Union Township, Clearfield County, Pennsylvania. The City of DuBois is located in the Ohio River Basin, Allegheny River Watershed, outside of the Susquehanna River Basin, approximately five miles west of the Anderson Creek Reservoir.

Background. The City of DuBois has operated a public water supply system using Anderson Creek Reservoir since the reservoir's construction in 1903. Water is withdrawn from the reservoir and conveyed through a 6-foot by 7-foot tunnel, approximately 3,450 feet in length and a 20-inch cast-iron main 12,800 feet in length, to the treatment plant located within Union Township. The City of DuBois has operated its withdrawal and diversion under an Order of Confirmation (No. WA-41) issued in 1943 by the Pennsylvania Department of Forests and Waters, Water and Power Board, now the Pennsylvania Department of Environmental Protection

(PADEP). The Order allocates up to 3.000 million gallons per day (mgd) and contains no expiration date.

The City of DuBois' diversion is recognized in the Commission's Comprehensive Plan as an authorized pre-Compact diversion. Historically, the City of DuBois provided water to the City, the Borough of Sykesville, and Sandy Township.

Union Township Municipal Authority (UTMA) has requested approval to purchase treated water from the City of DuBois, based on a 1996 agreement between the City of DuBois and UTMA. Exercising this option creates a new service area for the City of DuBois beyond that when the applications and associated permits for the 3.000 mgd were issued. This expanded service area is not covered by the pre-Compact authorization, and any diversion or transfer of water beyond the service area originally permitted is subject to Commission review and approval. Thus, the City of DuBois has made application to the Commission for approval of the diversion from the basin.

Project Features. The project sponsor has requested approval for a surface water withdrawal of up to 3.000 mgd from Anderson Creek Reservoir, and a consumptive water use through an out-of-basin diversion of up to 3.000 mgd (peak daily water requirement).

Anderson Creek Reservoir, constructed in 1903, is supplied water from Anderson Creek, Dressler Run, and Montgomery Run. The drainage area of the reservoir is approximately 26 square miles. The reservoir has a surface area of 210 acres and a design capacity of 615 million gallons. Water is conveyed by gravity from the reservoir to the treatment plant.

UTMA currently purchases raw water from the City of DuBois' Anderson Creek Reservoir and treats the water at its own filtration plant to supply to customers residing both inside and outside of the Susquehanna River Basin. The diversion of up to 0.057 mgd from the Susquehanna River Basin is approved in Commission Docket No. 19920701.

The distribution system is 100 percent metered. Current annual average daily demand of the City of DuBois system is 1.682 mgd and the peak day withdrawal is 2.153 mgd.

Effluent from the City of DuBois system is treated at the City of DuBois wastewater treatment plant or the Sandy Township Slab Run wastewater treatment plant. The City of DuBois wastewater treatment plant discharges to Sandy Lick Creek and the Sandy Township Slab Run wastewater treatment plant discharges to Wolf Run, which is a tributary to Sandy Lick Creek, both located in the Ohio River Basin. Some effluent is discharged to on-lot systems.

Coordination. Commission staff has coordinated with the PADEP Northcentral Region Office during review of the project. Commission staff also has coordinated with PADEP Division of Water Use Planning, PADEP Division of Dam Safety, and the Pennsylvania Fish and Boat Commission. PADEP is holding its approvals of water allocation permits for Sandy Township Water and Sewer Authority and UTMA, pending Commission action.

Findings

The project's diversion of water from the basin and withdrawal from Anderson Creek Reservoir are subject to Commission review and approval, as per Commission Regulations §803.42 and §803.44. The application also has been reviewed with respect to Commission Policy No. 98-01, regarding diversions of water from the Susquehanna River Basin and past decisions of the Commission regarding out-of-basin diversions.

All water withdrawn from Anderson Creek Reservoir and transmitted for water supply to DuBois constitutes a diversion of the Susquehanna River Basin's waters as defined in Section 1.2(4) of the Compact. The diverted waters are considered to be consumptively used under Commission Regulation §803.42. The daily metered withdrawal from Anderson Creek Reservoir should be used to determine the daily consumptive water use. The daily records should be submitted to the Commission quarterly, and as otherwise required, to document the out-of-basin diversion.

Average and maximum demands on the City of DuBois' water system currently are 1.682 mgd and 2.153 mgd, respectively. Projections by the project sponsor for the year 2035 indicate a maximum need for 2.400 mgd. This level of demand includes bulk sales of 0.474 mgd to other water suppliers. Currently, the amount of bulk sales is 0.157 mgd.

The project sponsor has requested a consumptive water use approval of up to 3.000 mgd, and Commission staff is recommending approval of the requested amount. Should the project sponsor's future consumptive water use be expected to exceed 3.000 mgd, the project sponsor must apply for a modification to this docket at that time.

This diversion began in 1903. Commission staff has determined that the pre-1971 diversion and consumptive water use for the City of DuBois was 2.500 mgd, based on a peak 30-day average. For purposes of this docket, the pre-1971 quantity of water consumptively used by the City of DuBois water system is considered "grandfathered," and is exempt from water compensation requirements, although the project would not be exempt from other Commission regulations, including those related to environmental protection and reporting requirements.

In addition to the City of DuBois, the water was historically supplied to Sandy Township and the Borough of Sykesville. The expanded service area into Union Township is not covered by the pre-Compact authorization and is subject to Commission review and approval. Therefore, Commission staff finds that the entire use by UTMA is subject to Commission Regulation §803.42. The project sponsor should install accurate measuring and recording devices to monitor the amount of water sold to UTMA.

The project's diversion and consumptive use of water in excess of the grandfathered quantity and outside of the original service area are subject to compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor should make quarterly payments to the Commission in lieu of providing actual compensation water or discontinuing use.

Anderson Creek below the dam is a Class D Brown Trout Cold Water Fishery. Commission staff calculates the 7-day, 10-year flow (Q7-10) for the 26-square-mile drainage area to be 2.06 cubic feet per second (cfs) equal to 1.330 mgd. The project sponsor is required to adhere to a specified minimum release requirement of 1.520 mgd (2.35 cfs) from Anderson Creek Reservoir at all times, according to PADEP Permit No. D17-005A (Bureau of Dams, Waterways, and Wetlands). Commission staff finds that the minimum release requirement satisfies Commission Policy No. 2003-01, "Guidelines for Using and Determining Passby Flows and Conservation Releases." The project sponsor should maintain accurate measuring and recording devices to demonstrate that the minimum release is maintained, and report these data to the Commission.

The project sponsor has requested an approval for a withdrawal of up to 3.000 mgd. The design capacity of the Anderson Creek Reservoir is 615 million gallons. The project sponsor has submitted "Anderson Creek Reservoir Hydraulic Analysis and Drought Contingency Plan," prepared by the City of DuBois Engineering Department, dated June 21, 1999, which evaluates the storage volume of the reservoir and storage depletion due to sediment. The plan provides a conservative estimate of available storage to be 495 mgd.

The withdrawal is subject to the Commission's water conservation requirements, as per Commission Regulation §804.20(a). The water system is 100 percent metered; however, system losses reported for 2002 were greater than 33 percent. Commission staff recognizes improvements in unaccounted for water for the years 2003 and 2004, when reported unaccounted for water equaled 19 and 20 percent, respectively. The unaccounted for water loss of less than 20 percent is less than the maximum specified in Commission Regulation §804.20(a)(1). Commission staff recommends that the project sponsor continue to achieve 100 percent compliance with the requirements and should report its results to the Commission annually.

The project sponsor has paid the appropriate application fee, in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution No. 2005-03. The project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

The project is physically feasible. This project is required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and, as a diversion, may significantly affect the water resources of the basin.

The project involves a diversion of water and a public hearing is required to be held in conjunction with the Commission's review process. Notice as required in Compact Section 3.10(5) has been provided. Commission staff also has reviewed the application according to Policy No. 98-01, as enumerated below.

Out-of-Basin Diversion Considerations

1. *Any adverse effects and cumulative adverse effects the project may have on the ability of the Susquehanna River Basin to meet its own present and future needs.*

The requested quantity of the diversion of water from the basin is still within the quantity identified in the Commission's Comprehensive Plan and approved by PADEP. Provided that the minimum release requirement is maintained, Anderson Creek will be protected from adverse habitat loss in the downstream fishery and flow loss to the basin during critical low flow periods. Further, the project's increased taking from Anderson Creek Reservoir to serve Union Township will be offset by the cessation of the existing withdrawal by UTMA approved in Commission Docket No. 19920701. Commission staff anticipates it will recommend that the Commission rescind the existing approval after the transfer of treated water to UTMA commences later this year.

2. *The location, amount, timing, purpose, and duration of the proposed diversion and how the project will individually and cumulatively affect the flow of any impacted stream or freshwater inflow of the Chesapeake Bay.*

Anderson Creek Reservoir, located in the West Branch Susquehanna River Subbasin, historically has been the sole source of supply for the City of DuBois and its subsidiary systems. Withdrawals from the reservoir occur 365 days a year and provide water to approximately 18,000 people. Providing that the City of DuBois operates in compliance with the Commission's consumptive water use regulation and other permits from PADEP, the project will have minimal increased impact beyond that contemplated in the Commission's Comprehensive Plan on the flow regimes of the Susquehanna River or the Chesapeake Bay. Focusing on low flow periods, the dam permit issued by PADEP in 1995 required the City to maintain a continuous conservation release from the dam equal to 1.520 mgd.

3. *How the project will individually or cumulatively affect other environmental, social, and recreational values.*

Commission staff finds no significant individual or cumulative social or recreational impacts. No recreational uses of the land or water resources on the reservoir property are currently authorized.

4. *Whether there is a reasonably foreseeable need for the quantity of water requested by the project sponsor and how that need is measured against other reasonably foreseeable needs in the Susquehanna River Basin.*

Yes. There is a reasonably foreseeable need for the water use by the project sponsor. Average and maximum day demands on the City of DuBois' water system are 1.682 mgd and 2.153 mgd, respectively. Projections by the project sponsor for the year 2035 indicate a maximum need of 2.400 mgd. Commission staff reviewed these projections and found them to be reasonable in light of the design capacity of the system and the opportunity for growth in the project sponsor's service area.

5. *The impact of the diversion on economic development within the Susquehanna River Basin, the member jurisdictions, or the United States of America.*

The proposed project is expected to positively impact that part of the basin immediately adjacent to the project area.

6. *The cost of the diversion versus other alternatives, including certain external costs such as impacts on the environment or natural resources.*

The project sponsor has relied on the Anderson Creek Reservoir as its sole source of supply for more than 100 years, and Union Township also currently is only supplied by Anderson Creek Reservoir. The City of DuBois has not undertaken any alternative supply studies nor have they provided an economic analysis of the environmental impacts.

7. *The amount and location of water being diverted to the Susquehanna River Basin from the importing basin.*

UTMA reports that approximately 20,000 gallons per day (gpd) of water diverted will be returned to the basin through on-lot septic systems in the township. Commission staff recommends the project sponsor provide a detailed accounting procedure to accurately measure the water returned to the basin.

8. *The proximity of the project to the Susquehanna River Basin.*

The City of DuBois is located in the Ohio River Basin, approximately five miles west of the Susquehanna River Basin divide in Clearfield County. Some of UTMA's service area is within the Susquehanna River Basin.

9. *The project sponsor's pre-Compact legal authority to withdraw or divert the waters of the basin.*

Pre-Compact uses have already been addressed in the findings section of this docket.

10. *Any policy of the member jurisdictions relating to water resource, growth, and development.*

The Commonwealth's recommended approval of the subsidiary allocation requests from Union and Sandy Townships demonstrates consistency with water resources development and planning for the Commonwealth.

11. *Any land use or natural resource planning being carried out in the importing basin?*

The project is consistent with known land use and natural resource planning at the municipal, county, state, and federal level.

12. *Has the project sponsor demonstrated that reasonable efforts have been made to develop sources within the basin of need?*

The project sponsor has relied on Anderson Creek Reservoir for more than 100 years, and as the requested quantity of withdrawal and diversion does not represent an increase in its PADEP permit, it has not explored any alternative supply within the basin of need. With appropriate water conservation measures in place and acceptable drought contingency planning that insures maintenance of the requested conservation release below the dam, the project sponsor could continue to rely on Anderson Creek Reservoir throughout the duration of this approval.

Following a thorough review of the material submitted by the project sponsor, and providing that the project sponsor meets all conditions contained in this docket and all other necessary governmental approvals, Commission staff has determined that the proposed diversion of water meets the requirements of the Commission's out-of-basin diversion policy.

Decision

1. The project's surface water withdrawal from Anderson Creek Reservoir of up to 3.000 mgd, when available, and consumptive water use through an out-of-basin diversion of up to 3.000 mgd are approved pursuant to Article 3, Section 3.10, of the Compact.

2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.

3. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42, and surface water withdrawal reporting requirements, as per Commission Regulation §803.44.

4. The project sponsor shall keep daily records of the project's consumptive water use resulting from the out-of-basin diversion, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly data are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used by the project shall be the withdrawal from Anderson Creek Reservoir.

5. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on bulk water sold to UTMA, accurate to within five (5) percent. The project sponsor shall notify the Commission, in writing, when the meter is installed.

6. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the surface water withdrawal from Anderson Creek Reservoir, accurate to within five (5) percent, and keep daily records of the project's surface water withdrawal. The project sponsor shall notify the Commission, in writing, when the meter is installed. The project sponsor shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close

of the preceding quarter. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

7. 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 within the pre-1971 service areas (City of DuBois, Sandy Township, and the Borough of Sykesville). The quantity of water consumptively used by the project within the pre-1971 service areas shall be the sum of the daily quantity of water withdrawn from Anderson Creek Reservoir, less the quantity delivered to UTMA, less the grandfathered quantity of 2.500 mgd. If the daily grandfathered amount exceeds the project's daily water use withdrawal from Anderson Creek Reservoir, that part of the 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.

8. 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 within the UTMA service area. The quantity of water consumptively used by the project within the UTMA service area shall be the sum of the quantity of water delivered to UTMA minus the quantity returned to the basin. 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.

9. Within sixty (60) days from the date of this approval, the City of DuBois shall provide certified maps documenting the extent of its current water distribution system and those of all consecutive water supply systems receiving water from Anderson Creek Reservoir. Prior to any expansion of service areas beyond the existing boundaries, the City of DuBois shall apply for a modification to this docket.

10. Within sixty (60) days from the date of this approval, the City of DuBois shall submit a plan, for Commission staff review and approval, to accurately account for the water returned to the Susquehanna River Basin via the UTMA system.

11. The project sponsor shall maintain a downstream release of water from Anderson Creek Reservoir of 2.35 cfs (1.520 mgd). The project sponsor shall keep daily records of the release, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The project sponsor shall maintain flow measurement devices and the release works shall be kept fully functional and free of debris.

12. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(a). The project sponsor shall report its unaccounted for water losses to the Commission annually.

13. This approval shall not become effective until the project sponsor certifies to the Commission that it has received a permit from PADEP authorizing the construction of the water supply facilities related to this application.

14. Pursuant to Article 12, Section 12.2, of the Compact, this project is hereby included in the Commission's Comprehensive Plan.

15. 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.

16. 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.

17. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate 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.

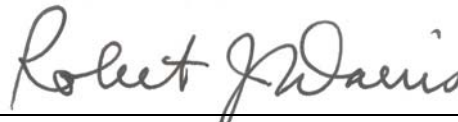
18. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

19. 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.

20. This approval is effective until March 15, 2031. The project sponsor shall submit a renewal application by September 14, 2030, and obtain Commission approval prior to continuing operation beyond March 15, 2031.

21. 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:

A handwritten signature in cursive script that reads "Robert J. Davis". The signature is written in black ink and is positioned above a horizontal line.

Col. Robert J. Davis, Jr., Chair
U.S. Commissioner

Dated: March 15, 2006