



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20061206

Approval Date: December 5, 2006

NEW MORGAN LANDFILL COMPANY, INC. dba CONESTOGA LANDFILL

Consumptive Water Use of up to 0.085 mgd, for Landfill Operations,
Robeson and Caernarvon Townships, Berks 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 the consumptive use of water. The Commission received the application on August 9, 2006.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for landfill operations.

Location. The project is located in the Lower Susquehanna Subbasin, HUC 02050305, Conestoga River Watershed, Robeson and Caernarvon Townships, Berks County, Pennsylvania.

Project Features. The project sponsor has requested approval for the consumptive use of water of up to 0.085 million gallons per day (mgd) from treated leachate, groundwater, and surface water for its operations at Conestoga Landfill. The project sponsor consumptively uses water for dust suppression, odor control, and truck and tire washing. The project sponsor estimates the current maximum day consumptive water use to be approximately 0.075 mgd, and current maximum 30-day average consumptive water use to be 0.036 mgd.

Conestoga Landfill was originally permitted by the Pennsylvania Department of Environmental Protection (PADEP) in 1994 and has been in continuous operation since that time. The project sponsor has requested approval from PADEP to expand the landfill (Phase 1 expansion plan) over the next 15 to 20 years.

Water for landfill operations is supplied by un-metered withdrawals from an abandoned quarry, a supply well (the Shop Well) that has a pumping capacity of 25 gallons per minute (gpm), and treated leachate (permeate).

Water is withdrawn from the quarry and conveyed by a 5,000-gallon tanker truck to the landfill, where it is directly applied from the truck to the haul roads. The peak day use is approximately 12,900 gallons per day (gpd). Water also is trucked to odor control devices and applied as a mist. The peak day use for odor control is approximately 11,700 gpd.

The project sponsor currently maintains a log of the daily number of truckloads of water withdrawn from the quarry.

Water withdrawn from the Shop Well is used to fill a 10,000-gallon storage tank for the truck wash. Although the truck wash collects and reuses wash water, the storage tank is also “topped off” from the tanker trucks on a daily basis to replace water lost through evaporation at the facility and as “drive off” water. The peak day use is approximately 1,000 gpd. The storage tank is drained regularly to remove accumulated sediment, and the water removed is taken to the on-site leachate treatment system. Once the tank is drained, the entire 10,000-gallon tank is refilled from the Shop Well. The project sponsor maintains a maintenance log for the storage tank.

Leachate from an on-site leachate treatment system is used at the landfill to supplement water from the quarry. The leachate treatment system is comprised of three closed-top tanks with a combined storage capacity of 2.7 million gallons. No evaporative use is associated with the on-site leachate treatment system; however, approximately 11,500 gpd of treated leachate is transported off-site and disposed of out of the basin, which is a consumptive water use. The project sponsor maintains a log of the daily number of truckloads of leachate leaving the landfill.

Two additional on-site wells (the Administration Office Well and Nature Center Well) supply drinking water and sanitary services at rates of less than 1,000 gpd.

Coordination. Commission staff has coordinated with the PADEP, Bureau of Land Recycling and Waste Management, during review of the project. PADEP approved the project’s landfill operation in 1994. PADEP staff has reviewed this docket for consistency with its permits.

Findings

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

All water used for dust and odor control, evaporated from truck and tire washing, and trucked off-site as leachate is considered to be used consumptively. The daily quantity of water consumptively used shall be the daily quantity withdrawn from the quarry and leachate treatment system for dust suppression, odor control, and truck and tire washing, plus the daily quantity of leachate transported off-site.

The project sponsor currently maintains a log of the daily number of truckloads of water withdrawn from the quarry for dust suppression, odor control, and truck washing. Commission

staff recommends that the volume of the water trucks and number of truckloads of water withdrawn from the quarry be recorded on a daily basis.

The total quantity of water consumptively used through evaporation from the truck and tire wash facility is equal to the amount used to refill the storage tank. Water delivered to the storage tank by tanker truck is accounted for, as described above. Commission staff recommends that the project sponsor install a meter to measure the daily quantity of water withdrawn from the Shop Well. The project sponsor may propose an alternative to metering for review and approval by Commission staff.

Commission staff recommends the consumptive water use of the facility be the sum of the quantity used to fill water trucks on any day from both the quarry and the leachate treatment system, plus the quantity of leachate wastewater trucked off-site for disposal.

Should the proposed accounting procedure fail to accurately measure the project's consumptive water use, the Commission reserves the right to modify the metering, monitoring, and accounting procedures. Commission staff will provide the project sponsor with written notice of any required change in the metering, monitoring, and accounting procedures. Any alternative monitoring or accounting procedure requested by the project sponsor will be reviewed and approved by Commission staff.

The project's consumptive use of water 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 project sponsor has requested a consumptive water use approval of up to 0.085 mgd. Based on an analysis of water use records supplied by the project sponsor and the future plans of the landfill, Commission staff is recommending approval of the requested amount. Should the project's future consumptive water use be expected to exceed 0.085 mgd, the project sponsor must apply for a modification to this docket at that time.

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 2005-03. The project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

The project sponsor operated in violation of Commission regulations since July 1994, when its consumptive water use exceeded the regulation threshold. Commission staff notified the project sponsor of the need to comply with Commission regulations in February 2006. The project sponsor subsequently submitted its application to the Commission, complied with application procedures, and cooperated with Commission staff during its review of the project. The project sponsor has offered a \$ 44,921 settlement to the Commission for the noncompliance

with Commission Regulation §803.4. Commission staff recommends acceptance of the project sponsor's proposed settlement.

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.

Decision

1. The project's consumptive water use of up to 0.085 mgd is 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.

4. Within sixty (60) days from the date of this approval, the project sponsor shall install a meter on the Shop Well. The project sponsor shall install and maintain metering, accurate to within five (5) percent. The project sponsor shall notify the Commission, in writing, when the meter is installed. The Commission reserves the right to inspect all measurement equipment and audit all measurement records. The project sponsor may propose alternative accounting procedures to the Commission for staff review and approval.

5. 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 are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity used for dust and odor control, evaporated from truck and tire washing, and trucked off-site as leachate for disposal.

6. 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. The daily quantity of water consumptively used shall be the total volume of water trucks filled from the quarry and the leachate treatment system, plus the volume of leachate wastewater trucked off-site for disposal. Payments shall be made quarterly and shall be calculated by applying this rate to the daily amount of water consumptively used by the project during the preceding calendar quarter. 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.

7. The project sponsor has offered a settlement by agreement, pursuant to Commission Regulation §805.27, in the amount of \$44,921 for its consumptive water use found to be in noncompliance with Commission Regulation §803.4, and is hereby accepted. Except where the

full amount of same has been tendered to the Commission in advance hereof, this action shall be contingent upon and shall not be effective until payment of the settlement amount is made to the Commission, or arrangements for such payment have been made that are acceptable to the Executive Director of the Commission. Failure to make such payment or payment arrangements with the Commission within forty-five (45) days hereof shall render this approval null and void.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(b).

9. 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.

10. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

11. 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.

12. 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.

13. 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.

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

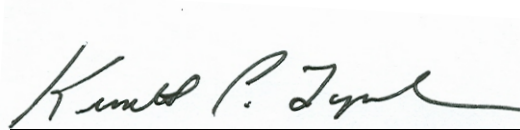
of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

15. This approval is effective until December 5, 2031. The project sponsor shall submit a renewal application by June 5, 2031, and obtain Commission approval prior to continuing operation beyond December 5, 2031.

16. If the project is discontinued for such a period of time and under such circumstances 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: December 5, 2006

A handwritten signature in black ink, appearing to read "Kenneth P. Lynch", is written over a light blue rectangular background. The signature is fluid and cursive.

Kenneth P. Lynch, Chair
New York Commissioner