



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20240619

Approval Date: June 13, 2024

TOWN OF ERWIN

**Groundwater Withdrawals (30-Day Averages) of
1.700 mgd from Well 4 and 0.634 mgd from Well 6, and
Total System Withdrawal Limit (30-Day Average) of 2.775 mgd**

Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

The project sponsor maintains and operates a public water supply system that includes six groundwater sources (Wells 2, 3, 4, 5R, 6, and 7), all of which are incorporated into the total system withdrawal limit. The project sponsor maintains an interconnection to supply water to the Town of Campbell. Based on information provided by the project sponsor, no other sources are operated by the project.

The Commission previously approved a withdrawal of 1.150 million gallons per day (mgd) from Well 4 under Commission Docket No. 19990503-1 and a withdrawal of 0.504 mgd from Well 6 under Commission Docket No. 20070602. This approval authorizes continued withdrawals from Wells 4 and 6 at the requested increased rates and maintains the total system withdrawal limit of 2.775 mgd established under Commission Docket No. 20230627.

Should demand exceed the total system withdrawal limit established herein, the project sponsor may submit a minor modification application in accordance with 18 CFR § 806.18(c)(7) to request an increase to the total system withdrawal limit, as the total system withdrawal limit established herein is based on the 15-year projected demand.

This project is located in an Environmental Justice area as identified by the New York State Department of Environmental Conservation (NYSDEC), which staff considered during review of the project. In addition to notices completed by the Commission, the project sponsor has completed all required public notices of the project application and the application was subject of a public hearing on May 2, 2024.

be considered satisfied by the evaluations completed by Commission staff under the Public Water Supply Assistance Program (PWSAP). Staff evaluated hydrogeologic setting information, results of the historical 72-hour aquifer tests of Wells 4 and 6, historical withdrawal and groundwater elevation data for Wells 4 and 6 provided by the project sponsor, and prepared Voluntary Action Plans (Plans) providing summaries of groundwater availability analysis, available data, hydrogeologic evaluations, and renewal options for Wells 4 and 6.

Commission staff evaluated the available hydrogeologic and operational data, and found that the existing data provides the necessary information for comparison to results of prior hydrogeologic evaluations and to evaluate potential impacts to other users, impacts to the environment, and the sustainability of the withdrawals at withdrawal rates of up to 1.700 mgd and 0.634 mgd from Wells 4 and 6, respectively, without requiring new testing or additional hydrogeologic evaluations. Accordingly, each Plan provided the project sponsor with an option to accept staff’s evaluation of hydrogeological data for Wells 4 and 6, apply for the quantity consistent with or less than the historical data and rate identified in each Plan (30-day averages of 1.700 mgd and 0.634 mgd for Wells 4 and 6, respectively), and utilize Commission staff’s hydrogeologic evaluation to support each renewal.

Wells 4 and 6 are approved by NYSDOH permits for flow rates of 800 gpm and 350 gpm, respectively, which correspond to the rates previously approved by the Commission. NYSDOH indicated they will work with the project sponsor to ensure treatment is adequate to support the renewal rates, but do not need to change the permit(s) for the Commission to proceed with approving at the higher requested rates. Upon modification to reflect necessary increases to the approved rates, the project sponsor shall provide updated NYSDOH approval(s) to the Commission in accordance with Special Condition 22.

The project sponsor utilized staff’s evaluations, which determined that withdrawals from Wells 4 and 6 at rates of 1.700 mgd and 0.634 mgd, respectively, should not cause permanent loss of aquifer storage, render competing supplies unreliable, or cause adverse impacts to the water resources of the basin.

Section 5. Approved Withdrawal Quantities and Limitations

The withdrawals approved hereunder are subject to the quantitative limits and restrictions set forth in the table below.

| Approved Withdrawal Quantities and Limitations | | |
|--|---------------|---------------|
| | Well 4 | Well 6 |
| 30-Day Average Withdrawal (mgd): | 1.700 | 0.634 |
| Maximum Instantaneous Withdrawal Rate (gpm) (Not to Exceed): | 1,180 | 440 |
| Peak Day Withdrawal (mgd): | 1.700 | 0.634 |
| Total System Withdrawal Limit – Wells 2, 3, 4, 5R, 6, and 7 (30-Day Average) (mgd): | 2.775 | |

The withdrawals are also subject to all other conditions set forth in this docket approval.

Section 6. Existing Approved Withdrawals

Quantities applicable to the existing approved withdrawals are listed in the table below.

| Existing Approved Groundwater Withdrawals | | | |
|--|--|------------------------------|-------------------------------|
| Source | 30-Day Average Withdrawal (mgd) | Commission Docket No. | Docket Expiration Date |
| Well 2* | 0.576 | 20070602 | June 13, 2022 |
| Well 3* | 0.576 | 20070602 | June 13, 2022 |
| Well 5R | 0.504 | 20130908 | September 18, 2028 |
| Well 7 | 1.440 | 20230627 | June 14, 2038 |
| * Renewal applications have been submitted and renewal process is ongoing. | | | |

Section 7. Grandfathering Determination – Withdrawals

All withdrawals used by the project have Commission approval.

Section 8. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. 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 over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

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

4. The project sponsor shall adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the sources listed in Sections 3 and 6. The project sponsor shall maintain and monitor the accuracy of the measuring devices in accordance with the manufacturer’s specifications.

5. The project sponsor shall keep daily records of the project’s withdrawals and groundwater elevations for the sources listed in Sections 3 and 6, and shall report the data to the

Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure, and any modifications proposed for the groundwater elevation monitoring plan, shall be submitted for review and approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

6. The project sponsor or any other person representing the project sponsor 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 18 CFR § 808.12.

7. In accordance with 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

8. In accordance with 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of all approvals to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

9. The project sponsor shall comply with the water conservation requirements specified in 18 CFR § 806.25.

10. This approval is conditioned on the project sponsor maintaining legal access to the withdrawal locations for the duration of the approval.

11. The project sponsor shall register with the appropriate agency all groundwater sources described herein, and adhere to reporting requirements as may be required by regulations of the member jurisdiction. The project sponsor shall also satisfy annual usage, capacity, and conservation reporting requirements in the form and manner prescribed by NYSDEC's Division of Water.

12. 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 sponsor is subject to enforcement actions pursuant to 18 CFR Part 808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The foregoing shall include, but not be limited to, any applicable permitting requirements of NYSDEC. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The

Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals. Furthermore, no water withdrawn by this project may be used in natural gas well development using High Volume Hydraulic Fracturing in New York State.

14. The Commission may at any time reopen any project approval 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 18 CFR § 806.32.

15. 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.

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

17. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawals that would exceed the amounts listed herein.

18. The project sponsor is required to apply for and obtain approval prior to any increase in the total system withdrawal that would exceed the approved total system withdrawal limits listed herein.

19. If the Commission determines that the operation of the project's groundwater withdrawals adversely affect 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.

Section 9. Special Conditions

20. The date of the last meter certifications for Wells 4 and 6 was May 16, 2023; therefore, the next meter certifications are due no later than May 16, 2028. Certification of meter accuracy shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

21. The project sponsor shall keep records, and shall report the same to the Commission upon request, of all persons supplied water from the project that maintain a permanent connection to the public water supply system. The project sponsor shall also keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project that do not maintain a permanent connection to the public water supply system, including daily quantities supplied.

22. Within thirty (30) days of receipt of a modification of the NYSDOH approval(s) to increase withdrawals up to the maximum instantaneous rates identified herein, the project sponsor shall provide a copy of the modified NYSDOH approval(s) to the Commission.

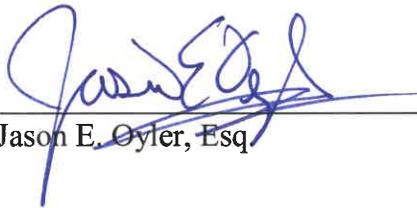
Section 10. Term

23. This approval shall be effective July 1, 2024, and shall remain effective until June 30, 2039. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2038, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

24. Commission Docket Nos. 19990503 and 20070602 shall remain effective through June 30, 2024, whereupon they shall expire.

CERTIFICATION: I, Jason E. Oyler, 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 13, 2024.

Dated: June 14, 2024



Jason E. Oyler, Esq.