



SUSQUEHANNA RIVER
BASIN COMMISSION

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NY ■ PA ■ MD ■ USA

February 22, 2023

Mr. Mark Snyder, P.E.
Vice President, Engineering
The York Water Company
130 East Market Street
P.O. Box 15089
York, PA 17401-7089

Re: Notice of Transfer of Approval;
from Franklin County General Authority to The York Water Company;
Lurgan, Letterkenny, Greene, and Hamilton Townships,
Franklin County, Pennsylvania;
Commission Docket No. 19990704

Dear Mr. Snyder:

The Susquehanna River Basin Commission (Commission) received a Request for Transfer of Approval (Commission Form #86) on September 1, 2022, for Commission Docket No. 19990704. This request indicated the change in ownership was effective August 25, 2022, from the Franklin County General Authority to The York Water Company (project sponsor). Upon review of the project and the submitted request for transfer, it was determined that the request is in compliance with the regulations and consistent with 18 CFR § 806.6(a). Therefore, the approval listed above is hereby transferred effective February 22, 2023.

A copy of the above-referenced approval is available on the Commission's Water Application and Approval Viewer (WAAV) at www.srbc.net/waav.

Please note that the project sponsor may operate under the terms and conditions of the transferred approval not inconsistent with the conditions of this transfer, provided that:

1. The project sponsor continues to meter the project's withdrawal, diversion, and consumptive use in accordance with current practices. Commission staff may request submission of an updated comprehensive metering plan to the Commission for review and approval by Commission staff that accounts for all diversions, withdrawals, and consumptive use associated with the project if warranted. Any modifications proposed by the project sponsor to the metering process 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 plan.

2. In accordance with the Commission's Regulatory Program Fee Schedule, the facility is subject to the Annual Compliance and Monitoring fee (ACMF). The ACMF is contained in the Regulatory Program Fee Schedule, which may be modified over the term of the approval. The ACMF will be invoiced separately.

Outstanding post-approval items should be submitted electronically via the Monitoring Data Website (MDW). If you have any questions regarding the submittal of post-approval conditions, please feel free to contact Steve McFeaters at (717) 238-0423, extension 1225, or via e-mail at samcfeaters@srbc.net.

Please be advised that, under 18 CFR § 808.11, you have a duty to comply with all provisions of the Susquehanna River Basin Compact (Compact), as well as the Commission's rules, regulations, orders, approvals, conditions of approval, and any other requirements of the Commission. It is your obligation to fulfill all conditions of this approval within the specified time limits and provide written notification to the Commission, as appropriate, and comply with all conditions set forth therein. Failure to meet any term or condition within the specified time may subject you to enforcement action and imposition of civil penalties pursuant to 18 CFR Part 808, Subpart B, and Section 15.17 of the Compact. Penalties range from \$50 to \$1,000 per day, per condition (which includes exceeding approved quantities), with every day being a separate offense.

Pursuant to 18 CFR § 808.2 relating to administrative appeals, any appeal to this action must be made to the Commission within 30 days of receipt of this notice. All appeals must be made in writing on the Commission's Notice of Appeal form and conform to the requirements of 18 CFR § 808.2. Pursuant to 18 CFR § 808.2(i), an appeal made under this section stays the commencement of the 90-day appeal period to Federal Court contained in Section 3.10(6) of the Compact.

Should you have any questions, please contact Todd Eaby, Manager of Project Review, at (717) 238-0423, extension 1234, or via e-mail at teaby@srbc.net.

Sincerely,



Andrew D. Dehoff
Executive Director

cc: Steven Metzler, P.E. – The York Water Company
Andrew Prosser – The York Water Company



SUSQUEHANNA RIVER BASIN COMMISSION

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Application 19990704

FRANKLIN COUNTY GENERAL AUTHORITY

Withdrawal of 2.9 mgd, based on a yearly average, from Letterkenny Reservoir and the Out-of-Basin Diversion and Consumptive Water Use of up to 1.4 mgd, for Army Depot, Industrial Park, and Public Water Supply, Lurgan, Letterkenny, Green, and Hamilton Townships, Franklin County, Pennsylvania

Review Authority

These applications were reviewed by Commission staff pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, Commission Regulation 803.42 relating to the diversion of water from the basin and consumptive use of water in the basin, and Commission Regulation 803.44 relating to surface-water withdrawals. The Pennsylvania Department of Environmental Protection (Pa. DEP) submitted the surface-water withdrawal application to the Commission for review and approval. The Pa. DEP recommended approval of the project on June 3, 1999, but is withholding issuance of the permit pending action by the Commission. The consumptive water use application was received by the Commission on November 25, 1998.

Description

Purpose. The purpose of the application is to request approval for the withdrawal of water, diversion of water from the basin, and consumptive use of water in the basin to be used for public water supply to the Letterkenny Army Depot, a redevelopment industrial park, and community water systems.

Background. The applicant has requested the right to withdraw 2.9 million gallons per day (mgd), based on a yearly average, from Letterkenny Reservoir (Roxbury Dam) in Letterkenny and Lurgan Townships, Franklin County, Pennsylvania. The prior U.S. Army withdrawal did not require Pa. DEP's review and approval under the Water Rights Act of June 24, 1939, P. L. 842 (Act 365). The U.S. Army's diversion and consumptive water use was in place prior to January 23, 1971, which is the effective date of Commission Regulation 803.42 and the Susquehanna River Basin Compact. Therefore, Commission approval of this prior diversion and consumptive water use was not required.

Location. Letterkenny Reservoir (Roxbury Dam) is located entirely within the Susquehanna River Basin. The site of the Letterkenny Army Depot and proposed redevelopment industrial park is in Letterkenny, Greene, and Hamilton Townships, Franklin County,

Pennsylvania. Major portions of these facilities and associated discharges are located within the Potomac River Basin with the remainder located in the Susquehanna River Basin.

Project Features. The Franklin County General Authority (FCGA) was formed to take ownership of the water supply and domestic sewer systems of the Letterkenny Army Depot. This acquisition will support the redevelopment of 1,500 acres of former Army Depot land and buildings as an industrial park by Letterkenny Industrial Development Authority (LIDA). The U.S. Army will retain limited facilities at the Depot to be served water supply by FCGA. In addition, FCGA proposes to directly supply potable water to three villages in Letterkenny Township. The villages of Pleasant Hall and Upper Strasburg are in the Susquehanna River Basin, while Rocky Spring village is in the Potomac River Basin. FCGA has requested approval for the withdrawal of 2.9 mgd, based on a yearly average, from Letterkenny Reservoir and the diversion and consumptive water use of up to 1.4 mgd for all of these uses. Approximately 0.5 mgd of FCGA's water use will be returned to the Susquehanna River Basin through discharges and line losses.

In addition to these potable water demands, FCGA expects to supply up to 1.0 mgd of bulk raw water to the Shippensburg Borough Authority (SBA) for supplemental water supply to that water system. Shippensburg Borough has provided FCGA with a letter-of-intent to purchase this amount in the future. SBA will need to obtain a subsidiary water allocation permit from the Pa. DEP before the withdrawal can occur. The SBA system is located entirely within the Susquehanna River Basin.

Letterkenny Reservoir has a storage capacity of 330 million gallons and a surface area of 58.8 acres at the spillway crest elevation of 874 feet. The drainage area for the dam is 33.5 square miles. A 10-mile, 16-inch PVC raw-water transmission line, installed within the last ten years, delivers water from the reservoir to the water treatment plant.

Findings

The project is subject to Commission review and approval requirements as per Commission Regulation 803.42, Commission Regulation 803.44, and Article 3, Section 3.10 of the SRBC Compact.

Commission Policy 98-06 limits the transferability of the exemption from consumptive use regulation for pre-Compact users. Since both the nature and amount of the previously exempted diversion and consumptive water use for the project has changed, the applicant's entire diversion of water from the basin and consumptive use of water within the basin are subject to SRBC approval and reporting requirements as per Commission Regulation 803.42.

The applicant has agreed to install an inflow meter, to be read daily, within the water treatment plant. In addition, the Letterkenny Reservoir withdrawal and all discharges to the Susquehanna River Basin, including the industrial wastewater treatment plant and any existing cooling water discharges, will be metered or measured daily. The proposed sale of bulk water to Shippensburg Borough Authority will be metered daily and reported to the Commission. Daily project diversions and consumptive water uses will be calculated and reported by subtracting all

daily Susquehanna River Basin discharges and bulk sales of water to Shippensburg Borough Authority from the daily withdrawal from Letterkenny Reservoir.

The Pennsylvania Fish and Boat Commission (PFBC) has studied the fishery both in Letterkenny Reservoir and downstream from the dam. The stocked brown trout habitat between the dam and the Route 997 bridge, located 2.1 miles downstream, was analyzed using the Pa. Instream Flow Model.

At the PFBC's request, the applicant's consultant, Benatec Associates, conducted "A Study of Median Monthly Outflow and Median Monthly Pool Level" for Letterkenny Reservoir. Letterkenny Reservoir is currently stocked with brook and rainbow trout, and is open to public fishing and boating (electric motors only) through an agreement between the U.S. Department of the Army and the PFBC. The PFBC owns property along the lake and operates a boat access area.

The applicant has agreed to enter into a long-term lease agreement with the PFBC relative to the use of the reservoir for public fishing and boating. In addition, at the PFBC's request, the applicant has agreed to rebuild the loading pier, extend the boat launch ramp, and study and implement instream flow need improvements downstream from the dam within one year from the time peak withdrawals reach 1.1 mgd.

The current continuous conservation release from the dam, as required in the 1957 Pa. DEP Dam Safety Permit, is 5 cubic feet per second (3.2 mgd). In light of the need to provide a balance between the needs of the reservoir and downstream fishery, the PFBC has not requested an increase in the existing continuous reservoir conservation release of 3.2 mgd. The continuous conservation release is maintained with the existing 6-inch discharge pipe fully opened. The applicant will monitor downstream flows and supplement the submerged pipe flow when reservoir drawdown exceeds one foot by operating a sluice gate or by another means to protect downstream environmental and water supply uses.

The diversion and consumptive use of water by the project is subject to water compensation requirements as per Commission Regulation 803.42. The applicant has chosen to make releases from its water storage facility as the method of compensation for the project's diversion and consumptive use of water during periods of low flow. Staff has determined that Letterkenny Reservoir (Roxbury Dam) has sufficient water storage capacity to supply the proposed future withdrawal of 2.9 mgd and still meet the downstream conservation release of 3.2 mgd during a 50-year frequency drought. The conservation release of 3.2 mgd is equivalent to the seven-day, ten-year low flow at Roxbury Dam on Conodoguinet Creek. Should the Commission regulations change in the future to increase its low flow compliance criterion of the seven-day, ten-year low flow to a higher criterion, FCGA's compliance requirement or the method of compliance may change.

The project is subject to SRBC water conservation requirements as per Commission Regulation 804.20(a). The applicant has agreed to install service meters on all customer connections within the first year of project operation. In the water allocation permit, Pa. DEP is requiring that the applicant's unaccounted-for water be reduced to a level of 20 percent or less

within five years of the date of the permit. In addition, Commission staff recommends requiring the applicant to adopt and implement a water-pricing structure that encourages water conservation.

The applicant expects its 1997 service area population of 2,200 persons to increase 153 percent by 2010, and 444 percent by 2030.

Water demand projections for the Cumberland Valley Business Park (CVBP) are based on populations related to industrial leases. Projected industrial leases were determined using constant yearly increases in building square footage occupied, reaching a build-out of the 1,500 acre park in 20 years. A minimum expected Army population of 200 was held constant for the projection period.

The 20 year projected average daily water demand for CVBP is 0.700 mgd plus 1.0 mgd for 20 heavy process users expected to use 50,000 gallons per day each. An additional 1.0 percent growth per year is estimated for years 21 through 25. Therefore the total projected 25-year water demand for CVBP is 1.785 mgd.

In addition, the applicant expects to serve drinking water to 300 residences in three small communities in Letterkenny Township. The average daily demand for these communities is 0.105 mgd.

The applicant also has projected a need to provide Shippensburg Borough Authority with 1.0 mgd of raw water through a bulk sales agreement. The total projected water demand for the entire project is, therefore, 2.9 mgd.

Based on a 50-year frequency drought, the applicant has calculated the gross safe yield for Letterkenny Reservoir to be 6.4 mgd. The six-inch pipe in the dam breast allows 3.5 mgd to discharge to Conodoguinet Creek below the dam when pool levels are at or above spillway elevations. Therefore, adequate reservoir capacity exists to provide the applicant with an average draft rate of 2.9 mgd.

The applicant has paid the application fee pursuant to Commission Regulation 803.28 and in accordance with Commission Resolution 98-19. The applicant has also provided all proofs of required notification as called for in Commission Regulation 803.25.

The applicant has investigated several other sources of water supply and has found the alternative contained in this application to be the most cost effective and environment friendly.

The Pa. DEP proposes to issue a water allocation permit giving the applicant the right to withdraw 2.9 mgd, based on a yearly average, from Letterkenny Reservoir. Conditions of the pending Pa. DEP allocation permit require the following:

- That the applicant continue to operate accurate measuring and recording devices to determine the amount of water withdrawn from Letterkenny Reservoir.

- That the applicant maintain a minimum conservation release requirement of 3.2 mgd (5 cfs) from Letterkenny Reservoir (Roxbury Dam) downstream to Conodoguinet Creek at all times. The applicant shall maintain accurate measurement and recording devices to record the daily flow in the stream channel below the reservoir.
- That the applicant install water service meters on all customer connections within one year of the date of the permit.
- That the applicant, within one year of the date of the permit, initiate a plan to reduce its unaccounted-for water to a level of 20 percent or less. A plan shall be completed within two years of the date of the permit, and overall reduction in unaccounted-for water shall be achieved within five years of the date of the permit.
- That a Pa. DEP subsidiary water allocation permit be issued before any new or additional quantity of water is supplied to any other public water supply agency.
- That the applicant submit an annual permit compliance report to the Pa. DEP.
- That the applicant adopt and implement a continuous water conservation program.
- That the applicant, within one year of the date of the permit, negotiate a long-term lease agreement with the PFBC for the use of the reservoir for public fishing and boating.
- That the applicant, within one year from the time that withdrawals reach 1.1 mgd, rebuild the PFBC loading pier and extend the PFBC launch ramp in the reservoir.
- That the maximum daily withdrawal from Letterkenny Reservoir be limited to 1.0 mgd until the applicant obtains a Public Water Supply Permit to operate the water filtration plant above that capacity.
- That the applicant finalize, within one year of the date of the permit, an agreement with Shippensburg Borough Authority (SBA) for the 1.0 mgd bulk sale between the parties. SBA must obtain a subsidiary water allocation permit for the 1.0 mgd bulk sale within two years of the date of the permit. If either of these requirements are not met, the water allocation amount will be reduced from 2.9 mgd to 1.9 mgd.
- That any wastewater improvement projects by the applicant, to the greatest extent possible, be designed to return water to the Conodoguinet Creek watershed.
- That the applicant obtain ownership of the riparian land surrounding Letterkenny Reservoir and the water system within one year of the date of the permit.
- That when withdrawals increase to 1.1 mgd, the applicant conduct an instream flow study to determine the downstream flows that are minimally acceptable for trout

fishing. Upon approval by the Pa. DEP, the applicant shall implement the instream flow study recommendations.

- That the applicant review and update the May 1998 drought contingency plan within one year from the date of the permit.
- That the applicant, within one year of the date of the permit, install accurate measuring and recording devices to determine the amount of water supply storage in Letterkenny Reservoir.

If the conditions of the pending Pa. DEP water allocation permit are met, the proposed project will not conflict with or adversely affect the SRBC Comprehensive Plan, is physically feasible, and does not adversely influence the present or future use and development of the water resources of the basin.

Out-Of-Basin Diversion Considerations

Development of In-basin Sources of Water. The U.S. Army established Letterkenny Depot in 1942, through federal eminent domain action. As acquired, the Depot straddles the watershed divide between the Susquehanna and Potomac River Basins. Its original drinking water supply was via a ground-water source at Rocky Spring, located in the Potomac River Basin. In the mid-1950's, as a result of contamination from various uncontrolled industrial waste disposal areas spread throughout the Depot, the Rocky Spring source was abandoned and replaced by constructing a surface water supply, Roxbury Dam (Letterkenny Reservoir), remote from the Depot in the Susquehanna River Basin.

Since 1957, the U.S. Army has been drawing water from Letterkenny Reservoir and maintaining its primary domestic sewer discharge into the Potomac River Basin. To eliminate the practice of discharging industrial waste on the Depot into lagoons located within both water basins, an industrial wastewater treatment plant that discharges to the Susquehanna River Basin was constructed in 1971. The Depot has been operating under its present water supply and sewerage configuration since 1971.

The 1995 Base Realignment and Closure (BRAC) action required the U.S. Army to significantly downsize its operation. Consequently, 1,500 acres of the Depot were declared excess and are being turned over to the local community. The Letterkenny Industrial Development Authority (LIDA) and its affiliated water and sewer authority, FCGA, are responsible for redevelopment of excess land into the Cumberland Valley Business Park. The Authority's main charge is to create jobs to replace those that were lost. The applicant did not have a choice on what land was declared excess or where the existing water and sewer facilities were located. Therefore, the overlap of two water basins was, and will continue to be, unavoidable.

Since the ground underlying the Depot has subsequently been declared a Superfund Site, alternative ground-water sources do not exist. Surrounding utilities and authorities (both water and sewer) do not have adequate capacity to provide service to the applicant. Use of the existing

water and sewer infrastructure is the only economically viable solution that will meet the applicant's water resources needs.

Water Needs of the Susquehanna River Basin. Letterkenny Reservoir, located in the headwaters of the Conodoguinet Creek watershed, has 330 million gallons of water supply storage capacity. Average inflow to the reservoir is estimated at approximately 26 mgd. Currently, the reservoir spills most of the time while still maintaining a continuous downstream conservation release of 3.2 mgd or greater. The conservation release, approved by the PFBC, will help protect downstream fish and aquatic life, public water supplies and other water users on Conodoguinet Creek and will benefit the Susquehanna River and Chesapeake Bay.

Along with the continuous conservation release, the reservoir can also provide up to 2.9 mgd of public water supply for the Cumberland Valley Business Park, the remaining Army mission, surrounding small communities with inadequate drinking water supplies (mostly in the basin), and the Shippensburg Borough Authority (SBA), also within the basin. The 1.0 mgd reserved for SBA will help meet that system's future water demands and reduce SBA's historic vulnerability to drought. Shippensburg Borough has filed a letter-of-intent with FCGA to purchase up to 1.0 mgd as a future, alternate water supply source. Therefore, the project has addressed and provided for all area, in-basin water demands.

Out of the 2.9 mgd requested, only 1.4 mgd has the potential to be an out-of-basin diversion. This represents less than half of the requested withdrawal and approximately 5 percent of the average daily inflow to the reservoir.

Other Environmental and Social Values. The minimum conservation release flow for Conodoguinet Creek will be maintained with the existing 6-inch discharge pipe fully open. The Authority will monitor downstream flows and supplement the submerged pipe flow with the operation of its existing sluice gates or by another means, if necessary, to protect downstream environmental values.

As a combined water and sewer authority, FCGA will act as a regional watershed manager serving the greater needs of the county and environment. In keeping with that objective, FCGA will enter into a long-term lease agreement with PFBC to maintain the reservoir as an exceptional location for public fishing and boating, surrounded by State Game Lands.

Through its master plan, LIDA will work to replace over 5,000 jobs lost by the 1995 BRAC action and create 5,000 new jobs in the next 20 years. By redeveloping the Army Depot, which is a "brownfield" industrial site, LIDA will help Franklin County prevent further loss of prime agricultural land while fostering economic growth. Significant portions of Franklin County are located within the Susquehanna River Basin.

Reasonably Foreseeable Need. Since the Depot has been classified as a National Priority List "Superfund" site because of contaminated ground water, successful redevelopment of the property depends on the use of the existing surface-water source at Letterkenny Reservoir,

remote from the Depot. Adjacent water authorities are unable to supply water service to LIDA because they have inadequate source capacity and have no infrastructure near the Depot.

Water use projections for the Cumberland Valley Business Park are based on a reuse plan that was reviewed and approved as economically viable by the U.S. Department of Defense. The Franklin County Commissioners also approved and adopted the plan and formed two authorities (LIDA and FCGA) to implement the plan. Commission and Pa DEP staff have reviewed the water use projections and determined that they accurately reflect the project's reasonably foreseeable water needs for the duration of this approval.

FCGA is implementing water conservation measures to remedy areas of non-compliance. FCGA's project operator, Earth Tech, will implement an ongoing water conservation program to:

- 1) install individual service meters on all customer connections within the first year of operation;
- 2) reduce unaccounted-for water use to 20 percent or less within five years of this approval;
- 3) maintain an ongoing leak detection and repair program and water meter management program;
- 4) implement a water conserving pricing structure;
- 5) implement a water conservation education program;
- 6) adopt and enforce a drought contingency plan for the project; and
- 7) impose water use restrictions consistent with any drought declaration by the Commission.

Economic Impacts. The current regional economy within Franklin and Cumberland Counties in Pennsylvania, much of which is within the basin, continues to be adversely affected by the re-alignment and closure of most of the Army Depot and subsequent job loss. LIDA's redevelopment of the Depot is critical to the local economy's recovery. The availability of the existing water resource and water supply infrastructure is one of the primary supporting systems that makes redevelopment of the site feasible. Without this water supply, the Cumberland Valley Industrial Park plan cannot be implemented.

The proposed project will also supply water service to adjacent small communities, most of which are within the basin. These communities currently have inadequate and unsafe drinking water supplies. In addition, Shippensburg Borough, within the basin, will be provided with a reliable supplemental source of water supply to help sustain the economic growth of that community.

Cost of the Diversion. There is no capital cost for the diversion since it has existed since Roxbury Dam was constructed in 1957 and the present domestic and industrial wastewater treatment plants were built in 1971. Conversely, to move the existing domestic wastewater treatment plant and its collection line network would cost several million dollars.

Pre-Compact Status of the Diversion. Since both the nature and amount of the diversion and consumptive water use has changed from the pre-1971 operation of the Depot by the U.S. Army, the project's entire diversion and consumptive water use is subject to SRBC approval and reporting requirements as per Commission Regulation 803.42.

Decision

The surface-water withdrawal of 2.9 mgd, based on a yearly average, from Letterkenny Reservoir and the out-of-basin diversion and consumptive water use of up to 1.4 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

a. The applicant shall comply with all requirements and conditions of Pa. DEP Permit WA 28-1005, which are incorporated by reference in this decision.

b. Commission Regulation 803.44(d) regarding the monitoring and reporting of surface-water withdrawals is waived for this docket, provided the applicant meets the monitoring and reporting requirements of Pa. DEP Permit WA 28-1005.

c. The applicant shall comply with all SRBC regulations, including the diversion and consumptive use of water reporting requirements as per Commission Regulation 803.42. The applicant shall keep daily records of the diversion and consumptive use of water, and shall provide the results to the Commission annually and as otherwise requested.

d. The applicant shall install meters, accurate to within five percent, at the Letterkenny Reservoir point of withdrawal, at all discharges to the Susquehanna River Basin, including the industrial wastewater treatment plant and any existing cooling water discharges, and the Shippensburg Borough Authority point of withdrawal, to determine the amount of water diverted from the basin and consumed within the basin. The Commission reserves the right to inspect the measurement equipment and audit all measurement records.

e. The applicant shall comply with SRBC water conservation requirements as per Commission Regulation 804.20 (a). This regulation requires the metering of all users, the reduction of unaccounted-for water to 20 percent or less, the adoption of a pricing structure that encourages water conservation, and the implementation of a water conservation education program.

f. The applicant shall, in times of drought conditions, review, update and implement the Authority's drought contingency plan. Also, the applicant shall impose water use restrictions consistent with any drought emergencies declared by the Susquehanna River Basin Commission.

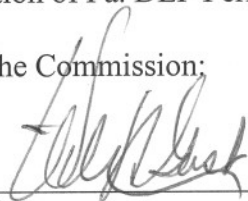
g. This action shall not be construed to exempt the applicant from obtaining all necessary permits and/or approvals required for the project from other federal, state or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend or revoke this action if the applicant fails to obtain or maintain such approvals.

h. The Commission reserves the right, based upon new findings, to reopen any project docket and make additional orders that may be necessary to mitigate or avoid adverse impacts or otherwise to protect the public health, safety, welfare or the environment. Commission approval confers no property rights upon project sponsors.

i. If the project applicant fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such non-compliance, 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 applicant fails to address the non-compliance 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.

j. This approval is effective for the duration of Pa. DEP Permit WA 28-1005.

By the Commission:



Dated: July 8, 1999

Chairman