



SUSQUEHANNA RIVER  
BASIN COMMISSION

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NY ■ PA ■ MD ■ USA

June 16, 2023

Mr. Kevin Repasky, President  
Flatbush Athletics, LLC  
940 Littlestown Road  
Littlestown, PA 17340

Re: Notice of Transfer of Approvals;  
from Flatbush Golf Course, Inc. to Flatbush Athletics, LLC;  
Mount Pleasant and Union Townships, Adams County, Pennsylvania;  
Commission Docket Nos. 20021024 and 20021024-1

Dear Mr. Repasky:

The Susquehanna River Basin Commission (Commission) received a Request for Transfer of Approval (Commission Form #86) on November 22, 2022, for Commission Docket Nos. 20021024 and 20021024-1. This request indicated the change in ownership was effective November 30, 2022, from Flatbush Golf Course, Inc. to Flatbush Athletics, LLC (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 approvals listed above are hereby transferred effective June 16, 2023.

Copies of the above-referenced approvals are available on the Commission's Water Application and Approval Viewer (WAAV) at [www.srbc.net/waav](http://www.srbc.net/waav).

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

1. Change in ownership forfeits the grandfathered status of unapproved activities. This transfer approval letter will act as the temporary approval for continued operation of withdrawals from the unapproved sources.
2. Operation of the withdrawals from the sources listed below are subject to the following quantity limits, for golf course irrigation:
  - a. Well 1: Withdrawal of 0.008 million gallons per day (mgd), as a maximum consecutive 30-day average;
  - b. Well 2: Withdrawal of 0.029 mgd, as a maximum consecutive 30-day average; and
  - c. Well 3: Withdrawal of 0.022 mgd, as a maximum consecutive 30-day average.

3. The project sponsor submits an updated comprehensive metering plan to the Commission for review and approval by Commission staff that accounts for all consumptive use associated with this approval by September 14, 2023.
4. Prior to supplying water for any use other than golf course irrigation, the project sponsor shall first submit a minor modification application under 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.
5. 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 approvals. The ACMF will be invoiced separately.
6. Commission Certificate of Registration for Grandfathered Water Use No. GF-202204213 is hereby rescinded.
7. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808.
8. The project sponsor shall maintain the totalizing meter and other flow and volume measuring devices, accurate to within 5 percent, so as to provide an accurate record of consumptive uses, and certify to the Commission once every 5 years, or as otherwise requested, the accuracy of all measuring devices and methods to within 5 percent of actual flow.
9. The project sponsor shall keep daily records of the project's consumptive use 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 30 days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor 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.
10. In accordance with 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any consumptive use limits and any conditions of this approval within 5 days of such violation or report loss of measuring or recording capabilities required under 18 CFR § 806.30(a)(1) within 5 days after any such loss.
11. 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 90 days of the change in ownership or project sponsor name change.

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

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.gov](mailto:samcfeaters@srbc.gov).

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.gov](mailto:teaby@srbc.gov).

Sincerely,



Andrew D. Dehoff  
Executive Director



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

Phone (717) 238-0423 • Fax (717) 238-2436

Web <http://www.srbc.net>

**Docket No. 20021024**

**Approval Date: October 10, 2002**

## **FLATBUSH GOLF COURSE**

Consumptive Water Use of Up to 0.050 mgd, for Golf Course Irrigation,  
Union Township, Adams 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 18, 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 Lower Susquehanna Subbasin, HUC 02050306, South Branch Conewago Creek Watershed, Union Township, Adams County, Pennsylvania.

**Project Features.** The project sponsor has requested approval for the consumptive use of water of up to 0.050 million gallons per day (mgd). The project sponsor calculates its maximum average 30-day consumptive water use to be 0.033 mgd and its peak-day consumptive water use to be 0.042 mgd. The irrigation water usage is metered.

The project was constructed as an 18-hole golf course in 1987, and has been in continuous operation since that time. The irrigation system currently in use was installed during golf course construction.

Water is supplied to the irrigation system from four ponds located on the golf course. The project sponsor estimates the total surface area of the ponds to be approximately 3 acres and to have an average depth of 4 feet. Commission staff has calculated that the project sponsor has approximately 3.9 million gallons of water stored on-site, which is sufficient storage for approximately 118 days of irrigation, based on the 2001 maximum average 30-day use of 0.033 mgd.

The storage pond system is filled primarily with water from surface runoff from the adjacent upland area. The project sponsor also maintains three wells that can be pumped to the storage ponds. The wells have a combined yield of 35 gallons per minute (gpm).

### **Findings**

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

All water evaporated from the storage ponds, as well as water withdrawn from the ponds and used for golf course irrigation, is considered to be used consumptively. Water evaporated from the ponds will be calculated by the project sponsor employing a methodology acceptable to the Commission. The irrigation system is equipped with a meter that measures the quantity of water pumped to the irrigation system.

The project sponsor has requested a consumptive water use approval of up to 0.050 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 19 percent above the current peak-day use of 0.042 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 0.050 mgd, the project sponsor must apply for a modification to this docket at that time.

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 use its own storage during low flow periods. Staff has determined that the quantity of storage is sufficient to supply the golf course during drought conditions. In order for this storage to be an acceptable method of compliance with Commission Regulation §803.42, the project sponsor must cease withdrawals from the three on-site wells and be limited to using water stored in the on-site ponds during periods of low flow or upon notice by the Commission.

The irrigation ponds collectively store an estimated 3.9 million gallons of water when at full capacity. This volume should provide approximately 118 days of irrigation, based on the maximum 30-day average use of 0.033 mgd. The project sponsor will need to maintain sufficient water storage in order to meet the project's demand for irrigation water. Staff recommends that the project sponsor submit documentation to Commission staff of the available on-site storage every five years.

The project's ground-water withdrawal has been in operation since 1987, and is not metered. The wells can be used to fill the storage ponds, if needed. The project sponsor has reported that the wells are utilized at less than 100,000 gallons during a 24-hour period and, therefore, this withdrawal is less than the threshold contained in Commission Regulation §803.43. Since the wells have a combined yield of 35 gpm, staff finds it unnecessary to install metering to document the wells' usage.

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 0.050 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 of evaporative loss from the storage ponds, plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the pond system.
- c. The project sponsor shall limit its use of water to that stored on-site and cease all withdrawals from the three on-site wells when the streamflow as measured at the U.S. Geological Survey's stream gage 01574000, located on the West Conewago Creek near Manchester, Pa., is less than 10.8 cfs. The project sponsor shall keep daily records of readings from U.S. Geological Survey's stream gage during the irrigation season, and shall report the data to the Commission quarterly, and as otherwise required.
- d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, and upon notice from the Commission during periods of low flow, as described above in condition (c), the project sponsor shall use water stored in the on-site ponds and shall cease withdrawals from the three (3) on-site wells.

The project sponsor shall provide the Commission with documentation every five (5) years certifying that sufficient water storage exists in its on-site storage pond system.

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

f. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to penalties for its prior noncompliance.

g. 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.

h. 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.

i. 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.

j. 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.

k. 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

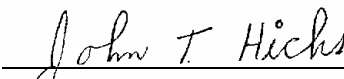
of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

l. 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.

m. 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

  
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John T. Hicks, Chairman  
New York Commissioner