



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20030405

Approval Date: April 10, 2003

LACKAWANNA COUNTY—MONTAGE MOUNTAIN

Surface-Water Withdrawal of up to 7.30 mgd, and a
Consumptive Water Use of up to 1.60 mgd, for Snowmaking and Water Slide,
City of Scranton, Lackawanna 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, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on June 27, 2001, and the application for the surface-water withdrawal on May 9, 2002.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for the production of snow and makeup water for a water slide at an existing ski resort.

Location. The project is located in the Middle Susquehanna Subbasin, HUC 02050107, Stafford Meadow Brook Watershed, City of Scranton, Lackawanna County, Pennsylvania.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of up to 7.30 million gallons per day (mgd) of water, when available, and a consumptive use of water of up to 1.60 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.490 mgd and current peak-day consumptive water use to be 1.36 mgd. The snowmaking system is equipped with metering to measure the amount of water used in snowmaking.

The project was constructed as a ski resort in 1984 and expanded to its current configuration in 1987. The primary source of water is an existing withdrawal from the former District No. 5 Reservoir. The project purchased the former District No. 5 Reservoir in May 2002. The reservoir was constructed on Stafford Meadow Brook in the mid to late 1800s to serve as a public water supply. The 10-acre reservoir currently is not equipped with a passby flow device. Although the withdrawal predates Commission Regulation §803.44, relating to

surface-water withdrawals, the project sponsor has increased its withdrawal by more than 0.100 mgd since November 11, 1995, and, therefore, is subject to the regulation.

The project sponsor estimates the current total usable storage capacity of the reservoir, for snowmaking purposes, to be approximately 19.5 million gallons, when at full capacity. This volume should provide approximately 6 days of storage, based on a conservation release of 670 gallons per minute (gpm) and a maximum average 30-day average withdrawal of 2.25 mgd for snowmaking.

The project sponsor operates a water slide during the summer months. The water for the slide system is supplied by the Scranton municipal water system. The water slide is not equipped with a meter.

Findings

The project is subject to Commission approval and reporting requirements, as per Commission Regulations §803.42 and §803.44.

All makeup water from the water slide operation, as well as 22 percent of the water withdrawn from the reservoir and used for snowmaking, is considered to be used consumptively. The snowmaking system is equipped with meters that measure the quantity of water pumped through the systems. The water slide is not equipped with a meter.

The reservoir (10 acres) predates the Commission's consumptive water use regulation; therefore, the project sponsor is not required to provide compensation for the evaporative losses from the reservoir.

The project sponsor requested approval for a surface-water withdrawal of up to 7.3 mgd and a consumptive water use of up to 1.60 mgd. Based on an analysis of the snowmaking records supplied by the project sponsor, Commission staff is recommending approval of that amount, which is approximately 17 percent above the current peak-day withdrawal of 6.18 mgd and consumptive use of 1.36 mgd, respectively. 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 1.60 mgd, or its surface-water withdrawal exceed or be expected to exceed 7.3 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 maintain a conservation release downstream of its reservoir.

The District No. 5 Reservoir is located on Stafford Meadow Brook, a high quality cold-water fishery (HQCWF) (Title 25, Chapter 93, Pennsylvania Code). Based on the stream's classification, its geographic location in the watershed and the anticipated associated fishery of trout, and combined species of fish, Commission staff used the Instream Flow Incremental Methodology (SRBC Publication No. 191, May 1998) to determine the appropriate passby flow

requirement. Commission staff has determined a minimum flow of 20 percent of the annual average daily flow (ADF), or 670 gpm, is required at the point immediately down stream from the reservoir dam to prevent loss of aquatic habitat. Commission staff recommends that a conservation release be maintained at all times from the reservoir equal to 670 gpm.

The reservoir stores an estimated 19.5 million gallons of water that is available for snowmaking when at full capacity. The reservoir volume should provide approximately 6 days of storage, based on a conservation release of 670 gpm plus the maximum average 30-day withdrawal of 2.25 mgd, for snowmaking, or a total of 3.22 mgd. However, the reservoir receives substantial inflow. Commission staff reviewed 20 years of records of monthly median flow rates for the project site. Based on that review, Commission staff identified the lowest monthly median flow from November through February as 3.69 mgd for December 1930. This minimum 30-day average inflow is in excess of the combined average daily withdrawal and conservation release of 3.22 mgd.

Commission staff recommends that the project sponsor modify and maintain the existing dam works to ensure that a passive conservation release of 670 gpm is allowed at all times.

The project sponsor should submit the design and proposed construction schedules for the conservation release devices within 60 days following Commission action for review and approval by Commission staff prior to any construction.

The project sponsor will need to maintain sufficient water storage in order to meet the project's demand for snowmaking water, as well as provide for the conservation release. Commission staff recommends that the project sponsor submit documentation to Commission staff of the available on-site storage every five years.

The project sponsor operates a water slide during the summer months. The water for the slide system is supplied by the Scranton municipal water system. The water slide is not equipped with a meter. Commission staff recommends that the project sponsor install appropriate metering and monitor the amount of makeup water pumped to the water slide.

The project is subject to water conservation requirements, as per Commission Regulation §804.20(b).

The project sponsor has paid the appropriate application fee (first installment payment) 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 withdrawn and consumed in violation of Commission Regulations §803.42 and §803.44 prior to January 1, 2001.

Decision

The project's surface-water withdrawal from District No. 5 Reservoir of up to 7.30 mgd, when available, and the consumptive use of water of up to 1.60 mgd are 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, and surface-water withdrawal reporting requirements, as per Commission Regulation §803.44.

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 makeup water from the water slide operation plus 22 percent of the quantity pumped to the snowmaking system. The project sponsor shall maintain metering the snowmaking system, accurate to within five (5) percent.

c. Within sixty (60) days from the date of this approval, the project sponsor shall install and then maintain metering, accurate to within five (5) percent, on the water slide to measure the amount of makeup water pumped to the water slide.

d. The project sponsor shall maintain continuous downstream release of water from District No. 5 Reservoir of 670 gpm. The project sponsor shall install a passive device that insures the release from District No. 5 Reservoir is maintained. The project sponsor shall submit the design and proposed construction schedules for the passive flow device within sixty (60) days from the date of this approval for review and approval by Commission staff prior to any construction. Following approval, the project sponsor shall complete construction in accordance with the approved schedule and shall certify to the Commission that construction has been completed in accordance with the approved design. The release system shall be kept fully functional and free of debris. The Commission reserves the right to inspect the release system at any time.

e. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall maintain a continuous conservation release immediately downstream from District No. 5 Reservoir. The required conservation release, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

f. The project sponsor may pay the application fee in installments, pursuant to Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as

amended by Commission Resolution 2000-06. The project sponsor has paid one annual installment, and shall be invoiced for the balance over the next two years.

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

h. 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.

i. 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.

j. 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.

k. 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.

l. 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.

m. 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

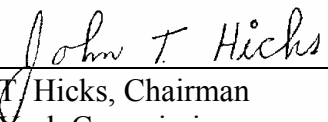
of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until April 10, 2028. The project sponsor shall submit a renewal application by October 10, 2027, and obtain Commission approval prior to continuing operation beyond April 10, 2028.

o. 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: April 10, 2003



John T. Hicks, Chairman
New York Commissioner