



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20110302

Approval Date: March 10, 2011

CEDAR ROCK MATERIALS CORP.

**Groundwater Withdrawal (30-Day Average) of 0.720 mgd from Well PW-1,
and Consumptive Water Use of up to 0.700 mgd from Well PW-1**

Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the application of the project sponsor requesting a withdrawal and the consumptive use of water in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) during review of this project.

Section 2. Project Information

Information concerning the project sponsor, water use type, and location are set forth in the table below.

Project Information	
Project Sponsor:	Cedar Rock Materials Corp.
Approval Types:	Groundwater Withdrawal and Consumptive Water Use
Water Use Type:	Sand and Gravel Quarry Operations
Municipality:	Salem Township
County:	Luzerne County
State:	Pennsylvania

Section 3. Source Information

Information concerning the source of water from which the withdrawal will be made is set forth in the table below.

Source Information	
Withdrawal Type:	Groundwater
Withdrawal Source:	Well PW-1
Subbasin:	Middle Susquehanna Subbasin
Watershed Boundary Dataset (WBD):	0205010703

Section 4. Aquifer Testing

The constant-rate aquifer testing required by Commission Regulation 18 CFR §806.12 for groundwater withdrawals was completed with prior Commission approval. A 96-hour, constant-rate aquifer test of Well PW-1 was conducted on July 12 through 16, 2010, pumping at an average rate of 500 gallons per minute (gpm).

Commission staff determined that the withdrawal from Well PW-1 at the requested withdrawal rate should not cause permanent loss of aquifer storage, render competing supplies unreliable, or cause adverse impacts to the water resources of the basin, subject to the conditions set forth below.

Section 5. Approved Withdrawal Conditions

Conditions applicable to the withdrawal approved hereunder are set forth in the table below.

Approved Withdrawal Conditions	
Withdrawal Location (degrees):	Lat: 41.119519 N Long: -76.139044 W
30-Day Average Withdrawal (mgd):	0.720 (Not to Exceed, When Available)
Maximum Instantaneous Withdrawal Rate (gpm):	500 (Not to Exceed)
Flow Protection Required:	Yes
Flow Protection Type:	Passby; 20% Average Daily Flow
Flow Protection Rate (cfs):	2,658
Flow Protection Rate (gpm):	1,193,141
Method for Flow Protection Monitoring:	USGS Real-Time Gage 01536500; Susquehanna River at Wilkes-Barre, Pennsylvania
Flow Protection Trigger Flow (cfs):	2,600
mgd – million gallons per day	USGS – U.S. Geological Survey
cfs – cubic feet per second	

Section 6. Approved Consumptive Water Use Conditions

Conditions applicable to the consumptive water use approved hereunder are set forth in the table below.

Approved Consumptive Water Use Conditions	
Sources for Project Consumptive Water Use:	Well PW-1
Peak Day Consumptive Water Use Amount (mgd):	0.700 (Not to Exceed)
Project Consumptive Water Uses:	1. Dust Suppression 2. Materials Washing

Section 7. Existing Approved Withdrawals

The project does not have existing approved withdrawals.

Section 8. Grandfathering Determination – Withdrawals and Consumptive Water Use

The project did not utilize surface water withdrawals or groundwater withdrawals prior to November 11, 1995 or July 13, 1978, respectively. Therefore, the Commission’s grandfathering clause for withdrawals does not apply to this project.

The project did not consumptively use water prior to January 23, 1971. Therefore, the Commission’s grandfathering clause for consumptive water use does not apply to this project.

Section 9. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

4. The project sponsor shall keep daily records of all the project’s withdrawals and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be reviewed and, if appropriate, approved by Commission staff.

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 shall be submitted on-line and are due within thirty (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, if appropriate, approved by Commission staff.

6. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all consumptive water use. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.

7. Within ninety (90) days from the date of this approval, the project sponsor shall submit a plan to Commission staff for review and approval for the implementation of a groundwater elevation monitoring program. The plan shall include proposed methods for the daily measurement and recording of groundwater elevations in the sources listed in Section 3. Following approval, the project sponsor shall execute the plan and complete installation of water level monitoring equipment in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented. Thereafter, the groundwater elevations data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter.

8. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, consumptive water use, and groundwater elevations, 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 or elevation.

9. The project's consumptive water use is subject to water mitigation requirements, as per Commission Regulation 18 CFR §806.22(b). To satisfy the Commission's current compensation requirements for consumptive water use, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.28 per 1,000 gallons of water consumptively used by the project. 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.

10. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

11. 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 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. 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. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. 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.

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 has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals or consumptive uses be expected to exceed the approved amounts listed herein, the project sponsor shall be required to make application for modification to this approval at that time.

19. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects 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 10. Special Conditions

20. This approval is effective until March 9, 2026. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by September 9, 2025, and obtain Commission approval prior to continuing operation beyond March 9, 2026.

21. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 5, is less than the flow protection trigger flow specified in Section 5, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and approval.

CERTIFICATION: I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on March 10, 2011.

Dated: March 11, 2011


Stephanie L. Richardson