



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20230609

Approval Date: June 15, 2023

Correction Issue Date: July 6, 2023

HILLANDALE-GETTYSBURG, L.P. FACILITY: SITE 3

**Groundwater Withdrawal (30-Day Average) of 0.050 mgd
from Well 5**

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 the project described herein in accordance with the conditions set forth below.

The project sponsor maintains and operates a water system to supply water for sanitary, potable, and agricultural purposes related to egg production that currently includes four groundwater sources (Wells 1, 2, 3, and 4) and is adding Well 5 as a source. The project is an existing facility that currently operates below the Commission's withdrawal threshold. However, the anticipated future demand for the project is 0.120 million gallons per day (mgd) (30-day average), which will subject the project to Commission review and approval. Based on information provided by the project sponsor, no other sources are operated by the project. This approval authorizes withdrawals at the requested rate.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) and the Pennsylvania Fish and Boat Commission (PFBC) 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:	Hillandale-Gettysburg, L.P.
Facility:	Site 3
Approval Type:	Groundwater Withdrawal

Project Information (continued)	
Authorized Water Use Purpose:	Potable Supply, Sanitary, and Agricultural Purposes Related to Egg Production
Municipality:	Tyrone Township
County:	Adams 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
Approved Source:	Well 5
Subbasin:	Lower Susquehanna
Watershed Boundary Dataset (WBD):	0205030602 (Upper Conewago Creek)
Withdrawal Location (degrees)*:	Lat: -- Long: --
Special Flow Protection Required:	No
* Specific location information concerning discrete water-related project features has been withheld for security reasons.	

Section 4. Aquifer Testing

The constant-rate aquifer testing required by 18 CFR § 806.12 for groundwater withdrawals was completed with prior Commission approval. A 72-hour, constant-rate aquifer test of Well 5 was conducted on August 29, 2022, through September 1, 2022, pumping at an average rate of 38.6 gallons per minute (gpm).

Commission staff determined that the withdrawal from Well 5 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 Quantities and Limitations

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

Approved Withdrawal Quantities and Limitations	
30-Day Average Withdrawal (mgd):	0.050
Maximum Instantaneous Withdrawal Rate (gpm):	39
Peak Day Withdrawal (mgd):	0.056

The withdrawal is also subject to all other conditions set forth in this docket approval.

Section 6. Existing Approved Withdrawals

The project does not have existing approved withdrawals.

Section 7. Grandfathering Determination – Withdrawals and Consumptive Use

The project did not utilize surface water withdrawals or groundwater withdrawals in excess of the Commission's regulatory withdrawal threshold of 0.100 mgd (30-day average) prior to November 11, 1995, or July 13, 1978, respectively.

The project did not consumptively use water prior to January 23, 1971.

Section 8. Unapproved Sources or Consumptive Uses

The project has indicated a 15-year projected demand of 0.120 mgd. Cumulative withdrawals at or above the regulatory limit of 0.100 mgd requires all of the project sponsor's sources (withdrawals) to have Commission review and approval. In addition to Well 5, the project maintains four other supply wells (Wells 1, 2, 3, and 4) and has indicated that combined withdrawals from all sources at the facility are expected to increase above the regulatory threshold in the second quarter of 2024. The project sponsor is required to submit withdrawal applications for all unapproved sources in accordance with Special Condition 19.

Agricultural projects are not subject to review for consumptive uses consistent with 18 CFR § 806.4(a)(1).

Section 9. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808.
2. Within sixty (60) days from the date of this approval, the project sponsor shall submit a comprehensive metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals listed in Sections 3 and 8 of this approval.
3. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering in accordance with 18 CFR § 806.30 and the approved metering plan. The project sponsor shall notify the Commission, in writing, and submit photographs of the meter when it has been installed, provide the serial number of the meter, and certify the accuracy of the measuring device to within five (5) percent of actual flow. Withdrawals shall not commence until Commission staff has approved the implementation of the approved metering plan and notified the project sponsor of such approval.

4. 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.

5. The project sponsor shall keep daily records of the project's withdrawals and groundwater elevations for the sources listed in Sections 3 and 8, 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 location for the duration of the approval.

11. The project sponsor shall register with the appropriate agency all groundwater sources described herein, as may be required by regulations of the member jurisdiction.

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. 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.

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. 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

19. No later than June 28, 2024, the project sponsor shall complete the following for sources that will continue to be used when withdrawals at the facility equal 0.100 mgd or more (30-day average):

- a. Submit aquifer testing plans or Alternative Hydrogeologic Evaluations in accordance with 18 CFR § 806.12 and groundwater withdrawal applications for all sources that will continue to be used at more than 0.020 mgd (30-day average).
- b. Submit small capacity groundwater withdrawal applications for all sources that will be used at 0.020 mgd or less (30-day average).

20. Within ninety (90) days from the date of this approval, the project sponsor shall install and maintain metering on Wells 1, 2, 3, and 4 in accordance with 18 CFR § 806.30(a)(1). The project sponsor shall notify the Commission, in writing, and submit photographs of the meter(s) when installed and certify the accuracy of the measuring device(s) to within five (5) percent of actual flow.

21. 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 in accordance with 18 CFR § 806.30(a)(4). The plan shall include proposed methods for the daily measurement and recording of groundwater elevations for the sources listed in Sections 3 and 8. 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 photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. Withdrawals shall not commence from Well 5 until Commission staff has approved the implementation of the approved groundwater elevation monitoring plan and notified the project sponsor of such approval. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.

22. The project sponsor is authorized to continue to withdraw from its unapproved sources (Wells 1, 2, 3, and 4) and maintain total withdrawals for the facility to less than 0.100 mgd until action is taken on withdrawal applications submitted in accordance with Special Condition 19, after which time all sources that are used shall have Commission approval.

Section 11. Term

23. The project sponsor has a period of three (3) years from the date of this approval to commence the withdrawal or this approval will automatically expire, unless an extension is requested, in writing, by the project sponsor no later than one hundred twenty (120) days prior to such expiration and approved by the Commission as provided in 18 CFR § 806.31(b).

24. This approval is effective until June 14, 2038. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 14, 2037, 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.

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 15, 2023, and corrected on July 6, 2023.

Dated: July 6, 2023


Jason E. Oyler, Esq.