



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20231212**

**Approval Date: December 14, 2023**

**NICHOLAS MEAT, LLC**

**Groundwater Withdrawals (Peak Day) of up to 0.288 mgd from Well WS-1,  
0.173 mgd from Well WS-3, and 0.144 mgd from Well WS-4**

## **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 supply system that currently includes two wells (Wells OW-1 and OW-2) that will be abandoned and be replaced by the three groundwater sources (Wells WS-1, WS-3, and WS-4) with this approval. The project also may continue use of public water supply that is hauled from a nearby system and is pursuing permitting and construction of facilities that will allow increased water reuse. Based on information provided by the project sponsor, no other sources will be operated by the project.

This approval authorizes withdrawals from Wells WS-1, WS-3, and WS-4 at the requested maximum instantaneous withdrawal rates, establishes peak day withdrawal limits instead of 30-day average withdrawal limits, and establishes flow protection requirements consistent with current policy for withdrawals from the wells.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), United States Fish and Wildlife Service (USFWS), 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	
<b>Project Sponsor:</b>	Nicholas Meat, LLC
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Industrial Food Processing and Incidental Uses Related to Food Processing
<b>Municipality:</b>	Greene Township
<b>County:</b>	Clinton County
<b>State:</b>	Pennsylvania

### Section 3. Source Information

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

Source Information	
<b>Withdrawal Type:</b>	Groundwater
<b>Approved Sources:</b>	Wells WS-1, WS-3, and WS-4
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020403 (Fishing Creek)
<b>Withdrawal Locations (degrees):</b>	
Well WS-1	Lat: 41.038563 N      Long: 77.286260 W
Well WS-3	Lat: 41.037767 N      Long: 77.283596 W
Well WS-4	Lat: 41.038550 N      Long: 77.283686 W
<b>Site Flow Statistics (cfs)†:</b>	Q7-10 = 7.1; Average Daily Flow = 33.3
<b>Water Use Designation†:</b>	High Quality-Cold Water Fishery (HQ-CWF)
<b>Wild Trout Classification†:</b>	Naturally Reproducing Wild Trout
<b>Drainage Area (square miles)†:</b>	27.6
<b>Aquatic Resource Class*·†:</b>	2
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
* Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals).	
† Based on the closest section of Fishing Creek with perennial flow downgradient of confluence with Mill Creek.	

### Section 4. Aquifer Testing

The hydrogeologic evaluation required by 18 CFR § 806.12 for groundwater withdrawals was satisfied for Wells WS-1 and WS-4 by completion of an aquifer test in accordance with a Commission-approved aquifer testing plan. A 72-hour, combined constant-rate aquifer test of Wells WS-1 and WS-4 was conducted from May 17 through 20, 2021, pumping at average rates of 200 gallons per minute (gpm) and 100 gpm, respectively.

Commission staff determined that sufficient data were made available to complete the necessary hydrogeologic evaluation and approved an Alternative Hydrogeologic Evaluation

(AHE) for Well WS-3 on May 23, 2023. In support of the AHE, the project sponsor provided the following for staff review:

1. Groundwater availability analysis;
2. Historical withdrawal data;
3. Results and data from a 73-hour, constant-rate aquifer test of Well WS-3 that was conducted from July 29, 2019, through August 1, 2019, pumping at an average rate of 120 gpm; and
4. Results of a 96-hour, supplemental constant-rate aquifer test of Well WS-3 completed from June 6 through 10, 2022, pumping at an average rate of 120 gpm. The supplemental test was required by Commission staff because the 2019 test did not provide sufficient data to fully evaluate impacts to surface water.

In addition to the information provided by the project sponsor, Commission staff evaluated flow data collected by staff from Mill Creek and Fishing Creek on July 7, 2023, and October 3, 2023, groundwater level data collected by staff from wells within the Fishing Creek Watershed on October 5, 2023, flow data collected by PFBC on June 7, 2023, and unpublished flow and water level data collected by the United States Geologic Survey (USGS) in 2017 and 2019.

Data from the June 2022 test for Well WS-3 and the May 2021 test for Wells WS-1 and WS-4 indicate that the combined withdrawal from the three wells has the potential to cause significant adverse impacts to streamflow in Fishing Creek. Therefore, Commission staff recommends that the withdrawals from Wells WS-1, WS-3, and WS-4 be limited by a low flow protection condition consistent with Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals [LFPP]). For purposes of assessing potential for impacts and implementation of flow protection consistent with the LFPP, staff recommends that withdrawals from the wells be approved on a peak day basis instead of 30-day average. The streamflow and water level data collected by the Commission, PFBC, and USGS confirmed staff's understanding of the conceptual model and project setting, and that the protective conditions set forth below will be sufficient to avoid significant adverse impacts to the ecosystem and hydrology, downstream uses and users, and recreation.

Commission staff determined that the withdrawals from Wells WS-1, WS-3, and WS-4 at the recommended peak day withdrawal rates, in combination with the low flow protection conditions, 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 withdrawals approved hereunder are subject to the quantitative limits and restrictions set forth in the table below. Well WS-1 peak day withdrawal and cumulative groundwater withdrawal limits are subject to reductions when streamflow protection is triggered as provided in the table below.

<b>Approved Withdrawal Quantities and Limitations</b>			
	<b>Well WS-1</b>	<b>Well WS-3</b>	<b>Well WS-4</b>
<b>Peak Day Withdrawal (mgd) (Not to Exceed) – Subject to Reduction When Low Flow Protection is Triggered as Provided Below:</b>	0.288	0.173	0.144
<b>Maximum Instantaneous Withdrawal Rate (gpm) (Not to Exceed):</b>	200	120	100
<b>Cumulative Groundwater Withdrawal – Wells WS-1, WS-3, and WS-4 (Peak Day) (mgd) (Not to Exceed) – Subject to Reduction When Low Flow Protection is Triggered as Provided Below:</b>	0.605		
<b>Flow Protection Type:</b>	Cumulative system withdrawal reductions expressed as monthly values (Special Condition 19)		
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01546400; Spring Creek at Houserville, Pennsylvania		
<b>Cumulative Groundwater Withdrawal Reductions and Flow Protection Schedule:</b>			
<i>Month</i>	<i>Maximum Peak Day Cumulative Groundwater Withdrawal When Low Flow Protection Threshold Triggered<sup>1</sup> (mgd)</i>	<i>Off-Site Monitoring Threshold for Low Flow Protection (cfs)<sup>2</sup></i>	
January	0.333	38	
February	0.425	45	
March	0.605*	--	
April	0.605*	--	
May	0.593	54	
June	0.471	41	
July	0.363	32	
August	0.301	26	
September	0.271**	24	
October	0.271**	22	
November	0.255**	24	
December	0.291	37	
mgd – million gallons per day <span style="float: right;">-- – No special flow protection required</span> 1 cfs = 448.8 gpm <sup>1</sup> When the flow protection threshold is triggered based on Spring Creek flow conditions, the project sponsor shall reduce cumulative withdrawals to the listed quantity. <sup>2</sup> Low Flow Protection Threshold * No reduction. ** Overrides individual limit for Well WS-1 during these months when the flow protection threshold is triggered.			

The withdrawals are also subject to all other conditions set forth in this docket approval.

## **Section 6. Grandfathering Determination – Withdrawals and Consumptive Use**

The project did not utilize surface water withdrawals or groundwater withdrawals prior to November 11, 1995, or July 13, 1978, respectively.

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

## **Section 7. Unapproved Sources**

The project sponsor currently uses Wells OW-1 and OW-2. In accordance with Special Condition 24, use of Wells OW-1 and OW-2 will be discontinued.

## **Section 8. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the Annual Compliance and Monitoring fee as specified in the Commission's Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan 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 amended plan.

3. 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.

4. The project sponsor shall adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the sources listed in Section 3. The project sponsor shall maintain and monitor the accuracy of the measuring devices in accordance with the manufacturer's specifications.

5. The project sponsor shall keep daily records of the project's withdrawals and groundwater elevations for the sources listed in Section 3, 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 locations 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 withdrawals 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 9. Special Conditions**

19. The "Maximum Peak Day Cumulative Groundwater Withdrawal When Low Flow Protection Threshold Triggered" peak day limit for the applicable month provided in Section 5 shall not be exceeded when streamflow as measured at the USGS stream gauge specified in Section 5 is less than or equal to the applicable monthly "Off-Site Monitoring Threshold for Low Flow Protection" specified in Section 5. Facility withdrawals shall not increase above the "Maximum Peak Day Cumulative Groundwater Withdrawal When Low Flow Protection Threshold Triggered" until streamflow has remained above the applicable flow protection threshold for at least 48 hours.

20. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 5, 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. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

21. Meter installation and documentation has been completed for Well WS-3. Prior to any withdrawals from Wells WS-1 and WS-4, 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 meters when they have been installed, provide the serial number of the meters, and certify the accuracy of the measuring devices to within five (5) percent of actual flow. Withdrawals from Wells WS-1 and WS-4 shall not commence until Commission staff has approved the implementation of the approved metering plan and notified the project sponsor of such approval.

22. The date of the last Well WS-3 meter certification was March 6, 2020; therefore, the next meter certification is due no later than March 6, 2025. Certification of meter accuracy for Wells WS-1, WS-3, and WS-4 shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

23. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, 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.

24. Withdrawals up to 0.125 mgd combined limit (30-day average) from existing Wells OW-1 and OW-2 shall cease by June 30, 2024, or when Wells WS-1 and WS-4 are metered and withdrawals are initiated, whichever comes first. During this interim period of authorization of operation, the combined withdrawal from Wells OW-1 and OW-2 shall be included in the calculation of the daily “Cumulative Groundwater Withdrawal” limit established in the Section 5 table, and operation of the withdrawals shall be subject to the “Maximum Peak Day Cumulative Groundwater Withdrawal When Low Flow Protection Threshold Triggered” limit. The continued use of Wells OW-1 and OW-2 allows the project time to install meters on Wells WS-1 and WS-4 in accordance with Special Condition 21 and initiate withdrawals. The project sponsor shall continue to keep daily records of withdrawals from Wells OW-1 and OW-2 while the wells are in use and until proof of disconnection, as required in Special Condition 25, is provided. The project sponsor shall continue to 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 for Wells OW-1 and OW-2, and any modifications proposed for the 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.

25. No later than June 30, 2024, the project sponsor shall provide a description of actions taken and photographs showing physical disconnection of Wells OW-1 and OW-2 from the facility’s water system.

26. The project sponsor provided a projected water demand that indicates future water demand at the facility will exceed the maximum quantity that is available from Wells WS-1, WS-3, and WS-4 combined. Therefore, by April 14, 2024, the project shall prepare and submit a water resource development plan for review and approval by Commission staff. The plan should include an explanation and timing of actions that will be completed for the project to be able to meet the project’s projected water demands. The plan shall also describe how the project is meeting the industrial project water conservation standards in 18 CFR § 806.25(b). Following approval of the water resource development plan, the project shall prepare and submit annual reports providing status updates regarding progress towards implementing the methods identified in the water resource development plan to meet future projected demands. The first annual report is due January 31, 2025, and subsequent reports will be due January 31 of each year.

## **Section 10. Term**

27. The project sponsor has a period of three (3) years from the date of this approval to commence the withdrawals from Wells WS-1 and WS-4 or the approval will automatically expire for any withdrawal not commenced, 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).

28. This approval is effective until December 13, 2038. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before June 13, 2038, 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 December 14, 2023.

Dated: December 15, 2023

  
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Jason E. Oyler, Esq.