



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20240314

Approval Date: March 14, 2024

KEYSTONE POTATO PRODUCTS, LLC

**Groundwater Withdrawal (30-Day Average) of 0.140 mgd from Well 2, and
Consumptive Use (30-Day Average) of up to 0.140 mgd from Well 2**

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 non-transient, non-community public water supply system to supply water for potato processing and potable use that includes one groundwater source (Well 2), which is impaired by historical mining. Based on information provided by the project sponsor, no other sources are operated or used by the project.

The project sponsor submitted groundwater withdrawal and consumptive use applications on September 6, 2023. This approval authorizes withdrawals and consumptive use at the requested rates.

This project is located in an Environmental Justice area as identified by the Pennsylvania Department of Environmental Protection (PADEP), which staff considered during review of the project. In addition to notices completed by the Commission, the project sponsor has completed all required public notices of the project applications and the applications were subject of a public hearing on February 1, 2024.

Commission staff has coordinated with 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:	Keystone Potato Products, LLC
Approval Types:	Groundwater Withdrawal and Consumptive Use
Authorized Water Use Purpose:	Potato Processing, Potable Use, and Incidental Related Uses
Municipality:	Frailey Township
County:	Schuylkill 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 2
Subbasin:	Lower Susquehanna
Watershed Boundary Dataset (WBD):	0205030506 (Upper Swatara 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

Commission staff determined that sufficient data is available to complete the necessary hydrogeologic evaluation and approved an Alternative Hydrogeologic Evaluation (AHE) for Well 2 on May 9, 2023. In support of the AHE, the project sponsor provided the required groundwater availability analysis, historical withdrawal and water level data, the results of recent operational testing, and analysis of current operational data. Commission staff determined that the withdrawal from Well 2 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):	0.140
Maximum Instantaneous Withdrawal Rate (gpm):	160 (Not to Exceed)
Peak Day Withdrawal (mgd):	0.230
mgd – million gallons per day gpm – gallons per minute	

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

Section 6. Approved Consumptive Use Quantities and Limitations

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

Approved Consumptive Use Quantities and Limitations	
Source for Project Consumptive Use:	Well 2
30-Day Average Consumptive Use Amount (mgd):	0.140 (Not to Exceed)
Authorized Project Consumptive Uses:	Food Processing and Related Incidental Uses
Consumptive Use Mitigation Type:	Payment of consumptive use mitigation fee waived in accordance with Special Condition 22

The project sponsor demonstrated that the water withdrawn from the mine pool is impaired as defined in Commission Policy No. 2021-04 (Fee Incentives for the Withdrawal and Consumptive Use of AMD Impacted Waters & Treated Wastewater). Therefore, the project is eligible for a consumptive use mitigation fee waiver, in accordance with Special Condition 22.

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

Section 7. Existing Approved Withdrawals and Consumptive Uses

The project does not have existing approved withdrawals or consumptive uses.

Section 8. Grandfathering Determination – Withdrawals and Consumptive Use

The project did not utilize groundwater withdrawals above the regulatory threshold prior to July 13, 1978.

The project did not consumptively use water above the regulatory threshold prior to January 23, 1971.

Section 9. 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. 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 and consumptive use listed in Sections 3 and 6 of this approval.

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 consumptive use, 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 source 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 withdrawal, consumptive use, and groundwater elevations for the source listed in Sections 3 and 6, 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 and consumptive use 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 water sources described herein, and adhere to reporting requirements 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 withdrawal or consumptive use that would exceed the amounts listed herein or to add a source used for consumptive use that is not listed in Sections 3 or 6.

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. The project sponsor shall install and maintain metering in accordance with 18 CFR § 806.30, the approved implementation schedule, and the metering plan required by Standard Condition 2, once approved. The project sponsor shall notify the Commission, in writing, and submit photographs of the metering equipment when it has been installed, provide the serial number of the metering equipment, and certify the accuracy of the measuring device to within five (5) percent of actual flow.

20. The project sponsor shall continue to record and report its withdrawals and consumptive uses in accordance with the methods previously identified by the project sponsor and reviewed by Commission staff until the metering plan required by Standard Condition 2 is approved and fully implemented in accordance with Special Condition 19.

21. The date of the last meter certifications for Well 2, the Wastewater Treatment Plant, and the Potato Wash Plant was January 25, 2023; therefore, the next meter certifications are due no later than January 25, 2028. Certification of meter accuracy shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

22. In accordance with Commission Policy No. 2021-04, 100 percent of the consumptive use mitigation fee is waived due to use of abandoned mine impacted water. To demonstrate continued eligibility for the fee waiver, the project sponsor shall collect an annual grab water quality sample from Well 2 within the period of September 1 to November 30, have it analyzed at a lab for the mine drainage suite of parameters, and report the results to the Commission by January 31 of each calendar year. Commission staff may revoke the consumptive use mitigation fee waiver if the project sponsor fails to submit the annual sample or if water quality results from two (2) consecutive years indicates that the water is no longer impaired. If appropriate, and if requested by the project sponsor, Commission staff may approve an alternate sample location(s) and method.

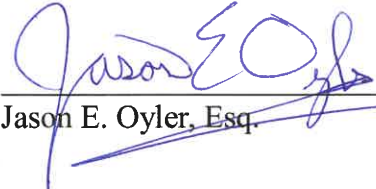
23. Prior to supplying water for any use not authorized pursuant to Sections 2 or 6 of this approval, the project sponsor shall first submit a minor modification application under 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

Section 11. Term

24. This approval is effective until March 13, 2039. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before September 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 March 14, 2024.

Dated: March 15, 2024



Jason E. Oyler, Esq.