



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20220308**

**Approval Date: March 17, 2022**

## **DEEP WOODS LAKE, LLC**

**Groundwater Withdrawal (30-Day Average) of up to 0.200 mgd and  
Consumptive Use (30-Day Average) of up to 0.200 mgd  
from Supply 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 intends to maintain and operate a bulk supply facility providing water from one groundwater source (Supply Well 5 [SW-5]) for off-site use. Based on information provided by the project sponsor, no other sources are operated by the project.

The project sponsor submitted a groundwater withdrawal application to withdraw up to 0.200 million gallons per day (mgd) (30-day average) from SW-5 and consumptively use up to 0.467 mgd for bulk water supply. This approval authorizes groundwater withdrawal at the requested rate and the consumptive use at a reduced rate of 0.200 mgd (30-day average).

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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Deep Woods Lake, LLC
<b>Approval Types:</b>	Groundwater Withdrawal and Consumptive Use
<b>Authorized Water Use Purpose:</b>	Bulk Supply for Water Bottling and Pool Water Supply
<b>Municipality:</b>	Dennison Township
<b>County:</b>	Luzerne County
<b>State:</b>	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	
<b>Withdrawal Type:</b>	Groundwater
<b>Approved Source:</b>	Supply Well 5 (SW-5)
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010704 (Nescopeck Creek)
<b>Withdrawal Location (degrees)*:</b>	Lat: -- Long: --
<b>Special Flow Protection Required:</b>	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 75.5-hour, constant-rate aquifer test of SW-5 was conducted from November 13 through 16, 2017, pumping at an average rate of 324.5 gallons per minute (gpm).

Aquifer testing demonstrated that pumping SW-5 at the tested rate will cause drawdown in a wetland near SW-5. Considering the reduced long-term withdrawal rate, staff expects that the drawdown in the wetland will not cause significant adverse impacts. However, staff recommended that the project be required to complete verification wetlands monitoring, evaluation, and reporting in accordance with Special Condition 21.

Aquifer testing demonstrated that drawdown as a result of operating SW-5 will not occur in wells for the nearby public water supply. However, the nearby public water supply system has experienced water shortages prior to bringing a third well online and has no other viable backup, other than trucking water to the facility. Therefore, staff recommends that the project sponsor be required to complete data evaluation and reporting to verify that operation of SW-5 does not cause significant adverse impacts to the nearby public water supply wells in accordance with Special Condition 22.

Commission staff determined that the withdrawal from SW-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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.200
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	325 (Not to Exceed)
<b>Peak Day Withdrawal (mgd):</b>	0.467

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.

<b>Approved Consumptive Use Quantities and Limitations</b>	
<b>Source for Project Consumptive Use:</b>	Supply Well 5 (SW-5)
<b>30-Day Average Consumptive Use Amount (mgd):</b>	0.200
<b>Authorized Project Consumptive Uses:</b>	1. Bulk Supply for Water Bottling 2. Pool Water Service
<b>Consumptive Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

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 consumptively use water prior to January 23, 1971.

With this approval, all withdrawals and consumptive use for the project have Commission approval.

### **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. 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. Prior to any withdrawal from the source listed in Section 3 or consumptive use from the source listed in Section 6, the project sponsor shall install and maintain metering in accordance with 18 CFR § 806.30. 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 or consumptive use 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 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.

5. The project sponsor shall keep daily records of the project's withdrawal, consumptive use, and groundwater elevations for the source 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's consumptive use is subject to mitigation requirements, as per 18 CFR § 806.22(b). To satisfy the Commission's current mitigation requirements for consumptive use, the project sponsor shall make quarterly payments to the Commission at the rate specified in the effective Regulatory Program Fee Schedule, as modified from time to time by the Commission. Payments shall be made quarterly and shall be calculated by applying this rate to the total 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.

7. 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.

8. 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.

9. 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.

10. The project sponsor shall comply with the water conservation requirements specified in 18 CFR § 806.25.

11. This approval is conditioned on the project sponsor maintaining legal access to the withdrawal location for the duration of the approval.

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

13. 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.

14. 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.

15. 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.

16. 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.

17. This project is approved for inclusion in the Commission's Comprehensive Plan for the Water Resources of the Susquehanna River Basin.

18. 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.

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. The project sponsor shall adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the source listed in Section 3. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain water level monitoring equipment in accordance with 18 CFR § 806.30. The project sponsor shall notify the Commission, in writing, and submit make, model, serial numbers, and photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. Withdrawals shall not commence 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 maintain and monitor the accuracy of the measuring devices in accordance with the manufacturer's specifications.

21. To verify that significant adverse impacts to nearby wetlands will not occur, the project sponsor shall complete wetland monitoring and evaluation as follows:

- a. Baseline Wetland Delineation Report – The project sponsor shall complete a baseline wetland delineation within the growing season for the wetland(s) south of SW-5 to identify baseline conditions. The wetland delineation report shall depict and document the extent of the wetland(s), identify vegetation present, describe the wetland hydrology, and characterize the current form and function of the wetland(s). The wetland delineation shall be completed in the growing season no earlier than April 23, 2022, and the report shall be submitted by July 15, 2022.
- b. Wetland Monitoring Plan – Using the results of the wetland delineation, the project sponsor shall submit a wetland monitoring plan to the Commission for staff's review and approval. The wetland monitoring plan may be submitted with the wetland delineation report but shall be submitted no later than August 31, 2022. The Plan should include:
  - 1) Methodology and location(s) for monitoring Spring 7.
  - 2) Methodology for monitoring other locations, if needed, based on the results and interpretation of the wetland delineation.
  - 3) Methodology and schedule for monitoring wetland hydrology and vegetation during operation of the project.
  - 4) Methodology to complete annual evaluations identifying potential changes and causes in wetland conditions, including extent of the wetland, vegetation, hydrology, and form and function.
  - 5) Schedule for installing and initiating hydrologic monitoring and completing annual wetland delineations. Annual delineations shall be completed within the growing season (April 23 – October 9), and should be completed within

the same period of the growing season as the baseline wetland delineation to facilitate comparison of wetland conditions.

The wetland monitoring plan shall be implemented within sixty (60) days from plan approval and at least thirty (30) days prior to initiation of withdrawals from SW-5.

Monitoring shall be completed for the duration of the approval unless staff determines that the project has operated at or near the approved rate during dry or drought periods, and the monitoring data confirms that adverse impacts will not occur. Written notification will be provided to the project sponsor in the event that staff determines that wetlands monitoring can cease.

- c. Annual Wetland Evaluation Report – The project shall submit interpretive reports annually documenting the monitoring completed since the last annual report was prepared and all of the monitoring completed to date, the results of annual wetland delineations, evaluation of wetland(s) hydrology monitoring and determination if withdrawal from SW-5 is causing significant adverse impacts to the wetland(s). Annual wetland evaluation reports shall be submitted by December 15 of each year for the duration of the approval, unless Commission staff determines that monitoring is no longer needed. Written notification will be provided to the project sponsor in the event that staff determines that annual reporting can cease.

22. Within ninety (90) days of this approval, the project sponsor shall submit for review and, if appropriate, approval by Commission staff a public water supply well monitoring plan to verify that significant adverse impacts to the nearby public water supply system wells will not occur. The plan shall identify methodology to obtain water level and withdrawal data from the nearby public water supply wells to assess potential interference caused by SW-5. The project sponsor shall submit an interpretive report to the Commission annually by April 30 that provides water level and withdrawal data for the nearby public water supply wells and SW-5 and an interference evaluation. This special condition shall be effective for the duration of the approval unless staff determines that sufficient data has been collected and evaluated to confirm that significant adverse impacts to the nearby public water supply system will not occur. The first monitoring report will be due by April 30, 2023.

23. If the nearby public water supplier indicates to the project sponsor or to Commission staff that a significant adverse impact may be occurring, the project sponsor shall obtain water level and withdrawal data for the potentially impacted wells, evaluate if pumping SW-5 may be causing adverse impacts, and report its findings to the Commission within three (3) days of notification. The project sponsor shall immediately notify Commission staff about reports of potential impacts to the public water supplier.

24. 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 request for minor modification 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

25. 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).

26. This approval is effective until March 16, 2037. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before September 16, 2036, 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 17, 2022.

Dated: March 18, 2022

  
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Jason E. Oyler, Esq.