



# SUSQUEHANNA RIVER BASIN COMMISSION

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## CONSUMPTIVE USE APPROVAL BY RULE 18 CFR § 806.22(e)

### Project Approval: ABR-202304002 BOTTLING GROUP, LLC

#### A. Project Information

**Project Sponsor:** Bottling Group, LLC

**Facility:** Pepsi Beverages Company

**Municipality, County, State:** Lower Paxton Township, Dauphin County, Pennsylvania

**Previous Approval No.:** 20080306

#### B. Source Information and Approved Consumptive Use Quantities and Limitations

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

**Source for Project Consumptive Use:** Capital Region Water (PWSID No. 7220049)

**30-Day Average Consumptive Use Amount:** 0.466 million gallons per day (mgd)

**Authorized Project Consumptive Uses:** Purification and Bottling for Consumer Consumption, Cooling Tower Makeup, and Related Incidental Uses

**Consumptive Use Mitigation Type:** Conservation release from Dehart Reservoir and/or payment of consumptive use mitigation fees as provided in Special Condition 18

### AUTHORIZATION

After review of the record, including the technical findings, Susquehanna River Basin Commission (Commission) staff 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, pursuant to 18 CFR § 806.22(e) and in consultation with technical staff, the Executive Director hereby approves the project described herein in accordance with the conditions set forth below.

This approval is subject to the conditions attached hereto and incorporated herein by reference.

## **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 consumptive uses, 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 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.
5. 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.
6. 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.
7. The project sponsor shall comply with the water conservation requirements specified in 18 CFR § 806.25.
8. 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 approval, the project sponsor is subject to enforcement actions pursuant to 18 CFR Part 808.
9. 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 consumptive use 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.

10. 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.
11. 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.
12. This project is approved for inclusion in the Commission's Comprehensive Plan for the Water Resources of the Susquehanna River Basin.
13. The project sponsor is required to apply for and obtain approval prior to any increase in consumptive use that would exceed the amounts listed herein or to add a source (public water supply or other) used for consumptive use that is not listed herein.

### **SPECIAL CONDITIONS**

14. The project sponsor shall keep records of the project's consumptive use in accordance with the metering plan reviewed and approved by Commission staff, 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 requested by the project sponsor 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.
15. The date of the last meter certification was February 7, 2023; therefore, the next meter certification is due no later than February 7, 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.
16. Prior to supplying water for any use not authorized pursuant to Section B 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.

17. The project sponsor shall make reasonable efforts to obtain records from the public water supply system and provide an annual report to the Commission summarizing the daily quantity withdrawn and the daily conservation releases from the Dehart Reservoir. The annual report shall be due ninety (90) days after the close of the calendar year. This reporting requirement will be evaluated and may be changed at any time deemed appropriate by Commission staff.
18. The project's consumptive use from the public water supply system is subject to mitigation requirements, as per 18 CFR § 806.22(b). Mitigation requirements for consumptive use of water at the project are outlined below:
  - a. The Commission's consumptive use compensation requirements are satisfied by the conservation release from the Dehart Reservoir, except as provided in Special Condition 18(b) and (c).
  - b. If the public water supply system supplying the water to the project utilizes its Susquehanna River intake during low flow periods (as defined by the Commission) or fails to maintain the conservation release from the Dehart Reservoir, the project sponsor's method of consumptive use compensation described in Special Condition 18(a) shall not be acceptable during that calendar year and the project sponsor shall make payment for consumptive use mitigation fees for all water used by the project during that calendar year. The payment shall be calculated by applying the rate from the effective Regulatory Program Fee Schedule to the amount of water consumptively used from the public water supply system during the entire calendar year in which the foregoing were to occur. The Commission will review the annual report required by Special Condition 17, or other available reporting, and process an invoice for the consumptive use mitigation fees, if appropriate. 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.
  - c. The Commission expects that the water allocation permit issued by the Commonwealth of Pennsylvania for operation of the Dehart Reservoir will be renewed or modified during the term of this approval. The adequacy of the mitigation method will be reevaluated during the Commission coordination and review of the water allocation permit for the reservoir, and any other time deemed appropriate by the Commission. The Commission may reopen this approval to revise the consumptive use mitigation compensation or require that the project sponsor provide a revised mitigation plan (and methods) if Commission staff finds that the conservation release provided in the water allocation permit does not adequately mitigate the project's water use. The Commission shall notify the project sponsor if a revised mitigation plan is needed.

### **TERM**

19. This approval is effective immediately and shall remain effective until April 13, 2038.

20. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before March 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.
21. Commission Docket No. 20080306 is hereby expired.

This approval is issued by the Executive Director pursuant to the authority set forth in 18 CFR § 806.22(e).

Dated: April 14, 2023



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Andrew D. Dehoff, Executive Director