



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20230605**

**Approval Date: June 15, 2023**

**Correction Issue Date: August 25, 2023**

## **COAL MOUNTAIN DEVELOPMENT AND RECREATION LLC FACILITY: EAGLES RIDGE GOLF COURSE**

**Consumptive Use (30-Day Average) of up to 0.099 mgd  
from an On-stream Pond on an Unnamed Tributary to Watts Creek**

### **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 renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of the project which was previously approved by Commission Docket No. 20080613 on June 12, 2008, and modified April 30, 2020, as Commission Docket No. 20080613-1. The project sponsor has requested a change from a peak day basis to a 30-day average basis.

The Commission previously approved the surface water withdrawal of 0.099 million gallons per day (mgd) from an on-stream pond on an unnamed tributary to Watts Creek and consumptive use of 0.099 mgd with special flow protection requirements. The withdrawal from the on-stream pond on an unnamed tributary to Watts Creek is below the Commission's regulatory threshold of 0.100 mgd (30-day average), and continued operation below the withdrawal threshold of 0.100 mgd (30-day average) does not require separate Commission review and approval.

The facility utilizes public water supply for potable/sanitary water uses. Water from the public water supplier will not be consumptively used in facility operations and is not subject to Commission review and approval.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the Pennsylvania Department of Conservation and Natural Resources (DCNR), 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>	Coal Mountain Development and Recreation LLC
<b>Facility:</b>	Eagles Ridge Golf Course
<b>Approval Type:</b>	Consumptive Use
<b>Previous Docket Nos.:</b>	20080613 and 20080613-1
<b>Authorized Water Use Purpose:</b>	Golf Course Irrigation and Related Incidental Uses
<b>Municipality:</b>	Ferguson Township
<b>County:</b>	Clearfield County
<b>State:</b>	Pennsylvania

## Section 3. 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	
<b>Source for Project Consumptive Use:</b>	On-stream Pond on an Unnamed Tributary to Watts Creek
<b>30-Day Average Consumptive Use Amount (mgd):</b>	0.099 (Not to Exceed)
<b>Authorized Project Consumptive Uses:</b>	1. Golf Course Irrigation 2. Related Incidental Uses
<b>Consumptive Use Mitigation Type:</b>	Conservation Release (see Special Condition 17)

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

## Section 4. Under Threshold Withdrawals

The surface water withdrawal supplying the facility will be operated below the Commission's regulatory threshold; therefore, the withdrawal does not require separate Commission review and approval if the withdrawal remains below 0.100 mgd (consecutive 30-day average). Operation of the withdrawal at or above 0.100 mgd (consecutive 30-day average), individually or in combination, will require prior review and approval in accordance with Special Condition 18.

Evaluation of the withdrawal has been considered in conjunction with review of this consumptive use renewal. Considering the project setting and identified resource limitations,

and in accordance with 18 CFR § 806.4(a)(1) and § 806.23, appropriate withdrawal limitations are being maintained with this renewal as provided in Special Condition 19.

The Commission also strongly encourages the collection of daily withdrawal quantities and maintenance of the withdrawal records for the duration of the project. These data will prove invaluable in the course of future regulatory reviews, should they arise.

## **Section 5. 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 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 keep daily records of the project's consumptive use, 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 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.

5. 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.

6. 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.

7. 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.

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

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

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

11. 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.

12. 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.

13. 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.

14. 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.

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

16. The project sponsor is required to apply for and obtain approval prior to any increase in consumptive use that would exceed the amount listed herein or to add a source used for consumptive use that is not listed in Section 3.

## Section 6. Special Conditions

17. The project's consumptive use is subject to mitigation requirements, as per 18 CFR § 806.22(b). Consistent with Section 3, mitigation requirements for consumptive use at the project are outlined below:

- a. The Commission's consumptive use compensation requirements are satisfied by the conservation release as provided in Special Condition 19, except as provided in Special Condition 17(b).
- b. If the project sponsor fails to maintain the conservation release, the project sponsor's method of consumptive use compensation described in Special Condition 17(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 during the entire calendar year in which the foregoing were to occur. 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.

18. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal that would be equal to or exceed 0.100 mgd (consecutive 30-day average) individually or in combination.

19. The project sponsor is required to maintain a seasonal conservation release to the unnamed tributary to Watts Creek at all times. The project sponsor shall maintain the device used to regulate the release from the on-stream pond to meet the release requirement. The system shall be kept fully functional and free of debris. The seasonal conservation release shall be as follows:

- a. During the months of November through June a conservation release of a minimum of 19.8 gallons per minute (gpm) shall be maintained at all times.
- b. During the months of July through October a conservation release of a minimum of 8.3 gpm shall be maintained at all times.

20. Within ninety (90) days from the date of this approval, the project sponsor shall submit a comprehensive conservation release plan to the Commission for review and approval by Commission staff that details the process of maintaining the required conservation release rates and devices. After approval by Commission staff, any alternative mitigation release procedure or changes to the release device requested by the project sponsor shall be submitted for review and approval by Commission staff. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

Facility: Eagles Ridge Golf Course  
Consumptive Use

21. The date of the last meter certification was August 26, 2019; therefore, the next meter certification is due no later than August 26, 2024. 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. Prior to supplying water for any use not authorized pursuant to Sections 2 or 3 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.

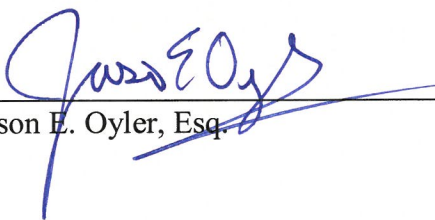
**Section 7. Term**

23. This approval shall be effective July 1, 2023, and shall remain effective until June 30, 2038. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 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.

24. Commission Docket Nos. 20080613 and 20080613-1 shall remain effective through June 30, 2023, whereupon they shall expire.

**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 August 25, 2023.

Dated: August 25, 2023

  
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Jason E. Oyler, Esq.