



Pennsylvania Department of Environmental Protection

909 Elmerton Avenue
Harrisburg, PA 17110-8200

Southcentral Regional Office

717-705-4802
Fax: 717-705-4930

In the Matter of: Mason Dixon Utilities
Adams County

Water Allocation WA 01-1025

WATER ALLOCATION PERMIT

The Pennsylvania Department of Environmental Protection (the Department), renamed by the Act of June 28, 1995, No. 18, P.L. 89, 71 P.S. Section 1340.101 et seq., known as The Conservation and Natural Resources Act, and continuing to exercise the powers and duties established by the Act of December 3, 1970, No. 275, P.L. 834, 71 P.S. Section 510-1 et seq., as amended, known as The Administrative Code, as successor to the Water and Power Resources Board, under and by virtue of the authority vested in and imposed upon it by the Act of June 24, 1939, No. 365, P.L. 842, 32 P.S. Section 631 et seq., known as the Water Rights Act, and the Pennsylvania Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§ 691.1 et seq. ("The Clean Streams Law") hereby grants leave to **Mason Dixon Utilities, Inc.** (permittee), with its principal offices located at **1085 Jacks Mt. Road, Fairfield, PA 17320, Adams County, PA**, to acquire and use for public water supply purposes, subject to such existing rights and uses as may now be lawful, water rights in the following designated waters of the Commonwealth:

Marsh Creek

This permit is issued in response to an application filed with the Department on August 3, 2007 and amendments through December 16, 2009. This permit is issued with the understanding that the proposed source of water supply shall be developed as set forth in the application and in accompanying and supplemental data filed with and thereafter and made a part thereof, subject, however, to the provisions of the Act of June 24, 1939, P.L. 842 (No. 365), and the following conditions, regulations and restrictions:

1. **What Permit Does Not Do:** This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement or interest in, to or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property nor invasion of private rights, nor any infringement of federal, state or local laws or regulations; nor does it obviate the necessity of obtaining federal assent when necessary.
2. **Term of Permit:** The duration of this permit shall be for a period of 25 years only, provided, however, that should the permittee for any reason whatsoever cease to take and use the water hereby allocated for any period of seven (7) consecutive years, then this permit shall cease and be null and

void; unless, upon application of the permittee, an extension of such period is granted by the Department.

3. Public Water Supply Permit Requirement: The permittee shall obtain, within two (2) years from the date of this permit, a Public Water Supply Construction Permit consistent with the permittee's water system operations plan from the Department's Southcentral Regional Office. Failure to secure the required permit within the required time period shall cause this permit to be null and void; unless, upon application by the permittee, the Department grants an extension of such period.
4. Construction Time Limits: The construction of the works necessary for the development of the supply of water allocated under this permit shall begin within two (2) years from the date of this permit and shall be completed within two (2) years thereafter, a total period of four (4) years; unless, upon application by the permittee, the Department grants an extension of such period.
5. Act 537 Plan Requirement: Unless otherwise approved by the Department, in writing, the permittee shall not withdraw water from Marsh Creek until the permittee has obtained Act 537 sewage facilities planning approval for a sewage facilities plan that is consistent with the permittee's public drinking water operations plans and permits.
6. Withdrawals: The average daily withdrawal rate from the permittee's intake on Marsh Creek, including water withdrawn for golf course irrigation shall not exceed 205,000 gallons per day (gpd) on an annual (365 day) basis, 500,000 gpd on a thirty-day basis and 2,000,000 gpd on a peak day basis.
7. Passby Flow: A flow of not less than 18.9 cubic feet per second (cfs) or 12,214,000 gpd, which is calculated by the Department to be equivalent to 20% of the average daily flow at the point of taking, shall be allowed to pass the permittee's Marsh Creek intake at all times. Such flows shall be measured at a point downstream of the permittee's intake including any intake used as a source for golf course irrigation. The permittee shall reduce withdrawals from Marsh Creek to maintain not less than 18.9 cfs in the stream channel below the intake. When the natural flow is at or less than this rate, the permittee shall not withdraw any water from Marsh Creek and the entire natural flow shall be allowed to pass this intake. In the event that an official drought emergency is declared by the Commonwealth in Adams County, Pennsylvania, the permittee's off stream reservoir has been drawn down to 6.0 million gallons of water or less, not including any dead storage, and if it is approved by the Department in writing, the permittee may temporarily reduce the minimum flow that must pass by the intake.
8. Water Use: The maximum combined withdrawal from permittee's groundwater sources and the raw water reservoir shall not exceed 411,000 gallons in any given day. All water shall be used in a manner consistent with the permittee's water system operations plan.
9. Installation of Measuring Devices: The permittee shall install accurate measuring and recording instruments or devices to determine the volume and withdrawal rate of water withdrawn from Marsh Creek, the raw water storage reservoir and both of the water supply wells. Unless otherwise approved by the Department, in writing, the permittee may not withdraw any water from Marsh Creek until after the Department, in writing, has approved the design and layout of the devices, and the permittee has installed the devices. The design and layout of these devices shall be submitted to and be approved by the DEPARTMENT OF ENVIRONMENTAL PROTECTION, SOUTHCENTRAL REGIONAL OFFICE, WATER SUPPLY MANAGEMENT PROGRAM, 909

ELMERTON AVENUE, HARRISBURG, PA 17110. The permittee shall maintain these devices in good working order at all times following their installation during the term of this permit. The permittee shall notify the Department's Southcentral Regional Office in writing of completion of the measuring device. Additionally, the permittee shall notify the Department's Southcentral Regional Office, Watershed Management Program in writing of not less than 30 days prior to commencing withdrawals authorized by this permit.

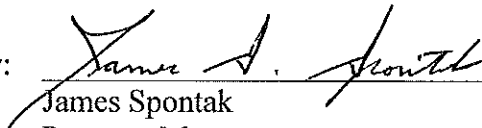
10. Withdrawal Records: The permittee shall prepare and maintain accurate records of the amount of water withdrawn each day from Marsh Creek, the raw water storage reservoir and the water supply wells. The permittee shall make the records available, during normal business hours, for inspection and copying by the Department. The permittee shall submit to the DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF WATERSHED MANAGEMENT, DIVISION OF WATER USE PLANNING, PO BOX 8555, HARRISBURG, PA 17105-8555, by the 15th day of each month, on forms approved by the Department, records showing the daily withdrawals by the permittee during the previous month.
11. Passby Flow Measuring Devices: The permittee shall install a stream gaging station to determine the flow passing by the permittee's Marsh Creek intake. The devices must be sufficiently accurate to ensure that the permittee can maintain compliance with the passby flow requirements included in this permit and shall be constructed to United States Geological Survey ("USGS") stream gaging station standards and specifications. Unless otherwise approved by the Department, in writing, the permittee may not withdraw any water from Marsh Creek until after the Department has, in writing, approved the design and layout of these devices, and the permittee has installed them and they are operational. The design and layout of these devices shall be submitted to and be approved by the DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF WATERSHED MANAGEMENT, DIVISION OF WATER USE PLANNING, PO BOX 8555, HARRISBURG, PA 17105-8555 prior to installation. The permittee shall operate and maintain these devices in good working condition. Additionally, at a frequency of not less than once annually, the permittee shall submit to the Department a third-party verification of the accuracy of the flow measuring device. In the event that the gaging station is added to the USGS network of stream gage stations, the permittee shall provide ongoing funding for full operation and maintenance of the gage station as long as water withdrawals from Marsh Creek are authorized under this permit.
12. Passby Flow Records: The permittee shall prepare and maintain accurate records of the daily flow in Marsh Creek. The permittee shall make available these records, during normal business hours, for inspection and copying by the Department. The permittee shall submit, to the DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF WATERSHED MANAGEMENT, DIVISION OF WATER USE PLANNING, PO BOX 8555, HARRISBURG, PA 17105-8555, by the 15th day of each month, on forms approved by the Department, records showing the flow rate in Marsh Creek during the previous month.
13. Drought Contingency Plan: The permittee shall operate its system as outlined within the Daily Operations Plan and Drought Contingency Plan submitted to the Department as part of the application for water allocation or as may be modified with the Department's approval. The permittee shall maintain the passby flow required by condition number 7 of this permit at all times.
14. Annual Permit Compliance Report: The permittee shall submit annually, by March 31 of each year as to the prior calendar year operations, a permit compliance report on forms approved by the

Department, to the DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF WATERSHED MANAGEMENT, DIVISION OF WATER USE PLANNING, PO BOX 8555, HARRISBURG, PA 17105-8555.

15. Non-Compliance Reporting: The permittee shall record and report to the Department's Southcentral Regional Office any non-compliance with the terms and conditions of this permit that may endanger public health or safety or the environment. This information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A Non-Compliance Report shall be submitted to the Department within two weeks of the oral report. Where necessary, the Non-Compliance Report shall be supplemented with a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if not already corrected, the anticipated time the noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
16. Permit Deviation Reporting: Beginning on the month of permit issuance and on a frequency of not less than once every 6 months, the permittee shall submit to the Department's Southcentral Regional Office, a report documenting and describing any deviations from the requirements of this permit during the previous 6-month period. The report shall include a description of each deviation and its cause, the exact dates and times of each deviation and, if not already corrected, the anticipated time the deviation is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence.
17. Supplying Water to Other Public Water Suppliers Prohibition: The permittee shall not supply any new or additional quantity of water to any public water supply agency until that agency shall have first obtained, from the Department of Environmental Protection's Southcentral Regional Office, a subsidiary water allocation permit for the specific purchase quantity.
18. Reservoir Storage Measuring Devices and Reporting: The permittee shall install accurate measuring and recording devices to determine the amount of water supply storage in the raw water reservoir. The design and layout of said measuring devices shall be submitted to and approved by the Department of Environmental Protection's Division of Water Use Planning before installation. The permittee shall also develop an elevation-storage capacity-surface area table and graph and submit the table and graph to the Department of Environmental Protection's Division of Water Use Planning. The elevation-storage capacity-surface area table and graph shall be submitted to the Department's Division of Water Use Planning concurrent with the permittee's submission of the reservoir design portion of the Public Water Supply System Construction Permit to the Department's South Central Regional Office. Records of reservoir elevations and remaining storage volumes shall be submitted to the Division of Water Use Planning monthly, and original field records shall be available at all times for inspection by representatives of the Department. The required measuring devices shall be installed, and readings shall begin upon commencing use of the raw water reservoir for public water supply purposes.
19. Renewal Requirement. Within one (1) year, but no less than ninety (90) days, prior to the expiration date specified in Condition No. 2, the permittee shall submit to the Department a complete and acceptable application for a new permit, if permittee desires to continue to acquire the water rights granted by this permit beyond the expiration date. Upon the Department's acceptance of such application for review, the expiration date of this permit shall be extended during the review period until issuance or denial of said permit.

20. Permit Modification: This permit is subject to review and possible modification of said rights, conditions, or restrictions at a later date or dates, as provided in Section 7 of the Act of June 24, 1939, P.L. 842 (No. 365). The Department may modify, suspend, or revoke this permit in whole or in part during its term for cause including but not limited to the following: violation of any terms or conditions of the permit, obtaining a permit by misrepresentation or failure to disclose fully relevant facts, or a change in condition that requires either a temporary or permanent reduction or elimination of the permitted water withdrawal or as necessary to protect, maintain, or restore existing or designated uses of surface waters as provided by the Clean Streams Law.

Department of Environmental Protection

By: 
James Spontak
Program Manager
Watershed Management Program

Date: MAY 25 2010