

Pennsylvania Department of Environmental Protection  
Water Allocation Permit No. WA 01-1025  
Comment and Response Document

May 19, 2010

### List of Commentators

1. Eric Smith, 870 Natural Dam Road, Gettysburg, PA 17325. Written comments submitted on September 26, 2007 and September 17, 2008. Testimony at the September 17, 2008 public hearing.
2. Wayne E. Belt, 390 Shriver Road, Gettysburg, PA 17325. Written comments submitted on September 5, 2007 and September 17, 2008. Provided testimony at the September 17, 2008 public hearing.
3. Donna C. Landsperger, 3800 Emmitsburg Road, Fairfield, PA 17320. Written comments submitted on August 31, 2007. Provided testimony at the September 17, 2008 public hearing.
4. Jean Landsperger Hobbs, 1516 Table Rock Road, Gettysburg, PA 17325. Written comments submitted on August 31, 2007. Provided testimony at the September 17, 2008 public hearing.
5. Cumberland Township Board of Supervisors, 1370 Fairfield Road, Gettysburg, PA 17325. Written comments submitted on by John P. Gregor on September 4, 2007 and by Florence A. Ford on September 17, 2008. Testimony delivered by Dave Waybright at the September 17, 2008 public hearing.
6. Norma L. Calhoun, 390 Shriver Road, Gettysburg, PA 17325. Written comments submitted on August 31, 2007. Provided testimony at the September 17, 2008 public hearing.
7. Peter F. Scott, 1650 Pumping Station Road, Gettysburg, PA 17325. Written comments submitted August 30, 2007.
8. Freedom Township Supervisors, 1621 Baltimore Pike, Gettysburg, PA 17325. Written comments submitted on August 16, 2007, September 20, 2007 and September 17, 2008 by William F. Hill P.E. and Dean Schultz P.E. Testimony at the September 17, 2008 public hearing by William F. Hill P.E., Dean Schultz P.E. and Janet R. McNalley P.E.
9. Michael G. Marschner, Director, Utilities and Solid Waster Management Division, Frederick County Maryland, 4520 Metropolitan Court, Frederick, MD 21704. Written comments submitted on October 3, 2008.
10. Dennis Ryder, P.O. Box 993, South Seton Avenue, Emmitsburg, MD 21727. Written comments submitted on October 1, 2008.
11. Barbara Clements, 204 Bullfrog Road, Gettysburg, PA 17325. Written comments submitted on September 30, 2008.
12. Greg and Sue Adelsberger, 1061 Barlow-Greenmount Road, Gettysburg, PA 17325. Written comments submitted on September 30, 2008.
13. Mark L. Guise, Utilities Manager, Gettysburg Municipal Authority, 59 E. High Street, P.O. Box 3307, Gettysburg, PA 17325. Written comments submitted on September 29, 2008.

14. Jane and Douglas Stentz, 1140 Red Rock Road, Gettysburg, PA 17325. Written comments submitted on September 29, 2008.
15. Chris and Joan Andes, 430 Bullfrog Road, Gettysburg, PA 17325. Written comments submitted on September 29, 2008.
16. Eugene R. Clabaugh, P.O. Box 4173, Gettysburg, PA 17325-4173. Written comments submitted on September 26, 2008.
17. Joseph K. Hoffman, Executive Director, Interstate Commission on the Potomac River Basin, 51 Monroe Street, Suite PE-08, Rockville, MD 20850. Written comments submitted on September 26, 2007 and September 17, 2008. Testimony at the September 17, 2008 public hearing.
18. Barbara and James Henry, 555 Natural Dam Road, Gettysburg, PA 17325. Written comments submitted on September 23, 2008.
19. Joan R. Hankey, 251 Meadowbrook Lane, P.O. Box 3743, Gettysburg, PA 17325-3743. Written comments submitted on September 22, 2008.
20. Susan B. Vorndran, 871 Natural Dam Road, Gettysburg, PA 17325. Written comments submitted on September 22, 2008. Testimony at the September 17, 2008 public hearing.
21. Charles Skopic, 560 Black Horse Tavern Road, Gettysburg, PA 17325. Written comments submitted on September 17, 2008. Provided testimony at the September 17, 2008 public hearing.
22. Gregory D. Yohn, 1630 Pumping Station Road, Gettysburg, PA 17325. Comments submitted by email on September 30, 2008.
23. Paul Sharrer, 1815 Bullfrog Road, Gettysburg, PA 17325. Comments submitted by email on October 2, 2008.
24. Edward Krantz, 3001 Emmitsburg Road, Gettysburg, PA 17325. Provided testimony at the September 17, 2008 public hearing.
25. Paul Kellett, 46 Middle Creek Road, Fairfield, PA 17320. Provided testimony at the September 17, 2008 public hearing.
26. Joan Wiles, 604 Middle Creek Road, Fairfield, PA 17320. Provided testimony at the September 17, 2008 public hearing.
27. William Schmalix, 604 Middle Creek Road, Fairfield, PA 17320. Provided testimony at the September 17, 2008 public hearing.
28. Patrick Naugle, 650 Redpatch Avenue, Gettysburg, PA 17325. Provided testimony at the September 17, 2008 public hearing.
29. John Horner, 20 Horner Road, Gettysburg, PA 17325. Provided testimony at the September 17, 2008 public hearing.
30. Walter Stone, 1046 Bullfrog Road, Fairfield, PA 17320. Provided testimony at the September 17, 2008 public hearing.

31. Carol Dyke Zegarsky, 475 Middle Creek Road, Fairfield, PA 17320. Provided testimony at the September 17, 2008 public hearing.
32. Catherine Forrence, 404 West Main Street, Emmittsburg, MD 21727. Provided testimony at the September 17, 2008 public hearing.
33. Betsey Forrence, 17247 Annandale Road, Emmittsburg, MD 21727. Provided testimony at the September 17, 2008 public hearing.
34. Gary Reed, 3800 Emmittsburg Road, Fairfield, PA 17320. Provided testimony at the September 17, 2008 public hearing.
35. Dave Waybright, 837 Mason Dixon Road, Gettysburg, PA. Provided testimony at the September 17, 2008 public hearing.

## Comments and Responses:

- 1 Comment:** The USGS Low Flow report used by Mason Dixon Utilities (MDU) to estimate stream flow statistics for Marsh Creek has high standard errors for prediction and is not reliably accurate especially for lower flows. MDU should have considered actual stream flow data available at the USGS Stream Gauge Station in the Monocacy River at Bridgeport, MD. The available data is inconsistent with and indicative of much lower flows than the estimated low flows MDU calculated using the USGS Low Flow report. MDU should provide a more thorough evaluation of the impact of the proposed withdrawal on Marsh Creek.
- Response:** *The MDU permit includes a minimum passby flow requirement based on flows recorded at the Bridgeport, MD gauge.*
- Commentator(s):** 1, 6, 8, 9, 17, 20, 22, 25, 26, 27, 28, 31, 33
- 2 Comment:** I request the Department to hold a public hearing for the MDU water allocation application.
- Response:** *A public hearing was held on September 17, 2008 at the Greenmount Fire Hall at 3095 Emmitsburg Rd, Gettysburg, PA 17325*
- Commentator(s):** 1, 2, 3, 4, 5, 6, 7, 8
- 3 Comment:** I request the Department to hold a public meeting for the MDU water allocation application.
- Response:** *A public hearing was held on September 17, 2008 at the Greenmount Fire Hall at 3095 Emmitsburg Rd, Gettysburg, PA 17325*
- Commentator(s):** 2, 3, 4, 5, 6, 7, 8
- 4 Comment:** Marsh Creek forms the border between Cumberland and Freedom Townships, the proposed withdrawal for the project in Freedom Township may have a negative impact on Cumberland Township, specifically the ability for Cumberland Township to support growth in designated growth areas.
- Response:** *The Department is not aware of any other water allocation request in the Marsh Creek basin.*
- Commentator(s):** 5
- 5 Comment:** MDU's proposed drought emergency plan specifies that during times of drought water usage would be reduced by asking commercial and industrial customers to reduce water as much as possible without affecting employment and

- potential discretionary uses (such as golf course watering could potentially be suspended) but the projected demand calculations allot only 15% for commercial and industrial uses and no water for golf course watering. The proposed plan is not adequate.
- Response:** *MDU has submitted an updated drought contingency plan which ties mandatory water use restrictions to reservoir levels. MDU has also provided documentation to demonstrate that the water system, including all infrastructure and operations plans, is sufficient to supply water to the proposed development.*
- Commentator(s):** 8
- 6 Comment:** The water rates that MDU charges should be designed such that those customers who use more than the average customer should pay more per gallon for usages over the average amounts.
- Response:** *The Department does not regulate water billing rates.*
- Commentator(s):** 8
- 7 Comment:** Prior to developing the final phases of this development, the developer must show that the proposed raw water storage reservoir is adequately sized.
- Response:** *MDU has provided data to demonstrate that the raw water storage reservoir is adequately sized.*
- Commentator(s):** 8, 21
- 8 Comment:** If the water allocation permit requires a minimum pass-by flow of 90% of the estimated Q<sub>7-10</sub> flow, there would probably be no harm to the stream.
- Response:** *The water allocation permit requires a minimum pass-by flow of 20% of the estimated average daily flow at the point of taking at any time a withdrawal occurs.*
- Commentator(s):** 8
- 9 Comment:** Marsh Creek is currently classified in Chapter 93 as a cold water fishery (CWF) and it is very important that the existing water quality in Marsh Creek is maintained.
- Response:** *The minimum passby flow required in the permit is designed to protect the existing use of Marsh Creek.*
- Commentator(s):** 2
- 10 Comment:** I am concerned that rules and guidelines administrated by PADEP in regard to MDU's withdrawal will not be enforced regularly. Who will be watching and regulating these withdrawals?

- Response:** *In the event that a water allocation permit condition is violated, the Department will take appropriate action.*
- Commentator(s):** 2
- 11 Comment:** The Cumberland Township Authority is in the engineering design phase of constructing a new sewage treatment facility known as the Greenmount Sewer Project at the same location of the Boyd's Bears holding facility. The Greenmount sewer is planned to discharge into the Marsh Creek. The discharge area is immediately upstream of the proposed surface water withdrawal area known as Natural Dam.
- Response:** *The proposed discharge is approximately 4 miles up stream of the MDU intake. The Department issued a draft NDPES permit to Cumberland Township Authority on September 11, 2008 for the proposed discharge. To date the Department has not received a Water Quality Management permit application from Cumberland Township Authority and has not been able to move forward with finalizing the NDPES permit. The NDPES permit will include effluent limits designed to protect the public water supply.*
- Commentator(s):** 5
- 12 Comment:** Due to MDU's water use scheme, the withdrawal represents a 100% consumptive use from the Marsh Creek watershed. The requested withdrawal will reduce flows in Marsh Creek and Monocacy River downstream of the intake and could adversely affect downstream water users by reducing assimilative capacity and available stream flows.
- Response:** *The withdrawal is not expected to adversely impact downstream water users.*
- Commentator(s):** 9, 17, 25
- 13 Comment:** The proposed 15 million gallon reservoir may not be adequate to provide an uninterrupted water supply during low flow periods in Marsh Creek.
- Response:** *MDU has provided data to demonstrate that the raw water storage reservoir is adequately sized.*
- Commentator(s):** 9, 17
- 14 Comment:** The MDU 'low flow water budget analysis' should include groundwater withdrawals and consider cumulative upstream withdrawals.
- Response:** *Review of the application included consideration of groundwater and cumulative upstream withdrawals.*
- Commentator(s):** 9, 17, 25

- 15 Comment:** MDU has not submitted an Act 537 plan for wastewater treatment but proposes that some portion of the WWTP effluent be discharged. During low flow periods, this discharge may exceed the assimilative capacity of the area's small streams. MDU should provide an analysis of the proposed discharge and its affect on the receiving streams.
- Response:** *Any NPDES permit issued to MDU will include discharge limits that are designed to protect the existing use of the receiving stream.*
- Commentator(s):** 9, 17, 32
- 16 Comment:** MDU should site its proposed WWTP at a location where effluent can be discharged into Marsh Creek.
- Response:** *The design and location of the WWTP is the responsibility of MDU. The water allocation permit requires coordination with the permittee's Act 537 plans.*
- Commentator(s):** 9, 17
- 17 Comment:** Some legal mechanism should be included in the permitting process for the development of the project that requires funding on an ongoing basis, by the developer and/or by the Country Club/residential community for installation and maintenance of a USGS real-time gauge on Marsh Creek. The gauge must be an integral part of the water intake system.
- Response:** *A requirement to install a USGS real-time gage is included in the water allocation permit.*
- Commentator(s):** 8, 9, 17
- 18 Comment:** The proposed withdrawal will exacerbate the already present low-flow conditions in the Marsh Creek watershed.
- Response:** *The permit includes conditions requiring MDU to maintain a minimum passby flow of not less than 18.9 cfs (~12 mgd) at any time a withdrawal occurs. The withdrawal will not have any impact on Marsh Creek when flows are below 12 mgd.*
- Commentator(s):** 3, 4, 10, 12, 14, 15, 16, 18, 20, 24, 26, 27, 29, 31, 34
- 19 Comment:** Developers should only be allowed to build what the land they own will support.
- Response:** *MDU has provided data to demonstrate that sufficient water is available for the proposed development.*
- Commentator(s):** 11
- 20 Comment:** With the additional homes and business that are proposed to be served as part of this withdrawal, there will not be adequate water for everyone in the area during droughts.



- Response:** *MDU has provided data to demonstrate that sufficient water is available to supply the needs of the new development. Adverse impacts on existing water supplies are not expected.*
- Commentator(s):** 11, 15
- 21 Comment:** Marsh Creek already serves as a water supply for the Gettysburg Municipal Authority (GMA). During dry periods there is little to no water available to withdraw from Marsh Creek for public use. An additional water withdrawal downstream may compromise the aquatic health in Marsh Creek resulting in a greater release requirement at GMA's Marsh Creek Water Treatment Plant or other adverse impact to GMA or other upstream users system.
- Response:** *The permit, including the required passby flow, was developed in consideration of the GMA withdrawal.*
- Commentator(s):** 13, 14, 20, 21, 25, 26, 27, 28, 31, 32
- 22 Comment:** Marsh Creek will be listed as a critical basin in the Act 220 State Water Plan that is currently being prepared. Due to the possibility this designation, we question the feasibility of allowing further withdrawals from Marsh Creek. The Department's decision should be delayed so the withdrawal requests can be handled as part of the Critical Area Resource Planning process.
- Response:** *The water allocation permit ensures that the existing uses of Marsh Creek are protected.*
- Commentator(s):** 13, 28
- 23 Comment:** PADEP must ensure that the proposed WWTP discharge will not adversely affect upstream water users and wastewater dischargers.
- Response:** *MDU has proposed to construct a wastewater re-use system which will produce a minimal discharge to Middle Creek and a high quality effluent. An impact to upstream water users and wastewater dischargers is not expected.*
- Commentator(s):** 13, 21
- 24 Comment:** The proposed withdrawal may adversely affect existing private water supply wells in the area.
- Response:** *The proposed withdrawal from Marsh Creek is not expected to adversely affect any water supply wells.*
- Commentator(s):** 15
- 25 Comment:** There is insufficient water available in the Marsh Creek watershed to support the proposed development.
- Response:** *MDU has proposed to construct a 14.5 million gallon off-*

- stream reservoir to supply water to the development during times of drought.*
- Commentator(s):** 3, 4, 8, 19, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35
- 26 Comment:** PA DEP needs to ensure that there is sufficient water available to supply the needs of new development and existing residents.
- Response:** *MDU has provided data to demonstrate that sufficient water is available to supply the needs of the new development. Adverse impacts on existing water supplies are not expected.*
- Commentator(s):** 19
- 27 Comment:** When put into full service the onsite wells may have an adverse effect on the surrounding private wells.
- Response:** *MDU must obtain a public drinking water supply permit prior to putting the wells into service. The wells must be pump tested as part of the permit review process. The pump tests are designed to ensure that impact on surrounding private wells is kept to a minimum.*
- Commentator(s):** 20, 22
- 28 Comment:** MDU should be limited to making withdrawals during times when flow in Marsh Creek is high by requiring a pass-by flow of 5.0 mgd or more.
- Response:** *The permit requires MDU to maintain a minimum passby flow of not less than 18.9 cfs (~12 mgd) at any time a withdrawal occurs.*
- Commentator(s):** 21, 28
- 29 Comment:** Any permit issued should be conditioned to prohibit use of water withdrawn from Marsh Creek for golf course irrigation.
- Response:** *The water allocation permit limits water withdrawals in a manner that protects the existing uses of Marsh Creek.*
- Commentator(s):** 8
- 30 Comment:** Any permit issued should be conditioned to require MDU to maintain thorough withdrawal and stream flow records.
- Response:** *The permit requires MDU to record and maintain thorough withdrawal and stream flow records.*
- Commentator(s):** 8
- 31 Comment:** Permitting the proposed withdrawal will open the door for other water withdrawals from Marsh Creek which could have a significant adverse effect on the stream. Any permit must be crafted to avoid future water conflicts in Adams County.
- Response:** *Cumulative impacts are considered for all water allocation*

- requests.*  
**Commentator(s):** 2, 21
- 32 Comment:** The development is proposed to be constructed on land that is not contiguous to Marsh Creek. The land where the intake is proposed was purchased for the sole purpose of providing a water supply to the development. The Department's regulations should be amended to prevent developments that are not located on land parcels adjacent to water bodies from utilizing surface water for a water supply.
- Response:** *The Departments regulations provide adequate protection of water resources.*
- Commentator(s):** 6
- 33 Comment:** The Q<sub>7-10</sub> value that MDU used in the water allocation application that was submitted to the Department is not accurate and if that number is not accurate, other items in the application may also be inaccurate. Specifically the numbers regarding the projected water use.
- Response:** *The required pass-by flow was calculated using a different process than originally proposed by MDU.*
- Commentator(s):** 20, 25, 26, 27, 31
- 34 Comment:** PADEP should consider other possible water uses of the water resources in Marsh Creek prior to making a decision on the MDU proposal.
- Response:** *The Department is not aware of any other water allocation requests in the Marsh Creek basin.*
- Commentator(s):** 28
- 35 Comment:** The proposed minimum pass-by flow of 2.54 mgd must be written into any DEP permit.
- Response:** *The permit requires MDU to maintain a minimum passby flow of not less than 18.9 cfs (~12 mgd) at any time a withdrawal occurs.*
- Commentator(s):** 8
- 36 Comment:** Construction of the proposed development will adversely impact groundwater recharge and downstream water quality.
- Response:** *The operation will be required to comply with all appropriate stormwater regulations during and after construction.*
- Commentator(s):** 32

