



SUSQUEHANNA RIVER  
BASIN COMMISSION

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NY ■ PA ■ MD ■ USA

August 11, 2016

TO ALL CONCERNED:

At the June 16, 2016, Commission meeting, the draft minutes of the March 10, 2016, Commission meeting were approved as written. Please attach this notice to your copy of the March 10, 2016 minutes.



SUSQUEHANNA RIVER BASIN COMMISSION  
4423 N. FRONT ST.  
HARRISBURG, PA 17110

**MINUTES OF THE  
SUSQUEHANNA RIVER BASIN COMMISSION**

**June 16, 2016**  
#2016-02

The meeting was held at the Double Tree Resort by Hilton Hotel in Lancaster, Pennsylvania. Chairwoman Heffner called the meeting to order at 9:00 a.m.

**ROLL CALL**

**Commissioners Present**

*Ms. Kelly Heffner*, Special Deputy Secretary for Water Resources Planning, Pennsylvania Dept. of Environmental Protection (PADEP)

*Ms. Virginia Kearney*, Deputy Director, Water Management Administration, Maryland Department of the Environment (MDE)

*Col. Edward Chamberlayne*, District Engineer, U.S. Army Corps of Engineers (USACE), Baltimore District

*Mr. Kenneth P. Lynch*, Executive Deputy Commissioner, New York State Dept. of Environmental Conservation (NYSDEC)

**Alternate Commissioners  
and Advisors Present**

*Mr. Saeid Kasraei*, Program Administrator, Water Supply Program, MDE

**Staff Present**

*Mr. Andrew D. Dehoff*, Executive Director

*Mr. Andrew J. Gavin*, Deputy Executive Director

*Ms. Marcia Hutchinson*, Director, Administration & Finance

*Ms. Stephanie L. Richardson*, Secretary to the Commission

*Mr. Jason Oyler*, General Counsel

*Mr. Eric Petrozino*, Legal Intern

*Ms. Gwyn Rowland*, Manager, Governmental & Public Affairs

*Mr. John W. Balay*, Manager, Planning & Operations

*Ms. Paula B. Ballaron*, Manager, Policy Implementation & Outreach

*Mr. Todd D. Eaby*, Manager, Project Review

*Mr. Brydon Lidle*, Manager, Information Technology

*Mr. Eric Roof*, Manager, Compliance & Enforcement

*Mr. Jamie Shallenberger*, Manager, Monitoring & Protection

**Also Present**

*Mr. Hank Gruber*, USACE, North Atlantic Division    *Ms. Jennifer Orr*, PADEP

## **1. Opening Remarks from the Chair**

Chairwoman Heffner opened the meeting at 9:00 a.m. by outlining the rules of conduct for the meeting. Chairwoman Heffner noted that a public hearing was previously held on May 4, 2016. The Commissioners introduced themselves. Chairwoman Heffner noted that Commissioner Ken Lynch moved into another position and would no longer serve as the Commissioner from New York. Chairwoman Heffner and the other Commissioners wished him well in his new endeavor.

## **2. Presentation on TMDL Alternative Process in the Chiques Creek Watershed**

Monitoring and Protection Manager Jamie Shallenberger gave a presentation about Commission staff's efforts, with the Pennsylvania Department of Environmental Protection and others, to develop an alternate approach to traditional total maximum daily load (TMDL) development for the Chiques Creek watershed.

## **3. Minutes of March 10, 2016, Commission Meeting**

On a motion by Commissioner Lynch, seconded by Commissioner Kearney, the minutes of the regular business meeting of March 10, 2016, were unanimously approved as written.

## **4. Election of Officers**

The Executive Director explained that, by tradition, the Chairmanship and Vice Chairmanship of the Commission are rotated among the member jurisdictions. In accordance with that rotation, the State of Maryland will become the Chair of the Commission, and the Federal Government will become the Vice-Chair of the Commission.

On a motion by Commissioner Lynch, seconded by Commissioner Chamberlayne, the Commission unanimously elected the member from the State of Maryland as the Chair of the Commission, and the member from the Federal Government as the Vice Chair of the Commission for the period of July 1, 2016, to June 30, 2017.

## **5. FY2017-2018 Water Resources Program**

Planning and Operations Manager John Balay presented Resolution No. 2016-02 (Exhibit A) providing for adoption of the proposed FY2017-2018 Water Resources Program (WRP). The Commission had received valuable input from its member jurisdictions regarding the content of this year's WRP. Under Section 14.2 of the Susquehanna River Basin Compact, the Commission is directed to annually adopt a water resources program based upon the Comprehensive Plan consisting of the projects and facilities which the Commission proposes to be undertaken by the Commission and other authorized governmental and private agencies, organizations, and persons over a defined period of time. Mr. Balay provided a brief overview of some of the projects included in the WRP.

On a motion by Commissioner Kearney, seconded by Commissioner Lynch, the resolution was adopted unanimously.

## **6. Comprehensive Plan Amendments**

Mr. Balay presented Resolution No. 2016-03 (Exhibit B) to the Commission for consideration approving amendments to its *Comprehensive Plan for the Water Resources of the Susquehanna River Basin*. The proposed amendments include the Water Resources Program (FY2017-18), as well as all water resources projects approved by the Commission since the last amendments to the Comprehensive Plan.

On a motion by Commissioner Chamberlayne, seconded by Commissioner Lynch, the resolution was unanimously adopted.

## **7. FY2017 Regulatory Program Fee Schedule**

Director of Administration & Finance Marcia Hutchinson presented Resolution No. 2016-04 (Exhibit C) providing for revisions to the Commission's Regulatory Program Fee Schedule for FY2017. These revisions, as directed by earlier resolutions of the Commission, reflect changes that have occurred in the Consumer Price Index and the USACE Civil Works Construction Cost Index System. Other clarifications have been added providing that, with the adoption of a Regulatory Program Fee Schedule for FY2013 and then continuing for four successive fiscal years thereafter, the fees associated with groundwater withdrawal applications, in addition to being adjusted in accordance with the Consumer Price Index, would also be increased 10 percent per year for five years. The proposed fee schedule also deepened the discount that the Commission offers to municipalities for groundwater applications. This year is the fifth year for this increase. The Annual Monitoring and Compliance Fee saw no increase and the municipal discount was also extended to this fee. The proposed revisions were the subject of a public hearing on May 4, 2016, with a written comments period extending through May 16, 2016. Only one set of comments were received.

On a motion by Commissioner Kearney, seconded by Commissioner Chamberlayne, the resolution was unanimously adopted.

## **8. Preliminary FY2018 Budget**

Ms. Hutchinson then presented Resolution No. 2016-05 (Exhibit D) providing for adoption of a preliminary FY2018 budget covering the period July 1, 2017, to June 30, 2018. She briefly reviewed the contents of the budget and noted that it was formulated taking into account the revisions that were made to the FY2017 budget adopted at the March 2016 meeting of the Commission. She further pointed out that all requests for funding in the budget are subject to member jurisdiction executive branch review and that adoption of the budget resolution is not intended to be an endorsement of any appropriation request to the extent that it is inconsistent with such executive branch priorities or policies.

On a motion by Commissioner Lynch, seconded by Commissioner Kearney, the resolution was unanimously adopted.

## 9. **Contracts and Grants**

Ms. Hutchinson presented the following requests:

### **a. Feasibility Cost Sharing Agreement Approval - Foster Joseph Sayers Dam and Reservoir Study (U.S. Army Corps of Engineers)**

Staff requested ratification of the final agreement with the updated costs. The Commission will provide \$390,016 of cash and in-kind contributions. USACE will also provide \$390,016.

### **b. Contract Approval – Billmeyer Quarry Consumptive Use Mitigation Site Characterization and Testing (Lancaster County Solid Waste Management Authority)**

Staff requested that the Commission approve entering into Phase II of the study, expending up to \$219,832, which entails:

- Mapping hydrogeologically important features in proximity to the quarry;
- Identifying and installing monitoring points needed for a quarry pumping test;
- Collecting additional water quality samples and conducting an invasive species study;
- Preparing an aquifer testing plan for review and approval; and
- Conducting a quarry pumping test sufficient to predict impacts to the surrounding surface and subsurface hydrology.

The total estimated costs for aquifer testing equipment and supplies, as part of Phase II of the study, are \$120,000. The LCSWMA has agreed to a 50-percent cost share of these costs, and will contribute \$60,000 to the Phase II study. Commission staff and LCSWMA intend to cover additional Phase II Study tasks using in-kind contributions. The Commission's total estimated costs are \$60,000 for equipment and supplies, and \$159,832 for in-kind contributions.

### **c. Contract Amendment Approval – OASIS Model Update (Hazen and Sawyer)**

Staff requested that the Commission approve the signing of an amendment to the Commission's agreement with Hazen & Sawyer, that increases the cost not to exceed \$330,000.

In December 2014, the Commission approved staff's request to enter into an agreement with Hazen & Sawyer to perform key updates to the Commission's existing OASIS hydrologic model. Hazen & Sawyer were also to provide associated model documentation and support, including training for new Commission staff, at a cost not to exceed \$250,000. During the course of the work, it was discovered there was a need for other updates, refinements and model documentation. This will require additional staff training.

**d. Information Technology Purchase Approval – Host and SAN Upgrade (Runwell Solutions)**

Staff requested that the Commission approve the purchase of information technology equipment, licensing and professional services from Runwell Solutions at a cost of \$107,542.

In 2011, the Commission moved its network from a physical server environment to a virtual server environment. This allowed staff to migrate the eleven (11) individual physical servers to virtual servers, and these virtual servers are housed on three (3) physical Host servers. At the time of this migration, we upgraded to a Host and storage area network (SAN) architecture. After five years, staff is recommending replacement of this hardware.

Staff obtained three proposals for replacement of this technology, and are recommending that Runwell Solutions be selected as the vendor for this upgrade. Runwell’s proposal demonstrated a better understanding of our current and future needs, their proposal included all setup costs, and their price was equal to or lower than the other two vendors.

**e. Contract Approval - Chiques Creek Urban Restoration Project (LandStudies)**

A request that the Commission approve entering into an agreement with LandStudies to develop an inventory of potential urban/suburban best management practices and restoration projects that have the potential to be implemented within the Chiques Creek Watershed, at a cost not to exceed \$35,000.

On a motion by Commissioner Kearney, seconded by Commissioner Lynch, the agreement, the contracts and technology purchase were unanimously adopted.

**10. Policies**

**a. Policy for Sustainable Water Resources Fund**

Ms. Hutchinson presented the Policy for Sustainable Water Resources Fund. Staff proposed adopting Policy No. 2016-01 by Resolution No. 2016-06 (Exhibit E), to rename the “Compliance Reserve Fund” to the “Sustainable Water Resources Fund”, and allow for transfer of general fund surpluses into the fund and expand the use of the fund to include expenditures that are required to promote or support the monitoring and/or study of the Basin’s water resources.

On a motion by Commissioner Lynch, seconded by Commissioner Chamberlayne, the resolution was unanimously adopted.

**b. Guidelines for Terminating Review of a Project Application**

General Counsel Jason Oyler presented Policy No. 2016-02, developing Guidelines for Terminating Review of a Project Application, to describe the policies and procedures for terminating review of a pending application, pursuant to 18 CFR § 806.16. These guidelines will provide guidance to the Commission’s regulatory program staff and applicants before the Commission to help maintain Commission efficiency and prevent unnecessarily lengthened

review time of a project when a project sponsor fails to meet the various application requirements in a timely manner.

### **c. Guidelines for Expiring Project Approvals**

Mr. Oyler presented Policy No. 2016-03, developing Guidelines for Expiring Project Approvals. These guidelines will provide direction and outline internal operating procedures to the Commission's regulatory program staff in following a consistent approach to identifying, notifying, and processing renewals and expired approvals. The guidelines may also be used for providing the public and regulated community with insight regarding how the Commission staff may process renewals and approvals.

These guidelines were subject to a public comment period and one set of comments was received. Staff requested adoption of Resolution No. 2016-07 (Exhibit F) creating these guidelines.

On a motion by Commissioner Chamberlayne, seconded by Commissioner Kearney, the resolution creating these guidelines was unanimously adopted.

## **11. Regulatory Program Actions**

### **a. Compliance Action**

Mr. Oyler presented a proposed settlement with New Enterprise Stone & Lime Co., Inc. regarding their facility Valley Quarries, Inc. in Southampton Township, Cumberland County in the amount of \$30,000. This facility was recently purchased and meets the threshold of consumptive use that requires Commission approval. Valley Quarries did not seek the required Commission approval.

### **b. Report on Delegated Settlements**

Mr. Oyler reported on delegated settlements staff completed over the previous quarter. Pursuant to SRBC Resolution No. 2014-15, the Executive Director entered into the following settlements to resolve compliance and enforcement matters:

A settlement with Vestal Hills Hospitality ("Vestal"):

- During a compliance inspection, compliance staff discovered that the golf course had been sold following the insolvency of the Vestal Hills Country Club in Binghamton, Broome County. The change of ownership occurred on March 14, 2014.
- Vestal had failed to file a transfer application for its existing consumptive use docket within 90 days pursuant to § 806.6.
- Vestal has no prior compliance and enforcement issues with the Commission.
- The settlement is for **\$2,000**.

A settlement with SWN Production Company, LLC (SWN):

- SWN has many approvals with the Commission both for the withdrawal of water and for the consumptive use of water on natural gas pads.



- On February 11, 2016, compliance staff conducted an audit of four of SWN's water withdrawal sites and four ABR pad sites.
- As a result of the audit of records, it appears that SWN had a combined total of 70 violation days for failure to follow the approved metering plan for SWN's Susquehanna River-Hicks withdrawal (Docket No. 20140302-1) and for failure to maintain continuous and accurate daily records for water used from Canton Borough.
- SWN has a compliance history with the Commission within the past five years. In 2014, SWN had violations related to the use of water on its pad sites from an unapproved source. Also in 2014, SWN had passby violations for its Wyalusing Creek site.
- The settlement is for **\$7,000**.

A settlement with Inflection Energy (PA), LLC (Inflection):

- Inflection has an ABR approval for the Winter Pad Site (ABR-201410009) located in Eldred Township, Lycoming County for the consumptive use of water for natural gas drilling.
- As a result of an audit of records conducted in January 2016, it was determined that Inflection drilled the Winter Pad five days prior to having Commission approval.
- Inflection has a 2015 settlement with the Commission for using water from an unapproved source and a settlement from 2013 also for using water from an unapproved source.
- The settlement is for **\$3,000**.

A settlement with Cedar Rock Materials Corp./Bower Quarry ("Cedar Rock"):

- Cedar Rock has a docket for the withdrawal and consumptive use of water (No. 20110302) for the operation of a quarry in Salem Township, Luzerne County.
- During a check of the quarterly data submitted by Cedar Rock, Commission staff determined that Cedar Rock withdrew water from its well for seven days when it was required to be on passby as required by the Docket.
- No environmental harm was documented for this violation; however, failure to maintain a passby flow is a type of violation that has a higher degree of likelihood of environmental harm.
- Cedar Rock does not have any relevant prior compliance history with the Commission.
- The settlement is for **\$3,000**.

**c. Docket Actions**

Todd Eaby, Manager of Project Review, presented a staff memorandum containing details and recommendations regarding the following list of project applications:

- 1. Black Bear Waters, LLC (Lycoming Creek), Lycoming County, Pa. (Exhibit G1)
- 2. Blossburg Municipal Authority (Route 15 Well), Tioga County, Pa. (Exhibit G2)
- 3. Cabot Oil & Gas Corporation (Martins Creek), Susquehanna County, Pa. (Exhibit G3)
- 4. Todd and Gemma Campbell (Susquehanna River) Bradford County, Pa. (Exhibit G4)
- 5. Elizabethtown Area Water Authority (Well 1) Lancaster County, Pa.
- 6. Elizabethtown Area Water Authority (Well 3) Lancaster County, Pa.
- 7. Elizabethtown Area Water Authority (Well 4) Lancaster County, Pa.
- 8. Elizabethtown Area Water Authority (Well 8) Lancaster County, Pa.
- 9. Elizabethtown Area Water Authority (Well 9) Lancaster County, Pa.
- 10. EQT Production Company (Pine Creek), Lycoming County, Pa.
- 11. Exelon Generation Company, LLC (Muddy Run), Lancaster, Pa.
- 12. Manbel Devco I, LP (Belmont Quarry), Lancaster County, Pa.
- 13. Mount Joy Borough Authority (Well 1), Lancaster County, Pa. (Exhibit G5)
- 14. New Enterprise Stone & Lime Co., Inc. (Burkholder Quarry), Lancaster County, Pa. (Exhibit G6)
- 15. New Enterprise Stone & Lime Co., Inc. (Burkholder Quarry), Lancaster County, Pa. (Exhibit G7)
- 16.-17. Renovo Energy Center, LLC (West Branch Susquehanna River), Clinton County, Pa. (Exhibit G8)
- 18.-19. SUEZ Water Pennsylvania Inc. (Coppersmith Well), York County, Pa. (Exhibit G9)
- 20. Sugar Hollow Trout Park and Hatchery (Hatchery Wellfield), Wyoming County, Pa. (Exhibit G10)
- 21.-22. Tioga Downs Racetrack, LLC (Racetrack Well), Tioga County, N.Y. (Exhibit G11)

**Highlight** = Staff recommending tabling.  
**Highlight** = Withdrawn

All projects on the above list were recommended for approval with the exception of Nos. 5-9 and 11-13, which were recommended for tabling and No. 10 which was withdrawn by the project sponsor.

Commissioner Kearney moved that the Commission accept the settlement as outlined by Mr. Oyler and adopt the recommendations of staff for the 22 project applications. The motion was seconded by Commissioner Lynch and unanimously adopted by the Commission.

**ADJOURNMENT**

Chairwoman Heffner adjourned the meeting at 10:40 a.m.

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Date Adopted

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Stephanie L. Richardson

## RESOLUTION NO. 2016-02

A RESOLUTION of the Susquehanna River Basin Commission (the "Commission") adopting a Water Resources Program for Fiscal Years 2017-2018.

WHEREAS, Section 14.2 of the Susquehanna River Basin Compact, Pub. L. 91-575, provides: "The Commission shall annually adopt a Water Resources Program, based upon the comprehensive plan, consisting of the projects and facilities which the Commission proposes to be undertaken by the Commission and by other authorized governmental and private agencies, organizations, and persons during the ensuing six years or such other reasonably foreseeable period as the Commission may determine;" and

WHEREAS, in December 2008, the Commission adopted an extensively revised Comprehensive Plan for the Water Resources of the Susquehanna River Basin (Comprehensive Plan), directing that the actions called for therein be implemented through its Water Resources Program; and

WHEREAS, an updated Comprehensive Plan was adopted by the Commission on December 12, 2013; and

WHEREAS, the Commission annually requests input to the Water Resources Program from member jurisdictions and many other governmental and non-governmental interests; and

WHEREAS, the Commission has formulated an updated Water Resources Program, based on the goals and actions contained in the Comprehensive Plan, which lists the projects and programs proposed to be undertaken by the Commission, member jurisdictions, and other governmental agencies and non-governmental interests during Fiscal Years 2017-2018.

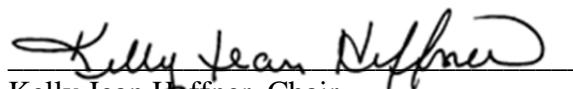
NOW THEREFORE BE IT RESOLVED THAT:

1. The accompanying document titled "Water Resources Program, Susquehanna River Basin Commission (Fiscal Years 2017-2018)" is hereby adopted by the Commission in accordance with Section 14.2 of the Compact and shall be considered for incorporation into the Comprehensive Plan by separate action of the Commission.

2. Staff is instructed to make the Water Resources Program available to legislators, policy makers, and the public as a clear statement of Susquehanna River Basin needs and priorities, and as a mechanism for coordinating the efforts of water managers at all levels.

3. This resolution shall be effective immediately.

Dated: June 16, 2016

  
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Kelly Jean Heffner, Chair  
Pennsylvania

## RESOLUTION NO. 2016-03

A RESOLUTION of the Susquehanna River Basin Commission (the “Commission”) amending the *Comprehensive Plan for the Water Resources of the Susquehanna River Basin* (the “Comprehensive Plan”) by incorporating the Water Resources Program (FY 2017-2018) and all water resources projects approved by the Commission from July 2015 through June 2016.

WHEREAS, under Article 3, Section 3.3 (1) and Article 14, Section 14.1 of the Susquehanna River Basin Compact, Pub. L. 91-575, (Compact), the Commission is directed to “develop and adopt, and from time to time review and revise, a comprehensive plan for the immediate and long range development and use of the water resources of the basin;” and

WHEREAS, by Resolution 2008-08 on December 4, 2008, the Commission adopted a substantially revised Comprehensive Plan; and

WHEREAS, an updated Comprehensive Plan was adopted by Resolution 2013-13 on December 12, 2013; and

WHEREAS, under Article 14, Section 14.2 of the Compact, the Commission also annually adopts a Water Resources Program based upon the Comprehensive Plan, which consists of the projects and facilities that the Commission proposes to be undertaken by the Commission and its member jurisdictions over the ensuing six-year time period or such other reasonably foreseeable period as the Commission may determine; and

WHEREAS, Resolve No. 2 of Resolution 2008-08 stipulates that the annual Water Resources Program prepared by the Commission shall hereinafter implement and be based upon the Comprehensive Plan, and shall be incorporated into the plan annually; and

WHEREAS, an updated Water Resources Program (FY 2017-2018) was adopted by Resolution 2016-02 on June 16, 2016; and

WHEREAS, Resolve No. 4b of Resolution 2008-08 provides for the incorporation of approved water resources projects into the comprehensive plan annually; and

WHEREAS, a public hearing was held on May 4, 2016, regarding the proposed amendments to the comprehensive plan, in accordance with the requirements of Article 14, Section 14.1 of the Compact, and a written comment period was held open through May 16, 2016.

NOW THEREFORE BE IT RESOLVED THAT:

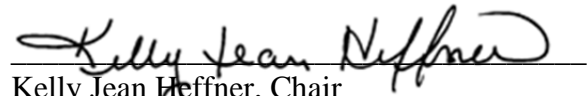
1. The Commission hereby incorporates the Water Resources Program (FY 2017-2018) into the Comprehensive Plan.

2. The Commission further incorporates all water resources projects approved by the Commission from July 2015 through June 2016 into the Comprehensive Plan.

3. Staff is directed to file copies of these 2016 amendments to the Comprehensive Plan with the Federal Energy Regulatory Commission pursuant to Section 10 (a) of the Federal Power Act, 16 U.S.C. Section 803(a).

4. This resolution shall be effective immediately.

Dated: June 16, 2016

  
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Kelly Jean Heffner, Chair  
Pennsylvania

RESOLUTION NO. 2016-04

A RESOLUTION of the Susquehanna River Basin Commission (the “Commission”) adopting the Regulatory Program Fee Schedule for FY 2017.

WHEREAS, pursuant to Article 3, Section 3.9 of the Susquehanna River Basin Compact (the “Compact”), the Commission’s regulations, 18 CFR Parts 801, 806-808, and previously adopted resolutions of the Commission, the most recent of which is Resolution No. 2012-06 of June 7, 2012, the Commission imposes certain fees to help defray the cost of its Regulatory Program for water resource projects; and

WHEREAS, Resolve No. 3 of Resolution 2005-03 provided that the Regulatory Program Fee Schedule be adjusted annually in accordance with changes in the U.S. Consumer Price Index; and

WHEREAS, Resolve No. 2 of Resolution No. 2008-03 provided that the Consumptive Use Mitigation Fee be adjusted annually based on the U.S. Army Corps of Engineers Civil Works Construction Cost Index System average for the immediately previous four quarters for which indexing data are available; and

WHEREAS, Resolve No. 4 of Resolution No. 2012-06 provided that, beginning with the adoption of a Regulatory Program Fee Schedule for FY 2013 and then continuing for four successive fiscal years thereafter, the fees associated with groundwater withdrawal applications, in addition to being adjusted in accordance with the Consumer Price Index, shall also be increased 10 percent per year; and

WHEREAS, in addition to the said adjustments, certain other revisions to the Regulatory Program Fee Schedule are needed; and

WHEREAS, the Commission has actively sought public comment on the proposed Regulatory Program Fee Schedule by posting it on its website, and by holding a public hearing covering the proposed fee schedule for FY 2017 on May 4, 2016, with an open written comment period to May 16, 2016.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby adopts a Regulatory Program Fee Schedule for FY 2017 implementing the above-referenced revisions, which is attached hereto and made a part of this Resolution.

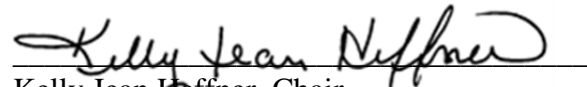
2. Resolve No. 3 of Resolution No. 2005-03 providing that the Regulatory Program Fee Schedule be adjusted annually in accordance with changes in the U.S. Consumer Price Index, is incorporated herein and made a part of this Resolution, and shall remain in full force and effect.

3. Resolve No. 2 of Resolution No. 2008-03 providing that the Consumptive Use Mitigation Fee shall be adjusted annually based on the U.S. Army Corps of Engineers Civil Works Construction Cost Index System average for the immediately previous four quarters for which indexing data are available, is incorporated herein and made a part of this Resolution, and shall remain in full force and effect.

4. The fees for groundwater withdrawal applications shall be increased 10 per cent, in addition to being adjusted in accordance with the Consumer Price Index, per Resolve No. 4 of Resolution No. 2012-06. This is the final fiscal year fee schedule subject to Resolution No. 2012-06.

5. The fees set forth in the attached Regulatory Program Fee Schedule shall become effective July 1, 2016.

Dated: June 16, 2016

  
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Kelly Jean Heffner, Chair  
Pennsylvania





# SUSQUEHANNA RIVER BASIN COMMISSION

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## REGULATORY PROGRAM FEE SCHEDULE

**Effective July 1, 2016**

**Adopted by Resolution No. 2016-04, June 16, 2016**

1. The Susquehanna River Basin Commission (Commission) requires payment of nonrefundable fees for the review of applications (see tables herein). The following categories of projects require approval by the Commission under the Susquehanna River Basin Compact (the "Compact") and Commission regulations found in 18 CFR Parts 801 and 806.
  - a. Consumptive uses, including all related administrative approvals under 18 CFR § 806.22.
  - b. Surface water and groundwater withdrawals, including any related aquifer testing plan evaluations, waiver requests, or aquatic resource surveys.
  - c. Diversions.
  - d. Hydroelectric projects.
  - e. Any other projects requiring the review and approval of the Commission under the Compact that do not involve a request for a quantity of water.
  - f. Other applications required under 18 CFR § 806.5.
  - g. Modifications to approvals under 18 CFR § 806.18.
2. If any project involves more than one of the above categories, a separate fee is required for each category.
3. Fees for Consumptive Use Mitigation and Annual Compliance and Monitoring are also set forth in this schedule.
4. The appropriate fee must be submitted to the Commission with the project application (see Paragraph 13 regarding an installment payment option). Failure to submit payment of the fee or submission of an insufficient fee with the application will result in its return to the project sponsor or, at the discretion of the Commission, an additional billing of the proper fee to the project sponsor. Except as otherwise provided in Paragraph 9, refunds will be

made for any portion of a fee payment submitted with the application that exceeds the appropriate amount identified on the tables herein. The Commission will not take action on a project application until the appropriate fees are paid.

5. Agencies of the member jurisdictions to the Compact with applicable member jurisdiction-wide authority, subject to the provisions of Paragraph 19, are exempt from project review fees. Political subdivisions of the member jurisdictions, as defined herein, are subject to these fees.
6. Agricultural water use projects, as defined in 18 CFR § 806.3, are exempt from the fees set forth in this schedule.
7. Public water systems owned and operated by a governmental authority, as defined in 18 CFR § 806.3, are eligible to pay the discounted fee amounts identified in the “Municipal Fee” category listed on the tables herein.
8. Groundwater remediation systems approved by an agency of a member jurisdiction shall pay a single withdrawal application fee based on the total requested quantity of withdrawal to create a single, localized depression within the groundwater table, regardless of the number of individual recovery wells being used in the system. Such systems shall also pay a single annual compliance and monitoring fee.
9. Fees paid in accordance with this schedule are nonrefundable, except as allowed for in Paragraph 14. Fees are not reduced nor any amount credited to the project sponsor if the Commission’s approval authorizes a rate of withdrawal or quantity of water that is less than that requested by the project sponsor, or if application deficiencies cause Commission staff to terminate review of the application during the review process.
10. If instructed to submit paper application forms, project sponsors must complete and submit the enclosed Project Review Fee Worksheet (page 8) with their application payment.
11. When fees calculated in accordance with this schedule are deemed to be insufficient to cover costs associated with applications or compliance, or where technical assistance is otherwise provided at the request of the project sponsor, the project sponsor shall be responsible for all costs associated with actual hours worked by Commission staff, including an allocation of salary, fringe benefits and overhead costs. Projects which may require additional fees include, but are not limited to: withdrawals for power plants, out-of-basin diversions of water, and withdrawals from waterbodies identified under Commission Policy No. 2012-01 as Exceptional Quality or as Aquatic Resource Class 1 or 2. Efforts will be made to notify the project sponsor in advance if additional fees are anticipated.
12. The Commission may, for good cause shown, waive or partially waive any of the fees set forth herein for situations that include, but are not limited to: (a) an incentive for the use of impaired waters in accordance with Commission Resolution No. 2012-01; (b) applications that have previously undergone substantive analysis through member jurisdiction reviews or other previous and/or concurrent Commission reviews; and (c) certain technical considerations that reduce review requirements, such as multiple

sources that may be evaluated as a single source (e.g., a wellfield). The Executive Director is authorized to grant fee waivers or partial waivers of \$15,000 or less. Any requests for waivers or partial waivers for application fees related to projects proposing to use mine degraded water shall be considered in accordance with Commission Policy No. 2009-01. Applicants subject to financial constraints may consider the installment options set forth in Paragraph 13.

13. If the fees for any single application exceed \$25,000, or if the fees for a set of applications exceed \$50,000, project sponsors have the option of making installment payments. This option provides for the payment of up to three consecutive equal annual installments with interest thereon at a rate of prime<sup>1</sup> plus 2 percent, but not less than 5 percent per annum on the unpaid balance. The project sponsor should indicate that it intends to use this option when making application, and must submit an agreement for terms of payment in a form and manner prescribed by the Commission. Municipal project sponsors (see Paragraph 17) have the option of making installment payments for fees exceeding \$15,000 in total, and may make payments of up to five equal annual installments with interest thereon at a rate of prime<sup>1</sup> plus 2 percent, but not less than 5 percent per annum on the unpaid balance. The first annual installment is due at the time the application is submitted.
14. The Executive Director is authorized to refund up to 50 percent of the application fee, depending upon staff effort expended, if the project sponsor voluntarily withdraws an application prior to the commencement of technical review.
15. All projects approved by the Commission on or after January 1, 2010, including modifications, renewals, transfers and reissuances of approvals, shall also be subject to annual compliance and monitoring fees as set forth herein. Fees are due and payable within 30 days from the date of invoice.
16. The fee which is due is based upon the fee schedule in effect on the date that the application is submitted to the Commission.
17. For purposes of this fee schedule, municipalities are defined as political subdivisions of the member states, which shall include counties, townships, towns, boroughs, villages, cities, authorities, boards or any other organizations or public benefit corporations created by the member jurisdictions and not having jurisdiction-wide authority. When a municipality engages in private enterprise activities unrelated to traditional delivery of potable water to residences and businesses within its prescribed service area, fees associated with such activities will be subject to the standard fees applicable to any private enterprise.
18. Applications which are submitted in error, which contain significant errors requiring Commission staff support to correct, or which are withdrawn prior to the start of administrative review will incur an administrative fee of \$250 per application to cover costs associated with correcting the error(s). This fee will be subtracted from any refund payment that is made to a project sponsor for the associated application when a payment has been made.

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<sup>1</sup> Prime refers to the U.S. Prime Rate at the time of the installment payment request.

19. This fee schedule contains fee exemptions and discounts that are supported by member contributions and intended for applications submitted by jurisdictional agencies and municipalities. These exemptions and discounts may be adjusted based on actual member contributions received should they differ significantly from amounts requested.

**TABLE 1. PROJECT REVIEW AND MODIFICATION FEES**

<b>Project Category</b>	<b>Requested Quantities/Capacities<sup>1</sup></b>	<b>Standard Fee</b>	<b>Municipal Fee</b>
Consumptive Water Use	20,000 gallons per day (gpd) – 99,999 gpd 100,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd 1 million gpd (mgd) – 5 mgd Over 5 mgd	\$ 3,050 6,125 12,150 36,350 60,625	\$ 2,440 4,900 9,720 29,080 48,500
Approval by Rule Consumptive Use; 18 CFR § 806.22(e)	20,000 gpd – 99,999 gpd 100,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd Over 999,999 gpd	\$ 1,550 3,075 8,075 see footnote <sup>2</sup>	\$ 1,240 2,460 6,460 see footnote <sup>2</sup>
Approval by Rule <sup>3</sup> Consumptive Use; 18 CFR § 806.22(f)	<u>Unconventional Natural Gas or Other Hydrocarbon Development</u> New Application Renewal Application  <u>Water Source:</u> Source Registration; Subsection (12) Source Approval; Subsection (13) Hydrocarbon Water Storage Facilities; Subsection (14)	\$ 8,075 2,075  530 1,125 2,575	Not Applicable   Not Applicable
Surface Water Withdrawals <sup>4,5</sup>	Less than 100,000 gpd 100,000 gpd – 249,999 gpd 250,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd 1 mgd – 5 mgd 5,000,001 gpd – 10 mgd Over 10 mgd	\$ 5,300 7,950 10,600 13,250 15,875 34,500 34,500 + \$5,875 for each additional 1 mgd increment <sup>6,7</sup>	\$ 4,240 6,360 8,480 10,600 12,700 27,600 27,600 + \$4,700 for each additional 1 mgd increment <sup>6,7</sup>
Groundwater Withdrawals <sup>4,5</sup>	Less than 100,000 gpd 100,000 gpd – 199,999 gpd 200,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd 1 mgd – 5 mgd 5,000,001 gpd – 10 mgd Over 10 mgd	\$ 8,225 12,375 16,550 20,675 24,775 53,785 53,785 + \$9,450 for each additional 1 mgd increment <sup>6,7</sup>	\$ 4,622 6,953 9,264 11,586 13,886 30,157 30,157 + \$5,296 for each additional 1 mgd increment <sup>6,7</sup>
<u>Diversions:</u> Into Basin	All quantities	\$ 10,125	\$ 8,100
Out of Basin	Less than 250,000 gpd 250,000 gpd or greater	10,125 30,350 +	8,100 24,280 +

**TABLE 1. PROJECT REVIEW AND MODIFICATION FEES (continued)**

<b>Project Category</b>	<b>Requested Quantities/Capacities<sup>1</sup></b>	<b>Standard Fee</b>	<b>Municipal Fee</b>
		consumptive use fee (unless not applicable)	consumptive use fee (unless not applicable)
Hydroelectric Projects (New or Re-licensing)	Greater than 10 megawatts (anything less subject to “all other projects” category below)	\$236,325 <sup>8</sup>	Not Applicable
All other projects requiring review and approval and not otherwise specified	All quantities or capacities	\$ 5,050	\$ 4,040
Minor Modifications		\$ 750	\$ 600
Aquatic Resource Survey <sup>5,9</sup>		\$ 5,875	\$ 4,700
Pre-Drill Well Site Review <sup>10</sup>		\$ 2,275	\$ 1,820
Aquifer Testing Plan <sup>4,11</sup>		\$ 5,125	\$ 3,832
Aquifer Testing Plan Waiver Request Evaluation <sup>4,11</sup>		\$ 5,125	\$ 3,832
Emergency Certificate		\$ 5,050	\$ 4,040
Transfer of Approval <sup>12</sup>		\$ 1,050	\$ 840
Re-issuance of Approval <sup>12</sup>		\$ 525	\$ 420

<sup>1</sup> Fees for new and renewal applications are based on the maximum withdrawal amount (on a peak day or 30-day average basis, as appropriate) requested in the application. Fees for modifications of approved projects, other than minor modifications as defined in 18 CFR § 806.18, are based on the increase in the requested quantity/capacity. When a modification other than a minor modification is requested that does not include an increase in quantities, the lowest fee for the applicable project category shall apply.

<sup>2</sup> Projects under 18 CFR § 806.22(e) which will require consumptive use of more than 999,999 gpd should consult with Commission staff prior to submitting an application. Fees for these projects will be subject to Paragraph 11 of this fee schedule, but in no case will pay less than \$8,075 (\$6,460 for municipal projects).

<sup>3</sup> Except where the project sponsor has an approved docket, any water source serving an Approval by Rule must be either registered or administratively approved, regardless of quantity.

<sup>4</sup> A separate fee is required for each withdrawal location, except for groundwater remediation systems that may be eligible for a single fee.

<sup>5</sup> An aquatic resource survey fee may be required for applications for surface water and groundwater withdrawals, or for modifications or renewals of approved withdrawals (see footnote 9).

<sup>6</sup> 1 mgd increment includes any amount from 1 gallon to the next mgd.

<sup>7</sup> The maximum calculation of a project fee for this category will be \$282,675.

<sup>8</sup> Fees for these projects will be subject to Paragraph 11 of this fee schedule. Additional fees will be assessed when actual costs exceed the fee. A refund will be issued when actual costs are less than the fee.

<sup>9</sup> Aquatic resource surveys will be conducted on streams when recent relevant data are not available to evaluate the potential impacts of a withdrawal. Commission staff will make that determination during the review of an application and will invoice this fee separately.

<sup>10</sup> Project sponsors may request a pre-drilling evaluation for proposed groundwater withdrawals. Fifty percent (50%) of the fee paid for a pre-drilling evaluation will be applied towards the aquifer testing plan fee for a well that was completed at the same borehole location identified in and evaluated with the pre-drilling well site review.

<sup>11</sup> If a waiver for an aquifer testing plan is requested and denied, the project sponsor will be required to develop an aquifer testing plan and pay an additional fee.

<sup>12</sup> The fee for transfers or re-issuances as defined under Commission regulation found in 18 CFR § 806.6 which occur simultaneously as part of a single transaction will be reduced by fifty percent (50%) when the number of transfers or re-issuances in the transaction equals 25 or more.

**TABLE 2. ANNUAL COMPLIANCE AND MONITORING FEE<sup>1,2</sup>**

<b>Facility Category</b>	<b>Standard Fee</b>	<b>Municipal Fee</b>
Hydroelectric	\$10,325	\$8,260
Withdrawal, Consumptive Use, Diversion	\$ 1,050	\$ 840
Approval by Rule / General Permit Notice of Intent	\$ 1,050	\$ 840

<sup>1</sup> Annual compliance and monitoring fees apply to each facility approved by the Commission on or after January 1, 2010, including modifications, renewals, transfers and reissuances of approvals that require Commission or Executive Director action on or after that date. Commission orders, including consent order and agreements, may include the annual compliance and monitoring fee where the order requires ongoing metering and reporting to the Commission or requires applications to be made to the Commission.

<sup>2</sup> All fees on this table will be invoiced by the Commission on or after July 1 of each year. During the first year, fees will be prorated by quarter on the basis of a fiscal year commencing July 1. Fees are due and payable within 30 days from the date of invoice. Facilities which submit rescission requests on or after July 1 of each year will owe the entire annual fee.

**TABLE 3. CONSUMPTIVE USE MITIGATION FEE**

<b>Project Category</b>	<b>Standard Fee</b>
Consumptive Use Mitigation Fee <sup>1</sup>	\$0.33 per 1,000 gallons consumed

<sup>1</sup> Consumptive use mitigation fees are paid by project sponsors electing to use such payments as their method of compliance with 18 CFR § 806.22(b). Such fees are deposited in the Commission's Water Management Fund and shall be used for planning, engineering, design, and construction phases of new projects, or the reformulation of existing reservoirs, or any other project or study initiated by the Commission to address the cumulative impact of consumptive water use or otherwise to support low flow management in the Susquehanna River Basin, as provided for in the Commission's Water Management Fund Policy, originally adopted as Policy No. 95-02, June 8, 2005, and amended by Resolution No. 2008-05, September 11, 2008.

## PROJECT REVIEW FEE WORKSHEET

**Project Sponsor:**

**Facility:**

**Municipality:**

**County:**

**State:**

	Project Category <sup>1</sup>	Source Location <sup>2</sup>	Requested Quantity (gpd) <sup>3</sup>	Municipal Fee (Yes/No)	Fee from Table
<sup>1</sup> Consumptive Water Use, Approval by Rule, Withdrawal, Diversion, etc. <sup>2</sup> Name of withdrawal point (not applicable for Consumptive Water Use); e.g., Well 2A, Trout Creek, etc. <sup>3</sup> Requested amount of water in gallons per day (gpd) based on peak 24-hour period or 30-day average, as appropriate.				<b>Amount Due</b>	
				<b>Amount Paid</b>	
				<b>Check Number</b>	



RESOLUTION NO. 2016-05

A RESOLUTION by the Susquehanna River Basin Commission (the “Commission”) to adopt a proposed budget for the fiscal year beginning July 1, 2017, and ending June 30, 2018, and to apportion among the Commission's member jurisdictions a proposed amount required for the support of the budget.

WHEREAS, pursuant to Section 14.3 of the Susquehanna River Basin Compact (the “Compact”), the Commission desires to adopt a budget for the fiscal year beginning July 1, 2017.

NOW THEREFORE BE IT RESOLVED THAT:

1. A proposed budget for the fiscal year beginning July 1, 2017, for expenditures from the General Fund and the Water Resources Management Fund, in the amount of \$13,312,500, is hereby approved and adopted for submission to the member jurisdictions for their review and approval.

2. Pursuant to Section 14.3 of the Compact, there is hereby requested from each member jurisdiction the following apportioned amounts that are required, together with other funds as may be available to the Commission, for the support of the budget, as proposed, for the fiscal year beginning July 1, 2017.

<u>Member Jurisdictions</u>	<u>Apportionment</u>
New York	\$ 390,000
Pennsylvania	\$ 785,000
Maryland	\$ 390,000
United States	\$ 880,000

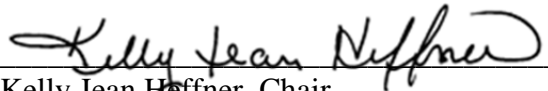
3. In accordance with the Compact, Section 14.3(c), the respective member jurisdictions agree to include the apportioned amounts set forth in Paragraph 2 in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. All requested contributions are expressly subject to the executive branch prerogatives of each member jurisdiction in formulating annual budgets, and this Commission Resolution is not intended to be an endorsement of any appropriation request to the extent that it is inconsistent with such executive branch priorities or policies.

4. The Executive Director is authorized and directed to transmit certified copies of the proposed budget to the principal budget officers of the respective member jurisdictions together with a certified statement of the amount hereby apportioned to each member jurisdiction in accordance with the requirement of the Compact.

5. To the extent that actual revenues received are less than amounts stipulated in this budget, and are insufficient to cover actual expenditures incurred, the Executive Director is authorized to transfer such amounts as are necessary from the Fiscal Stabilization and Reserve Fund to the General Fund to cover such revenue shortfall.

6. This resolution shall be effective immediately.

Dated: June 16, 2016

  
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Kelly Jean Heffner, Chair  
Pennsylvania

RESOLUTION NO. 2016-06

A RESOLUTION of the Susquehanna River Basin Commission adopting Policy No. 2016-01, renaming the “Compliance Reserve Fund” as the “Sustainable Water Resources Fund” and redesignating permitted uses of this fund.

WHEREAS, the Commission, from time to time, receives settlement payments and penalties in connection with violation of Commission regulations, orders, or docket conditions; and

WHEREAS, pursuant to Resolution No. 2008-07, adopted September 11, 2008, such settlement payments and penalties are deposited in the Compliance Reserve Fund; and

WHEREAS, the Commission wishes to include general fund surpluses into the fund and expand the use of the fund to include expenditures that are required to promote or support the monitoring and/or study of the Basin’s water resources.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby adopts Policy No. 2016-01, a copy of which is attached to this resolution.

2. The Executive Director and the Director of Administration and Finance are hereby directed to rename the “Compliance Reserve Fund” account, which will now be known as the “Sustainable Water Resources Fund” into which all settlement and penalty amounts paid to the Commission, shall be transferred or deposited. General Fund surpluses may also be transferred into the Fund.

3. As authorized by the Commission, transfers may be made from the Sustainable Water Resources Fund to the Commission’s General Fund for any purpose or function of the Commission authorized by the Susquehanna River Basin Compact.

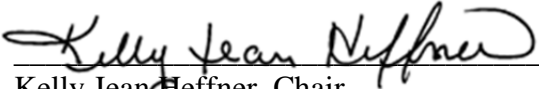
4. Resolution 2008-07 is hereby superseded.

5. Compliance Reserve funds may be invested upon direction of, and as may be determined to be available by, the Executive Director and Director of Administration and Finance. Authorized investment types shall be as set forth in the Commission’s Investment Policy Statement.

6. All expenditures must be approved by the Director of Administration and Finance and the Executive Director. Expenditures exceeding the Executive Director’s spending limits established in the Commission’s Administrative Manual must be approved by the Commission prior to disbursement. Competitive bids must be advertised unless the services to be provided are of a specialized or professional nature.

7. This Resolution shall be effective immediately.

Dated: June 16, 2016

  
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Kelly Jean Heffner, Chair  
Pennsylvania



**Policy No. 2016-01**  
**June 16, 2016**

**SUSTAINABLE WATER RESOURCES FUND<sup>2</sup>**

**Purpose**

Under the Commission regulations, 18 CFR Part 808, Subpart B, the Commission may assess penalties for violation of Commission orders, regulations, and docket conditions, or negotiate settlements in lieu of penalties.

In 2008 the Commission established the Compliance Reserve Fund (Fund), which was renamed in 2016 to the Sustainable Water Resources Fund<sup>3</sup>. This Fund segregates and accumulates monies collected for civil penalties, settlement payments, and the interest earned on these funds. General Fund surpluses may also be transferred to the Fund. The Fund may be used for any purpose or function of the Commission authorized under the Susquehanna River Basin Compact.

**Policy**

Expenditures

The Commission's programmatic activities are critical to the effective and efficient management and protection of the water resources of the basin. The Fund may be used to defray a portion of the cost of the Commission's regulatory costs and the costs of other programmatic activities through periodic transfers to the SRBC General Fund. The Fund may also be used to support expenditures that are required to promote or support the monitoring and/or study of the Basin's water resources.

Investment of Funds

Funds may be invested, upon direction of, and as may be determined to be available by, the Executive Director and Director, Administration & Finance. Authorized investment types shall be as set forth in the Commission's Investment Policy Statement.

<sup>2</sup> As authorized by Resolution No. 2008-07, approved on September 11, 2008.

<sup>3</sup> As authorized by Resolution No. 2016-06, approved on June 16, 2016.

**Procedure**

All expenditures shall be approved by the Director, Administration & Finance and the Executive Director. Expenditures exceeding the Executive Director's spending limits established in the Commission's Administrative Manual shall be approved by the Commission prior to disbursement. Competitive bids shall be advertised unless the services to be provided are of a specialized or professional nature.

Transfers may be made from the Fund to the Commission's General Fund for any purpose or function of the Commission authorized by the Susquehanna River Basin compact. All transfers from the Fund to the General Fund shall be authorized by the Commission prior to transfer.

RESOLUTION NO. 2016-07

A RESOLUTION of the Susquehanna River Basin Commission (the “Commission”) adopting Policy No. 2016-02, Guidelines for Terminating Review of a Project Application and Policy No. 2016-03, Guidelines for Expiring Project Approvals.

WHEREAS, the Commission has established regulatory requirements for review and approval of projects in Part 806 of the Code of Federal Regulations, including general provisions, application procedures, standards for review, and renewals and terms of approval; and

WHEREAS, the regulations also provide for discretion to terminate review of incomplete or deficient applications; and

WHEREAS, the Commission has developed Guidelines for Terminating Review of a Project Application; and

WHEREAS, the purposes of the Guidelines are to describe the policies and procedures for terminating review of a pending application, pursuant to 18 CFR § 806.16, and to provide guidance to the Commission’s regulatory program staff and applicants before the Commission; and

WHEREAS, the Guidelines will help maintain Commission efficiency and prevent unnecessarily lengthened review time of a project when a project sponsor fails to meet the various application requirements in a timely manner; and

WHEREAS, the Commission’s regulations provide that existing projects may renew their approvals with the Commission; and

WHEREAS, the project sponsor may continue to operate under an expired approval while the Commission reviews a timely filed application for renewal pursuant to 18 CFR § 806.31; and

WHEREAS, the renewal process ensures that the use of water resources continues to enhance economic growth while affording appropriate protection to the environment and avoiding conflicts or interference with other users; and

WHEREAS, the Commission has developed Guidelines for Expiring Project Approvals; and

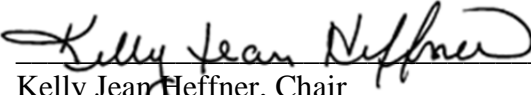
WHEREAS, the purpose of the Guidelines is to provide direction and outline internal operating procedures to the Commission’s regulatory program staff in following a consistent approach to identifying, notifying, and processing renewals and expired approvals; and

WHEREAS, the Guidelines may also be used for providing the public and regulated community with insight regarding how the Commission staff may process renewals and approvals.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby adopts Policy No. 2016-02, "Guidelines for Terminating Review of a Project Application," a copy of which is attached hereto and made part of this resolution.
2. The Commission hereby adopts Policy No. 2016-03, "Guidelines for Expiring Project Approvals," a copy of which is attached hereto and made part of this resolution.
3. The Executive Director is authorized to make changes to these policies as are deemed advisable to clarify and elaborate on its provisions.
4. The Commission staff is directed to post these policies on the Commission's website.
5. This resolution shall be effective immediately.

Dated: June 16, 2016

  
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Kelly Jean Heffner, Chair  
Pennsylvania



**Policy No. 2016-02  
June 16, 2016**

**GUIDELINES FOR TERMINATING  
REVIEW OF A PROJECT APPLICATION**

**I. Introduction**

Sponsors of projects subject to review and approval by the Commission under 18 CFR §§ 806.4, 806.5, or 806.6 are responsible for submitting a complete application and all applicable fees in accordance with Commission Regulation 18 CFR § 806.13. Requirements for a complete application are given in 18 CFR § 806.14 and on application forms, when these have been developed. To complete the application process, project sponsors, under 18 CFR § 806.15, must also submit proof that appropriate landowners and state and local government agencies are notified and that the project is advertised in a local newspaper.

Project sponsors have a duty to provide information “reasonably necessary” for technical review of the application [§ 806.16(c)]. This may include additional supplemental information requested by staff that is pertinent for a “proper evaluation” of the project [§ 806.16(a)]. Incomplete applications unnecessarily lengthen review time of a project. Further, when a project sponsor fails to cure administrative deficiencies or fails to submit adequate information to complete the technical evaluation, the efficiency of the Commission’s Project Review Program can be compromised.

Under such circumstances when a project sponsor fails to meet the various application requirements in a timely manner, the Executive Director may, at their discretion and in consideration of recommendations of staff, terminate review of the application [§ 806.16(b)(c)]. This document describes the policies and procedures for terminating review of a pending application.

**II. Administrative Incompleteness in Project Applications**

**A. Notification of Administrative Deficiencies**

Commission staff will determine whether the submitted application materials are administratively complete and will notify the project sponsor accordingly. If the Commission determines that the application is not administratively complete, Commission staff will request supplemental information. For incomplete applications, the notification (Attachment A – Sample notification) is commonly sent via e-mail and should contain the following:

1. The project name, SRBC pending number, and the date the application was received.
2. A list of administrative deficiencies and specific information necessary to address the deficiencies.
3. A prescribed timeframe (typically 30 days) to satisfy the deficiencies, pursuant to § 806.16(b).
4. A recommendation to contact staff if there are questions or anticipated difficulties with meeting the deadline.
5. Information that failure to respond and satisfy administrative deficiencies within the prescribed time period may result in termination of review.
6. The appropriate staff contact(s).

Once all deficiencies are addressed or if the application was complete upon original receipt, a courtesy e-mail (*preferred*) or letter to the project sponsor should acknowledge and give the date of administrative completeness. Upon determination of administrative completeness, technical review may commence.

#### **B. Failure to Address Administrative Incompleteness**

If the project sponsor is non-responsive or does not cure all administrative deficiencies within the prescribed time, Commission staff will notify the project sponsor of pending termination of review. The Notice of Intent to Terminate Review Due to Administrative Incompleteness (Attachment B) should be sent by first-class mail and contain the following:

1. The project name, SRBC pending number, date the application was received, date of administrative incompleteness notification, and date(s) and summary of any subsequent correspondence.
2. A prescribed timeframe (20 days from the date of the notice) for response.
3. Available options for action:
  - a. Satisfy all administrative deficiencies within 20 days.
  - b. Request an extension from the Executive Director, noting that good cause must be demonstrated for such an extension (*see Sections V and VI; 'Extensions' and 'Suspension of Review'*).
  - c. Voluntarily withdraw the application. Project sponsors who voluntarily withdraw applications during administrative review may be eligible for a refund of up to 50 percent of required application fees at the discretion of the Executive Director and in accordance with the Regulatory Program Fee Schedule.
  - d. Do nothing or otherwise fail to properly correct deficiencies. The Commission will proceed to terminate review of the application, resulting in forfeiture of all application fees.
4. The appropriate staff contact(s).

If the project sponsor does not adequately respond to the Notice of Intent to Terminate Review Due to Administrative Incompleteness, the Project Review Manager may proceed with termination of review of the application.

### **III. Technical Deficiencies in Project Applications**

#### **A. Notification of Technical Deficiencies**

Commission staff will conduct a technical review of complete applications according to standards set forth in Part 806, Subpart C. Commission staff will notify the project sponsor in writing of any technical deficiencies and of any additional information necessary for proper review of the project, specifying a reasonable timeframe for response [§ 806.16(b)]. Commission staff should strive to identify and include all deficiencies and information requests into a single written document.

Notification by e-mail or letter is generally acceptable. Commission staff should use their judgment to determine the type and formality of correspondence; considerations may include, but are not limited to, the nature of the deficiencies, ongoing communication and cooperation of the project sponsor, a working relationship with the project consultant, and the level of public interest in the project.

The technical deficiency notification (Attachment C) should contain the following:

1. The project name, SRBC pending number, and date the application was received.
2. A list of technical deficiencies and specific materials/information necessary to address these deficiencies.
3. A reasonable time for a response to address deficiencies. Typically 60 days is a reasonable timeframe for staff consideration. Less time may be appropriate for simple information requests or to meet deadlines associated with actions at an upcoming Commission meeting. More time may be allotted if data collection or additional analysis is anticipated to delay response. Commission staff may also discuss a proposed timeframe with the project sponsor and consultant to determine a reasonable deadline.
4. A recommendation to contact staff with questions or to discuss deficiencies. The project sponsor should seek clarification about deficiencies and schedule any related meetings with Commission staff as soon as practicable (typically within 30 days from the date of the notice).
5. Information that failure to respond and satisfy technical deficiencies within the prescribed time period may result in termination of application review and forfeiture of all fees.
6. The appropriate staff contact(s).

If all deficiencies are addressed within the prescribed time period, Commission staff will resume technical review and prepare recommendations for Commission action.

#### **B. Failure to Address Technical Deficiencies**

If the project sponsor is non-responsive or does not cure all of the technical deficiencies within the prescribed time (and is not granted an extension), Commission staff will notify the project sponsor of pending termination of review. The Notice of Intent to Terminate Review

Due to Technical Deficiency (Attachment D) should be sent by first-class mail and contain the following:

1. The project name, SRBC pending number, date the application was received, date of administrative (in)completeness notification, date and summary of technical deficiency correspondence, and date(s) and summary of any subsequent correspondence.
2. A prescribed timeframe (20 days from the date of the letter) for response.
3. Available options for action (stating that none allow for a refund of application fees):
  - a. Satisfy all technical deficiencies, noting that if all deficiencies cannot be cured within the allotted time, the project sponsor must request an extension.
  - b. Request an extension, noting that good cause must be demonstrated for approval of such an extension by the Executive Director (*see Sections V and VI; 'Extensions' and 'Suspension of Review'*).
  - c. Voluntarily withdraw the application.
  - d. Request that review of the project continue without complete or supplemental technical information (note that a recommendation for denial is likely).
  - e. Do nothing or otherwise fail to properly correct deficiencies which will result in termination of review of the application.
4. The appropriate staff contact(s).

If the project sponsor fails to adequately respond to the Notice of Intent to Terminate Review Due to Technical Deficiency within the prescribed time, the Project Review Manager may:

1. Begin the process of terminating review of the application (*see Section IV; 'Termination of Review'*).
2. Direct staff to complete the technical review, if requested by the project sponsor, and issue recommendations for action to the Commission.

The Project Review Manager should consider good-faith efforts of project sponsors when responses arrive late or do not fully address deficiencies. Judgment should be used in allowing a few extra days or permitting a project sponsor to request an extension prior to terminating application review.

#### **IV. Termination of Application Review**

Commission staff will make a formal recommendation for termination of application review by internal memorandum to the Executive Director. The recommendation should be supported by a summary of the application and subsequent correspondence, including dates and content of pertinent letters, e-mails, and meetings.

If application review is terminated by the Executive Director, the file will be closed and formal notification (Attachment E) will be sent by first-class mail to the project sponsor, stating the basis for termination and indicating that:

1. Termination of review of the application does not constitute disapproval of the project.
2. The project sponsor may reapply at any time, without prejudice, by submitting a new application and all applicable fees to the Commission.
3. The action of termination of application review may be appealed within 30 days pursuant to 18 CFR § 808.2.

If review is not terminated by the Executive Director, the Project Review Manager will notify the project sponsor of the status of the application – active, extended, or suspended – and will provide available options, timelines, and materials necessary for moving toward an action by the Commission.

## **V. Extensions**

After a determination of administrative incompleteness or issuance of a technical deficiency letter, most project sponsors provide the information necessary so that review can proceed in a timely manner. If a project sponsor anticipates difficulties with meeting the deadline to resolve deficiencies, they are encouraged to contact Commission staff or arrange a meeting to discuss available options, including extensions. Extensions also may be requested by the project sponsor through correspondence. Requests for extension may be either granted by the Project Review Manager or denied for cause by the Executive Director. Note that:

1. It is incumbent upon the project sponsor to recognize its inability to meet a deadline and contact Commission staff as soon as practicable. If there is recognition by Project Review staff that deadlines likely will not be met, it is acceptable for them to contact the project sponsor in this regard.
2. Staff may inform the project sponsor that it should submit a written request for an extension, explaining the reason for the delays and proposing an alternate deadline. A request submitted by e-mail is generally acceptable; the project reviewer should use judgment in consultation with their supervisor regarding the appropriate level of formality of the request.
3. Commission staff will review extension requests on a case-by-case basis and issue a determination within 10 days. If formal correspondence is appropriate but staff is unable to issue a formal letter within 10 days, a courtesy e-mail in advance of the extension is appropriate.
4. If reasonably supported, requests for 30-day extensions may generally be honored. However, requests to defer the requirement for submitting the state application for public water suppliers shall be denied. No extensions will be granted in order to delay payment of applicable fees.

After issuance of a Notice of Intent to Terminate Review, extensions may be requested and granted; however, at this stage in the process, if the request is subject to greater scrutiny by Commission staff, the Executive Director will review staff's recommendations and issue a determination on the request for extension. Note that:

1. A formal written request for extension must be submitted to the Commission with demonstrable issues that are the cause of delay and must offer a new deadline.
2. Project Review staff will review extension requests on a case-by-case basis and make a recommendation for consideration by the Executive Director.
3. Upon the decision by the Executive Director, a letter of determination (Attachment F) should be issued by staff within 10 days.

## **VI. Suspension of Review**

If a project has been disapproved or denied by the lawful actions of any member jurisdiction and the project sponsor provides proof of appeal of the denial, Commission staff will formally recommend to the Executive Director that review of an application be suspended under § 806.21(c) and Commission Policy No. 98-05.

The Executive Director will review staff's recommendation on a case-by-case basis. In the event that a sponsor does not appeal a denial by a member jurisdiction, the Project Review Manager will proceed with termination of review of the associated application.

Commission staff may also recommend a suspension of review if:

1. Additional technical information (reports, testing, or study) is necessary to render a sound decision, and cannot be completed within 90 days.
2. Coordination of permits with agencies of member jurisdictions will delay review.
3. A request from a project sponsor provides sufficient justification such as:
  - a. Temporary financial conditions impacting the feasibility of the project.
  - b. Permit action by a member jurisdiction is temporarily deferred or delayed.
  - c. The project is on hold due to circumstances beyond the project sponsor's control.

Commission staff will review suspension requests on a case-by-case basis and provide recommendations to the Executive Director.

Upon suspension of review of a project, the Commission will send written notification under signature of the Executive Director (Attachment G) to the project sponsor that contains the following:

1. Due to actions by a member jurisdiction or for other reasons listed above, review of the application has been suspended.
2. The suspension will last for a designated period of time. Suspension due to actions by a member jurisdiction will last until resolution of the appeal, but not more than a period of 3 years, after which review of the application may be terminated. Suspension for other reasons should last for a reasonable period as assigned by the Commission, after which review of the application may be terminated.
3. Review of the application will resume when the issues responsible for the suspension are resolved. If review was suspended due to actions by a member jurisdiction, the

- project sponsor must provide a certified copy of a decision reversing the disapproval or denial of a member jurisdiction.
4. The application may be voluntarily withdrawn by the project sponsor.
  5. If not resolved or withdrawn, review of the application will ultimately be terminated.
  6. If review is terminated, the project sponsor may reactivate the application by reapplying to the Commission (under the applicable fee schedule), providing evidence of the receipt of all necessary governmental approvals, and updating pertinent information about the project.

Upon expiration of the suspension period, the status of the application should be evaluated. At that time, the review of the application may be terminated or review may be suspended for an additional period through recommendations to the Executive Director. All suspended applications should be listed and informally evaluated annually.

Approval, disapproval, withdrawal, or termination of review of an application is generally preferred over suspension of technical review. An application that is otherwise technically viable may have its review suspended pending other jurisdictional decisions, economic circumstances, or other circumstances beyond the project sponsor's control. All other applications will be subject to decision for approval, denial, or termination of review.

## Attachment A – Sample Administrative Incompleteness Notice

To: Project Sponsor Contact

From: Project Review Staff

Subject: Notice of Application Review for Project Name; Source; Commission Pending No.  
XXXX-XXX

The Susquehanna River Basin Commission (Commission) received an application from project sponsor for a surface water withdrawal/groundwater withdrawal/consumptive use in Township, County, State, on date. The application requested the surface water withdrawal/groundwater withdrawal/consumptive use (30-day average or peak day) of x.xxx million gallons per day (mgd) from source for purpose. The application is currently under administrative review by Commission staff and this notice serves to summarize initial administrative findings, identify deficiencies, and establish a path forward.

Based on the submitted information, Commission staff determined that the application is administratively incomplete. The following items are necessary to make your application administratively complete:

1. **Required Information under Commission Regulation 18 CFR § 806.14 for Contents of Application:**
2. **Public Notification Requirements under Commission Regulation 18 CFR § 806.15 :**
3. **Application Fees under Commission Regulation 18 CFR § 806.35:**
4. **Aquatic Resource Survey:**

All of the above-referenced forms and/or applications are available for download from our website ([www.srbc.net](http://www.srbc.net)) under the “Forms and Applications” tab.

In accordance with Commission Regulation 18 CFR § 806.16, please remit all of the requested information in one submittal within 30 days (**date certain**). Until these outstanding materials are received, your application remains administratively incomplete. Failure to provide the required information by the specified date may result in termination of review of the application and forfeiture of application fees.

When the administrative deficiencies are corrected, the application will be assigned to a technical reviewer. Should additional information be required upon further review of the project, you will be notified by Commission staff.

Should you have any questions regarding the review process, or if Commission staff can assist you in any way, please contact me.



## Attachment B – Notice of Intent to Terminate Review Due to Administrative Incompleteness

### Re: NOTICE OF INTENT TO TERMINATE REVIEW

Administrative Incompleteness of Application for Type:

Project Name – Source;

Municipality, County, State;

Commission Pending No. xxxx-xxx

Dear Project Sponsor Contact:

In our notice to you of (date) (attached), Susquehanna River Basin Commission (Commission) staff provided you with a list of administrative deficiencies for the above-referenced application, received (date). We provided you with 30 days to correct these deficiencies.

The time for submission of the necessary information has now expired and the Commission notes that you have (choose one) failed to submit any response to the Commission **OR** submitted corrections on (date) that fail to satisfy all of the deficiencies noted in our first letter. The outstanding deficiencies include \_\_\_\_.

Due to the failure to complete your application, this letter notifies you that the Commission's Executive Director intends to terminate review of your application.

To avoid termination of review, you may choose one of the following actions by responding in writing to the Commission:

1. Satisfy all administrative deficiencies at which time normal processing of your application will resume.
2. Request an extension of time to satisfy deficiencies; however, good cause and appropriate supporting documentation are necessary for such extension. Commission staff will consider the request and present recommendations to the Executive Director.
3. Voluntarily withdraw the application without prejudice. Under this option, you may be eligible for a refund of up to 50 percent of required application fees in the discretion of the Executive Director and in accordance with the Regulatory Program Fee Schedule.

Failure to choose and complete one of these actions within **20 days** of the date of this letter will result in termination of review of the application. All application fees will be forfeited upon termination.

Should you have any questions regarding this matter or the Commission's Project Review Program, please contact me at (717) 238-0423, extension xxxx or e-mail address.

Sincerely,

## Attachment C – Technical Deficiency Notification

Re: Notice of Technical Review for Project;  
Application for Type;  
Project Name – Source;  
Municipality, County, State;  
Commission Pending No. xxxx-xxx

Dear Project Sponsor Contact:

The Susquehanna River Basin Commission (Commission) received an application from project sponsor for a surface water withdrawal/groundwater withdrawal/consumptive use in Township, County, State, on date. The application requested the surface water withdrawal/groundwater withdrawal/consumptive use (30-day average or peak day) of x.xxx million gallons per day (mgd) from source for purpose. The application is currently under technical review by Commission staff and this letter serves to summarize initial findings, identify deficiencies, and establish a path forward.

Based on materials submitted, Commission staff has determined that more information is necessary for a proper technical evaluation of the project. The following items are necessary to complete technical review of your project:

1. —
2. —
3. —

In accordance with Commission Regulation 18 CFR § 806.16, please remit all of the requested information in one submittal within 60 days (**date certain**). Until these outstanding materials are received, your application will not be processed. Failure to provide the required information by the specified date may result in termination of review of the application and forfeiture of submitted fees.

If/when the deficiencies are corrected, technical review will resume. Should additional information be required upon further review of the project, you will be notified by Commission staff.

Should you have any questions regarding the review process or these technical matters, or if Commission staff can assist you in any way, please contact project reviewer at (717) 238-0423, extension xxxx. If you would like to meet with Commission staff to discuss these issues, please contact the project reviewer within 30 days.

Sincerely,

**Attachment D – Notice of Intent to Terminate Review Due to Technical Deficiencies**

**Re: NOTICE OF INTENT TO TERMINATE REVIEW:**

Technical Deficiency of Application for Type:

Project Name – Source:

Municipality, County, State:

Commission Pending No. xxxx-xxx

Dear Project Sponsor Contact:

The purpose of this letter is to notify you that the Susquehanna River Basin Commission (Commission) intends to terminate review of the above-referenced application, received (date), by which Project Name is requesting a surface water/groundwater withdrawal/consumptive use from source.

The basis for termination of review is your failure to properly or adequately address the technical deficiencies described in previous correspondence (*cite letters, dates, attach if necessary*).

To avoid termination of review, you may choose one of the following actions by responding in writing to the Commission:

1. Submit necessary information. If all required information cannot be submitted within the allotted time, the project sponsor must request an extension in writing as described below or be subject to termination.
2. Request an extension in writing; however, good cause and appropriate supporting information are necessary for such extension. Commission staff will consider the request and present recommendations to the Executive Director.
3. Request in writing that the Commission take action on the merits of the application with existing information at the upcoming (date) Commission meeting. If you wish to do so, please submit such notice to the Commission. Please note that Commission staff will likely recommend denial of your request as submitted.
4. Voluntarily withdraw the application, without prejudice, by so notifying the Commission in writing. If the application is withdrawn, the action will not be advertised in the meeting notice, no action will be taken by the Commission at the upcoming meeting, and the application file will be closed.

Failure to choose and complete one of these actions within **20 days** of the date of this letter will result in termination of review of the application.

Please note that due to the stage in processing of your application, you will not be entitled to any refund of the application fee, regardless of the option chosen.

Should you have any questions regarding this matter or the Commission's Project Review Program, please contact project reviewer at (717) 238-0423, extension xxxx.

Sincerely,

**Attachment E – Termination of Application Review Letter**

**Re: NOTICE OF TERMINATION OF REVIEW:**

Application for Type;  
Project Name – Source;  
Municipality, County, State;  
Commission Pending No. xxxx-xxx

Dear Project Sponsor Contact:

The purpose of this letter is to notify you that the Susquehanna River Basin Commission (Commission) has terminated review of the above-referenced application, received date, through which Project Name requested a surface water/groundwater withdrawal/consumptive use from source for the purpose of \_\_\_\_\_.

A letter providing notice of intent to terminate was sent to Project Name by both first-class and certified mail on Date. The letter documented the basis for the termination and offered options that could be pursued within twenty (20) days to avoid termination. Project Name has failed to adequately respond to that notice and, consequently, review of the application is hereby terminated. The project file will be closed and all fees are hereby forfeited.

Please be aware that termination of review of the application does not constitute disapproval of the project. Project Name may reapply at any time, without prejudice, by submitting a new application and applicable fees to the Commission.

In accordance with Commission Regulation 18 CFR § 808.2, Project Name may appeal this decision within thirty (30) days of receipt of this letter.

Please contact Project Review Manager at (717) 238-0423, extension xxxx or e-mail address, if you have any questions or concerns regarding the determination cited herein.

Sincerely,

Executive Director

**Attachment F – Formal Extension Approval/Denial Letter**

**Re: NOTICE OF APPROVAL/DENIAL OF EXTENSION:**

Application for Type;  
Project Name – Source;  
Municipality, County, State;  
Commission Pending No. xxxx-xxx

Dear Project Sponsor Contact:

This is in response to your request for extension of \_\_\_\_\_ to address \_\_\_\_\_. Upon review of the information submitted, your request is hereby granted. This extension is effective immediately and will expire in \_\_\_\_ days.

Please review previous correspondence and respond to all outstanding deficiencies prior to expiration of this extension. Failure to do so will result in termination of review of the application and possible forfeiture of all fees.

**OR**

This is in response to your request for extension of \_\_\_\_\_ to address \_\_\_\_\_. Upon review of the information submitted and a finding that the extension request is not adequately supported, your request is hereby denied (use Executive Director's signature below). Failure to address outstanding deficiencies within the previously allotted timeframe will result in termination of review of the application and forfeiture of all fees.

Should you have any questions regarding this matter or the Commission's Project Review Program, please contact Project Review Manager at (717) 238-0423, extension xxxx or e-mail address.

Sincerely,

Manager, Project Review

**OR (if denied)**

Executive Director

## Attachment G – Suspension Letter

Re: NOTICE OF SUSPENSION:  
Application for Type:  
Project Name – Source:  
Municipality, County, State:  
Commission Pending No. xxxx-xxx

Dear Project Sponsor Contact:

The purpose of this letter is to notify you that the Susquehanna River Basin Commission (Commission) has suspended review of the above-referenced application, received date, through which Project Name requested a surface water/groundwater withdrawal from source for the purpose of \_\_\_\_\_.

The Commission has been informed that your project was disapproved or denied by the lawful actions of one of our member jurisdictions and that you have appealed the denial/disapproval. Based on this understanding, staff has recommended that review of the subject application be suspended.

**OR**

Commission staff has found/received request [enter statement from G. 2. a, b, or c here]. Based on this finding/request, staff has recommended that review of the subject application be suspended.

**Upon review and consideration of the materials presented, I hereby suspend review of the subject application.**

The suspension is effective immediately and shall remain effective for a period of (90 days - 3 years). Once the issues responsible for the suspension are resolved, please notify the Commission immediately and review of the application will resume. If resolution is unlikely, the application may be voluntarily withdrawn at this time and Project Name may be eligible for a partial refund of required fees (*include shaded section in final letter if application has not proceeded to technical review*).

If not resolved or withdrawn prior to expiration of the suspension period, the Commission may terminate review of the application, resulting in forfeiture of all fees.. If review is terminated, the project sponsor may reapply to the Commission (*under applicable fee schedule*), providing evidence of all necessary governmental approvals, and updating pertinent information about the project.

In accordance with Commission Regulation 18 CFR § 808.2, Project Name may appeal this decision within thirty (30) days of receipt of this letter.

Please contact Project Review Manager at (717) 238-0423, extension xxxx or e-mail address, if you have any questions or concerns regarding the determination cited herein.

Sincerely,

Executive Director



SUSQUEHANNA RIVER  
BASIN COMMISSION

4423 N. Front Street | Harrisburg, PA 17110-1788 | 717.238.0423 | srbc.net

NY ■ PA ■ MD ■ USA

## **Policy No. 2016-03** **June 16, 2016**

# **GUIDELINES FOR EXPIRING PROJECT APPROVALS**

### **Introduction**

All Susquehanna River Basin Commission (Commission) approved projects are subject to expiration of that approval, as indicated either in conditions of the docket approval and Approval by Rule (ABR) or established by regulation (18 CFR §§ 806.31 and 806.22). The expiration of an approval and renewal process identifies those projects that are not developed and allows for the Commission's reevaluation of a project to ensure that the use of water resources continues to enhance economic growth while affording appropriate protection to the environment and avoiding conflicts with other users. Issuing updated approvals based on current regulations and policies improves the Commission's ability to effectively manage the water resources of the basin, and will help to reinforce certainty and reliability of future water supplies and avoid, when possible, conflict or interference.

### **"Automatic" Expiration**

Pursuant to 18 CFR § 806.31(b), Commission approval of a project shall expire 3 years from the date of the approval if the withdrawal, diversion, or consumptive use has not been commenced, unless an alternate period is provided for in the ABR or docket approval, or the 3-year period is extended in writing by the Commission. The project sponsor must submit its written request for the extension no later than 120 days prior to the expiration date, specify the circumstances for the delay of the withdrawal, consumptive use or diversion, and describe the likelihood of project implementation.

Pursuant to 18 CFR § 806.31(c), if an approved withdrawal, consumptive use, or diversion is discontinued for a period of 5 consecutive years, the project approval is deemed to be null and void, unless a waiver is granted in writing by the Commission. The project sponsor must submit a written request demonstrating due cause prior to the expiration of the time period. The project sponsor also must notify the member jurisdiction where the project is located.

A list of projects potentially subject to automatic expiration is generated quarterly for review by the Compliance Program. When a project of this type is identified, Commission staff will conduct a site inspection to evaluate its operational status. If there has been some site activity, Commission staff will contact the project sponsor to inform them that the withdrawal, diversion, or consumptive use must be commenced prior to its upcoming expiration date or the

approval will automatically expire. If there is no evidence of activity at the site, no further contact is made with the project sponsor prior to the automatic expiration date. Upon the date of expiration, a notice will be sent by regular mail to inform the project sponsor of the expiration of its Commission approval.

## **Renewal of Commission Approvals**

Project sponsors may submit applications for renewal of Commission approvals for withdrawal, consumptive use, and diversion. The renewal process itself is summarized for project sponsors and others in an information sheet (Attachment A) that will be posted on the Commission's website, appear as a link in e-mail notifications, and be distributed to project sponsors at meetings and during compliance inspections.

## **Process Sequence for Expiring Project Notifications**

The notification process to projects nearing the expiration date of a Commission approval consists of scheduled compliance inspections, e-mail reminders, and Monitoring Data Website (MDW) reminders, as summarized below. The critical period for most projects begins 1 year prior to the date of expiration, as the current approval for project sponsors submitting a timely and complete renewal application pursuant to 18 CFR § 806.31(e) will be deemed extended during application review period. However, the additional lead times of some notices recognize that substantial effort may be required for the renewal process and, accordingly, it is beneficial for projects to plan ahead. Many projects have approvals that are decades old and applicants for renewal may not fully understand the Commission's current application process. Proper planning and allowing sufficient time for the process will permit continued operations at approved rates (with no interruption or suspension of the withdrawal or consumptive use) until the Commission acts on the renewal application.

Based on staff's experience, project types that are likely to need a longer lead time to prepare complete applications are generally notified earlier. This may be due to the inherent complexity of the application, required aquifer testing, the need to engage a consulting team for technical expertise, the likelihood of collecting additional data for submittal, or cost of the application process that may require advance budgeting or other factors. Note that reminders and correspondence will be generated electronically with oversight by staff; reminders will be discontinued once an application is received and the Hydra database is flagged accordingly. As such, notifications for projects have been grouped into three standard timelines based on approval type.

## **Notice Timeline for Expiring Projects**

### **Renewal Track 1: Groundwater Withdrawals, Consumptive Use (self-supplied), and Out-of-Basin Diversions**

5 years prior to expiration: Begin e-mail to facility primary contact and data entry contact noting the expiration date and reminding project sponsor to apply for renewal. The notification is e-mailed annually until



18 months prior to expiration when the notice becomes quarterly. Begin pop-up reminders with logon to the MDW (Attachment B).

E-mail lists relevant information for renewal, includes a link to the information sheet (Attachment A), with suggested renewal process timeline.

6 months prior to expiration:

If an application has not been received, Compliance staff may conduct an inspection to evaluate the status of the project and determine whether: (1) the project is not in operation; (2) the project is in operation and the water withdrawal or use is below regulatory thresholds; (3) the project is in operation and needs Commission approval by way of a renewal; (4) the project is operating as essentially a new project (requiring a new application); or (5) some other scenario. As needed, Compliance will begin discussions with the project regarding its proposed operations after the date of expiration and prepare to move forward with the appropriate compliance action. The compliance action may vary from project to project and will require correspondence and communications specific to the situation.

Attachment A may be provided to the project sponsor at the inspection.

Expiration date:

If a timely application for renewal is not submitted, a notice (certified mail) of expiration [Attachment C(1)] and required suspension of withdrawal and/or consumptive use, or reduction to pre-regulation amount or less (if applicable).

Post expiration:

Site inspection, if necessary, to determine compliance status.

### Renewal Track 2: Surface Water Withdrawals and Into-Basin Diversions

1.5 years prior to expiration:

Begin quarterly e-mail to facility primary contact and data entry contact noting the expiration date and reminding project sponsor to apply for renewal; begin pop-up reminders with logon to the MDW.

E-mail lists relevant information for renewal, includes a link to the information sheet (Attachment A), with suggested renewal process timeline.

6 months prior to expiration:

If an application has not been received, Compliance staff may conduct an inspection to evaluate the status of the project and determine whether: (1) the project is not in operation; (2) the

project is in operation and the water withdrawal or use is below regulatory thresholds; (3) the project is in operation and needs Commission approval by way of a renewal; (4) the project is operating as essentially a new project (requiring a new application); or (5) some other scenario. As needed, Compliance will begin discussions with the project regarding their proposed operations after the date of expiration and prepare to move forward with the appropriate compliance action. The compliance action may vary from project to project, and will require correspondence and communications specific to the situation.

Expiration date: If a timely application for renewal is not submitted, a notice (certified mail) of expiration [Attachment C(1)] and required suspension of withdrawal and/or consumptive use, or reduction to pre-regulation amount or less (if applicable).

Post expiration: Site inspection, if necessary, to determine compliance status.

### Renewal Track 3: Approval by Rule

6 months prior to expiration: Begin quarterly e-mail of letter to primary contact and data entry contact noting the expiration date and reminding project sponsor to apply for renewal. Also, except for hydrocarbon development projects subject to special reporting provisions of 18 CFR § 806.22(f), begin pop-up reminders with logon to the MDW.

Note that due to the expedited review process, renewals commonly will be issued within 30 days; hence, any extension of the current approval under 18 CFR § 806.31(e) is usually unnecessary.

Expiration date: Notice (e-mail) of expiration [Attachment C(2)] and required suspension of consumptive use, or reduction to pre-regulation amount or less (if applicable).

Post expiration: Site inspection, if necessary, to determine compliance status.

### **Outreach to Projects for the Renewal Process**

In addition to the project specific notifications described above, the Commission may undertake the following:

1. A routine compliance inspection of the project may be conducted prior to the first notification to allow closer examination of the project and to provide contact information

for project review staff knowledgeable about the renewal process. This inspection could provide an opportunity to meet with the project sponsor, verify sources and their locations, identify knowledge gaps and potential considerations (such as grandfathering) that would be relevant to a renewal application, distribute information about the renewal process, and confirm current project contacts.

2. Posting on the website an information sheet (Attachment A) describing the Commission's renewal process for water withdrawal and use.
3. Posting on the website a list of expiring project dockets or developing a way for the public to create lists/displays of projects, such as sorting by year of approval, year of expiration, and the capability to map projects expiring in the next 5 years.
4. Outreach through presentations to key stakeholder organizations.
5. Outreach through coordination mechanisms with sister state agencies (Memorandum of Understanding or other administrative vehicle).
6. Outreach through the Public Water Supply Assistance Program, a program made possible by a grant from the Pennsylvania Department of Environmental Protection which assists small public water systems in meeting the Commission's regulatory requirements.

## **ATTACHMENT A**

### **Commission Renewal Process for Water Withdrawals, Consumptive Use, and Diversions**

#### **Introduction**

All Susquehanna River Basin Commission (Commission) approved projects are subject to expiration of that approval, as indicated either in conditions of the docket approval and Approval by Rule (ABR) or established by regulation. The renewal process ensures that the use of water resources continues to enhance economic growth while affording appropriate protection to the environment and avoiding conflicts or interference with other users. Updated approvals are based on current regulations, policies, and standards.

This document will familiarize you with the Commission's current application process and the steps needed to renew an approval.

#### **Planning Horizons**

Based on staff's experience, it is clearly beneficial for projects to plan ahead—sometimes far ahead—due to the nature of the project, its complexity, and other considerations such as budgeting. Proper planning and allowing sufficient time for the renewal process may allow continued operations until the Commission acts on the renewal application.

For surface water withdrawals and into-basin diversions, staff recommends beginning planning for the renewal process 18 months prior to the expiration date. Renewals for ABRs typically require less time, and you should begin the planning process 1 year in advance. Note that the ABR process is used for natural gas operators and any consumptive use approvals where a public water supplier is the exclusive source of supply.

Groundwater withdrawals, consumptive use projects with sources other than or in addition to public water supply, and out-of-basin diversions typically require additional time for application preparation due to the inherent complexity of the project. Therefore, staff recommends that a project sponsor begin planning for the renewal process much earlier—4 or 5 years prior to expiration.

#### **Steps Needed to Renew an Approval**

The Commission follows a standard permitting program for water withdrawals and uses, including for renewals of current approvals. A project sponsor prepares and submits an application no later than 6 months prior to the expiration of its existing approval, Commission staff reviews it for administrative completeness and technical merit, makes a recommendation for action by the commissioners, and the commissioners approve, approve with conditions, or deny the application. To renew an approval, a project sponsor must:

1. Prepare the appropriate application forms (most applications are online submittals).
2. Submit the application forms and required attachments with the appropriate fee, based on the Commission's Regulatory Program Fee Schedule, in a timely fashion and in consideration that if the application is complete at least 6 months prior to the expiration date, projects may enjoy continuity of operations during review.
3. Complete required public notifications.
4. Respond promptly to any questions and requests for additional information during technical review.
5. Continue to submit required monitoring data quarterly during the review period.
6. Await Commission action on the application.

### **Additional Considerations**

The Commission recommends that all project sponsors intending to renew an existing approval be proactive in developing a plan for renewal and consider scheduling a pre-application meeting, consistent with 18 CFR § 806.11, with staff in the Project Review Program to receive individualized guidance about the process based on project-specific factors. The following is a basic list of considerations as you plan for the renewal process.

1. Develop a plan for the renewal process, including the total cost of the application process.
  - a. Total costs include application review fee(s) and aquifer testing plan review fees, the organization/collection of supplemental information, and may also include an aquifer testing program, and various professional services;
  - b. Consider if advance budgeting is required; and
  - c. Develop a timeline for successful completion.
2. Determine whether you have the resources and/or technical expertise in-house to prepare the renewal application or will need to retain professional services.
  - a. Determine the needed technical expertise (some information must be submitted by licensed professional engineers or geologists); and
  - b. Engage consulting services, if necessary.
3. Determine the scope of renewal by reviewing the soon-to-expire approval, noting the type of approval, water source(s), quantity(ies), rates, and any special conditions of approval. Also consider any significant changes or expected changes to the purpose, quantity, location, or monitoring of your operation.
4. Determine the likely requested quantity for the renewal application. For example, if the source is currently being utilized at the approved rate, which can be confirmed with the

monitoring data as submitted to the Commission, at a minimum, the requested quantity should be the same as that in the existing approval. If the source has been routinely used at a lesser amount, this should be considered in determining the appropriate requested quantity for renewal. If growth or increased demand is expected over the term of the renewed approval, documentation of the reasonably foreseeable need must accompany the request.

5. Review all of the other sources in the system, and determine whether currently unapproved and backup sources may be subject to review under the Commission's regulations. If you currently have a consumptive use approval with no source withdrawal approval, you most likely will be required to submit application for the withdrawal and are strongly recommended to contact Commission staff for consultation well in advance for specific project guidance.
  - a. Consider all sources, including any "grandfathered" as defined in 18 CFR § 806.4;
  - b. Collect monitoring data to document current and historic use; and
  - c. Identify and collect other monitoring data to support the application.
6. If the project involves a groundwater withdrawal, you must also submit an aquifer testing plan, pursuant to 18 CFR § 806.12 (or request a waiver of that testing supported by relevant data under 18 CFR § 806.8, if appropriate), receive test plan approval, and conduct the testing. This requires a serious planning effort to ensure that testing results are available to be submitted with the application.

## SRBC Contacts and Resources

You are encouraged to contact Commission staff to discuss the application requirements.

Groundwater withdrawals: Mike Appleby; Supervisor, Groundwater Project Review  
(717) 238-0423, extension 1208

Surface water withdrawals: Mike College; Supervisor, Surface Water Project Review  
(717) 238-0423, extension 1238

Approval by Rule: Glenda Miller; Supervisor, Approval by Rule Program  
(717) 238-0423, extension 1227

All other projects: Todd Eaby; Manager, Project Review  
(717) 238-0423, extension 1234

Compliance Questions: Eric Roof; Manager, Compliance Program  
(570) 731-4839, extension 1501

Resources: SRBC's website ([www.srbc.net](http://www.srbc.net)) "Policies and Regulations" and "Forms and Applications" pages has information on the following:

- SRBC's Regulations and Procedures for Review of Projects

- Application Forms
- Regulatory Program Fee Schedule
- Aquifer Testing Guidance
- Low Flow Protection Policy

## ATTACHMENT B

### Sample E-mail Notifications

1. **Notification for Renewal** to primary contact for project sponsor and data entry contact(s), as recorded in Hydra.

**From:** [onlineReporting@srbc.net](mailto:onlineReporting@srbc.net) [mailto:[onlineReporting@srbc.net](mailto:onlineReporting@srbc.net)]  
**Sent:** Date  
**To:** Project Sponsor Contact  
**Cc:** compliance  
**Subject:** SRBC Notice of the Upcoming Expiration of Commission Docket No. \_\_

Dear Project Sponsor Contact:

The Susquehanna River Basin Commission (Commission) records indicate that Docket No. \_\_\_\_, approving Source for the withdrawal, consumptive use, or out-of-basin diversion of water will expire on date. As a courtesy, this notice is to inform you that, unless you take the action noted below, after date, the withdrawal and/or consumptive use of water at Source will no longer have the required Commission approval. Continued operations beyond that date may result in Project Name violating Commission Regulation 18 CFR Section 806 and subject Project Name to potential enforcement action.

In accordance with the provisions of Section 806.31(e), if the Commission receives a complete renewal application(s) and payment no later than date, the existing approval may be deemed extended until such time as the Commission renders a decision on the renewal application. This would allow Project Name to continue existing operations to Source under your existing approval (Commission Docket No. \_\_\_\_) pending final action by the Commission.

If this project involves an ABR, please submit an ABR renewal application at your earliest convenience, but no later than date. Commission staff recommends submitting the renewal application approximately 3 months prior to the expiration date of an ABR. By doing so, this should allow Commission staff adequate time to review and render a decision on the renewal application, prior to the ABR expiration date.

The Commission's Regulations and Procedures for Review of Projects and application forms can be accessed at the Commission's Website ([www.srbc.net](http://www.srbc.net)). To avoid potential violation of Commission regulations, you are encouraged to contact Commission staff to discuss the application requirements. If your project involves a groundwater withdrawal you should contact name, Supervisor of Groundwater Project Review, at (717) 238-0423, extension \_\_. If your project is an ABR you should contact name, Supervisor of Approval by Rule Program, at



(717) 238-0423, extension \_\_. For all other projects, please contact **name**,  
Manager of Project Review at (717) 238-0423, extension \_\_.

Please feel free to contact me (**Manager of Compliance Program**) with any  
questions regarding the above information by phone at (717) 238-0423, extension  
\_\_ or by email at\_\_.

Sincerely,

2. **Monitoring Data Website Pop-up Reminder<sup>4</sup> for Renewal** (appears whenever a project sponsor opens the expiring project file in the MDW).

**Monitoring Data Website**  
Susquehanna River Basin Commission

Monitoring Report for:  
**Tioga River**

Facility:

Source:

**Reporting:**  
Approval #: 21990102

This form is designed for pasting Monitoring Data from Microsoft Excel ONLY. Please copy and paste your Monitoring Data into the textbox below. Ensure columns are in the correct order (Date, Amount) and do not include column headers.

Please note that the Date should be formatted "MM/DD/YYYY" and the Amount should be in GPD.

Click the 'Source in Construction/Development Phase' button if the source is currently under construction or will be in the near future and provide a status report/update in the 'Comments' section of this report.

If you had no use or withdrawals for the entire quarter, click the 'Report No Use or Withdrawals' button.

**Docket Expiring**

Exam

This notice is to remind you that your Docket will be expiring on 4/1/2016. In accordance with the provisions of Section 806.31(e), if the Commission receives a complete renewal application(s) and payment no later than 10/1/2015, the existing approval may be deemed extended until such time as the Commission renders a decision on the renewal application. You can begin the renewal process [here](#).

Date: (1/1/2015 - 3/31/2015) Amount (GPD):

<sup>4</sup> Reminder appears quarterly as a minimum until an application is received.

## ATTACHMENT C

### Notice of Expiration

#### (1) Letter to Project Sponsor

Re: APPROVAL EXPIRED for Commission Docket No. \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

Dear **Project Sponsor Contact**:

The Susquehanna River Basin Commission (Commission) has identified that Docket No. \_\_\_\_\_, approving **Project Name** for a **consumptive water use/withdrawal/diversion** of \_\_\_\_\_ million gallons per day (mgd), expired on the above date.

Any continued **withdrawal/consumptive use/diversion** of water subject to Commission approval without prior authorization is a violation under Commission Regulations 18 CFR Parts 806-808 and may be subject to enforcement action. The Commission's regulations can be accessed at the Commission's website (<http://www.srbc.net>).

Please do not hesitate to contact me at (717) 238-0423 if you have any questions.

Sincerely,

Executive Director

**(2) E-mail Notice for Approval by Rule**

Re: APPROVAL EXPIRED for Approval by Rule No. \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

Dear Project Sponsor Contact:

The Susquehanna River Basin Commission (Commission) has identified that Approval by Rule No. \_\_\_\_\_, approving Project Name for a consumptive water use, expired on the above date.

Any continued consumptive use of water subject to Commission approval without prior authorization is a violation under Commission Regulations 18 CFR Parts 806-808 and may be subject to enforcement action. The Commission's regulations can be accessed at the Commission's website (<http://www.srbc.net>).

Please do not hesitate to contact me at (717) 238-0423 if you have any questions.

Sincerely,

Executive Director



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20160601**

**Approval Date: June 16, 2016**

## **BLACK BEAR WATERS, LLC**

**Surface Water Withdrawal (Peak Day) of up to 0.900 mgd  
from Lycoming 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 adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of Commission Docket No. 20120303 that was originally approved March 15, 2012, with a peak day withdrawal rate of 0.400 million gallons per day (mgd) and special flow protection requirements. Commission Docket No. 20120303 was modified on March 21, 2013, with an increased peak day withdrawal rate of 0.900 mgd and revised flow protection requirements reflecting the current policy (Commission Docket No. 20120303-1). The project sponsor has not requested any changes to the project. In consideration of the reasonably foreseeable need for water, as demonstrated by historic usage of the source, master service agreements, and letters of interest presented by the project sponsor, Commission staff did not recommend any changes to the approved peak day withdrawal rate. Commission staff also recommended that the special flow protection requirements be updated and be reflective of current policy. This approval incorporates those recommendations.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Black Bear Waters, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20120303
<b>Authorized Water Use Purpose:</b>	Bulk Supply for Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Lewis Township
<b>County:</b>	Lycoming 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.

<b>Source Information</b>	
<b>Approved Source:</b>	Lycoming Creek
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020602 (Lycoming Creek)
<b>Water Use Designation:</b>	Exceptional Value (EV)
<b>Withdrawal Location (degrees):</b>	Lat: 41.356600 N      Long: 77.080025 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 9.1; Average Daily Flow = 350
<b>Wild Trout Classification:</b>	Naturally Reproducing Wild Trout
<b>Drainage Area (square miles):</b>	208
<b>Aquatic Resource Class*:</b>	4
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
* Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals)	

### Section 4. 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>Peak Day Withdrawal Amount (mgd):</b>	0.900 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	695 (Not to Exceed)
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01550000; Lycoming Creek near Trout Run, Pennsylvania

<b>Approved Withdrawal Quantities and Limitations (continued)</b>		
<b>Passby Schedule:</b>		
<i>Month</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
January	29	26
February	30	27
March	170	143
April	125	106
May	140	118
June	59	51
July	29	26
August	29	26
September	29	26
October	29	26
November	55	48
December	29	26
USGS– U.S. Geological Survey 1 cfs = 448.8 gallons per minute (gpm) * Flow Protection Threshold		

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

## **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 Commission Regulation 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 metering on the withdrawal in accordance with Commission Regulation 18 CFR § 806.30.

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 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 adhere to the intake design reviewed and approved by Commission staff. Any modifications proposed by the project sponsor for the permitted intake

structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulations 18 CFR § 806.21 and § 806.23 prior to undertaking such modification(s).

6. The project sponsor shall keep daily records of the project's withdrawal 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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.

7. Within sixty (60) days from notice of this approval, the project sponsor shall post an updated sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of installation of the updated sign.

8. 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 Commission Regulation 18 CFR § 808.12.

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

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

11. 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.

12. 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 Commission Regulation 18 CFR Part 808.

13. 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.

14. 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 Commission Regulation 18 CFR § 806.32.

15. 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.

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

17. In accordance with Commission Regulation 18 CFR § 806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

18. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal that would exceed the amounts listed herein.

## **Section 6. Special Conditions**

19. Effective July 1, 2016, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the applicable flow protection threshold specified in Section 4, and shall not reinstate withdrawals until the streamflow is equal to or exceeds such flow protection threshold.

20. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 4, 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. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

21. The date of the last meter certification was October 30, 2014; therefore, the next meter certification is due no later than October 30, 2019. 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. The project sponsor shall adhere to recommendations for avoiding adverse impact to documented occurrences of rare, threatened, or endangered species (RTE), and naturally



reproducing wild trout populations at or in proximity to the project location. The documented species includes the Eastern hellbender (*Cryptobranchus alleganiensis*). The project sponsor shall avoid modification of the intake or any other instream construction from August 1 through December 31 to avoid the breeding and egg incubation periods of the Eastern hellbender (August 1 through November 30) and to avoid adverse impact to the naturally reproducing wild trout population (October 1 through December 31).

23. Except as authorized pursuant to Special Condition 25, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered this approval pursuant to Commission Regulation 18 CFR § 806.22(f)(12).

24. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for uses other than hydrocarbon development authorized pursuant to Special Condition 25, including daily quantities supplied.

25. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for authorization 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.

26. The project sponsor shall demonstrate to the satisfaction of the Commission that appropriate controls and treatment to prevent the spread of aquatic nuisance species are employed at the water withdrawal site.

## Section 7. Term

27. This approval shall be effective July 1, 2016, and shall remain effective until June 30, 2020. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2019, 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.

28. Commission Docket Nos. 20120303 and 20120303-1 shall remain effective through June 30, 2016, whereupon they shall expire.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 16, 2016.

Dated: June 17, 2016

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20160602**

**Approval Date: June 16, 2016**

## **BLOSSBURG MUNICIPAL AUTHORITY**

### **Groundwater Withdrawal (30-Day Average) of 0.288 mgd from Route 15 Well**

#### **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 adverse impacts are anticipated by the operation of this project, and that 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.

On March 15, 2012, Commission Docket No. 20120304 was approved authorizing the 30-day average withdrawal of 0.288 million gallons per day (mgd) from the Route 15 Well for bulk water supply for use in treatment of flowback water and bulk supply to the natural gas exploration and production companies. The Route 15 Well is not a source to the Blossburg Municipal Authority's public water system. On September 9, 2015, the Blossburg Municipal Authority submitted an application to the Commission requesting renewal of the withdrawal from the Route 15 Well.

This approval is a renewal of Commission Docket No. 20120304. The project sponsor did not request, and Commission staff did not recommend, any changes to the conditions of the original docket.

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>	Blossburg Municipal Authority
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Original Docket No.:</b>	20120304
<b>Authorized Water Use Purpose:</b>	Bulk Supply for Treatment of Flowback and Bulk Supply for Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Bloss Township
<b>County:</b>	Tioga 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.

<b>Source Information</b>	
<b>Withdrawal Type:</b>	Groundwater
<b>Approved Source:</b>	Route 15 Well
<b>Subbasin:</b>	Chemung
<b>Watershed Boundary Dataset (WBD):</b>	0205010409 (Tioga River)
<b>Withdrawal Location (degrees):</b>	Lat: 41.658108 N      Long: 77.091895 W
<b>Special Flow Protection Required:</b>	No

### Section 4. Aquifer Testing

The project sponsor requested that the constant-rate aquifer testing required by Commission Regulation 18 CFR § 806.12 for groundwater withdrawals be waived. In support of the aquifer testing waiver request, the project sponsor provided the required groundwater availability analysis and a summary of the 2011 aquifer testing results. Because the project has not been significantly utilized, no operational data was available for review and the conditions of this approval are based on the aquifer testing completed in 2011.

The 2012 approval required monitoring of a private residential well to provide data for confirmation that potential impacts demonstrated at the tested rate would be adequately mitigated by the reduction from the tested rate. With the exception of initiating the withdrawal, the well has not been significantly used and adequate operational data for evaluation of adequate mitigation does not exist. Therefore, staff recommends that water level monitoring and reporting required by Commission Docket No. 20120304 be continued, in accordance with Special Condition 20.

Commission staff finds that the withdrawal from the Route 15 Well 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 herein. Therefore, the aquifer testing requirements for the Route 15 Well are hereby waived.

### 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.

Approved Withdrawal Quantities and Limitations	
<b>30-Day Average Withdrawal (mgd):</b>	0.288
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	300 (Not to Exceed)
gpm – gallons per minute	

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

### Section 6. Grandfathering Determination – Withdrawals and Consumptive Water Use

The project did not utilize surface water withdrawals or groundwater withdrawals prior to November 11, 1995 or July 13, 1978, respectively.

The project did not consumptively use water prior to January 23, 1971.

### Section 7. 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. Within sixty (60) days from the date of this approval, the project sponsor shall submit a comprehensive metering plan to the Commission for review and approval by Commission staff that accounts for the withdrawal listed in Section 3 of this approval.

3. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering in accordance with Commission Regulation 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 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 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 adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the source listed in Section 3. The project sponsor shall notify the Commission, in writing, and submit photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices.

6. The project sponsor shall keep daily records of the project's withdrawal and groundwater elevation 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 Commission Regulation 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.

7. Within sixty (60) days from notice of this approval, the project sponsor shall post an updated sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of installation of the updated sign.

8. 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 Commission Regulation 18 CFR § 808.12.

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

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

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

12. 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 Commission Regulation 18 CFR Part 808.

13. 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.

14. 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 Commission Regulation 18 CFR § 806.32.

15. 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.

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

17. In accordance with Commission Regulation 18 CFR § 806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

18. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal that would exceed the amounts listed herein.

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 8. Special Conditions**

20. To provide further monitoring and evaluation of aquifer response to the approved withdrawal under operating conditions, and to evaluate a potential unacceptable interference with an existing private water supply located approximately 1,750 feet to the northeast of the Route 15 Well, the project sponsor shall continue to collect and record daily groundwater elevation measurements at the existing private supply well using equipment and methodology described in the May 4, 2012, Metering and Monitoring Plan that was approved by Commission letter of August 13, 2012.

Data collected as part of Special Condition 20 shall be submitted electronically to the Commission on a quarterly basis. The project sponsor shall review the data quarterly and report any indications of unacceptable hydraulic conditions (i.e., recurring excessive drawdown, lowering of the water table, etc.). If an evaluation of these data indicates unacceptable hydraulic conditions or excessive unacceptable interference between the Route 15 Well and the existing private supply well during operation, the Commission reserves the right to rescind or impose additional restrictions on the use of the Route 15 Well.

21. Except as authorized pursuant to Special Condition 23, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered this approval pursuant to Commission Regulation 18 CFR § 806.22(f)(12).

22. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for uses other than hydrocarbon development authorized pursuant to Special Condition 23, including daily quantities supplied.

23. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for authorization 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 9. Term

24. This approval shall be effective July 1, 2016, and shall remain effective until June 30, 2020. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2019, 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.

25. Commission Docket No. 20120304 shall remain effective through June 30, 2016, whereupon it shall expire.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 16, 2016.

Dated: June 17, 2016

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788  
 (717) 238-0423 Phone • (717) 238-2436 Fax  
 www.srbc.net

**Docket No. 20160603**  
**Approval Date: June 16, 2016**

## CABOT OIL & GAS CORPORATION

**Surface Water Withdrawal (Peak Day), Variable, of up to 0.500 mgd  
 from Martins 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 adverse impacts are anticipated by the operation of this project, and that 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.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the 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>	Cabot Oil & Gas Corporation
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Harford Township
<b>County:</b>	Susquehanna 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.



<b>Source Information</b>	
<b>Approved Source:</b>	Martins Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010612 (Tunkhannock Creek)
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.762158 N*      Long: 75.755597 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 0.8; Average Daily Flow = 25.1
<b>Drainage Area (square miles):</b>	17.2
<b>Aquatic Resource Class**:</b>	2
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
* Located downstream of the confluence of Martins Creek and East Branch Martins Creek.	
** Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals).	

#### Section 4. 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>Peak Day Withdrawal Amount (mgd):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values			
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01534000; Tunkhannock Creek near Tunkhannock, Pennsylvania			
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
January	0.500	400	7.6	189
February	0.500	400	9.0	219
March	0.500	400	20	454
April	0.300	300	21	486
May	0.300	300	11	262
June	0.200	200	4.8	117
July	0.200	200	2.7	70
August	0.200	200	2.0	54

<b>Approved Withdrawal Quantities and Limitations (continued)</b>				
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
September	0.200	200	1.9	52
October	0.200	200	2.6	68
November	0.500	400	6.0	152
December	0.500	400	9.2	224
mgd – million gallons per day		USGS – U.S. Geological Survey		
1 cfs = 448.8 gallons per minute (gpm)		* Flow Protection Threshold		

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

### **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 Commission Regulation 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, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 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 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 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 adhere to the intake design reviewed and approved by Commission staff, and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission with a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor

shall submit to the Commission a revised intake design for review and, if appropriate, approval by Commission staff prior to permit issuance by the permitting agency. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulations 18 CFR § 806.21 and § 806.23 prior to undertaking such modification(s).

6. The project sponsor shall keep daily records of the project's withdrawal 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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.

7. Prior to initiation of the withdrawal, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of sign installation prior to initiation of the withdrawal.

8. 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 Commission Regulation 18 CFR § 808.12.

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

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

11. 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.

12. 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 Commission Regulation 18 CFR Part 808.

13. 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.

14. 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 Commission Regulation 18 CFR § 806.32.

15. 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.

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

17. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal that would exceed the amounts listed herein.

## **Section 6. Special Conditions**

18. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the applicable flow protection threshold specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection threshold for 48 hours.

19. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 4, 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. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

20. Except as authorized pursuant to Special Condition 22, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered this approval pursuant to Commission Regulation 18 CFR § 806.22(f)(12).

21. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for uses other than hydrocarbon development authorized pursuant to Special Condition 22, including daily quantities supplied.

22. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for authorization 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.

23. The project sponsor shall demonstrate to the satisfaction of the Commission that appropriate controls and treatment to prevent the spread of aquatic nuisance species are employed at the water withdrawal site.

24. Prior to initiation of the withdrawal, the project sponsor shall submit a certification, to the Commission, including photographs documenting the installation and placement of the intake at a location below the confluence with East Branch Martins Creek. Withdrawals shall not commence until Commission staff has approved the certification of the withdrawal location and notified the project sponsor of such approval.

## Section 7. 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 Commission Regulation 18 CFR § 806.31(b). In accordance with Commission Regulation 18 CFR § 806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

26. This approval is effective until June 15, 2020. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 15, 2019, 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, Stephanie L. Richardson, 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 16, 2016.

Dated: June 17, 2016

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20160604**  
**Approval Date: June 16, 2016**

## TODD AND GEMMA CAMPBELL

**Surface Water Withdrawal (Peak Day) of up to 0.999 mgd  
 from the Susquehanna River**

### 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 adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission’s Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of Commission Docket No. 20120609 that was originally approved June 7, 2012, with a peak day withdrawal rate of 0.999 million gallons per day (mgd) and special flow protection requirements. The approval was originally issued to Niagara Gas & Oil Services Inc. and transferred to Todd and Gemma Campbell effective November 9, 2015. The project sponsor has not requested any changes to the project. Commission staff recommended that the special flow protection requirements be modified to reflect current policy. This approval incorporates those recommendations.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Todd and Gemma Campbell
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20120609
<b>Authorized Water Use Purpose:</b>	Bulk Supply for Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Athens Township
<b>County:</b>	Bradford County

<b>State:</b>	Pennsylvania
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### 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>Approved Source:</b>	Susquehanna River
<b>Subbasin:</b>	Upper Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010307 (Wappasening Creek – Susquehanna River)
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.955674 N      Long: 76.511458 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 409; Average Daily Flow = 8,220
<b>Impairment:</b>	Mercury; Polychlorinated Biphenyl ( PCB)
<b>Drainage Area (square miles):</b>	4,930
<b>Aquatic Resource Class*:</b>	5
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
* Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals)	

### Section 4. Approved Withdrawal Quantities and Limitations

The withdrawal approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

Approved Withdrawal Quantities and Limitations		
<b>Peak Day Withdrawal Amount (mgd):</b>	0.999 (Not to Exceed, When Available)	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	694 (Not to Exceed)	
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values	
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01515000; Susquehanna River near Waverly, New York	
<b>Passby Schedule:</b>		
<i>Month</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
January	--	--
February	--	--
March	--	--
April	--	--

May	--	--
June	--	--
<b>Approved Withdrawal Quantities and Limitations (continued)</b>		
<b>Passby Schedule:</b>		
<i>Month</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
July	--	--
August	582	565
September	532	517
October	--	--
November	--	--
December	--	--
USGS– U.S. Geological Survey    -- – No special flow protection required 1 cfs = 448.8 gallons per minute (gpm)    * Flow Protection Threshold		

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

**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 Commission Regulation 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 metering on the withdrawal in accordance with Commission Regulation 18 CFR § 806.30.

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 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 adhere to the intake design reviewed and approved by Commission staff. Any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulations 18 CFR § 806.21 and § 806.23 prior to undertaking such modification(s).



6. The project sponsor shall keep daily records of the project's withdrawal 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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.

7. Within sixty (60) days from notice of this approval, the project sponsor shall post an updated sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of installation of the updated sign.

8. 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 Commission Regulation 18 CFR § 808.12.

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

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

11. 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.

12. 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 Commission Regulation 18 CFR Part 808.

13. 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.

14. 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 Commission Regulation 18 CFR § 806.32.

15. 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.

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

17. In accordance with Commission Regulation 18 CFR § 806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

18. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal that would exceed the amounts listed herein.

## **Section 6. Special Conditions**

19. Effective July 1, 2016, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the applicable flow protection threshold specified in Section 4, and shall not reinstate withdrawals until the streamflow is equal to or exceeds such flow protection threshold.

20. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 4, 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. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

21. The date of the last meter certification was June 21, 2014; therefore, the next meter certification is due no later than June 21, 2019. 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. The project is fully constructed and no changes are proposed. However, if changes are proposed or maintenance requires instream work, the project sponsor shall adhere to recommendations for avoiding adverse impact to documented occurrences of special concern

species at or in proximity to the project location. The documented species include elktoe (*Alasmidonta marginata*), triangle floater (*Alasmidonta undulata*), and green floater (*Lasmigona subviridis*).

23. Except as authorized pursuant to Special Condition 25, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered this approval pursuant to Commission Regulation 18 CFR § 806.22(f)(12).

24. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for uses other than hydrocarbon development authorized pursuant to Special Condition 25, including daily quantities supplied.

25. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for authorization 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.

26. The project sponsor shall demonstrate to the satisfaction of the Commission that appropriate controls and treatment to prevent the spread of aquatic nuisance species are employed at the water withdrawal site.


## Section 7. Term

27. This approval shall be effective July 1, 2016, and shall remain effective until June 30, 2020. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2019, 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.

28. Commission Docket No. 20120609 shall remain effective through June 30, 2016, whereupon it shall expire.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 16, 2016.

Dated: June 17, 2016

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20110617-2**

**Approval Date: June 23, 2011**

**Modification Date: March 10, 2016**

**Modification Date: June 16, 2016**

## **MOUNT JOY BOROUGH AUTHORITY**

**Groundwater Withdrawals (30-Day Averages)  
of 1.300 mgd from Well 1 and 1.270 mgd from Well 2;  
Combined Withdrawal Limit (30-Day Average) of 1.799 mgd  
from Wells 1 and 2; and  
Total System Withdrawal Limit (30-Day Average) of 2.600 mgd**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that the potential impacts anticipated by the operation of this project are acceptable in the interest of public health and welfare, and the project is physically feasible and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the modification of the project described herein in accordance with the conditions set forth below.

The Mount Joy Borough Authority's (Authority's) public water supply system includes three sources (Wells 1, 2, and 3), which are herein referred to as the "Total System." Based on information provided by the Authority, there are no other sources used by the project.

The Authority requested an increase to the withdrawal rate for Well 1 to 1.300 million gallons per day (mgd) (30-day average) that would not increase the combined withdrawal limit for Wells 1 and 2 set forth in Section 5 of Commission Docket No. 20110617-1. This request was not part of the original modification application for Commission Docket No. 20110617-1 and, therefore, was not available for public comment during the comment period that ended February 15, 2016. The aquifer testing for Well 1 performed by the Authority was adequate to allow the Commission to reach technical conclusions regarding this requested increased withdrawal rate for Well 1. In accordance with Special Condition 27 of Commission Docket No. 20110617-1, approved on March 10, 2016, the Commission included this requested change to the withdrawal rate for Well 1 in the notice for public hearing on projects to be before the Commission at its June 2016 quarterly business meeting to allow receipt of public comment regarding this request. No public comment was received following the additional notice. No other changes to Commission Docket No. 20110617-1 were proposed.

The Commission hereby approves the requested modification to increase the withdrawal from Well 1 from 1.227 mgd to 1.300 mgd as described herein and in accordance with the conditions set forth below.

**Section 2. Approved Withdrawal Quantities and Limitations**

The withdrawals approved hereunder are subject to the quantitative limits and restrictions set forth in the table below and replaces the table in Section 5 of Commission Docket No. 20110617-1.

<b>Approved Withdrawal Quantities and Limitations</b>		
	<b>Well 1</b>	<b>Well 2</b>
<b>30-Day Average Withdrawal (mgd):</b>	1.300	1.270
<b>Maximum Instantaneous Withdrawal Rate (gpm) (Not to Exceed):</b>	1,100	1,250
<b>Combined Withdrawal Limit – Wells 1 and 2 (30-Day Average) (mgd):</b>	1.799	
<b>Total System Withdrawal Limit – Wells 1, 2, and 3 (30-Day Average) (mgd):</b>	2.600	
gpm – gallons per minute		

**Section 3. Standard Conditions**

1. All other limitations and conditions in Commission Docket Nos. 20110617 and 20110617-1 not inconsistent herewith shall remain effective.

**Section 4. Term**

2. This modified approval shall be effective July 1, 2016, and shall remain effective until June 22, 2026, the term of the original approval. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 22, 2025, 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, Stephanie L. Richardson, 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 16, 2016.

Dated: June 17, 2016

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20160607**  
**Approval Date: June 16, 2016**

## **NEW ENTERPRISE STONE & LIME CO., INC. BURKHOLDER QUARRY**

**Groundwater Withdrawal (30-Day Average) of 0.005 mgd  
 from Sump 4**

### **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 adverse impacts are anticipated by the operation of this project, and that 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.

New Enterprise Stone & Lime Co., Inc.’s (NESL’s) Burkholder Quarry project currently includes water supply from Well 2, Well 3, and the East and West Sumps as sources for consumptive use at the quarry. NESL is requesting to withdraw water from Sump 4 as a source for consumptive use. Commission staff recommends that the requested withdrawal from Sump 4 be approved.

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>	New Enterprise Stone & Lime Co., Inc.
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Quarry Dewatering; Aggregate Processing; Dust Suppression; and Incidental Uses associated with the Quarrying and Processing of Limestone Aggregate
<b>Municipality:</b>	Earl Township
<b>County:</b>	Lancaster County

<b>State:</b>	Pennsylvania
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### 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>	Sump 4
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030611 (Conestoga River)
<b>Withdrawal Location (degrees):</b>	Lat: 40.15800 N      Long: 76.097200 W
<b>Special Flow Protection Required:</b>	No

### Section 4. Aquifer Testing

The project sponsor requested that the constant-rate aquifer testing required by Commission Regulation 18 CFR § 806.12 for groundwater withdrawals be waived. In support of its waiver request, the project sponsor submitted the results of a 12-hour aquifer test conducted at Sump 4 at a rate of 10 to 12.25 gallons per minute (gpm). Sump 4 is located near the center of the quarry, within the area of influence of quarry dewatering, more than 1,400 feet northwest of the nearest well owned by others and 1,200 feet from the nearest surface water feature. Operation of Sump 4 at the proposed withdrawal rate will be negligible and is unlikely to cause impacts beyond those caused by the quarry dewatering.

Commission staff finds that the withdrawal from Sump 4 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. NESL is required to conduct monthly water level monitoring in six monitoring wells that surround the quarry and report the data quarterly to the PADEP in accordance with their non-coal surface mining permits. In addition, under PADEP mining regulations, should surface mining activities affect a public or private water supply (defined as an existing source of water or facility or system for the supply of water for human consumption, for agricultural, industrial, or other uses) by contamination, interruption or diminution, NESL is required to restore or replace the affected water supply with an alternate source of water, adequate in quantity and quality for the purpose served by the supply. Therefore, the aquifer testing requirements for Sump 4 are hereby waived.

### 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>	0.005
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	12 (Not to Exceed)
mgd – million gallons per day	

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

## Section 6. Existing Approved Withdrawals and Consumptive Water Uses

Quantities applicable to the existing approved withdrawals and consumptive water uses are listed in the tables below.

<b>Existing Approved Groundwater Withdrawals</b>			
Source	30-Day Average Withdrawal (mgd)	Commission Docket No.	Docket Expiration Date
Well 2	0.002	20040307-1	March 10, 2029
Well 3	0.002	20040307-1	March 10, 2029
East and West Sumps	Not Applicable	20040307	March 10, 2029

<b>Existing Approved Consumptive Water Uses</b>			
Source	Peak Day Consumptive Water Use (mgd)	Commission Docket No.	Docket Expiration Date
Well 2, Well 3, Sump 4, East and West Sumps	0.220	20040307-2	March 10, 2029

## Section 7. Grandfathering Determination – Withdrawals and Consumptive Water Use

The project did not utilize surface water withdrawals prior to November 11, 1995.

The project operated groundwater withdrawals from the East and West Sumps and Well 2 prior to July 13, 1978. No other sources are currently operated that were in use prior to July 13, 1978. Under the terms of the Memorandum of Understanding between the Commission and PADEP, separate Commission review and approval of the withdrawals from the sumps for quarry dewatering was not needed. In accordance with Commission Regulation 18 CFR § 806.4, withdrawals from Well 2 became subject to Commission review and approval in 2008 with the addition of Well 3 as a source for consumptive use. Therefore, there are no longer any grandfathered groundwater withdrawals for the project.

The project consumptively used water prior to January 23, 1971. In accordance with Commission Regulation 18 CFR § 806.4(a)(1)(iii), the increase in consumptive use by 0.020 mgd or more (30-day average) above the pre-Compact consumptive use forfeits the pre-regulation consumptive use. Therefore, there are no longer any grandfathered consumptive uses for the project.



## Section 8. 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 Commission Regulation 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, the project sponsor shall install and maintain metering in accordance with Commission Regulation 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 from Sump 4 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 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 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 Commission Regulation 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 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 Commission Regulation 18 CFR § 808.12.

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

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

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

10. 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 Commission Regulation 18 CFR Part 808.

11. 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.

12. 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 Commission Regulation 18 CFR § 806.32.

13. 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.

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

15. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal that would exceed the amounts listed herein.

16. 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 9. Special Conditions**

17. The project sponsor shall maintain water level data required by the PADEP mining permits for the duration of this approval. The project sponsor shall notify the Commission when changes are approved by PADEP to the water level monitoring requirements of the mining permits. The project sponsor shall report the water level data to the Commission upon request.

18. Except as authorized pursuant to Special Condition 20, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered this approval pursuant to Commission Regulation 18 CFR § 806.22(f)(12).

19. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for uses other than hydrocarbon development authorized pursuant to Special Condition 20, including daily quantities supplied.

20. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for authorization 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 10. Term**

21. 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 Commission Regulation 18 CFR § 806.31(b). In accordance with Commission Regulation 18 CFR § 806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

22. This approval shall be effective July 1, 2016, and shall remain effective until June 30, 2031. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2030, 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, Stephanie L. Richardson, 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 16, 2016.

Dated: June 17, 2016

  
Stephanie L. Richardson

# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20040307-2**

**Approval Date: March 10, 2004**

**Modification Date: March 13, 2008**

**Modification Date: June 16, 2016**

## **NEW ENTERPRISE STONE & LIME CO., INC. BURKHOLDER QUARRY**

**Consumptive Water Use (Peak Day) of up to 0.220 mgd  
from Well 2, Well 3, Sump 4, and East and West Sumps**

### **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 adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves modification of the project as described herein in accordance with the conditions set forth below.

On March 10, 2004, the Commission approved Martin Limestone, Inc. for the consumptive use of up to 0.150 million gallons per day (mgd) of water from Wells 1 and 2 and the East and West Sumps under Commission Docket No. 20040307, which was reissued on December 15, 2015, to New Enterprise Stone & Lime Co., Inc. (NESL) due to a name change. Withdrawal limits were not established under this docket for the wells because the withdrawals were exempt under Commission regulations effective at that time. The project's withdrawal of groundwater for quarry dewatering at the East and West Sumps was approved by the Pennsylvania Department of Environmental Protection (PADEP) and under the terms of the Memorandum of Understanding between the Commission and PADEP; separate Commission review and approval of the withdrawals from the sumps for quarry dewatering was not needed.

On March 13, 2008, the Commission approved a modification (Commission Docket No. 20040307-1) to add Well 3 and eliminate Well 1 as sources for consumptive use. In accordance with regulations effective January 1, 2007, Commission review and approval of Wells 2 and 3 was required and individual withdrawal limits for Well 2 and Well 3 were established.

NESL requested modification of the existing docket to add Sump 4 as an approved source for consumptive use and to increase the consumptive use quantity from 0.150 mgd to 0.249 mgd. Commission staff recommends that Sump 4 be added as an approved source and the consumptive

use be approved at a reduced quantity of 0.220 mgd based on the reasonable foreseeable need as presented by NESL.

Commission staff has coordinated with the 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.

Project Information	
<b>Project Sponsor:</b>	New Enterprise Stone & Lime Co., Inc.
<b>Approval Type:</b>	Consumptive Water Use
<b>Original Docket No.:</b>	20040307
<b>Authorized Water Use Purpose:</b>	Quarry Operations as described in Section 3
<b>Municipality:</b>	Earl and Ephrata Townships
<b>County:</b>	Lancaster County
<b>State:</b>	Pennsylvania

**Section 3. Approved Consumptive Water Use Quantities and Limitations**

The consumptive water use approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

Approved Consumptive Water Use Quantities and Limitations	
<b>Sources for Project Consumptive Water Use:</b>	<ol style="list-style-type: none"> <li>1. Well 2</li> <li>2. Well 3</li> <li>3. Sump 4</li> <li>4. East Sump</li> <li>5. West Sump</li> </ol>
<b>Peak Day Consumptive Water Use Amount (mgd):</b>	0.220 (Not to Exceed)
<b>Project Consumptive Water Uses:</b>	<ol style="list-style-type: none"> <li>1. Quarry dewatering</li> <li>2. Aggregate processing</li> <li>3. Dust suppression</li> <li>4. Incidental uses associated with the quarrying and processing of limestone aggregate</li> </ol>
<b>Consumptive Water Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

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

**Section 4. Existing Approved Withdrawals**

Quantities applicable to the existing approved withdrawals are listed in the table below.

<b>Existing Approved Groundwater Withdrawals</b>			
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Well 2	0.002	20040307-1	March 10, 2029
Well 3	0.002	20040307-1	March 10, 2029
East and West Sumps	Not Applicable	20040307	March 10, 2029
Sump 4	0.005	20160607	June 30, 2031

## Section 5. Grandfathering Determination – Withdrawals and Consumptive Water Use

The project did not utilize surface water withdrawals prior to November 11, 1995.

The project operated groundwater withdrawals from the East and West Sumps and Well 2 prior to July 13, 1978. No other sources are currently operated that were in use prior to July 13, 1978. Under the terms of the Memorandum of Understanding between the Commission and PADEP, separate Commission review and approval of the withdrawals from the sumps for quarry dewatering was not needed. In accordance with Commission Regulation 18 CFR § 806.4, withdrawals from Well 2 became subject to Commission review and approval in 2008 with the addition of Well 3 as a source for consumptive use. Therefore, there are no longer any grandfathered groundwater withdrawals for the project.

The project consumptively used water prior to January 23, 1971. In accordance with Commission Regulation 18 CFR § 806.4(a)(1)(iii), the increase in consumptive use by 0.020 mgd or more (30-day average) above the pre-Compact consumptive use forfeits the pre-regulation consumptive use. Therefore, there are no longer any grandfathered consumptive uses for the project.

## Section 6. 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 Commission Regulation 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 metering in accordance with Commission Regulation 18 CFR § 806.30.

4. The project sponsor shall maintain the totalizing meters and other flow and volume measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water 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 withdrawals 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 Commission Regulation 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 sponsor shall keep daily records of the project's consumptive water 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 requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff. 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.

7. The project's consumptive water use is subject to mitigation requirements, as per Commission Regulation 18 CFR § 806.22(b). For the purposes of this project, 0.014 mgd is not subject to consumptive use mitigation requirements due to pre-Compact consumptive use. To satisfy the Commission's current mitigation requirements for consumptive water 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.

8. 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 Commission Regulation 18 CFR § 808.12.

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

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

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

12. 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 Commission Regulation 18 CFR Part 808.

13. 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.

14. 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 Commission Regulation 18 CFR § 806.32.

15. 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.

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

17. In accordance with Commission Regulation 18 CFR § 806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

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 4.

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 7. Special Conditions**



20. All other conditions in Commission Docket Nos. 20040307 and 20040307-1 not inconsistent herewith shall remain effective.

21. The dates of the last meter certifications were January 15, 2014, for Well 2 and February 27, 2014, for Well 3; therefore, the next meter certifications are due no later than January 15, 2019, for Well 2 and February 27, 2019, for Well 3. Certification of meter accuracy shall be provided to the Commission no less frequently than once every five (5) years from the date of the last certification.

22. Except as authorized pursuant to Special Condition 24, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered this approval pursuant to Commission Regulation 18 CFR § 806.22(f)(12).

23. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for uses other than hydrocarbon development authorized pursuant to Special Condition 24, including daily quantities supplied.


24. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for authorization 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 8. Term

25. This approval shall be effective July 1, 2016, and shall remain effective until March 10, 2029, the term of the original approval. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before September 10, 2028, 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, Stephanie L. Richardson, 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 16, 2016.

Dated: June 17, 2016

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20160608**

**Approval Date: June 16, 2016**

## **RENOVO ENERGY CENTER LLC**

**Surface Water Withdrawal (Peak Day) of up to 0.612 mgd  
from the West Branch Susquehanna River,  
and Consumptive Water Use (Peak Day) of up to 0.217 mgd  
from the West Branch Susquehanna River**

### **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 adverse impacts are anticipated by the operation of this project, and that 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 is proposing to develop, construct, and operate a combined-cycle natural gas power plant using air-cooled condensers (dry cooling). The Commission formally encouraged the use of dry cooling technology in Commission Resolution No. 2015-02 for the conservation of the waters of the Susquehanna River Basin. Consistent with Commission Resolution No. 2015-02, the technical review of the withdrawal and consumptive use applications was prioritized by Commission staff. The project will utilize the West Branch Susquehanna River to meet its consumptive use demand. The project will have potable water supplied by the Renovo Borough Water Department for domestic use only. Water from the potable water service will not be consumptively used in the operations of the power plant. Use of water from the Renovo Borough Water Department for construction purposes is not included with this approval.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Renovo Energy Center LLC
<b>Approval Types:</b>	Surface Water Withdrawal and Consumptive Water Use
<b>Authorized Water Use Purpose:</b>	Construction and Operation of a Thermoelectric Power Generation Facility and Related Incidental Uses
<b>Municipality:</b>	Renovo Borough
<b>County:</b>	Clinton 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.

<b>Source Information</b>	
<b>Approved Source:</b>	West Branch Susquehanna River
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020302 (Upper West Branch Susquehanna River)
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.324189 N      Long: 77.755474 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 238; Average Daily Flow = 4,990
<b>Impairment:</b>	Abandoned Mine Drainage
<b>Drainage Area (square miles):</b>	2,974
<b>Aquatic Resource Class*:</b>	5
<b>Special Flow Protection Required:</b>	No
cfs – cubic feet per second	
* Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals).	

### Section 4. 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>Peak Day Withdrawal Amount (mgd):</b>	0.612 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	425 (Not to Exceed)
mgd – million gallons per day gpm – gallons per minute	

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

### Section 5. Approved Consumptive Water Use Quantities and Limitations

The consumptive water use approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

Approved Consumptive Water Use Quantities and Limitations	
<b>Source for Project Consumptive Water Use:</b>	West Branch Susquehanna River
<b>Peak Day Consumptive Water Use Amount (mgd):</b>	0.217 (Not to Exceed)
<b>Project Consumptive Water Uses:</b>	1. Construction and operation of a thermoelectric generation facility 2. Related incidental uses
<b>Consumptive Water Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

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

### Section 6. 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 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 water 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.

3. The project sponsor shall keep daily records of the project’s withdrawal 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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.

4. The project sponsor shall keep daily records of the project’s consumptive water 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 requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff. 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's consumptive water use is subject to mitigation requirements, as per Commission Regulation 18 CFR § 806.22(b). To satisfy the Commission's current mitigation requirements for consumptive water 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.

6. 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 Commission Regulation 18 CFR § 808.12.

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

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

9. 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.

10. 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 Commission Regulation 18 CFR Part 808.

11. 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.

12. 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 Commission Regulation 18 CFR § 806.32.

13. 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.

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

15. 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 Section 5.

## **Section 7. Special Conditions**

16. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for authorization 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. Upon final design and no less than ninety (90) days prior to initiation of construction of the intake, the project sponsor shall submit an intake design for review and approval by Commission staff, and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to construction of the intake. The project sponsor shall provide the Commission with a copy of the approved permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission a revised intake design for review and, if appropriate, approval by Commission staff prior to permit issuance by the permitting agency. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulations 18 CFR § 806.21 and § 806.23 prior to undertaking such modification(s).

18. Within sixty (60) days from the date of this approval, the project sponsor shall submit an interim metering and accounting plan for review and, if appropriate, approval by Commission staff that accounts for all consumptive use and withdrawal to include incidental construction-related activities and commissioning activities undertaken with the facility that may consumptively use water.

19. Prior to the initiation of any withdrawal or consumptive use for the interim period of construction and commissioning of the facility, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR § 806.30 and the approved plan. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter(s) when installed, provide the serial number of the meter(s), and

certify the accuracy of the measuring device(s) to within five (5) percent of actual flow. Consumptive use for construction and related incidental uses shall not commence until Commission staff has approved the implementation of the approved interim metering and accounting plan, and notified the project sponsor of such approval.

20. No less than six (6) months prior to the initiation of consumptive use for operation of the facility for electric generation, the project sponsor shall submit a metering and accounting plan for review and, if appropriate, approval by Commission staff that accounts for all withdrawals and consumptive use during operation of the facility. The metering and accounting plan shall address operations and procedures during outages and maintenance periods.

21. Prior to initiation of the operation of the facility for electric generation, the project sponsor shall install and maintain metering on the withdrawal and consumptive use in accordance with Commission Regulation 18 CFR § 806.30 and the approved plan. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter(s) when installed, provide the serial number of the meter(s), and certify the accuracy of the measuring device(s) to within five (5) percent of actual flow. Consumptive use during operation of the facility shall not commence until Commission staff has approved the implementation of the revised metering and accounting plan, and notified the project sponsor of such approval.

22. Prior to initiation of construction, the project sponsor shall submit evidence of finalized legal site access.

## Section 8. Term

23. 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 Commission Regulation 18 CFR § 806.31(b). In accordance with Commission Regulation 18 CFR § 806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

24. This approval is effective until June 15, 2031. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 15, 2030, 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, Stephanie L. Richardson, 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 16, 2016.

Dated: June 17, 2016



Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20160609**

**Approval Date: June 16, 2016**

## **SUEZ WATER PENNSYLVANIA INC. – NEWBERRY SYSTEM**

**Groundwater Withdrawals (30-Day Averages) of 0.108 mgd from the Coppersmith Well  
and 0.200 mgd from the Conley 1 Well, and  
Total System Withdrawal Limit (30-Day Average) of 0.648 mgd**

### **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 adverse impacts are anticipated by the operation of this project, and that 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.

SUEZ Water Pennsylvania Inc. supplies water to residents of Newberry Township, Pennsylvania, via its Newberry System. The Newberry System is comprised of three interconnected subsystems (Reeser, Susquehanna Village, and Newberry). The Newberry System is supplied by ten groundwater wells including Reeser Well 1, Reeser Well 2, Paddletown Well, Susquehanna Village Well 1, Susquehanna Village Well 2, Conley 1 Well, Conley 2 Well, Coppersmith Well, Dupont Well, and Eden Road Well, all of which are incorporated into the total system limit.

With the exception of the Coppersmith Well and Conley 1 Well, all sources in the Newberry System have prior Commission approval. This approval authorizes the use of the Coppersmith Well and Conley 1 Well at the requested withdrawal rates and establishes a total system withdrawal limit.

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>	SUEZ Water Pennsylvania Inc.
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Public Water Supply
<b>Municipality:</b>	Newberry Township
<b>County:</b>	York 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.

<b>Source Information</b>	
<b>Withdrawal Type:</b>	Groundwater
<b>Approved Sources:</b>	Coppersmith Well and Conley 1 Well
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030510 (Susquehanna River)
<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 Commission Regulation 18 CFR § 806.12 for groundwater withdrawals was completed with prior Commission approval for the Coppersmith Well and the Conley 1 Well. A 72-hour, constant-rate aquifer test of the Coppersmith Well was conducted from December 12 through 15, 2012, pumping at an average rate of 74.7 gallons per minute (gpm). A 75-hour, constant-rate aquifer test of the Conley 1 Well was conducted from July 8 through 11, 2014, pumping at an average rate of 156.8 gpm.

Commission staff reviewed available operational data and the aquifer testing results and finds that the withdrawals from the Coppersmith Well and the Conley 1 Well at the tested withdrawal rates 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 withdrawals approved hereunder are subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Withdrawal Quantities and Limitations</b>		
	<b>Coppersmith Well</b>	<b>Conley 1 Well</b>
<b>30-Day Average Withdrawal (mgd):</b>	0.108	0.200
<b>Maximum Instantaneous Withdrawal Rate (gpm) (Not to Exceed):</b>	80	157
<b>Total System Withdrawal Limit – Conley 1 Well, Conley 2 Well, Coppersmith Well, DuPont Well, Eden Road Well, Susquehanna Village Well 1, Susquehanna Village Well 2, Reeser Well 1, Reeser Well 2, and Paddletown Well (30-Day Average) (mgd):</b>	0.648	
mgd – million gallons per day		

The withdrawals are also subject to all other conditions set forth in this docket approval.

### Section 6. Existing Approved Withdrawals

Quantities applicable to the existing approved withdrawals are listed in the table below.

<b>Existing Approved Groundwater Withdrawals</b>			
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
DuPont Well	0.100	19880401	April 14, 2018
Eden Road Well	0.043	19910102	January 17, 2021
Conley 2 Well	0.140	19940708	July 14, 2024
Paddletown Well	0.121	20090917	September 10, 2024
Reeser 1 Well	0.071	20100614	June 10, 2025
Reeser 2 Well	0.071	20100614	June 10, 2025
Susquehanna Village Well 1	0.066	20100615	June 10, 2025
Susquehanna Village Well 2	0.066	20100615	June 10, 2025

### Section 7. Grandfathering Determination – Withdrawals

The project did not utilize surface water withdrawals prior to November 11, 1995. The project did not consumptively use water prior to January 23, 1971.

The project used six wells (Reeser Well 1, Reeser Well 2, Susquehanna Village Well 1, Susquehanna Village Well 2, Coppersmith Well, and Conley 1 Well) prior to July 13, 1978. In accordance with Commission Regulation 18 CFR § 806.4, the addition of a new source in 2009

(Paddletown Well) subjected the pre-regulation withdrawals to Commission review and approval. With this approval, all Newberry System withdrawals operated by SUEZ Water Pennsylvania Inc. will have Commission approval.

## **Section 8. 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 Commission Regulation 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 metering on the withdrawals in accordance with Commission Regulation 18 CFR § 806.30.

4. The project sponsor shall maintain the totalizing meters and other flow and volume measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, 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 adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the sources listed in Sections 3 and 6. The project sponsor shall notify the Commission, in writing, and submit photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices.

6. The project sponsor shall keep daily records of the project's withdrawal and groundwater elevation 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 Commission Regulation 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.

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 Commission Regulation 18 CFR § 808.12.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 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 groundwater 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 Commission Regulation 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 Commission Regulation 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. In accordance with Commission Regulation 18 CFR § 806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

17. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal that would exceed the amounts listed herein.

18. The project sponsor is required to apply for and obtain approval prior to any increase in the total system withdrawal that would exceed the approved total system withdrawal limits listed herein.

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 9. Special Conditions**

20. The project sponsor shall comply with the water conservation requirements and reduce system water losses to less than twenty (20) percent to comply with Commission Regulation 18 CFR § 806.25(a)(1). Within ninety (90) days from the date of this approval, the project sponsor shall submit a plan for review and approval by Commission staff detailing the actions that will be taken within five (5) years of the effective date of this approval to reduce system losses and achieve compliance with the water conservation requirements. The project sponsor shall reduce system losses and achieve compliance with the water conservation requirements within five (5) years of the effective date of this docket approval (June 16, 2021) unless the Commission grants an extension of time due to extenuating circumstances described, in writing, by the project sponsor. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement. Annual reports are due within sixty (60) days after the close of the preceding year.

21. The Conley 1 Well meter was last certified on April 15, 2014; therefore, the next meter certification for this well is due no later than April 15, 2019. The date of the last meter certification for the Coppersmith Well was October 23, 2014; therefore, the next meter certification is due no later than October 23, 2019. 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. The project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered this approval pursuant to Commission Regulation 18 CFR § 806.22(f)(12).

23. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep records, and shall report the same to the Commission upon request, of all persons supplied water from the project that maintain a permanent connection to the public water supply system. The project sponsor shall also keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project that do not maintain a permanent connection to the public water supply system for uses other than hydrocarbon development, including daily quantities supplied.

## **Section 10. Term**

24. This approval is effective until June 15, 2031. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before

December 15, 2030, 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, Stephanie L. Richardson, 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 16, 2016.

Dated: June 17, 2016

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20160610**

**Approval Date: June 16, 2016**

## **SUGAR HOLLOW TROUT PARK AND HATCHERY**

**Groundwater Withdrawal (30-Day Average) of 0.864 mgd  
from the Hatchery Wellfield (Wells 1, 2, and 3)**

### **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 adverse impacts are anticipated by the operation of this project, and that 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.

On September 16, 2010, Commission Docket No. 20100913 was approved authorizing the 30-day average withdrawal of 0.864 million gallons per day (mgd) from the Hatchery Wellfield (Wells 1, 2, and 3) for hatchery operations and the bulk sale of 0.400 mgd of hatchery effluent water. On December 15, 2011, the project was modified as Commission Docket No. 20100913-1 approving bulk sale for the entire withdrawal quantity. On March 11, 2014, Sugar Hollow Trout Park and Hatchery submitted an application to the Commission requesting renewal of the withdrawal from the Hatchery Wellfield. The project sponsor requested that the project be renewed without special flow protection requirements. Commission staff recommended approval of the withdrawal at the requested rate and that special flow protection requirements be modified to reflect current policy. This approval incorporates those recommendations.

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>	Sugar Hollow Trout Park and Hatchery
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Original Docket No.:</b>	20100913

Project Information (continued)	
<b>Authorized Water Use Purpose:</b>	Hatchery Operations (trout rearing); Bulk Supply for Hydrocarbon Development and Related Incidental Uses; Hydrostatic Testing and Dust Control associated with Natural Gas Pipeline Construction; and Dust Control associated with Road Construction
<b>Municipality:</b>	Eaton Township
<b>County:</b>	Wyoming 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>	Hatchery Wellfield (Wells 1, 2, and 3)
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010613 (Bowman Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.474083 N      Long: 75.999333 W
<b>Site Flow Statistics (cfs)†:</b>	Q7-10 = 4.0; Average Daily Flow = 131
<b>Wild Trout Classification†:</b>	High Quality-Cold Water Fishery (HQ-CWF) with Naturally Reproducing Wild Trout
<b>Impairment†:</b>	Attaining Designated Use
<b>Drainage Area (square miles)†:</b>	89.5
<b>Aquatic Resource Class*†:</b>	3
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
* Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals).	
† Based on the anticipated point of impact to surface water.	

### Section 4. Aquifer Testing

The project sponsor requested that the constant-rate aquifer testing required by Commission Regulation 18 CFR § 806.12 for groundwater withdrawals be waived. In support of the aquifer testing waiver request, the project sponsor provided the required groundwater availability analysis, results of aquifer tests completed in 2009 and 2013, as well as historic operations data. The requested withdrawal rate is supported by the aquifer testing data and operational data.



Commission staff finds that the withdrawal from the Hatchery Wellfield (Wells 1, 2, and 3) 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. Therefore, the aquifer testing requirements for the Hatchery Wellfield are hereby waived.

**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>	0.864	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	600 (Not to Exceed)	
<b>Peak Day Withdrawal (mgd):</b>	0.864	
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values	
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01534000; Tunkhannock Creek near Tunkhannock, Pennsylvania	
<b>Passby Schedule:</b>		
<i>Month</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
January	35	156
February	41	183
March	--	--
April	--	--
May	--	--
June	25	115
July	25	115
August	25	115
September	25	115
October	25	115
November	25	115
December	42	186
USGS– U.S. Geological Survey 1 cfs = 448.8 gallons per minute (gpm)	-- – No special flow protection required * Flow Protection Threshold	

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

**Section 6. Existing Approved Withdrawals**

The project does not have existing approved withdrawals.

## **Section 7. Grandfathering Determination – Withdrawals**

The project did not utilize surface water withdrawals prior to November 11, 1995.

The project utilized groundwater withdrawals prior to July 13, 1978. Changes in proposed use with the addition of bulk supply required Commission review and approval of withdrawals. All withdrawals by the project have Commission approval.

## **Section 8. 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 Commission Regulation 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 metering on the withdrawal in accordance with Commission Regulation 18 CFR § 806.30.

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 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 adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the source listed in Section 3. The project sponsor shall notify the Commission, in writing, and submit photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices.

6. The project sponsor shall keep daily records of the project's withdrawal and groundwater elevation 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 Commission Regulation 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.

7. Within sixty (60) days from notice of this approval, the project sponsor shall post an updated sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of installation of the updated sign.

8. 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 Commission Regulation 18 CFR § 808.12.

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

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

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

12. 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 Commission Regulation 18 CFR Part 808.

13. 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.

14. 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 Commission Regulation 18 CFR § 806.32.

15. 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.

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

17. In accordance with Commission Regulation 18 CFR § 806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

18. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal that would exceed the amounts listed herein.

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 9. Special Conditions**

20. Effective July 1, 2016, the project sponsor shall cease all withdrawals from the approved source and the hatchery effluent when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 5, is less than the applicable flow protection threshold specified in Section 5, and shall not reinstate withdrawals until the streamflow has remained above such flow protection threshold for 48 hours.

21. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 5, 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. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

22. All bulk supply shall originate from the existing impoundment and shall not be subject to the restrictions of Special Condition 20.

23. The date of the last meter certification was May 23, 2016; therefore, the next meter certification is due no later than May 23, 2021. 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.

24. Except as authorized pursuant to Special Condition 26, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered this approval pursuant to Commission Regulation 18 CFR § 806.22(f)(12).

25. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for uses other than hydrocarbon development authorized pursuant to Special Condition 26, including daily quantities supplied.

26. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for authorization 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 10. Term**

27. This approval shall be effective July 1, 2016, and shall remain effective until June 30, 2020. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2019, 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.

28. Commission Docket Nos. 20100913 and 20100913-1 shall remain effective through June 30, 2016, whereupon they shall expire.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 16, 2016.

Dated: June 17, 2016

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20160611**

**Approval Date: June 16, 2016**

## **TIOGA DOWNS RACETRACK, LLC**

**Groundwater Withdrawal (30-Day Average) of 0.099 mgd  
from the Racetrack Well, and  
Consumptive Water Use (Peak Day) of up to 0.099 mgd  
from the Racetrack Well**

### **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 adverse impacts are anticipated by the operation of this project, and that 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 operates a horse racetrack and gaming facility that consumptively uses water on the racetrack which began operations in 2006. The Commission determined that the consumptive use threshold was triggered in June 2007, requiring review and approval of the project's consumptive use and groundwater withdrawal providing the water for consumptive use at the racetrack. The project previously used two wells (Wells 1 and 2) to provide water for both track watering and a racino facility. Following this approval, the project sponsor will only utilize the Racetrack Well and storage as its sole sources of water to meet its consumptive use demand for track watering. Withdrawals from Wells 1 and 2 are reported to be below the associated regulatory thresholds and are not approved as sources for consumptive use. No other sources or consumptive uses have been reviewed and approved by the Commission.

Commission staff has coordinated with the New York State Department of Environmental Conservation (NYSDEC) 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>	Tioga Downs Racetrack, LLC
<b>Approval Types:</b>	Groundwater Withdrawal and Consumptive Water Use
<b>Authorized Water Use Purpose:</b>	Racetrack Watering
<b>Municipality:</b>	Town of Nichols
<b>County:</b>	Tioga County
<b>State:</b>	New York

### 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>	Racetrack Well
<b>Subbasin:</b>	Upper Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010307 (Wappasening Creek – Susquehanna River)
<b>Withdrawal Location (degrees):</b>	Lat: 42.023431 N      Long: 76.415422 W
<b>Special Flow Protection Required:</b>	No

### Section 4. Aquifer Testing

The constant-rate aquifer testing required by Commission Regulation 18 CFR § 806.12 for groundwater withdrawal was completed with prior Commission approval. A 72-hour, constant-rate aquifer test of the Racetrack Well was conducted from October 5 through 8, 2015, pumping at an average rate of 101 gallons per minute (gpm).

Commission staff determined that the withdrawal from the Racetrack Well 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.

Approved Withdrawal Quantities and Limitations	
<b>30-Day Average Withdrawal (mgd):</b>	0.099
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	100 (Not to Exceed)
mgd – million gallons per day	

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

**Section 6. Approved Consumptive Water Use Quantities and Limitations**

The consumptive water use approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

Approved Consumptive Water Use Quantities and Limitations	
<b>Sources for Project Consumptive Water Use:</b>	Racetrack Well
<b>Peak Day Consumptive Water Use Amount (mgd):</b>	0.099 (Not to Exceed)
<b>Project Consumptive Water Uses:</b>	Racetrack watering
<b>Consumptive Water Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

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

**Section 7. Existing Approved Withdrawals and Consumptive Water Uses**

The project does not have existing approved consumptive water uses. A Consent Order and Agreement (COA) between the Commission and the project sponsor was executed on May 7, 2014, which authorized the project sponsor to continue, but not increase above the operational levels, its groundwater withdrawals from Wells 1 and 2 and consumptive use until such time that the Commission acts on the consumptive use and groundwater withdrawal applications for Well 3. The COA had established the authorized operational levels of 0.049 mgd (30-day average) and 0.049 mgd (30-day average) for Wells 1 and 2, respectively, and 0.080 mgd (peak day) for consumptive use. In accordance with the COA, with this action approving groundwater withdrawal from the Racetrack Well and consumptive use for racetrack watering, Wells 1 and 2 are no longer authorized as sources of water for racetrack use and will not be used consumptively. It is understood that Wells 1 and 2 will continue to be used for domestic and non-consumptive uses at the gaming facility.

**Section 8. Grandfathering Determination – Withdrawals and Consumptive Water Use**

The project does not utilize surface water withdrawals that were in existence prior to November 11, 1995. The project does not utilize groundwater withdrawals in excess of the applicable regulatory thresholds from sources that were in existence prior to July 13, 1978.

The project did not consumptively use water prior to January 23, 1971.



## 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 Commission Regulation 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 Commission Regulation 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, consumptive water 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 adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the source listed in Section 3. The project sponsor shall notify the Commission, in writing, and submit photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices.

6. The project sponsor shall keep daily records of the project's withdrawal and groundwater elevation 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 Commission Regulation 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.

7. The project sponsor shall keep daily records of the project's consumptive water 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 requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff. 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.

8. The project's consumptive water use is subject to mitigation requirements, as per Commission Regulation 18 CFR § 806.22(b). To satisfy the Commission's current mitigation requirements for consumptive water 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.

9. 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 Commission Regulation 18 CFR § 808.12.

10. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 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. The project sponsor shall also satisfy annual usage, capacity, and conservation reporting requirements in the form and manner prescribed by NYSDEC's Division of Water.

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 Commission Regulation 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. The foregoing shall include, but not be limited to, any applicable permitting requirements of

NYSDEC. 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. Furthermore, no water withdrawn by this project may be used in natural gas well development using High Volume Hydraulic Fracturing in New York State.

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 Commission Regulation 18 CFR § 806.32. Without limiting the foregoing, and upon notice, the Commission may require special flow protection in the event the Commission or the host member jurisdiction adopts or modifies flow protection standards, or the Commission otherwise determines that a modification is necessary and appropriate to avoid adverse impacts.

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. The project sponsor is required to apply for and obtain approval prior to any increase in the total system withdrawal that would exceed the approved total system withdrawal limits listed herein.

20. 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**

21. The project sponsor shall maintain the totalizing meters on Wells 1 and 2, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, 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.

22. The project sponsor shall keep daily records of the project's withdrawals from Wells 1 and 2 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 Commission Regulation 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.

23. Wells 1 and 2 have not been approved to supply water for consumptive use. The project sponsor is required to apply for and obtain approval for Well 1 and/or Well 2 prior to use for any regulated consumptive use or for a combined withdrawal above 0.100 mgd (consecutive 30 day average).

24. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for authorization 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 Commission Regulation 18 CFR § 806.31(b). In accordance with Commission Regulation 18 CFR § 806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

26. This approval is effective until June 15, 2031. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 15, 2030, 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, Stephanie L. Richardson, 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 16, 2016.

Dated: June 17, 2016

  
Stephanie L. Richardson