



SUSQUEHANNA RIVER  
BASIN COMMISSION

4423 N. Front Street | Harrisburg, PA 17110-1788 | 717.238.0423 | [srbc.net](http://srbc.net)

NY ■ PA ■ MD ■ USA

August 2, 2017

TO ALL CONCERNED:

At the June 16, 2017, Commission meeting, the draft minutes of the March 9, 2017, Commission meeting were approved as written. Please attach this notice to your copy of the March 9, 2017, minutes.



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

**MINUTES OF THE  
SUSQUEHANNA RIVER BASIN COMMISSION  
June 16, 2017  
#2017-02**

The meeting was held at the Lake Raystown Resort and Conference Center, Entriken, Pennsylvania. Chairman Grumbles called the meeting to order at 9:00 a.m.

**ROLL CALL**

**Commissioners Present**

**Mr. Dana Aunkst**, Deputy Secretary, Office of Water Resources Planning, Pennsylvania Dept. of Environmental Protection (PADEP)

**Mr. Ben Grumbles**, Secretary, Maryland Department of the Environment (MDE)

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

**Mr. Paul J. D'Amato**, Region 8 Director, New York State Dept. of Environmental Conservation (NYSDEC)

**Alternate Commissioners Present**

**Ms. Jennifer Orr**, Director, Compact and Commissions Office, PADEP

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

**Ms. Virginia Kearney**, Deputy Director, Water Management Administration, 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

**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

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

Chairman Grumbles opened the meeting by outlining the rules of conduct for the meeting. He noted that a public hearing was previously held on May 11, 2017. Chairman Grumbles also noted the passing of Herb Sachs, former SRBC Commissioner, and shared Mr. Sach's important role in the history of the Commission and the State of Maryland. The Commissioners introduced themselves.

### **2. Minutes of March 9, 2017, Commission Meeting**

On a motion by Commissioner Chamberlayne, seconded by Commissioner D'Amato, the minutes of the regular business meeting of March 9, 2017, were unanimously approved as written.

### **3. Election of Officers**

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

On a motion by Commissioner D'Amato, seconded by Commissioner Aunkst, the Commission unanimously elected the member from the Federal Government as the Chair of the Commission, and the member from the State of New York as the Vice-Chair of the Commission for the period of July 1, 2017, to June 30, 2018.

### **4. FY2018 Regulatory Program Fee Schedule**

Director of Administration & Finance Marcia Hutchinson presented Resolution No. 2017-03 (Exhibit A) providing for revisions to the Commission's Regulatory Program Fee Schedule for FY2018. As directed by earlier resolutions of the Commission, consideration was given to changes that have occurred in the Consumer Price Index and the USACE Civil Works Construction Cost Index System. The proposed fee schedule also increases the standard fee for minor modifications from \$750 to \$1,000 based on costs the Commission is incurring to process such applications; the discount on the Annual Compliance and Monitoring Fees for docketed projects is being increased to a 44% discount to match the discount on municipal groundwater application fees; and the fees for registering grandfathered projects has been added. The proposed fee schedule also included changing the Annual Compliance and Monitoring Fee for hydroelectric projects to be a sliding scale retaining the current \$10,325 fee for projects greater than 40 megawatts, and creating a \$5,000 annual fee for projects 10 MW to 40 MW, and a \$1,050 fee from hydroelectric projects less than 10 MW. Clarifications have been added to the opening paragraph to clarify when language only applies to application fees as well as to paragraph 17 to clarify when municipalities are and are not eligible for the municipal discount. Municipalities are subject to standard fees when they engage in commercial or private enterprise

activities – like operating golf courses, water parks or ski slopes, or developing wells solely to sell water to natural gas and other industries. The proposed revisions were the subject of a public hearing held on May 11, 2017, with a written comment period held to May 22, 2017.

Ms. Hutchinson also outlined the public comment received from Goodyear Lake Hydro LLC on the Annual Compliance and Monitoring Fee for hydroelectric projects.

Commissioner Aunkst recommended adoption of the resolution with an amendment to Resolution No. 2017-03 to amend paragraph 2 of the resolution to read: “ 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 not applicable to the fee schedule adopted with this Resolution.”

On a motion by Commissioner Aunkst, seconded by Commissioner Chamberlayne, the resolution was unanimously adopted as amended.

## **5. Preliminary FY2019 Budget**

Ms. Hutchinson then presented Resolution No. 2017-04 (Exhibit B) providing for the adoption of a preliminary FY2019 budget covering the period July 1, 2018, to June 30, 2019. She briefly reviewed the contents of the budget and noted it was formulated taking into account the revisions that were made to the FY2018 budget adopted at the March 2017 meeting of the Commission. Ms. Hutchinson 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 D’Amato, seconded by Commissioner Aunkst, with Commissioner Chamberlayne abstaining; the resolution was adopted.

## **6. First National Bank Treasury Management Services Agreement**

Resolution No. 2017-05 (Exhibit C) was presented by Ms. Hutchinson for consideration and adoption by the Commission to authorize the execution of a treasury management services agreement with First National Bank.

On a motion by Commissioner Chamberlayne, seconded by Commissioner D’Amato, the resolution was unanimously adopted.

## **7. Contracts and Grants**

Ms. Hutchinson presented the following requests:

### **a. Agreement Ratification - Mine Drainage Portal Updates (U.S. Army Corps of Engineers)**

Staff requested ratification of a Letter of Agreement (LOA) with the U.S. Army Corps of Engineers (USACE), Baltimore District. Under the LOA, Commission staff will work jointly

with USACE staff to update the Commission's Mine Drainage Portal. USACE will lead the project, and will complete an analysis of the Acid Mine Drainage Portal's current functionality in order to identify areas that can be improved. USACE staff will also append/update information in the database. Commission staff will update the current mapping platform, and will integrate the Office of Surface Mining Reclamation and Enforcement's AMDTreat Scenario Tool into the Portal.

The total estimated costs for this project is \$75,000 with USACE providing \$37,500 and the Commission providing \$37,500.

**b. Contract Approval - Quagga Mussel Control Contractor for Billmeyer Quarry**

Staff requested approval to enter into a contract with Earth Science Laboratories, Inc. for services designed to eradicate the aquatic invasive quagga mussels in Billmeyer Quarry. Commission staff have been investigating this non-operational, flooded carbonate rock quarry as a potential source for consumptive use mitigation water. In order to further evaluate the flooded quarry as a potential water source for consumptive use mitigation, a pumping test needs to be conducted to verify water storage and recharge estimates, and assess potential pumping and drawdown impacts. The pumping test will necessitate the discharge of quarry water into the Susquehanna River.

In order to minimize the risk of the discharge water promoting the colonization of quagga mussels in the River, mussel control measures are needed. In March 2017, the Commission issued a Request for Proposals for strategies to control quagga mussels during the needed pumping test. Two conforming proposals were received. Technical and cost proposals were evaluated and scored separately. The lowest qualified proposal was submitted by Earth Science Laboratories, Inc. Staff requested approval to enter into a contract with them for \$120,000.

**c. Contract Approval – Birch Island Mine Drainage Treatment System**

In May 2013, the Commission was awarded a Pennsylvania Growing Greener grant to restore water quality conditions degraded by abandoned mine drainage in the Birch Island watershed. Staff is finalizing permitting and design work to construct two manual flush oxalic limestone drains for the treatment of legacy coal deep mine discharge into Little Birch Island and Birch Island Run. Staff is also in the process of conducting a public bid to select a contractor to construct the treatment systems. Staff requested approval to enter into a contract with the lowest qualified bidder at a cost not to exceed \$300,000. PADEP will provide the entire cost of this contract.

**d. Approval – Pay Off Curwensville Bank Loan**

In September 1994, the Commission entered into an agreement with the Federal Government for the use of storage at Curwensville Lake, Clearfield County. The Commission's purchase price for access to 5,360 acre-feet of storage, which included a share of both original construction costs and costs incurred to modify the Curwensville Lake project to provide additional storage, was \$4,534,000. The Commission initially financed and over the years has continued to finance this debt through a variety of mechanisms. Current financing is provided by a loan with First National Bank.

Staff recommended and requested approval to pay off the balance of the loan, which is \$2,211,327. This recommendation is based on the following:

- The prepayment penalty period ends on June 30, 2017.
- The cash that is required to remain in the account as collateral is only earning .35% interest.
- There is sufficient cash in the account to pay off the loan.

On a motion by Commissioner Aunkst, seconded by Commissioner Chamberlayne, the ratification, the two contracts and loan payoff were unanimously approved.

## **8. Final Rulemaking**

General Counsel Jason Oyler presented a set of proposed rules, which would amend the Commission regulations to clarify application requirements and standards for review of projects, add a subpart to provide for registration of grandfathered projects, and revise requirements dealing with hearings and enforcement actions. These rules were the subject of a proposed rulemaking notice in the *Federal Register*, the state notice publications, and of four public hearings. Comments on the proposed rules were received through January 30, 2017, to which the Commission staff has responded and, in some cases, made modifications to the proposed rules for consideration. The commissioners commended the staff on their work related to this rulemaking.

On a motion by Commissioner Chamberlayne, seconded by Commissioner Aunkst, Resolution No. 2017-06 (Exhibit D) was unanimously adopted.

## **9. Report on Delegated Settlements**

Mr. Oyler reported on two 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 Albany International Corp. (Albany):

- Albany owns a monofilament manufacturing facility located in the Village of Homer, Cortland Co., N.Y., operating under Docket Nos. 20041201 and 20041201.1.
- Albany exceeded the approved daily groundwater withdrawal limit and 30-day maximum withdrawal limit for Well 4 a total of 43 days during the third and fourth quarter 2016.
- While no environmental harm from these violations was documented, exceeding the maximum withdrawal limit is a type of violation that poses a greater likelihood of harm to the environment.
- The settlement is **\$8,500**.

A settlement with Tanglewood Manor, Inc. d/b/a Tanglewood Manor Golf Club (Tanglewood):

- Tanglewood operates a golf course under Docket No. 20020623 in East Drumore Township, Lancaster Co., Pa. that includes a surface water withdrawal from the Conowingo Creek.
- During a routine compliance inspection, staff discovered that the facility was not recording and maintaining flow records. Tanglewood appears to have operated its surface water withdrawal when it should have been on passby.
- This is the first compliance issue for Tanglewood.
- The settlement is **\$2,500**.

#### **10. EOG Resources Inc. Request for Waiver of 18 CFR §§806.4 and 806.22**

Todd Eaby, Manager of Project Review, informed the Commission that staff has received a request by Moody and Associates, Inc. (Moody) on behalf of EOG Resources, Inc. (EOG) to waive regulations that require groundwater withdrawal applications and that water used for unconventional natural gas development be from approved sources was received on March 27, 2017.

Dustin Kinder, Water Regulatory Advisor of EOG, made a statement regarding this request for waiver.

Staff recommended denial of the request to waive 18 CFR § 806.4 that requires groundwater withdrawal applications, review and approval prior to consumptive use in an unconventional natural gas development project. Staff also recommended denial of the request to waive 18 CFR § 806.22 since even under their proposed project, the requirements would be met with a consumptive use approval under 18 CFR § 806.22(f) related to consumptive use of water for unconventional natural gas development projects, which they indicated they would make application for approval.

Chairman Grumbles, with the assent of the Commissioners, proceeded with the presentation of the Middletown Borough Request for Waiver. After both waiver presentations were heard, the Commissioners recessed the meeting for a brief caucus.

After a brief the caucus of the Commissioners, Chairman Grumbles explained how the waiver request was considered by the Commissioners.

A motion made by Commissioner Chamberlayne, seconded by Commissioner Aunkst, to deny the waiver was unanimously approved.

#### **11. Middletown Borough Request for Waiver of 18 CFR §806.6(a)(5) and (b)**

Mr. Eaby presented a request received on March 28, 2017, from Stephen Matzura of McNees Wallace and Nurick, LLC, on behalf of Middletown Borough (Borough), to waive regulations that require applications and review of “grandfathered” (unapproved withdrawals)



Wells 1 through 4, to waive associated application fees, and to waive aquifer testing requirements without having to submit separate waiver applications and supporting data as prescribed in SRBC Policy No. 2007-01. The basis for the waiver request was an assertion by Mr. Matzura that the conveyance of water supply sources from the Middletown Borough Authority (Authority) to the Borough did not constitute a change of ownership under Commission regulations.

Stephen Matzura, representing the Borough, spoke regarding this request.

Staff recommended denial of the request to waive 18 CFR §§ 806.6(a)(5) and (b), which requires submission of new applications for review and approval of unapproved withdrawals. Staff also recommended denial of the request to waive 18 CFR § 806.12 (aquifer testing requirements) without submittal of supporting data as prescribed in SRBC Policy No. 2007-01.

Staff further recommended that the request for waiver of fees be considered untimely due to no associated applications or aquifer testing waiver requests being available at this time to review for making recommendations. Future consideration of a request for fee waiver or reduction could be considered if made along with future application submittals; however, municipal fees are heavily discounted and are collected to offset staff efforts in reviewing applications.

Staff also recommended that, considering Commission action on the waiver requests, the Borough review their proposed schedule for submittal of required items and, within 90 days of the Commission meeting, provide confirmation of their proposed schedule or an updated schedule for consideration by the Executive Director to be used in finalizing the conditional transfers. Staff lastly recommended that the Borough in its preparation of an updated schedule, request delayed application submittal to allow collection of water level data for its unapproved wells, if it is not currently doing so, as such data could be used to support a waiver for aquifer testing requirements for these wells.

After a brief caucus of the Commissioners, Chairman Grumbles explained how the waiver request was considered by the Commissioners.

The Commissioners agreed that the request be tabled and urged staff to work closely with the Borough to come to an acceptable resolution to this request.

A motion was made by Commissioner D'Amato, seconded by Commissioner Aunkst, to table this request until the September 2017 meeting of the Commission. The motion was unanimously approved.

## **12. Emergency Certificate: Susquehanna Nuclear LLC**

Mr. Eaby presented Resolution No. 2017-07 (Exhibit E) providing an extension of an emergency certificate issued to Susquehanna Nuclear, LLC on May 5, 2017. Staff recommended that this extension remain in effect until terminated by the Executive Director in accordance with 18 CFR §806.34(e).

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

### 13. Docket Actions

Mr. Eaby presented a staff memorandum containing details and recommendations regarding the following list of project applications:

- |        |   |     |  |
|--------|---|-----|--|
| 1.     | Town of Big Flats, Chemung County, N.Y.(Well 1-1) (Exhibit F1)  | 14. | Rausch Creek Land, L.P. (Pit #21) Schuylkill County, Pa. (Exhibit F12)               |
| 2.     | Michael and Sandra Buhler (Bennett Branch Sinnemahoning Creek) Clearfield County, Pa. (Exhibit F2)              | 15. | Repsol Oil & Gas USA, LLC (Towanda Creek) Bradford County, Pa. (Exhibit F13)         |
| 3.     | Chesapeake Appalachia, LLC (Susquehanna River) Wyoming County, Pa. (Exhibit F3)                                 | 16. | Spring Township Water Authority (Well PW-2) Centre County, Pa. (Exhibit F14)         |
| 4.     | Chesapeake Appalachia, LLC (Susquehanna River) Bradford County, Pa. (Exhibit F4)                                | 17. | Talen Energy Corporation (Wells PW-1 and PW-6), York County, Pa.                     |
| 5.     | Chesapeake Appalachia, LLC (Wyalusing Creek) Susquehanna County, Pa (Exhibit F5)                                | 18. | Talen Energy Corporation (Wells PW-1), York County, Pa.                              |
| 6-7.   | DS Services of America, Inc.,(Wells 4 &5) Lancaster County, Pa. (Exhibit F6)                                    | 19. | Talen Energy Corporation (Wells PW-6), York County, Pa.                              |
| 8.     | Ephrata Area Joint Authority (Well 1, Cocalico Creek, Mountain Home Springs) Lancaster County, Pa. (Exhibit F7) | 20. | Warren Marcellus LLC (Susquehanna River) Wyoming County, Pa. (Exhibit F15)           |
| 9.     | Equipment Transport, LLC (Susquehanna River), Susquehanna County, Pa. (Exhibit F8)                              | 21. | Village of Waverly (Well 1) Tioga County, N.Y.                                       |
| 10.    | Kraft Heinz Foods Company (Well 3) Steuben County, N.Y. (Exhibit F9)  | 22. | Village of Waverly (Well 2) Tioga County, N.Y.                                       |
| 11.    | Mount Joy Borough Authority (Well 3) Lancaster County, Pa. (Exhibit F10)  | 23. | Village of Waverly (Well 3) Tioga County, N.Y.                                       |
| 12-13. | P. H. Glatfelter Company (Codorus Creek) York County, Pa. (Exhibit F11)   | 24. | City of Dubois (out-of-basin diversion) Clearfield County, Pa. (Exhibit F16)         |
|        |   | 25. | Seneca Resources Corporation (into-basin diversion) McKean County, Pa. (Exhibit F17) |

**Highlight** = Staff recommended tabling.

Commissioner D'Amato moved and Commissioner Aunkst seconded a motion that the Commission adopt the recommendations of staff for the 25 project applications, which includes two diversions. The motion was unanimously approved.

**14. FY2018-2019 Water Resources Program**

Planning and Operations Manager John Balay presented Resolution No. 2017-08 (Exhibit G) providing for the adoption of the proposed FY2018-2019 Water Resources Program (WRP). The Commission has 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 Chamberlayne, seconded by Commissioner Aunkst, the resolution was adopted unanimously.

**15. Comprehensive Plan Amendments**

Mr. Balay presented Resolution No. 2017-09 (Exhibit H) to the Commission for consideration approving amendments to the *Comprehensive Plan for the Water Resources of the Susquehanna River Basin*. The proposed amendments include the Water Resources Program (FY2018-19), as well as all water resources projects approved by the Commission since the last amendments to the Comprehensive Plan.

Commissioner D’Amato moved and Commissioner Chamberlayne seconded a motion that the Commission adopt the proposed amendments to the *Comprehensive Plan*. The motion was unanimously approved.

**ADJOURNMENT**

Commissioner Chamberlayne moved and Commissioner Aunkst seconded a motion that the meeting be adjourned. Chairman Grumbles adjourned the meeting at 11:03 a.m.

\_\_\_\_\_  
Date Adopted

\_\_\_\_\_  
Stephanie L. Richardson

## RESOLUTION NO. 2017-03

A RESOLUTION of the Susquehanna River Basin Commission (the “Commission”) adopting the Regulatory Program Fee Schedule for FY2018.

WHEREAS, pursuant to Article 3, Sections 3.4(8) and 3.9 of the Susquehanna River Basin Compact (the “Compact”), the Commission’s regulations, 18 CFR Parts 801, 806-808, including 18 CFR § 806.35, and previously adopted resolutions of the Commission, the most recent of which is Resolution No. 2016-04 of June 16, 2016, 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 Regulatory Program Fee Schedule be adjusted annually in accordance with changes to the U.S. Army Corps of Engineers’ Civil Work Construction Cost Index System; 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, publishing notice in the *Federal Register* on April 11, 2017 (82 FR 17497) and by holding a public hearing covering the proposed fee schedule for FY2018 on May 11, 2017, with an open written comment period through May 22, 2017.

NOW THEREFORE BE IT RESOLVED THAT:

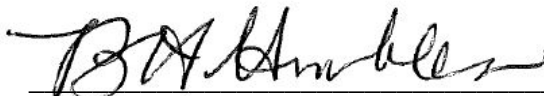
1. The Commission hereby adopts a Regulatory Program Fee Schedule for FY2018 implementing the above-referenced revisions, which is attached hereto and made a part of this Resolution.

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 not applicable to the fee schedule adopted with this Resolution.”

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 set forth in the attached Regulatory Program Fee Schedule shall become effective July 1, 2017.

Dated: June 16, 2017

  
\_\_\_\_\_  
Ben Grumbles, Chair  
Maryland

RESOLUTION NO. 2017-04

A RESOLUTION by the Susquehanna River Basin Commission (the “Commission”) to adopt a proposed budget for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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, 2018.

NOW THEREFORE BE IT RESOLVED THAT:

1. A proposed budget for the fiscal year beginning July 1, 2018, for expenditures from the General Fund and the Water Resources Management Fund, in the amount of \$11,932,350, 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, 2018.

<u>Member Jurisdictions</u>	<u>Apportionment</u>
New York	\$ 259,000
Pennsylvania	\$ 741,000
Maryland	\$ 500,000
United States	\$ 875,000

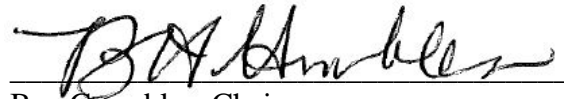
3. In accordance with the Compact, Section 14.3(c), the respective member jurisdictions agree to include the apportioned amounts set forth in Paragraph 2 in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. All 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, 2017

A handwritten signature in black ink, appearing to read "Ben Grumbles", written over a horizontal line.

Ben Grumbles, Chair  
Maryland



RESOLUTION NO. 2017-05

A RESOLUTION of the Susquehanna River Basin Commission authorizing the execution of a treasury management services agreement.

WHEREAS, the Commission maintains bank accounts with First National Bank (FNB); and

WHEREAS, the Commission wishes to enter into a Treasury Management Services Agreement which would authorize FNB to sweep balances in its accounts into FNB's Government SWEEP account; and

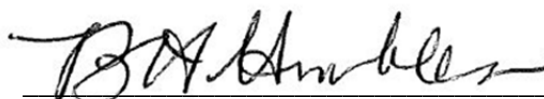
WHEREAS, FNB's Government SWEEP account is compliant with the Commission's Investment Policy Statement; and

WHEREAS, the Commission could increase interest earned on its accounts by executing the agreement.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby authorizes the Executive Director and the Director, Administration & Finance to execute the Treasury Management Services Agreement.
2. The Commission authorizes and empowers the Executive Director and the Director, Administration & Finance to adopt and execute the Business Resolution of Authority, which is attached to this Resolution.\*
3. This resolution shall be effective immediately.

Dated: June 16, 2017



Ben Grumbles, Chair  
Maryland

\*Agreement is attached to Original Resolution

## RESOLUTION NO. 2017-06

A RESOLUTION of the Susquehanna River Basin Commission (the “Commission”) adopting and promulgating a final rulemaking action amending its project review and hearings and enforcement regulations to clarify application requirements and standards for review of projects, add a subpart to provide for registration of grandfathered projects, and revise requirements dealing with hearings and enforcement actions.

WHEREAS, the Commission is authorized under Sections 3.9 and 15.2 of the Susquehanna River Basin Compact, P.L. 91-575 (the “Compact”), to “adopt, amend, and repeal rules and regulations to implement the compact;” and

WHEREAS, a proposed rulemaking action was published in the Federal Register on September 21, 2016; the New York Register on October 5, 2016; the Pennsylvania Bulletin on October 10, 2016; and the Maryland Register on October 14, 2016; and

WHEREAS, in accordance with 18 CFR § 808.1, this proposed rulemaking action was the subject of a public hearing held in Harrisburg, Pennsylvania on November 3, 2016, in Binghamton, New York on November 9, 2016, Williamsport, Pennsylvania on November 10, 2016, and Annapolis, Maryland on December 8, 2016; and

WHEREAS, the Commission also accepted written comments on this proposed rulemaking action through January 30, 2017; and

WHEREAS, in response to comments received on this proposed rulemaking action, the Commission has made modifications to clarify and strengthen the final rulemaking, all as explained in the “Supplementary Information” section of the attached final rulemaking notice; and

WHEREAS, the Commission also prepared a Comment Response document, which will be released as part of the final rulemaking package; and

WHEREAS, it is the determination of the Commission that the activities to be regulated under its project review regulations, as hereby amended, have, both singularly and cumulatively, a major effect on the water resources of the basin and on water resources management; and

WHEREAS, the Commission maintains a Comprehensive Plan for the Water Resources of the Susquehanna River Basin (the “comprehensive plan”); and

WHEREAS, it is the further determination of the Commission that its project review regulations, as hereby amended, are required for the effectuation of the comprehensive plan and the implementation of the Compact.

NOW THEREFORE BE IT RESOLVED THAT:

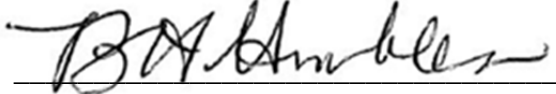
1. A final rulemaking action amending Title 18, Parts 806 and 808 of the Code of Federal Regulations, as set forth in the document attached hereto and made a part hereof, is hereby adopted by the Commission.

2. The Executive Director is hereby directed to publish a final rulemaking notice in the Federal Register and comparable member state notice publications in accordance with this final rulemaking action.

3. The Executive Director is hereby directed to release the Comment Response Document for this final rulemaking.

4. This final rulemaking action shall be effective as provided in the final rulemaking notice.

Dated: June 16, 2017

  
\_\_\_\_\_  
Ben Grumbles, Chair  
Maryland

RESOLUTION NO. 2017-07

A RESOLUTION of the Susquehanna River Basin Commission (Commission) providing an extension of an emergency certificate issued to Susquehanna Nuclear, LLC (Susquehanna Nuclear).

WHEREAS, on August 25, 2016, Susquehanna Nuclear submitted applications for modification to increase the peak day quantities for existing surface water withdrawal and consumptive use approvals for operation of Susquehanna Steam Electric Station; and

WHEREAS, on May 5, 2017, and in accordance with 18 CFR § 806.34, the Executive Director issued an emergency certificate to Susquehanna Nuclear authorizing on a temporary basis only increases to the withdrawal and consumptive use of surface water from the Susquehanna River located in Salem Township, Luzerne County, Pennsylvania; and

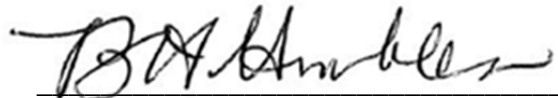
WHEREAS, the increases in withdrawal and consumptive use from the Susquehanna River were requested to ensure uninterrupted power generation at Susquehanna Steam Electric Station throughout the Commission's review of the modification applications; and

WHEREAS, the emergency condition will persist past June 16, 2017.

NOW THEREFORE BE IT RESOLVED THAT:

1. Pursuant to 18 CFR § 806.34(d)(1), the Commission hereby extends the term of the May 5, 2017, emergency certificate.
2. All of the terms and conditions of the emergency certificate shall remain in full force and effect.
3. This extension shall be effective immediately and remain in effect until terminated by the Executive Director in accordance with 18 CFR § 806.34(e).

Dated: June 16, 2017



Ben Grumbles, Chair  
Maryland



# 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. 20170601**

**Approval Date: June 16, 2017**

## **TOWN OF BIG FLATS**

**Groundwater Withdrawal (30-Day Average) of  
0.778 mgd from Well 1-1, and  
Total System Withdrawal Limit (30-Day Average) of 1.100 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 significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the renewal of the project described herein in accordance with the conditions set forth below.

The Town of Big Flats (Town) public water supply system includes three sources for Water Districts 1, 2, and 3 (Wells 1-1, 2-1, and 2-2), all of which are incorporated into the total system limit. The Town also maintains interconnections with the Elmira Water Board and the Town of Horseheads that are not included in the total system limit for Water Districts 1, 2, and 3. The Town also operates Water District 4, which is an independent system operating below the Commission's regulatory thresholds and served solely by Well 4-1. Based on information provided by the Town, no other sources are operated by the project.

On March 14, 1991, the Commission approved combined withdrawals from Wells 1-1, 2-1, and 2-2 for up to 0.330 million gallons per day (mgd). On May 11, 1995, the Commission approved an increase in combined withdrawals from the three wells to 0.590 mgd to meet growing demand. On October 11, 2016, the Town submitted a groundwater withdrawal application to the Commission requesting approval to increase the individual withdrawal from Well 1-1. This approval authorizes the withdrawal from Well 1-1 at the revised requested rate and establishes a total system limit based on the current 15-year projected demand. This approval does not alter the limits provided in the previous approvals for Wells 2-1 and 2-2.

Should demand exceed the total system limit established herein, the project sponsor may request a minor modification in accordance with Commission Regulation 18 CFR § 806.18(c)(7) to increase the total system limit, as the total system limit established herein is based on the 15-year projected demand.

Commission staff has coordinated with the New York State Department of Health (NYSDOH) and 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>	Town of Big Flats
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Past Docket Nos.:</b>	19910304 and 19910304-1
<b>Authorized Water Use Purpose:</b>	Public Water Supply
<b>Municipality:</b>	Big Flats Town
<b>County:</b>	Chemung 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>	Well 1-1
<b>Subbasin:</b>	Chemung
<b>Watershed Boundary Dataset (WBD):</b>	0205010506 (Upper Chemung 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. A 65-hour, constant-rate aquifer test of Well 1-1 was conducted from August 7 through 10, 2016, pumping at an average rate of 540 gallons per minute (gpm).

Commission staff determined that the withdrawal from Well 1-1 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.778
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	560 (Not to Exceed)
<b>Peak Day Withdrawal (mgd):</b>	0.806
<b>Total System Withdrawal Limit – Wells 1-1, 2-1, and 2-2 (30-Day Average) (mgd):</b>	1.100

The withdrawal is 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>
Wells 2-1 and 2-2	0.590	19910304 and 19910304-1	March 14, 2021

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

The project used Wells 1-1, 2-1, and 2-2 prior to July 13, 1978. In 1991 and 1995, the Commission approved increased withdrawals from these sources of 0.100 mgd or more. The increased withdrawals to meet growing system demand eliminated grandfathering for Wells 1-1, 2-1, and 2-2. 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.

### 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 sources listed in Sections 3 and 6. The project sponsor shall maintain and monitor the accuracy of the measuring devices in accordance with the manufacturer's specifications.

6. The project sponsor shall keep daily records of the project's withdrawal and groundwater elevations for the sources listed in Sections 3 and 6, 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

9. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall



submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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.

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. 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.

19. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal that would exceed the amounts listed herein or to add a source that is not listed in Sections 3 or 6.

20. 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.

21. 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**

22. Commission approval of Well 1-1 under Commission Docket Nos. 19910304 and 19910304-1 is hereby rescinded. All other limitations and conditions pertaining to Wells 2-1 and 2-2 in Commission Docket Nos. 19910304 and 19910304-1 not inconsistent herewith shall remain effective.

23. The date of the last meter certification was May 13, 2014; therefore, the next meter certification is due no later than May 13, 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.

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).

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 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**

26. This approval shall be effective July 1, 2017, and shall remain effective until June 30, 2032. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2031, 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, 2017.

Dated: June 19, 2017

  
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. 20170602**

**Approval Date: June 16, 2017**

## MICHAEL AND SANDRA BUHLER

### Surface Water Withdrawal (Peak Day) of up to 0.999 mgd from Bennett Branch Sinnemahoning Creek

#### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of Commission Docket No. 20130603 that was originally approved June 20, 2013, with a peak day withdrawal rate of 1.000 million gallons per day (mgd). The project sponsor has requested a reduction in the peak day withdrawal, which staff recommended approval at 0.999 mgd. Commission staff recommended special flow protection requirements consistent with 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.

Project Information	
<b>Project Sponsor:</b>	Michael and Sandra Buhler
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Past Docket No.:</b>	20130603
<b>Authorized Water Use Purpose:</b>	Bulk Supply for Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Huston Township
<b>County:</b>	Clearfield 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>	Bennett Branch Sinnemahoning Creek
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020203 (Bennett Branch Sinnemahoning Creek)
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.218785 N      Long: 78.556229 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 1.0; Average Daily Flow = 75.1
<b>Wild Trout Classification:</b>	Naturally Reproducing Wild Trout
<b>Impairment:</b>	Abandoned Mine Drainage
<b>Drainage Area (square miles):</b>	44.7
<b>Aquatic Resource Class*:</b>	2
<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>	0.999 (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 01543500; Sinnemahoning Creek at Sinnemahoning, 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	27	433
February	28	453
March	64	1,010
April	--	--
May	39	620

<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>
June	16	262
July	6.8	127
August	6.2	118
September	6.2	118
October	6.2	118
November	14	235
December	31	503
1 cfs = 448.8 gallons per minute (gpm)		USGS – U.S. Geological Survey
* Flow Protection Threshold		-- – No special flow protection required

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 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

10. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

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

19. 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.

20. 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**

21. Effective July 1, 2017, 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.

22. 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.

23. The date of the last meter certification was January 18, 2017; therefore, the next meter certification is due no later than January 18, 2022. 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. The project sponsor shall adhere to the recommendations provided by PFBC for avoiding adverse impact to documented occurrences of a naturally reproducing wild trout population at or in proximity to the project location. The project sponsor shall avoid modification of the intake or any other instream construction from October 1 through December 31, unless otherwise approved by PFBC in writing and submitted to the Commission.

25. Except as authorized pursuant to Special Condition 27, 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).

26. 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 27, including daily quantities supplied.

27. 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 minor modification under Commission Regulation 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

28. 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**

29. This approval shall be effective July 1, 2017, and shall remain effective until June 30, 2022. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2021, 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.

30. Commission Docket No. 20130603 shall remain effective through June 30, 2017, 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, 2017.

Dated: June 19, 2017

  
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. 20170603**

**Approval Date: June 16, 2017**

## **CHESAPEAKE APPALACHIA, L.L.C.**

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

This approval is a renewal of Commission Docket No. 20130303 that was originally approved March 21, 2013, with a peak day withdrawal rate of 0.999 million gallons per day (mgd) and no special flow protection requirements. The project sponsor has not requested any changes to the project. Commission staff recommended special flow protection requirements consistent with 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>	Chesapeake Appalachia, L.L.C.
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Past Docket No.:</b>	20130303
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Mehoopany 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.

<b>Source Information</b>	
<b>Approved Source:</b>	Susquehanna River
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010614 (Lower Susquehanna River)
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.582947 N      Long: 76.060341 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 649; Average Daily Flow = 12,900
<b>Impairment:</b>	Mercury; Polychlorinated Biphenyl (PCB)
<b>Drainage Area (square miles):</b>	8,734
<b>Aquatic Resource Class*:</b>	6
<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>	0.999 (Not to Exceed, When Available)	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,000 (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 01533400; Susquehanna River at Meshoppen, 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	--	--
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	1,120	1,130
August	824	826
September	788	790
October	1,030	1,040
November	--	--
December	--	--
1 cfs = 448.8 gallons per minute (gpm)		USGS – U.S. Geological Survey
* Flow Protection Threshold		-- – No special flow protection required

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 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

10. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

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

19. 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.

20. 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**

21. Effective July 1, 2017, 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.

22. 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.

23. The date of the last meter certification was April 7, 2016; therefore, the next meter certification is due no later than April 7, 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. The project is fully constructed and no changes are proposed. However, if changes are proposed or maintenance requires instream work, the project sponsor should adhere to recommendations provided by PFBC in the August 16, 2016, Pennsylvania Natural Diversity Inventory (PNDI) response for avoiding adverse impact to documented occurrences of rare species at or in proximity to the project location. The documented species are the elktoe mussel (*Alasmidonta marginata*), triangle floater mussel (*Alasmidonta undulata*), and green floater mussel (*Lasmigona subviridis*).

25. Except as authorized pursuant to Special Condition 27, 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).

26. 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 27, including daily quantities supplied.

27. 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 minor modification under Commission Regulation 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

28. 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**


29. This approval shall be effective July 1, 2017, and shall remain effective until June 30, 2022. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2021, 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.



30. Commission Docket No. 20130303 shall remain effective through June 30, 2017, 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, 2017.

Dated: June 19, 2017

  
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. 20170604**

**Approval Date: June 16, 2017**

## **CHESAPEAKE APPALACHIA, L.L.C.**

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

This approval is a renewal of Commission Docket No. 20130304 that was originally approved March 21, 2013, with a peak day withdrawal rate of 0.999 million gallons per day (mgd) and no special flow protection requirements. The project sponsor has not requested any changes to the project. Commission staff recommended special flow protection requirements consistent with 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>	Chesapeake Appalachia, L.L.C.
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Past Docket No.:</b>	20130304
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Wysox Township
<b>County:</b>	Bradford 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>	Susquehanna River
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010605 (Upper Susquehanna River)
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.749203 N      Long: 76.425328 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 592; Average Daily Flow = 10,900
<b>Impairment:</b>	Mercury; Polychlorinated Biphenyl (PCB)
<b>Drainage Area (square miles):</b>	7,788
<b>Aquatic Resource Class*:</b>	6
<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>	0.999 (Not to Exceed, When Available)	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,000 (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 01531500; Susquehanna River at Towanda, 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	--	--
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	884	887
August	670	673
September	615	618
October	777	780
November	1,190	1,200
December	--	--
1 cfs = 448.8 gallons per minute (gpm)		USGS – U.S. Geological Survey
* Flow Protection Threshold		-- – No special flow protection required

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 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

10. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

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

19. 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.

20. 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**

21. Effective July 1, 2017, 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.

22. 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.

23. The date of the last meter certification was April 7, 2016; therefore, the next meter certification is due no later than April 7, 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 minor modification under Commission Regulation 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

27. 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

28. This approval shall be effective July 1, 2017, and shall remain effective until June 30, 2022. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2021, 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.

29. Commission Docket No. 20130304 shall remain effective through June 30, 2017, 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, 2017.

Dated: June 19, 2017

  
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. 20170605**

**Approval Date: June 16, 2017**

## **CHESAPEAKE APPALACHIA, L.L.C.**

### **Surface Water Withdrawal (Peak Day) of up to 0.715 mgd from Wyalusing Creek**

#### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

This approval is a reactivation of an expired project originally approved by Commission Docket No. 20121209 on December 14, 2012, with a peak day withdrawal rate of 0.715 million gallons per day (mgd) and special flow protection requirements. The project sponsor has not requested any changes to the project. Commission staff recommended special flow protection requirements consistent with 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>	Chesapeake Appalachia, L.L.C.
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Past Docket No.:</b>	20121209 (Expired)
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Rush 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>	Wyalusing Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010607 (Wyalusing Creek)
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.789839 N      Long: 76.111616 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 6.7; Average Daily Flow = 218
<b>Impairment:</b>	Pathogens
<b>Drainage Area (square miles):</b>	149
<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).	

### 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>	0.715 (Not to Exceed, When Available)	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	700 (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 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	--	--
February	--	--
March	--	--
April	--	--
May	--	--
June	36	98
July	21	58

<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>
August	15	43
September	14	42
October	20	57
November	41	109
December	70	185
1 cfs = 448.8 gallons per minute (gpm)		USGS – U.S. Geological Survey
* Flow Protection Threshold		-- – No special flow protection required

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 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

10. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

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

19. 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**

20. 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.

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 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.

22. The date of the last meter certification was April 7, 2016; therefore, the next meter certification is due no later than April 7, 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.

23. The project sponsor shall adhere to recommendations provided by the United States Fish and Wildlife Service in the Bald Eagle Project Screening Form executed by the project sponsor on August 26, 2016, for avoiding adverse impact to documented occurrences of threatened or endangered species at or in proximity to the project location. The documented species is the bald eagle (*Haliaeetus leucocephalus*).

24. Notwithstanding Standard Condition 8 above, prior to initiation of the withdrawal, the project sponsor shall post an updated sign that meets Commission specifications and displays required project description information.

25. Except as authorized pursuant to Special Condition 27, 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).

26. 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 27, including daily quantities supplied.

27. 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 minor modification under Commission Regulation 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

28. 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.

29. The project sponsor shall only operate one intake at a time (either the primary intake or the backup intake) when withdrawing water from the surface water source. When the primary intake is being utilized, the backup intake shall be removed from Wyalusing Creek. When the backup intake is being utilized, the power to the submersible pump associated with the primary intake shall be disconnected or locked out to prevent it from being utilized.

30. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of which intakes (primary and/or backup) have been utilized on each day withdrawals occur.

## **Section 7. Term**

31. 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.

32. This approval is effective until June 15, 2022. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 15, 2021, 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, 2017.

Dated: June 19, 2017

  
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. 20170606**

**Approval Date: June 16, 2017**

## **DS SERVICES OF AMERICA, INC.**

**Groundwater Withdrawals (30-Day Averages) of  
0.028 mgd from Well 4 and 0.042 mgd from Well 5,  
and Total System Withdrawal Limit (30-Day Average) of 0.150 mgd  
from Well 4, Well 5, and Well 6**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

The project sponsor operates three groundwater sources (Wells 4, 5, and 6) that supply water to be used at its bottled water facility. Wells 4 and 5 were not previously subject to Commission review and approval. On June 5, 2014, the Commission approved the withdrawal of groundwater from Well 6 under Commission Docket No. 20140601, which resulted in forfeiture of the grandfathered status of Wells 4 and 5. This approval authorizes the use of Wells 4 and 5 at the requested individual withdrawal rates and establishes a total system limit for Wells 4, 5, and 6. The total system limit is based on the requested withdrawal from Wells 4, 5, and 6 and limitations on trucking imposed by Clay Township. The total system limit does not apply to other sources utilized by the project sponsor at its bottling facility, which includes potable water delivered by West Earl Water Authority and an into-basin diversion from Bethany Children's Home Wells PWA and PWB, and other emergency sources listed herein. The project sponsor has also used, as emergency sources, water purchased from Forest Springs Water Company (Commission Docket No. 20120909) and Roaring Spring Water (Commission Docket No. 20120913), both Commission-approved projects, and M.C. Resource Development Company, which is located in the Delaware River Basin. The emergency sources are not included in the project's consumptive use approval (Commission Docket No. 20000203), as the individual project sponsors account for the consumptive use from their respective sources, as applicable.

Should demand exceed the total system limit established herein, the project sponsor may request a minor modification in accordance with Commission Regulation 18 CFR § 806.18(c)(7)

to increase the total system limit, as the total system limit established herein is based on the projected demand as constrained by local township zoning board.

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.

Project Information	
<b>Project Sponsor:</b>	DS Services of America, Inc.
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Bulk Water Supply in Support of Drinking Water Bottling Operations
<b>Municipality:</b>	Clay Township
<b>County:</b>	Lancaster County
<b>State:</b>	Pennsylvania

## Section 3. Source Information

Information concerning the sources of water from which the withdrawals will be made is set forth in the table below.

Source Information	
<b>Withdrawal Type:</b>	Groundwater
<b>Approved Sources:</b>	Wells 4 and 5
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030609 (Cocalico Creek)
<b>Withdrawal Locations (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. A 74-hour, constant-rate aquifer test of Well 4 was conducted from October 13 through 16, 2015, pumping at an average rate of 27.5 gallons per minute (gpm). A 72-hour, constant-rate aquifer test of Well 5 was conducted from October 20 through 23, 2015, pumping at an average rate of 29 gpm.



Commission staff determined that the withdrawals from Wells 4 and 5 at the requested 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>Well 4</b>	<b>Well 5</b>
<b>30-Day Average Withdrawal (mgd):</b>	0.028	0.042
<b>Maximum Instantaneous Withdrawal Rate (gpm) (Not to Exceed):</b>	28	40
<b>Total System Withdrawal Limit – Wells 4, 5, and 6 (30-Day Average) (mgd):</b>	0.150	
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, Consumptive Uses, and Into-Basin Diversions

Quantities applicable to the existing approved withdrawals, consumptive uses, and into-basin diversions are listed in the tables 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 6	0.115	20140601	June 4, 2029

<b>Existing Approved Consumptive Uses</b>			
<b>Sources</b>	<b>Peak Day Consumptive Use (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Wells 4, 5, and 6, and West Earl Water Authority (Public Water Supply)	0.242	20000203	February 10, 2025

<b>Existing Into-Basin Diversion</b>			
<b>Sources</b>	<b>Peak Day Into-Basin Diversion (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Bethany Children's Home Wells PWA and PWB	0.200	20140911	September 3, 2029

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

Withdrawals from Wells 4 and 5 in Clay Township did not previously require approval. In accordance with Commission Regulation 18 CFR § 806.4(a)(2)(iv), the initiation of a withdrawal from a new source (Well 6) above regulatory thresholds subjected all existing unapproved sources to Commission review and approval. Special Condition 21 of Commission Docket No. 20140601 required submittal of groundwater withdrawal applications for Wells 4 and 5. With the approval of Wells 4 and 5, there are no longer any grandfathered groundwater withdrawals for the project.

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

### **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 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 sources listed in Sections 3, 5, and 6. The project sponsor shall maintain and monitor the accuracy of the measuring devices in accordance with the manufacturer's specifications.

6. The project sponsor shall keep daily records of the project's withdrawals and groundwater elevations for the sources listed in Sections 3, 5, and 6, 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

9. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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.

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. 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.

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.

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. 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.

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

20. 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.

21. 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**

22. The date of the last meter certifications was October 27, 2015; therefore, the next meter certifications are due no later than October 27, 2020. 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.

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 minor modification under Commission Regulation 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

### **Section 10. Term**

26. This approval is effective until June 15, 2032. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 15, 2031, 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, 2017.

Dated: June 19, 2017

  
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. 20110902-2**

**Approval Date: September 15, 2011**

**Modification Date: December 15, 2011**

**Modification Date: June 16, 2017**

## EPHRATA AREA JOINT AUTHORITY

**Combined Withdrawal Limit (30-Day Average) of 2.310 mgd from  
Well 1, Cocalico Creek, and Mountain Home Springs; and  
Total System Withdrawal Limit (30-Day Average) of 2.540 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 significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the project modification described herein in accordance with the conditions set forth below.

Special Condition 20 of Commission Docket No. 20110902-1 required the Ephrata Area Joint Authority (EAJA) to notify the Commission if modifications were planned to treatment facilities to allow an increase in withdrawal from Cocalico Creek above the 1.100 million gallons per day (mgd) (peak day) needed to achieve the treatment capacity limit of 1.000 mgd (peak day). In June 2014, EAJA notified the Commission of its intent to pursue a filter plant rerate study to increase the capacity of the treatment facility to deliver 1.550 mgd of treated water.

After completing the rerate study, EAJA submitted an application to modify Commission Docket No. 20110902-1 to increase its utilization of Cocalico Creek. EAJA requested establishment of a 30-day average combined withdrawal limit of 2.310 mgd for Well 1, Cocalico Creek, and Mountain Home Springs, and to rescind Special Condition 20 of Commission Docket No. 20110902-1. The subsystem limit would afford EAJA the operational flexibility to increase its surface water withdrawal without increasing the combined withdrawal from Cocalico Creek, Mountain Home Springs, and Well 1 above previously approved rates and causing additional potential impact to Cocalico Creek. This approval authorizes the increased utilization of surface water sources without special flow protection requirements and establishes a combined withdrawal limit for Well 1, Cocalico Creek, and Mountain Home Springs. The total system limit previously approved remains unchanged.

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>	Ephrata Area Joint Authority
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Original Docket Nos.:</b>	20110902 and 20110902-1
<b>Authorized Water Use Purpose:</b>	Public Water Supply
<b>Municipality:</b>	Ephrata Borough
<b>County:</b>	Lancaster County
<b>State:</b>	Pennsylvania

## Section 3. 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>Combined Well 1, Cocalico Creek, and Mountain Home Springs</b>	
<b>Withdrawal Limit (30-day Average) (mgd):</b>	2.310
<b>Special Flow Protection Type:</b>	No

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

## Section 4. 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

3. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall

submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

## Section 5. Special Conditions

4. Within sixty (60) days from the date of this approval, the project sponsor shall submit a comprehensive metering plan for review and approval by Commission staff that accounts for withdrawals from the sources listed in Section 3 of this approval. The plan shall incorporate meter certifications for the aforementioned sources and include the following items: photographs; the make, model, and serial number of the meter; and a certification of accuracy for all metering devices to within five (5) percent of actual flow.

5. Special Condition 20 of Commission Docket No. 20110902-1 is hereby rescinded.

6. All other limitations and conditions in Commission Docket Nos. 20110902 and 20110902-1 not inconsistent herewith shall remain effective.

## Section 6. Term

7. This modified approval shall be effective July 1, 2017. The term of Commission Docket Nos. 20110902, 20110902-1, and 20110902-2 shall remain effective until September 14, 2026. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before March 14, 2026, 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, 2017.

Dated: June 19, 2017

  
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. 20170607**

**Approval Date: June 16, 2017**

## EQUIPMENT TRANSPORT, LLC

**Surface Water Withdrawal (Peak Day) of up to 1.000 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 significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of Commission Docket No. 20130613 that was originally approved June 20, 2013, with a peak withdrawal rate of 1.000 million gallons per day (mgd) and no special flow protection requirements. The approval was originally issued to WPX Energy Appalachia, LLC and transferred to Equipment Transport, LLC, effective February 17, 2015. The project sponsor did not request any changes to the conditions of the original docket. Commission staff recommended the addition of invasive species protocol requirements. 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>	Equipment Transport, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Past Docket No.:</b>	20130613
<b>Authorized Water Use Purpose:</b>	Bulk Supply for Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Great Bend 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>	Susquehanna River
<b>Subbasin:</b>	Upper Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010113 (Lower Susquehanna River)
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.963247 N      Long: 75.737956 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 172; Average Daily Flow = 3,360
<b>Impairment:</b>	Mercury; Polychlorinated Biphenyl (PCB)
<b>Drainage Area (square miles):</b>	2,046
<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>	1.000 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	695 (Not to Exceed)
gpm – gallons per minute	

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 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

10. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

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

19. 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.

20. 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

21. The date of the last meter certification was July 3, 2015; therefore, the next meter certification is due no later than July 3, 2020. 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 should adhere to recommendations provided by PFBC in the September 16, 2016, Pennsylvania Natural Diversity Inventory (PNDI) response for avoiding adverse impact to documented occurrences of rare species at or in proximity to the project location. The documented species is the elktoe mussel (*Alasmidonta marginata*).

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 minor modification under Commission Regulation 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

26. The project 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. The invasive mussel species, zebra mussel (*Dreissena polymorpha*) is documented as occurring within this section of the Susquehanna River.

## Section 7. Term

27. This approval shall be effective July 1, 2017, and shall remain effective until June 30, 2022. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2021, 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. 20130613 shall remain effective through June 30, 2017, 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, 2017.

Dated: June 19, 2017

  
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. 20170608**

**Approval Date: June 16, 2017**

## **KRAFT HEINZ FOODS COMPANY**

**Groundwater Withdrawal (30-Day Average) of 0.299 mgd from Well 3, and  
Total System Withdrawal Limit (30-Day Average) of 1.100 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 significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the renewal of the project described herein in accordance with the conditions set forth below.

Kraft Heinz Foods Company's water supply system includes three wells (Wells 1, 3, and 4), all of which are incorporated into the total system limit. According to information provided by the project sponsor, no other sources are used by the project.

On February 13, 1986, the Commission approved the groundwater withdrawal (consecutive 30-day average) of 0.432 million gallons per day (mgd) from Well 3 under Commission Docket No. 19860203. On August 12, 2015, the project sponsor submitted an application to the Commission requesting renewal of the withdrawal from Well 3 at a reduced withdrawal rate. This approval authorizes the continued use of Well 3 at the requested reduced withdrawal rate, establishes a grandfathered withdrawal quantity for Well 1, and establishes a total system withdrawal limit based on the 15-year projected demand provided by the project sponsor.

Should demand exceed the total system limit established herein, the project sponsor may request a minor modification in accordance with Commission Regulation 18 CFR § 806.18(c)(7) to increase the total system limit, as the total system limit established herein is based on the 15-year projected demand.

Commission staff has coordinated with the New York State Department of Health (NYSDOH) and 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Kraft Heinz Foods Company
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Past Docket No.:</b>	19860203
<b>Authorized Water Use Purpose:</b>	Industrial Food Processing and Incidental Uses Related to Food Processing
<b>Municipality:</b>	Town of Campbell
<b>County:</b>	Steuben 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.

<b>Source Information</b>	
<b>Withdrawal Type:</b>	Groundwater
<b>Approved Source:</b>	Well 3
<b>Subbasin:</b>	Chemung
<b>Watershed Boundary Dataset (WBD):</b>	0205010503 (Lower Cohocton River)
<b>Withdrawal Location (degrees):</b>	Lat: 42.226031 N      Long: 77.184149 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 withdrawals was completed with prior Commission approval. A 72-hour, constant-rate aquifer test of Well 3 was conducted from September 21 through 24, 2016, pumping at an average rate of 208 gallons per minute (gpm).

Commission staff determined that the withdrawal from Well 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.

## 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>	0.299
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	208 (Not to Exceed)
<b>Peak Day Withdrawal (mgd):</b>	0.299
<b>Total System Withdrawal Limit – Wells 1, 3, and 4 (30-Day Average) (mgd):</b>	1.100

The withdrawal is 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>
Well 4	1.100	19950904	September 14, 2020

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

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

Quantities applicable to the project’s grandfathering determination for existing groundwater withdrawals and consumptive uses are listed in the tables below.

<b>Grandfathered Groundwater Withdrawals</b>	
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)*</b>
Well 1	0.816
* Value represents the maximum estimated 30-day average amount that occurred prior to applicable regulatory effective date.	

<b>Grandfathered Consumptive Use</b>	
<b>Consumptive Use</b>	<b>Peak Day Consumptive Use (mgd)</b>
Industrial Food Processing and Incidental Uses Related to Food Processing	0.068

The grandfathered quantities identified in the tables above are based on information submitted by the project sponsor. The grandfathered quantities or the grandfathered status of the sources are subject to change if information becomes available that demonstrates the withdrawal or consumptive use occurred at rates that are inconsistent with the information submitted and utilized to support this determination.

## 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 and consumptive use 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 consumptive use, and certify to the Commission once every five (5) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

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, 6, and 7. Within ninety (90) days from the date of this approval, the project sponsor shall install and maintain water level monitoring equipment in accordance with Commission Regulation 18 CFR § 806.30. The project sponsor shall notify the Commission, in writing, and submit make, model, serial numbers, and photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall maintain and monitor the accuracy of the measuring devices in accordance with the manufacturer's specifications.

6. The project sponsor shall keep daily records of the project's withdrawal, consumptive use, and groundwater elevations for the sources listed in Sections 3, 6, and 7, 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

9. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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.

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. 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.

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

20. 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.

21. 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**

22. If the project is discontinued for a period of five (5) consecutive years, the approval shall be null and void as provided in Commission Regulation 18 CFR § 806.31(c). The exception to this is where a waiver is granted, in writing, by the Commission, upon written request by the project sponsor demonstrating due cause and with notification thereof to the member jurisdiction in which the project is located, prior to the expiration of such period.

23. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal from grandfathered sources or consumptive uses that would exceed the amounts listed herein.

24. In accordance with Commission Regulations 18 CFR § 806.4(a)(1)(iv) and § 806.4(a)(2)(v), a change of ownership of the facility or project will forfeit the grandfathered status and subject pre-regulation withdrawals and consumptive uses to Commission review and approval.

25. The date of the last meter certification was June 9, 2016; therefore, the next meter certification is due no later than June 9, 2021. 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.

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 minor modification under Commission Regulation 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.


**Section 10. Term**

27. This approval shall be effective July 1, 2017, and shall remain effective until June 30, 2032. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2031, 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. 19860203 shall remain effective through June 30, 2017, 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, 2017.

Dated: June 19, 2017

  
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. 20070607-1**

**Approval Date: June 13, 2007**

**Modification Date: June 16, 2017**

## **MOUNT JOY BOROUGH AUTHORITY**

**Groundwater Withdrawal (30-Day Average) of 1.020 mgd from Well 3,  
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 no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

This approval is a modification of Commission Docket No. 20070607 that was originally approved June 13, 2007, for the maximum instantaneous withdrawal of 1,403 gallons per minute (gpm) and the 30-day average withdrawal of 1.020 million gallons per day (mgd) from Well 3. The Mount Joy Borough Authority (Authority) requested to reduce the maximum instantaneous withdrawal rate from 1,403 gpm to 778 gpm, and update flow protection conditions in Little Chiques Creek consistent with the reduced maximum instantaneous withdrawal rate and the Commission's Low Flow Protection Policy. Commission staff recommended approval of the reduced maximum instantaneous withdrawal rate, updated flow protection conditions, and use of a Commission real-time gage on Little Chiques Creek for monitoring flow protection. No changes to the 30-day average withdrawal from Well 3 or the total system limit were requested or authorized under this approval.

The Authority's public water supply system includes three sources (Wells 1, 2, and 3), all of which are incorporated into the total system limit. Based on information provided by the Authority, there are no other sources used by the project.

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.

Project Information	
<b>Project Sponsor:</b>	Mount Joy Borough Authority
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Original Docket No.:</b>	20070607
<b>Authorized Water Use Purpose:</b>	Public Water Supply
<b>Municipality:</b>	Mount Joy Borough
<b>County:</b>	Lancaster 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>	Well 3
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030608 (Chiques Creek)
<b>Withdrawal Location (degrees)*:</b>	Lat: -- Long: --
<b>Site Flow Statistics (cfs)†:</b>	Q7-10 = 1.95; Average Daily Flow = 46.1
<b>Impairment†:</b>	Sediment and Excess Nutrients
<b>Drainage Area (square miles)†:</b>	36.8
<b>Aquatic Resource Class**†:</b>	2
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
* Specific location information concerning discrete water-related project features has been withheld for security reasons.	
** 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

Previous aquifer testing demonstrated that withdrawals from Well 3 cause drawdown in nearby springs, streams, and wetlands. To mitigate the potential for significant adverse impacts to the environment, the Commission approved Well 3 with special flow protection requirements to limit withdrawals during low flow periods. Consistent with the Commission’s passby guidelines in effect at the time, Commission Docket No. 20070607 established a passby condition of 25 percent of the average daily flow in Little Chiques Creek, which was determined to be 10.96 cfs. Commission staff finds that the reduced maximum instantaneous withdrawal rate does not eliminate the need for special flow protection and staff recommends a flow protection for all months be prescribed that considers the reduced maximum instantaneous withdrawal rate.

Commission staff determined that the withdrawal from Well 3 at the requested reduced maximum instantaneous 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>	1.020	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	778 (Not to Exceed)	
<b>Peak Day Withdrawal (mgd):</b>	1.120	
<b>Total System Withdrawal Limit – Wells 1, 2 and 3 (30-Day Average) (mgd):</b>	2.600	
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values	
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of Commission Real-Time RWQMN gage; Little Chiques Creek at Mount Joy, 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	18	20
February	25	27
March	35	36
April	30	32
May	22	24
June	12	14
July	7.2	8.8
August	5.0	6.7
September	4.2	5.8
October	5.4	7.0
November	8.2	9.8
December	16	18
RWQMN – Remote Water Quality Monitoring Network 1 cfs = 448.8 gpm * Passby becomes effective after commissioning period as described in Special Condition 21 ** Flow Protection Threshold		

The withdrawal is 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>
Well 1	1.300	20110617, 20110617-1, and 20110617-2	June 22, 2026
Well 2	1.270	20110617, 20110617-1, and 20110617-2	June 22, 2026

## Section 7. Grandfathering Determination – Withdrawals

All sources used by the Authority have been reviewed and approved by the Commission.

## 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 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 sources listed in Sections 3 and 6. Prior to initiation of withdrawals from Well 3, the project sponsor shall install and maintain water level monitoring equipment in accordance with Commission Regulation 18 CFR § 806.30. The

project sponsor shall notify the Commission, in writing, and submit make, model, serial numbers, and photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall maintain and monitor the accuracy of the measuring devices in accordance with the manufacturer's specifications.

6. The project sponsor shall keep daily records of the withdrawal and groundwater elevation for the source listed in Section 3, 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

9. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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. 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 9. Special Conditions**

21. To allow for commissioning or prove-out activities of the filter plant, the flow protection prescribed under this approval in Section 5 and Special Condition 22 will not be effective until commissioning activities of the Well 3 treatment facility are complete. Commissioning for ten (10) continuous days of trouble-free operation by the general contractor is required by the project sponsor prior to accepting completion of the filter plant. No less than five (5) days prior to the initiation of treatment facility commissioning operations, the project sponsor shall notify the Project Review Manager at the Commission via e-mail that withdrawals will commence to test the facility. The project sponsor shall report all withdrawal data during the commissioning process in accordance with Standard Condition 6 and provide weekly updates

to the Project Review Manager via e-mail regarding the status of commissioning activities. The weekly updates shall include:

- a. Schedule of anticipated commissioning activities, including expected date of normal operations;
- b. Daily quantity of water withdrawn from Well 3;
- c. Description of commissioning activities; and
- d. Rationale for deviation from previous schedule, if needed.

The project sponsor shall notify the Project Review Manager at the Commission within three (3) days of determining that commissioning of the facility is complete and that normal operations have or will begin, at which time the flow protection prescribed under this approval in Section 5 and Special Condition 22 will be effective and shall remain effective for the duration of this approval.

22. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the Commission's 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 is equal to or exceeds such flow protection threshold.

23. Upon initiation of withdrawals from Well 3, the project sponsor shall, on a daily basis, collect and record streamflow as measured at the Commission's 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.

24. Decision Items 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, and 18 of Commission Docket No. 20070607 are hereby rescinded. All other limitations and conditions in Commission Docket No. 20070607 not inconsistent herewith shall remain effective.

25. 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). The project sponsor shall reduce system losses and achieve compliance with the water conservation requirements as prescribed in Special Condition 21 of Commission Docket No. 20110617-1.

## **Section 10. Term**

26. This modified approval shall be effective July 1, 2017. The term of Commission Docket No. 20070607 shall remain effective until June 13, 2022. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 13, 2021, 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, 2017.

Dated: June 19, 2017

  
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. 20170609**

**Approval Date: June 16, 2017**

## **P. H. GLATFELTER COMPANY**

**Surface Water Withdrawal (Peak Day) of up to 16.000 mgd  
from Codorus Creek (Mill Pond – Powerhouse Intake), and  
Consumptive Water Use (Peak Day) of up to 0.900 mgd  
from Codorus Creek**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of Commission Docket No. 19860602 that was originally approved June 5, 1986, with a peak day withdrawal rate of 16.000 million gallons per day (mgd) and a peak day consumptive use of 0.900 mgd. Commission Docket No. 19860602 did not include special flow protection requirements, recognizing the minimum flow requirements past the intake location agreed upon between the Commonwealth of Pennsylvania and the project sponsor in a 1966 agreement. The Commission reserved the right to review future changes that may impact the ability to meet agreed-upon minimum flow requirements of the 1966 agreement. The project sponsor has not requested any changes to the project. Commission staff recommended that the existing special flow protection requirements established in the 1966 agreement be maintained and incorporated herein. 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>	P. H. Glatfelter Company
<b>Approval Types:</b>	Surface Water Withdrawal and Consumptive Use
<b>Past Docket No.:</b>	19860602
<b>Authorized Water Use Purpose:</b>	Non-Contact Cooling and Related Incidental Uses
<b>Municipality:</b>	Spring Grove Borough
<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>Approved Source:</b>	Codorus Creek (Mill Pond – Powerhouse Intake)
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030607 (Codorus Creek)
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Withdrawal Location (degrees):</b>	Lat: 39.870233 N      Long: 76.867138 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 6.9; Average Daily Flow = 72.0
<b>Impairment:</b>	Pathogens
<b>Drainage Area (square miles):</b>	73.6
<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)	

### 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>	16.000 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	12,000 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby/minimum flowby
<b>On-Site Flow Protection Rate (cfs):</b>	7.6

<b>Approved Withdrawal Quantities and Limitations (continued)</b>	
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01574500; Codorus Creek at Spring Grove, Pennsylvania*
<b>Off-Site Monitoring Threshold for Flow Protection (cfs)**:</b>	7.9
1 cfs = 448.8 gallons per minute (gpm)	USGS – U.S. Geological Survey
* If the USGS gage is unavailable, alternate flow monitoring may be proposed in accordance with Special Condition 21.	
** Flow Protection Threshold	

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

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

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

<b>Approved Consumptive Use Quantities and Limitations</b>	
<b>Source for Project Consumptive Use:</b>	Codorus Creek
<b>Peak Day Consumptive Use Amount (mgd):</b>	0.900 (Not to Exceed)
<b>Authorized Project Consumptive Uses:</b>	1. Evaporative Loss from Cogeneration Cooling Tower 2. Related Incidental Uses
<b>Consumptive Use Mitigation Type:</b>	Release of water from surface water storage for flow augmentation and maintenance of a minimum flow by the intake location

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

### Section 6. Existing Approved Consumptive Uses

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

<b>Existing Approved Consumptive Uses</b>			
<b>Source</b>	<b>Peak Day Consumptive Use (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Codorus Creek	0.670	19930510	May 13, 2023
Industrial Wastewater Treatment Plant	0.460	20100608	June 10, 2025



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

The facility is reported to have started operations as a paper mill in the 1860s developing surface water intakes and consumptively using water, predating the Commission.

Significant projects were planned and undertaken at the facility, resulting in changes in water use, which were reviewed and approved by the Commission in 1986, 1993, and 2010.

P. H. Glatfelter Company operates and maintains three existing surface water intakes on water sources in the Codorus Creek Watershed to supply water to the facility. Of these three intakes, only the Powerhouse Intake on Mill Pond currently has Commission approval for surface water withdrawal. Additionally, consumptive use of water withdrawn from the Powerhouse Intake (including the Recovery Cooling Towers) and at the Industrial Wastewater Treatment Plant has been approved by the Commission. All other consumptive uses of water sourced from the unapproved withdrawal intake locations have not been approved and are considered to be grandfathered. A formal grandfathering determination and quantity has not been completed on those uses at this time. Significant changes to operations of project features that may result in an increase of those consumptive uses may require prior review and approval by the Commission.

## **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 and consumptive use 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 consumptive uses, and certify to the Commission once every five (5) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

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 consumptive use and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

9. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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 surface water sources described herein, as may be required by regulations of the member jurisdiction.

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. 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.

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.

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. 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.

## **Section 9. Special Conditions**

19. 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 or intake location not listed in Section 3.

20. Effective July 1, 2017, the project's consumptive 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 use, the project sponsor shall release water from surface water storage for flow augmentation during low flow periods in an amount equal to project consumptive use and at all times maintain a minimum streamflow equal to the flow protection threshold specified in Section 4 as measured at the U.S. Geological Survey stream gage specified in Section 4. The project sponsor shall monitor this stream gage, make the conservation release, and report these data to the Commission quarterly, and as otherwise required. If at any time the minimum flow protection threshold cannot be maintained by release of water from upstream reservoirs, 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.

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 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.

22. Within twenty-four (24) months from notice of this approval, the project sponsor shall submit certification of the accuracy of all measuring devices to within five (5) percent of actual flow, performed within the last five (5) years.

23. 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 provided by the United States Fish and Wildlife Service in the Bald Eagle Screening Form executed by the project sponsor on May 3, 2017, for avoiding adverse impact to documented occurrences of threatened or endangered species at or in proximity to the project location. The documented species is the bald eagle (*Haliaeetus leucocephalus*).

24. Prior to supplying water for any use not authorized pursuant to Sections 2 or 5 of this approval, the project sponsor shall first submit a request for minor modification under Commission Regulation 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

## **Section 10. Term**

25. This approval shall be effective July 1, 2017, and shall remain effective until June 30, 2032. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2031, 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.

26. Commission Docket No. 19860602 shall remain effective through June 30, 2017, 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, 2017.

Dated: June 19, 2017

  
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. 20170610**

**Approval Date: June 16, 2017**

## **RAUSCH CREEK LAND, L.P.**

### **Groundwater Withdrawal (30-Day Average) of 0.100 mgd from Pit #21 (Flooded Coal Strip Pit)**

#### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the renewal of the project described herein in accordance with the conditions set forth below.

On June 7, 2012, Commission Docket No. 20120612 was approved authorizing the 30-day average withdrawal of 0.100 million gallons per day (mgd) from Pit #21 for use in hydrocarbon development and related incidental uses. On January 23, 2015, the project sponsor requested that additional authorized water use purposes be approved by the Executive Director in accordance with Special Condition 26 of Commission Docket No. 20120612, which was approved on September 1, 2015. Rausch Creek Land, L.P. submitted an application to the Commission requesting renewal of the withdrawal from Pit #21 on December 7, 2015. This approval authorizes the project sponsor to withdraw from Pit #21 at the requested rates, but does not authorize the project sponsor to consumptively use 0.020 mgd or more (30-day average).

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>	Rausch Creek Land, L.P.
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Past Docket No.:</b>	20120612

<b>Project Information (continued)</b>	
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses, Hydrostatic Testing, and Dust Suppression for Mining, Ash Disposal, and Construction Projects
<b>Municipality:</b>	Porter Township
<b>County:</b>	Schuylkill 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>	Pit #21 (Flooded Coal Strip Pit)
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030506 (Upper Swatara Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 40.618517 N      Long: 76.484061 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 request for a waiver, the project sponsor submitted background information including a detailed groundwater availability analysis and a hydrogeologic description indicating the presence of localized abandoned mine drainage impacts within the project area. Pit #21 is one of several existing flooded coal strip pits located in a large tract of land that was historically extensively strip and deep mined for extraction of coal. To confirm that significant adverse impacts to nearby wetlands would not occur, Commission Docket No. 20120612 required monitoring of wetlands in the vicinity of Pit #21. Because the withdrawal was not initiated, the wetland monitoring was not completed and Commission staff cannot confirm that significant adverse impacts to the wetlands will not occur. Therefore, staff recommends wetland monitoring in accordance with Special Condition 25, below.

Commission staff determined that the withdrawal from Pit #21 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. On June 2, 2017, the Executive Director approved the waiver of the aquifer testing requirements of Commission Regulation 18 CFR § 806.12.

### 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>	0.100
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,000 (Not to Exceed)
gpm – gallons per minute	

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 and Consumptive 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 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. Withdrawal 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 withdrawal, 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. Prior to initiating

withdrawal from Pit #21, the project sponsor shall install and maintain water level monitoring equipment in accordance with Commission Regulation 18 CFR § 806.30. The project sponsor shall notify the Commission, in writing, and submit make, model, serial numbers, and photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring device. The project sponsor shall maintain and monitor the accuracy of the measuring device in accordance with the manufacturer's specifications.

6. The project sponsor shall keep daily records of the project's withdrawal and groundwater elevations for the source listed in Section 3, 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. 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

10. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.



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

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

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

14. 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.

15. 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.

16. 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.

17. 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.

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

19. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal that would exceed the amounts 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 9. Special Conditions**

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 minor modification under Commission Regulation 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

24. The project sponsor 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 a copy of the permit prior to operating the withdrawal. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR § 806.21 and § 806.23.

25. To verify that impacts will not occur as a result of initiating a withdrawal from Pit #21, monitoring of the wetlands immediately north of the pit is required. Within sixty (60) days from the date of this approval and at least thirty (30) days prior to initiating withdrawal from Pit #21, the project sponsor shall implement the approved wetlands monitoring plan. Any modifications proposed for the approved wetland monitoring plan shall be submitted for review and, if appropriate, approval by Commission staff. Modifications to the wetland monitoring plan shall not be made until the project sponsor receives written approval of the amended plan. The project sponsor shall report the results of the wetland monitoring to the Commission as follows:

- a. The project sponsor shall keep wetland elevation data records collected from the piezometers and submit comprehensive annual interpretive reports to the Commission. 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. The project sponsor must notify the Commission within two (2) business days of suspecting or receiving a claim that a significant adverse impact to the wetland may occur or has occurred as a result of the project sponsor's withdrawal.
- b. The interpretive reports must summarize the data collected and document the results of the wetland monitoring. Hydrogeologic evaluations and conclusions regarding the impact of withdrawal to water levels in the piezometers require a professional geologist license in the Commonwealth of Pennsylvania. Monitoring of the wetlands shall continue for a minimum of two (2) years from the date of the initiation of withdrawal from Pit #21. Monitoring may be required for a longer term if any of the following occurs:

- 1) The withdrawal is not operated at or near its approved 30-day average rate;
- 2) Precipitation is average or above average during the monitoring period; or
- 3) Hydrologic conditions are not sufficient for staff to evaluate impacts to the wetlands.

Monitoring of the wetlands in accordance with the approved plan shall continue until Commission staff notifies the project sponsor, in writing, that the wetland monitoring has confirmed that no significant adverse impacts have occurred or will occur, and that the required monitoring may cease.

- c. The interpretive annual reports shall be submitted by September 1 and shall include all data collected through June of the current year.

## Section 10. Term

26. 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.

27. This approval is effective until June 15, 2022. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 15, 2021, 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, 2017.

Dated: June 19, 2017

  
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. 20170611**

**Approval Date: June 16, 2017**

## REPSOL OIL & GAS USA, LLC

**Surface Water Withdrawal (Peak Day) of up to 1.000 mgd  
from Towanda Creek**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of Commission Docket No. 20130311 that was originally approved March 21, 2013, with a peak day withdrawal rate of 1.000 million gallons per day (mgd) and special flow protection requirements. The approval was originally issued to Talisman Energy USA Inc., which underwent a name change to Repsol Oil & Gas USA, LLC, effective December 30, 2016. The project sponsor has not requested any changes to the project. Commission staff recommended special flow protection requirements consistent with 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>	Repsol Oil & Gas USA, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Past Docket No.:</b>	20130311
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Franklin Township
<b>County:</b>	Bradford 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>	Towanda Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010603 (Towanda Creek)
<b>Water Use Designation:</b>	Trout Stocked Fishery (TSF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.697968 N      Long: 76.576991 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 1.5; Average Daily Flow = 153
<b>Drainage Area (square miles):</b>	112
<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)	

### 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>	1.000 (Not to Exceed, When Available)	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,000 (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 01531908; Towanda Creek near Franklindale, 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	37	39
February	39	41
March	--	--
April	--	--
May	54	57
June	19	21
July	8.9	12
August	8.9	12

<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>
September	8.9	12
October	8.9	12
November	25	28
December	41	44
1 cfs = 448.8 gallons per minute (gpm) <span style="float: right;">USGS – U.S. Geological Survey</span> * Flow Protection Threshold <span style="float: right;">-- – No special flow protection required</span>		

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 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

10. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

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

19. 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.

20. 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**

21. Effective July 1, 2017, 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.

22. 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.

23. This approval is contingent on continued operation of the U.S. Geological Survey gage identified in Section 4. Should the U.S. Geological Survey discontinue real-time service of the gage, the project sponsor shall immediately cease operation of the project and seek a determination from the Executive Director regarding a substitute reference gage or modification, or both, to this approval.



24. The date of the last meter certification was March 18, 2016; therefore, the next meter certification is due no later than March 18, 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.

25. Except as authorized pursuant to Special Condition 27, 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).

26. 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 27, including daily quantities supplied.

27. 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 minor modification under Commission Regulation 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

28. 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

29. This approval shall be effective July 1, 2017, and shall remain effective until June 30, 2022. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2021, 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.

30. Commission Docket No. 20130311 shall remain effective through June 30, 2017, 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, 2017.

Dated: June 19, 2017

  
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. 20170612**

**Approval Date: June 16, 2017**

## **SPRING TOWNSHIP WATER AUTHORITY**

**Groundwater Withdrawal (30-Day Average) of  
0.499 mgd from Well PW-2, and  
Total System Withdrawal Limit (30-Day Average) of 0.499 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 significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

The Spring Township Water Authority (Authority) system will include two sources (Wells PW-1 and PW-2 [formerly known as Cerro Test Well #1 or Cerro Well]), both of which are incorporated into the total system limit. According to information provided by the Authority, all other sources, including those previously approved by the Commission or the Pennsylvania Department of Environmental Protection (PADEP), are no longer used by the project. This approval authorizes withdrawals from Well PW-2 at the requested rates and establishes a reduced total system limit based on the 15-year projected demand for the project.

Should demand exceed the total system limit established herein, the project sponsor may request a minor modification in accordance with Commission Regulation 18 CFR § 806.18(c)(7) to increase the total system limit, as the total system limit established herein is based on the 15-year projected demand.

Commission staff has coordinated with 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>	Spring Township Water Authority
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Public Water Supply
<b>Municipality:</b>	Spring Township
<b>County:</b>	Centre 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>	Well PW-2
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020401 (Spring Creek)
<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. A 72-hour, constant-rate aquifer test of Well PW-2 was conducted from March 1 through 3, 2016, pumping at an average rate of 500 gallons per minute (gpm).

Commission staff determined that the withdrawal from Well PW-2 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.499
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	500 (Not to Exceed)
<b>Total System Withdrawal Limit – Wells PW-1 and PW-2 (30-Day Average) (mgd):</b>	0.499
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

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 PW-1	1.440	20030211	February 6, 2028

Previously approved withdrawals under Commission Docket No. 19930905 have been discontinued and are no longer in use.

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

The project no longer utilizes surface water withdrawals or groundwater withdrawals that existed prior to November 11, 1995 or July 13, 1978, respectively.

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

### 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 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 sources listed in Sections 3 and 6. Prior to initiating withdrawals from Well PW-2, the project sponsor shall install and maintain water level monitoring equipment in accordance with Commission Regulation 18 CFR § 806.30. The project sponsor shall notify the Commission, in writing, and submit make, model, serial numbers, and photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall maintain and monitor the accuracy of the measuring devices in accordance with the manufacturer's specifications.

6. The project sponsor shall keep daily records of the project's withdrawal and groundwater elevations for the sources listed in Section 3 and 6, 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

9. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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.

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. 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.

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.

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 that would exceed the amounts listed herein or to add a source 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 9. Special Conditions

21. 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). 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 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 calendar year. If the project sponsor can show that system water losses are below twenty (20) percent for two (2) consecutive calendar years, annual reports for the remainder of the five (5)-year period may no longer be required following written notification from Commission staff.

22. The project sponsor shall adhere to recommendations provided by the United States Fish and Wildlife Service in the April 8, 2016, Pennsylvania Natural Diversity Inventory (PNDI) response for avoiding adverse impact to documented occurrences of threatened or endangered species at or in proximity to the project location. The documented species is the Indiana bat (*Myotis sodalist*).

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).

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 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


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, 2032. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before

December 15, 2031, 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, 2017.

Dated: June 19, 2017

  
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. 20170613**

**Approval Date: June 16, 2017**

## **WARREN MARCELLUS LLC**

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

This approval is a renewal and modification of Commission Docket No. 20130305 that was originally approved March 21, 2013, with a peak day withdrawal rate of 1.000 million gallons per day (mgd) and no special flow protection requirements. The approval was originally issued to Citrus Energy and transferred to Warren Marcellus LLC, effective September 24, 2014. The project sponsor has requested a reduction in the peak day withdrawal from 1.000 mgd to 0.999 mgd, and an increase in the instantaneous withdrawal rate from 1,385 gallons per minute (gpm) to 1,388 gpm. Following technical review, and consistent with applicable regulatory standards, Commission staff recommended that the requested increased instantaneous withdrawal rate of 1,388 gpm be approved, herein referred to as the modified rate. Commission staff also recommended special flow protection requirements consistent with 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>	Warren Marcellus LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Past Docket No.:</b>	20130305
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Washington 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.

<b>Source Information</b>	
<b>Approved Source:</b>	Susquehanna River
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010614 (Lower Susquehanna River)
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.568065 N      Long: 76.036389 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 659; Average Daily Flow = 13,100
<b>Impairment:</b>	Mercury; Polychlorinated Biphenyl (PCB)
<b>Drainage Area (square miles):</b>	8,870
<b>Aquatic Resource Class*:</b>	6
<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>	0.999 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,388 (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 01533400; Susquehanna River at Meshoppen, 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	--	--
February	--	--
March	--	--
April	--	--
May	--	--
June	--	--
July	1,140	1,130
August	837	827
September	801	791
October	1,050	1,040
November	--	--
December	--	--
1 cfs = 448.8 gpm		USGS – U.S. Geological Survey
* Flow Protection Threshold		-- – No special flow protection required

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 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

10. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

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

19. 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.

20. 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**

21. Effective July 1, 2017, 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.

22. 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.

23. The date of the last meter certification was February 16, 2016; therefore, the next meter certification is due no later than February 16, 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. The project is fully constructed and no physical changes are proposed. However, if changes are proposed or maintenance requires instream work, the project sponsor should adhere to recommendations provided by PFBC in the August 22, 2016, Pennsylvania Natural Diversity Inventory (PNDI) response for avoiding adverse impact to documented occurrences of rare species at or in proximity to the project location. The documented species are the elktoe mussel (*Alasmidonta marginata*), triangle floater mussel (*Alasmidonta undulata*), and green floater mussel (*Lasmigona subviridis*).

25. Except as authorized pursuant to Special Condition 27, 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).

26. 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 27, including daily quantities supplied.

27. 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 minor modification under Commission Regulation 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

28. 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**

29. This approval shall be effective July 1, 2017, and shall remain effective until June 30, 2022. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2021, 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.

30. Commission Docket No. 20130305 shall remain effective through June 30, 2017, 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, 2017.

Dated: June 19, 2017

  
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. 20060304-1**

**Approval Date: March 15, 2006**

**Modification Date: June 16, 2017**

## CITY OF DUBOIS

**Surface Water Withdrawal (Peak Day) of up to 3.000 mgd,  
Consumptive Use (Peak Day) of up to 3.000 mgd, and  
Out-of-Basin Diversion (Peak Day) of up to 3.000 mgd  
from Anderson Creek Reservoir to the Ohio River Basin**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

The City of DuBois's diversion of up to 3.000 million gallons per day (mgd) from the Anderson Creek Reservoir on Anderson Creek is recognized in the Commission's Comprehensive Plan as an authorized "pre-Compact" diversion. The expansion of the project sponsor's service of bulk supply to Falls Creek Borough Municipal Authority (FCBMA) is not covered by the pre-Compact authorization and is subject to Commission review and approval.

This modification approval authorizes the expansion of service area through interconnection and bulk water supply to FCBMA, which is consistent with the decision resulting from an engineering analysis completed in accordance with a Consent Order Agreement (COA) between the Pennsylvania Department of Environmental Protection (PADEP) and FCBMA.

The project maintains the diversion of water from Anderson Creek Reservoir in Union Township, Clearfield County, from the Susquehanna River Basin to the Ohio River Basin for public water supply. The project sponsor has not requested changes to the quantity of the diversion of water from the basin or increases to the withdrawal from Anderson Creek Reservoir as part of this modification. The withdrawal, diversion, and consumptive use quantities identified in the existing approval will remain effective.

Commission staff has coordinated with 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>	City of Dubois
<b>Approval Types:</b>	Surface Water Withdrawal, Consumptive Use, and Out-of-Basin Diversion to the Ohio River Basin
<b>Original Docket No.:</b>	20060304
<b>Authorized Water Use Purpose:</b>	Public Water Supply
<b>Municipality:</b>	Union Township
<b>County:</b>	Clearfield County
<b>State:</b>	Pennsylvania

## Section 3. Source Information

Information concerning the source of water from which the out-of-basin diversion will be made is set forth in the table below.

<b>Source Information</b>	
<b>Approved Source:</b>	Anderson Creek Reservoir
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020102 (Anderson Creek)
<b>Withdrawal Location (degrees)*:</b>	Lat: -- Long: --
* Specific location information concerning discrete water-related project features has been withheld for security reasons.	

## Section 4. Approved Out-of-Basin Diversion Quantities and Limitations

The out-of-basin diversion approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Out-of-Basin Diversion Quantities and Limitations</b>	
<b>Peak Day Diversion Amount (mgd):</b>	3.000 (Not to Exceed)

The out-of-basin diversion is also subject to all other conditions set forth in this docket approval.

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

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

<b>Approved Consumptive Use Quantities and Limitations</b>	
<b>Source for Project Consumptive Use:</b>	Anderson Creek Reservoir
<b>Peak Day Consumptive Use Amount (mgd):</b>	3.000 (Not to Exceed)
<b>Authorized Project Consumptive Use:</b>	Public Water Supply
<b>Consumptive Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

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

### Section 6. Existing Approved Withdrawal and Consumptive Use

Quantities applicable to the existing approved withdrawal and consumptive use are listed in the tables below.

<b>Existing Approved Surface Water Withdrawal</b>			
<b>Source</b>	<b>Peak Day Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Anderson Creek Reservoir	3.000	20060304	March 15, 2031

<b>Existing Approved Consumptive Use</b>			
<b>Source</b>	<b>Peak Day Consumptive Use (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Anderson Creek Reservoir	3.000	20060304	March 15, 2031

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

The project sponsor does not maintain grandfathered status for any withdrawal sources at this project site.

Quantities applicable to the project sponsor’s grandfathering determination for existing consumptive use are listed in the table below.

<b>Grandfathered Consumptive Use</b>		
<b>Consumptive Use</b>	<b>Source</b>	<b>Peak Day Consumptive Use (mgd)</b>
Public Water Supply for Pre-1971 Service Area	Anderson Creek Reservoir	2.500

The grandfathered quantity identified in the table above is based on information submitted by the project sponsor that was reviewed by the Commission under Commission Docket No. 20060304, approved on March 15, 2006. The grandfathered quantity or the grandfathered status is subject to change if information becomes available that demonstrates consumptive use occurred at rates that are inconsistent with the data submitted and utilized to support this determination.

## **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 that accounts for all water withdrawn, consumptively used, and diverted out of the Susquehanna River Basin 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 diversions, 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, consumptive use, and diversion and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and approval by Commission staff in accordance with 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. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

8. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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

15. 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.

16. The project sponsor is required to apply for and obtain approval prior to any increase in the diversion, withdrawal, or consumptive use that would exceed the amounts listed herein.

## Section 9. Special Conditions

17. Decision Items 4, 7, 8, 9, 12, 15, 16, and 17 of Commission Docket No. 20060304 are hereby rescinded.

18. Prior to any expansion of service areas located outside of the Susquehanna River Basin, beyond the existing service areas of the City of DuBois, Sandy Township, Sykesville Borough, Union Township Municipal Authority, and FCBMA, the project sponsor shall apply for, and obtain approval of, modification of this docket.

19. The project's consumptive water use as calculated in accordance with the approved metering plan is subject to mitigation requirements, as per Commission Regulation 18 CFR §806.22(b). For the purposes of this project, 2,500 mgd of consumptive use within the project sponsor's pre-Compact service area (City of DuBois, Sandy Township, and Sykesville Borough) is considered to be grandfathered and is not subject to consumptive use mitigation requirements. Water consumptively used within the pre-Compact service area in excess of the grandfathered quantity, and all water consumptively used outside the pre-Compact service area (Union Township Municipal Authority and FCBMA), is subject to mitigation requirements. 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.

20. The date of the last meter certification for the raw water line meter was April 16, 2015, and the date for the meter to supply bulk sales to Union Township Municipal Authority was May 28, 2015; therefore, the next meter certifications are due no later than May 28, 2020. Thereafter, 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.

21. Prior to any bulk supply to FCBMA, the project sponsor shall install and maintain metering on the interconnection 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 within five (5) percent of actual flow. Bulk supply shall not commence until Commission staff has approved the implementation of the approved metering plan and notified the project sponsor of such approval.

22. All other limitations and conditions in Commission Docket No. 20060304 not inconsistent herewith shall remain effective.

**Section 10. Term**

23. This modified approval shall be effective July 1, 2017. The term of Commission Docket Nos. 20060304 and 20060304-1 shall remain effective until March 15, 2031. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an application on or before September 14, 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, 2017.

Dated: June 19, 2017

  
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. 20141216-2**

**Approval Date: December 5, 2014**

**Modification Date: December 4, 2015**

**Modification Date: June 16, 2017**

## **SENECA RESOURCES CORPORATION**

**Into-Basin Diversion (Peak Day) of up to 3.021 mgd  
from SRC Wells 5H and 6H; Clermont Wells 1, 2, 3, and 4;  
Clermont North Wells 1, 2, and 3; and Clermont South Wells 7 and 10  
in the Ohio River Basin**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

This approval is a modification of Commission Docket No. 20141216 that was originally approved December 5, 2014, with a peak day into-basin diversion rate of 1.473 million gallons per day (mgd) from five wells located within the Ohio River Basin. The approval was subsequently modified December 4, 2015, as Commission Docket No. 20141216-1 to increase the peak day into-basin diversion to 1.977 mgd and to add two source wells, also within the Ohio River Basin. The project sponsor has requested to add four source wells (Clermont North Wells 1 and 3, and Clermont South Wells 7 and 10), also within the Ohio River Basin, and to increase the peak day diversion limit. Following technical review, and consistent with applicable regulatory standards, Commission staff recommended that the addition of the four source wells and the approved peak day diversion be increased to 3.021 mgd. Commission staff also recommended that Commission Docket No. 20141216-1 be rescinded due to those modifications being incorporated into this approval. Consistent with Commission Resolution No. 2017-02, the term of this approval is being modified to 5 years from the original approval date.

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.

SRC Wells 5H and 6H; Clermont Wells 1, 2, 3, and 4;  
 Clermont North Wells 1, 2, and 3; and Clermont South Wells 7 and 10  
 Into-Basin Diversion from the Ohio River Basin

**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>	Seneca Resources Corporation
<b>Approval Type:</b>	Into-Basin Diversion from the Ohio River Basin
<b>Original Docket Nos.:</b>	20141216 and 20141216-1
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development (Downhole Use Only)
<b>Municipality:</b>	Sergeant and Norwich Townships
<b>County:</b>	McKean County
<b>State:</b>	Pennsylvania

**Section 3. Source Information**

Information concerning the sources of water from which the into-basin diversion will be made is set forth in the table below.

<b>Source Information</b>	
<b>Approved Sources:</b>	SRC Wells 5H and 6H; Clermont Wells 1, 2, 3, and 4; Clermont North Wells 1, 2, and 3; Clermont South Wells 7 and 10
<b>Basin:</b>	Ohio River Basin
<b>Watershed Boundary Dataset (WBD):</b>	
SRC Well 5H	0501000501 (East Branch Clarion River)
SRC Well 6H	0501000501 (East Branch Clarion River)
Clermont Well 1	0501000101 (Potato Creek)
Clermont Well 2	0501000101 (Potato Creek)
Clermont Well 3	0501000101 (Potato Creek)
Clermont Well 4	0501000501 (East Branch Clarion River)
Clermont North Well 1	0501000101 (Potato Creek)
Clermont North Well 2	0501000101 (Potato Creek)
Clermont North Well 3	0501000101 (Potato Creek)
Clermont South Well 7	0501000101 (Potato Creek)
Clermont South Well 10	0501000501 (East Branch Clarion River)
<b>Withdrawal Location (degrees):</b>	
SRC Well 5H	Lat: 41.679167 N      Long: 78.502861 W
SRC Well 6H	Lat: 41.678444 N      Long: 78.498389 W
Clermont Well 1	Lat: 41.616739 N      Long: 78.442368 W



SRC Wells 5H and 6H; Clermont Wells 1, 2, 3, and 4;  
 Clermont North Wells 1, 2, and 3; and Clermont South Wells 7 and 10  
 Into-Basin Diversion from the Ohio River Basin

<b>Source Information (continued)</b>		
<b>Withdrawal Location (degrees) (cont'd):</b>		
Clermont Well 2	Lat: 41.611389 N	Long: 78.447444 W
Clermont Well 3	Lat: 41.619723 N	Long: 78.438882 W
Clermont Well 4	Lat: 41.681392 N	Long: 78.497136 W
Clermont North Well 1	Lat: 41.704258 N	Long: 78.499881 W
Clermont North Well 2	Lat: 41.704422 N	Long: 78.498422 W
Clermont North Well 3	Lat: 41.704281 N	Long: 78.496422 W
Clermont South Well 7	Lat: 41.666100 N	Long: 78.486128 W
Clermont South Well 10	Lat: 41.660917 N	Long: 78.503397 W
<b>Impairment:</b>	All sources exhibit iron concentrations exceeding Title 25 Pa. Code Chapter 93 Water Quality Standards	

**Section 4. Approved Into-Basin Diversion Quantities and Limitations**

The into-basin diversion approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Into-Basin Diversion Quantities and Limitations</b>	
<b>Peak Day Diversion Amount (mgd):</b>	3.021 (Not to Exceed)

The into-basin diversion is also subject to all other conditions set forth in this docket approval.

**Section 5. Standard Conditions**

1. The project sponsor shall maintain metering that accounts for all water diverted into the Susquehanna River Basin in accordance with Commission Regulation 18 CFR § 806.30.

2. The project sponsor shall keep daily records of the project’s diversion and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and approval by Commission staff in accordance with 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.

3. In accordance with Commission Regulation 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities

SRC Wells 5H and 6H; Clermont Wells 1, 2, 3, and 4;  
Clermont North Wells 1, 2, and 3; and Clermont South Wells 7 and 10  
Into-Basin Diversion from the Ohio River Basin

required under Commission Regulation 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

4. In accordance with Commission Regulation 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of this approval to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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

## **Section 6. Special Conditions**

6. Conditions 5, 18, and 21 of Commission Docket No. 20141216 are hereby rescinded.

7. 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 of the project. All such permits and/or approvals shall be obtained prior to activating the four new sources approved herein. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

8. The date of the last meter certification was November 21, 2014; therefore, the next meter certification is due no later than November 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.

9. All other limitations and conditions in Commission Docket No. 20141216 not inconsistent herewith shall remain effective.

10. 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 minor modification under Commission Regulation 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

## **Section 7. Term**

11. Commission Docket No. 20141216-1 shall remain effective through June 30, 2017, whereupon it shall be rescinded.

12. This modified approval shall be effective July 1, 2017. The term of Commission Docket Nos. 20141216 and 20141216-2 shall remain effective until December 4, 2019. As specified in Commission Regulation 18 CFR § 806.31(e), if the project sponsor submits an

**Seneca Resources Corporation**


**Docket No. 20141216-2**

SRC Wells 5H and 6H; Clermont Wells 1, 2, 3, and 4;  
Clermont North Wells 1, 2, and 3; and Clermont South Wells 7 and 10  
Into-Basin Diversion from the Ohio River Basin

application on or before June 4, 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, 2017.

Dated: June 19, 2017

  
Stephanie L. Richardson

RESOLUTION NO. 2017-08

A RESOLUTION of the Susquehanna River Basin Commission (the “Commission”) adopting a Water Resources Program for Fiscal Years 2018-2019.

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

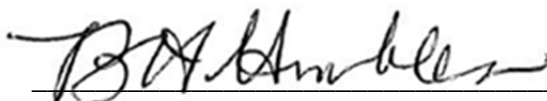
WHEREAS, the Commission annually requests input to the Water Resources Program from member jurisdictions and many other governmental and non-governmental interests; and

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 2018-2019.

NOW THEREFORE BE IT RESOLVED THAT:

1. The accompanying document titled “Water Resources Program, Susquehanna River Basin Commission (Fiscal Years 2018-2019)” 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, 2017

  
 \_\_\_\_\_  
 Ben Grumbles, Chair  
 Maryland

RESOLUTION NO. 2017-09

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 2018-2019) and all water resources projects approved by the Commission from July 2016 through June 2017.

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 2018-2019) was adopted by Resolution 2017-09 on June 16, 2017; 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 11, 2017, 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 22, 2017.

NOW THEREFORE BE IT RESOLVED THAT:

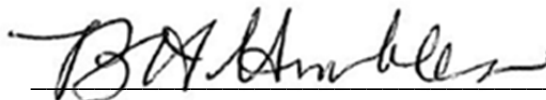
1. The Commission hereby incorporates the Water Resources Program (FY 2018-2019) into the Comprehensive Plan.

2. The Commission further incorporates all water resources projects approved by the Commission from July 2016 through June 2017 into the Comprehensive Plan.

3. Staff is directed to file copies of these 2017 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, 2017

  
\_\_\_\_\_  
Ben Grumbles, Chair  
Maryland