



SUSQUEHANNA RIVER
BASIN COMMISSION

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NY ■ PA ■ MD ■ USA

August 24, 2020

Mr. Kirk Elkin, Director
Diversified Production LLC
101 McQuiston Drive
Jackson Center, PA 16133

Re: Notice of Transfer of Approval;
from EQT Production Company to Diversified Production LLC;
One Docket Approval and Eight Approvals by Rule (see Table 1)

Dear Mr. Elkin:

The Susquehanna River Basin Commission (Commission) received a Request for Transfer of Approval (Commission Form #86) on July 23, 2020, for one Commission Docket approval and eight Approvals by Rule (see Table 1). This request indicated the change in ownership was effective July 6, 2020, from EQT Production Company to Diversified Production LLC (Diversified). Upon review of the projects and the submitted request for transfer, it was determined that the request is in compliance with the regulations and consistent with 18 CFR § 806.6(a). Therefore, the approvals listed on Table 1 are hereby transferred effective August 24, 2020.

Copies of the approvals listed on Table 1 are available on the Commission's Water Application and Approval Viewer (WAAV) at www.srbc.net/waav.

Please note that Diversified may operate under the terms and conditions of the transferred approvals not inconsistent with the conditions of this transfer, provided that:

1. Within 120 days from approval of this transfer request, Diversified shall post updated signage that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website (www.srbc.net), along with example sign templates for reference. The signage shall be maintained for the duration of the approvals. Such signs 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 Diversified 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. Diversified shall submit photographs as proof of installation of the updated signage.

2. In accordance with the Commission's Regulatory Program Fee Schedule, these facilities continue to be subject to the Annual Compliance and Monitoring fee (ACMF). The ACMF is contained in the Regulatory Program Fee Schedule, which may be modified over the term of the approvals. The ACMF will be invoiced separately.

Outstanding post-approval items should be submitted electronically via the Monitoring Data Website (MDW). If you have any questions regarding the submittal of post-approval conditions, please feel free to contact Steve McFeaters at (717) 238-0423, extension 1225, or via e-mail at samcfeaters@srbc.net.

Please be advised that, under 18 CFR § 808.11, you have a duty to comply with all provisions of the Susquehanna River Basin Compact (Compact), as well as the Commission's rules, regulations, orders, approvals, conditions of approval, and any other requirements of the Commission. It is your obligation to fulfill all conditions of this approval within the specified time limits and provide written notification to the Commission, as appropriate, and comply with all conditions set forth therein. Failure to meet any term or condition within the specified time may subject you to enforcement action and imposition of civil penalties pursuant to 18 CFR Part 808, Subpart B, and Section 15.17 of the Compact. Penalties range from \$50 to \$1,000 per day, per condition (which includes exceeding approved quantities), with every day being a separate offense.

Pursuant to 18 CFR § 808.2 relating to administrative appeals, any appeal to this action must be made to the Commission within 30 days of receipt of this notice. All appeals must be made in writing on the Commission's Notice of Appeal form and conform to the requirements of 18 CFR § 808.2. Pursuant to 18 CFR § 808.2(i), an appeal made under this section stays the commencement of the 90-day appeal period to Federal Court contained in Section 3.10(6) of the Compact.

Should you have any questions, please contact Todd Eaby, Manager of Project Review, at (717) 238-0423, extension 1234, or via e-mail at teaby@srbc.net.

Sincerely,



Andrew D. Dehoff
Executive Director

Enclosure: Table 1

cc: Paul Espenan – Diversified Production LLC
Christopher Yeakel – PADEP-Williamsport, PA

Table 1

List of SRBC Docket and Approval by Rule Numbers
Approved for Transfer from EQT Production Company to Diversified Production LLC

Docket/ABR #	Source/Pad Name	Municipality	County/State	Type of Approval
ABR-20090802.R2	Hurd	Ferguson Township	Clearfield/PA	Consumptive Use
ABR-201011061.R1	Longhorn C-1 (WDV1)	Jay Township	Elk/PA	Consumptive Use
ABR-201006114.R1	Phoenix C	Duncan Township	Tioga/PA	Consumptive Use
ABR-201008130.R1	Phoenix E	Duncan Township	Tioga/PA	Consumptive Use
ABR-201011057.R1	Phoenix R	Duncan Township	Tioga/PA	Consumptive Use
ABR-201012009.R1	Phoenix S	Duncan Township	Tioga/PA	Consumptive Use
ABR-201107040.R1	Turkey	Huston Township	Clearfield/PA	Consumptive Use
ABR-201102024.R1	Whippoorwill	Shippen Township	Cameron/PA	Consumptive Use
20200302	Wilson Creek	Duncan Township	Tioga/PA	Surface Water



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20200302

Approval Date: March 13, 2020

EQT PRODUCTION COMPANY

**Surface Water Withdrawal (Peak Day), Variable, of up to 0.720 mgd
from Wilson 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. 20160305 that was approved March 10, 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.

Project Information	
Project Sponsor:	EQT Production Company
Approval Type:	Surface Water Withdrawal
Past Docket No.:	20160305
Authorized Water Use Purpose:	Hydrocarbon Development and Related Incidental Uses
Municipality:	Duncan Township
County:	Tioga County
State:	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	
Approved Source:	Wilson Creek
Subbasin:	West Branch Susquehanna
Watershed Boundary Dataset (WBD):	0205020504 (Babb Creek)
Water Use Designation:	Cold Water Fishery (CWF)
Withdrawal Location (degrees):	Lat: 41.620783 N Long: 77.293140 W
Site Flow Statistics (cfs):	Q7-10 = 0.41; Average Daily Flow = 30.0
Drainage Area (square miles):	19.2
Aquatic Resource Class*:	2
Special Flow Protection Required:	Yes
cfs – cubic feet per second	
* Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals)	

Section 4. Approved Withdrawal Quantities and Limitations

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

Approved Withdrawal Quantities and Limitations				
Peak Day Withdrawal Amount (mgd):	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
Maximum Instantaneous Withdrawal Rate (gpm):	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
Flow Protection Type:	Seasonal passby expressed as monthly values			
Method for Monitoring Flow Protection:	Off-site monitoring of USGS Real-Time Gage 01549500; Blockhouse Creek near English Center, Pennsylvania			
Withdrawal and Passby Schedule:				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
January	0.720	500	8.6	20
February	0.720	500	10	23
March	0.720	500	21	45
April	0.720	500	24	51

Approved Withdrawal Quantities and Limitations (continued)				
Withdrawal and Passby Schedule:				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
May	0.720	500	14	30
June	0.720	500	5.6	14
July	0.417	289	2.6	6.4
August	0.237	164	1.5	3.7
September	0.205	142	1.3	3.2
October	0.360	250	2.2	5.5
November	0.720	500	7.1	17
December	0.720	500	12	26
mgd – million gallons per day		USGS – U.S. Geological Survey		
1 cfs = 448.8 gallons per minute (gpm)		* Flow Protection Threshold		

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

Section 5. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the Annual Compliance and Monitoring fee as specified in the Commission’s Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with 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 18 CFR § 806.30. The project sponsor shall notify the Commission, in writing, and submit photographs of the meter when it has been installed, provide the serial number of the meter, and certify the accuracy of the measuring device to within five (5) percent of actual flow. Withdrawals shall not commence until Commission staff has approved the implementation of the approved metering plan and notified the project sponsor of such approval.

4. The project sponsor shall maintain the totalizing meter and other flow and volume measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, and certify to the Commission once every five (5) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

5. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff. 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 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 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), 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 18 CFR § 808.12.

9. In accordance with 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 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

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

11. The project sponsor shall comply with the water conservation requirements specified in 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 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 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. Effective April 1, 2020, 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. Except as authorized pursuant to Special Condition 24, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered or received approval pursuant to 18 CFR § 806.22(f), as applicable.

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

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

25. 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

26. This approval shall be effective April 1, 2020, and shall remain effective until March 31, 2025. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before September 30, 2024, 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.

27. Commission Docket No. 20160305 shall remain effective through March 31, 2020, whereupon it shall expire.

CERTIFICATION: I, Jason E. Oyler, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on March 13, 2020.

Dated: March 16, 2020



Jason E. Oyler, Esq.