

# ENSURING COMPLIANCE AND ENFORCEMENT WITH COMMISSION REGULATIONS

## OVERVIEW

The Susquehanna River Basin Compact established the Susquehanna River Basin Commission (Commission) to manage the water resources of the Susquehanna River Basin, which includes the regulation of large water users that meet specific water withdrawal and consumptive water use criteria. To maintain and enforce Commission regulations and approved permit (docket) conditions, the Commission has dedicated staff that conduct random and routine inspections, audits, responds to complaints, and contacts facilities that may need to apply for Commission approval.

## COMPLIANCE ACTIVITIES

### *Inspections and Audits*

Compliance staff are trained to inspect and audit facilities and to identify instances of non-compliance such as operating without Commission approval and deficient or delinquent metering, monitoring, record-keeping, quarterly reporting, and payments.



*Staff checks a meter reading during a routine inspection.*

Compliance staff utilizes database records and observations at facility locations that are then cross-referenced with approved dockets and Approval By Rule (ABR) to determine compliance status.

### *Complaints*

Anyone may contact the Commission to report potential unauthorized water use or withdrawals. Compliance staff investigates all complaints to attempt to identify the nature of any suspected violations. This may include unannounced inspections and direct correspondence with unauthorized facility.

### *Facilities that Need Commission Approval*

While the responsibility to submit an application with the Commission lies with the owner of a facility, Compliance staff is tasked with reaching out to companies or industries that do not have Commission approval, but may be required to submit an application based on water use, project size, type, and location. When these sites are identified, Compliance staff drafts and sends a *May Need to Apply Letter*. Commission staff then works to determine whether or not applications are necessary based on historical, current, and projected water needs.

### *Docket Conditions*

For every docket approval the Commission issues, standard and special conditions may be included to certify the facility operates in compliance with regulations and without harming other water users or the environment. On a regular basis, Compliance staff reviews approved dockets to certify that facilities are meeting standards for monitoring their water use activities and mitigating any adverse impacts the facility may have on the water resources of the Basin.

### *On-line Data Portal*

The Commission updates and maintains a web-based portal that is tied to the Commission's internal database and used by approved facilities to submit quarterly monitoring data as well as other reports associated with docket conditions. Compliance staff reviews the data and compares it against approved limits and Commission regulations to ensure compliance.



*Staff inspects a surface water withdrawal intake and metering equipment.*

## ACHIEVING COMPLIANCE THROUGH ENFORCEMENT

The Commission has, at its discretion, a variety of tools that may be utilized by Compliance staff in cases where voluntary compliance is not achieved and/or where significant non-compliance occurs.

### *Delinquency Notices*

As a first course of action, *Delinquency Notices* are issued to notify a project of non-compliance with requirements ranging from untimely reporting to late payments. Facilities may also receive *Delinquency Notices* pertaining to inadequate or past due post-approval condition submittals.

### *Notices of Violation*

A *Notice of Violation* (NOV) is issued when violations of Commission regulations and/or approved docket conditions are identified. These violations can include, but are not limited to, exceeding approved withdrawal or consumptive use limits, failure to meet minimum stream flow protection requirements, reporting discrepancies, and failure to install and/or maintain required metering or monitoring equipment. NOV's often require the project to meet with Commission staff, complete corrective actions, and demonstrate that steps have been taken to prevent future violations.



*Staff inspects a quarry withdrawal.*

### *Settlement Agreements, Consent Orders, and Penalties*

Compliance staff may close a NOV as a result of a project's corrective actions or work with facilities to enter into a *Settlement Agreement* and/or a *Consent Order and Agreement*. Generally, cases where facilities have a history of non-compliance or have committed more serious violations of Commission regulations result in *Settlement Agreements* and/or *Consent Order Agreements*. These agreements act as mechanisms to resolve instances of past or on-going non-compliance and allow for facilities to continue operating until corrective actions can be taken. A majority

of enforcement actions are successfully resolved through settlement agreements. However, when a settlement agreement cannot be reached, the Commission may rely on more severe civil penalties to resolve violations, which can range between \$50 and \$1,000 per day per violation.

### *Cease and Desist Orders*

*Cease and Desist Orders* are drafted by Compliance staff and issued by the Executive Director in cases where immediate cessation of facility operations is necessary to prevent or halt environmental harm, adverse impacts to water resources, or violations of Commission regulations, including operating without Commission approval.

### *Notices to Appear and Show Cause*

Compliance staff issues *Notices to Appear and Show Cause* when all other administrative and enforcement avenues have been exhausted and a resolution for violations cannot be reached between Commission staff and a facility. When issued a *Notice to Appear and Show Cause*, addressing violations of Commission regulations and/or approval conditions is handled directly by and between the Commissioners and the facility.



*Staff discussing a proposed flow meter location.*