



GP-02 GROUNDWATER WITHDRAWALS FOR EMERGENCY USES OR MAINTENANCE ACTIVITIES FACT SHEET

Purpose

The purpose of this fact sheet is to define a General Permit (GP-02) and explain the scope, conditions, and administrative processes associated with obtaining coverage.

In compliance with the provisions of the Susquehanna River Basin Compact, and its regulations at 18 C.F.R. § 806.17, the Susquehanna River Basin Commission (Commission) has approved the withdrawal of groundwater from wells for: 1) emergency uses; or 2) maintenance activities under GP-02.

What is a General Permit?

A General Permit is a permit issued by the Commission in lieu of an individual approval for a specific category of projects that the Commission regulates. A General Permit covers a type of activity that can operate under the same conditions and will result in minimal adverse impacts to the water resources of the Susquehanna River Basin.

The General Permit process has several benefits for the regulated community:

- Established criteria for qualification to operate under the General Permit.
- Established conditions of operation under the General Permit.
- Streamlined application and review process, resulting in quicker permit decisions.
- Lower application fees.

Scope of General Permit (GP-02)

GP-02 is designed to provide a pathway for projects that require temporary groundwater withdrawals, generally from back-up wells, to address an emergency or maintenance activity. Under current regulations, these wells are subject to the full review under 18 C.F.R. Part 806. For drinking water wells, they must also be fully permitted under the Safe Drinking Water laws and regulations of our member jurisdictions.

Applicability to All Projects

GP-02 allows for and encourages proactive planning for how a project conducts and maintains operations during emergency or maintenance outages with primary water sources.

Applicability to Public Water Supplies

In addition to the applicability for all projects, GP-02 would reduce the Commission's role for public water supply wells needed solely for emergency or maintenance activities, deferring to the member jurisdiction's safe drinking water permits being the primary source of regulation.

Each of the Commission's member jurisdictions has different terminology for a "back-up" well in the context of public water supplies. In Pennsylvania, the wells permitted by the Department of Environmental Protection for public water supplies are *permanent* or *reserve wells*. Public water supplies in New York, as permitted by the Department of Health's Bureau of Water Supply Protection, can have *back-up or auxiliary wells* in addition to primary source wells. In Maryland, public water supplies can have *back-up supplies* in addition to primary sources, as permitted by the Maryland Department of the Environment.

This GP-02 uses **back-up well** as an umbrella term under which Pennsylvania's *reserve wells*, New York's *back-up or auxiliary wells*, and Maryland's *back-up supplies* are covered in the scenarios below.

GP-02 addresses six withdrawal scenarios, five of which pertain to emergency uses:

1. Emergency groundwater withdrawal from an unapproved well at a Commission-approved project, provided the approved system cap, if any, is not exceeded.
2. Emergency groundwater withdrawal from an unapproved small capacity well. A small capacity well provides for a withdrawal of 20,000 gallons or less per day over a consecutive 30-day average.
3. Emergency increase in groundwater withdrawal from an approved well, consistent with its state Safe Drinking Water permit, if applicable.
4. Emergency or maintenance activity groundwater withdrawal from a well to be used as a source of water for a regulated consumptive use.
5. Emergency groundwater withdrawal from an unapproved well to extinguish a mine fire.
6. A non-routine groundwater withdrawal, generally from a back-up, reserve, or auxiliary well, used to offset capacity lost to maintain water supply while performing maintenance activities on an existing primary, Commission-approved source, project, or related equipment.

Surface water withdrawals are not included for coverage by GP-02 and are required to proceed through the individual or Emergency Certificate approval process.

Administrative Process

A project sponsor can review this process and decide if their activity fits within the six activities covered by GP-02. If the project does, the project sponsor may request permission to operate

under GP-02 by filing a Notice of Intent (NOI) to the Commission. The NOI is a short application form that the project sponsor fills out with basic project information, and can be found on the Commission's website. The Commission will publish every NOI on its website. There is a 30-day public comment period for every NOI published on the Commission's website.

Commission staff reviews the NOI for completeness. Upon close of the public comment period and after review of comments received, the Executive Director of the Commission then determines if an Approval of Coverage to operate under GP-02 may be issued to the project sponsor. Notice of approval or denial of coverage will be published in the Federal Register.

Fee

The NOI fee for coverage under GP-02 is \$3,000, which includes review of the project's Contingency Plan and project details. This fee may change with annual updates to the Commission's Regulatory Program Fee Schedule.

Term

GP-02 has a term of 15 years, in keeping with Commission regulations at 18 C.F.R. § 806.31 *Terms of Approvals* where projects generally have a term of 15 years. GP-02 is effective October 1, 2023, and the term ends on October 31, 2038.

Activities Not Approved by GP-02

The following activities are **examples** of projects that are not approved under GP-02:

- Withdrawals from wells for a routine use at a permanent facility unrelated to maintenance activities or emergency withdrawals.
- Withdrawals from wells for use in unconventional hydrocarbon development.
- Withdrawals from Commission-approved wells having protective conditions, including but not limited to a passby, conservation release, drawdown limit, seasonal limitations, or requiring monitoring of wetlands or private supply wells.
- Withdrawals from wells that increase the system capacity above a Commission-established total system limit.
- Except for small capacity wells, withdrawals from wells as follows:
 - Any withdrawal within 500 feet of other groundwater users;
 - 0.020 million gallons per day (mgd) to 0.100 mgd – within 200 feet of exceptional quality waters; or
 - Greater than 0.100 mgd – within 500 feet of exceptional quality waters.
- Withdrawals from a spring.
- Withdrawals from surface water sources.
- Projects without Commission-approved consumptive use that will exceed 20,000 gallons per day (gpd) (consecutive 30-day average) of consumptive use.

Conditions

GP-02 contains General Conditions for the withdrawal of groundwater for emergency use or maintenance activities, and three specific conditions for the consumptive use of that water at Commission-approved consumptive use projects.

Given that the Commission is proposing a more streamlined review for these types of wells and activities, it is vitally important that project sponsors have their state law permits in place. Accordingly, the GP-02 is conditioned upon “the project sponsor 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 Commission may modify, suspend, or revoke this General Permit if the project sponsor fails to obtain or maintain such permits and/or approvals.”

The General Conditions are outlined in GP-02, and **examples** of those conditions are:

- With the exception of emergency activities for a mine fire, a project generally shall not exceed 60 days.
- The project sponsor shall adhere to the Contingency Plan submitted with the NOI and approved by Commission staff.
- The project shall adhere to its metering plan.
- The project sponsor shall keep daily records of the project’s withdrawal and shall report the data to the Commission.
- Commission staff shall have project site access for inspection and monitoring activities without advance notice.
- Once emergency or maintenance activities begin, the project sponsor shall notify Commission staff within 2 days of activity commencement.
- Within 2 days of completion of the emergency or maintenance activity withdrawal, the project sponsor shall file a Notice of End of Operations and file the required metering data with the Commission.
- The project sponsor must report violations within 5 days of the violation.
- At any time during emergency use or maintenance activity, the project sponsor retains the option of transitioning the Approval of Coverage to an individual approval.
- Nothing in GP-02 precludes a project sponsor from applying for an Emergency Certificate, and in some scenarios, may be eventually required to apply for one.

The specific conditions for consumptive use are outlined in GP-02 and are:

- The emergency or maintenance activity withdrawal quantity shall be limited to no more than the consumptive use quantity approved and required to effectively achieve the primary purpose of the project.
- Consumptive use of water for emergency activities associated with a mine fire are approved under this General Permit.
- All other conditions of the consumptive use approval shall apply.