

RESOLUTION NO. 2012-01

A RESOLUTION of the Susquehanna River Basin Commission establishing a policy to encourage and require the use and reuse of lesser quality water.

WHEREAS, the Susquehanna River Basin Commission (the “Commission”) has always encouraged the use (or reuse) of the lowest quality water that will satisfy a proposed use, particularly when that use is consumptive with respect to the waters of the Susquehanna River Basin (the “basin”); and

WHEREAS, it has been the practice of Commission staff during the project review process to encourage project sponsors to consider the use and reuse of lesser quality water in preference to higher quality waters; and

WHEREAS, pursuant to this objective, the Commission also adopted an Application Fee Policy for Mine Drainage Withdrawals in June 2009 that allows, on a case by case basis, the waiver or partial waiver of application fees for projects using surface or ground water degraded by past or present mining activities; and

WHEREAS, because of the widespread presence of existing or abandoned coal extraction operations in the basin, water degraded by past or present mining activities (referred to as Mine Drainage or MD) accounts for a major share of the lesser quality waters present in the Susquehanna River Basin and has resulted in the degradation of thousands of stream miles; and

WHEREAS, other sources of lesser quality water in the basin include municipal and industrial wastewater; and

WHEREAS, unconventional natural gas development using significant quantities of water for hydrofracturing operations is reliant on the basin’s water resources; and

WHEREAS, the Commission anticipates that many projects involved in the exploration and development of natural gas in the Marcellus and similar shale formations may be able to use or reuse lesser quality waters, especially given the flexibility of the natural gas industry in locating and utilizing sources of lesser quality water; and

WHEREAS, there are other types of uses for projects requiring Commission approval such as manufacturing processes, non-contact cooling, and materials washing, that are amenable to the use of lesser quality water; and

WHEREAS, it is the desire of the Commission to adopt further policies and practices that will promote and encourage the use and reuse of lesser quality water in order to mitigate the impacts of pollution and reduce reliance on higher quality water; and

WHEREAS, the Commonwealth of Pennsylvania, a member jurisdiction of the Commission, is developing a policy and procedures to promote the use of MD in well

development for natural gas extraction and wishes to work cooperatively with the Commission to implement said policy and procedures.

NOW THEREFORE BE IT RESOLVED THAT:

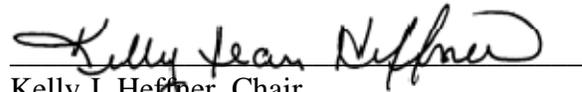
1. With due regard for all approval standards, applicable laws, and other safeguards, the Commission will prioritize the review and docket approval of MD and other lesser quality water sources.

2. As appropriate, the Commission will require project sponsors seeking higher quality waters in watersheds where MD or other lesser quality water is available to first consider use and reuse of that lesser quality water.

3. In coordination with the Commonwealth of Pennsylvania, the Commission will identify and make available to the regulated community sources of MD, including streams whose quality has been impaired by MD.

4. This resolution shall be effective immediately.

Dated: March 15, 2012

  
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Kelly J. Heffner, Chair  
Pennsylvania