



# Susquehanna River Basin Commission

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*a water management agency serving the Susquehanna River Watershed*

February 18, 2015

TO ALL CONCERNED:

At the December 5, 2014, Commission meeting, the draft minutes of the September 4, 2014, Commission meeting were approved as written. Please attach this notice to your copy of the September 4, 2014, minutes.



- DRAFT -

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

**MINUTES OF THE  
SUSQUEHANNA RIVER BASIN COMMISSION  
December 5, 2014  
#2014-04**

The meeting was held at the Miller Senate Office Building, Annapolis, Maryland. Chairman Lynch called the meeting to order at 9:00 a.m.

**ROLL CALL**

**Commissioners Present**

*Mr. Kenneth P. Lynch*, Director, Region 7, New York State Dept. of Environmental Conservation (NYSDEC)  
*Ms. Kelly J. Heffner*, Deputy Secretary for Water Management, Pennsylvania Dept. of Environmental Protection (PADEP)  
*Dr. Robert M. Summers*, Secretary, Maryland Dept. of the Environment (MDE)  
*Brig. Gen. Kent D. Savre*, Commander, North Atl. Div., U.S. Army Corps of Engineers (USACE)

**Alternate Commissioners  
and Advisors Present**

*Mr. Andrew Zemba*, Director, Interstate Waters Office, PADEP  
*Mr. Saeid Kasraei*, Program Administrator, Water Supply Program, MDE  
*Col. J. Richard Jordan, III*, District Engineer, USACE, Balt. Dist.  
*Ms. Amy Guise*, Chief, Civil Project Development Branch, USACE, Balt. Dist.

**Staff Present**

*Mr. Andrew Dehoff*, Executive Director  
*Mr. Andrew Gavin*, Deputy Executive Director  
*Ms. Marcia Rynearson*, Director, Administration & Finance  
*Mr. Jason Oyler*, Regulatory Counsel  
*Mr. Richard A. Cairo*, General Counsel  
*Mr. John Balay*, Manager, Planning & Operations  
*Mr. Todd Eaby*, Manager, Project Review  
*Ms. Paula Ballaron*, Manager, Policy Implementation & Outreach  
*Mr. Brydon Lidle*, Manager, Information Technology  
*Mr. Eric Roof*, Manager, Compliance & Enforcement  
*Mr. Jamie Shallenberger*, Manager, Monitoring & Protection  
*Mr. Aaron Henning*, Aquatic Biologist  
*Mr. Mike Sweitzer*, System Administrator

**Also Present**

*Mr. Hank Gruber*, USACE, North Atl. Div.

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

Chairman Lynch provided an opening statement outlining the rules of conduct for the meeting and introduced the other commissioners. Each of the commissioners then added brief opening remarks relating to the important work of the Commission and its staff in managing the basin's water resources and coordinating the efforts of the member jurisdictions.

Commissioner Summers also offered a welcome to the State of Maryland and commented on how the work of the Commission relates to the protection of Chesapeake Bay. Chairman Lynch added that his appreciation of the basin's beauty is always enhanced by his travels through the basin to these business meetings.

## **2. Presentation: Resolution Honoring Retiring General Counsel**

The Commission adopted a resolution (Exhibit A) honoring General Counsel Richard A. Cairo on the occasion of his retirement from Commission service on December 31, 2014. Each of the State Commissioners spoke of their recollections of working with Mr. Cairo on various water resources issues and commented on the value of his long service. Commissioner Savre extended his congratulations on behalf of the Corps of Engineers.

Mr. Cairo thanked the Commissioners and all of their predecessors for the honor and privilege of serving the Commission in three roles over 40 years. Mr. Cairo also expressed gratitude to the members of staff with whom he served during his time.

## **3. Presentation: Characterization of the Reservoirs on the Lower Susquehanna River**

Aquatic Biologist Aaron Henning, AFP, presented the results of the recently conducted Lower Susquehanna Reservoir Assessment which covered the entire 70 miles of lower river from Harrisburg to Conowingo Dam. The study focused particularly on the health and prevalence of various fish species in this reach of river such as the smallmouth bass. Comparisons were made between impounded and free flowing sections. Further information is available on the Commission's website.

## **4. Minutes of September 4, 2014, Commission Meeting**

On a motion by Commissioner Heffner, seconded by Commissioner Summers, the minutes of the regular business meeting of September 4, 2014, were unanimously approved as written.

## **5. FY-2016 Funding of the National Streamflow Information Program (NSIP)**

Planning and Operations Manager John Balay presented a resolution (Exhibit B) urging the U.S. Congress to provide funding to the National Streamflow Information Program (NSIP), thereby also supporting the network of gages providing information to the Susquehanna Flood Forecast & Warning System (SFFWS). Commissioner Summers pointed out that the cost of funding NSIP is but a small fraction of the cost of annual flood damage, not to mention the accompanying injury and loss of life. Information provided by gaging systems is critical to both flood loss reduction and all other water resources management efforts.

On a motion by Commissioner Heffner, seconded by Commissioner Summers, the Commission adopted the resolution by three affirmative votes of the state members and one abstention by the federal member Commissioner Savre.

## **6. Final Rulemaking**

Regulatory Counsel Jason Oyler presented a final rulemaking that would amend the Commission's project review regulations to, among other things, clarify which on-pad and off-pad water uses involved in hydrocarbon development are subject to the existing consumptive water use regulations as administered under the Commission's Approval by Rule (ABR) program. The rulemaking would include several other amendments to make appropriate revisions to certain definitions and to conform certain other sections to the clarifying amendments. The preamble of the final rulemaking notice would explain the administrative transition process to the regulated community.

Counsel noted that oral comments on the proposed rulemaking were received at a November 6, 2014, public hearing and written comments through November 17, 2014. He summarized those comments, which were generally supportive, and the staff responses thereto. Three minor changes were made to the final version of the regulations in response to comments. He then presented a resolution (Exhibit C) providing for approval of the final rulemaking and publication of a final rulemaking notice in the Federal Register and the state notice publications.

On a motion by Commissioner Summers, seconded by Commissioner Heffner, the Commission unanimously adopted the resolution.

## **7. Delegation of Authority**

Regulatory Counsel Jason Oyler presented a resolution (Exhibit D) delegating authority to the Executive Director to enter into settlement agreements not exceeding \$10,000. This would facilitate the compliance enforcement process for many minor violations that would otherwise need to come before the Commission for approval.

On a motion by Commissioner Heffner, seconded by Commissioner Summers, the Commission unanimously adopted the resolution.

## **8. Contracts and Grants**

Director of Administration and Finance Marcia Rynearson presented the following requests:

### **a. Grant Ratification – Marcellus Shale Gas Sediment Control Project (National Fish & Wildlife Foundation)**

A request that the Commission ratify the signing of an agreement under which the Commission and its partners will evaluate more than three (3) years of water quality monitoring data. Using GIS, multi-dimension regression, and change point analyses, the project will link continuous in-stream monitoring and aquatic community surveys to land use factors. Findings will be refined into a catalogue of best management practices (BMPs) designed to reduce sediment inputs to streams through

improvements to stormwater management and erosion and sediment control specific to unpaved roads. Then staff and project partners will develop and deliver an outreach program to stakeholders that demonstrates practical and cost-effective ways to lower sediment input to the Marcellus Region's high-value streams. Under this agreement, the National Fish and Wildlife Foundation will provide \$194,075 and the Commission \$80,000, for a total amount of \$274,075.

**b. Grant Ratification – *Didymosphenia geminata* in the Pine Creek Watershed (The Pennsylvania State University)**

A request that the Commission ratify the signing of this Pennsylvania Sea Grant agreement as a sub-recipient to The Pennsylvania State University. In 2013, didymo, an aquatic invasive species (AIS) of diatom, was discovered by Commission scientists in the Pine Creek Watershed of the Susquehanna River Basin. Didymo has gained world-wide notoriety in recent years due to nuisance blooms that have arisen in premier trout and salmon rivers. Since the discovery, Commission staff has continued to survey streams in Pine Creek Watershed for didymo as well as monitor water quality conditions using pre-existing monitoring projects. Under this grant, staff will further research the current and historic distribution of didymo in Pine Creek and surrounding watersheds, will analyze data, will develop a didymo habitat suitability index, and will investigate the nutritional content of didymo dominated biofilms. The efforts are designed to increase the understanding, prediction, and prevention efforts associated with didymo. Under this agreement, Penn State and the Commission will each provide \$49,750, for a total of \$99,480.

**c. Grant Amendment Approval – Water Quality Protection and Pollution Prevention Grant (U.S. Environmental Protection Agency)**

A request that the Commission approve the signing of an amendment to this grant with the U.S. Environmental Protection Agency (USEPA) to add funding for the Lower Susquehanna Source Water Protection Partnership. For the past two years, the Commission has been working with representatives from the lower Susquehanna region's water systems, municipalities, consulting firms, governmental agencies, and regional/citizen organizations to accelerate actions to safeguard present and future water supplies. This group, known as the Lower Susquehanna Source Water Protection Partnership, has had three meetings, and through their interactions, has discovered that there is a real opportunity to address common issues and challenges collaboratively at a regional scale.

The grant amendment provides \$75,000 of USEPA funding, which will allow the Commission to:

- Continue to hold partnership meetings;
- Define the organizational structure and outline long-term goals and objectives for the partnership; and
- Implement near-term action items defined by the partnership during the first three meetings.

**d. Contract Approval – OASIS Model Update (Hazen and Sawyer)**

A request that the Commission approve an effort to update the OASIS model. In 2002, staff, with support from a contractor, developed a basin-wide hydrologic model to facilitate

development of the Conowingo Pond Management Plan. The model was integral to simulating a suite of operational alternatives and, ultimately, selecting a preferred plan for managing competing demands and regulatory requirements at play in Conowingo Pond. In 2008, this model, known as OASIS, was updated. No substantive updates have been incorporated into the model since 2008.

Staff will be engaged in several pending water resources studies over the next few years that will require a significant OASIS modeling component. Prior to initiating hydrologic modeling work on these important initiatives, staff recommend addressing several model update needs. Staff requests approval to enter into an agreement with Hazen and Sawyer which provides for key updates to the existing OASIS hydrologic model and associated documentation and support, including model training for new staff, at a cost not to exceed \$250,000.

On a motion by Commissioner Summers, seconded by Commissioner Heffner, the Commission unanimously approved the contract and grant requests presented by Ms. Rynearson.

## **9. Regulatory Program Actions**

### **a. Compliance Actions**

The Regulatory Counsel presented the following compliance action recommendations for the Commission's consideration:

1. **Lion Brewery, Inc.**, Wilkes-Barre, Luzerne County, Pennsylvania. This project sponsor operated without an SRBC consumptive use approval beginning in 2007. The project sponsor has subsequently worked with SRBC staff to address the violation and acknowledges the need to obtain an Approval by Rule (ABR) under 18 CFR §806.22 (e) of the Commission's project review regulations.

Staff recommended acceptance of an in-lieu-of-penalties payment of \$50,000, consisting largely of past due consumptive use fees, in full and final settlement of the matter. Staff further recommended that, as a condition of this settlement, the project sponsor be required to complete its ABR application to the Commission within 14 days of this Commission meeting, upon the occurrence of which the Executive Director then be authorized to finalize the settlement agreement.

2. **LHP Management, LLC, Docket No. 20120607**, Muncy Creek Township, Lycoming County, Pennsylvania. An audit of withdrawals revealed one day of exceedance and nine days of under-reported use. Staff found no evidence of environmental harm.

Staff recommended acceptance of an in-lieu-of-penalties payment of \$3,000 in full and final settlement of the matter.

3. **Southwestern Energy Production Company**, (Withdrawal from Bellefonte Borough Wastewater System, Centre County, Pennsylvania.) The project sponsor

self-reported that it had made withdrawals for 17 days from the Bellefonte Wastewater System without Commission approval.

Staff recommended acceptance of an in-lieu-of-penalties payment of \$4,500 in full and final settlement of the matter.

Project Review Manager Todd Eaby then presented the following administrative matters:

**b. Transfer of Approval from Sunbury Generation LP to Hummel Station LLC**

Mr. Eaby referred to a memorandum he had prepared to the Commission explaining the request of Sunbury Generation LP to transfer its approval of September 4, 2014, to another company under the same ownership and control – Hummel Station LLC. The staff recommended approval of this transfer request.

**c. Future Power PA, LLC Request for Waiver of 18 CFR §§806.3 and 806.4**

This is a request from Future Power PA, LLC that the usual requirement under the above cited sections that a project be approved by the Commission prior to site development be waived. Staff had been in contact with the project sponsor since September 2011 and the sponsor was made well aware of this requirement. While staff recommends against the granting of this request for waiver, staff did agree to present the request to the Commission and provide an opportunity for the sponsor to appear at today's meeting.

**d. Docket Actions**

As presented by Project Review Manager Todd Eaby, the Commission had before it a staff memorandum containing details and recommendations regarding the following list of project applications:

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| <ol style="list-style-type: none"> <li>1. Anadarko E&amp;P Onshore LLC (Pine Creek), Watson Township, Lycoming County, Pa. (Exhibit E1)</li> <li>2. EQT Production Company (West Branch Susquehanna River), Greenwood Township, Clearfield County, Pa.</li> <li>3. Geary Enterprises (Buttermilk Creek), Falls Township, Wyoming County, Pa. (Exhibit E2)</li> <li>4. Heidelberg Township Municipal Authority, Heidelberg Township, Lebanon County, Pa. (Exhibit E3)</li> <li>5. IBM Corporation, Village of Owego, Tioga County, N.Y. (Exhibit E4)</li> <li>6. Jay Township Water Authority, Jay Township, Elk County, Pa. (Exhibit E5)</li> <li>7. Keister Miller Investments, LLC (West Branch Susquehanna River), Mahaffey Borough, Clearfield County, Pa.</li> <li>8. LHP Management, LLC (Muncy Creek), Muncy Creek Township, Lycoming County, Pa. (Exhibit E6)</li> <li>9-10. New Morgan Borough Utilities Authority, New Morgan Borough, Berks County, Pa. (Exhibit E7 )</li> <li>11. New Oxford Municipal Authority, Oxford Township, Adams County, Pa. (Exhibit E8)</li> <li>12-13. Pennsylvania Department of Environmental Protection – South-central Regional Office, City of Harrisburg, Dauphin County, Pa. Facility Location: Leacock Township, Lancaster County, Pa.</li> </ol> | <ol style="list-style-type: none"> <li>14. Somerset Regional Water Resources, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, Pa. (Exhibit E9 )</li> <li>15. Southwestern Energy Production Company (Susquehanna River), Eaton Township, Wyoming County, Pa. (Exhibit E10)</li> <li>16. SWEPI LP (Cowanesque River), Nelson Township, Tioga County, Pa. (Exhibit E11)</li> <li>17. Talisman Energy USA Inc. (Seeley Creek), Wells Township, Bradford County, Pa. (Exhibit E12)</li> <li>18. Talisman Energy USA Inc. (Wyalusing Creek), Stevens Township, Bradford County, Pa. (Exhibit E13)</li> <li>19. Tenaska Resources, LLC (Cowanesque River), Westfield Township, Tioga County, Pa. (Exhibit E14)</li> <li>20. Upper Halfmoon Water Company, Halfmoon Township, Centre County, Pa. (Exhibit E15)</li> <li>21. Seneca Resources Corporation. Impoundment 1, receiving groundwater from Seneca Resources Corporation Wells 5H and 6H and Clermont Wells 1, 3, and 4, Norwich Township, McKean County, Pa. (Exhibit E16)</li> </ol> |
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**Highlight** = Staff recommending tabling.

Staff had reviewed all comments received at the November 6, 2014, public hearing and written comments received through November 17, 2014, and had conducted coordinated reviews with the agencies of the member jurisdictions. Of the 21 projects listed above, 4 were recommended for tabling, including Nos. 2, 7, 12, and 13. All remaining projects were recommended for approval.

Commissioner Summers added that all of the projects had been carefully reviewed by staff and that all the information submitted in the applications had been thoroughly documented, thus satisfying the Commission on the validity of staff's recommendations. In this regard, he thanked staff for their efforts.

Commissioner Heffner moved that the Commission adopt the recommendations of staff regarding the settlements in-lieu-of-penalty with Lion Brewery, Inc., LHP Management LLC , and Southwestern Energy Production Company; the disposition of the requests of Sunbury Generation LP and Future Power PA, LLC; and for the disposition of the 21 project applications. This motion was seconded by Commissioner Summers and unanimously adopted by the Commission.

**10. Adjournment**

There being no further business before the Commission, on a motion by Commissioner Heffner, seconded by Commissioner Summers, Chairman Lynch adjourned the meeting at 10:14 a.m. The next regular meeting of the Commission is tentatively scheduled for March 5, 2015, in Harrisburg, Pennsylvania.

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Date Adopted

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Stephanie L. Richardson

RESOLUTION NO. 2014-12

A RESOLUTION of the Susquehanna River Basin Commission recognizing and honoring Richard A. Cairo on the occasion of his retirement.

WHEREAS, Richard A. Cairo has faithfully served the Susquehanna River Basin Commission (the "Commission") for 40 years; and

WHEREAS, during his tenure with the Commission, Mr. Cairo, as the Commission's General Counsel, has played an important role in a host of critical Commission matters which have shaped regulatory policy and Comprehensive Planning, and defined consumptive use and its associated fees; and

WHEREAS, Mr. Cairo has contributed significantly to the legal review and implementation of Commission water supply projects, most notably the Curwensville water storage project and the Whitney Point Lake reformulation project; and

WHEREAS, Mr. Cairo has possessed a broad appreciation for the purposes of the Susquehanna River Basin Compact and, through his outstanding legal efforts and advice, has helped to advance the purposes and protect the rights established by the Susquehanna River Basin Compact; and

WHEREAS, Mr. Cairo will retire from service to the Commission on December 31, 2014.

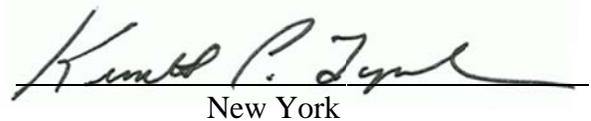
NOW THEREFORE BE IT RESOLVED THAT:

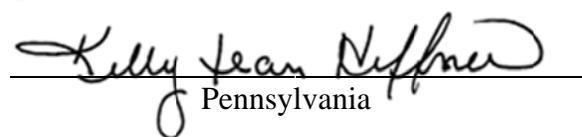
1. On the occasion of his retirement, the Commission hereby recognizes and honors Richard A. Cairo for his 40 years of dedicated service and extends its wishes for a happy and fulfilling retirement.
2. In recognition of his years of service and expertise in the foundations and history of the Commission, particularly the Susquehanna River Basin Compact, Mr. Cairo is hereby conferred the honorary title of Counsel Emeritus.
3. The Executive Director is directed to present an originally signed copy of this resolution to Mr. Cairo.
4. This resolution shall be effective immediately.

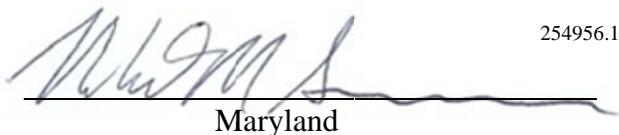
December 5, 2014

Date

  
United States

  
New York

  
Pennsylvania

  
Maryland

254956.1

  
Executive Director



RESOLUTION NO. 2014-13

A RESOLUTION of the Susquehanna River Basin Commission (the “Commission”) urging the President and the Congress of the United States to provide financial support to the National Streamflow Information Program in FY 2016, thereby supporting the Susquehanna Flood Forecast and Warning System.

WHEREAS, the Susquehanna River Basin is one of the most flood-prone watersheds in the United States, with average annual flood damages of nearly \$150 million; and

WHEREAS, severe flooding in the Susquehanna River Basin in September 2011, from which basin residents are still continuing to recover, caused millions of dollars in flood damages, injury, and loss of life, and further underscored the flood prone nature of the basin; and

WHEREAS, through an integrated rain and stream gage network, timely and accurate flood forecasts and warnings, and flood stage mapping for at-risk communities in the Susquehanna River Basin, the Susquehanna Flood Forecasting and Warning System (SFFWS) has helped prevent injury and loss of life; reduced flood damages by tens of millions of dollars; and delivered a benefit to cost ratio of 20:1; and

WHEREAS, these streamgages are crucial to early warning and flood damage reduction efforts in the Susquehanna River Basin, one of the most flood prone river basins in the United States; and

WHEREAS, the SFFWS is inextricably linked to the public health, safety, and welfare of the citizens of the Susquehanna River Basin; and

WHEREAS, in the interest of avoiding duplication of effort, maximizing available resources and promoting good government, the Commission, in accordance with its authority under Section 3.7 of the Susquehanna River Basin Compact, Pub. L. 91-575, plays an important coordinative role with federal and state agencies through the SFFWS, and also provides important technical assistance and public information services to the SFFWS; and

WHEREAS, federal funding for the SFFWS was eliminated in FY 2011; and

WHEREAS, concern by Congress for the long-term continuity and reliability of our national streamgaging data led to the creation of the National Streamflow Information Program (NSIP) by the U.S. Geological Survey (USGS) in 1999; and

WHEREAS, NSIP was designed and authorized to operate as a federally funded “backbone” network supporting approximately 4,750 streamgages and tidal gages necessary to fulfill 5 specific national purposes including streamflow forecasts that provide real-time stage and discharge data that are required to support flood and other streamflow forecasting by the National Weather Service and other federal agencies across the country; and

WHEREAS, Public Law 111-11 known as the "Omnibus Public Land Management Act of 2009" authorizes full implementation of NSIP by March 2019; and

WHEREAS, full implementation of NSIP will offset costs incurred by other federal streamgage programs, offset associated costs to cooperators within these same programs, and create a sustainable network to protect the lives and property of our nation's citizenry; and

WHEREAS, 45 streamgages in the SFFWS have been designated as eligible for NSIP support.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Commission recommends the President include the amount of \$122 million in the FY 2016 budget to fully fund all NSIP eligible gages in the nation, thereby providing sustainable funding for the SFFWS.

2. The Congress of the United States is likewise encouraged to support the above stated appropriation request for FY 2016.

3. This resolution shall be effective immediately.

Dated: December 5, 2014

  
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Kenneth P. Lynch, Chair  
New York

RESOLUTION NO. 2014-14

A RESOLUTION of the Susquehanna River Basin Commission (Commission) adopting and promulgating a final rulemaking action amending its project review regulations to clarify the water uses involved in hydrocarbon development that are subject to the consumptive use regulations, as implemented by the Approval By Rule program.

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 26, 2014; the New York Register on October 1, 2014; the Pennsylvania Bulletin on November 1, 2014; and the Maryland Register on October 3, 2014; 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 6, 2014; and

WHEREAS, the Commission also accepted written comments on this proposed rulemaking action through November 17, 2014; 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, 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:

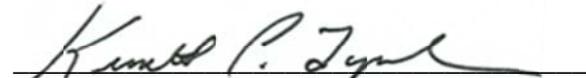
1. A final rulemaking action amending Title 18, Part 806 of the Code of Federal Regulations, as set forth in the document attached hereto and made a part hereof, is hereby adopted by the Commission.

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, including appropriate comment and response as well as the transition issues related to the final rulemaking in the preamble thereto as presented by staff.

3. This final rulemaking action shall be effective upon publication in the Federal Register and appropriate state administrative bulletins and registers.

Dated: December 5, 2014

  
Kenneth P. Lynch, Chair  
New York

RESOLUTION NO. 2014-15

A RESOLUTION of the Susquehanna River Basin Commission (the "Commission") delegating authority to the Executive Director to enter into settlement agreements up to certain amounts.

WHEREAS, under Section 15.1(b)(4) of the Susquehanna River Basin Compact, Pub. L. 91-575; 84 Stat. 1509 et seq., the Commissioners shall "appoint the principal officers of the Commission and delegate to and allocate among them administrative functions, powers, and duties;" and

WHEREAS, Section 15.5 of the said compact provides for the appointment of an Executive Director by the Commission; and

WHEREAS, Section 3-2 of the Commission's By-Laws sets forth the duties of the Executive Director as the chief executive officer of the Commission; and

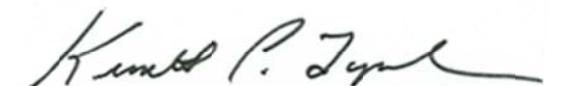
WHEREAS, the Executive Director, under the said By-Laws, is primarily responsible for the "effectuation and enforcement of all policies and resolutions adopted by the Commission;" and

WHEREAS, the Commission has determined that, to improve the efficiency and timeliness of the settlement of compliance actions of a certain amount under the implementation of the compliance and enforcement regulations (18 CFR Part 808), authority should be delegated to the Executive Director to take such actions on behalf of the Commission.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby delegates to the Executive Director the authority under 18 CFR § 808.18 to enter into settlement agreements on behalf of the Commission where the settlement amount to be paid is less than or equal to \$10,000. Prior to entering into a settlement agreement under this delegation, the Executive Director shall consult with the appropriate member jurisdiction. All settlement agreements involving payments of more than \$10,000 shall be brought before the Commission for consideration.
2. The Commission also adopts the Guidelines appended to this Resolution regarding use of this delegated authority.
3. This resolution shall be effective immediately.

Dated: December 5, 2014

  
Kenneth P. Lynch, Chair  
New York

## **GUIDELINES FOR USE OF SETTLEMENT AUTHORITY**

Per Resolution 2014-12, the Commission delegated to the Executive Director the authority under 18 CFR § 808.18 to enter into settlement agreements on behalf of the Commission where the amount to be paid is less than or equal to \$10,000. The delegation generally should be exercised in accordance with these guidelines.

The Commission finds that there are benefits in delegating the settlement of compliance actions involving payment amounts less than or equal to \$10,000. This delegation allows Commission staff to engage in more timely and efficient resolution of compliance and enforcement matters with alleged violators. This process will allow the Commission to more effectively handle minor and/or administrative violations.

### **Limits on Delegation/Reporting**

The delegation of authority does not extend to settlement amounts greater than \$10,000.

Prior to entering a settlement agreement under this delegation, the Executive Director shall consult with the appropriate member jurisdiction.

The Executive Director shall report to the Commission all settlements entered into under this delegation each quarter and all settlements under this delegation will be publicly available at the Commission's quarterly business meeting.

The delegation of authority extends to settlement agreements only. If an alleged violator will not enter into a settlement agreement, the procedures for show cause proceedings under 18 C.F.R. § 808.15 apply.

Nothing in this Resolution is meant to limit the Executive Director's ability to issue Orders under 18 C.F.R. § 808.14.

### **Effect of Guidelines on Existing Regulations and Policy**

Settlements under this delegation of authority shall consider the factors for civil penalties and settlement set forth in 18 C.F.R. § 808.16(a).

These guidelines are meant to be used along with other Commission policies regarding enforcement actions, including Policy No. 96-01, SRBC Civil Penalty Matrix (March 14, 1996) and Policy No. 2000-01, Policy and Guidance Statement for the Settlement of Civil Penalties/Enforcement Actions (February 10, 2000).

The Commission's regulations and policies will continue to be utilized in the initial assessment of enforcement actions for alleged violations. The limit for settlements in this delegation of authority should not be a factor used by the Executive Director in determining the proper amount proposed for settlement.

### **Guidance for Settlement of Administrative Violations**

From time to time, the Commission encounters administrative violations that are not effectively handled through the current Commission approved settlement process. The Commission has identified certain violations that (1) Fit a more streamlined settlement process

envisioned under this delegation of authority; (2) Are administrative in nature; (3) Are routine and fairly standardized between project sponsors; and (4) Should be settled for similar amounts barring special or unusual circumstances. The following violations and appropriate minimum settlement amounts are as follows:

**Signage.** Commission approvals may contain requirements that Project Sponsors place signs at project locations within a certain time frame. If a required sign is not placed by two weeks after the required date, a settlement of \$500 would be appropriate upon installation of the sign.

**Late Reporting.** Under 18 C.F.R. § 806.30(a), project sponsors are required to meter quantities of withdrawals and consumptive uses in accordance with their Commission approvals, and may also be required to monitor other parameters. Pursuant to § 806.30(b), project sponsors are required to report this information to the Commission on a quarterly basis. If the required reporting is not completed by the deadline each quarter, a settlement of \$250 would be appropriate upon final submittal of the data. If the Commission has to issue a Notice of Violation for a failure to report, a settlement of \$500 would be appropriate upon final submittal of the data.

**Late Payment of Consumptive Use Mitigation Fee.** Project sponsors may have approvals from the Commission that provide for a consumptive use mitigation fee pursuant to 18 C.F.R. § 806.22(b)(3). In accordance with their Commission approvals, project sponsors must pay these fees quarterly. If the required payment is not received by the deadline each quarter, a settlement of \$250 would be appropriate upon final receipt of the fee payment. If the Commission has to issue a Notice of Violation for a failure to pay the fee, a settlement of \$500 would be appropriate upon final receipt of the fee payment.

**Late Payment of the Annual Compliance and Monitoring Fee.** Project sponsors subject to the Annual Compliance and Monitoring Fee must pay the fee by July 1 of each year. If the required payment is not received by the deadline each year, a settlement of \$350 would be appropriate, upon final receipt of the fee payment. If the Commission has to issue a Notice of Violation for a failure to pay the fee, a settlement of \$700 would be appropriate, upon final receipt of the fee payment.

**Post-Approval Submittals.** Project Sponsors may be required to provide submittals or plans as conditions of their Commission approvals. Such submittals or plans include but are not limited to: Meter installation submittals, Passby plans, Metering plans, Monitoring plans and Post-Hydrofracture reports. If a required plan or submittal is not provided to the Commission by two weeks after the required date, a settlement of \$500 would be appropriate upon receipt of the plan or submittal.

These settlement amounts for administrative violations may be adjusted based on a number of factors and are based on an assumption that the project sponsor brings itself into compliance within a month of the violation. It may be appropriate to increase the amounts based on the length of non-compliance, consistent with 18 C.F.R. § 808.16(a)(5)-(7). Repeat violations may also necessitate higher settlement amounts, consistent with 18 C.F.R. § 808.16(a)(1). An increased settlement amount may be appropriate where the Commission has to issue Orders and increase its efforts to gain compliance, consistent with 18 C.F.R. § 808.16(a)(4)-(5).



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

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**Docket No. 20141201**

**Approval Date: December 5, 2014**

## **ANADARKO E&P ONSHORE LLC**

### **Surface Water Withdrawal (Peak Day) of up to 0.720 mgd from Pine 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 adverse impacts are anticipated by the operation of this project, and that 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. 20101201 that was originally approved December 16, 2010, with a peak day withdrawal rate of 0.720 million gallons per day (mgd) and no special flow protection requirements. The project sponsor did not request any changes to the conditions of the original docket. Commission staff has recommended that special flow protection requirements be conditioned for this withdrawal that will reflect 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>	Anadarko E&P Onshore LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20101201
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Watson Township
<b>County:</b>	Lycoming 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>	Pine Creek
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020506 (Lower Pine Creek)
<b>Water Use Designation:</b>	Exceptional Value (EV)
<b>Withdrawal Location (degrees):</b>	Lat: 41.247717 N      Long: 77.323804 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 38; Average Daily Flow = 1,440
<b>Drainage Area (square miles):</b>	956
<b>Aquatic Resource Class*:</b>	4
<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>	0.720 (Not to Exceed, When Available)	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	500 (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 01549700; Pine Creek below Little Pine Creek near Waterville, 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	96	96
February	111	111
March	273	271
April	632	625
May	322	319
June	279	276
July	118	117

<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	72	72
September	70	70
October	86	86
November	165	164
December	405	401
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 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. 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 location 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 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.

## **Section 6. Special Conditions**

19. Effective January 1, 2015, 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 exceeds such flow protection threshold.

20. 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.

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 authorization 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 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**

25. This approval shall be effective January 1, 2015, and shall remain effective until December 31, 2018. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 30, 2018, 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. 20101201 shall remain effective through December 31, 2014, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141202**

**Approval Date: December 5, 2014**

## **GEARY ENTERPRISES CONCRETE**

**Surface Water Withdrawal (Peak Day) of up to 0.099 mgd  
from Buttermilk 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 adverse impacts are anticipated by the operation of this project, and that 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. 20100907 that was originally approved September 16, 2010, with a peak day withdrawal rate of 0.099 million gallons per day (mgd) and special flow protection requirements. The project sponsor has not requested any changes to the project. Commission staff recommended that the special flow protection requirements be modified to reflect 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>	Geary Enterprises Concrete
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20100907
<b>Authorized Water Use Purpose:</b>	Bulk Supply for Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Falls 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>	Buttermilk Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010614 (Lower Susquehanna River)
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.471703 N      Long: 75.843247 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 2.9; Average Daily Flow = 52.1
<b>Drainage Area (square miles):</b>	24.4
<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>	0.099 (Not to Exceed, When Available)	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	69 (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 01428750; West Branch Lackawaxen River near Aldenville, 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	10	18
July	6.0	11
August	5.3	10

<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	5.8	10
October	11	20
November	23	39
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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. 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 location 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 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.

## **Section 6. Special Conditions**

19. Effective January 1, 2015, 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.

20. 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.

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 authorization 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 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

25. This approval shall be effective January 1, 2015, and shall remain effective until December 31, 2018. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 30, 2018, 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. 20100907 shall remain effective through December 31, 2014, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141203**

**Approval Date: December 5, 2014**

## HEIDELBERG TOWNSHIP MUNICIPAL AUTHORITY

**Groundwater Withdrawal (30-Day Average) of 0.115 mgd from Well 5,  
and Total System Withdrawal Limit (30-Day Average) of 0.115 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 adverse impacts are anticipated by the operation of this project, and that 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.

This approval is a renewal of Commission Docket No. 19820602 that was originally approved June 10, 1982, with a groundwater withdrawal of 0.115 million gallons per day (mgd) from Well 5. The Heidelberg Township Municipal Authority water system includes a total of two wells (Wells 3 and 5), which are hereafter referred to as the "Total System." Based on information provided by the Heidelberg Township Municipal Authority, no other sources are 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>	Heidelberg Township Municipal Authority
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Original Docket No.:</b>	19820602
<b>Authorized Water Use Purpose:</b>	Public Water Supply
<b>Municipality:</b>	Heidelberg Township
<b>County:</b>	Lebanon County
<b>State:</b>	Pennsylvania



## Section 6. Existing Approved Withdrawals

The project does not have existing approved withdrawals.

## Section 7. Grandfathering Determination – Withdrawals

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

<b>Grandfathered Groundwater Withdrawals</b>	
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)*</b>
Well 3	0.115
* Value represents the estimated maximum 30-day average amount that occurred prior to applicable regulatory effective date.	

The grandfathered quantity identified in the table above is based on information submitted by the project sponsor for Well 3. The grandfathered quantity or the grandfathered status of the source is subject to change if information becomes available that demonstrates withdrawal 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 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. The groundwater elevation data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. 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(a)(4). Modifications shall not be made until the project sponsor receives written approval of the amended plan.

6. The project sponsor shall keep daily records of the project's withdrawals 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

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

11. 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.

12. 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.

13. 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.

14. 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.

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

16. 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.

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

18. 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.

19. 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**

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

21. 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 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.

23. The approved groundwater elevation monitoring plan requires daily collection and recording of water levels in Well 4 (which is used as a monitoring well and is not part of the public water supply system) because the wellhead configuration of Wells 3 and 5 do not allow

access for measurement of water level. The project sponsor shall install water level monitoring equipment in Wells 3 or 5 if wellhead modifications or well pump service provide the opportunity to install such equipment and if the installation of such equipment is feasible. Any modifications proposed for the groundwater elevation monitoring plan shall be subject to the requirements of Standard Condition 5. Modifications to the plan shall not be implemented until the project sponsor receives written approval of the amended plan.

24. The date of last meter certification was March 29, 2011; therefore, the next meter certification is due no later than March 28, 2016. Certification of meter accuracy will be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

25. The approved metering plan allows the use of a single, combined flow meter because Wells 3 and 5 are not operated simultaneously. In the event that the project sponsor modifies system operations to operate both wells simultaneously (except in the event of an emergency), the project sponsor shall install individual flow meters for Wells 3 and 5. Any modifications proposed for the metering plan shall be subject to the requirements of Standard Condition 2. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

#### **Section 10. Term**

26. This approval shall be effective January 1, 2015, and shall remain effective until December 31, 2029. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 30, 2029, 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. 19820602 shall remain effective through December 31, 2014, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson

# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141204**

**Approval Date: December 5, 2014**

## **IBM CORPORATION**

**Total System Withdrawal Limit (30-Day Average) of 0.800 mgd  
from the Groundwater Remediation Well Field**

### **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 adverse impacts are anticipated by the operation of this project, and that 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 a groundwater remediation system at the former IBM Corporation (IBM) Owego facility in Tioga County, New York. The ongoing remediation efforts are being conducted under the oversight of the New York State Department of Environmental Conservation (NYSDEC), Division of Environmental Remediation, under the Resource Conservation and Recovery Act via 6NYCRR Part 373 Permit No. 7-4930-00095/00005.

The Commission originally approved the project sponsor's request for groundwater withdrawals related to the operation of a groundwater remediation well field on May 9, 1991 (Commission Docket No. 19910502). In order to maintain control of the groundwater contamination plume, the project sponsor has since added or removed numerous recovery wells. The project sponsor was required to obtain Commission approval for withdrawals from each recovery well prior to use in the remediation system. This approval authorizes the project sponsor to install new wells and activate or deactivate existing wells, as needed, to support remediation activities, and provides the project sponsor with the flexibility needed to respond to changing site conditions to maintain or improve control of the groundwater plume, thereby affording better protection to the environment and public health and safety. This approval supersedes Commission Docket No. 19910502.

Commission staff has coordinated with 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>	IBM Corporation
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Original Docket No.:</b>	19910502
<b>Authorized Water Use Purpose:</b>	Groundwater Remediation System
<b>Municipality:</b>	Town of Owego
<b>County:</b>	Tioga 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>	Groundwater Remediation Well Field
<b>Subbasin:</b>	Upper Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010305 (Pipe Creek – Susquehanna River)
<b>Withdrawal Location (degrees)*:</b>	Lat: 42.104624 N      Long: 76.219861 W
<b>Special Flow Protection Required:</b>	No
* Withdrawal location represents coordinates of Well 415, which is the most recent well added to the groundwater remediation well field.	

### 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 waiver request, IBM submitted the “2013 Annual Report, Groundwater Monitoring Program, Former IBM Facility Owego, New York” to the Commission. The annual monitoring report documents that extensive pumping and groundwater quality data continue to be collected and reported. According to the monitoring and reporting data, the project sponsor has made significant progress toward its remediation goals at the facility. Continual modifications to the system, such as adding or replacing recovery wells, have allowed the project sponsor to respond to changing site conditions and to achieve better control of the groundwater plume.

Because operation of the existing groundwater recovery system is designed to optimize groundwater remediation through contaminant capture and is being conducted under the continuous oversight of NYSDEC, Well 415 is not expected to cause permanent loss of aquifer storage, render competing supplies unreliable, or cause adverse impacts to the water resources of the basin. Therefore, the aquifer testing requirements, pursuant to Commission Regulation 18 CFR §806.12, are hereby waived.

## 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>Total System Withdrawal Limit (30-Day Average) (mgd):</b>	0.800
mgd – million gallons per day	

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

## Section 6. Rescission of Existing Approval

On May 9, 1991, the Commission approved the project for the total system withdrawal limit (30-day average) of 1.000 mgd from the groundwater remediation well field under Commission Docket No. 19910502. Commission Docket No. 19910502 is hereby rescinded, effective December 31, 2014.

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

4. 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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.

5. 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.

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

7. 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.

8. 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 without prior approval from NYSDEC.

9. 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.

10. 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.

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

12. 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.

13. 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.

14. 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**

15. The recovery wells shall not be used as supply production wells or for any other non-remediation purposes at the site. 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 authorization 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.

16. The project sponsor shall notify the Commission, in writing, of any changes in status of the recovery wells (reactivated or deactivated), or if any additional recovery wells are installed, within thirty (30) days of the change.

17. The project sponsor shall have the option of reactivating existing recovery wells in the future, or adding new recovery wells to the existing remediation system, provided the total withdrawal from all recovery wells does not exceed the 0.800 mgd (30-day average) system limit.

18. Commission Regulation 18 CFR §806.25(b) regarding water conservation requirements does not apply because the purpose of the project is to pump, treat, and immediately return groundwater to the basin. Therefore, the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b) are hereby waived.

19. The ongoing groundwater remediation activities at the facility are being conducted under continuing oversight of NYSDEC. The project sponsor has collected and continues to collect extensive water level and analytical data for existing recovery wells. The project data are used to evaluate chemical distribution and create groundwater elevation contour maps, which are summarized in a report and annually submitted to NYSDEC. Therefore, the groundwater elevation monitoring requirements specified in Commission Regulation 18 CFR §806.30 are hereby waived.

20. Commission Docket No. 19910502 is hereby rescinded, effective December 31, 2014.

**Section 10. Term**

21. This approval shall be effective January 1, 2015, and shall remain effective until December 4, 2029. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 4, 2029, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141205**

**Approval Date: December 5, 2014**

## JAY TOWNSHIP WATER AUTHORITY

**Groundwater Withdrawal (30-Day Average) of 0.265 mgd from Byrnedale Well #1,  
and Total System Withdrawal Limit (30-Day Average) of 0.395 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 adverse impacts are anticipated by the operation of this project, and that 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.

Prior to this approval, the Jay Township Water Authority public water supply system included two surface water sources (Byrnes Run and Kersey Run) approved under Commission Docket No. 19960302 for the withdrawal of up to 0.395 million gallons per day (mgd) (peak day). The application for Byrnedale Well #1 is intended to satisfy the terms of a Consent Order and Agreement between the Pennsylvania Department of Environmental Protection (PADEP) and Jay Township Water Authority to add an additional water source to reduce reliance on the water treatment system and the surface water sources.

The Jay Township Water Authority public water supply system will include the two surface water sources and Byrnedale Well #1, which are herein referred to as the "Total System." Based on the information provided by Jay Township Water Authority, there are no other sources used by the project. Staff recommended that Byrnedale Well #1 be approved at the requested withdrawal rate and that a total system limit be established. This approval incorporates those recommendations.

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.

Project Information	
<b>Project Sponsor:</b>	Jay Township Water Authority
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Public Water Supply
<b>Municipality:</b>	Jay Township
<b>County:</b>	Elk 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>	Byrnedale Well #1
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020203 (Bennett Branch Sinnemahoning 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 Byrnedale Well #1 was conducted between September 30, 2014 and October 3, 2014, pumping at an average rate of 200 gallons per minute (gpm). The aquifer testing included monitoring of surface water features near Byrnedale Well #1, including Byrnes Run. Although no reduction in flow was measured at the Byrnes Run stream gage during the constant-rate aquifer test, pumping-induced responses in stream piezometers that were installed in the materials underlying Byrnes Run implies that the potential exists for the long-term operation of the Byrnedale Well #1 to impact Byrnes Run. The results of the aquifer test and coordinated review of the application with PADEP suggest that impacts to Byrnes Run as a result of the proposed withdrawal at the requested rate would not be significant or cause a change in water quality.

Commission staff determined that the withdrawal from Byrnedale Well #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.

Approved Withdrawal Quantities and Limitations	
<b>30-Day Average Withdrawal (mgd):</b>	0.265
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	200 (Not to Exceed)
<b>Total System Withdrawal Limit – Byrnedale Well #1, Byrnes Run, and Kersey Run (30-Day Average) (mgd):</b>	0.395

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.

Existing Approved Surface Water Withdrawals			
Source	Peak Day Withdrawal (mgd)	Commission Docket No.	Docket Expiration Date
Byrnes Run	0.395*	19960302	March 22, 2021
Kersey Run	0.395*	19960302	March 22, 2021
* Commission Docket No. 19960302 established a combined source withdrawal limit of up to 0.395 mgd (peak day) from the Byrnes Run and Kersey Run.			

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

The project does not utilize unapproved surface water withdrawals or groundwater withdrawals initiated 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. Within sixty (60) days from the date of this approval, the project sponsor shall submit a comprehensive metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals listed in Sections 3 and 6 of this approval.

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 from the source listed in Section 3 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. Within ninety (90) days from the date of this approval, the project sponsor shall submit a plan to Commission staff for review and approval for the implementation of a groundwater elevation monitoring program in accordance with Commission Regulation 18 CFR §806.30(a)(4). The plan shall include proposed methods for the daily measurement and recording of groundwater elevation in the source listed in Section 3. Following approval, the project sponsor shall execute the plan and complete installation of water level monitoring equipment in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented. Thereafter, the groundwater elevation data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter.

6. The project sponsor shall keep daily records of the project's withdrawals from 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 requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

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

11. 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.

12. 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.

13. 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.

14. 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.

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

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

17. 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.

18. 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

19. 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 (by December 5, 2019) 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 year.

20. The project sponsor shall not operate the withdrawal from Byrnedale Well #1 concurrently with the Byrnes Run surface water withdrawal.

21. Upon issuance of the final approved PADEP operating permit for the Byrnedale Well #1, the project sponsor shall provide a copy to the Commission.

22. Within six (6) months of this approval and in accordance with Commission Regulation 18 CFR §806.32, the project sponsor shall submit for review by Commission staff a water resource development plan designed to evaluate the project sponsor's ability to meet its anticipated reasonably foreseeable maximum projected 15-year consecutive 30-day water demands. The water resource development plan shall identify water resources available through a 1-in-10-year drought recurrence interval for development in the vicinity of the project sponsor's service area beyond the identified groundwater recharge area for the source listed in Section 3 and will not impact the sources listed in Section 6.

23. The water resource development plan shall describe a practical, phased approach for the development of additional sources, if needed, to meet 15-year projected water demands. The plan must consider that the Byrnes Run and Kersey Run sources are subject to passby flows and are interruptible, and that Byrnedale Well #1 is not sufficient to meet the 15-year projected demand when the surface water sources are not available. Once approved, the plan shall be implemented so as to enable additional source(s) to be operational within five (5) years of the plan approval. The project sponsor shall obtain all necessary approvals and pay the appropriate project review fees associated with any proposed new sources.

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. 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 December 4, 2029. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 4, 2029, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141206**  
**Approval Date: December 5, 2014**

## LHP MANAGEMENT, LLC

**Surface Water Withdrawal (Peak Day) of up to 0.999 mgd  
 from Muncy 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 adverse impacts are anticipated by the operation of this project, and that 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. 20120607 that was originally approved June 7, 2012, with a peak day withdrawal rate of 0.999 million gallons per day (mgd) and special flow protection requirements. The project sponsor has not requested any changes to the project. Commission staff also recommended that the special flow protection requirements be modified to reflect 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>	LHP Management, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20120607
<b>Authorized Water Use Purpose:</b>	Bulk Supply for Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Muncy Creek Township
<b>County:</b>	Lycoming County

<b>State:</b>	Pennsylvania
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### 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>Approved Source:</b>	Muncy Creek
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020608 (Muncy Creek)
<b>Water Use Designation:</b>	Trout Stocked Fishery (TSF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.216111 N      Long: 76.791667 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 10.3; Average Daily Flow = 419
<b>Drainage Area (square miles):</b>	204
<b>Aquatic Resource Class*:</b>	4
<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.

Approved Withdrawal Quantities and Limitations		
<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 01552500; Muncy Creek near Sonestown, 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	94	12
February	103	13
March	197	24
April	248	30
May	154	19
June	60	7.3
July	27	3.5

August	20	2.6
<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	19	2.5
October	35	4.4
November	120	15
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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. 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 location 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 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.

## **Section 6. Special Conditions**

19. Effective January 1, 2015, 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.

20. 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.

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 authorization 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 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**

25. This approval shall be effective January 1, 2015, and shall remain effective until December 31, 2018. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 30, 2018, 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. 20120607 shall remain effective through December 31, 2014, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141207**

**Approval Date: December 5, 2014**

## **NEW MORGAN BOROUGH UTILITIES AUTHORITY**

**Groundwater Withdrawals (30-Day Averages) of  
0.275 mgd from Well PW-1 and 0.108 mgd from Well PW-3,  
and Total System Withdrawal Limit (30-Day Average) of 0.275 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 adverse impacts are anticipated by the operation of this project, and that 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 New Morgan Borough Utilities Authority will acquire an existing public water supply system serving portions of New Morgan Borough and Caernarvon Township that currently uses one surface water withdrawal from Mill Pond. The project sponsor proposes to replace the Mill Pond surface water source with the groundwater sources (Wells PW-1 and PW-3) approved herein. Because Mill Pond will no longer be used as a public water supply source after initiation of withdrawals from Wells PW-1 or PW-3, Mill Pond is not included in the total system limit established herein. Wells PW-1 and PW-3 will be referred to as the "Total System." Staff recommended that Well PW-1 be approved at the requested withdrawal rate, that the requested withdrawal from Well PW-3 be reduced to 0.108 million gallons per day (mgd) (consecutive 30-day average), and that a total system withdrawal limit be established. This approval incorporates those recommendations.

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.



0.108 mgd. The results of the aquifer testing indicate that pumping Well PW-3 at the requested maximum instantaneous pumping rate of 400 gpm will result in lowering the water level in Well PW-3 below the upper four water-bearing zones. To protect the water-bearing zones, Commission staff recommends that the maximum instantaneous withdrawal rate not exceed 200 gpm.

Commission staff determined that the withdrawal from Well PW-3 at the recommended reduced consecutive 30-day average withdrawal rate and 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.

<b>Approved Withdrawal Quantities and Limitations</b>		
	<b>Well PW-1</b>	<b>Well PW-3</b>
<b>Consecutive 30-Day Average Withdrawal (mgd):</b>	0.275	0.108
<b>Maximum Instantaneous Withdrawal Rate (gpm) (Not to Exceed):</b>	675	200
<b>Total System Withdrawal Limit – Wells PW-1 and PW-3 (Consecutive 30-Day Average) (mgd):</b>	0.275	

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 that will continue after initiation of withdrawal from the sources listed in Section 5.

### Section 7. Grandfathering Determination – Withdrawals and Consumptive Water 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 plans reviewed and approved by Commission staff. Any modifications proposed for the metering plans 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 plans.

3. Prior to any withdrawals from the sources 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 meters when they have been installed, provide the serial numbers of the meters, and certify the accuracy of the measuring devices to within five (5) percent of actual flow. Withdrawals shall not commence until Commission staff has approved the implementation of the approved metering plans and notified the project sponsor of such approval.

4. The project sponsor shall maintain the totalizing meters 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 plans reviewed and approved by Commission staff. The project sponsor shall notify the Commission, in writing, and submit photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The groundwater elevation data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any modifications proposed for the groundwater elevation monitoring plans shall be submitted for review and approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30(a)(4). Modifications shall not be made until the project sponsor receives written approval of the amended plans.

6. The project sponsor shall keep daily records of the project's withdrawals 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

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

11. 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.

12. 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.

13. 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.

14. 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.

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

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

17. 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.

18. 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

19. 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 (December 5, 2019) unless an extension of time is granted 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 year.

20. If the project sponsor intends to continue surface water withdrawal from Mill Pond, submittal of an application for review and approval by the Commission will be required.

21. 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 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.

23. The project sponsor shall not proceed with any interconnections, extensions of service lines, expansion of service areas, execution of bulk water sale agreements, or any other project that may result in a diversion of the waters of the Susquehanna River Basin into or out of the basin without prior approval of the Commission.

## Section 10. Term

24. The project sponsor has a period of three (3) years from the date of this approval to commence the withdrawal from Well PW-1 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.

25. The project sponsor has a period of five (5) years from the date of this approval to commence the withdrawal from Well PW-3 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 December 4, 2029. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 4, 2029, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141208**

**Approval Date: December 5, 2014**

## **NEW OXFORD MUNICIPAL AUTHORITY**

**Groundwater Withdrawal (30-Day Average) of 0.144 mgd  
from Oxen Country Meadows Well 1, and  
Total System Withdrawal Limit (30-Day Average) of 1.224 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 adverse impacts are anticipated by the operation of this project, and that 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 New Oxford Municipal Authority's public water supply system includes one surface water withdrawal of up to 1.200 million gallons per day (mgd) from the South Branch Conewago Creek. The New Oxford Municipal Authority's water system will include two sources (South Branch Conewago Creek and Oxen Country Meadows Well 1 [OCM-1]), which are herein referred to as the "Total System." Based on the information provided by New Oxford Municipal Authority, no other sources are used by the project.

This approval authorizes the groundwater withdrawal from OCM-1 at the requested rate and establishes a system limit on all sources based on the demonstrated reasonable foreseeable 15-year demand of the public water supply system.

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.



Staff finds the six residential wells that were not monitored during the test are within the potential area of influence of OCM-1. Using the collected aquifer test data, staff found that water levels in those wells could be influenced by the long-term operation of OCM-1; however, the potential projected influence is not predicted to be adverse. Because direct monitoring of those wells was not completed and the potential for impacts was projected using the test data from other monitoring points, staff recommends that monitoring of four residential wells be required to provide data for evaluation and confirmation that the influence of long-term operation of OCM-1 does not cause adverse impacts to the other nearby residential wells. Staff's recommendations for monitoring of nearby residential wells are hereby incorporated herein with Special Condition 23.

Commission staff finds that the withdrawal from OCM-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>	0.144
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	100 (Not to Exceed)
<b>Total System Withdrawal Limit (30-Day Average) (mgd):</b>	1.224

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 Surface Water Withdrawals</b>			
<b>Source</b>	<b>Peak Day Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
South Branch Conewago Creek (PADEP Permit 4A-4B; 1967)	1.200	19870601	July 22, 2037

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

The project did not utilize surface water withdrawals or groundwater withdrawals prior to November 11, 1995, or July 13, 1978, respectively, that have not been subsequently reviewed and approved by the Commission.

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. Within sixty (60) days from the date of this approval, the project sponsor shall submit a comprehensive metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals listed in Sections 3 and 6 of this approval.

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 from the source listed in Section 3 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. Within ninety (90) days from the date of this approval, the project sponsor shall submit a plan to Commission staff for review and approval for the implementation of a groundwater elevation monitoring program in accordance with Commission Regulation 18 CFR §806.30(a)(4). The plan shall include proposed methods for the daily measurement and recording of groundwater elevations in the source listed in Section 3. Following approval, the project sponsor shall execute the plan and complete installation of water level monitoring equipment in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented. Thereafter, the groundwater elevation data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter.

6. The project sponsor shall keep daily records of the project's withdrawals from 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 requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

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

11. 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.

12. 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.

13. 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.

14. 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.

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

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

17. 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.

18. 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**

19. 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).

20. 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.

21. Within ninety (90) days from the date of this approval and prior to initiating withdrawal from the source listed in Section 3, the project sponsor shall submit a plan for review and, if appropriate, approval by Commission staff to mitigate potential adverse impacts to the residential wells located at 442 Kohler Mill Road and 45 Robinson Drive. The mitigation plan must include, but is not limited to, the following:

- a. Detailed description of the proposed mitigation activities;
- b. Schedule for implementation of the mitigation plan; and
- c. Copies of signed mitigation agreements with the residential well owner.

Following approval, the project sponsor shall execute the plan and complete mitigation activities in accordance with the approved schedule. In the event that the project sponsor fails to complete satisfactory mitigation or if mitigation actions are refused by the property owners, the Commission reserves the right to reopen any project approval or issue such additional orders, or otherwise modify or impose such additional conditions 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.

22. Commission staff approval of the mitigation plan must be received prior to implementing the mitigation activities. Within thirty (30) days of completing mitigation

activities at 442 Kohler Mill Road and 45 Robinson Drive, the project sponsor shall submit to the Commission documentation confirming that all activities were completed in accordance with the approved mitigation plan. Withdrawal from OCM-1 shall not commence until Commission staff responds, in writing, with a determination that mitigation has been completed in accordance with the approved mitigation plan.

23. Within ninety (90) days from the date of this approval, the project sponsor shall submit a residential well monitoring plan to the Commission for review and approval for the monitoring of wells located at 435 Poplar Road, 442 Kohler Mill Road, 550 Kohler Mill Road, and 297 South Water Street. Alternate monitoring locations may be proposed in the plan if access is denied by the property owner. The plan shall include well construction details, proposed methods for the measurement and recording of groundwater elevations at the subject properties, frequency of evaluation of groundwater elevation data, and a schedule for implementation. Following approval of the residential well monitoring plan, the project sponsor shall execute the plan and complete installation of water level monitoring equipment in accordance with the approved plan and schedule. The project sponsor shall certify the accuracy of the monitoring devices and notify the Commission, in writing, when the monitoring equipment has been installed. Groundwater elevation data collection shall be initiated not less than one (1) month prior to initiating the withdrawal from OCM-1. Any adverse impacts, either observed or predicted from the groundwater elevation data, to residential wells that have not been subject to mitigation must be reported to the Commission immediately. Interpretive annual reports providing the raw monitoring data and documenting the results of the residential well monitoring during the previous calendar year must be provided to the Commission within sixty (60) days of the close of the preceding calendar year. Should the groundwater elevation data indicate that unacceptable impacts occur as a result of operating OCM-1 at the approved rate, the Commission may impose additional conditions on the use of OCM-1 or require that additional mitigation be completed. Collection of groundwater elevation data from the four residential wells will be required for the entire term of the approval unless Commission staff finds that sufficient data has been collected that confirms long-term operation of OCM-1 at or near its approved consecutive 30-day average rate during an adequately dry period approximating a 1-in-10-year drought condition will not cause an adverse impact to the nearby residential wells not previously mitigated. Commission staff will notify the project sponsor, in writing, if the residential well monitoring required herein has confirmed that no significant adverse impacts will occur and that the required monitoring may cease.

## **Section 10. Term**

24. 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.

25. This approval is effective until December 4, 2029. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 4, 2029, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788  
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**Docket No. 20141209**  
**Approval Date: December 5, 2014**

## SOMERSET REGIONAL WATER RESOURCES, LLC

**Surface Water Withdrawal (Peak Day) of up to 0.720 mgd  
 from Salt Lick 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 adverse impacts are anticipated by the operation of this project, and that 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. 20100905 that was originally approved September 16, 2010, and issued to Buck Ridge Stone, LLC. The approval was modified March 15, 2012, as Commission Docket No. 20100905-1, to increase the authorized withdrawal quantity of 0.083 million gallons per day (mgd) to 0.720 mgd. On November 1, 2012, the Commission transferred the approval to the current project sponsor, and the approval was modified on June 20, 2013, as Commission Docket No. 20100905-2, to authorize additional project purposes not resulting in an increase to the water withdrawal. The project sponsor has not requested any changes to the project. Commission staff recommended that the special flow protection requirements be modified to reflect 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>	Somerset Regional Water Resources, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20100905

<b>Project Information (continued)</b>	
<b>Authorized Water Use Purpose:</b>	Bulk Supply for Hydrocarbon Development and Related Incidental Uses; Bulk Supply for Installation and Hydrostatic Testing of Transmission Pipelines; Dust Control
<b>Municipality:</b>	New Milford 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>	Salt Lick Creek
<b>Subbasin:</b>	Upper Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010113 (Lower Susquehanna River)
<b>Water Use Designation:</b>	High Quality Cold Water Fishery (HQ-CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.906895 N      Long: 75.732019 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 1.5; Average Daily Flow = 48
<b>Drainage Area (square miles):</b>	32.9
<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>	0.720 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	500 (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>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	15	183
February	17	213
March	37	448
April	41	484
May	21	260
June	10	130
July	10	130
August	10	130
September	10	130
October	10	130
November	11	146
December	18	218
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 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. 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 location 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 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.

## **Section 6. Special Conditions**

19. Effective January 1, 2015, 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.

20. 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.

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 authorization 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 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**

25. This approval shall be effective January 1, 2015, and shall remain effective until December 31, 2018. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 30, 2018, 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 Nos. 20100905, 20100905-1, and 20100905-2 shall remain effective through December 31, 2014, whereupon they 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141210**

**Approval Date: December 5, 2014**

## **SOUTHWESTERN ENERGY PRODUCTION COMPANY**

**Surface Water Withdrawal (Peak Day) of up to 2.000 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 adverse impacts are anticipated by the operation of this project, and that 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.

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>	Southwestern Energy Production Company
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Eaton 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: 41.555729 N      Long: 75.979989 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 661; Average Daily Flow = 13,130
<b>Drainage Area (square miles):</b>	8,890
<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>	2.000 (Not to Exceed, When Available)	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,389 (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	--	--
July	1,140	1,120
August	839	826
September	802	790
October	1,050	1,030
November	--	--
December	--	--
mgd – million gallons per day		USGS – U.S. Geological Survey
1 cfs = 448.8 gallons per minute (gpm)		-- – No special flow protection required
* 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 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 on the withdrawal 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 intake design reviewed and approved by Commission staff, and 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 with a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission a revised intake design for review and, if appropriate, approval by Commission staff prior to permit issuance by the permitting agency. Thereafter, 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. 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 location 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 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. 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**

18. 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 exceeds such flow protection threshold.

19. 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.

20. Except as authorized pursuant to Special Condition 22, 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).

21. 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 22, including daily quantities supplied.

22. 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 authorization 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.

23. 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

24. 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.

25. This approval is effective until December 4, 2018. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 4, 2018, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141211**

**Approval Date: December 5, 2014**

## SWEPI LP

**Surface Water Withdrawal (Peak Day) of up to 0.533 mgd  
from the Cowanesque 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 adverse impacts are anticipated by the operation of this project, and that 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. 20100604 that was originally approved June 11, 2010, and modified March 15, 2012, as Commission Docket No. 20100604-1, with a peak day withdrawal rate of 0.533 million gallons per day (mgd) and special flow protection requirements. The project sponsor has not requested any changes to the project. Commission staff also recommended that the special flow protection requirements be modified to reflect 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>	SWEPI LP
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20100604
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Nelson Township
<b>County:</b>	Tioga County

<b>State:</b>	Pennsylvania
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### 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>Approved Source:</b>	Cowanesque River
<b>Subbasin:</b>	Chemung
<b>Watershed Boundary Dataset (WBD):</b>	0205010408 (Cowanesque River)
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.989936 N      Long: 77.283047 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 3.3; Average Daily Flow = 301
<b>Drainage Area (square miles):</b>	246
<b>Aquatic Resource Class*:</b>	4
<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.

Approved Withdrawal Quantities and Limitations		
<b>Peak Day Withdrawal Amount (mgd):</b>	0.533 (Not to Exceed, When Available)	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	371 (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 01518862; Cowanesque River at Westfield, 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	26	11
July	12	4.9

<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	8	3.3
September	8	3.3
October	15	6.0
November	30	12
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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. 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 location 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 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.

## **Section 6. Special Conditions**

19. Effective January 1, 2015, 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 exceeds such flow protection threshold.

20. 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.

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 authorization 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 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**

25. This approval shall be effective January 1, 2015, and shall remain effective until December 31, 2018. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 30, 2018, 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 Nos. 20100604 and 20100604-1 shall remain effective through December 31, 2014, whereupon they 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

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**Docket No. 20141212**

**Approval Date: December 5, 2014**

## TALISMAN ENERGY USA INC.

**Surface Water Withdrawal (Peak Day), Variable,  
of up to 0.750 mgd from Seeley 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 adverse impacts are anticipated by the operation of this project, and that 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. 20100914 that was originally approved September 16, 2010, with a peak day withdrawal rate of 0.750 million gallons per day (mgd) and special flow protection requirements. The project sponsor, in order to minimize flow protection conditioning, revised the proposed withdrawal rate and requested pumping rates that vary monthly. Commission staff recommended that the variable monthly withdrawal rates be approved as requested and that the special flow protection requirements be modified to reflect 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>	Talisman Energy USA Inc.
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20100914
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Wells 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>	Seeley Creek
<b>Subbasin:</b>	Chemung
<b>Watershed Boundary Dataset (WBD):</b>	0205010505 (Middle Chemung River)
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.990960 N      Long: 76.902630 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 0.2; Average Daily Flow = 28.2
<b>Wild Trout Classification:</b>	Naturally Reproducing Wild Trout
<b>Drainage Area (square miles):</b>	26.6
<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>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<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 01516500; Corey Creek near Mainesburg, Pennsylvania			
<b>Withdrawal and Passby Schedule:</b>				
<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	0.576	400	8.0	4.1
February	0.576	400	8.1	4.2
March	0.750	521	21	11
April	0.750	521	21	11
May	0.750	521	10	5.4

<b>Approved Withdrawal Quantities and Limitations (continued)</b>				
<b>Withdrawal and Passby Schedule:</b>				
<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>
June	0.252	175	3.5	1.8
July	0.144	100	2.0	1.1
August	0.144	100	2.0	1.1
September	0.144	100	2.0	1.1
October	0.144	100	2.0	1.1
November	0.432	300	6.0	3.1
December	0.750	521	10	5.4
USGS– U.S. Geological Survey		* Flow Protection Threshold		
1 cfs = 448.8 gallons per minute (gpm)				

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, and 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 with a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission a revised intake design for review and, if appropriate, approval by Commission staff prior to permit issuance by the permitting agency. Thereafter, 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. 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 location 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 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.

## **Section 6. Special Conditions**

19. Effective January 1, 2015, 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.

20. 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.

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 authorization 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 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**

25. This approval shall be effective January 1, 2015, and shall remain effective until December 31, 2018. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 30, 2018, 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. 20100914 shall remain effective through December 31, 2014, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141213**

**Approval Date: December 5, 2014**

## **TALISMAN ENERGY USA INC.**

### **Surface Water Withdrawal (Peak Day) of up to 1.500 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 adverse impacts are anticipated by the operation of this project, and that 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. 20100915 that was originally approved on September 16, 2010, with a peak day withdrawal rate of 2.000 million gallons per day (mgd) and special flow protection requirements. The project sponsor has not requested any changes to the project. In consideration of the reasonably foreseeable need for water, as demonstrated by historic usage of the source, and development plans presented by the project sponsor, Commission staff recommended that the approved peak day withdrawal rate be reduced to 1.500 mgd. Commission staff also recommended that the special flow protection requirements be modified to reflect 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>	Talisman Energy USA Inc.
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20100915
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses

<b>Project Information (continued)</b>	
<b>Municipality:</b>	Stevens 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>	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: 41.763401 N      Long: 76.154528 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 8.0; Average Daily Flow = 257
<b>Drainage Area (square miles):</b>	176
<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>	1.500 (Not to Exceed, When Available)	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,400 (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	69	157
February	81	184

<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>
March	--	--
April	--	--
May	101	226
June	43	100
July	24	60
August	17	45
September	17	45
October	24	59
November	48	111
December	83	187
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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. 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 location 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 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.

## **Section 6. Special Conditions**

19. Effective January 1, 2015, 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.

20. 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.

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 authorization 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 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.

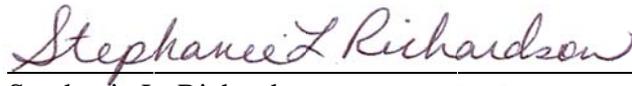
### Section 7. Term

25. This approval shall be effective January 1, 2015, and shall remain effective until December 31, 2018. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 30, 2018, 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. 20100915 shall remain effective through December 31, 2014, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141214**

**Approval Date: December 5, 2014**

## **TENASKA RESOURCES, LLC**

### **Surface Water Withdrawal (Peak Day) of up to 0.400 mgd from the Cowanesque 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 adverse impacts are anticipated by the operation of this project, and that 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. 20100910 that was originally approved for Novus Operating, LLC on September 16, 2010, with a peak day withdrawal rate of 0.750 million gallons per day (mgd) and special flow protection requirements. The approval was transferred to Tenaska Resources, LLC on June 1, 2012. The project sponsor, during the technical review process, voluntarily reduced the daily withdrawal amount from the previously approved 0.750 mgd to 0.400 mgd, and offered to reduce the instantaneous withdrawal rate during typical low flow periods from 1,040 gallons per minute (gpm) to 300 gpm. In consideration of this and the reasonably foreseeable need for water as demonstrated by development plans presented by the project sponsor, Commission staff recommended that the approved peak day withdrawal rate be reduced to 0.400 mgd. Commission staff also recommended that the special flow protection requirements be modified to reflect 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>	Tenaska Resources, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20100910
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Westfield Township
<b>County:</b>	Tioga 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>Approved Source:</b>	Cowanesque River
<b>Subbasin:</b>	Chemung
<b>Watershed Boundary Dataset (WBD):</b>	0205010408 (Cowanesque River)
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.916805 N      Long: 77.556800 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 1.0; Average Daily Flow = 92.1
<b>Drainage Area (square miles):</b>	75.2
<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.

Approved Withdrawal Quantities and Limitations	
<b>Peak Day Withdrawal Amount (mgd):</b>	0.400 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available
<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 01518862; Cowanesque River at Westfield, Pennsylvania

<b>Approved Withdrawal Quantities and Limitations (continued)</b>				
<b>Withdrawal and Passby Schedule:</b>				
<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	0.400	1,040	21	26
February	0.400	1,040	26	32
March	0.400	1,040	59	72
April	0.400	1,040	62	76
May	0.400	1,040	24	30
June	0.400	1,040	9.3	12
July	0.400	300	4.5	5.6
August	0.400	300	2.7	3.5
September	0.400	300	2.7	3.5
October	0.400	300	5.1	6.4
November	0.400	1,040	12	15
December	0.400	1,040	30	37
USGS– U.S. Geological Survey 1 cfs = 448.8 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 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, and 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 with a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission a revised intake design for review and, if appropriate, approval by Commission staff prior to permit issuance by the permitting agency. Thereafter, 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. 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 location 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 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.

## **Section 6. Special Conditions**

19. Effective January 1, 2015, 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 exceeds such flow protection threshold.

20. 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.

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 authorization 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 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

25. This approval shall be effective January 1, 2015, and shall remain effective until December 31, 2018. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 30, 2018, 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. 20100910 shall remain effective through December 31, 2014, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141215**

**Approval Date: December 5, 2014**

## UPPER HALFMOON WATER COMPANY

**Groundwater Withdrawal (30-Day Average) of 0.206 mgd from Well 6,  
and Total System Withdrawal Limit (30-Day Average) of 0.206 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 adverse impacts are anticipated by the operation of this project, and that 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.

Prior to this approval, the Upper Halfmoon Water Company's (Upper Halfmoon's) public water supply system included one groundwater source (Well 5) that was approved for a groundwater withdrawal of up to 0.396 million gallons per day (mgd) (30-day average). The Upper Halfmoon's water system will include two wells (Wells 5 and 6), which are herein referred to as the "Total System." Based on the information provided by Upper Halfmoon, there are no other sources used by the project. In consideration of the historic water use and the projected water system demands presented by Upper Halfmoon, Commission staff recommended that the requested 30-day average withdrawal for Well 6 be reduced to 0.206 mgd and that a Total System limit on all sources, based on the reasonable foreseeable 15-year demand of the public water supply system, be established. This approval incorporates those recommendations.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the Pennsylvania 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>	Upper Halfmoon Water Company
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Public Water Supply



## 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 5	0.396	19930502	May 13, 2023

## Section 7. Grandfathering Determination – Withdrawals and Consumptive Water 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. 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. The groundwater elevation data shall be reported to the Commission quarterly, and as otherwise

required. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. 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(a)(4). Modifications shall not be made until the project sponsor receives written approval of the amended plan.

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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

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

11. 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.

12. 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.

13. 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.

14. 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.

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

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

17. 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.

18. 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**

19. 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).

20. 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**

21. 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.

22. This approval is effective until December 4, 2029. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 4, 2029, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20141216**

**Approval Date: December 5, 2014**

## SENECA RESOURCES CORPORATION

**Into-Basin Diversion (Peak Day) of up to 1.473 mgd  
from SRC Wells 5H and 6H and Clermont Wells 1, 3, and 4  
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 adverse impacts are anticipated by the operation of this project, and that 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 involves the diversion of water from five wells located in the Ohio River Basin into the Susquehanna River Basin for hydrocarbon development. Four of the wells (SRC Wells 5H and 6H and Clermont Wells 1 and 4) are located in Sergeant Township and one well (Clermont Well 3) is located in Norwich Township. All of the wells are within McKean County. A 16-million-gallon impoundment located in Norwich Township, McKean County, within the Susquehanna River Basin, will receive, by pipeline, water from these sources.

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>	Seneca Resources Corporation
<b>Approval Type:</b>	Into-Basin Diversion from the Ohio River Basin
<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 source of water from which the into-basin diversion will be made is set forth in the table below.

Source Information		
<b>Approved Sources:</b>	SRC Wells 5H and 6H; Clermont Wells 1, 3, and 4	
<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 3	0501000101 (Potato Creek)	
Clermont Well 4	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
Clermont Well 3	Lat: 41.619723 N	Long: 78.438882 W
Clermont Well 4	Lat: 41.681392 N	Long: 78.497136 W
<b>Source Water Quality:</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.

Approved Into-Basin Diversion Quantities and Limitations	
<b>Peak Day Diversion Amount (mgd):</b>	1.473 (Not to Exceed)
mgd – million gallons per day	

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 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 notify the Commission, in writing, and submit photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. Diversions shall not commence until Commission staff has approved the implementation of the 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 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 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, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. 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. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

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

10. 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.

11. 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.

12. 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.

13. 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.

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

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

## **Section 6. Special Conditions**

16. In consideration of the source water quality, all water diverted into the Susquehanna River Basin under this authorization shall be stored in tanks or lined impoundments, and used downhole only for the sole purpose of hydrocarbon development. The water shall not be utilized for any purposes incidental to this use.

17. 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 18, including daily quantities supplied.

18. 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 authorization 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.

19. 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**

20. The project sponsor has a period of three (3) years from the date of this approval to commence the diversion 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.

21. This approval is effective until December 4, 2018. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before June 4, 2018, 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 December 5, 2014.

Dated: December 8, 2014

  
Stephanie L. Richardson