

# Susquehanna River Basin Commission

---

*a water management agency serving the Susquehanna River Watershed*



February 8, 2013

TO ALL CONCERNED:

At the December 14, 2012, Commission meeting, the draft minutes of the September 20, 2012, Commission meeting were approved as written. Please attach this notice to your copy of the September 20, 2012, minutes.



- DRAFT -

SUSQUEHANNA RIVER BASIN COMMISSION  
1721 N. FRONT ST.  
HARRISBURG, PA 17102

**MINUTES OF THE  
SUSQUEHANNA RIVER BASIN COMMISSION  
December 14, 2012  
#2012-04**

The meeting was held at the Lowe House Office Building, Annapolis, Maryland. Chairman Summers called the meeting to order at 8:30 a.m.

**ROLL CALL**

**Commissioners Present**

*Dr. Robert M. Summers*, Secretary, Maryland Dept. of the Environment (MDE)

*Col. J. Richard Jordan, III*, District Engineer, U.S. Army Corps of Engineers (USACE), Balt. Dist.

*Mr. Kenneth P. Lynch*, Director, Region 7, New York State Dept. of Environmental Conservation (NYSDEC)

*Mr. Andrew Zemba*, Director, Interstate Waters Office, Pennsylvania Dept. of Environmental Protection (PADEP)

**Alternate Commissioners  
and Advisors Present**

*Mr. Jay Sakai*, Director, Water Management Administration, MDE

*Mr. Saeid Kasraei*, Program Administrator, Water Supply Program, MDE

*Ms. Amy M. Guise*, Chief, Civil Project Development Branch, USACE

*Mr. Duke Adams*, Executive Assistant, Office of Water Management, PADEP

*Mr. Ned Wehler*, PA Advisor

**Staff Present**

*Mr. Paul O. Swartz*, Executive Director

*Mr. Thomas W. Beauduy*, Deputy Executive Director

*Mr. Jim Richenderfer*, Director, Technical Programs

*Ms. Marcia Rynearson*, Director, Administration & Finance

*Ms. Stephanie L. Richardson*, Secretary to the Commission

*Mr. Richard A. Cairo*, General Counsel

*Mr. John W. Balay*, Manager, Planning & Operations

*Ms. Paula B. Ballaron*, Manager, Policy Implementation & Outreach

*Mr. Andrew D. Dehoff*, Manager, Project Review

*Mr. Andrew J. Gavin*, Manager, Monitoring & Protection

*Ms. Susan S. Obleski*, Director, Communications

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

Chairman Summers provided an opening statement outlining the rules of conduct for the meeting and introduced the other commissioners. He also welcomed the Commission to the State of Maryland.

## **2. Recognition of former Alternate Commissioner Herbert M. Sachs**

On the occasion of his retirement, the Commission recognized Herbert M. Sachs for his many years of valuable service to both the Commission and the State of Maryland in the water resources management field. Mr. Sachs' involvement with the Commission can be traced back to the enactment of the Susquehanna River Basin Compact by the State of Maryland in 1967.

Each of the Commissioners praised Mr. Sachs for his contributions and said they looked forward to continuing to work with him in his new part-time role with the State of Maryland. They emphasized that there is no better example of a dedicated public servant than Mr. Sachs. Mr. Sachs was then presented with a portrait of the famous Rockville Bridge over the Susquehanna River near the water gap north of Harrisburg, Pennsylvania.

On a motion by Commissioner Lynch, seconded by Commissioner Jordan, the Commission also unanimously adopted a resolution (Exhibit A) establishing an SRBC Lifetime Achievement Award in Watershed Management in the name of Herbert M. Sachs.

## **3. Presentation: Eel Collection, Stocking, and Research Done at U.S. Fish & Wildlife Service (USFWS)**

U.S. Fish & Wildlife Service Fisheries Biologist Ian Park presented information to the Commission on the Service's efforts on eel collection, stocking, and research in the Susquehanna River Basin. American Eel are a catadromous species of fish (i.e. lives in fresh water, spawns in salt water), which once populated the Susquehanna River Basin in large numbers and were an important part of the river basin's fishery. As with other migratory fish species, including the American Shad, efforts are now underway to restore this fishery, which was greatly reduced by the installation of hydroelectric facilities in the lower Susquehanna River and other factors.

## **4. Minutes of September 20, 2012, Commission Meeting**

On a motion by Commissioner Zemba, seconded by Commissioner Jordan, the minutes of the regular business meeting of September 20, 2012, were unanimously approved as written.

## **5. FY-14 Funding of Susquehanna Flood Forecast & Warning System**

Planning & Operations Manager John Balay presented a resolution (Exhibit B) urging the U.S. Congress to provide adequate funding to the Susquehanna Flood Forecast & Warning System (SFFWS), the Advanced Hydrologic Prediction Services Program (AHPS), and the National Streamflow Information Program (NSIP).

After general discussion by the Commissioners of the importance of these programs to water management efforts like flood damage reduction and drought management, Commissioner

Lynch moved adoption of the resolution presented by Mr. Balay. This motion was seconded by Commissioner Zemba and unanimously adopted by the Commission.

## **6. Low Flow Protection Policy**

Mr. Balay also presented a resolution (Exhibit C) providing for the adoption of a Low Flow Protection Policy (LFPP). The purpose of the LFPP is to provide implementation guidance to the Commission staff, project sponsors, and the public on the criteria, methodology, and process used to evaluate withdrawal applications.

Chairman Summers described the policy as “excellent” and stressed its importance to Maryland as a downstream state. Commissioners Jordan and Lynch expressed appreciation to the staff for their efforts to produce a policy that will be applied consistently throughout the basin. It required much hard work and persistence, but the staff saw it through to completion.

On a motion by Commissioner Jordan, seconded by Commissioner Zemba, the Commission unanimously adopted the resolution.

## **7. Proposed Rulemaking**

Deputy Executive Director Thomas Beauduy requested the Commission approve a proposed rulemaking notice that sets forth prohibitions for certain water withdrawals in the smallest headwaters areas of the basin and expands the provisions relating to emergency certificates. The new restrictions would not affect existing projects undergoing approval, modification or renewal.

It is generally recognized that the smaller the drainage area, the less amount of water that can be removed from it sustainably. To address this, the Low Flow Protection Policy initially contained restrictions on water withdrawals in headwater areas. These provisions have now been removed from the policy in favor of placing them in the form of regulations, because they would establish a binding norm appropriately contained in regulations.

Staff further recommended a clarification of existing regulation 18 CFR §806.34 relating to emergency certificates by the Executive Director. The proposed new language provides that, in issuing an emergency certificate, consideration should be given to actions deemed necessary to sustain such values as human life, livestock, and the maintenance of electric system reliability. The language further clarifies that emergency certificate authority is applicable to both SRBC approved projects and to unapproved projects.

The proposed rulemaking would be published in the Federal Register and the state notice publications; a public hearing would be convened on February 14, 2013; and a public comment period will be held open until February 25, 2013. So as not to prejudice administratively complete applications currently undergoing review as of the date of the Notice of Proposed Rulemaking, the regulation would exempt the same from the application of this new rule if and when adopted.

On a motion by Commissioner Zemba, seconded by Commissioner Lynch, the Commission approved the proposed rulemaking notice for publication.

## **8. Contracts and Grants**

### **a. Grant Amendment Approval – Amend the Water Quality Protection and Pollution Prevention Grant to Include Partial Funding for Year 2 (From U.S. Environmental Protection Agency)**

Director of Administration & Finance Marcia Rynearson requested that the Commission ratify the signing of this grant amendment. Under the grant, SRBC will continue to establish and maintain measures for the prevention and control of surface water pollution and implement EPA approved Clean Water Act Section 106 program activities. The amendment adds partial funding for the second year of this two-year grant.

USEPA - \$143,160	SRBC - \$47,847	Total - \$191,007
-------------------	-----------------	-------------------

### **b. Grant Amendment Approval – Amend the Surface Water Monitoring Grant to Include Additional Monitoring Activities (From Pennsylvania Department of Conservation and Natural Resources)**

Ms. Rynearson also requested that the Commission ratify the signing of this grant amendment. The initial grant provided for staff to conduct routine monitoring activities on state forest lands, including water quality grab samples, aquatic macroinvertebrate surveys, fish population assessments, and periphyton assessments. The amendment expands these monitoring activities to include assessment of water quality data, characterization and reconnaissance of study and reference watersheds, conduct of chemistry, streamflow, habitat, and biological studies at select locations, and the installation of datasonde stations at three additional locations.

PADCNR - \$150,000	SRBC - \$0	Total - \$150,000
--------------------	------------	-------------------

### **c. Contract Approval – U.S. Army Corps of Engineers FCSA**

Ms. Rynearson requested authorization to execute a Feasibility Cost Sharing Agreement (FCSA) under terms negotiated by staff, and subject to subsequent ratification, for Phase II of the Susquehanna River Basin Ecological Flow Management Study. Specifically, Phase II will assess additional measures to provide flow management during critical low flow periods in the basin. The Corps of Engineers will cover 75 percent of the cost and the Commission 25 percent as the non-federal sponsor, with the Commission's share not to exceed \$300,000. After execution, staff will request that the Commission ratify the signed agreement.

On a motion by Commissioner Jordan, seconded by Commissioner Zemba, the Commission unanimously approved the recommendations of Ms. Rynearson regarding ratification of the grants described in items 8a & 8b, and execution of the FCSA with the Corps of Engineers as described in item 8c.

## **9. Administrative Appeal of the Municipal Authority of the Township of East Hempfield**

At the September 20, 2012, business meeting, the Commission approved a groundwater withdrawal application submitted by the Municipal Authority of the Township of East Hempfield (MATEH). The MATEH was aggrieved by that decision and filed an administrative appeal petition under 18 CFR §808.2 requesting various forms of relief, including removing the applicability of the system cap contained in that approval from four previously approved sources. Among other things, the MATEH claimed that it only learned of the inclusion of an overall system cap in the docket on August 30, 2012, and did not have adequate notice and opportunity to respond at the public hearing held on August 23, 2012, or to develop data that would show that a higher system cap is appropriate.

In response, the General Counsel noted that the chief remedy under 18 CFR §808.2 – Administrative Appeal, is the granting of a hearing due to an incomplete record. In this case, the record cannot be supplemented or completed, because the data that the MATEH claims will allow for a larger system cap does not yet exist. Commission staff used existing data in its evaluation of overall groundwater availability to set the cap included in the September 20, 2012, docket decision. That docket decision also afforded the MATEH the opportunity to develop the necessary data that could then lead to an eventual docket modification allowing a higher system cap.

The General Counsel also addressed the merits of certain legal arguments made by the MATEH regarding the authority of the Commission to issue a system cap affecting four previously approved sources that were not a part of the September 20, 2012 docket. Counsel pointed to the plenary authority of the Commission under 18 CFR §806.32 to reopen any project approval and make additional orders to protect public health, safety and the environment.

On a motion by Commissioner Lynch, seconded by Commissioner Jordan, the Commission unanimously denied the administrative appeal request of the MATEH on the basis that the granting of a hearing would not be appropriate in this case to resolve the matters raised by the MATEH.

## **10. Regulatory Program Actions**

### **a. Compliance Action**

The General Counsel presented a proposed settlement in lieu of penalty with Chobani, Inc., (formerly Agro Farma, Inc.), South Edmeston Facility, Town of Columbus, Chenango County, N.Y. Chobani is a manufacturer of yogurt products at that location.

The proposed settlement was for violations involving operation of the project since approximately January 2006 without prior commission approval for both well withdrawals and consumptive use of water under 18 CFR §§806.4(a)(1) and 806.4(a)(2). Staff believes the proposed settlement amount of \$130,000 is in keeping with settlement amounts accepted by the Commission for similar violations of similar duration. The project sponsor has tendered a check in that amount to the Commission and appropriate settlement documents have been executed by

it, including a Consent Order and Agreement and a Settlement Agreement. There was no evidence of environmental harm having resulted from these violations and the project sponsor cooperated with staff on the resolution of all compliance issues.

The Commission staff therefore recommended that the Commission accept the settlement offer in the amount of \$130,000.

**b. Docket Rescissions/Docket Actions**

The Commission had before it a staff memorandum containing the following list of project applications. The memo also contained staff's recommendations with respect to the rescission of approvals for Cinram Manufacturing, Borough of Olyphant, Lackawanna County, Pa. (Docket Nos. 19960701 and 19960701-1) and Woolrich Inc., Gallagher Township, Clinton County, Pa. (Docket No. 20050305). Staff further recommended tabling rescission action on an approval for Clark Trucking, LLC Northeast Division (Lycoming Creek), Lewis Township, Lycoming County, Pa. (Docket No. 20111207). All projects on the following list were recommended for approval with the exception of Nos. 2, 6, 7, 9, 10, 11, 14, 18, 21, 23, 24, 25 and 26, which were recommended for tabling. As also indicated, applications for Nos. 20 and 22 were withdrawn by the project sponsors.

1. Aqua Infrastructure, LLC (Source Approval), Piatt, Mifflin, Watson, Cummings, Anthony, Lycoming, and Cogan House Townships, Lycoming County, Pa. (Exhibit D1)
2. Black Bear Waters, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa.
3. Cabot Oil & Gas Corporation (Bowman Creek), Eaton Township, Wyoming County, Pa. (Exhibit D2)
4. Cabot Oil & Gas Corporation (Meshoppen Creek), Lemon Township, Wyoming County, Pa. (Exhibit D3)
5. Cabot Oil & Gas Corporation (Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. (Exhibit D4)
6. Caernarvon Township Authority, Caernarvon Township, Berks County, Pa.
7. Carrizo (Marcellus), LLC (Silver Creek), Silver Lake Township, Susquehanna County, Pa.
8. Centura Development Company, Inc., Old Lycoming Township, Lycoming County, Pa. (Exhibit D5)
9. Chesapeake Appalachia, LLC (Susquehanna River), Athens Township, Bradford County, Pa.
10. Chesapeake Appalachia, LLC (Susquehanna River), Mehoopany Township, Wyoming County, Pa.
11. Chesapeake Appalachia, LLC (Susquehanna River), Wysox Township, Bradford County, Pa.
12. Chesapeake Appalachia, LLC (Wyalusing Creek), Rush Township, Susquehanna County, Pa. (Exhibit D6)
13. Chief Oil & Gas LLC (Sugar Creek), Burlington Borough and Burlington Township, Bradford County, Pa. (Exhibit D7)
14. Citrus Energy (Susquehanna River), Washington Township, Wyoming County, Pa.
- 15-16. EQT Production Company, Duncan Township, Tioga County, Pa. (Exhibit D8)
17. EQT Production Company (Pine Creek), Porter Township, Lycoming County, Pa. (Exhibit D9)
18. Equipment Transport, LLC (Pine Creek), Gaines Township, Tioga County, Pa.
19. EXCO Resources (PA), LLC (Little Muncy Creek), Franklin Township, Lycoming County, Pa. (Exhibit D10)
20. EXCO Resources (PA), LLC (Pine Creek), Watson Township, Lycoming County, Pa.
21. Falling Springs Water Works, Inc. (Falling Springs Reservoir), Ransom Township, Lackawanna County, Pa.
22. Gaberseck Brothers (Odin Pond 2), Keating Township, Potter County, Pa.
23. Galeton Borough Water Authority, Galeton Borough, Potter County, Pa.
24. Houtzdale Municipal Authority (Beccaria Springs), Gulich Township, Clearfield County, Pa.
25. Mark Manglaviti & Scott Kresge (Tunkhannock Creek), Tunkhannock Township, Wyoming County, Pa.
26. Mountain Energy Services, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, Pa.
- 27-28. Borough of Patton, Clearfield Township, Cambria County, Pa. (Exhibit D11)
29. Pennsylvania General Energy Company, L.L.C. (First Fork Sinnemahoning Creek), Wharton Township, Potter County, Pa. (Exhibit D12)
30. Southwestern Energy Production Company (Lycoming Creek – Bodines), Lewis Township, Lycoming County, Pa. (Extension for Docket No. 20091207)
31. Southwestern Energy Production Company (Lycoming Creek – Ralston), McIntyre Township, Lycoming County, Pa. (Extension for Docket No. 20091210)
32. Southwestern Energy Production Company (Middle Lake), New Milford Township, Susquehanna County, Pa. (Exhibit D13)
33. Talisman Energy USA Inc. (Tamarack Lake), Armenia Township, Bradford County, Pa. (Exhibit D14)
34. West Cocalico Township Authority, West Cocalico Township, Lancaster County, Pa. (Exhibit D15)
35. York County Solid Waste and Refuse Authority, Hopewell Township, York County, Pa. (Exhibit D16)

**Highlight** = Project sponsor has withdrawn its application

**Highlight** = Staff recommending tabling.

Commissioner Zemba moved that the Commission adopt the recommendations of staff for the 35 project applications as presented by Mr. Dehoff, and also adopt Mr. Dehoff's recommendations with respect to: 1) the rescission of the Cinram and Woolrich approvals; and 2) the tabling of a rescission for Clark Trucking. He further moved that the Commission adopt Mr. Cairo's recommendation with respect to a settlement in lieu of penalty for Chobani, Inc. This motion was seconded by Commissioner Lynch and unanimously adopted by the Commission.

**11. Adjournment**

Chairman Summers opened the meeting to public comments, but none was offered. There being no further business before the Commission, and on a motion by Commissioner Lynch, seconded by Commissioner Jordan, Chairman Summers adjourned the meeting at 10:04 a.m. The next regular meeting of the Commission is tentatively scheduled for March 21, 2013, in Harrisburg, Pennsylvania.

---

Date Adopted

---

Stephanie L. Richardson

**RESOLUTION NO. 2012-10**

A RESOLUTION of the Susquehanna River Basin Commission creating the Herbert M. Sachs Award for Lifetime Achievement in Watershed Management.

WHEREAS, Herbert M. Sachs has served twice as an alternate member of the Susquehanna River Basin Commission (the “Commission”) from the State of Maryland; and

WHEREAS, in this capacity, Mr. Sachs has rendered uncommon service and wise counsel to the Commission and has ably represented the interests of his State in the management of the Susquehanna River Basin’s water resources and the protection of the Chesapeake Bay; and

WHEREAS, Mr. Sachs has worked tirelessly for the cause of interstate comity and cooperation and has thus advanced the purposes of the Susquehanna River Basin Compact; and

WHEREAS, Mr. Sachs also contributed a lifetime of service to the management of water resources and watersheds as an employee of the Maryland Department of Natural Resources, the Maryland Department of the Environment, and the Interstate Commission on the Potomac River Basin; and

WHEREAS, in his early years with the Maryland Department of Natural Resources, Mr. Sachs was a witness to and was directly involved in the enactment of the Susquehanna River Basin Compact by the State of Maryland and the subsequent creation of the Susquehanna River Basin Commission; and

WHEREAS, Mr. Sachs has recently retired from his position with the Maryland Department of the Environment; and

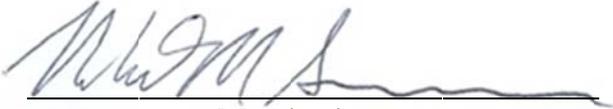
WHEREAS, the Commission, on the occasion of his retirement, wishes to bestow a special honor on Mr. Sachs in recognition of his many contributions to the Commission and his extraordinary achievements in the field of watershed management.

NOW THEREFORE BE IT RESOLVED THAT:

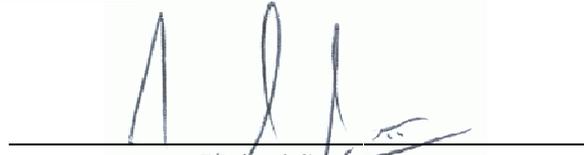
1. The Commission hereby establishes the Herbert M. Sachs Award for Lifetime Achievement in Watershed Management.
2. This award is to be given to individuals who, in the opinion of the Commission, have devoted a lifetime of outstanding service to the cause of watershed management consistent with the principles and purposes set forth in the Susquehanna River Basin Compact.
3. The Commission thanks Mr. Sachs for his valuable service and extends its best wishes to him for a happy and fulfilling retirement.
4. This resolution shall be effective immediately.

December 14, 2012

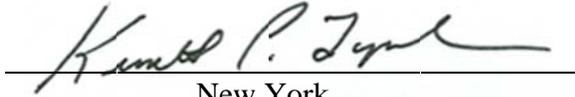
Date



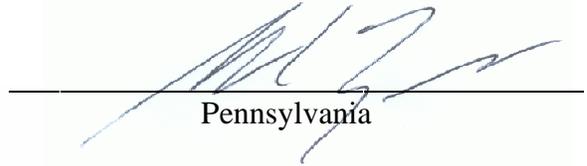
Maryland



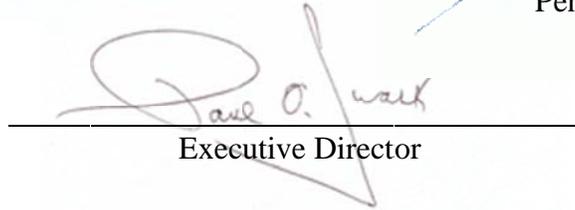
United States



New York



Pennsylvania



Paul O. Walk

Executive Director

RESOLUTION NO. 2012-11

A RESOLUTION of the Susquehanna River Basin Commission urging the President and the Congress of the United States to provide financial support to the Susquehanna Flood Forecast and Warning System, the Advanced Hydrologic Prediction Services, and the National Streamflow Information Program in FY 2014.

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 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 five 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, 45 streamgages in the SFFWS have been designated as eligible for NSIP support; and

WHEREAS, for FY 2012, the United States Senate Appropriations Subcommittee on Commerce, Justice and Science (CJS), chaired by Senator Barbara Mikulski of Maryland, provided an additional \$2 million appropriation to the National Oceanic and Atmospheric Administration (NOAA) budget for Advanced Hydrologic Prediction Services (AHPS), which sum is intended for the use of river basin commissions nationwide for flood forecasting purposes; and

WHEREAS, the additional \$2 million added to the FY 2012 NOAA AHPS budget, providing a sum total of \$8.2 million dollars to NOAA AHPS in FY 2012, was included in the final FY 2012 budget.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Commission strongly recommends that the President of the United States include funding in the amount of \$2.4 million in the Fiscal Year 2014 budget for the National Oceanic and Atmospheric Administration (NOAA) for the SFFWS to enable timely and accurate flood forecasts and warnings be issued by the National Weather Service.

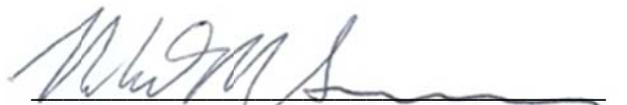
2. The Commission recommends that NOAA AHPS be funded at the level of \$8.2 million dollars, with \$2 million dollars reserved for the use of river basin commissions nationwide, as adopted in the FY 2012 budget.

3. The Commission recommends that the President include the amount of \$6.5 million in the FY 2014 budget for NSIP to allow funding to NSIP eligible gages in the SFFWS.

4. The Congress of the United States is likewise encouraged to support all of the above stated appropriation requests for FY 2014.

5. This resolution shall be effective immediately.

Dated: December 14, 2012



Dr. Robert M. Summers, Chairman  
Maryland

RESOLUTION NO. 2012-12

A RESOLUTION of the Susquehanna River Basin Commission adopting a Low Flow Protection Policy.

WHEREAS, withdrawals from the waters of the Susquehanna River Basin are subject to review and approval by the Susquehanna River Basin Commission (the “Commission”) under Section 3.10 of the Susquehanna River Basin Compact and under 18 CFR §806.4; and

WHEREAS, under 18 CFR §806.23, such withdrawals may be limited, conditioned, or denied to avoid significant adverse impacts, including adverse cumulative impacts to the water resources of the basin; and

WHEREAS, in collaboration with the Commission’s Water Resources Management Advisory Committee, resource agencies of its member jurisdictions, and The Nature Conservancy, the Commission has developed a Low Flow Protection Policy (LFPP); and

WHEREAS, the purpose of the LFPP is to provide implementation guidance to the Commission staff, project sponsors, and the public on the criteria, methodology, and process used to evaluate withdrawal applications; and

WHEREAS, in accordance with 18 CFR §806.23, the LFPP will also be used to establish limitations or conditions on withdrawal approvals issued by the Commission to ensure that any flow alteration related to such withdrawals does not cause significant adverse impacts to the water resources of the basin, or to support a denial of any such application request where such standards cannot be met; and

WHEREAS, the LFPP is grounded in contemporary science and will add clarity, transparency, and predictability to the project review and approval process under the Commission’s regulatory program; and

WHEREAS, the LFPP has undergone an extensive interagency and public review process that has resulted in certain changes and adjustments to the policy contents; and

WHEREAS, refinements to the “Technical Guidance for Low Flow Protection Related to Withdrawal Approvals” will be needed from time to time to clarify and elaborate on certain of its provisions; and

WHEREAS, it is desirable for the Commission and its member states to have memoranda of understanding setting forth procedures and requirements for coordinated review of project applications.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby adopts a Low Flow Protection Policy as set forth in a document titled “Low Flow Protection Policy Related to Withdrawal Approvals,” and a companion document titled “Technical Guidance for Low Flow Protection Related to Withdrawal Approvals” dated December 14, 2012, a copy of which is attached hereto and made a part of this resolution.

2. The executive director is authorized to make such changes to the “Technical Guidance for Low Flow Protection Related to Withdrawal Approvals” as are deemed advisable to clarify and elaborate on its provisions.

3. In order to facilitate the implementation of this policy, Commission staff is directed to develop or revise memoranda of understanding with its member states.

4. This resolution shall be effective immediately.

Dated: December 14, 2012

A handwritten signature in black ink, appearing to read "R. M. Summers", written over a horizontal line.

Dr. Robert M. Summers, Chairman  
Maryland



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20120604-1**

**Approval Date: June 7, 2012**

**Modification Date: December 14, 2012**

## AQUA INFRASTRUCTURE, LLC

### Source Approval

#### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the Commission hereby approves the modification to the existing approval as described herein in accordance with the conditions set forth below.

This approval is a modification of Commission Docket No. 20120604 that was approved June 7, 2012. The project sponsor has requested an expansion to the approved service area and a modification to Special Condition 16 to provide an administrative application process for future requests to expand the service area.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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>	Aqua Infrastructure, LLC
<b>Approval Type:</b>	Source Approval
<b>Project Facility:</b>	Regional Pipeline System
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality and County:</b>	Piatt, Mifflin, Watson, Cummings, Anthony, Lycoming, Cogan House and Jackson Townships, Lycoming County and Liberty, Union, Hamilton, and Covington Townships, Tioga County
<b>State:</b>	Pennsylvania
<b>Note:</b>	The authorized extent of the project (i.e., the approved service area) may be expanded if approved in accordance with Special Condition 16.

### Section 3. Source Information

Information concerning the source(s) of water that are hereby approved for input into the regional pipeline system constituting the project facilities under this approval is set forth in the table below.

Source Information		
Source	Identification Number	Sponsor
West Branch Susquehanna River	SRBC Docket No. 20120302	Aqua Infrastructure, LLC
Larrys Creek	SRBC Docket No. 19861105	Jersey Shore Area Joint Water Authority
<u>Note:</u> Additional sources may be added to the project if approved in accordance with Special Condition 15.		

### Section 4. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 from time to time.

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 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 the receipt of water from any source authorized pursuant to this approval, the project sponsor shall install and maintain metering on such source in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of each 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.

4. 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.

5. The project sponsor shall keep daily records of all inputs to and withdrawals from the regional pipeline system, and shall report the data to the Commission as required. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

6. The project sponsor shall maintain the meters and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of inputs and 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.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

8. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

9. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 operation of the regional pipeline system. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

10. The Commission reserves the right to reopen any project docket 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.

11. 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.

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

13. 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 unless a renewal is requested by the project sponsor and approved by the Commission.

14. This modified approval is effective until March 14, 2027, the term of the prior docket approval. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by September 14, 2026, which will authorize continued operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application.

## Section 5. Special Conditions

15. Additional sources of water, provided they are first approved by the Commission pursuant to Commission Regulations 18 CFR §806.4(a) or §806.22(f)(13), may be added to this approval. The project sponsor shall make such a request, in writing, to the Commission for review and approval by the Executive Director. Any approval issued by the Executive Director shall become effective upon notification to the project sponsor.

16. The project sponsor may request the approved service area of its regional pipeline system be expanded beyond the municipalities listed in Section 2. The project sponsor shall make such a request, in writing, to the Commission for review and approval by the Executive Director. The request shall be accompanied with proof of notice completed in accordance with Commission Regulation 18 CFR §806.15(a). Notice should be made directly to the municipalities, counties, and state agencies involved in the service area expansion and in newspaper(s) of general circulation serving the area of the expansion. Any approval issued by the Executive Director shall become effective upon notification to the project sponsor.

17. 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).

18. 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 19, including daily quantities supplied.

19. Prior to supplying water pursuant to this approval for any use not authorized pursuant to Section 2, the project sponsor shall first submit a request for determination of authorized use to the Executive Director. The project sponsor shall not supply water for such use until authorization is received.

20. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

21. For all sources of water authorized under this approval, the quantity of water the project sponsor may receive from such sources shall be limited to the quantities authorized in the separate Commission approvals issued to such sources.

22. All other conditions in Commission Docket No. 20120604 not inconsistent herewith shall remain effective.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbcc.net

**Docket No. 20121201****Approval Date: December 14, 2012**

## CABOT OIL & GAS CORPORATION

**Surface Water Withdrawal (Peak Day) of up to 0.290 mgd  
from Bowman 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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. 20080929 that was approved September 11, 2008, with a peak day withdrawal rate of 0.290 million gallons per day (mgd) and no special flow protection requirements. The project sponsor has not requested any changes to the features or quantity of the withdrawal, and none are imposed by this renewal.

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>	Cabot Oil & Gas Corporation
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20080929
<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>	Bowman Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010613 (Bowman Creek)
<b>Water Use Designation:</b>	High Quality, Cold Water Fishery (HQ-CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.517772 N      Long: 75.957697 W
<b>Flow Statistics (cfs):</b>	Q7-10 = 5.3; Average Daily Flow = 171
<b>Wild Trout Classification:</b>	Naturally Reproducing Wild Trout Stream
<b>Drainage Area (square miles):</b>	118
<b>Special Flow Protection Required:</b>	No
cfs – cubic feet per second	

### 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>	0.290 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	201 (Not to Exceed)
gpm – gallons per minute	

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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 with the original docket approval. Any modifications proposed for the metering plan shall be submitted for review and 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 measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, and certify to the Commission once every two (2) 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 with the original docket approval, and shall obtain necessary general or individual permits from the jurisdictional permitting agency. The project sponsor shall provide the Commission with a copy of the permit. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission the approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

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 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

8. Within sixty (60) days from the date of this approval, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. 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 description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

10. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

19. This approval is effective until December 13, 2016. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2016. Provided such application is timely filed, 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.

## Section 6. Special Conditions

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 determination of authorized 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 all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20121202****Approval Date: December 14, 2012**

## CABOT OIL & GAS CORPORATION

**Surface Water Withdrawal (Peak Day) of up to 0.054 mgd  
from Meshoppen 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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. 20080920 that was approved September 11, 2008, with a peak day withdrawal rate of 0.054 million gallons per day (mgd) and no special flow protection requirements. The project sponsor has not requested any changes to the features or quantity of the withdrawal, and none are imposed by this renewal.

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>	Cabot Oil & Gas Corporation
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20080920
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Lemon 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>	Meshoppen Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010608 (Meshoppen Creek)
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.627348 N      Long: 75.955789 W
<b>Flow Statistics (cfs):</b>	Q7-10 =0.9; Average Daily Flow = 67
<b>Drainage Area (square miles):</b>	46
<b>Special Flow Protection Required:</b>	No
cfs – cubic feet per second	

### 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>	0.054 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	38 (Not to Exceed)
gpm – gallons per minute	

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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 with the original docket approval. Any modifications proposed for the metering plan shall be submitted for review and 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 measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, and certify to the Commission once every two (2) 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 with the original docket approval, and shall obtain necessary general or individual permits from the jurisdictional permitting agency. The project sponsor shall provide the Commission with a copy of the permit. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission the approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

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 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

8. Within sixty (60) days from the date of this approval, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. 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 description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

10. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

19. This approval is effective until December 13, 2016. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2016. Provided such application is timely filed, 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.

## Section 6. Special Conditions

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 determination of authorized 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 all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20121203****Approval Date: December 14, 2012**

## CABOT OIL & GAS CORPORATION

**Surface Water Withdrawal (Peak Day) of up to 0.250 mgd  
from Tunkhannock 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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. 20080918 that was approved September 11, 2008, with a peak day withdrawal rate of 0.250 million gallons per day (mgd) and no special flow protection requirements. The project sponsor has not requested any changes to the features or quantity of the withdrawal, and none are imposed by this renewal.

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>	Cabot Oil & Gas Corporation
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20080918
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Lenox 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>	Tunkhannock Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010612 (Tunkhannock Creek)
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.665707 N      Long: 75.714745 W
<b>Flow Statistics (cfs):</b>	Q7-10 = 4.6; Average Daily Flow = 146
<b>Drainage Area (square miles):</b>	101
<b>Special Flow Protection Required:</b>	No
cfs – cubic feet per second	

### 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>	0.250 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	175 (Not to Exceed)
gpm – gallons per minute	

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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 with the original docket approval. Any modifications proposed for the metering plan shall be submitted for review and 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 measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, and certify to the Commission once every two (2) 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 with the original docket approval, and shall obtain necessary general or individual permits from the jurisdictional permitting agency. The project sponsor shall provide the Commission with a copy of the permit. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission the approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

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 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

8. Within sixty (60) days from the date of this approval, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. 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 description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

10. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

19. This approval is effective until December 13, 2016. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2016. Provided such application is timely filed, 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.

## Section 6. Special Conditions

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 determination of authorized 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 all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20121205****Approval Date: December 14, 2012**

## **CENTURA DEVELOPMENT COMPANY, INC.**

**Groundwater Withdrawal (30-Day Average) of 0.250 mgd from Well 1**

### **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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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) 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>	Centura Development Company, Inc.
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Old Lycoming 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>Withdrawal Type:</b>	Groundwater
<b>Withdrawal Source:</b>	Well 1
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020602 (Lycoming Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.288750 N      Long: 77.059761 W

#### **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 Well 1 was conducted on November 2 through 5, 2011, pumping at an average rate of 176.4 gallons per minute (gpm). Private wells are used by nearby residential and commercial properties, as there is no public water supply system servicing this area. To evaluate potential impacts to existing water users, a robust aquifer test monitoring network was required that included continuous water level monitoring at eleven locations surrounding the proposed well, including eight wells of varying depths, two locations on Beautys Run, and one spring.

Commission staff determined that the withdrawal from 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.

<b>Approved Withdrawal Quantities and Limitations – Well 1</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.250
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	174 (Not to Exceed)
mgd – million gallons per day	

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

#### **Section 6. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals.

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 digital 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 measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, and certify to the Commission once every two (2) 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 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. 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

8. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 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 by the project sponsor and approved by the Commission as provided in Commission Regulation 18 CFR §806.31(b). Likewise, 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 unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. 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 to existing withdrawals.

18. This approval is effective until December 13, 2016. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2016. Provided such application is timely filed, 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.

## Section 7. Special Conditions

19. Due to the number of existing water users in the area surrounding the Well 1 location, additional water level monitoring shall be completed to document the pre-pumping conditions and the aquifer response during long-term withdrawal under approved operating conditions. 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. The plan shall include proposed methods for the daily measurement and recording of groundwater elevations in the source listed in Section 3 and at two existing on-site wells (Well 2 and Well 3) located approximately 225 feet and 200 feet to the south of Well 1, respectively. The water level monitoring shall be initiated a minimum of sixty (60) days prior to initiating withdrawal from Well 1. Following approval of the monitoring plan, 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 digital 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 on-line and are due within thirty (30) days after the close of the preceding quarter. Commission staff reserves the right to modify or add to the monitoring requirements based on results obtained from monitoring under the approved monitoring plan.

20. Prior to the withdrawal of water, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. 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 description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

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 determination of authorized 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.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20121209**

**Approval Date: December 14, 2012**

## **CHESAPEAKE APPALACHIA, LLC**

**Surface Water Withdrawal (Peak Day) of up to 0.715 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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 a project originally approved under Commission Docket No. 20081227. As a result of the transfer of Commission Docket No. 20090610, the project sponsor owned two approvals in close proximity to each other. The two approvals, Commission Docket Nos. 20090610 and 20081227, were subsequently consolidated into one approval for the combined quantity on June 23, 2011, under Commission Docket No. 20110607, and authorized to operate at the location reviewed and approved under Commission Docket No. 20081227. This renewal incorporates the combined quantity contained in Commission Docket No. 20110607 and authorizes the project to operate at the location previously reviewed and approved under Commission Docket No. 20090610. The project sponsor has not requested any other changes to the features or quantity of the approved withdrawal, and no other changes are imposed with this renewal.

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>	Chesapeake Appalachia, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20110607
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Rush 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.

Source Information	
<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: 41.789839 N      Long: 76.111616 W
<b>Flow Statistics (cfs):</b>	Q7-10 = 6.8; Average Daily Flow = 217
<b>Drainage Area (square miles):</b>	150
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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>	0.715 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	700 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 20% Average Daily Flow
<b>On-Site Flow Protection Rate (cfs):</b>	43
<b>On-Site Flow Protection Rate (gpm):</b>	19,500
<b>Method for Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01534000; Tunkhannock Creek near Tunkhannock, Pennsylvania
<b>Off-Site Flow Protection Threshold (cfs):</b>	115
mgd – million gallons per day	USGS – U.S. Geological Survey
gpm – gallons per minute	

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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 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 digital 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 measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and certify to the Commission once every two (2) 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 the approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

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 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

8. Within sixty (60) days from the date of approval, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. 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 description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

10. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

19. This approval is effective until December 13, 2016. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2016. Provided such application is timely filed, 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.

## **Section 6. Special Conditions**

20. Effective upon notice of this approval, 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 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. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, 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.

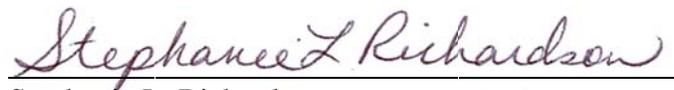
23. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for determination of authorized use to the Executive Director. The project sponsor shall not supply water for such use unless and until

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 all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20121210****Approval Date: December 14, 2012**

## CHIEF OIL & GAS LLC

**Surface Water Withdrawal (Peak Day) of up to 0.099 mgd  
from Sugar 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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>	Chief Oil & Gas LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Burlington Borough
<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>	Sugar Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010601 (Sugar Creek)
<b>Water Use Designation:</b>	Trout Stocked Fishery (TSF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.776926 N      Long: 76.602291 W
<b>Flow Statistics (cfs):</b>	Q7-10 = 1.5; Average Daily Flow = 117
<b>Drainage Area (square miles):</b>	118
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

#### 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>	68 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 20% Average Daily Flow
<b>On-Site Flow Protection Rate (cfs):</b>	23
<b>On-Site Flow Protection Rate (gpm):</b>	10,500
<b>Method for Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01531325; Sugar Creek at West Burlington, Pennsylvania
<b>Off-Site Flow Protection Threshold (cfs):</b>	19
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 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 digital 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 measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, and certify to the Commission once every two (2) 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 the approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

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 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

8. Prior to the withdrawal of water, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. 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 description shall identify the project

sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

10. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 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 by the project sponsor and approved by the Commission as provided in Commission Regulation 18 CFR §806.31(b). Likewise, 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 unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

19. This approval is effective until December 13, 2016. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2016. Provided such application is timely filed, 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.

## **Section 6. Special Conditions**

20. 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 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. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, 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 determination of authorized 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 all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20121212****Approval Date: December 14, 2012**

## **EQT PRODUCTION COMPANY**

**Groundwater Withdrawals (30-Day Averages) of 0.072 mgd from Antrim Well #1  
and 0.072 mgd from Antrim Well #2,  
and Total System Withdrawal Limit (30-Day Average) of 0.144 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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) 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>	EQT Production Company
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Duncan 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>Withdrawal Type:</b>	Groundwater	
<b>Withdrawal Sources:</b>	Antrim Well #1 and Antrim Well #2	
<b>Subbasin:</b>	West Branch Susquehanna	
<b>Watershed Boundary Dataset (WBD):</b>	0205020504 (Babb Creek)	
<b>Withdrawal Location (degrees):</b>		
Antrim Well #1	Lat: 41.62140 N	Long: 77.29236 W
Antrim Well #2	Lat: 41.62657 N	Long: 77.29452 W
<b>Special Flow Protection Required:</b>	No	

### 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 Antrim Well #1 was conducted on September 19, 2011 through September 22, 2011, pumping at an average rate of 50 gallons per minute (gpm). A 72-hour, constant-rate aquifer test of Antrim Well #2 was conducted on October 29, 2011 through October 31, 2011, pumping at an average rate of 50 gpm.

Commission staff determined that the withdrawals from Antrim Well #1 and Antrim Well #2 at the requested withdrawal rates 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 withdrawals approved hereunder are subject to the quantitative limits and restrictions set forth in the tables below.

Approved Withdrawal Quantities and Limitations – Antrim Well #1	
<b>30-Day Average Withdrawal (mgd):</b>	0.072
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	50 (Not to Exceed)
<b>Total System Withdrawal Limit – Antrim Well #1 and Antrim Well #2 (30-Day Average) (mgd):</b>	0.144
mgd – million gallons per day	

<b>Approved Withdrawal Quantities and Limitations – Antrim Well #2</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.072
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	50 (Not to Exceed)
<b>Total System Withdrawal Limit – Antrim Well #1 and Antrim Well #2 (30-Day Average) (mgd):</b>	0.144

The withdrawals are also subject to all other conditions set forth in this docket approval.

## **Section 6. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals.

3. Prior to any withdrawal 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 digital 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 plan and notified the project sponsor of such approval.

4. The project sponsor shall maintain the totalizing meters and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

5. Within sixty (60) 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. The plan shall include proposed methods for the daily measurement and recording of groundwater elevations in the sources 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 digital 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 on-line and are due within thirty (30) days after the close of the preceding quarter.

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 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

8. Prior to the withdrawal of water, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. 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 description shall identify the project sponsor, project name, docket approval number, and conditions of the groundwater withdrawal approval including quantity and rate, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

10. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right

to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 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 by the project sponsor and approved by the Commission as provided in Commission Regulation 18 CFR §806.31(b). Likewise, 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 unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

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.

20. This approval is effective until December 13, 2016. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2016. Provided such application is timely filed, 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.

## **Section 7. Special Conditions**

21. Should the project's anticipated total system demand be expected to exceed the approved total system withdrawal limit herein, the project sponsor is required to make application for modification to this approval at that time.

22. Except as authorized pursuant to Special Condition 24, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered this approval pursuant to Commission Regulation 18 CFR §806.22(f)(12).

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

24. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for determination of authorized 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.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20121213****Approval Date: December 14, 2012**

## EQT PRODUCTION COMPANY

**Surface Water Withdrawal (Peak Day) of up to 1.000 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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>	EQT Production Company
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Porter 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: 41.210521 N      Long: 77.309662 W
<b>Flow Statistics (cfs):</b>	Q7-10 = 38; Average Daily Flow = 1,450
<b>Drainage Area (square miles):</b>	972
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

#### 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>	1.000 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	694 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 25% Average Daily Flow
<b>On-Site Flow Protection Rate (cfs):</b>	363
<b>On-Site Flow Protection Rate (gpm):</b>	163,000
<b>Method for Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01549700; Pine Creek below Little Pine Creek near Waterville, Pennsylvania
<b>Off-Site Flow Protection Threshold (cfs):</b>	354
mgd – million gallons per day	USGS – U.S. Geological Survey
gpm – gallons per minute	

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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 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 digital 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 measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, and certify to the Commission once every two (2) 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 the approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

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 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

8. Prior to the withdrawal of water, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. 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 description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and

contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

10. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 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 by the project sponsor and approved by the Commission as provided in Commission Regulation 18 CFR §806.31(b). Likewise, 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 unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

19. This approval is effective until December 13, 2016. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2016. Provided such application is timely filed, 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.

## **Section 6. Special Conditions**

20. 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 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. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

21. Per Commission coordination with jurisdictional agency(ies), the project sponsor shall adhere to recommendations for avoiding adverse impact to documented occurrences of rare, threatened, or endangered species at or in proximity to the project location. The documented species includes the Eastern hellbender (*Cryptobranchus alleganiensis*). To avoid adverse impact to the species, installation of the intake shall not be permitted from August 1 through November 30 to avoid the breeding and egg incubation periods of the Eastern hellbender.

22. Except as authorized pursuant to Special Condition 24, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered this approval pursuant to Commission Regulation 18 CFR §806.22(f)(12).

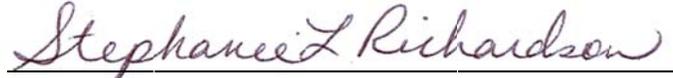
23. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep daily records, and shall report the same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

24. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for determination of authorized use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

25. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20121215**

**Approval Date: December 14, 2012**

## **EXCO RESOURCES (PA), LLC**

**Surface Water Withdrawal (Peak Day) of up to 0.999 mgd  
from Little 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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>	EXCO Resources (PA), LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Franklin 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>	Little Muncy Creek
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020607 (Little Muncy Creek)
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.239413 N      Long: 76.603475 W
<b>Flow Statistics (cfs):</b>	Q7-10 = 1.7; Average Daily Flow = 69
<b>Wild Trout Classification:</b>	Naturally Reproducing Wild Trout Stream
<b>Drainage Area (square miles):</b>	34
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

#### 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>	0.999 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	694 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 25% Average Daily Flow
<b>On-Site Flow Protection Rate (cfs):</b>	17
<b>On-Site Flow Protection Rate (gpm):</b>	7,790
<b>Method for Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01552500; Muncy Creek near Sonestown, Pennsylvania
<b>Off-Site Flow Protection Threshold (cfs):</b>	14
mgd – million gallons per day	USGS – U.S. Geological Survey
gpm – gallons per minute	

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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 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 digital 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 measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and certify to the Commission once every two (2) 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 the approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

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 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

8. Prior to the withdrawal of water, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. 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 description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

10. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 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 by the project sponsor and approved by the Commission as provided in Commission Regulation 18 CFR §806.31(b). Likewise, 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 unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

19. This approval is effective until December 13, 2016. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2016. Provided such application is timely filed, 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.

## **Section 6. Special Conditions**

20. 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 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. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

21. Per Commission coordination with jurisdictional agency(ies), the project sponsor shall adhere to recommendations for avoiding adverse impact to the stream's naturally reproducing wild trout population by avoiding instream construction from October 1 through December 31.

22. Except as authorized pursuant to Special Condition 24, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered this approval pursuant to Commission Regulation 18 CFR §806.22(f)(12).

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

24. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a request for determination of authorized use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

25. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20121221**

**Approval Date: December 14, 2012**

## PATTON BOROUGH

**Groundwater Withdrawal (30-Day Averages)  
of 0.316 mgd from Well 2 and 0.316 mgd from Well 3,  
and Total System Withdrawal Limit (30-Day Average) of 0.339 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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) 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>	Patton Borough
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Public Water Supply
<b>Municipality:</b>	Clearfield Township
<b>County:</b>	Cambria 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>Withdrawal Sources:</b>	Well 2 and Well 3
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020101 (Chest 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 Well 2 was conducted on November 16, 2009, pumping at an average rate of 220 gallons per minute (gpm). A 72-hour, constant-rate aquifer test of Well 3 was conducted on November 9, 2009, pumping at an average rate of 220 gpm.

During the November 2009 test of Well 3, one piezometer (PZ3) indicated that a potential influence to Chest Creek may occur as a result of pumping Well 3. No other piezometers indicated potential influence to Chest Creek. To further evaluate the potential influence to Chest Creek, Patton Borough completed additional 72-hour aquifer tests of Well 3 in June and September 2011. The 2011 testing was completed with additional surface water monitoring locations, and the September 2011 testing was completed utilizing a temporary packer to isolate the shallowest water-bearing zone in Well 3 from the deeper zones. The results of the additional Well 3 testing were submitted to the Commission as supplemental data to the required aquifer testing.

Commission staff evaluated the proposed withdrawals if operated individually or simultaneously, and determined that the withdrawals from Well 2 and Well 3 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.

A complaint was received from a property owner suggesting that the private water supply well located approximately 1,200 feet east of Well 3 was impacted during aquifer testing. The property owner reported being away from home for a week and returned to find mud throughout the plumbing system. The property owner was unable to provide the date of this event to Commission staff. Based on the hydrogeologic setting and location of the private well, Commission staff determined that it is unlikely the aquifer testing caused an impact to the

residential well but that sufficient data do not exist to demonstrate that this occurrence is not related to the operation of Well 3. Therefore, Commission staff recommends that monitoring of the residential well during start-up of Well 3 be completed to assess the potential for influence at this location as specified in Section 8; the property owner has indicated willingness to allow access for monitoring.

### Section 5. Approved Withdrawal Quantities and Limitations

Based on a recommendation by Commission staff, the requested withdrawal quantity of 0.6336 million gallons per day (mgd) (30-day average) from Wells 2 and 3 was reduced to the quantity indicated in the table below based on the provided projected 15-year average daily demand. The withdrawals approved hereunder are subject to the quantitative limits and restrictions set forth in the tables below.

<b>Approved Withdrawal Quantities and Limitations – Well 2</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.316
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	220 (Not to Exceed)
<b>Total System Withdrawal Limit – Well 2 and Well 3 (30-Day Average) (mgd):</b>	
	0.339

<b>Approved Withdrawal Quantities and Limitations – Well 3</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.316
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	220 (Not to Exceed)
<b>Total System Withdrawal Limit – Well 2 and Well 3 (30-Day Average) (mgd):</b>	
	0.339

The withdrawals are also subject to all other conditions set forth in this docket approval.

### Section 6. Existing Sources

Quantities applicable to the existing sources are listed in the table below.

<b>Existing Surface Water Withdrawal</b>			
<b>Source</b>	<b>Peak Day Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Chest Creek (PADEP WA11-236B [Expired])	0.750	Not Applicable	Not Applicable

The Chest Creek withdrawal was originally approved in 1925 under permit No. 4905. PADEP approved the water allocation permit for the Chest Creek source for a period of 5 years at the noted rate on October 22, 2002. Through routine sampling, PADEP found that the municipal water being supplied by the Chest Creek source exceeded the established maximum contaminant level for total trihalomethanes over multiple compliance cycles. As a result of these violations, Patton Borough executed a Consent Order and Agreement with PADEP on June 25,

2012, requiring that Patton Borough cease the use of its surface water source known as Chest Creek as a public water supply source. In response to the violations and in accordance with the Consent Order and Agreement, Patton Borough has developed groundwater sources for the public water supply system.

## **Section 7. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals.

3. Prior to any withdrawal 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 digital 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 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 sources 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 digital 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 on-line and are due within thirty (30) days after the close of the preceding quarter.

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 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

8. Should the project's anticipated total system demand be expected to exceed the approved total system withdrawal limit herein, the project sponsor is required to make application for modification to this approval at that time.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(a).

10. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 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 by the project sponsor and approved by the Commission as provided in Commission Regulation 18 CFR §806.31(b). Likewise, 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 unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

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.

20. This approval is effective until December 13, 2027. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2027. Provided such application is timely filed, 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.

## **Section 8. Special Conditions**

21. In accordance with the Consent Order and Agreement executed on June 25, 2012, between PADEP and Patton Borough, concurrent with the commencement of operation of its groundwater public water supply system, Patton Borough shall cease the use of its surface water source known as Chest Creek as a public water supply source.

22. 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 for the private residential well on the property located approximately 1,200 feet east of Well 3 that has been identified under separate correspondence. The plan shall include proposed methods for the daily measurement and recording of groundwater elevations at the subject property. Groundwater elevation data should be collected for a period of not less than one (1) month prior to initiating the withdrawal from Well 3, and groundwater elevations should be collected for a period of not less than ninety (90) days after operations of Well 3 begin. The 90-day period must include, at a minimum, a 72-hour (or longer) period during which Well 3 is operated at the maximum approved rate (220 gpm) for

the entire 72-hour period. 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, when the monitoring equipment has been installed, certify the accuracy of the measuring devices, and when Well 3 operations and the 72-hour period begin. Commission staff shall be notified at least seventy-two (72) hours prior to the start of the 72-hour period. Any adverse impacts to the private residential well must be reported to the Commission immediately. A report documenting the results of the monitoring period must be submitted to the Commission within sixty (60) days following cessation of monitoring. Commission staff will review the monitoring report and determine if additional monitoring is needed.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

Docket No. 20121222

Approval Date: December 14, 2012

## PENNSYLVANIA GENERAL ENERGY COMPANY, L.L.C.

### Surface Water Withdrawal (Peak Day) of up to 0.231 mgd from First Fork Sinnemahoning 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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. 20080928 that was approved September 11, 2008. The docket included a withdrawal limit of 0.231 million gallons per day (mgd) from First Fork Sinnemahoning Creek and a combined withdrawal limit of 0.231 mgd from the project sponsor's five withdrawal locations in the Sinnemahoning watershed (Commission Docket Nos. 20080922, 20080924, 20080925, 20080926, and 20080928). The project sponsor never developed the other four withdrawals, all of which expired on September 11, 2011. As such, Commission staff recommends that the formerly approved peak daily and combined withdrawal limit of 0.231 mgd be applied to this project renewal as a peak daily rate for this single withdrawal site. The project sponsor has not requested any other changes to the features or quantity of the withdrawal, and none are imposed by this renewal.

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>	Pennsylvania General Energy Company, L.L.C.
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20080928
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Wharton Township
<b>County:</b>	Potter 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>	First Fork Sinnemahoning Creek
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020204 (First Fork Sinnemahoning Creek)
<b>Water Use Designation:</b>	High Quality Cold Water Fishery (HQ-CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.522646 N      Long: 78.027776 W
<b>Flow Statistics (cfs):</b>	Q7-10 = 5.0; Average Daily Flow = 300
<b>Drainage Area (square miles):</b>	179
<b>Special Flow Protection Required:</b>	No
cfs – cubic feet per second	

### 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>	0.231 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	183 (Not to Exceed)
gpm – gallons per minute	

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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 with the original docket approval. Any modifications proposed for the metering plan shall be submitted for review and 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 measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, and certify to the Commission once every two (2) 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 with the original docket approval. Any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

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 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

8. Within sixty (60) days from the date of this approval, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. 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 description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate, docket expiration date, and contact information for

the project sponsor and the Commission. The sign shall be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

10. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

19. This approval is effective until December 13, 2016. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2016. Provided such application is timely filed, 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.

## Section 6. Special Conditions

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 determination of authorized 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 all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

Docket No. 20121223

Approval Date: December 14, 2012

## SOUTHWESTERN ENERGY PRODUCTION COMPANY

Surface Water Withdrawal (Peak Day) of up to 0.070 mgd  
from Middle Lake

### 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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.

Project Information	
<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>	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>	Middle Lake
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010612 (Tunkhannock Creek)
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.814492 N      Long: 75.760887 W
<b>Flow Statistics (cfs):</b>	Q7-10 = 0.1; Average Daily Flow = 1.7
<b>Drainage Area (square miles):</b>	1.48
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

#### 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>	0.070 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,200 (Not to Exceed)
<b>Flow Protection Type:</b>	Conservation      Release,      Maximum Drawdown, Passby
<b>Minimum Conservation Release Rate (gpm):</b>	97
<b>Maximum Reservoir Drawdown (inches):</b>	8
<b>Method for Flow Protection:</b>	On-site Flow and Water Level Monitoring; Off-site monitoring of USGS Real-Time Gage 01534000; Tunkhannock Creek near Tunkhannock, Pennsylvania
<b>Off-Site Flow Protection Threshold (cfs):</b>	17.3
mgd – million gallons per day	USGS – U.S. Geological Survey
gpm – gallons per minute	

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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals.

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 digital 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 measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, and certify to the Commission once every two (2) 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 modifications to the intake design, the project sponsor shall submit to the Commission the approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

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 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

8. Prior to the withdrawal of water, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. 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 description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

10. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 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 by the project sponsor and approved by the Commission as provided in Commission Regulation 18 CFR §806.31(b). Likewise, 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 unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

19. This approval is effective until December 13, 2016. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2016. Provided such application is timely filed, 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.

## **Section 6. Special Conditions**

20. Within sixty (60) days from the date of this approval, the project sponsor shall submit to the Commission, for review and approval by Commission staff, a plan to monitor and maintain minimum release rates and water surface elevation. Withdrawals shall not commence until Commission staff has approved the implementation of the approved monitoring plan and notified the project sponsor of such approval.

21. Upon initiation of the withdrawal, the project sponsor shall maintain a minimum release (natural or augmented) from the source of no less than the rate specified in Section 4 at all times for the duration of the approval, except for those times a cessation of augmented release is allowed by Special Condition 23.

22. The project sponsor shall cease all withdrawals, but maintain minimum conservation release requirements, as specified in Section 4, when the water surface of the reservoir is at or below the maximum drawdown specified in Section 4, as measured from the invert of the overflow spillway. Daily water surface elevations and release rates shall be monitored and reported to the Commission in the form and manner approved under the monitoring plan.

23. The project sponsor shall cease all withdrawals and conservation releases, regardless of water surface elevation, from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection threshold specified in Section 4, and shall not reinstate withdrawals or conservation releases until the streamflow has remained above such flow protection threshold for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required.

24. Except as authorized pursuant to Special Condition 26, 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 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 26, including daily quantities supplied.

26. 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 determination of authorized 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.

27. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

**Docket No. 20121224**

**Approval Date: December 14, 2012**

## **TALISMAN ENERGY USA INC.**

**Surface Water Withdrawal (Peak Day) of up to 0.040 mgd  
from Tamarack Lake**

### **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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. 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>	Talisman Energy USA Inc.
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Armenia 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.

Source Information	
<b>Approved Source:</b>	Tamarack Lake
<b>Subbasin:</b>	Chemung
<b>Watershed Boundary Dataset (WBD):</b>	0205010409 (Tioga River)
<b>Water Use Designation:</b>	High Quality Cold Water Fishery (HQ-CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.76775917 N      Long: 76.843393 W
<b>Wild Trout Classification:</b>	Class D Naturally Reproducing Wild Trout
<b>Drainage Area (square miles):</b>	0.22
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

Although Tamarack Lake geographically lies within the WBD and subbasin given in the table above, the earthen dam that created the lake has altered its hydrology and the lake now primarily discharges, via an unnamed tributary, into the West Branch Sugar Creek (WBD 0205010601), within the Middle Susquehanna Subbasin. The West Branch Sugar Creek is designated as a Trout Stocked Fishery (TSF). A small quantity of water, less than 10 gallons per minute (gpm), continues to seep through the earthen dam and into the original stream (Webier Creek) within the Chemung Subbasin.

The proposed withdrawal should have little, if any, effect on the quantity of water seeping through the dam and into Webier Creek. The project review focused on potential impacts to the lake itself and to the current primary discharge into the West Branch Sugar Creek, and staff found that the surface area of the reservoir relative to its drainage area is such that average evaporation exceeds average reservoir inflow several months of the year. To avoid potentially detrimental drawdown in the lake and additional loss of flow to the West Branch Sugar Creek during such conditions, staff recommended limitations to the withdrawal as described in Section 4.

#### 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>	0.040 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	69 (Not to Exceed)
<b>Flow Protection Type:</b>	Cessation of Withdrawal in Peak Evaporation Months
<b>Method for Flow Protection:</b>	Cessation of Withdrawal April 1 through October 31 Each Year
mgd – million gallons per day	

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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals.

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 digital 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 measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, and certify to the Commission once every two (2) 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 the approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

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 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

8. Prior to the withdrawal of water, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. 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 description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

10. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 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 by the project sponsor and approved by the Commission as provided in Commission Regulation 18 CFR §806.31(b). Likewise, 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 unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

19. This approval is effective until December 13, 2016. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2016. Provided such application is timely filed, 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.

## **Section 6. Special Conditions**

20. The project sponsor shall cease all withdrawals from the approved source beginning April 1 and shall not reinstate withdrawals until November 1 each year.

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 determination of authorized 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 all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

Docket No. 20121225

Approval Date: December 14, 2012

## WEST COCALICO TOWNSHIP AUTHORITY

**Groundwater Withdrawal (30-Day Average) of 0.259 mgd from Well 2,  
and Total System Withdrawal Limit (30-Day Average) of 0.387 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

Groundwater withdrawal from Well 2 was originally approved by Commission Docket No. 19780101 on January 12, 1978, which expired on January 12, 2008. Upon initial approval of Well 2, the project sponsor also operated a withdrawal from Well 1 initiated prior to applicable groundwater regulations. The project sponsor also utilizes one additional groundwater well, Well 3, as a source. As identified in Section 6 below, Well 3 is currently approved by the Commission under a separate docket. This approval renews an authorization to continue the use of Well 2 at a modified rate and establishes a system limit on all 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.

Project Information	
<b>Project Sponsor:</b>	West Cocalico Township Authority
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Public Water Supply
<b>Municipality:</b>	West Cocalico Township
<b>County:</b>	Lancaster 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>Withdrawal Source:</b>	Well 2
<b>Subbasin:</b>	Lower Susquehanna River
<b>Watershed Boundary Dataset (WBD):</b>	0205030609 (Cocalico 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

West Cocalico Township Authority (WCTA) requested that the constant-rate aquifer testing required by Commission Regulation 18 CFR §806.12 for groundwater withdrawals be waived. In support of its request for a waiver, the project sponsor prepared and provided the required Phase I and Phase II groundwater availability estimates and historic operational withdrawal data for Well 2. Additionally, Commission staff reviewed the aquifer testing data that was submitted with the original Well 2 application in 1977. The withdrawal from Well 2 was never operated at the previously approved rate of 0.432 million gallons per day (mgd) (30-day average), and staff review of historic data determined a maximum historic 30-day average withdrawal rate from Well 2 to be 0.259 mgd. Subsequently, the project sponsor made application for groundwater withdrawal from Well 2 at 0.259 mgd (30-day average).

The demonstrated maximum historic withdrawal is slightly greater than the peak withdrawal (0.252 mgd; 30-day average) reported from Well 2 during an extended period of drought conditions. Well 2 water level data provided for the periods of maximum pumping during drought did not demonstrate an adverse impact to groundwater levels or exposure of primary water-bearing zones. Therefore, Commission staff determined that the withdrawal at the requested reduced withdrawal rate should not adversely impact the aquifer by causing permanent loss of aquifer storage, rendering competing supplies unreliable, or causing adverse impacts to the water resources of the basin, subject to the conditions of this approval, and aquifer testing requirements for Well 2, pursuant to Commission Regulation 18 CFR §806.12, are hereby waived. To provide supplemental groundwater levels for ongoing evaluation of aquifer conditions and monitoring during long-term operation at the approved rate, a condition for supplemental groundwater level monitoring requirements is included in Section 9.

### 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 – Well 2</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.259
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	350 (Not to Exceed)
<b>Total System Withdrawal Limit (30-Day Average) (mgd):</b>	0.387 (from all sources)
gpm – gallons per minute	

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 Groundwater Withdrawals</b>			
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Well 3	0.173*	20030214	February 6, 2028
*Subject to total system withdrawal limit.			

### Section 7. Grandfathering Determination – Groundwater Withdrawal

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

<b>Grandfathered Groundwater Withdrawals</b>	
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)</b>
Well 1	0.084*
*Subject to total system withdrawal limit.	

### Section 8. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 has installed metering that accounts for withdrawals from Well 2 and shall maintain such metering in accordance with Commission Regulation 18 CFR §806.30. Within sixty (60) days from the date of this approval, the project sponsor shall submit digital photographs of the meter, provide the serial number of the meter, and certify the accuracy of the meter to within five (5) percent of actual flow.

3. The project sponsor shall maintain the totalizing meter and other 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 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.

5. Should the project's grandfathered withdrawal be expected to exceed the amount listed herein, the project sponsor is required to make application at that time.

6. Should the project's anticipated total system demand be expected to exceed the approved total system withdrawal limit herein, the project sponsor is required to make application for modification to this approval at that time.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(a).

8. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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. In accordance with Commission Regulation 18 CFR §806.31(b), 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 unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's anticipated withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. 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.

18. This approval is effective until December 13, 2027. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2027. Provided such application is timely filed, 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.

## **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). Information provided to the Commission for the operating year of 2011 indicated that the unaccounted for water from the project sponsor's system was greater than 50 percent. The project sponsor shall have reduced system losses and achieved 100 percent compliance with the requirements within five (5) years (**December 14, 2017**) of the date of this docket unless an extension of time is granted by Commission staff, in writing, due to extenuating circumstances described and requested, 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. 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. The plan shall include proposed methods for the daily measurement (minimum frequency) and recording of groundwater elevations in the sources listed in Sections 3, 6, and 7. To provide further monitoring and evaluation of aquifer response

to the approved withdrawal under long-term operating conditions, the project sponsor shall also complete daily measurement and recording of groundwater levels at an existing currently unused private water well (facility formerly known as Keystone Nitewear) located approximately 250 feet to the south of Well 2. The following must be incorporated into the monitoring program with respect to the private water well:

- a. With concurrence of the property owner, an electronic recording transducer shall be supplied, installed, and maintained by the project sponsor in the existing private well located approximately 250 feet to the south of Well 2.
- b. If the property owner is not receptive to ongoing monitoring of their well, the project sponsor shall propose alternative local area aquifer monitoring, that meets the intent of the monitoring, to Commission staff for review and approval.

Following approval of the plan, the project sponsor shall execute the plan and complete installation of water level monitoring equipment (as necessary) in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital 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 on-line and are due within thirty (30) days after the close of the preceding quarter.

21. The original well log for Well 2 indicates that the shallowest primary water-bearing zone is at a depth of 168 feet below ground surface (bgs). Because dewatering and exposure of the water-bearing zone at 168 feet bgs could have potentially adverse impacts on the quality and quantity of groundwater, the water level in Well 2 shall be monitored and maintained above 168 feet bgs. A review of data collected during previous operation through an extended declared drought indicated that water levels were maintained above the primary water-bearing zone. If ongoing water level monitoring required by Special Condition 20 reveals drawdown in Well 2 reaching 140 feet bgs, WCTA shall immediately notify the Commission and initiate the following protective modifications within sixty (60) days to provide automated avoidance of exposure of the primary water-bearing zone:

- a. The project sponsor shall install an automatic shut-off switch or similar limiting equipment so that operation of Well 2 automatically ceases if the water level reaches 165 feet bgs.
- b. Once installed, the project sponsor shall notify the Commission, in writing, and submit digital photographs of the automatic shut-off equipment. The project sponsor shall notify the Commission when such equipment is fully functional.

22. The project sponsor has installed and shall maintain metering on the source of the project's grandfathered withdrawal listed in Section 7, in accordance with Commission Regulation 18 CFR §806.30(a)(1). The project sponsor shall submit digital photographs of the

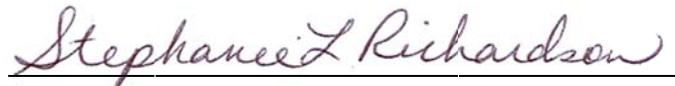
meter, provide the serial number of the meter, and certify the accuracy of the meter to within five (5) percent of actual flow.

23. The project sponsor shall keep daily records of the project's withdrawal from the sources listed in Sections 3 and 7 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 on-line 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, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

24. Notifications for a groundwater withdrawal from Well 2 have been made by the project sponsor to the municipality, the state, the local planning agency, and to the general public in a newspaper of general circulation. The project sponsor has requested waiver of the requirement for making individual property owner notifications within one-half (1/2) mile radius because the groundwater withdrawal from Well 2 has been ongoing since 1978, in accordance with the terms of a previous Commission approval (Commission Docket No. 19780101), and the withdrawal quantity requested by the project sponsor is lower than the previously approved withdrawal quantity. Therefore, the public notification requirements for nearby property owners as specified in Commission Regulation 18 CFR §806.15 are hereby waived, as requested.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391  
 (717) 238-0423 Phone • (717) 238-2436 Fax  
 www.srbc.net

**Docket No. 20121226**  
**Approval Date: December 14, 2012**

## YORK COUNTY SOLID WASTE AND REFUSE AUTHORITY

**Total System Withdrawal Limit (30-Day Average) of 0.485 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, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

The project sponsor owns and operates a groundwater remediation system at the York County Sanitary Landfill in Hopewell Township, York County, Pennsylvania. The ongoing remediation efforts are being conducted under the oversight of the Pennsylvania Department of Environmental Protection (PADEP), under Decree No. 1451 C.D. 1984 (Decree). The project sponsor has requested approval for the use of a replacement remediation well within the existing groundwater remediation system.

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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	York County Solid Waste and Refuse Authority
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Groundwater Remediation System
<b>Municipality:</b>	Hopewell Township
<b>County:</b>	York 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>Withdrawal Type:</b>	Groundwater
<b>Withdrawal Sources:</b>	Groundwater Remediation Well Field
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030613 (Muddy Creek)
<b>Withdrawal Location (degrees)*:</b>	Lat: 39.7829 N                      Long: -76.6005 W
<b>Special Flow Protection Required:</b>	No
* Project location represents a general centralized location of the multiple withdrawal wells comprising 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. The project sponsor has collected and continues to collect extensive pumping and analytical data from all existing wells and reports the data to PADEP on both a quarterly and annual basis. According to the monitoring and reporting data, the project sponsor has made significant progress toward its remediation goals at the facility. Continual upgrades and enhancements 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, thereby affording better protection of the public health and safety.

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 the PADEP, the recovery wells are 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.

<b>Approved Withdrawal Quantities and Limitations – Groundwater Remediation Well Field</b>	
<b>Total System Withdrawal Limit (30-Day Average) (mgd):</b>	0.485
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 15, 1997, the Commission approved the project for the withdrawal (30-day average) of 0.007 mgd from Well YC-1, and a total system withdrawal limit of 0.485 mgd from 17 recovery wells for groundwater remediation (Commission Docket No. 19970506). Upon approval of the docket conditions listed herein, Commission Docket No. 19970506 shall be rescinded.

## **Section 7. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30. 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 maintain the totalizing meter and other 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.

3. 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.

4. Should the project's anticipated total system demand be expected to exceed the approved total system withdrawal limit herein, the project sponsor is required to make application for modification to this approval at that time.

5. The project sponsor shall maintain legal access to the withdrawal locations for the duration of the approval.

6. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Subchapter B, "Registration."

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

8. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

9. The Commission reserves the right to reopen any project docket 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. 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 unless a renewal is requested by the project sponsor and approved by the Commission.

13. 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.

14. This approval is effective until December 13, 2027. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application on or before June 13, 2027. Provided such application is timely filed, 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.

## **Section 8. Special Conditions**

15. Effective the date of this approval, Commission Docket No. 19970506 is hereby rescinded.

16. Prior to any withdrawal from a new or replacement well, 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 digital 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.

17. The project sponsor shall continue to meter its withdrawals from all wells, and shall keep daily records of its withdrawals in accordance with Commission Regulation 18 CFR §806.30. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

18. The project sponsor shall tabulate the daily withdrawals and report the daily total combined system withdrawal quantity to the Commission on a quarterly basis. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter.

19. Any subsequent use of the water withdrawn from the recovery wells shall conform to PADEP standards and shall not exceed the Commission's regulatory threshold for consumptive water use.

20. In accordance with Commission Regulation 18 CFR §806.4(a)(1), should the project's consumptive water use be expected to exceed 20,000 gallons per day in any consecutive 30-day period, the project sponsor is required to make application for approval at that time.

21. The project sponsor shall notify the Commission of any groundwater remediation system summary reports at the time they are provided to a state or federal agency.

22. 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 0.485 mgd (30-day average) system limit. By allowing new recovery wells to be installed, or existing recovery wells to be reactivated without making new application, the Commission is providing the project sponsor with the flexibility needed to respond to changing site conditions, such as natural annual fluctuations in water table levels, and to achieve better control of the groundwater plume and remediation efforts, thereby affording better protection of the environment and public health and safety. This flexibility also eliminates the potential for Commission requirements to hinder or duplicate efforts made by member jurisdictions.

23. The project sponsor shall notify the Commission 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.

24. Commission Regulation §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.

25. The ongoing groundwater remediation activities at the facility are being conducted under continuing oversight of the PADEP. The project sponsor has collected and continues to collect extensive water level and analytical data for all 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 PADEP. Therefore, the groundwater elevation monitoring requirements are hereby waived.

26. Extensive public notification and outreach efforts regarding the groundwater remediation project have been ongoing, since 1984, in accordance with the terms of the Decree between PADEP and the project sponsor. Public notification consists of quarterly and annual reports sent to the PADEP, with copies of all plans and reports sent to the U.S. Environmental Protection Agency (USEPA) and Hopewell Township. All reports are available to the public through the PADEP, USEPA, and Hopewell Township. Therefore, the public notification requirements specified in Commission Regulation 18 CFR §806.15 are hereby waived, as requested.

**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 14, 2012.

Dated: December 17, 2012

  
Stephanie L. Richardson