



SUSQUEHANNA RIVER BASIN COMMISSION

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

POLICY NO. 92-01

CLARIFICATION OF CURRENT CONSUMPTIVE USE REGULATION

November 19, 1992

The primary purpose in implementing the Commission's consumptive use regulation is to protect the affected stream(s). For that reason, the Commission prefers compensation in kind, as described in Sections 803.61 (c) (iv) (a) through (f) of the regulation, or reduction in consumptive use to less than 20,000 gpd, during low flow periods.

If a stream is affected by consumptive use(s), compensation in kind should be provided at or above the point of taking. However, if it is not possible or practical to provide such compensation on the affected stream(s), the Commission may accept another form of compensation or deny the application, at its sole discretion.

Sources of consumptive use makeup may be allowed on other streams: (a) if the effect of the consumptive use on the source stream(s) is not significant; (b) if the Commission determines that there is no need to provide makeup on the source stream(s); or (c) if it is not possible or practical to provide compensation in kind on the source stream(s). For these case(s), the primary thrust of implementation is to protect the affected streams within the subbasin and, ultimately, the Chesapeake Bay. The consumptive use makeup releases will be made when the trigger level is reached at the appropriate gage.

The Commission may accept monetary payment on a temporary basis in lieu of in-kind compensation while the applicant is investigating alternatives for compliance with the regulation.

The Commission may accept permanent monetary payment, in lieu of in-kind compensation, if the rate of compensation is adequate to permit the Commission to purchase the requisite amount of storage to provide makeup at an appropriate location. This form of compensation will be allowed only when compensation in kind is not possible, feasible, or appropriate on the affected stream or other streams.