

# Susquehanna River Basin Commission

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*a water management agency serving the Susquehanna River Watershed*



June 23, 2015

TO ALL CONCERNED:

At the June 4, 2015, Commission meeting, the draft minutes of the March 5, 2015, Commission meeting were approved as written. Please attach this notice to your copy of the March 5, 2015, minutes.



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

**MINUTES OF THE  
SUSQUEHANNA RIVER BASIN COMMISSION**  
**June 4, 2015**  
#2015-02

The meeting was held at the City Crescent Building, Baltimore, Maryland. Chairman Lynch called the meeting to order at 9:00 a.m.

**ROLL CALL**

**Commissioners Present**

*Col. William H. Graham*, Commander, U.S. Army Corps of Engineers (USACE), North Atlantic Division (NAD)

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

*Ms. Kelly Heffner*, Deputy Secretary for Water Management, Pennsylvania Dept. of Environmental Protection (PADEP)

*Mr. Saeid Kasraei*, Program Administrator, Water Supply Program, Maryland Dept. of the Environment (MDE)

**Alternate Commissioners  
and Advisors Present**

*Col. J. Richard Jordan, III*, District Engineer, USACE, Balt. Dist.

*Ms. Amy M. Guise*, Chief, Planning Division, USACE, Balt. Dist.

*Mr. Andrew C. Zemba*, Director, Interstate Waters Office, PADEP

**Staff Present**

*Mr. Andrew D. Dehoff*, Executive Director

*Mr. Andrew J. Gavin*, Deputy Executive Director

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

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

*Mr. Jason Oyler*, Regulatory Counsel

*Ms. Gwyn Rowland*, Manager, Governmental & Public Affairs

*Mr. Jamie Shallenberger*, Manager, Monitoring & Protection

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

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

*Mr. Todd D. Eaby*, Manager, Project Review

*Mr. Eric Roof*, Manager, Compliance & Enforcement

*Mr. Brydon Lidle*, Manager, Information Technology

*Ms. Alexandra Heysler*, Legal Intern

**Also Present**

*Col. Ed Chamberlayne*, USACE

*Mr. Hank Gruber*, USACE, NAD

*Ms. Heather Cisar*, USACE, Balt. Dist.

*Ms. Virginia Kearney*, MDE

**1. Opening Remarks from the Chair**

Chairman Lynch opened the meeting and provided an opening statement outlining the rules of conduct for the meeting. He noted that a public hearing was previously held on April 30, 2015. The Chair introduced the commissioners; his introductions included Col. William H. Graham, Commander of the North Atlantic Division of the U.S. Army Corps of Engineers, the newest commissioner. Commissioner Kasraei welcomed the Commission to Baltimore.

**2. Welcome from City of Baltimore**

The City of Baltimore Department of Public Works Director Rudolph Chow provided an overview of the City's water supply programs as well as those in the five surrounding counties.

**3. Minutes of March 5, 2015, Commission Meeting**

On a motion by Commissioner Heffner, seconded by Commissioner Graham, the minutes of the regular business meeting of March 5, 2015, were unanimously approved as written.

**4. Election of FY2016 Officers**

The Executive Director explained that, by tradition, the Chairmanship and Vice Chairmanship of the Commission are rotated among the member jurisdictions. In accordance with that rotation, the Commonwealth of Pennsylvania will become the Chair of the Commission, and the State of Maryland will become the Vice-Chair of the Commission.

On a motion by Commissioner Graham, seconded by Commissioner Lynch, the Commission unanimously elected the member from the Commonwealth of Pennsylvania as the Chair of the Commission, and the member from the State of Maryland as the Vice Chair of the Commission for the period of July 1, 2015, to June 30, 2016.

**5. FY2016-2017 Water Resources Program**

Planning and Operations Manager John Balay presented a resolution (Exhibit A) providing for adoption of the proposed FY2016-2017 Water Resources Program (WRP). The Commission had received valuable input from its member jurisdictions regarding the content of this year's WRP. Under Section 14.2 of the Susquehanna River Basin Compact, the Commission is directed to annually adopt a water resources program based upon the Comprehensive Plan consisting of the projects and facilities which the Commission proposes to be undertaken by the Commission and other authorized governmental and private agencies, organizations, and persons over a defined period of time. Mr. Balay provided a brief overview of some of the projects included in the WRP. Commissioner Heffner commended the Commission on the fine work that is done in relation to the WRP.

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

## **6. FY2016 Regulatory Program Fee Schedule**

Director of Administration & Finance Marcia Hutchinson presented a resolution (Exhibit B) providing for revisions to the Commission's Regulatory Program Fee Schedule for FY2016. These revisions, as directed by earlier resolutions of the Commission, reflect changes that have occurred in the Consumer Price Index and the USACE Civil Works Construction Cost Index System. Other clarifications have been added providing that, with the adoption of a Regulatory Program Fee Schedule for FY2013 and then continuing for four successive fiscal years thereafter, the fees associated with groundwater withdrawal applications, in addition to being adjusted in accordance with the Consumer Price Index, would also be increased 10 percent per year. The proposed revisions were the subject of a public hearing on April 30, 2015, with a written comments period extending through May 11, 2015. No comments were received.

On a motion by Commissioner Kasraei, seconded by Commissioner Graham, the resolution was unanimously adopted.

## **7. FY2017 Budget**

Mrs. Hutchinson then presented a resolution (Exhibit C) providing for adoption of a FY2017 budget covering the period July 1, 2016, to June 30, 2017. She briefly reviewed the contents of the budget and noted that it was formulated taking into account the revisions that were made to the FY2016 budget adopted at the March 2015 meeting of the Commission. She further pointed out that all requests for funding in the budget are subject to member jurisdiction executive branch review and that this budget resolution is not intended to be an endorsement of any appropriation request to the extent that it is inconsistent with such executive branch priorities or policies.

On a motion by Commissioner Heffner, seconded by Commissioner Kasraei, the resolution was unanimously adopted.

## **8. Regulatory Program Actions**

### **a. Compliance Actions**

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

Staff is recommending that the Commission accept the following settlement offer:

- Wyoming Valley Country Club; \$15,000

This settlement is the result of a site inspection upon which staff determined that this grandfathered project was using more water than was the agreed upon grandfathered amount. The country club agreed to restrict their water use to the grandfathered amount from this point forward and will continue to report the water usage quarterly.

## **b. Report on Delegated Settlements**

Mr. Oyler reported on five delegated settlements staff completed over the previous quarter.

### A settlement with **Black Bear Waters LLC**:

- A routine compliance audit revealed that Black Bear Waters did not maintain daily accurate metered records for its withdrawal from Lycoming Creek between August 27-October 22, 2014.
- This resulted in 56 days of violation of the regulatory requirement to maintain accurate daily withdrawal records.
- This is considered an administrative violation. There was no demonstrated environmental harm from this violation.
- Black Bear Waters has no prior enforcement actions for violation of SRBC rules and regulations.
- The settlement was for **\$5,600**.

### A settlement with **Pennsylvania General Energy Co., LLC (PGE)**:

- This is a self-reported violation by PGE.
- PGE was in violation for using water from an unapproved source (Suburban Lockhaven Water Authority) for use at natural gas drilling sites for 12 days using 191,650 gallons.
- This is considered an administrative violation. There was no demonstrated environmental harm from this violation.
- PGE has no prior enforcement actions for violation of SRBC rules and regulations.
- The settlement was for **\$2,400**.

### A settlement with **Muncy Borough Municipal Authority (Muncy)**:

- Muncy has been operating Wells 5, 6, 7, and 8 without SRBC approval from at least 2011 to the present.
- After attempting to work with Muncy to submit applications for these wells to bring them into compliance, SRBC issued a directive to submit the applications by October 1, 2014.
- Muncy did not submit the applications prior to the deadline.
- SRBC issued an NOV to Muncy in November 2014 and Muncy submitted the applications on December 31, 2014.
- SRBC has also entered into a consent order and agreement with Muncy regarding operation of Wells 5, 6, 7, and 8, while the groundwater withdrawal applications are under review.
- Muncy has no prior enforcement actions for violation of SRBC rules and regulations.
- The settlement was for **\$5,000**.

A settlement with **Marshland Links, LLC/The Links at Hiawatha Landing (Marshland)**:

- The project is located in the Town of Oswego, Tioga County, New York.
- Marshland had exceeded the approved maximum daily water withdrawal from the Susquehanna River 13 times in July-September 2014.
- The SRBC issued an NOV to Marshland on December 9, 2014.
- While no environmental harm from these violations was documented, exceeding the maximum withdrawal limit is a type of violation that poses a greater likelihood of harm to the environment.
- Marshland has no prior enforcement actions for violations of SRBC rules and regulations.
- The settlement was for **\$4,800**.

A settlement with **Inflection Energy (PA), LLC (Inflection)**:

- Inflection used water from an unapproved source (LHP Management) for use at natural gas drilling sites for two days, February 11 and 12, 2014, using 108,824 gallons.
- Inflection has now added LHP Management to its list of approved sources.
- Inflection had a previous NOV and settlement with the Commission in 2013 also for the use of water from unapproved sources.
- The settlement was for **\$1,000**.

**c. Request for Waiver of Application and Approval of Transfer: Augusta Water, Inc.**

Project Review Manager Todd Eaby recommended that the Commission conditionally transfer Docket No. 20021014 to Augusta Water, Inc. and suspend the application requirement until usage exceeds regulatory thresholds. The waiver would include the following conditions:

- Require notification in writing to the Commission when bulk water supply customers are brought on that are expected to result in an increased consumptive use above the 20,000 gpd (30-day average) threshold.
- Require applications and appropriate fees to be submitted for review and approval of the project's consumptive use and surface water withdrawal within 90 days of exceeding the 20,000 gpd (30-day average) threshold.
- If the project's consumptive use has not exceeded the 20,000 gpd (30-day average) within 5 years of the transfer, Commission staff will prepare recommendation to the commissioners for rescission of Docket No. 20021014 due to the project not being operated as approved.

**d. Request for Waiver of Applications: Shrewsbury Borough Council**

Mr. Eaby also presented staff's recommendation that the Commission deny the Council's request to waive the requirement of §806.4 (a)(2)(ii) pertaining to the Borough's two grandfathered sources. Mr. Richard Buchanan of Shrewsbury addressed the Commission in support of this waiver request.

**e. Docket Actions**

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

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| 1. Anadarko E&P Onshore LLC (Pine Creek), McHenry Township, Lycoming County, Pa. (Exhibit D1)  | 14. Keister Miller Investments, LLC (West Branch Susquehanna River), Mahaffey Borough, Clearfield County, Pa.                                  |
| 2. Carrizo (Marcellus), LLC (Meshoppen Creek), Washington Township, Wyoming County, Pa. (Exhibit D2)   | 15. Keystone Clearwater Solutions, LLC (Driftwood Branch Sinnemahoning Creek), Emporium Borough, Cameron County, Pa. (Exhibit D10)             |
| 3. Carrizo (Marcellus), LLC (Unnamed Tributary to Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, Pa. (Exhibit D3) | 16. Keystone Clearwater Solutions, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa (Exhibit D11)                                     |
| 4. Chetremon Golf Course, LLC, Burnside Township, Clearfield County, Pa.   | 17. Millersville University of Pennsylvania, Millersville Borough, Lancaster County, Pa. (Exhibit D12)   |
| 5. Chetremon Golf Course, LLC (Irrigation Storage Pond), Burnside Township, Clearfield County, Pa.   | 18. Nature's Way Purewater Systems, Inc., Dupont Borough, Luzerne County, Pa. (Exhibit D13)  |
| 6. Chief Oil & Gas LLC (Loyalsock Creek), Forksville Borough, Sullivan County, Pa.   | 19. Pennsylvania Department of Environmental Protection – South-central Regional Office, City of Harrisburg, Dauphin County, Pa. (Exhibit D14) |
| 7. Constitution Pipeline Company, LLC (Charlotte Creek), Town of Davenport, Delaware County, N.Y. (Exhibit D4)                               | 20. Shrewsbury Borough, York County, Pa.   |
| 8. Constitution Pipeline Company, LLC (Ouleout Creek), Town of Sidney, Delaware County, N.Y. (Exhibit D5)                                    | 21. Shrewsbury Borough, York County, Pa.   |
| 9. Constitution Pipeline Company, LLC (Starrucca Creek), Harmony Township, Susquehanna County, Pa. (Exhibit D6)                              | 22. Talisman Energy USA Inc. (Wappasening Creek), Windham Township, Bradford County, Pa.   |
| 10. Furman Foods, Inc., Point Township, Northumberland County, Pa. (Exhibit D7)  | 23. UGI Development Company, Hunlock Creek Energy Center, Hunlock Township, Luzerne County, Pa.  |
| 11. Furman Foods, Inc., Point Township, Northumberland County, Pa. (Exhibit D8)  |  |
| 13. Hydro Recovery, LP, Blossburg Borough, Tioga County, Pa. (Exhibit D9)  |  |

Highlight = Staff recommending tabling.

All projects on the above list were recommended for approval with the exception of Nos. 4, 5, 6, 14, 20, 21, 22 and 23, which were recommended for tabling.

Commissioner Lynch moved that the Commission adopt the recommendations of staff for the 25 project applications with one amendment. Commissioner Lynch proposed that the Commission move forward with approval for the Constitution Pipeline surface water withdrawals from Charlotte Creek and Ouleout Creek. In addition, Section 4 of both approvals should impose passby flows based on protection of the P70 flows at the site and Section 23 of both approvals be amended to provide that the project sponsor demonstrate to the satisfaction of both the Commission and the member jurisdiction that appropriate controls and treatment to

prevent the spread aquatic nuisance species are employed at the water withdrawal site. This motion was seconded by Commissioner Heffner and unanimously adopted by the Commission.

Commissioner Heffner moved to deny the request of Shrewsbury Borough for waiver of application §806(a)(2)(ii) requiring applications for two grandfathered wells that are a part of the project. Further, the Commission directs the executive director to explore whether the approvals for the renewal of the Smith and Blouse wells could be conditioned in a way to provide a longer schedule for the Borough to submit applications for their grandfathered wells should the Borough wish to have the withdrawal of water from the Smith and Blouse wells approval by the Commission. The motion was seconded by Commissioner Lynch and unanimously adopted by the Commission.

Commissioner Graham moved to approve entire motion. Commissioner Heffner seconded the motion and the motion was unanimously adopted by the Commission.

**9. Notice to Appear and Show Cause: Four Seasons Golf Course**

As a result of Four Seasons Golf Course’s failure to abide by the terms of the settlement agreement accepted at the September 2014 Commission meeting, staff issued to the project sponsor a Notice to Appear and Show Cause before the Commission. This meeting item was to take action at the March 5, 2015, Commission meeting; however, due to severe weather conditions, was postponed to this meeting.

Regulatory Counsel Jason Oyler gave an update of the situation with this settlement, noting that Four Seasons did pay part of the settlement and was scheduled to pay the remainder by July 3 and recommended that action be tabled at this time. Commissioner Heffner moved that this settlement be tabled. Commissioner Graham seconded the motion and it was unanimously adopted by the Commission.

**10. Adjournment**

There being no further business before the Commission, on a motion by Commissioner Heffner, seconded by Commissioner Graham, Chairman Lynch adjourned the meeting at 9:50 a.m. The next regular meeting of the Commission is tentatively scheduled for September 10, 2015, in Binghamton, New York.

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Date Adopted

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Stephanie L. Richardson

RESOLUTION NO. 2015-03

A RESOLUTION of the Susquehanna River Basin Commission (the "Commission") adopting a Water Resources Program for Fiscal Years 2016-2017.

WHEREAS, Section 14.2 of the Susquehanna River Basin Compact, Pub. L. 91-575, provides: "The Commission shall annually adopt a Water Resources Program, based upon the comprehensive plan, consisting of the projects and facilities which the Commission proposes to be undertaken by the Commission and by other authorized governmental and private agencies, organizations, and persons during the ensuing six years or such other reasonably foreseeable period as the Commission may determine;" and

WHEREAS, in December 2008, the Commission adopted an extensively revised Comprehensive Plan for the Water Resources of the Susquehanna River Basin (Comprehensive Plan), directing that the actions called for therein be implemented through its Water Resources Program; and

WHEREAS, an updated Comprehensive Plan was adopted by the Commission on December 12, 2013; and

WHEREAS, the Commission annually requests input to the Water Resources Program from member jurisdictions and many other governmental and non-governmental interests; and

WHEREAS, the Commission has formulated an updated Water Resources Program, based on the goals and actions contained in the Comprehensive Plan, which lists the projects and programs proposed to be undertaken by the Commission, member jurisdictions, and other governmental agencies and non-governmental interests during Fiscal Years 2016-2017.

NOW THEREFORE BE IT RESOLVED THAT:

1. The accompanying document titled "Water Resources Program, Susquehanna River Basin Commission (Fiscal Years 2016-2017)" is hereby adopted by the Commission in accordance with Section 14.2 of the Compact and shall be considered for incorporation into the Comprehensive Plan by separate action of the Commission.
2. Staff is instructed to make the Water Resources Program available to legislators, policy makers, and the public as a clear statement of Susquehanna River Basin needs and priorities, and as a mechanism for coordinating the efforts of water managers at all levels.
3. This resolution shall be effective immediately.

Dated: June 4, 2015

  
Kenneth P. Lynch, Chair  
New York

**RESOLUTION NO. 2015-04**

A RESOLUTION of the Susquehanna River Basin Commission (the “Commission”) adopting the Regulatory Program Fee Schedule for FY 2016.

WHEREAS, pursuant to Article 3, Section 3.9 of the Susquehanna River Basin Compact (the “Compact”), the Commission’s regulations, 18 CFR Parts 801, 806-808, and previously adopted resolutions of the Commission, the most recent of which is Resolution No. 2012-06 of June 7, 2012, the Commission imposes certain fees to help defray the cost of its Regulatory Program for water resource projects; and

WHEREAS, Resolve No. 3 of Resolution 2005-03 provided that the Regulatory Program Fee Schedule be adjusted annually in accordance with changes in the U.S. Consumer Price Index; and

WHEREAS, Resolve No. 2 of Resolution No. 2008-03 provided that the Consumptive Use Mitigation Fee be adjusted annually based on the U.S. Army Corps of Engineers Civil Works Construction Cost Index System average for the immediately previous four quarters for which indexing data are available; and

WHEREAS, Resolve No. 4 of Resolution No. 2012-06 provided that, beginning with the adoption of a Regulatory Program Fee Schedule for FY 2013 and then continuing for four successive fiscal years thereafter, the fees associated with groundwater withdrawal applications, in addition to being adjusted in accordance with the Consumer Price Index, shall also be increased 10 percent per year; and

WHEREAS, in addition to the said adjustments, certain other revisions to the Regulatory Program Fee Schedule are needed; and

WHEREAS, the Commission has actively sought public comment on the proposed Regulatory Program Fee Schedule by posting it on its website, and by holding a public hearing covering the proposed fee schedule for FY 2016 on April 30, 2015, with an open written comment period to May 11, 2015.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Commission hereby adopts a Regulatory Program Fee Schedule for FY 2016 implementing the above-referenced revisions, which is attached hereto and made a part of this Resolution.

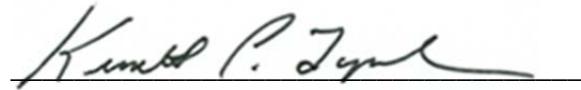
2. Resolve No. 3 of Resolution No. 2005-03 providing that the Regulatory Program Fee Schedule be adjusted annually in accordance with changes in the U.S. Consumer Price Index, is incorporated herein and made a part of this Resolution, and shall remain in full force and effect.

3. Resolve No. 2 of Resolution No. 2008-03 providing that the Consumptive Use Mitigation Fee shall be adjusted annually based on the U.S. Army Corps of Engineers Civil Works Construction Cost Index System average for the immediately previous four quarters for which indexing data are available, is incorporated herein and made a part of this Resolution, and shall remain in full force and effect.

4. Resolve No. 4 of Resolution No. 2012-06 providing that, with the adoption of a Regulatory Program Fee Schedule for FY 2013 and then continuing for four successive fiscal years thereafter, the fees associated with groundwater withdrawal applications, in addition to being adjusted in accordance with the Consumer Price Index, shall also be increased 10 percent per year, is incorporated herein and made a part of this Resolution, and shall remain in full force and effect.

5. The fees set forth in the attached Regulatory Program Fee Schedule shall become effective July 1, 2015.

Dated: June 4, 2015

  
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Kenneth P. Lynch, Chair  
New York

RESOLUTION NO. 2015-05

A RESOLUTION by the Susquehanna River Basin Commission (the “Commission”) to adopt a proposed budget for the fiscal year beginning July 1, 2016, and ending June 30, 2017, and to apportion among the Commission's member jurisdictions a proposed amount required for the support of the budget.

WHEREAS, pursuant to Section 14.3 of the Susquehanna River Basin Compact (the “Compact”), the Commission desires to adopt a budget for the fiscal year beginning July 1, 2016.

NOW THEREFORE BE IT RESOLVED THAT:

1. A proposed budget for the fiscal year beginning July 1, 2016, for expenditures from the General Fund and the Water Resources Management Fund, in the amount of \$12,949,000, is hereby approved and adopted for submission to the member jurisdictions for their review and approval.

2. Pursuant to Section 14.3 of the Compact, there is hereby requested from each member jurisdiction the following apportioned amounts that are required, together with other funds as may be available to the Commission, for the support of the budget, as proposed, for the fiscal year beginning July 1, 2016.

<u>Member Jurisdictions</u>	<u>Apportionment</u>
New York	\$ 395,625
Pennsylvania	\$ 791,250
Maryland	\$ 395,625
United States	\$ 782,500

3. In accordance with the Compact, Section 14.3(c), the respective member jurisdictions agree to include the apportioned amounts set forth in Paragraph 2 in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. All requested contributions are expressly subject to the executive branch prerogatives of each member jurisdiction in formulating annual budgets, and this Commission Resolution is not intended to be an endorsement of any appropriation request to the extent that it is inconsistent with such executive branch priorities or policies.

4. The Executive Director is authorized and directed to transmit certified copies of the proposed budget to the principal budget officers of the respective member jurisdictions together with a certified statement of the amount hereby apportioned to each member jurisdiction in accordance with the requirement of the Compact.

5. To the extent that actual revenues received are less than amounts stipulated in this budget, and are insufficient to cover actual expenditures incurred, the Executive Director is authorized to transfer such amounts as are necessary from the Fiscal Stabilization and Reserve Fund to the General Fund to cover such revenue shortfall.

6. This resolution shall be effective immediately.

Dated: June 4, 2015



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Kenneth P. Lynch, Chair  
New York



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

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**Docket No. 20150601**

**Approval Date: June 4, 2015**

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

### **Surface Water Withdrawal (Peak Day) of up to 1.500 mgd from Pine Creek**

#### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of Commission Docket No. 20110601 that was originally approved June 23, 2011, with a peak day withdrawal rate of 1.500 million gallons per day (mgd) and special flow protection requirements. The project sponsor has not requested any changes to the project. Commission staff recommended that the special flow protection requirements be modified to reflect current policy. This approval incorporates those recommendations.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the Department of Conservation and Natural Resources (DCNR), and the Pennsylvania Fish and Boat Commission (PFBC) during review of this project.

#### **Section 2. Project Information**

Information concerning the project sponsor, water use type, and location are set forth in the table below.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Anadarko E&P Onshore LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20110601
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	McHenry 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: 41.350905 N      Long: 77.402862 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 29; Average Daily Flow = 1,098
<b>Drainage Area (square miles):</b>	731
<b>Aquatic Resource Class*:</b>	4
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
*Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals)	

### Section 4. Approved Withdrawal Quantities and Limitations

The withdrawal approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Withdrawal Quantities and Limitations</b>		
<b>Peak Day Withdrawal Amount (mgd):</b>	1.500 (Not to Exceed, When Available)	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,042 (Not to Exceed)	
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values	
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01549700; Pine Creek below Little Pine Creek near Waterville, Pennsylvania	
<b>Passby Schedule:</b>		
<i>Month</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
January	74	96
February	85	111
March	209	271
April	483	625
May	246	319
June	84	109
July	90	117

<b>Approved Withdrawal Quantities and Limitations (continued)</b>		
<b>Passby Schedule:</b>		
<i>Month</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
August	55	72
September	53	70
October	66	86
November	126	164
December	59	77
USGS– U.S. Geological Survey 1 cfs = 448.8 gallons per minute (gpm)		* Flow Protection Threshold

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

### **Section 5. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission’s Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. The project sponsor shall maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30.

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

5. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff. Any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23 prior to undertaking such modification(s).

6. The project sponsor shall keep daily records of the project’s withdrawal and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative

measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. Within sixty (60) days from notice of this approval, the project sponsor shall post an updated sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of installation of the updated sign.

8. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under Commission Regulation 18 CFR §808.12.

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

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

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

12. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

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

14. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to

protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32.

15. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

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

17. In accordance with Commission Regulation 18 CFR §806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

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

## **Section 6. Special Conditions**

19. Effective July 1, 2015, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the applicable flow protection threshold specified in Section 4, and shall not reinstate withdrawals until the streamflow is equal to or exceeds such flow protection threshold.

20. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 4, and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

21. The date of the last meter certification was July 6, 2012; therefore, the next meter certification is due no later than July 6, 2017. Certification of meter accuracy shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

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 authorization for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

25. The project sponsor shall demonstrate to the satisfaction of the Commission that appropriate controls and treatment to prevent the spread of aquatic nuisance species are employed at the water withdrawal site.

### **Section 7. Term**

26. This approval shall be effective July 1, 2015, and shall remain effective until June 30, 2019. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 31, 2018, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

27. Commission Docket No. 20110601 shall remain effective through June 30, 2015, whereupon it shall expire.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

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**Docket No. 20150602**

**Approval Date: June 4, 2015**

## **CARRIZO (MARCELLUS), LLC**

**Surface Water Withdrawal (Peak Day), Variable, of up to 2.160 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 and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of Commission Docket No. 20110603 that was originally approved June 23, 2011, with a peak day withdrawal rate of 2.160 million gallons per day (mgd) and special flow protection requirements. The project sponsor has requested reduced variable monthly peak day withdrawal rates as detailed in Section 4. Commission staff recommended approval of the requested variable monthly withdrawal rates and that the special flow protection requirements be modified to reflect current policy. This approval incorporates those recommendations.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the Department of Conservation and Natural Resources (DCNR), and the Pennsylvania Fish and Boat Commission (PFBC) during review of this project.

### **Section 2. Project Information**

Information concerning the project sponsor, water use type, and location are set forth in the table below.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Carrizo (Marcellus), LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20110603
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Washington 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: 41.612200 N      Long: 75.978401 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 2.3; Average Daily Flow = 74.2
<b>Drainage Area (square miles):</b>	50.9
<b>Aquatic Resource Class*:</b>	3
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
*Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals)	

### Section 4. Approved Withdrawal Quantities and Limitations

The withdrawal approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Withdrawal Quantities and Limitations</b>					
<b>Peak Day Withdrawal Amount (mgd):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available				
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available				
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values				
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01534000; Tunkhannock Creek near Tunkhannock, Pennsylvania				
<b>Withdrawal and Passby Schedule:</b>					
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>	
January	2.160	1,500	20	176	
February	1.584	1,100	24	196	
March	2.160	1,500	51	410	
April	2.160	1,500	55	442	

Approved Withdrawal Quantities and Limitations (continued)				
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
May	2.160	1,500	29	245
June	1.440	1,000	12	110
July	1.008	700	7.0	65
August	0.792	550	5.0	48
September	0.720	500	4.9	46
October	1.116	775	6.9	66
November	2.160	1,500	14	130
December	2.160	1,500	24	206
USGS– U.S. Geological Survey 1 cfs = 448.8 gallons per minute (gpm)			* Flow Protection Threshold	

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

### **Section 5. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission’s Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. The project sponsor shall maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30.

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

5. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff. Any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23 prior to undertaking such modification(s).

6. The project sponsor shall keep daily records of the project's withdrawal and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. Within sixty (60) days from notice of this approval, the project sponsor shall post an updated sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of installation of the updated sign.

8. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under Commission Regulation 18 CFR §808.12.

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

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

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

12. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission

may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

14. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32.

15. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

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

17. In accordance with Commission Regulation 18 CFR §806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

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

## **Section 6. Special Conditions**

19. Effective July 1, 2015, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the applicable flow protection threshold specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection threshold for 48 hours.

20. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 4, and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

21. The date of the last meter certification was January 15, 2013; therefore, the next meter certification is due no later than January 15, 2018. Certification of meter accuracy shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

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 authorization for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

25. The project sponsor shall demonstrate to the satisfaction of the Commission that appropriate controls and treatment to prevent the spread of aquatic nuisance species are employed at the water withdrawal site.

#### **Section 7. Term**

26. This approval shall be effective July 1, 2015, and shall remain effective until June 30, 2019. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 31, 2018, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

27. Commission Docket No. 20110603 shall remain effective through June 30, 2015, whereupon it shall expire.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20150603**

**Approval Date: June 4, 2015**

## CARRIZO (MARCELLUS), LLC

**Surface Water Withdrawal (Peak Day), Variable, of up to 0.648 mgd  
from the Unnamed Tributary to Middle Branch Wyalusing Creek**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission’s Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of Commission Docket No. 20110605 that was originally approved June 23, 2011, and modified March 15, 2012, as Commission Docket No. 20110605-1. The project sponsor has not requested any changes to the project. Commission staff recommended that special flow protection requirements continue to be required to reflect current policy. This approval incorporates those recommendations.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the Department of Conservation and Natural Resources (DCNR), and the Pennsylvania Fish and Boat Commission (PFBC) during review of this project.

### Section 2. Project Information

Information concerning the project sponsor, water use type, and location are set forth in the table below.

Project Information	
<b>Project Sponsor:</b>	Carrizo (Marcellus), LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20110605
<b>Authorized Water Use Purpose:</b>	Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Forest Lake 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>	Unnamed Tributary to Middle Branch Wyalusing Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010607 (Wyalusing Creek)
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.869267 N      Long: 75.998322 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 0.2; Average Daily Flow = 5.8
<b>Drainage Area (square miles):</b>	5.1
<b>Aquatic Resource Class*:</b>	1
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
*Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals)	

### Section 4. Approved Withdrawal Quantities and Limitations

The withdrawal approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

Approved Withdrawal Quantities and Limitations				
<b>Peak Day Withdrawal Amount (mgd):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values			
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01534000; Tunkhannock Creek near Tunkhannock, Pennsylvania			
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
January	0.432	300	2.7	320
February	0.504	350	3.2	373
March	0.648	450	4.0	479

<b>Approved Withdrawal Quantities and Limitations (continued)</b>				
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
April	0.648	450	4.0	479
May	0.504	350	3.2	373
June	0.288	200	1.8	213
July	0.288	200	1.8	213
August	0.288	200	1.8	213
September	0.288	200	1.8	213
October	0.288	200	1.8	213
November	0.432	300	2.7	320
December	0.504	350	3.2	373
mgd – million gallons per day		USGS – U.S. Geological Survey		
1 cfs = 448.8 gallons per minute (gpm)		* Flow Protection Threshold		

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

### **Section 5. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission’s Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. The project sponsor shall maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30.

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

5. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff. Any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23 prior to undertaking such modification(s).

6. The project sponsor shall keep daily records of the project's withdrawal and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. Within sixty (60) days from notice of this approval, the project sponsor shall post an updated sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of installation of the updated sign.

8. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under Commission Regulation 18 CFR §808.12.

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

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

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

12. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission

may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

14. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32.

15. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

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

17. In accordance with Commission Regulation 18 CFR §806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

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

## **Section 6. Special Conditions**

19. Effective July 1, 2015, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the applicable flow protection threshold specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection threshold for 48 hours.

20. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 4, and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

21. The date of the last meter certification was July 19, 2012; therefore, the next meter certification is due no later than July 19, 2017. Certification of meter accuracy shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

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 authorization for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

25. The project sponsor shall demonstrate to the satisfaction of the Commission that appropriate controls and treatment to prevent the spread of aquatic nuisance species are employed at the water withdrawal site.

#### **Section 7. Term**

26. This approval shall be effective July 1, 2015, and shall remain effective until June 30, 2019. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 31, 2018, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

27. Commission Docket Nos. 20110605 and 20110605-1 shall remain effective through June 30, 2015, whereupon they shall expire.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788  
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**Docket No. 20150604**  
**Approval Date: June 4, 2015**

## CONSTITUTION PIPELINE COMPANY, LLC

**Surface Water Withdrawal (Peak Day), Variable, of up to 1.000 mgd,  
 from Charlotte Creek and Total Project Withdrawal (Not to Exceed)  
 of up to 4,020,000 gallons**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission’s Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

Based on project development plans and limitations of loading and transportation by truck, Commission staff recommends that the approved peak day withdrawal rate be limited to a maximum of 1.000 million gallons per day (mgd).

Commission staff has coordinated with the New York State Department of Environmental Conservation (NYSDEC) during review of this project.

### Section 2. Project Information

Information concerning the project sponsor, water use type, and location are set forth in the table below.

Project Information	
<b>Project Sponsor:</b>	Constitution Pipeline Company, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Authorized Water Use Purpose:</b>	Hydrostatic Testing of Gas Pipeline and Related Incidental Uses
<b>Municipality:</b>	Town of Davenport
<b>County:</b>	Delaware County
<b>State:</b>	New York

### Section 3. Source Information

Information concerning the source of water from which the withdrawal will be made is set forth in the table below.

<b>Source Information</b>	
<b>Approved Source:</b>	Charlotte Creek
<b>Subbasin:</b>	Upper Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010104 (Charlotte Creek)
<b>Water Use Designation:</b>	C (T)
<b>Withdrawal Location (degrees):</b>	Lat: 42.458999 N      Long: 74.898699 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 6.7; Average Daily Flow = 235
<b>Drainage Area (square miles):</b>	131
<b>Aquatic Resource Class*:</b>	3
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
*Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals).	

### Section 4. Approved Withdrawal Quantities and Limitations

The withdrawal approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Withdrawal Quantities and Limitations</b>				
<b>Peak Day Withdrawal Amount (mgd):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Maximum Total Project Withdrawal Quantity (gallons):</b>	4,020,000 (Not to Exceed)			
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values			
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01421900; West Branch Delaware River upstream of Delhi, New York			
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
January	1.000	1,031	--	--
February	1.000	1,200	--	--

<b>Approved Withdrawal Quantities and Limitations (continued)</b>				
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
March	1.000	1,500	--	--
April	1.000	1,500	--	--
May	1.000	1,425	--	--
June	0.864	600	--	--
July	0.720	500	30	33
August	0.720	500	19	21
September	0.720	500	18	20
October	0.720	500	27	30
November	0.720	500	92	96
December	1.000	1,031	--	--
USGS– U.S. Geological Survey		-- – No special flow protection required		
1 cfs = 448.8 gallons per minute (gpm)		* Flow Protection Threshold		

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

### **Section 5. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission’s Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit photographs of the meter when it has been installed, provide the serial number of the meter, and certify the accuracy of the measuring device to within five (5) percent of actual flow. Withdrawals shall not commence until Commission staff has approved the implementation of the approved metering plan and notified the project sponsor of such approval.

4. The project sponsor shall maintain the totalizing meter and other flow and volume measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals.

5. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff, and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission with a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission a revised intake design for review and, if appropriate, approval by Commission staff prior to permit issuance by the permitting agency. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23 prior to undertaking such modification(s).

6. The project sponsor shall keep daily records of the project's withdrawal and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under Commission Regulation 18 CFR §808.12.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

10. The project sponsor shall register with the appropriate agency all surface water sources described herein, as may be required by regulations of the member jurisdiction. The project sponsor shall also satisfy annual usage, capacity, and conservation reporting requirements in the form and manner prescribed by NYSDEC's Division of Water.

11. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

12. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The

foregoing shall include, but not be limited to, any applicable permitting requirements of NYSDEC. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals. Furthermore, no water withdrawn by this project may be used in natural gas well development using High Volume Hydraulic Fracturing in New York State.

13. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32. Without limiting the foregoing, and upon notice, the Commission may modify the flow protection standards set forth in Section 4 above in the event the Commission or the host member jurisdiction adopts or modifies flow protection standards, or the Commission otherwise determines that a modification is necessary and appropriate to avoid adverse impacts to the source identified in Section 3 above.

14. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

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

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

## **Section 6. Special Conditions**

17. Prior to initiation of the withdrawal, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. Additionally, the sign shall state, "Approved for short-duration withdrawal not to exceed a total of 4,020,000 gallons for hydrostatic testing of a natural gas pipeline." The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of sign installation prior to initiation of the withdrawal.

18. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the applicable flow protection threshold specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection threshold for 48 hours.

19. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 4, and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

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

21. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for uses other than hydrocarbon development authorized pursuant to Special Condition 22, including daily quantities supplied.

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

23. The project sponsor shall demonstrate to the satisfaction of the Commission and the appropriate member jurisdiction that appropriate controls and treatment to prevent the spread of aquatic nuisance species are employed at the water withdrawal site.

## Section 7. Term

24. This approval is effective until June 3, 2017. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 3, 2016, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788  
 (717) 238-0423 Phone • (717) 238-2436 Fax  
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**Docket No. 20150605**  
**Approval Date: June 4, 2015**

## CONSTITUTION PIPELINE COMPANY, LLC

**Surface Water Withdrawal (Peak Day), Variable, of up to 1.750 mgd,  
 from Ouleout Creek, and Total Project Withdrawal (Not to Exceed)  
 of up to 9,468,000 gallons**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission’s Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

Commission staff has coordinated with the New York State Department of Environmental Conservation (NYSDEC) during review of this project.

### Section 2. Project Information

Information concerning the project sponsor, water use type, and location are set forth in the table below.

Project Information	
<b>Project Sponsor:</b>	Constitution Pipeline Company, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Authorized Water Use Purpose:</b>	Hydrostatic Testing of Gas Pipeline and Related Incidental Uses
<b>Municipality:</b>	Town of Sidney
<b>County:</b>	Delaware County
<b>State:</b>	New York

### Section 3. Source Information

Information concerning the source of water from which the withdrawal will be made is set forth in the table below.

<b>Source Information</b>	
<b>Approved Source:</b>	Ouleout Creek
<b>Subbasin:</b>	Upper Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010110 (Ouleout Creek)
<b>Water Use Designation:</b>	C (T)
<b>Withdrawal Location (degrees):</b>	Lat: 42.342427 N      Long: 75.254691 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 4.3; Average Daily Flow = 185
<b>Drainage Area (square miles):</b>	107
<b>Aquatic Resource Class*:</b>	3
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
*Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals).	

#### Section 4. Approved Withdrawal Quantities and Limitations

The withdrawal approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Withdrawal Quantities and Limitations</b>				
<b>Peak Day Withdrawal Amount (mgd):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Maximum Total Project Withdrawal Quantity (gallons):</b>	9,468,000 (Not to Exceed)			
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values			
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01500000; Ouleout Creek at East Sidney, New York			
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
January	0.980	680	--	--
February	0.951	660	--	--
March	1.246	865	--	--
April	1.750	1,215	--	--
May	0.648	450	--	--
June	0.720	500	33	34
July	0.720	500	16	17

<b>Approved Withdrawal Quantities and Limitations (continued)</b>				
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
August	0.720	500	13	15
September	0.720	500	12	14
October	0.720	500	21	22
November	0.720	500	76	75
December	1.397	970	--	--
mgd – million gallons per day		USGS – U.S. Geological Survey		
1 cfs = 448.8 gallons per minute (gpm)		-- – No special flow protection required		
* Flow Protection Threshold				

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

### **Section 5. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission’s Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit photographs of the meter when it has been installed, provide the serial number of the meter, and certify the accuracy of the measuring device to within five (5) percent of actual flow. Withdrawals shall not commence until Commission staff has approved the implementation of the approved metering plan and notified the project sponsor of such approval.

4. The project sponsor shall maintain the totalizing meter and other flow and volume measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals.

5. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff, and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission with a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor

shall submit to the Commission a revised intake design for review and, if appropriate, approval by Commission staff prior to permit issuance by the permitting agency. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23 prior to undertaking such modification(s).

6. The project sponsor shall keep daily records of the project's withdrawal and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under Commission Regulation 18 CFR §808.12.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

10. The project sponsor shall register with the appropriate agency all surface water sources described herein, as may be required by regulations of the member jurisdiction. The project sponsor shall also satisfy annual usage, capacity, and conservation reporting requirements in the form and manner prescribed by NYSDEC's Division of Water.

11. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

12. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The foregoing shall include, but not be limited to, any applicable permitting requirements of NYSDEC. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals. Furthermore, no water withdrawn by this

project may be used in natural gas well development using High Volume Hydraulic Fracturing in New York State.

13. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32. Without limiting the foregoing, and upon notice, the Commission may modify the flow protection standards set forth in Section 4 above in the event the Commission or the host member jurisdiction adopts or modifies flow protection standards, or the Commission otherwise determines that a modification is necessary and appropriate to avoid adverse impacts to the source identified in Section 3 above.

14. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

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

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

## **Section 6. Special Conditions**

17. Prior to initiation of the withdrawal, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. Additionally, the sign shall state, "Approved for short-duration withdrawal not to exceed a total of 9,468,000 gallons for hydrostatic testing of a natural gas pipeline." The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of sign installation prior to initiation of the withdrawal.

18. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the applicable flow protection threshold specified in Section 4, and shall not reinstate withdrawals until the streamflow is equal to or exceeds such flow protection threshold.

19. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 4, and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within

thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

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

21. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for uses other than hydrocarbon development authorized pursuant to Special Condition 22, including daily quantities supplied.

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

23. The project sponsor shall demonstrate to the satisfaction of the Commission and the appropriate member jurisdiction that appropriate controls and treatment to prevent the spread of aquatic nuisance species are employed at the water withdrawal site.

## Section 7. Term

24. This approval is effective until June 3, 2017. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 3, 2016, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788  
 (717) 238-0423 Phone • (717) 238-2436 Fax  
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**Docket No. 20150606**  
**Approval Date: June 4, 2015**

## CONSTITUTION PIPELINE COMPANY, LLC

**Surface Water Withdrawal (Peak Day), Variable, of up to 2.052 mgd,  
 from Starrucca Creek and Total Project Withdrawal (Not to Exceed)  
 of up to 8,959,000 gallons**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission’s Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the Department of Conservation and Natural Resources (DCNR), and the Pennsylvania Fish and Boat Commission (PFBC) during review of this project.

### Section 2. Project Information

Information concerning the project sponsor, water use type, and location are set forth in the table below.

Project Information	
<b>Project Sponsor:</b>	Constitution Pipeline Company, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Authorized Water Use Purpose:</b>	Hydrostatic Testing of Gas Pipeline and Related Incidental Uses
<b>Municipality:</b>	Harmony 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>	Starrucca Creek
<b>Subbasin:</b>	Upper Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010113 (Lower Susquehanna)
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.962191 N      Long: 75.527862 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 0.3; Average Daily Flow = 35
<b>Drainage Area (square miles):</b>	67
<b>Aquatic Resource Class*:</b>	3
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
*Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals).	

### Section 4. Approved Withdrawal Quantities and Limitations

The withdrawal approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Withdrawal Quantities and Limitations</b>				
<b>Peak Day Withdrawal Amount (mgd):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Maximum Total Project Withdrawal Quantity (gallons):</b>	8,959,000 (Not to Exceed)			
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values			
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 0142400103; Trout Creek near Trout Creek, New York			
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
January	0.540	375	--	--
February	0.576	400	--	--
March	1.260	875	--	--

April	2.052	1,425	--	--
May	0.687	477	--	--
June	0.368	255	15	4.8
July	0.368	255	5.7	1.9
<b>Approved Withdrawal Quantities and Limitations (continued)</b>				
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
August	0.368	255	3.0	1.1
September	0.368	255	3.5	1.3
October	0.368	255	6.3	2.1
November	0.368	255	23	7.1
December	0.648	450	--	--
mgd – million gallons per day		USGS – U.S. Geological Survey		
1 cfs = 448.8 gallons per minute (gpm)		-- – No special flow protection required		
* Flow Protection Threshold				

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

## Section 5. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission’s Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit photographs of the meter when it has been installed, provide the serial number of the meter, and certify the accuracy of the measuring device to within five (5) percent of actual flow. Withdrawals shall not commence until Commission staff has approved the implementation of the approved metering plan and notified the project sponsor of such approval.

4. The project sponsor shall maintain the totalizing meter and other flow and volume measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals.

5. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff, and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission with a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission a revised intake design for review and, if appropriate, approval by Commission staff prior to permit issuance by the permitting agency. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23 prior to undertaking such modification(s).

6. The project sponsor shall keep daily records of the project's withdrawal and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under Commission Regulation 18 CFR §808.12.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

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

11. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

12. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission

may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

13. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32.

14. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

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

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

## **Section 6. Special Conditions**

17. Prior to initiation of the withdrawal, the project sponsor shall post a sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. Additionally, the sign shall state, "Approved for short-duration withdrawal not to exceed a total of 8,959,000 gallons for hydrostatic testing of a natural gas pipeline." The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of sign installation prior to initiation of the withdrawal.

18. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the applicable flow protection threshold specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection threshold for 48 hours.

19. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 4, and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

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

21. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for uses other than hydrocarbon development authorized pursuant to Special Condition 22, including daily quantities supplied.

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

23. The project sponsor shall demonstrate to the satisfaction of the Commission that appropriate controls and treatment to prevent the spread of aquatic nuisance species are employed at the water withdrawal site.

### Section 7. Term

24. This approval is effective until June 3, 2017. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 3, 2016, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788  
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**Docket No. 20130608-1**  
**Approval Date: June 20, 2013**  
**Modification Date: June 4, 2015**

**FURMAN FOODS, INC.**  
**dba FURMANO'S**

**Consumptive Water Use (Peak Day) of up to 0.900 mgd from Wells 1, 4, 7, 9, and 10; an Adjacent Electric Generating Facility; and Public Water Supply**

**Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves modification of the project described herein in accordance with the conditions set forth below.

On June 20, 2013, the Commission approved Furman Foods, Inc. (Furman) for the consumptive use of 0.900 million gallons per day (mgd) from Wells 1, 4, 7, and 9; an adjacent electric generating facility; and a public water supply under Commission Docket No. 20130608. Furman is requesting a modification to add Well 10 as a source of water to the existing consumptive use approval. Furman is not requesting an increase in the consumptive use quantity at this time. Commission staff recommends modification of the consumptive use docket approving the addition of Well 10 as a source for the project's consumptive use.

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>	Furman Foods, Inc., dba Furmano's
<b>Approval Type:</b>	Consumptive Water Use
<b>Original Docket No.:</b>	20130608

<b>Project Information (continued)</b>	
<b>Authorized Water Use Purpose:</b>	Industrial Food Processing and Incidental Uses
<b>Municipality:</b>	Point Township
<b>County:</b>	Northumberland County
<b>State:</b>	Pennsylvania

### Section 3. Approved Consumptive Water Use Quantities and Limitations

The consumptive water use approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Consumptive Water Use Quantities and Limitations</b>	
<b>Sources for Project Consumptive Water Use:</b>	<ol style="list-style-type: none"> <li>1. Wells 1, 4, 7, 9, and 10</li> <li>2. Public Water Supply – Pennsylvania American Water Company</li> <li>3. Steam from an adjacent electric generating facility</li> </ol>
<b>Peak Day Consumptive Water Use Amount (mgd):</b>	0.900 (Not to Exceed)
<b>Project Consumptive Water Uses:</b>	<ol style="list-style-type: none"> <li>1. Cooling and utility purposes</li> <li>2. Product makeup</li> <li>3. Product washing</li> </ol>
<b>Consumptive Water Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

The consumptive use of water is also subject to all other conditions set forth in this docket approval.

### Section 4. Existing Approved Withdrawals

Quantities applicable to the existing approved withdrawals are listed in the table below.

<b>Existing Approved Groundwater Withdrawals</b>			
Source	30-Day Average Withdrawal (mgd)	Commission Docket No.	Docket Expiration Date
Wells 1, 4, and 7	0.775*	19850901	September 12, 2015
Well 9	0.288	19930908	July 14, 2024
Well 10	0.504	20150607	June 3, 2030
* Indicates that the approved withdrawal is for Wells 1, 4, and 7 combined.			

**Section 5. Grandfathering Determination – Consumptive Water Use**

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

<b>Grandfathered Consumptive Water Use</b>		
<b>Consumptive Water Use</b>	<b>Source</b>	<b>Peak Day Consumptive Water Use (mgd)</b>
Industrial food processing	Various groundwater sources	0.005

The grandfathered quantity identified in the table above is based on information submitted by Furman. The grandfathered quantity is subject to change if information becomes available that demonstrates use occurred at rates that are inconsistent with the data submitted and utilized to support this determination.

**Section 6. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission’s Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. Prior to any consumptive use of water withdrawn from Well 10, the project sponsor shall install and maintain metering in accordance with Commission Regulation 18 CFR §806.30 on Well 10. The project sponsor shall notify the Commission, in writing, and submit photographs of the meter when it has been installed, provide the serial number of the meter, and certify the accuracy of the measuring device to within five (5) percent of actual flow. Consumptive use of water from Well 10 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 metering in accordance with Commission Regulation 18 CFR §806.30.

5. The project sponsor shall maintain the totalizing meters and other flow and volume measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, consumptive water use, 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.

6. The project sponsor shall keep daily records of the project's consumptive water use and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. The daily quantity of water consumptively used shall be the quantity of water added to flowback for treatment. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. The project's consumptive water use as calculated above is subject to mitigation requirements, as per Commission Regulation 18 CFR §806.22(b). For the purposes of this project, 0.005 mgd is considered to be grandfathered and is not subject to consumptive use mitigation requirements. To satisfy the Commission's current mitigation requirements for consumptive water use, the project sponsor shall make quarterly payments to the Commission at the rate specified in the effective Regulatory Program Fee Schedule, as modified from time to time by the Commission. Payments shall be made quarterly and shall be calculated by applying this rate to the total amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

8. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under Commission Regulation 18 CFR §808.12.

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

10. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

12. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to

protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32.

13. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

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

15. 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.

16. The project sponsor is required to apply for and obtain approval prior to any increase in consumptive use that would exceed the amounts listed herein or to add a source used for consumptive use that is not listed in Sections 3 or 4.

## **Section 7. Special Conditions**

17. All other conditions in Commission Docket No. 20130608 not inconsistent herewith shall remain effective.

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

19. 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 20, including daily quantities supplied.

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

## **Section 8. Term**

21. This modified approval shall be effective immediately, and in accordance with the term of the original docket approval, shall remain effective until June 19, 2028. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or

before December 19, 2027, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

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**Docket No. 20150607**

**Approval Date: June 4, 2015**

**FURMAN FOODS, INC.  
dba FURMANO'S**

**Groundwater Withdrawal (30-Day Average) of 0.504 mgd from Well 10,  
Combined Withdrawal Limit (30-Day Average) of 0.504 mgd from Wells 9 and 10,  
and Interim Total System Withdrawal Limit (30-Day Average)  
of 1.104 mgd from Wells 1, 4, 7, 9, and 10**

## **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

The Furman Foods, Inc. (Furman) facility currently includes supply from Wells 1, 4, 7, and 9, interconnection with the public water supply system, and steam from an adjacent electric generating facility. With this approval, Furman's water supply system will include five wells (Wells 1, 4, 7, 9, and 10), which are herein referred to as the "total system." The connection with the public water supply system and supply from the adjacent electric generating facility are not included in the total system.

Commission staff recommends that the requested withdrawal from Well 10 be approved, that a combined withdrawal limit of 0.504 million gallons per day (mgd) be established for Wells 9 and 10, and that an interim total system withdrawal limit be established for Wells 1, 4, 7, 9, and 10 based on the preliminary review of information submitted with the renewal groundwater applications for Wells 1, 4, and 7. Review of the renewal groundwater applications for Wells 1, 4, and 7 are ongoing and the interim total system withdrawal limit may be superseded with future Commission action on the renewal groundwater applications for Wells 1, 4, and 7. This approval incorporates those recommendations.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) and the Pennsylvania Fish and Boat Commission (PFBC) during review of this project.

## Section 2. Project Information

Information concerning the project sponsor, water use type, and location are set forth in the table below.

Project Information	
<b>Project Sponsor:</b>	Furman Foods, Inc., dba Furmano's
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Industrial Food Processing and Incidental Uses
<b>Municipality:</b>	Point Township
<b>County:</b>	Northumberland County
<b>State:</b>	Pennsylvania

## Section 3. Source Information

Information concerning the source of water from which the withdrawal will be made is set forth in the table below.

Source Information	
<b>Withdrawal Type:</b>	Groundwater
<b>Approved Source:</b>	Well 10
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020612 (West Branch Susquehanna River)
<b>Withdrawal Location (degrees):</b>	Lat: 40.919656 N      Long: 76.821831 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 95-hour, constant-rate aquifer test of Well 10 was conducted from June 24 through 28, 2014, pumping at an average rate of 440 gallons per minute (gpm). To evaluate potential impacts to existing water users or the environment, an extensive monitoring network was utilized that included 18 groundwater wells. The monitored wells included 11 residential wells, 5 of Furman's existing production wells (Wells 1, 4, 6, 7, and 9), 1 industrial withdrawal well owned by the adjacent Viking Energy plant (V-4), and Furman's Well 10. Furman requested approval of a groundwater withdrawal rate that is less than the tested rate.

Results of the Well 10 aquifer test indicate that significant adverse impacts to nearby non-potable use wells may occur. However, Furman previously completed mitigation of pumping-induced impacts to these former residential potable supply wells that occurred as a result of operating its other sources. Mitigation included extension and connection to a public water supply pipeline in the area of the impacted residents. Connection to the public water

supply effectively mitigated the potential adverse impacts by providing a reliable source of water.

Commission staff finds that the withdrawal from Well 10 at the requested withdrawal rate should not cause permanent loss of aquifer storage, render competing supplies unreliable that have not been previously mitigated, or cause adverse impacts to the water resources of the basin, subject to the conditions set forth below. Due to overlapping groundwater recharge areas and zones of influence, staff recommends that Wells 9 and 10 not be permitted to operate simultaneously. Furman has indicated that Well 9 will be used primarily as an emergency backup supply to Well 10.

### 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 10</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.504
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	400 (Not to Exceed)
<b>Combined Withdrawal Limit for Wells 9 and 10 (30-Day Average) (mgd)*:</b>	0.504
<b>Interim Total System Withdrawal Limit for Wells 1, 4, 7, 9, and 10 (30-Day Average) (mgd)**:</b>	1.104
* Wells 9 and 10 may not be operated simultaneously.	
** The interim total system withdrawal limit (30-day average) may be superseded with future Commission action on the renewal groundwater applications for Wells 1, 4, and 7.	

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>			
Source	30-Day Average Withdrawal (mgd)	Commission Docket No.	Docket Expiration Date
Wells 1, 4, and 7	0.775*	19850901	September 12, 2015
Well 9	0.288	19930908	July 14, 2024
* Indicates that the approved withdrawal is for Wells 1, 4, and 7 combined.			

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

The project did not utilize surface water withdrawals prior to November 11, 1995.

The project previously utilized one well (Sulfur Well) prior to July 13, 1978. The Sulfur Well has not been utilized for more than 5 years due to the sulfur content in the well. Furman indicated that the Sulfur Well is no longer connected to the system and cannot be utilized. Should Furman decide to use the Sulfur Well, prior Commission review and approval will be required.

Quantities applicable to the project's grandfathering determination for existing consumptive water uses are listed in the table below.

<b>Grandfathered Consumptive Water Use</b>		
<b>Consumptive Water Use</b>	<b>Source</b>	<b>Peak Day Consumptive Water Use (mgd)</b>
Industrial food processing	Various groundwater sources	0.005

The grandfathered quantity identified in the table above is based on information submitted by Furman. The grandfathered quantity is subject to change if information becomes available that demonstrates use occurred at rates that are inconsistent with the data submitted and utilized to support this determination.

### **Section 8. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission's Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit photographs of the meter when it has been installed, provide the serial number of the meter, and certify the accuracy of the measuring device to within five (5) percent of actual flow. Withdrawals shall not commence until Commission staff has approved the implementation of the approved metering plan and notified the project sponsor of such approval.

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

5. The project sponsor shall adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the sources listed in Sections 3 and 6. The project sponsor shall notify the Commission, in writing, and submit photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The groundwater elevation data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any modifications proposed for the groundwater elevation monitoring plan shall be submitted for review and approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30(a)(4). Modifications shall not be made until the project sponsor receives written approval of the amended plan.

6. The project sponsor shall keep daily records of the project's withdrawal and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under Commission Regulation 18 CFR §808.12.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

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

11. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

12. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission

may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

13. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32.

14. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

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

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

17. The project sponsor is required to apply for and obtain approval prior to any increase in the combined or interim total system withdrawal limits that would exceed the approved combined or interim total system withdrawal limits listed herein.

18. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

## **Section 9. Special Conditions**

19. Wells 9 and 10 shall not be operated simultaneously.

## **Section 10. Term**

20. The project sponsor has a period of three (3) years from the date of this approval to commence the withdrawal from the source in Section 3 or this approval will automatically expire, unless an extension is requested, in writing, by the project sponsor no later than one hundred twenty (120) days prior to such expiration and approved by the Commission as provided in Commission Regulation 18 CFR §806.31(b). In accordance with Commission Regulation 18 CFR §806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

21. This approval is effective until June 3, 2030. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 3, 2029, the project sponsor may continue operation of this project pursuant to the terms and conditions of

this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

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**Docket No. 20150608**

**Approval Date: June 4, 2015**

## **HYDRO RECOVERY, LP**

**Groundwater Withdrawal (30-Day Average) of 0.216 mgd from Well HR-1,  
and Consumptive Water Use (Peak Day) of up to 0.316 mgd from Well HR-1,  
Public Water Supply, and Storm Water**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the renewal of the project described herein in accordance with the conditions set forth below.

Hydro Recovery, LP treats flowback, production, and formation fluids collected during the development and production from hydrocarbon wells. The treatment process includes the consumptive use of water supplied from the Blossburg Municipal Authority public water supply system, Well HR-1, and storm water. Hydro Recovery, LP also supplies bulk freshwater for use in hydrocarbon development from the Blossburg Municipal Authority public water supply system, Well HR-1 and storm water. Because of on-site storage, the project has the capacity to supply bulk freshwater during a single day in excess of its combined approved withdrawals, provided that no more than 0.100 million gallons per day (mgd) is withdrawn in a single day from the public water supply system (for any purpose) and the 30-day average and maximum instantaneous withdrawal rate for Well HR-1 is not exceeded.

Commission staff recommends that the requested withdrawal from Well HR-1, the requested consumptive use, the addition of storm water as a source of water for consumptive use, and that total withdrawals from the Blossburg Municipal Authority public water supply system limited to 0.100 mgd (peak day) all be approved.

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>	Hydro Recovery, LP
<b>Approval Types:</b>	Groundwater Withdrawal and Consumptive Water Use
<b>Original Docket No.:</b>	20110612
<b>Authorized Water Use Purpose:</b>	Treatment of Flowback, Production, and Formation Fluids, and Bulk Supply to Natural Gas Exploration and Production Companies
<b>Municipality:</b>	Blossburg Borough
<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>Approved Source:</b>	Well HR-1
<b>Subbasin:</b>	Chemung
<b>Watershed Boundary Dataset (WBD):</b>	0205010409 (Tioga River)
<b>Withdrawal Location (degrees):</b>	Lat: 41.671617 N      Long: 77.072300 W
<b>Special Flow Protection Required:</b>	No

### Section 4. Aquifer Testing

The project sponsor requested that the constant-rate aquifer testing required by Commission Regulation 18 CFR §806.12 for groundwater withdrawals be waived. In support of the aquifer testing waiver request, the project sponsor provided the required groundwater availability analysis and operational monitoring data collected during the first approval term. Staff compared and evaluated the operational monitoring data to the results of the Commission-approved aquifer test that was completed in September 2010, in support of the original application. Data from aquifer testing previously conducted indicate that withdrawals from Well HR-1 have the potential to cause unacceptable interference with a competing supply. As a result of the potential interference, the original approval included a requirement to monitor the water level and daily withdrawals from the competing well. Staff's evaluation of the operational monitoring data indicates that operation of Well HR-1 has not caused unacceptable interference during the first approval term, but has not demonstrated that unacceptable interference will not occur at the approved rate. Influence to competing wells can vary depending on variables such as hydrologic conditions, rate of withdrawal, and duration or continuity of withdrawal. Staff recommends the operation of Well HR-1 be conditioned as set forth in Special Condition 27 and that the monitoring of the competing supply be continued for the duration of this approval in accordance with Special Condition 28.

Commission staff finds that the withdrawal from Well HR-1 at the requested withdrawal rate and operated consistent with the conditions of this approval should not 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 for Well HR-1, 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 – Well HR-1</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.216
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	150 (Not to Exceed)
gpm – gallons per minute	

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

### Section 6. Approved Consumptive Water Use Quantities and Limitations

The consumptive water use approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Consumptive Water Use Quantities and Limitations</b>	
<b>Sources for Project Consumptive Water Use:</b>	<ol style="list-style-type: none"> <li>1. Well HR-1</li> <li>2. Public Water Supply – Blossburg Municipal Authority, not to exceed 0.100 mgd (peak day)</li> <li>3. Storm Water</li> </ol>
<b>Peak Day Consumptive Water Use Amount (mgd):</b>	0.316 mgd (not to exceed from all sources excluding storm water)
<b>Project Consumptive Water Uses:</b>	On-site treatment of flowback, production, and formation fluids
<b>Consumptive Water Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

The consumptive use of water is also subject to all other conditions set forth in this docket approval.

### Section 7. Existing Approved Withdrawals

The project does not have existing approved withdrawals for other sources.

## **Section 8. Grandfathering Determination – Withdrawals and Consumptive Water Use**

The project did not utilize surface water withdrawals or groundwater withdrawals prior to November 11, 1995 or July 13, 1978, respectively.

The project did not consumptively use water prior to January 23, 1971.

## **Section 9. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission's Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. The project sponsor shall maintain metering on the withdrawal and for consumptive use calculation in accordance with Commission Regulation 18 CFR §806.30.

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

5. The project sponsor shall adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the source listed in Section 3. The groundwater elevation data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any modifications proposed for the groundwater elevation monitoring plan shall be submitted for review and approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30(a)(4). Modifications shall not be made until the project sponsor receives written approval of the amended plan.

6. The project sponsor shall keep daily records of the project's withdrawals and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under

this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. The project sponsor shall keep daily records of the project's consumptive water use and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. The daily quantity of water consumptively used shall be the total quantity of accumulated storm water and freshwater added or used during the treatment of production, formation, or flowback fluids. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

8. The project's consumptive water use as calculated above is subject to mitigation requirements, as per Commission Regulation 18 CFR §806.22(b). To satisfy the Commission's current mitigation requirements for consumptive water use, the project sponsor shall make quarterly payments to the Commission at the rate specified in the effective Regulatory Program Fee Schedule, as modified from time to time by the Commission. Payments shall be made quarterly and shall be calculated by applying this rate to the total amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

9. Within sixty (60) days from notice of this approval, the project sponsor shall post an updated sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of installation of the updated sign.

10. 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.

11. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

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

14. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

15. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

16. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32.

17. 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.

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

19. 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.

20. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal or consumptive use that would exceed the amounts listed herein or to add a source used for consumptive use that is not listed in Section 6.

21. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

## Section 10. Special Conditions

22. Within thirty (30) days, the project sponsor shall submit a plan for review by Commission staff that includes the procedure for calculating the daily quantity of storm water that is added or used during the treatment of production, formation, or flowback fluids.

23. The date of the last meter certification was June 5, 2013; therefore, the next meter certification is due no later than June 5, 2018. Certification of meter accuracy shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

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 authorization for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

27. Due to the determined potential for an unacceptable interference with an existing competing supply (Ward Plant 1 Well), the groundwater level in Well HR-1 must be maintained above 126 feet below ground surface (bgs) (1,256.5 feet above mean sea level). The following modifications must be maintained during the operation of Well HR-1:

- a. The project sponsor shall maintain an automatic shut-off switch so that if the water level of 126 feet bgs is reached, operation of Well HR-1 is automatically ceased.

28. The project sponsor shall conduct additional monitoring during well operation to confirm long-term water availability and boundary conditions present in the aquifer, and to ensure that the operation of Well HR-1 does not adversely impact the local groundwater users (i.e., Ward Manufacturing) and the aquifer, or affect the low flow of local streams. The monitoring requirements set forth below shall be maintained and shall continue for the term of this approval:

- a. With the concurrence of Ward Manufacturing, an electronic recording transducer shall be maintained by the project sponsor in the Ward Plant 1 Well. The purpose

of this device is to monitor pumping groundwater levels in this well to document long-term effects on the local area aquifer. The metering device must be maintained on the Ward Plant 1 Well water conveyance line. Daily groundwater withdrawal data must be documented from the Ward Plant 1 Well as part of the monitoring program.

- b. If Ward Manufacturing rescinds access to Ward Plant 1 Well, the project sponsor shall propose alternative local area aquifer monitoring to the Commission for staff review and approval. This could include the installation of one or more groundwater monitoring wells within the zone of influence of Well HR-1, positioned and constructed for evaluating ongoing impacts to the Ward Plant 1 Well.

All data collected as part of Special Condition 28 shall be submitted electronically to the Commission on a quarterly basis. If an evaluation of these data indicates unacceptable hydraulic conditions (i.e., recurring excessive drawdown, lowering of the water table, etc.) or excessive unacceptable interference between Well HR-1 and Ward Plant 1 Well during operation of the Ward Plant 1 Well, the Commission reserves the right to rescind or impose additional restrictions on the use of Well HR-1.

29. The project sponsor shall maintain metering on the withdrawal from the public water supply system in accordance with Commission Regulation 18 CFR §806.30.

30. The project sponsor shall keep daily records of the project's withdrawal from the public water supply system and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

31. Total withdrawals from the public water supply system shall not exceed 0.100 mgd (peak day).

## **Section 11. Term**

32. This approval shall be effective July 1, 2015, and shall remain effective until June 30, 2019. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 31, 2018, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

33. Commission Docket No. 20110612 shall remain effective through June 30, 2015, whereupon it shall expire.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
\_\_\_\_\_  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20150609**

**Approval Date: June 4, 2015**

## **KEYSTONE CLEARWATER SOLUTIONS, LLC**

**Surface Water Withdrawal (Peak Day) of up to 0.999 mgd  
from Driftwood Branch 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 and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of Commission Docket No. 20110614 that was originally approved June 23, 2011, with a peak day withdrawal rate of 0.999 million gallons per day (mgd) and special flow protection requirements. The project sponsor has not requested any changes to the project. Commission staff recommended that the special flow protection requirements be modified to reflect current policy. This approval incorporates those recommendations.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the Department of Conservation and Natural Resources (DCNR), and the Pennsylvania Fish and Boat Commission (PFBC) during review of this project.

### **Section 2. Project Information**

Information concerning the project sponsor, water use type, and location are set forth in the table below.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Keystone Clearwater Solutions, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20110614
<b>Authorized Water Use Purpose:</b>	Bulk Supply for Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Emporium Borough
<b>County:</b>	Cameron 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>	Driftwood Branch Sinnemahoning Creek
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020202 (Driftwood Branch Sinnemahoning Creek)
<b>Water Use Designation:</b>	Trout Stocked Fishery (TSF)
<b>Withdrawal Location (degrees):</b>	Lat: 41.508478 N      Long: 78.240942 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 2.3; Average Daily Flow = 248.9
<b>Drainage Area (square miles):</b>	148.7
<b>Aquatic Resource Class*:</b>	3
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
*Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals)	

### Section 4. Approved Withdrawal Quantities and Limitations

The withdrawal approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

Approved Withdrawal Quantities and Limitations		
<b>Peak Day Withdrawal Amount (mgd):</b>	0.999 (Not to Exceed, When Available)	
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	694 (Not to Exceed)	
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values	
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01543000; Driftwood Branch Sinnemahoning Creek at Sterling Run, Pennsylvania	
<b>Passby Schedule:</b>		
<i>Month</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
January	--	--
February	--	--
March	--	--
April	--	--
May	--	--
June	37	69
July	16	32

<b>Approved Withdrawal Quantities and Limitations (continued)</b>		
<b>Passby Schedule:</b>		
<i>Month</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
August	9.3	19
September	8.2	17
October	13	25
November	40	74
December	--	--
USGS– U.S. Geological Survey 1 cfs = 448.8 gallons per minute (gpm)	--	-- No special flow protection required * Flow Protection Threshold

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

### **Section 5. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission’s Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. The project sponsor shall maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30.

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

5. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff. Any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23 prior to undertaking such modification(s).

6. The project sponsor shall keep daily records of the project’s withdrawal and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative

measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. Within sixty (60) days from notice of this approval, the project sponsor shall post an updated sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of installation of the updated sign.

8. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under Commission Regulation 18 CFR §808.12.

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

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

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

12. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

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

14. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to

protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32.

15. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

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

17. In accordance with Commission Regulation 18 CFR §806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

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

## **Section 6. Special Conditions**

19. Effective July 1, 2015, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the applicable flow protection threshold specified in Section 4, and shall not reinstate withdrawals until the streamflow is equal to or exceeds such flow protection threshold.

20. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 4, and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

21. The date of the last meter certification was April 9, 2014; therefore, the next meter certification is due no later than April 9, 2019. Certification of meter accuracy shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

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 authorization for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

25. The project sponsor shall demonstrate to the satisfaction of the Commission that appropriate controls and treatment to prevent the spread of aquatic nuisance species are employed at the water withdrawal site.

### Section 7. Term

26. This approval shall be effective July 1, 2015, and shall remain effective until June 30, 2019. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 31, 2018, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

27. Commission Docket No. 20110614 shall remain effective through June 30, 2015, whereupon it shall expire.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20150610**

**Approval Date: June 4, 2015**

## **KEYSTONE CLEARWATER SOLUTIONS, LLC**

**Surface Water Withdrawal (Peak Day), Variable,  
of up to 1.250 mgd from Lycoming Creek**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of Commission Docket No. 20110616 that was originally approved June 23, 2011, and modified September 20, 2012 and March 6, 2014, as Commission Docket Nos. 20110616-1 and 20110616-2, respectively. The project sponsor has not requested any changes to the project. Review of updated cumulative upstream water use data resulted in Commission staff recommendations that the special flow protection requirements be modified consistent with current policy. This approval incorporates those recommendations.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the Department of Conservation and Natural Resources (DCNR), and the Pennsylvania Fish and Boat Commission (PFBC) during review of this project.

### **Section 2. Project Information**

Information concerning the project sponsor, water use type, and location are set forth in the table below.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Keystone Clearwater Solutions, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Original Docket No.:</b>	20110616
<b>Authorized Water Use Purpose:</b>	Bulk Supply for Hydrocarbon Development and Related Incidental Uses
<b>Municipality:</b>	Lewis 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>	Lycoming Creek
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020602 (Lycoming Creek)
<b>Water Use Designation:</b>	Exceptional Value (EV)
<b>Withdrawal Location (degrees):</b>	Lat: 41.437298 N      Long: 76.994626 W
<b>Site Flow Statistics (cfs):</b>	Q7-10 = 6.5; Average Daily Flow = 250
<b>Wild Trout Classification:</b>	Naturally Reproducing Wild Trout
<b>Drainage Area (square miles):</b>	149
<b>Aquatic Resource Class*:</b>	3
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	
*Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals)	

### Section 4. Approved Withdrawal Quantities and Limitations

The withdrawal approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Withdrawal Quantities and Limitations</b>				
<b>Peak Day Withdrawal Amount (mgd):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	Not to Exceed Values Contained in the “Withdrawal and Passby Schedule,” When Available			
<b>Flow Protection Type:</b>	Seasonal passby expressed as monthly values			
<b>Method for Monitoring Flow Protection:</b>	Off-site monitoring of USGS Real-Time Gage 01550000; Lycoming Creek near Trout Run, Pennsylvania			
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
January	1.250	868	65	77
February	1.250	868	70	82
March	1.250	868	45	53

<b>Approved Withdrawal Quantities and Limitations (continued)</b>				
<b>Withdrawal and Passby Schedule:</b>				
<i>Month</i>	<i>Peak Day Withdrawal (mgd)</i>	<i>Maximum Instantaneous Withdrawal (gpm)</i>	<i>On-Site Flow Protection Rate (cfs)</i>	<i>Off-Site Monitoring Threshold for Flow Protection (cfs)*</i>
April	1.250	868	89	105
May	1.250	868	45	53
June	1.250	868	47	56
July	0.849	590	25	30
August	0.750	521	22	26
September	0.750	521	22	26
October	0.750	521	22	26
November	1.250	868	52	61
December	1.250	868	79	93
mgd – million gallons per day		USGS – U.S. Geological Survey		
1 cfs = 448.8 gallons per minute (gpm)		* Flow Protection Threshold		

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

## **Section 5. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission’s Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. The project sponsor shall maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30.

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

5. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff. Any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in

accordance with Commission Regulations 18 CFR §806.21 and §806.23 prior to undertaking such modification(s).

6. The project sponsor shall keep daily records of the project's withdrawal and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. Within sixty (60) days from notice of this approval, the project sponsor shall post an updated sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of installation of the updated sign.

8. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under Commission Regulation 18 CFR §808.12.

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

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

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

12. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from

other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

14. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32.

15. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

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

17. In accordance with Commission Regulation 18 CFR §806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

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

## **Section 6. Special Conditions**

19. Instream work for infrastructure modification shall be prohibited between August 1 and November 30, without prior Commission approval. The Commission may coordinate with the PFBC.

20. Effective July 1, 2015, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the applicable flow protection threshold specified in Section 4, and shall not reinstate withdrawals until the streamflow is equal to or exceeds such flow protection threshold.

21. The project sponsor shall, on a daily basis, collect and record streamflow as measured at the U.S. Geological Survey stream gage specified in Section 4, and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

22. The date of the last meter certification was October 9, 2014; therefore, the next meter certification is due no later than October 9, 2019. Certification of meter accuracy shall be

provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

23. Except as authorized pursuant to Special Condition 25, 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).

24. 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 25, including daily quantities supplied.

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

26. The project sponsor shall demonstrate to the satisfaction of the Commission that appropriate controls and treatment to prevent the spread of aquatic nuisance species are employed at the water withdrawal site.

## Section 7. Term

27. This approval shall be effective July 1, 2015, and shall remain effective until June 30, 2019. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 31, 2018, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

28. Commission Docket Nos. 20110616, 20110616-1, and 20110616-2 shall remain effective through June 30, 2015, whereupon they shall expire.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson

# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20150611**

**Approval Date: June 4, 2015**

## MILLERSVILLE UNIVERSITY

**Groundwater Withdrawal (30-Day Average) of 0.175 mgd from Well 1,  
and Consumptive Water Use (Peak Day) of up to 0.080 mgd  
from Well 1 and Public Water Supply**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

The Millersville University water supply system includes sources consisting of one well (Well 1) and an interconnection with the City of Lancaster public water supply system. On January 14, 1982, the Commission approved the groundwater withdrawal (30-day average) of 0.180 million gallons per day (mgd) from Well 1 under Commission Docket No. 19820105, which expired on January 14, 2012. On October 10, 2002, Commission Docket No. 19820105 was modified to increase the 30-day average groundwater withdrawal to 0.265 mgd and to include a peak day consumptive use quantity of 0.253 mgd. On October 18, 2013, Millersville University submitted an application requesting approval for a reduced peak day consumptive use quantity of 0.080 mgd. On November 26, 2013, Millersville University submitted an application requesting approval of 0.320 mgd from Well 1 and requested a waiver from aquifer testing. On March 26, 2015, Millersville University revised its application by requesting a reduced withdrawal of 0.175 mgd from Well 1. Commission staff recommended approval of the withdrawal from Well 1 and consumptive use at the requested reduced rates. This approval incorporates those recommendations.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) and the Pennsylvania Fish and Boat Commission (PFBC) during review of this project.

## Section 2. Project Information

Information concerning the project sponsor, water use type, and location are set forth in the table below.

Project Information	
<b>Project Sponsor:</b>	Millersville University
<b>Approval Types:</b>	Groundwater Withdrawal and Consumptive Water Use
<b>Original Docket No.:</b>	19820105
<b>Authorized Water Use Purpose:</b>	Institutional, Irrigation, and Cooling
<b>Municipality:</b>	Millersville Borough
<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>Approved Source:</b>	Well 1
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030611 (Conestoga River)
<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 project sponsor requested that the constant-rate aquifer testing required by Commission Regulation 18 CFR §806.12 for groundwater withdrawals be waived. In support of the request for a waiver, the project sponsor provided the required groundwater availability estimates and historic testing and operational withdrawal data for Well 1. The requested reduced withdrawal rate of 0.175 mgd (30-day average) is supported by the historic 30-day average withdrawal from Well 1.

Commission staff finds that the withdrawal from Well 1 at the requested reduced 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. Therefore, the aquifer

testing requirements for Well 1, 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 – Well 1</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.175
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	250 (Not to Exceed)
gpm – gallons per minute	

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

### Section 6. Approved Consumptive Water Use Quantities and Limitations

The consumptive water use approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Consumptive Water Use Quantities and Limitations</b>	
<b>Sources for Project Consumptive Water Use:</b>	1. Well 1 2. Public Water Supply – City of Lancaster
<b>Peak Day Consumptive Water Use Amount (mgd):</b>	0.080 (Not to Exceed)
<b>Project Consumptive Water Uses:</b>	1. Cooling 2. Irrigation
<b>Consumptive Water Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

The consumptive use of water is also subject to all other conditions set forth in this docket approval.

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

The project does not utilize any other unapproved surface water withdrawals or groundwater withdrawals that were initiated prior to November 11, 1995 or July 13, 1978, respectively.

The quantity applicable to the project’s grandfathering determination for existing consumptive water use is listed in the table below.

<b>Grandfathered Consumptive Water Use</b>		
<b>Consumptive Water Use</b>	<b>Source</b>	<b>Peak Day Consumptive Water Use (mgd)</b>
Irrigation and Cooling	Well 1	0.041

The grandfathered quantity identified in the table above is based on information and an estimate submitted by the project sponsor in support of the project modification that had been approved on October 10, 2002. The grandfathered quantity or the grandfathered status is subject to change if information becomes available that demonstrates consumptive use occurred at rates that are inconsistent with the information submitted and utilized to support the previous determination.

### **Section 8. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission's Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. The project sponsor shall maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30.

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

5. The project sponsor shall adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the source listed in Section 3. The project sponsor shall notify the Commission, in writing, and submit photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The groundwater elevation data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any modifications proposed for the groundwater elevation monitoring plan shall be submitted for review and approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30(a)(4). Modifications shall not be made until the project sponsor receives written approval of the amended plan.

6. The project sponsor shall keep daily records of the project's withdrawal and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. The project sponsor shall keep daily records of the project's consumptive water use and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

8. The project's consumptive water use as calculated above is subject to mitigation requirements, as per Commission Regulation 18 CFR §806.22(b). For the purposes of this project, 0.041 mgd is considered to be grandfathered and is not subject to consumptive use mitigation requirements. To satisfy the Commission's current mitigation requirements for consumptive water use, the project sponsor shall make quarterly payments to the Commission at the rate specified in the effective Regulatory Program Fee Schedule, as modified from time to time by the Commission. Payments shall be made quarterly and shall be calculated by applying this rate to the total amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

9. 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.

10. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

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

13. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

14. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

15. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32.

16. 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.

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

18. 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.

19. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal or consumptive use that would exceed the amounts listed herein or to add a source used for consumptive use that is not listed in Sections 3 or 6.

20. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

## **Section 9. Special Conditions**

21. Certification of meter accuracy for all meters shall be provided to the Commission within ninety (90) days of this approval. Certification of meter accuracy shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

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 authorization for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

**Section 10. Term**

25. This approval is effective immediately and shall remain effective until June 3, 2030. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 3, 2029, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson

# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20110618-1**

**Approval Date: June 23, 2011**

**Modification Date: June 4, 2015**

## **NATURE'S WAY PUREWATER SYSTEMS, INC.**

**Consumptive Water Use (Peak Day) of up to 0.349 mgd from  
Covington Springs Borehole 1 (BH-1) and Public Water Supply**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves modification of the project described herein in accordance with the conditions set forth below.

On June 23, 2011, Commission Docket No. 20110618 was approved authorizing the groundwater withdrawal of 0.057 million gallons per day (mgd) (30-day average) from Covington Springs Borehole 1 (BH-1) and the consumptive water use of 0.257 mgd from Covington Springs BH-1 and from a public water supply connection with Pennsylvania American Water in Dupont Borough, Luzerne County, Pennsylvania. The project sponsor has requested a modification to Commission Docket No. 20110618 to increase the approved consumptive water use by an additional 0.092 mgd, to a maximum total consumptive water use of 0.349 mgd. The increased quantity will be sourced from the public water supply system and this modification does not include any changes to the previously approved groundwater withdrawal from Covington Springs BH-1.

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>	Nature's Way Purewater Systems, Inc.
<b>Approval Type:</b>	Consumptive Water Use
<b>Original Docket No.:</b>	20110618
<b>Authorized Water Use Purpose:</b>	Bottled Water
<b>Municipality:</b>	Dupont Borough
<b>County:</b>	Luzerne County
<b>State:</b>	Pennsylvania

### Section 3. Approved Consumptive Water Use Quantities and Limitations

The consumptive water use approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Consumptive Water Use Quantities and Limitations</b>	
<b>Sources for Project Consumptive Water Use:</b>	1. Covington Springs BH-1 2. Public Water Supply – Pennsylvania American Water
<b>Peak Day Consumptive Water Use Amount (mgd):</b>	0.349 (Not to Exceed)
<b>Project Consumptive Water Uses:</b>	Bottled Water
<b>Consumptive Water Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

The consumptive use of water is also subject to all other conditions set forth in this docket approval.

### Section 4. Existing Approved Withdrawals

Quantities applicable to the existing approved withdrawals are listed in the table below.

<b>Existing Approved Groundwater Withdrawals</b>			
Source	30-Day Average Withdrawal (mgd)	Commission Docket No.	Docket Expiration Date
Covington Springs BH-1	0.057	20110618	June 22, 2026

### Section 5. Grandfathering Determination – Withdrawals and Consumptive Water Use

The project did not utilize surface water withdrawals or groundwater withdrawals prior to November 11, 1995 or July 13, 1978, respectively.

The project did not consumptively use water prior to January 23, 1971.

## Section 6. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in the Commission's Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. The project sponsor shall maintain metering on the consumptive use in accordance with Commission Regulation 18 CFR §806.30.

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

5. The project sponsor shall keep daily records of the project's consumptive water use and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

6. The project's consumptive water use as calculated above is subject to mitigation requirements, as per Commission Regulation 18 CFR §806.22(b). To satisfy the Commission's current mitigation requirements for consumptive water use, the project sponsor shall make quarterly payments to the Commission at the rate specified in the effective Regulatory Program Fee Schedule, as modified from time to time by the Commission. Payments shall be made quarterly and shall be calculated by applying this rate to the total amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

7. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to

inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under Commission Regulation 18 CFR §808.12.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

9. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

10. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

11. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32.

12. 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.

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

14. 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.

15. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal or consumptive use that would exceed the amounts listed herein or to add a source used for consumptive use that is not listed in Section 3.

## **Section 7. Special Conditions**

16. All other conditions in Commission Docket No. 20110618 not inconsistent herewith shall remain effective.

17. The date of the last meter certification was June 13, 2012; therefore, the next meter certification is due no later than June 13, 2017. Certification of meter accuracy shall be provided

to the Commission no less frequent than once every five (5) years from the date of the last certification.

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

**Section 8. Term**

19. This modified approval shall be effective July 1, 2015, and in accordance with the term of the original docket approval, shall remain effective until June 22, 2026. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 22, 2025, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20150612**

**Approval Date: June 4, 2015**

## **PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTH-CENTRAL REGIONAL OFFICE**

**Groundwater Withdrawals (30-Day Averages) of 0.324 mgd from the  
Stoltzfus Well and 0.324 mgd from the Township Well,  
and Total System Withdrawal Limit (30-Day Average) of 0.324 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 the potential impacts anticipated by the operation of this project are acceptable in the interest of public health and welfare, and that the project is physically feasible and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

In 2004, groundwater contamination was detected in water quality samples collected from two water supply wells installed to serve a community located southeast of the Village of Intercourse, Pennsylvania. Further investigation by the Pennsylvania Department of Environmental Protection (PADEP) revealed impacts to numerous private drinking water supplies throughout the Village of Intercourse. Due to the extent of contamination, the challenges of remediation, and the number of impacted water supply wells, the PADEP has determined that a public water supply is the best remedy to protect public health. The PADEP is coordinating the design and construction of the public water supply and treatment system to provide potable water to the Village of Intercourse within Leacock Township. Following completion of the construction of the public water supply system, PADEP intends to transfer ownership and operation of the public water supply system to the Leacock Township Municipal Authority.

The public water supply system will consist of two sources (Stoltzfus Well and Township Well), which are herein referred to as the "total system." During technical review and agency coordination, the project sponsor revised the application and reduced the requested withdrawal rates from each of the wells. In consideration of the results of the aquifer testing and the projected water demand for the project, staff recommends that the requested reduced 30-day average withdrawal for each well be approved and that a total system limit of 0.324 million gallons per day (mgd) be established. This approval incorporates those recommendations.



revised the requested 30-day average be reduced from 0.432 mgd to a sustainable quantity of 0.324 mgd. Commission staff recommends approval of the reduced withdrawal.

Commission staff has determined that the withdrawals from the Township and Stoltzfus Wells as approved herein should not cause permanent loss of aquifer storage, but have the potential to cause limited local adverse impacts to approximately 2,500 linear feet of Muddy Run and a nearby spring (see Special Condition 21). The potential reduction in flow is limited by the public water supply return through the publicly owned treatment works which discharges to Muddy Run at the downstream edge of the affected reach. Considering the limited nature of the potential impacts and the need for a public water supply for protection of public safety and human health, staff recommends that the limited potential impacts be considered acceptable and do not recommend flow protection on Muddy Run as part of this approval. To limit the magnitude and duration of potential adverse impacts, the withdrawals from the Township and Stoltzfus Wells are subject to the conditions set forth herein.

### Section 5. Approved Withdrawal Quantities and Limitations

The withdrawals approved hereunder are subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Withdrawal Quantities and Limitations</b>		
	<b>Stoltzfus Well</b>	<b>Township Well</b>
<b>30-Day Average Withdrawal (mgd):</b>	0.324	0.324
<b>Maximum Instantaneous Withdrawal Rate (gpm) (Not to Exceed):</b>	400	225
<b>Total System Withdrawal Limit – Stoltzfus and Township Wells (30-Day Average) (mgd):</b>	0.324	

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

### Section 6. Existing Approved Withdrawals

The project does not have existing approved withdrawals.

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

The project did not utilize surface water withdrawals or groundwater withdrawals prior to November 11, 1995 or July 13, 1978, respectively.

The project did not consumptively use water prior to January 23, 1971.

### Section 8. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the annual compliance and monitoring fee as specified in

the Commission's Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. Within one (1) year from the date of this approval, the project sponsor shall submit a comprehensive metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals listed in Section 3 of this approval.

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 photographs of the meter when it has been installed, provide the serial number of the meter, and certify the accuracy of the measuring device to within five (5) percent of actual flow. Withdrawals shall not commence until Commission staff has approved the implementation of the approved metering plan and notified the project sponsor of such approval.

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

5. Within one (1) year 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 photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented. Thereafter, the groundwater elevation data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter.

6. The project sponsor shall keep daily records of the project's withdrawals and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and, if appropriate, approval by Commission staff prior to implementing or modifying existing equipment or procedures. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable

time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under Commission Regulation 18 CFR §808.12.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25.

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

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

11. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to Commission Regulation 18 CFR Part 808.

12. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

13. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to Commission Regulation 18 CFR §806.32.

14. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

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

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

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.

### **Section 9. Special Conditions**

18. 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).

19. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep records, and shall report the same to the Commission upon request, of all persons supplied water from the project that maintain a permanent connection to the public water supply system. The project sponsor shall also keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project that do not maintain a permanent connection to the public water supply system for uses other than hydrocarbon development, including daily quantities supplied.

20. Commission staff has identified that the operation of the Township Well could potentially cause adverse diminishment of flow from a spring located approximately 2,000 feet southeast of the Township Well. The owner of the property on which the spring is located has refused access to the spring. In the event that the property owner provides access to the spring during the term of this approval, the project sponsor shall, within ninety (90) days from the date access has been granted, submit a plan to Commission staff for review and approval for the implementation of a monitoring program to monitor and verify influence of the spring flows. The plan shall include proposed methods for the daily measurement and recording of flow from the spring on the subject property and a schedule for the implementation of the plan. The plan shall also outline the submittal of annual interpretive reports summarizing the monitoring data collected.

Upon approval, the project sponsor shall execute the plan and complete installation of monitoring equipment in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, when the monitoring equipment has been installed and certify the accuracy of the measuring devices. Commission staff must be notified immediately should an adverse impact to the spring occur or be expected to occur based on a review of the monitoring data.

21. If the property owner alleges that the operation of the project sponsor's withdrawal adversely impacts flow from the spring and the existing use of the spring and allows access, the project sponsor shall notify the Commission immediately of the alleged impact, investigate the cause of the alleged impact, and report the findings to the Commission within forty-eight (48) hours. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects the existing use of the spring, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

## Section 10. Term

22. The project sponsor has a period of five (5) years from the date of this approval to commence the withdrawal or this approval will automatically expire, unless an extension is requested, in writing, by the project sponsor no later than one hundred twenty (120) days prior to such expiration and approved by the Commission as provided in Commission Regulation 18 CFR §806.31(b). In accordance with Commission Regulation 18 CFR §806.31(d), if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project.

23. This approval is effective until June 3, 2030. As specified in Commission Regulation 18 CFR §806.31(e), if the project sponsor submits an application on or before December 3, 2029, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

**CERTIFICATION:** I, Stephanie L. Richardson, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 4, 2015.

Dated: June 5, 2015

  
Stephanie L. Richardson