SUSQUEHANNA RIVER BASIN COMMISSION

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CONSUMPTIVE USE MITIGATION: DISCONTINUE CONSUMPTIVE USE

OVERVIEW

The waters of the Susquehanna River Basin are used for many purposes — domestic, municipal, agricultural, commercial, industrial, power, environmental, and recreational. When water is used in such a way that it is not returned to the basin undiminished in quantity, the loss is defined as being consumptively used. The water loss may be due to any of a variety of processes: when it is evaporated, transpired due to irrigation, incorporated into manufactured products or injected underground.

The Susquehanna River Basin Commission (Commission) regulates consumptive uses greater than 20,000 gallons per day (gpd) on a 30-day average to ensure reductions in water availability due to consumptive uses do not pose significant adverse impacts to water supply, water quality, and the environment. Regulated consumptive users are required to mitigate the impacts of their use and submit a plan for that mitigation.

Mitigation minimizes the impacts of Commission-approved consumptive uses during critical low flow periods. While the intent of the program is not to fully offset the water resource impacts of droughts, which occur naturally in varying degrees of severity, mitigation can help protect public health and safety, avoid water use conflicts, prevent water quality degradation, sustain economic production, and support ecological flow needs throughout the basin.

The Commission adopted a Consumptive Use Mitigation Policy (SRBC Policy No. 2020-01) in March 2020 that includes contemporary standards for mitigation planning and an expanded scope of mitigation options that will provide tangible benefits.

Of particular interest to some projects, the policy also revises the Commission's approach to discontinuance of a project's consumptive use as a mitigation method.

Discontinuance of use provides physical mitigation at the project site during Commission-designated low flow periods, thereby avoiding both local and basinwide adverse impacts associated with the consumptive use.

What is the Policy Regarding Discontinuance?

A project may elect to discontinue its consumptive use during a Commission-designated low flow period as its method of consumptive use mitigation. Withdrawals related to other non-consumptive project uses and operations may continue unaffected. Discontinuance of use provides physical mitigation at the project site during Commission-designated low flow periods, thereby avoiding both local and basinwide adverse impacts associated with the consumptive use. It also does not depend on any further action by the Commission or project. Accordingly, discontinuance is recognized as the most effective method for consumptive use mitigation.

The Commission revised its approach to discontinuance under the new policy to include a reduction of consumptive use during low flow periods to a quantity of less than 20,000 gallons per day (gpd), which is considered to be locally *de minimis*. Complete cessation or reduction of consumptive use now satisfies mitigation requirements.

Reducing peak day consumptive use to less than 20,000 gpd during designated low flow periods allows continued operations at a locally *de minimis* level. The policy change that will allow for some level of consumptive usage is expected to make this method of mitigation feasible for more projects.

WHY IS IT IMPORTANT TO REGULATE CONSUMPTIVE WATER USE?

The Commission adopted consumptive water use regulations in 1976 to help manage water resources and reduce human impacts caused by consumptive water use during low flows. Although droughts are naturally occurring events that cannot be prevented, one of the Commission's roles is to minimize the impacts to natural flow conditions. Regulated consumptive water users are required to mitigate for impact from their use during a Commission-designated low flow period and must submit a plan for that mitigation in the application. Several options are listed in regulation, and provisions are in place to allow a project sponsor to propose and implement another alternative approved by the Commission.

The primary methods utilized by approved projects are:

- reduce withdrawal in amount equal to the consumptive use, and withdraw from alternative surface or underground storage facilities;
- release water for flow augmentation, in amount equal to the consumptive use, from surface or underground storage facilities;
- discontinue the project's consumptive use;
- use a consumptive use source that maintains a conservation release; and
- provide monetary payment for annual consumptive use.

Monetary payments for consumptive use go into a special water management fund that is used to investigate, develop, and maintain Commission controlled water storage and other alternate strategies for mitigating the cumulative impacts of consumptive water use throughout the Basin.

How Can Discontinuance Apply to My Project?

A new project, or a project seeking renewal of an expiring consumptive use approval, can request discontinuance as its mitigation method in its application for consumptive use. The mitigation method would become a condition in the project's docket approval and the details would be outlined in the project's Metering Plan.

A project having an existing approval would apply for a major modification to the approved docket to request discontinuance as the mitigation method. The project sponsor would also revise its Metering Plan to reflect the discontinuance method.

Example Project

A project has an approved docket for consumptive use for golf course irrigation and requests that the docket be modified with a condition that discontinuance of consumptive use be the mitigation method. The Commission issues a modified docket.

During a Commission-designated low flow period when mitigation is required, the project stops course-wide irrigation and reduces its peak day consumptive use to below 20,000 gpd by only watering tees and greens. The reduction in consumptive use to less than 20,000 gpd during this low flow period would satisfy the project's consumptive use mitigation requirement in its docket.

Special Circumstances – Other Options

The Commission recognizes that some projects may have only a single source of water for consumptive use and that withdrawal source has a passby flow requirement. Where a project sponsor requests to mitigate by discontinuing its use below 20,000 gpd and does not have sufficient storage or alternative sources without passby flows, the Commission would consider that a pertinent factor in a case-by-case determination of whether the low flow protection requirements would strictly apply to its water withdrawal under the Commission's Low Flow Protection Policy.

In addition, there may be special circumstances where on-site storage would provide for discontinuance of consumptive use to below 20,000 gpd on a 30-day average, rather than a peak day volume if the associated withdrawal is maintained below 20,000 gpd on a peak day volume. Projects with special circumstances should consult with Commission staff.

Questions & Additional Information

If you have any questions please contact the Commission's Manager of Project Review at 717-238-0423.