

Into-Basin and Out-of-Basin Diversion Application Instructions

General Information:

- The Commission defines diversions as the transfer of water into or out of the Basin (18 CFR § 806.3).
- The regulatory triggers establishing what diversion projects require Commission approval are provided in 18 CFR § 806.4(a)(3) and (8).
- In accordance with 18 CFR § 806.4(a)(3), Out-of-Basin Diversions need to comply with the requirements of 18 CFR § 806.4(a)(1) and (2) related to consumptive water uses and withdrawals.

Application Process:

The Commission does not currently have a formal diversion application form. Applicants requesting a diversion must submit information addressing the contents of application as provided in 18 CFR § 806.14, and include a narrative to provide project information with respect to the standards for diversions as provided in 18 CFR § 806.24.

For Into-Basin and Out-of-Basin Diversions, please complete or submit the following:

1. Project Contact Information (PCI) – please contact Commission staff for guidance.
2. Application review fee ([Regulatory Program Fee Schedule](#))
3. A copy of a draft public notice in accordance with 18 CFR § 806.15 and the [Guidelines for Completing Public Notice Requirements](#).
 - Commission staff will review the draft notices submitted with your application. Please do not issue the notices until staff provides comments on the draft notices. Staff typically completes review within 1 to 2 business days.
4. A project location map.
5. A general description of the project, facility, purpose of diversion and water use, proposed quantity of water to be diverted, and all water sources proposed.
 - Note, this information will be placed on the Commission’s [Water Application and Approval Viewer](#) (WAAV) and will be accessible by the public.
6. A metering plan that adheres to 18 CFR § 806.30.
7. Evidence of coordination with member jurisdictions regarding necessary permits and approvals.
8. An estimated project schedule.
9. For docket renewals – a summary of proposed changes, if any.

Into-Basin Diversion - Additional Items to be Included per 18 CFR § 806.24(c):

1. Provide information on the source, amount, and location of the water being diverted to the Susquehanna River Basin from the importing basin.

2. Provide information on the water quality classification, if any, of the Susquehanna River Basin stream to which diverted water is being discharged and the discharge location or locations.
3. Document that the applicant has applied for or received all applicable withdrawal or discharge permits or approvals related to the diversion, and demonstrate that the diversion will not result in water quality degradation that may be injurious to any existing or potential ground or surface water use. This should include water quality data.
4. Explain and provide information related to any adverse effects and cumulative adverse effects the project may have on the Susquehanna River Basin, or any portion thereof, as a result of the introduction or potential introduction of invasive or exotic species that may be injurious to the water resources of the Basin.

Out-of-Basin Diversion – Additional Items to be Included per 18 CFR § 806.24(b):

1. Demonstrate that the applicant has made good faith efforts to develop and conserve sources of water within the importing basin and have considered other reasonable alternatives to the diversion.
2. Acknowledge and address how the project will comply with the general standards set forth in Sections 801.3, 806.21, and 806.22 and the applicable requirements of 18 CFR § 806.4 relating to consumptive uses and withdrawals.
3. Provide any information related to any adverse effects and cumulative adverse effects the project may have on the ability of the Susquehanna River Basin, or any portion thereof, to meet its own present and future water needs.
4. Provide the location, amount, timing, purpose, and duration of the proposed diversion and how the project will individually and cumulatively affect the flow of any impacted stream or river, and the freshwater inflow of the Chesapeake Bay, including the extent to which any diverted water is being returned to the Basin or the Bay.
5. Document the reasonably foreseeable need for the quantity of water requested by the applicant and how that need is measured against reasonably foreseeable needs in the Susquehanna River Basin.
6. The applicant's pre-compact member jurisdiction approvals to withdraw or divert the waters of the Basin.
7. Provide the project's historic reliance on sources within the Susquehanna River Basin.
8. Document the impact the diversion will have on economic development within the Susquehanna River Basin, the member states, and the United States of America.
9. Document the cost and reliability of the diversion versus other alternatives, including certain external costs, such as impacts on the environment or water resources. Provide any policy of the member jurisdictions relating to water resources, growth, and development.
10. Document how the project will individually and cumulatively affect other environmental, social, and recreational values of the Basin.
11. Document any land use and natural resource planning being carried out in the importing basin that will affect or influence the need for the Out of Basin diversion.

Upon Submission of the Above Information:

- The Commission will assign the application a pending Project Number that will be emailed to the applicant's designated contact.
- Following completion of public notices, the applicant needs to provide proof of receipt (signed U.S. Postal Service return receipt, or equivalent) of municipal, county, county agency, and state notices and a completed [Certification of Notification - Form 55](#).