

General Permit GP-01 GROUNDWATER REMEDIATION PROJECTS

1. **GENERAL DESCRIPTION AND AUTHORITY** – The Susquehanna River Basin Commission (Commission) hereby approves by General Permit, subject to the terms and criteria set forth below, the withdrawal of groundwater for groundwater remediation and consumptive use projects. This approval is pursuant to Article 3.10 of the Susquehanna River Basin Compact (Compact) and the rules and regulations promulgated thereunder at 18 C.F.R. §§ 806.4(a)(9) and 806.17. The General Permit is subject to the terms and conditions set forth below.
2. **DENIAL OF APPROVAL** – The Commission or Executive Director shall have the discretion, on a case-by-case basis, to deny, revoke or suspend the approval to use this General Permit for any project determined to not meet or no longer meet the criteria for coverage under the General Permit or to have violated the terms and conditions of this General Permit, provided false or incomplete information on the Notice of Intent (NOI) seeking coverage under the General Permit or for any reason enumerated in 18 C.F.R. § 806.17(d).
3. **DEFINITIONS** – The following terms as used in this General Permit shall have the following meanings:

Commission. The Susquehanna River Basin Commission, as established in Article 2 of the Compact, including its commissioners, officers, employees, or duly appointed agents or representatives.

Consumptive use. The loss of water transferred through a manmade conveyance system or any integral part thereof (including such water that is purveyed through a public water supply or wastewater system), due to transpiration by vegetation, incorporation into products during their manufacture, evaporation, injection of water or wastewater into a subsurface formation from which it would not reasonably be available for future use in the basin, diversion from the basin, or any other process by which the water is not returned to the waters of the basin undiminished in quantity.

Groundwater. Water beneath the surface of the ground within a zone of saturation, whether or not flowing through known and definite channels or percolating through underground geologic formations, and regardless of whether the result of natural or artificial recharge. The term includes water contained in quarries, pits, and underground mines having no significant surface water inflow, aquifers, underground watercourses and other bodies of water below the surface of the earth. The term also includes a spring in which the water level is sufficiently lowered by pumping or other means of drainage to eliminate the surface flow. All other springs are considered to be surface water.

Groundwater Remediation Project. A project that utilizes a groundwater withdrawal(s) for the purpose of reducing, eliminating, capturing, or containing a groundwater contaminant as directed, ordered, overseen, or in accordance with state or federal environmental regulatory agencies and regulations, or to meet state or federally mandated water quality standards. Collected storm water, leachate, and other incidental fluids captured and treated by the remediation system is included in this definition.

Member jurisdiction. The signatory parties as defined in the compact, comprised of the States of Maryland and New York, the Commonwealth of Pennsylvania, and the United States of America.

Project sponsor. Any person who owns, operates, or proposes to undertake a project. The singular shall include the plural.

Surface water. Water on the surface of the ground, including water in a perennial or intermittent watercourse, lake, reservoir, pond, spring, wetland, estuary, swamp or marsh, or diffused surface water, whether such body of water is natural or artificial.

Withdrawal. A taking or removal of water from any source within the basin for use within the basin.

- 4. SCOPE** – The following activities are eligible for coverage under this General Permit:
- a. Groundwater remediation project withdrawing a consecutive 30-day average of 100,000 gallons per day (gpd) or more from groundwater, either from one source or combination of sources.
 - b. Consumptive use of water, of an average of 20,000 gpd or more in any consecutive 30-day period, from the groundwater remediation project. To qualify for this General Permit, the groundwater remediation project must be the sole water source for the consumptive use.
 - c. Any groundwater remediation project withdrawal that is used as a source of water for a regulated consumptive use as described in section 4. (b) of this General Permit.

- 5. WHERE GENERAL PERMIT DOES NOT APPLY** – This General Permit does not apply and is not valid for the following circumstances, and an individual permit would be required:
- a. Withdrawal from surface water sources.
 - b. Quarry or mining withdrawals for the primary purpose of dewatering mine workings.
 - c. Abandoned mine pump and treat projects.

- d. Groundwater remediation projects that do not have state or federal environmental regulatory agency oversight.
 - e. Bulk supply water sales of withdrawn water.
6. **EFFECTIVE TIME PERIOD** – This General Permit shall expire on December 31, 2050.
7. **GENERAL CONDITIONS** – The following general conditions apply to all activities approved by this General Permit:
- a. In lieu of aquifer testing, the project sponsor shall provide reports provided to or required by other regulatory agencies that demonstrate the hydrogeologic and/or hydrologic effects of the groundwater remediation system, including local water availability (18 C.F.R. § 806.14(b)(6)(i)).
 - b. This General Permit 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 General Permit if the project sponsor fails to obtain or maintain such permits and/or approvals.
 - c. With the exception of projects developed under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, 42 U.S.C. Chapter 103, the 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 General Permit.
 - d. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this General Permit, the project sponsor is subject to enforcement actions pursuant to 18 C.F.R. Part 808.
 - e. This General Permit 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 General Permit shall be subject thereto.
 - f. 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 18 C.F.R. § 808.12.

- g. The Commission may at any time reopen any General Permit 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 18 C.F.R. § 806.32.
- h. In accordance with 18 C.F.R. § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this General Permit within five (5) days of such violation or report loss of measuring or recording capabilities required under 18 C.F.R. § 806.30(a)(1) within five (5) days after any such loss.
- i. In accordance with 18 C.F.R. § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of the approval of coverage for this General Permit to the Commission within ninety (90) days of the change in ownership or project sponsor name change.
- j. Upon completion of the groundwater remediation project and the filing of all required metering data with the Commission pursuant to this General Permit, the project sponsor shall file a Notice of Termination with the Commission. Coverage under this General Permit will end upon issuance of written Acknowledgement of the Notice of Termination by the Commission.
- k. Prior to filing the Notice of Termination, the project sponsor shall obtain Commission approval for any consumptive use project that continues, with an average of 20,000 gpd or more in any consecutive 30-day period, per 18 C.F.R. § 806.4.
- l. The project sponsor shall adhere to the metering plan submitted with the NOI and must conform to 18 C.F.R. § 806.30.
- m. 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 shall be submitted for review and approval by Commission staff in accordance with 18 C.F.R. § 806.30 and shall not be implemented until the project sponsor receives written approval of the amended plan. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval.
- n. The project sponsor shall maintain legal access to the withdrawal location for the duration of operation under this General Permit.
- o. The project sponsor shall register with the appropriate agency all groundwater sources described herein, as may be required by regulations of the member jurisdiction.

- p. The project sponsor shall have the option of reactivating existing recovery wells in the future, or adding new recovery wells to the existing remediation system. The project sponsor shall provide to the Commission, in writing, any changes in the status of the recovery wells within thirty (30) days of the change.
- q. The project sponsor shall provide to the Commission, copies of any annual report(s) provided to the overseeing state or federal environmental regulatory agencies.
- r. The Commission must be notified, within 30 days of issuance, of any correspondence issued by the appropriate state or federal environmental regulatory agency that allows for the termination of groundwater remediation or indicates that groundwater remediation is no longer required to attain the appropriate water quality standards.

8. CONDITIONS FOR CONSUMPTIVE USE – The following conditions apply for the consumptive use of water from groundwater remediation projects:

- a. The project sponsor shall maintain metering on the consumptive use of water in accordance with the metering plan submitted with the NOI and must conform to 18 C.F.R. § 806.30.
- b. The project sponsor shall keep daily records of the project’s consumptive 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 shall be submitted for review and approval by Commission staff in accordance with 18 C.F.R. § 806.30 and shall not be implemented until the project sponsor receives written approval of the amended plan. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval.
- c. Consumptive use shall be limited to no more than the withdrawal quantity and rate of withdrawal required to effectively achieve the primary purpose of the groundwater remediation project.
- d. The project’s consumptive use is subject to mitigation requirements, per 18 C.F.R. § 806.22(b). To satisfy the Commission’s current mitigation requirements for consumptive 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.