



SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

(717) 238-0423 Phone • (717) 238-2436 Fax

www.srbc.net

Docket No. 20201209

Approval Date: December 11, 2020

JKLM ENERGY, LLC

**Into-Basin Diversion (Peak Day) of up to 1.100 mgd
from the Goodwin and Son's Sand and Gravel Quarry
in the Ohio River Basin**

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 significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, 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.

The project involves the diversion of water from the Goodwin and Son's Sand and Gravel Quarry in Roulette Township, Potter County, into the Susquehanna River Basin for hydrocarbon development for downhole use only.

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	
Project Sponsor:	JKLM Energy, LLC
Approval Type:	Into-Basin Diversion from the Ohio River Basin
Past Docket No.:	20161221
Authorized Water Use Purpose:	Hydrocarbon Development (Downhole Use Only)
Municipality:	Roulette Township
County:	Potter County
State:	Pennsylvania

Section 3. Source Information

Information concerning the source of water from which the into-basin diversion will be made is set forth in the table below.

Source Information	
Approved Source:	Goodwin and Son's Sand and Gravel Quarry
Basin:	Ohio River Basin
Watershed Boundary Dataset (WBD):	0501000103 (Headwaters Allegheny River)
Withdrawal Location (degrees):	Lat: 41.762731 N Long: 78.119748 W
Impairment:	No state-listed impairment; quarry water exhibits iron concentration exceeding Title 25 Pa. Code Chapter 93 Water Quality Standards

Section 4. Approved Into-Basin Diversion Quantities and Limitations

The into-basin diversion approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

Approved Into-Basin Diversion Quantities and Limitations	
Peak Day Diversion Amount (mgd):	1.100 (Not to Exceed)
mgd – million gallons per day	

The into-basin diversion 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 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 the totalizing meter and other flow and volume measuring devices, accurate to within five (5) percent, so as to provide an accurate record of diversions, 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.

4. The project sponsor shall keep daily records of the project's diversion 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 approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made 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 and all subsequent renewals.

5. 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 CFR § 808.12.

6. In accordance with 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

7. In accordance with 18 CFR § 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 all approvals to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

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

9. This approval is conditioned on the project sponsor maintaining legal access to the withdrawal and diversion project locations 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 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 diversion 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 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 diversion that would exceed the amounts listed herein.

Section 6. Special Conditions

17. The date of the last meter certification was January 12, 2018; therefore, the next meter certification is due no later than January 12, 2023. 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. In consideration of the source water quality, all diverted water into the Susquehanna River Basin under this authorization shall be stored in tanks or lined impoundments and used downhole only for the sole purpose of hydrocarbon development. The water shall not be utilized for any purposed incidental to this use.

19. Except as authorized pursuant to Special Condition 21, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered or received approval pursuant to 18 CFR § 806.22(f), as applicable.

20. 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 Section 2 or Special Condition 21, including daily quantities supplied.

21. 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 minor modification under 18 CFR § 806.18(c)(4) 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 7. Term

22. This approval shall be effective January 1, 2021, and shall remain effective until December 31, 2035. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application for renewal on or before June 30, 2035, 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.

23. Commission Docket No. 20161221 shall remain effective through December 31, 2020, whereupon it shall expire.

CERTIFICATION: I, Jason E. Oyler, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on December 11, 2020.

Dated: December 14, 2020



Jason E. Oyler, Esq.