



SUSQUEHANNA RIVER
BASIN COMMISSION

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NY ■ PA ■ MD ■ USA

February 2, 2023

Mr. Anthony Snider
Chief Operating Officer
Waterco Springs LLC
22 Spring Water Boulevard
Brandonville, PA 17967

Re: Notice of Transfer of Approval;
from Hydrage, LLC to Waterco Springs LLC;
East Union and Mahanoy Townships, Schuylkill County, Pennsylvania;
Commission Docket No. 20220608

Dear Mr. Snider:

The Susquehanna River Basin Commission (Commission) received a Request for Transfer of Approval (Commission Form #86) on October 20, 2022, for Commission Docket No. 20220608. This request indicated the change in ownership was effective June 29, 2022, from Hydrage, LLC to Waterco Springs LLC (project sponsor). Upon review of the project and the submitted request for transfer, it was determined that the request is substantially in compliance with the regulations and consistent with 18 CFR § 806.6(a). Therefore, the approval listed above is hereby transferred effective February 2, 2023.

A copy of the above-referenced approval is available on the Commission's Water Application and Approval Viewer (WAAV) at www.srbc.net/waav.

In accordance with the Commission's Regulatory Program Fee Schedule, the facility continues to be subject to the Annual Compliance and Monitoring fee (ACMF). The ACMF is contained in the Regulatory Program Fee Schedule, which may be modified over the term of the approval. The ACMF will be invoiced separately.

Outstanding post-approval items should be submitted electronically via the Monitoring Data Website (MDW). If you have any questions regarding the submittal of post-approval conditions, please feel free to contact Steve McFeaters at (717) 238-0423, extension 1225, or via e-mail at samcfeaters@srbc.net.

Please be advised that, under 18 CFR § 808.11, you have a duty to comply with all provisions of the Susquehanna River Basin Compact (Compact), as well as the Commission's rules, regulations, orders, approvals, conditions of approval, and any other requirements of the

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the Susquehanna River Watershed*

Commission. It is your obligation to fulfill all conditions of this approval within the specified time limits and provide written notification to the Commission, as appropriate, and comply with all conditions set forth therein. Failure to meet any term or condition within the specified time may subject you to enforcement action and imposition of civil penalties pursuant to 18 CFR Part 808, Subpart B, and Section 15.17 of the Compact. Penalties range from \$50 to \$1,000 per day, per condition (which includes exceeding approved quantities), with every day being a separate offense.

Pursuant to 18 CFR § 808.2 relating to administrative appeals, any appeal to this action must be made to the Commission within 30 days of receipt of this notice. All appeals must be made in writing on the Commission's Notice of Appeal form and conform to the requirements of 18 CFR § 808.2. Pursuant to 18 CFR § 808.2(i), an appeal made under this section stays the commencement of the 90-day appeal period to Federal Court contained in Section 3.10(6) of the Compact.

Should you have any questions, please contact Todd Eaby, Manager of Project Review, at (717) 238-0423, extension 1234, or via e-mail at teaby@srbc.net.

Sincerely,



Andrew D. Dehoff
Executive Director

cc: Isaac Aframian – Waterco Springs LLC



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20220608

Approval Date: June 16, 2022

HYDRAGE, LLC

**Consumptive Use (30-day Average) of up to 0.200 mgd
from Spring 1**

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 renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of the project which was previously approved by Commission Docket No. 20070603 on June 13, 2007. The Commission previously approved the groundwater withdrawal of 0.079 million gallons per day (mgd) from Spring 1 and consumptive use of 0.200 mgd with special flow protection requirements. The withdrawal from Spring 1 has been maintained below the Commission's regulatory threshold of 0.100 mgd (30-day average), and continued operation below the withdrawal threshold does not require separate Commission review and approval. Prior review and evaluation of the withdrawal from Spring 1 has been considered with review of the consumptive use renewal project. Considering the project setting and previously evaluated resource limitations, and in accordance with 18 CFR § 806.4(a)(1), appropriate withdrawal standard limits are being maintained with this renewal as provided in Special Condition 18.

Commission staff recommended a change of the consumptive use limit from a peak day basis to a 30-day average basis due to the use of a spring source that has a withdrawal limit and project storage. Commission staff recommended continuation of special flow protection requirements consistent with current policy. This approval incorporates those recommendations.

The project maintains a private on-site well for potable/sanitary use only.

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	
Project Sponsor:	Hydrage, LLC
Approval Type:	Consumptive Use
Previous Docket No.:	20070603
Authorized Water Use Purpose:	Bulk Hauling, Water Bottling, and Related Incidental Uses
Municipality:	East Union and Mahanoy Townships
County:	Schuylkill County
State:	Pennsylvania

Section 3. Approved Consumptive Use Quantities and Limitations

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

Approved Consumptive Use Quantities and Limitations	
Source for Project Consumptive Use:	Spring 1
30-Day Average Consumptive Use Amount (mgd):	0.200 (Not to Exceed)
Authorized Project Consumptive Uses:	1. Bulk Hauling 2. Water Bottling 3. Related Incidental Uses
Consumptive Use Mitigation Type:	Payment of consumptive use mitigation fee

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

Section 4. 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 withdrawals and consumptive uses, 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 withdrawal and 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 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's consumptive use is subject to mitigation requirements, as per 18 CFR § 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.

6. 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.

7. 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.

8. 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.

9. The project sponsor shall comply with the water conservation requirements specified in 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 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 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. 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 5. Special Conditions

18. The withdrawal from Spring 1 shall be limited to no more than 0.079 mgd (consecutive 30-day average) and at a maximum instantaneous withdrawal rate of 139 gallons per minute (gpm), when available, considering maintenance of the conservation release as established by Special Condition 19.

19. The project sponsor is required to maintain a conservation release of 61 gpm at the spring vault at all times when water is being withdrawn from Spring 1. The project sponsor shall maintain the device used to regulate the amount of withdrawal from Spring 1 to meet the passby flow requirement. The project sponsor shall contact the Commission in the event that the 10-inch valve should need to be closed. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

20. The date of the last meter certification was October 13, 2020; therefore, the next meter certification is due no later than October 13, 2025. 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.

21. Prior to supplying water for any use not authorized pursuant to Sections 2 or 3 of this approval, the project sponsor shall first submit a minor modification application 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.

22. 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.

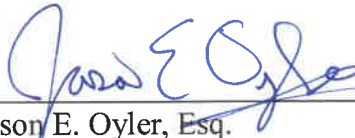
Section 6. Term

23. This approval shall be effective July 1, 2022, and shall remain effective until June 30, 2037. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2036, 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.

24. Commission Docket No. 20070603 shall remain effective through June 30, 2022, 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 June 16, 2022.

Dated: June 17, 2022



Jason E. Oyler, Esq.