



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20220902

Approval Date: September 15, 2022

BRUNNER ISLAND, LLC

**Surface Water Withdrawal (Peak Day) of up to 835.000 mgd
from the Susquehanna River, and
Consumptive Use (Peak Day) of up to 23.100 mgd
from the Susquehanna River**

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. 20070908 on September 12, 2007. The withdrawal from the Susquehanna River is used for operation of a thermoelectric power generation facility. The project sponsor did not request, and Commission staff did not recommend, any changes to the project.

The project utilizes public water supply from the York Water Company for potable/sanitary water uses. Water from the public water supply will not be used consumptively. The project sponsor is also in the process of finalizing, with the Pennsylvania Department of Environmental Protection (PADEP), a groundwater remediation system for Basin 5 Abatement. The groundwater remediation system has been determined to be a separate project purpose than water use for operation of a thermoelectric power generation facility and is not subject to Commission review and approval if the groundwater withdrawal does not equal or exceed 100,000 gallons per day (gpd) on an 30-day average. Water from the remediation system will not be used consumptively.

Commission staff has coordinated with 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:	Brunner Island, LLC
Approval Types:	Surface Water Withdrawal and Consumptive Use
Previous Docket No.:	20070908
Authorized Water Use Purpose:	Operation of a Thermoelectric Power Generation Facility and Related Incidental Uses
Municipality:	East Manchester Township
County:	York County
State:	Pennsylvania

Section 3. Source Information

Information concerning the source of water from which the withdrawal will be made is set forth in the table below.

Source Information	
Approved Source:	Susquehanna River
Subbasin:	Lower Susquehanna
Watershed Boundary Dataset (WBD):	0205030617 (Lower Susquehanna River)
Water Use Designation:	Warm Water Fishery (WWF)
Withdrawal Location (degrees):	Lat: 40.098404 N Long: 76.693050 W
Site Flow Statistics (cfs):	Q7-10 = 3,390; Average Daily Flow = 38,700
Impairment:	pH; Polychlorinated Biphenyls (PCBs)
Drainage Area (square miles):	25,540
Aquatic Resource Class*:	6
Special Flow Protection Required:	No
cfs – cubic feet per second	
* Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals)	

Section 4. Approved Withdrawal Quantities and Limitations

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

Approved Withdrawal Quantities and Limitations	
Peak Day Withdrawal Amount (mgd):	835.000 (Not to Exceed)
Maximum Instantaneous Withdrawal Rate (gpm):	580,000 (Not to Exceed)
mgd – million gallons per day	
gpm – gallons per minute	

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

Section 5. 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:	Susquehanna River
Peak Day Consumptive Use Amount (mgd):	23.100 (Not to Exceed)
Authorized Project Consumptive Uses:	1. Operation of a Thermoelectric Power Generation Facility 2. 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 6. Grandfathering Determination – Withdrawals and Consumptive Use

All withdrawals and consumptive use by the project have Commission approval.

Section 7. 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 adhere to the intake design reviewed and approved by Commission staff. Any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with 18 CFR § 806.21 and § 806.23 prior to undertaking such modification(s).

5. 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.

6. 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. For the purposes of this project, 8.100 mgd was determined to be the project's pre-1971 consumptive use and is considered to not be subject to consumptive use mitigation payment. 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.

7. 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.

8. 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.

9. 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.

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

11. This approval is conditioned on the project sponsor maintaining legal access to the withdrawal location for the duration of the approval.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. This project is approved for inclusion in the Commission's Comprehensive Plan for the Water Resources of the Susquehanna River Basin.

18. 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 5.

Section 8. Special Conditions

19. The date of the last meter certification was March 22, 2022; therefore, the next meter certification is due no later than March 22, 2027. 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.

20. The project sponsor should adhere to recommendations provided by PFBC in the November 8, 2021, Pennsylvania Natural Diversity Inventory (PNDI) response for avoiding adverse impact to documented occurrences of rare species at or in proximity to the project location. The documented species are elktoe mussel, triangle floater mussel, and green floater mussel.

21. Prior to supplying water for any use not authorized pursuant to Sections 2 or 5 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.

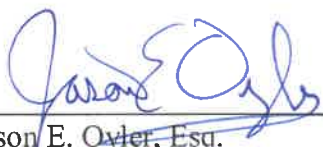
Section 9. Term

22. This approval shall be effective October 1, 2022, and shall remain effective until September 30, 2037. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before March 31, 2037, 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. 20070908 shall remain effective through September 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 September 15, 2022.

Dated: September 16, 2022



Jason E. Oyler, Esq.