



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20230625

Approval Date: June 15, 2023

TITANIUM METALS CORPORATION (TIMET)

**Consumptive Use (30-Day Average) of up to 0.177 mgd
from Well 1, Public Water Supply, and Stormwater**

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. 20080616 on June 12, 2008, and modified March 21, 2013, as Commission Docket No. 20080616-1. The project sponsor has requested a change from a peak day basis to a 30-day average basis. Commission staff recommended that the project be approved as requested.

The project has a separate approval for a groundwater withdrawal from Well 1 approved by Commission Docket No. 20090629 on June 18, 2009. Due to Commission regulation changes that occurred since the time of the approval, the groundwater source is below the Commission's regulatory threshold of 0.100 million gallons per day (mgd) on a consecutive 30-day average for withdrawals requiring approval. Well 1 is being maintained by this approval as an approved source for consumptive use and Commission Docket No. 20090629 is being rescinded.

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:	Titanium Metals Corporation (TIMET)
Approval Type:	Consumptive Use
Previous Docket Nos:	20080616 and 20080616-1
Authorized Water Use Purpose:	Titanium Refining Process, Evaporative Cooling, Fire Suppression, and Related Incidental Uses
Municipality:	Caernarvon Township
County:	Berks 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	
Sources for Project Consumptive Use:	<ol style="list-style-type: none">1. Well 12. Public Water Supply – Caernarvon Township Authority3. Public Water Supply Well 8 Blow-off Water – Caernarvon Township Authority4. Stormwater
30-Day Average Consumptive Use Amount (mgd):	0.177 (Not to Exceed)
Authorized Project Consumptive Uses:	<ol style="list-style-type: none">1. Titanium Refining Processes2. Evaporative Cooling3. Fire Suppression4. 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. Existing Approved Source

With this docket, all sources for consumptive use for this project are approved as listed in Section 3.

Section 5. Under Threshold Withdrawal

The groundwater withdrawal from Well 1 supplying the facility will be operated below the Commission's regulatory threshold; therefore, the withdrawal does not require separate Commission review and approval if the withdrawal remains below 0.100 mgd (consecutive 30-day average). The project may continue withdrawal from the groundwater source below 0.100 mgd, maximum consecutive 30-day average, in support of uses identified in Section 3,

without separate Commission review and approval. Operation of the withdrawal at or above 0.100 mgd (consecutive 30-day average), individually or in combination with other withdrawals, will require prior review and approval in accordance with Special Condition 19.

Evaluation of the below threshold withdrawal from Well 1 has been considered in conjunction with review of this consumptive use renewal.

Because the project has a groundwater well, the Commission also strongly encourages the collection and maintenance of daily individual withdrawal quantities and groundwater elevation data to ensure sustainable operating conditions. These data will prove invaluable in the course of future regulatory reviews, should they arise.

Section 6. 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 consumptive use, 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 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 or consumptive use 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 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 7. Special Conditions

18. The date of the last meter certification was July 1, 2022; therefore, the next meter certification is due no later than July 1, 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.

19. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawals that would be equal to or exceed 0.100 mgd (consecutive 30-day average) individually or in combination.

20. 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.

Section 8. Term


21. This approval shall be effective July 1, 2023, and shall remain effective until June 30, 2038. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 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.

22. Commission Docket Nos. 20080616 and 20080616-1 shall remain effective through June 30, 2023, whereupon they shall expire.

23. Commission Docket No. 20090629 is rescinded effective June 30, 2023.

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 15, 2023.

Dated: June 16, 2023



Jason E. Oyler, Esq.