

# Susquehanna River Basin Commission

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*a water management agency serving the Susquehanna River Watershed*



August 15, 2011

TO ALL CONCERNED:

At the June 23, 2011, Commission meeting, the draft minutes of the March 10, 2011, Commission meeting were approved as written. Please attach this notice to your copy of the March 10, 2011, minutes.



- DRAFT -

SUSQUEHANNA RIVER BASIN COMMISSION  
1721 N. FRONT ST.  
HARRISBURG, PA 17102

**MINUTES OF THE  
SUSQUEHANNA RIVER BASIN COMMISSION  
June 23, 2011  
#2011-02**

The meeting was held at Cecil College, North East, Maryland. Chairman Lynch called the meeting to order at 8:30 a.m.

**ROLL CALL**

**Commissioners Present**

*Mr. Kenneth P. Lynch*, Director, Region 7, New York State Dept. of Environmental Conservation (NYSDEC)

*Ms. Kelly Heffner*, Dep. Sec. for Water Resources, Pennsylvania Dept. of Environmental Protection (PADEP)

*Mr. Herbert Sachs*, Special Projects Coordinator, Office of the Secretary, Maryland Dept. of the Environment (MDE)

*Col. David E. Anderson*, District Engineer, U.S. Army Corps of Engineers (USACE), Baltimore District

**Alternate Commissioners  
and Advisors Present**

*Mr. Ned Wehler*, CEO, ARM Group, PA Advisor

**Staff Present**

*Mr. Paul O. Swartz*, Executive Director

*Mr. Thomas W. Beauduy*, Deputy Executive Director

*Ms. Marcia E. Rynearson*, Director, Administration & Finance

*Dr. James L. Richenderfer*, Director, Technical Programs

*Ms. Stephanie L. Richardson*, Secretary to the Commission

*Mr. Richard A. Cairo*, General Counsel

*Ms. Susan S. Obleski*, Director, Communications

*Mr. John W. Balay*, Manager, Planning & Operations

*Ms. Paula Ballaron*, Manager, Policy Implementation & Outreach

*Mr. Andrew D. Dehoff*, Manager, Project Review

*Mr. Andrew Gavin*, Manager, Monitoring & Protection

*Mr. David W. Heicher*, Manager, Research & Grants

**Also Attending**

*Mr. John Booser*, PADEP

*Mr. Dan Bierly*, USACE, Baltimore Dist.

*Ms. Karla Hill*, USACE, Baltimore Dist.

## **1. Welcome & Introductory Remarks**

Chairman Lynch convened the meeting and introduced the members of the Commission. He called on Maryland Delegate David Rudolph to provide opening remarks. Delegate Rudolph welcomed the Commission and the audience to Cecil County and mentioned that he looks forward to continuing to work with the Commission on protecting the Chesapeake Bay and the review of the Lower Susquehanna hydroelectric projects applying for federal relicensing. He also noted the Commission's leadership in regulating water use associated with natural gas extraction in the Marcellus formation and indicated that Maryland will benefit from the experiences of SRBC as it moves forward with its own gas regulatory program in western Maryland. Chairman Lynch also acknowledged the presence of Cecil County Commissioner Robert Hodge.

The commissioners then presented information on significant developments in their jurisdictions and their relevance to the work of the Commission. Commissioner Sachs noted the confirmation of SRBC member Dr. Robert Summers as Secretary of the MDE. He further mentioned Maryland's efforts to formulate its regulatory program for natural gas extraction; important legislation relating to septic tank regulation; and, in cooperation with the USACE, the initiation of a study of the sediments accumulating behind Conowingo Dam.

Commissioner Heffner indicated that the PADEP will be engaging local governments and counties on the use of Best Management Practices (BMPs) and how local governments can cooperate on Chesapeake Bay efforts. A series of meetings with local government and county officials will take place in September and October, with a kick-off summit meeting to be held in August. Pennsylvania also plans to continue its close coordination with SRBC on Marcellus gas regulation.

Commissioner Anderson reiterated the importance of the sediment study to be carried out with Maryland on the lower Susquehanna River and that USACE is hoping that a better understanding of the movement of sediments will emerge from this study. The USACE is also working with Maryland on aquaculture permitting.

Chairman Lynch noted the unanimous passage of legislation in New York that will charge the NYSDEC with the regulation of water withdrawals. NYSDEC will be developing regulations to implement the new law, which will continue to rely on the Susquehanna and Delaware River Basin Commissions for regulation of withdrawals in their respective river basins.

The Executive Director recounted the efforts of Senator William S. James, Delegate Frank Harris, and Commissioner Herb Sachs in guiding the Susquehanna River Basin Compact to enactment by the Maryland Legislature in March 1967. Through their special efforts, potentially fatal objections voiced by Dr. Abel Wolman, a respected water resources expert from The Johns Hopkins University, were overcome.

**2. Presentation: Water Resources Program – A Focus on the Chesapeake Bay Priority Management Area**

Mr. Dave Heicher, Manager, Research & Grants, presented the FY 2012-2013 Water Resources Program to the Commission and a resolution (Exhibit A) for its adoption. He provided some background on the Program's origins in the Susquehanna River Basin Compact, its purpose, function, and relationship to the SRBC Comprehensive Plan as an implementation tool. He went on to describe the Priority Management Areas (PMAs) set forth in the Program, which track the PMAs established by the Comprehensive Plan. The Program addresses 65 of the 74 actions identified in the PMAs. For this year's Water Resources Program, input was received from 12 federal agencies, 12 state agencies, and 21 regional and county organizations. Eleven non-governmental organizations (NGOs) had also offered comments.

Mr. Heicher then called on Mr. Andrew Gavin, Manager, Monitoring & Protection, to provide information on the Chesapeake Bay PMA. Mr. Gavin covered a number of areas, including flow protection studies, long-term water quality monitoring, the sediment studies mentioned by Commissioners Sachs and Anderson, support for TMDL studies, and wetland establishment and enhancement. Commissioner Sachs stressed the importance of the portions of the Bay PMA addressing freshwater inflows to the Chesapeake Bay.

Following Mr. Gavin's presentation, Commissioner Anderson moved approval of the resolution adopting the FY 2012-2013 Water Resources Program. This motion was seconded by Commissioner Sachs and unanimously adopted by the Commission.

**3. Hydrologic Conditions Report**

Mr. John Balay, Manager, Planning & Operations, reported on hydrologic conditions in the basin. The spring period was unusually wet, with precipitation much above normal through the period. April precipitation alone was 75 percent above normal. The surplus precipitation has resulted in normal stream flow and ground water levels throughout most of the basin. The 90-day forecast is for continued above normal precipitation.

The 2011 hurricane season began on June 1. Forecasters are predicting an above average hurricane season, with the climatic phenomenon known as "La Nina" warming the waters of the Atlantic Ocean.

**4. Minutes of the March 10, 2011, Meeting**

On a motion by Commissioner Sachs, seconded by Commissioner Heffner, the minutes of the regular business meeting of March 10, 2011, were unanimously approved as written.

**5. Counsel's Report**

The General Counsel presented the following report on legal matters affecting the Commission:

## **Green Seal Claim – Whitney Point Section 1135 Project Modification**

The Commission participated as a non-federal sponsor in the Whitney Point Section 1135 Project Modification designed to improve environmental conditions downstream of Whitney Point Lake through low flow water releases. Certain other features were added at the lake to enhance wildlife habitat and expand recreational facilities.

As reported previously, Green Seal Environmental, Inc., the contractor who did excavation and island construction work for the enhancements at the Whitney Point Lake, filed a cost overrun claim with USACE in 2009 demanding a nearly \$600,000 extra payment due to alleged differing site conditions. After rejection of most of that claim by USACE's Contracting Officer, Green Seal filed an appeal of the Contracting Officer's Decision with the Armed Services Board of Contract Appeals.

On June 6, 2011, the Commission received word from USACE staff and counsel that the "Discovery Phase" of the appeal is still underway and that no trial date has yet been scheduled. Staff will keep the Commission informed of further developments as the litigation goes forward in the coming months.

## **Administrative Appeal of Allegheny Defense Project**

The Allegheny Defense Project filed an administrative appeal on May 2, 2011, and an amendment to that appeal on May 23, 2011, regarding the Commission's approval of three into-basin diversions from the Ohio Basin at the March 10, 2011, Commission meeting. Consideration of this appeal occurred in the public hearing portion of the meeting, item 8 (d) below.

### **6. Proposed Rulemaking**

Deputy Executive Director Thomas Beauduy presented a proposed rulemaking package that would amend the project review regulations of the Commission. Most of these amendments relate to the approval of natural gas development projects of both a conventional and unconventional nature.

In summary, the amendments would: 1) Include definitions for new terms that are used in the proposed rulemaking; 2) provide for administrative approval of interbasin transfers of flowback and production fluids between drilling pad sites that are isolated from the waters of the basin; 3) provide for administrative approval of out-of-basin transfers of flowback or produced fluids from a Commission-approved hydrocarbon development project to an out-of-basin treatment or disposal facility; 4) insert language authorizing "renewal" of expiring approvals, including Approvals by Rule (ABRs); 5) delete specific references to geologic formations that may be the subject of natural gas development using hydrofracture stimulation and replace with a generic category – "unconventional natural gas development;" 6) broaden the scope of ABRs issued to include hydrocarbon development of any kind utilizing the waters of the basin, not just unconventional natural gas well development; 7) memorialize the current practice of requiring post-hydrofracture reporting; 8) standardize at 15 years the term of ABR approvals for both gas

and non-gas projects; and 9) provide further procedures for the approval of water sources utilized at projects subject to the ABR process.

With the Commission's authorization, a proposed rulemaking notice would be published in the Federal Register and the member state notice publications inviting comments on the amendments through August 23, 2011. Public hearings would also be held on August 2, 2011, at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, Pennsylvania 17101, beginning at 10:00 a.m., and on August 4, 2011, at the Holiday Inn Binghamton Downtown, 2-8 Hawley Street, Binghamton, New York 13901, beginning at 7:00 p.m. Details on the proposed rulemaking would also be placed on the Commission's web site [www.srbc.net](http://www.srbc.net).

On a motion by Commissioner Heffner, seconded by Commissioner Sachs, the Commission unanimously authorized the Commission staff to proceed with the proposed rulemaking notice, and to schedule the related public hearings.

## **PUBLIC COMMENTS**

The Commission invited general comments from the public. Mr. Jim Eberhardt, Mayor of Perryville, Maryland, offered two comments. First, he indicated that the Town of Perryville does routine water quality monitoring at its water treatment plant and would be happy to share the results of that monitoring with the Commission. Secondly, he commented on the large amount of debris that came down the Susquehanna River during the recent high flows, which clogged marinas and posed a hazard to navigation through Memorial Day.

### **7. Preliminary Introduction on Dockets**

Dr. Jim Richenderfer, Director, Technical Programs, provided an explanation of the contents and conditions of a typical Commission docket approval. Noting first what projects are covered by Commission regulations, he then explained how docket approvals are structured and how conditions such as limits on instantaneous withdrawals and daily maximum withdrawals work to protect streams. He placed special emphasis on an explanation of passby flow requirements, which protect water sources and the aquatic environment by halting stream withdrawals during low flow events. He also indicated the types of information that applicants are expected to have in their applications.

He explained how staff carefully scrutinizes each application on its merits, with some reviews such as groundwater withdrawals taking as much as a year to finalize. He emphasized that staff only makes recommendations on the disposition of project applications. The final decision on applications rests with the Commission.

## **PUBLIC HEARING<sup>1</sup>**

The Commission convened a public hearing covering six topics: 1) action on a compliance matter/settlement offer; 2) action on the rescission of approval for two projects;

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<sup>1</sup> The account of this public hearing contained in these minutes should only be considered an unofficial summary. A stenographic transcript was made containing the official record of the hearing.

3) action on project applications (including those involving diversions); 4) consideration of an administrative appeal filed by the Allegheny Defense Project regarding three into-basin diversions approved at the March 10, 2011, meeting of the Commission; 5) action on amendments to the Regulatory Program Fee Schedule; and 6) action on amendments to the SRBC Comprehensive Plan. The General Counsel announced where all notices of this public hearing had been published.

## **8. Regulatory Program Actions**

### **a. Compliance Matter**

The Deputy Executive Director recommended that the Commission accept a settlement in lieu of penalty offer from Nature's Way Purewater Systems, Inc., Pittston Facility, in the amount of \$15,000.00 regarding the operation of a project without Commission approval. Chairman Lynch asked if the alleged violation had caused any environmental harm, to which Mr. Beauduy responded that it had not. On a motion by Commissioner Sachs, seconded by Commissioner Anderson, the Commission unanimously accepted the settlement offer from the project sponsor as presented by Mr. Beauduy.

### **b. Docket Rescissions**

Mr. Andrew Dehoff, Manager, Project Review, recommended that the Commission approve docket rescissions for the following project approvals:

- Anadarko E&P Company LP (West Branch Susquehanna River-2) (Docket No. 20090306), Renovo Borough, Clinton County, Pa.
- Pennsylvania Food Group, LLC (Docket No. 20030411), West Donegal Township, Lancaster County, Pa.

On a motion by Commissioner Heffner, seconded by Commissioner Sachs, the Commission unanimously rescinded these docket approvals.

### **c. Docket Actions**

Chairman Lynch then called on Mr. Dehoff to review the list of project applications, starting first with the projects not involving diversions. Before describing the projects that staff was recommending for approval, Mr. Dehoff noted that three projects were not ready for Commission action and were therefore recommended for tabling as follows: 1) Dunn Lake LLC (Dunn Lake), Ararat Township, Susquehanna County, Pa., application for surface water withdrawal of up to 0.999 mgd; 2) Keystone Clearwater Solutions, LLC (Babb Creek), Morris Township, Tioga County, Pa., application for surface water withdrawal of up to 0.950 mgd; and 3) SWEPI, LP, Pennsylvania American Water Company, Warren District, Warren City, Warren County, Pa., application for an into-basin diversion of up to 3.000 mgd from the Ohio River Basin.



The non-diversion applications recommended for approval, as presented by Mr. Dehoff, included the following projects<sup>2</sup>:

- Anadarko E&P Company LP (Pine Creek – Jersey Mills), McHenry Township, Lycoming County, Pa. (Exhibit B1)
- Aqua Pennsylvania, Inc., Monroe Manor Water System, Monroe Township, Snyder County, Pa. (Exhibit B2)
- Carrizo Marcellus, LLC (Meshoppen Creek), Washington Township, Wyoming County, Pa. (Exhibit B3)
- Carrizo Marcellus, LLC (Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, Pa. (Exhibit B4)
- Carrizo Marcellus, LLC (Unnamed Tributary to Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, Pa. (Exhibit B5)
- Chesapeake Appalachia, LLC (Wappasening Creek), Windham Township, Bradford County, Pa. (Exhibit B6)
- Chesapeake Appalachia, LLC (Wyalusing Creek), Rush Township, Susquehanna County, Pa. (Exhibit B7)
- Chesapeake Appalachia, LLC (Wysox Creek), Rome Township, Bradford County, Pa. (Exhibit B8)
- Exelon Generation Company, LLC, Peach Bottom Atomic Power Station, Peach Bottom Township, York County, Pa. (Exhibit B9)
- Exelon Generation Company, LLC, Three Mile Island Generating Station, Londonderry Township, Dauphin County, Pa. (Exhibit B10)
- Fox Road Waterworks, LLC (South Branch Tunkhannock Creek), Tunkhannock Township, Wyoming County, Pa. (Exhibit B11)
- Hydro Recovery, LP, Blossburg Borough, Tioga County, Pa. (Exhibit B12)
- Keystone Clearwater Solutions, LLC (Driftwood Branch), Emporium Borough, Cameron County, Pa. (Exhibit B13)
- Keystone Clearwater Solutions, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. (Exhibit B14)
- LHP Management, LLC (Fishing Creek – Clinton Country Club), Bald Eagle Township, Clinton County, Pa. (Exhibit B15)
- Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, Pa. (Exhibit B16)
- Nature’s Way Purewater Systems, Inc., Covington Township, Lackawanna County, Pa. (Exhibit B17)
- Nature’s Way Purewater Systems, Inc., Dupont Borough, Luzerne County, Pa. (Exhibit B17)
- New Morgan Landfill Company, Inc., Conestoga Landfill, New Morgan Borough, Berks County, Pa. (Exhibit B18)
- Seneca Resources Corporation (Genesee Forks), Pike Township, Potter County, Pa. (Exhibit B19)
- Talisman Energy USA Inc. (Wappasening Creek), Windham Township, Bradford County, Pa. (Exhibit B20)
- Tennessee Gas Pipeline Company (Meshoppen Creek – Loop 319), Springville Township, Susquehanna County, Pa. (Exhibit B21)
- Tennessee Gas Pipeline Company (Susquehanna River – Loop 317), Asylum Township, Bradford County, Pa. (Exhibit B22)
- Tennessee Gas Pipeline Company (Tioga River – Loop 315), Richmond Township, Tioga County, Pa. (Exhibit B23)
- Tennessee Gas Pipeline Company (Unnamed Tributary of North Elk Run), Richmond Township, Tioga County, Pa. (Exhibit B24)
- Tennessee Gas Pipeline Company (Towanda Creek – Loop 317), Monroe Township, Bradford County, Pa. (Exhibit B25)
- Tennessee Gas Pipeline Company (White Creek – Loop 319), Springville Township, Susquehanna County, Pa. (Exhibit B26)
- Williamsport Municipal Water Authority, Williamsport City, Lycoming County, Pa. (Exhibit B27)

Commissioner Anderson moved that the Commission take action on these projects not involving diversions in accordance with the recommendations of Mr. Dehoff.

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<sup>2</sup> Docket decisions are not included with the hard copy of the minutes. However, they are available upon request and at [www.srbc.net](http://www.srbc.net).

This motion was seconded by Commissioner Heffner and unanimously adopted by the Commission.

Mr. Dehoff then reviewed the following projects involving diversions of water into the Susquehanna River Basin from the Ohio and Delaware River Basins and recommended their approval:

- Chief Oil & Gas LLC, Borough of Ebensburg, Cambria Township, Cambria County, Pa. (Exhibit B28)
- Chief Oil & Gas LLC, Cambria Somerset Authority, Summerhill Township, Cambria County, Pa. (Exhibit B29)
- Chief Oil & Gas LLC, Highland Sewer and Water Authority, Portage Township, Cambria County, Pa. (Exhibit B30)
- Nature's Way Purewater Systems, Inc., Nature's Way Springs Borehole 1 (BH-1), Foster Township, Luzerne County, Pa. (Exhibit B31)
- Penn Virginia Oil & Gas Corporation, Port Allegany Borough, McKean County, Pa. (Exhibit B32)
- Triana Energy, LLC, Johnson Quarry, Roulette Township, Potter County, Pa. (Exhibit B33)

The Deputy Executive Director noted that the Allegheny Defense Project (ADP) had filed objections to approval of the above diversions from the Ohio Basin. Mr. Beauduy summarized ADP's objections, refuting each one of them and covering several issues, including the authority of the Commission to approve into-basin diversions, the conditions governing out-of-basin actions by the Commission, alleged violations of the common law riparian rights doctrine, and application of the National Environmental Policy Act (NEPA) to the Commission.

Commissioner Sachs moved that the Commission take action on the diversion projects in accordance with the recommendations of Mr. Dehoff. This motion was seconded by Commissioner Anderson and unanimously adopted by the Commission.

**d. Administrative Appeal of Docket Nos. 20110316, 20110317, and 20110318, by Allegheny Defense Project (ADP)**

The Allegheny Defense Project (ADP) did not appear at this hearing, and the main points of its appeal were therefore summarized by Deputy Executive Director Beauduy, who referred to earlier remarks pertaining to the approval of the above listed diversion projects and ADP's objections thereto. The issues raised in ADP's administrative appeal were essentially the same as those entered on the record by ADP at the March 10, 2011, public hearing when the Commission took action to approve the challenged projects.

All written submittals, including the appeal papers filed by ADP on May 2, 2011, and the amended appeal filed by ADP on May 23, 2011, were provided to the Commission in advance of this public hearing. ADP had admitted in its filings that this appeal involved only legal issues and that the Commission should not hold a separate

adjudicatory or evidentiary hearing, but simply decide the legal issue at today's public hearing.

Mr. Beauduy supplemented his earlier remarks refuting ADP's objections to the diversions and covered such additional issues as the lack of standing of ADP to pursue this appeal. He also submitted a position paper outlining the staff's legal position on the issues raised in the appeal.

Counsel for the project sponsors whose approval were being appealed agreed that ADP had no standing to pursue the appeal and had presented no grounds for overturning the approvals.

On a motion by Commissioner Anderson, seconded by Commissioner Sachs, the Commission unanimously denied ADP's administrative appeal.

## **9. Amendments to Regulatory Program Fee Schedule**

Ms. Marcia Rynearson, Director, Administration & Finance, presented a resolution (Exhibit C) amending the Commission's Regulatory Program Fee Schedule.

Ms. Rynearson briefly highlighted some of the more significant changes to the current schedule, including a 50 percent reduction in the fee for group transfers of 50 or more approvals in one transaction and a downward adjustment in the interest rate charged on fees paid in installments. Adjustments in fee amounts mandated by earlier resolutions were also implemented in the amended schedule. If approved by the Commission, the amendments would take effect on July 1, 2011.

On a motion by Commissioner Heffner, seconded by Commissioner Sachs, the Commission unanimously adopted the resolution amending the Regulatory Program Fee Schedule.

## **10. Comprehensive Plan Amendments**

The General Counsel presented a resolution (Exhibit D) amending the Comprehensive Plan for the Management of the Water Resources of the Susquehanna River Basin. Article 14, Section 14.1 of the Susquehanna River Basin Compact directs that the Commission develop and adopt, and from time to time, review and revise a comprehensive plan for the immediate and long range development and use of the water resources of the basin.

By Resolution 2008-08 of December 4, 2008, the Commission adopted a substantially revised Comprehensive Plan. This resolution provided that the Commission's Annual Water Resources Program, which is also adopted pursuant to Article 14 of the Compact, should hereafter implement and be based upon the Comprehensive Plan, and be annually incorporated in the Comprehensive Plan. In action earlier in the meeting, the Commission adopted a revised

FY 2012-2013 Water Resources Program based on the Comprehensive Plan, and therefore Counsel recommended that the Commission now incorporate that Water Resources Program into the Comprehensive Plan.

Resolution 2008-08 also calls for the annual incorporation of approved water resources projects and certain plans adopted by the Commission into the comprehensive plan. In addition to the Water Resources Program, the proposed resolution provides for the incorporation of projects approved by separate action of the Commission between January 2010 and June 2011, and the Migratory Fish Management and Restoration Plan for the Susquehanna River Basin adopted by Resolution 2011-02 at the last meeting of the Commission in March.

Commissioner Sachs commented on the importance of the comprehensive plan as a water resources management tool of the Commission and the need to continually update the plan to maintain its effectiveness. He then moved adoption of the resolution presented by counsel to amend the plan. This motion was seconded by Commissioner Heffner and the resolution was unanimously adopted.

## **END OF PUBLIC HEARING**

### **11. Presentation: PPL Pooled Assets Concept**

Mr. Gary Petrewski, Environmental Manager for PPL, Inc., made an informational presentation on the “pooled assets” concept for mitigation of consumptive use by existing and future consumptive use projects. According to Mr. Petrewski, the pooled assets concept would use a cooperative approach to bring about coordinated use of water storage that would lessen inefficiencies, leverage existing and future storage, and ultimately maximize public benefits.

The Executive Director responded that staff is generally supportive of the concept, but that detailed discussions will be needed before any implementation efforts are undertaken by the Commission.

### **12. Contracts/Grant Approval/Ratification**

The Director of Administration & Finance presented the following contracts/grants for approval/ratification:

#### **a. Contract Amendment Approval – Biological Assessment and Consulting Services, EcoAnalysts, Inc.**

Ms. Rynearson requested that the Commission ratify a contract amendment with EcoAnalysts, Inc. in the amount of \$31,900. EcoAnalysts was previously under contract to provide support for aquatic resource surveys. This contract amendment will provide for this firm’s involvement in 1) the development of aquatic resource survey protocols for ponds, lakes, reservoirs, and other bodies of water; 2) the development of protective criteria for sensitive fish and macroinvertebrate taxa, as related to water withdrawal activities; 3) assisting with developing protocols to assess the macroinvertebrate and fish

communities in the lower Susquehanna River reservoir system; and 4) other related services.

**b. Joint Funding Agreement Approval – Operation and maintenance of a network of rain gages located in Pennsylvania, U.S. Geological Survey**

Ms. Rynearson requested that the Commission ratify a Joint Funding Agreement (JFA) with the U.S. Geological Survey (USGS) in the amount of \$269,710. Under the JFA, the USGS will provide operation and maintenance services for a network of 47 rain gages located in Pennsylvania to support the Susquehanna Flood Forecast and Warning System (SFFWS). The National Weather Service provided \$330,910 of SFFWS grant funding to the Commission. This JFA is made possible by these funds.

**c. Joint Funding Agreement and Amendment Approval – Operation and maintenance of a network of rain gages and stream gages located in New York, U.S. Geological Survey**

Ms. Rynearson requested that the Commission ratify a JFA with the USGS in the amount of \$177,840, and an amendment to the JFA in the amount of \$82,440, for a total of \$260,310. Under the JFA, as amended, the USGS will provide operation and maintenance services for a network of 26 rain gages and stream gages located in the New York portion of the basin to support the SFFWS. Funding for these gages comes from several sources, as follows:

SFFWS grant funds from NWS	\$61,200
SRBC SFFWS grant funds	\$67,160
Contribution from New York DEC	\$97,000
SRBC Regulatory Fees	\$34,950*

\*to cover unfunded gages that are critical to SRBC's Regulatory Program

**d. Grant Approval – Community Based Source Water Protection Project (from PADEP)**

Ms. Rynearson noted that staff will continue development of source water protection plans for selected surface water supply systems in the lower Susquehanna River Basin and continue to operate, maintain, and expand the Commission's Early Warning System for public water suppliers. These activities will address local source water protection issues as well as the development of a regional source water protection strategy.

PADEP - \$100,000	SRBC - \$0	Total - \$100,000
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On a motion by Commissioner Heffner, seconded by Commissioner Sachs, the Commission unanimously approved/ratified the contracts/grant in accordance with Ms. Rynearson's recommendations.

### **13. Acquisition of New Headquarters Facility**

The Director of Administration & Finance reported on efforts to acquire a new headquarters facility for the Commission. A request for proposal containing specifications for a new facility was published and the Commission received 10 proposals. Each proposal was evaluated using established criteria. The list was narrowed to three sites. Staff will continue to undertake due diligence on these sites and report back to the Commission with a recommendation and a capital budget proposal to carry out the project. No further action was needed by the Commission.

### **14. FY-2013 Budget**

The Director of Administration & Finance presented a resolution (Exhibit E) providing for the FY-2013 Budget and making allocated requests for funding from the member jurisdictions. The FY-2013 Budget totals about \$12.4 million, which is smaller than the FY-2012 Budget of \$16.6 million. Staff anticipates a decrease in Approval by Rule applications and the FY-2013 budget level has therefore been reduced accordingly. The \$12.4 million in expenditures will include an estimated \$9.2 million from the general fund and \$3.2 million from the Water Management Fund.

Ms. Rynearson also made it clear that this budget was fully subject to the budgetary processes of the member jurisdictions.

On a motion by Commissioner Heffner, seconded by Commissioner Sachs, the Commission unanimously adopted the FY 2013 budget resolution.

### **15. Support of Additional FY-2012 Funding of U.S. Geological Survey's National Streamflow Information Program**

Mr. John Balay presented a resolution (Exhibit F) urging the U.S. Congress to appropriate funds to the USGS's National Streamflow Information Program (NSIP) and for the federal executive branch to support the increase. NSIP is a program through which critical stream gages in the New York and Pennsylvania portions of the basin, which might otherwise be threatened by budget cuts, can continue to be funded to support the SFFWS and other important water management efforts.

Commissioner Anderson commented that, while NSIP is important, this resolution concerns the budget of a federal agency and the federal government would therefore abstain from a vote on the resolution. On a motion by Commissioner Sachs, seconded by Commissioner Heffner, the Commission adopted the resolution by the unanimous vote of all three state members, with an abstention by the federal member.

### **16. Election of Officers**

Executive Director Swartz noted that election of officers for the coming Fiscal Year normally takes place at the June meeting of the Commission. On a motion by Commissioner Anderson, seconded by Chairman Lynch, the Commonwealth of Pennsylvania was unanimously

elected the Chair of the Commission, and the State of Maryland was elected the Vice Chair of the Commission.

**ADJOURNMENT**

There being no further business before the Commission, the Chairman adjourned the meeting at approximately 12:40 p.m. The next regular meeting of the Commission is scheduled for September 15, 2011, in Cooperstown, New York.

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Date Adopted

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Stephanie L. Richardson

RESOLUTION NO. 2011-04

A RESOLUTION of the Susquehanna River Basin Commission (Commission) adopting a Water Resources Program for FY 2012-2013.

WHEREAS, Section 14.2 of the Susquehanna River Basin Compact, P.L. 91-575, provides: “The Commission shall annually adopt a Water Resources Program, based upon the comprehensive plan, consisting of the projects and facilities which the Commission proposes to be undertaken by the Commission and by other authorized governmental and private agencies, organizations, and persons during the ensuing six years or such other reasonably foreseeable period as the Commission may determine;” and

WHEREAS, in December 2008, the Commission adopted an extensively revised Comprehensive Plan, directing that the actions called for therein be implemented through its Water Resources Program; and

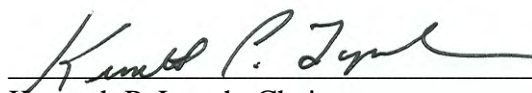
WHEREAS, the Commission requested input to the Water Resources Program from member jurisdictions and many other governmental and non-government interests; and

WHEREAS, the Commission formulated an updated Water Resources Program, based on the goals and actions contained in the Comprehensive Plan, which lists the projects and programs proposed to be undertaken by the Commission, member jurisdictions, and other governmental agencies and non-governmental interests during FY 2012-2013.

NOW THEREFORE BE IT RESOLVED THAT:

1. The accompanying document titled “Water Resources Program, Susquehanna River Basin Commission (FY 2012-2013),” is hereby adopted by the Commission in accordance with Section 14.2 of the Compact and shall be considered for incorporation into the Comprehensive Plan by separate action of the Commission.
2. The Water Resources Program may be further updated as the need arises.
3. Staff is instructed to distribute the Water Resources Program to legislators, policy makers, and the public as a clear statement of Susquehanna River Basin needs and priorities, and as a mechanism for coordinating the efforts of water managers at all levels.
4. This resolution shall be effective immediately.

Dated: June 23, 2011

  
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Kenneth P. Lynch, Chairman  
New York





# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

[www.srbc.net](http://www.srbc.net)**Docket No. 20110601****Approval Date: June 23, 2011**

## **ANADARKO E&P COMPANY LP**

### **Surface Water Withdrawal of up to 1.500 mgd from Pine Creek**

#### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Anadarko E&P Company LP
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	McHenry Township
<b>County:</b>	Lycoming County
<b>State:</b>	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	
<b>Approved Source:</b>	Pine Creek
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020506 (Lower Pine Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.350950 N      Long: -77.402862 W
<b>Water Use Designation:</b>	High Quality Trout Stocked Fishery (HQ-TSF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 28.8; Average Daily Flow = 1,076
<b>Drainage Area (square miles):</b>	731
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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	
<b>Peak Day Withdrawal Amount (mgd):</b>	1.500 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,042 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 25% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	269
<b>Flow Protection Rate (gpm):</b>	120,792
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01549700; Pine Creek below Little Pine Creek near Waterville, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	348
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

## **Section 6. Special Conditions**

18. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

19. Per Commission coordination with jurisdictional agencies, the project sponsor shall adhere to recommendations for avoiding adverse impact to documented occurrences of rare, threatened, or endangered species at or in proximity to the project location. The documented species include the Allegheny Woodrat, but the Pennsylvania Game Commission has issued Anadarko E&P Company LP a finding that the proposed withdrawal will have no adverse impacts on the species. Pending results of the aquatic resource survey, restrictions to the installation of the intake may be necessary. Unless notified otherwise by Commission staff, installation of the intake shall not be permitted from August through November to avoid the breeding and egg incubation periods of the Eastern hellbender.

20. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

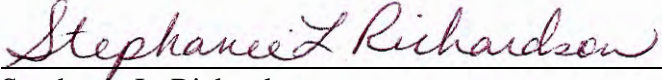
21. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

22. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

23. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20110602****Approval Date: June 23, 2011**

## **AQUA PENNSYLVANIA, INC. – ROARING CREEK DIVISION, MONROE MANOR WATER SYSTEM**

**Groundwater Withdrawal (30-Day Average) of 0.302 mgd from Well 7;  
and Total System Withdrawal Limit (30-Day Average) of 0.874 mgd  
from Wells 4, 6, and 7**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal of water in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Aqua Pennsylvania, Inc.
<b>Approval Types:</b>	Groundwater Withdrawal
<b>Water Use Type:</b>	Public Water Supply
<b>Municipality:</b>	Monroe Township
<b>County:</b>	Snyder County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Withdrawal Type:</b>	Groundwater
<b>Withdrawal Source:</b>	Well 7
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030104 (Penns Creek)
<b>Withdrawal Location (degrees)*:</b>	Lat: -- Long: --
<b>Special Flow Protection Required:</b>	No
* Specific location information concerning discrete water-related project features has been withheld for security reasons.	

### Section 4. Aquifer Testing

The constant-rate aquifer testing required by Commission Regulation 18 CFR §806.12 for groundwater withdrawals was completed with prior Commission approval. Aquifer tests were completed on existing and approved Wells 4 and 6, and on Wells 4, 6 and 7 operating concurrently in 2009. The final Well 7 construction was modified by grouting the bottom 130 feet of the borehole in May 2010 to isolate water-bearing zones thought to be contributing undesirable elevated concentrations of total dissolved solids. The 72-hour constant-rate aquifer test on Well 7 was repeated on July 6 to 9, 2010, to provide data for the well in its final constructed form, pumping at an average rate of 210.7 gallons per minute (gpm). The results of all of the tests were reviewed by Commission staff and used in completing the evaluation of the requested withdrawal.

Commission staff determined that the withdrawal from Well 7 at the requested withdrawal rate should not cause permanent loss of aquifer storage, render competing supplies unreliable, or cause adverse impacts to the water resources of the basin, subject to the conditions set forth below.

### Section 5. Approved Withdrawal Quantities and Limitations

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

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.302
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	210 (Not to Exceed)
<b>Total System Withdrawal Limit (30-Day Average) (mgd):</b>	0.874
mgd – million gallons per day	



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

## Section 6. Existing Approved Withdrawals

A summary of major conditions applicable to the existing Commission-approved withdrawals are listed in the table below.

<b>Existing Approved Groundwater Withdrawals</b>			
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Well 4	0.180	20100904	9/16/2014
Well 6	0.391	20101202	12/15/2014

Unless superseded by this approval, all conditions of the dockets referenced above shall remain effective for the term thereof.

## Section 7. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. Within ninety (90) days from the date of this approval, the project sponsor shall submit a plan to Commission staff for review and approval for the implementation of a groundwater elevation monitoring program. The plan shall include proposed methods for the daily measurement and recording of groundwater elevations in the sources listed in Sections 3 and 6. Following approval, the project sponsor shall execute the plan and complete installation of water level monitoring equipment in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented. Thereafter, the groundwater elevations data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, consumptive water 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.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(a).

9. The project sponsor shall reduce system water losses to less than twenty (20) percent to comply with Commission Regulation 18 CFR §806.25(a)(1). The project sponsor shall have reduced system losses and achieved 100 percent compliance with the requirements within five (5) years of the date of this docket (June 23, 2016) unless an extension of time is granted due to extenuating circumstances described, in writing, by the project sponsor. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement. Annual reports are due within sixty (60) days after the close of the preceding year.

10. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

12. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right

to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

13. The Commission reserves the right to reopen any project docket 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 Commission Regulation 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 has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

17. Should the project's approved withdrawals be expected to exceed the amounts listed herein or if there is a change in use or project features, the project sponsor is required to make application for modification to this approval at that time.

18. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

19. This approval is effective until June 22, 2026. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2025, and obtain Commission approval prior to continuing operation beyond June 22, 2026.

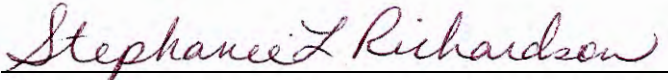
## **Section 8. Special Conditions**

20. Should the project's anticipated total system demand be expected to exceed the approved total system withdrawal limit herein, the project sponsor is required to make application for modification to this approval at that time.

21. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B3

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**Docket No. 20110603**

**Approval Date: June 23, 2011**

## **CARRIZO MARCELLUS, LLC**

### **Surface Water Withdrawal of up to 2.160 mgd from Meshoppen Creek**

#### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Carrizo Marcellus, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Washington Township
<b>County:</b>	Wyoming County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Meshoppen Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010608 (Meshoppen Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.612700 N      Long: -75.978056 W
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 0.95; Average Daily Flow = 66.8
<b>Drainage Area (square miles):</b>	50.9
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Peak Day Withdrawal Amount (mgd):</b>	2.160 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,500 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 20% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	13.4
<b>Flow Protection Rate (gpm):</b>	5,996
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01534000; Tunkhannock Creek near Tunkhannock, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	134
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation

18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.



## Section 6. Special Conditions

18. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

19. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

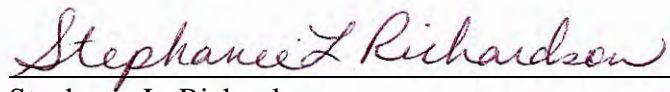
20. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

21. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

22. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B4

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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**Docket No. 20110604**

**Approval Date: June 23, 2011**

## **CARRIZO MARCELLUS, LLC**

### **Surface Water Withdrawal of up to 0.432 mgd from Middle Branch Wyalusing Creek**

#### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Carrizo Marcellus, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Forest Lake Township
<b>County:</b>	Susquehanna County
<b>State:</b>	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	
<b>Approved Source:</b>	Middle Branch Wyalusing Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010607 (Wyalusing Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.885278 N      Long: -76.013889 W
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 0.15; Average Daily Flow = 4.75
<b>Drainage Area (square miles):</b>	3.4
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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	
<b>Peak Day Withdrawal Amount (mgd):</b>	0.432 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	300
<b>Flow Protection Type:</b>	Passby; withdrawal activity limited such that no more than 20% of available flow may be withdrawn
<b>Flow Protection Rate (cfs):</b>	2.67
<b>Flow Protection Rate (gpm):</b>	1,200
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01534000 - Tunkhannock Creek near Tunkhannock, Pennsylvania, until otherwise noticed by Commission staff in accordance with Special Conditions 18 and 19
<b>Flow Protection Trigger Flow (cfs):</b>	381
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and

consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

## **Section 6. Special Conditions**

18. The project sponsor shall submit a plan for local instream flow measurement to Commission staff for review and, if appropriate, approval prior to initiation of the water withdrawal. Upon approval of the flow measurement plan and prior to any withdrawal, the project sponsor shall install the device in accordance with approved specifications. Upon installation, the project sponsor shall record flows daily for a period of one (1) year at minimum and report the data to Commission staff on a monthly basis. Within thirty (30) days of the end of the twelfth (12<sup>th</sup>) month, the project sponsor shall generate and submit for staff review the local flow duration curve. Once the duration curve is established from the instream flow measurement device and is approved by Commission staff, the project sponsor shall utilize the instream flow measurement device as a real-time monitoring device for the flow protection trigger flow. From that time forward, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the on-site device, is less than the flow protection trigger flow for the on-site device, which will be determined by Commission staff based on the flow protection rates listed in Section 4. The project sponsor shall not reinstate withdrawals until the streamflow has remained above the flow protection trigger flow for the on-site device for 48 hours.

19. Until such time as Commission staff approves the use of local flow measurement in accordance with Special Condition 18, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required.

20. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

21. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

22. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

23. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011



Stephanie L. Richardson  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B5

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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**Docket No. 20110605**

**Approval Date: June 23, 2011**

## **CARRIZO MARCELLUS, LLC**

**Surface Water Withdrawal of up to 0.720 mgd  
from the Unnamed Tributary of Middle Branch Wyalusing Creek**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Carrizo Marcellus, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Forest Lake Township
<b>County:</b>	Susquehanna County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Unnamed Tributary of Middle Branch Wyalusing Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010607 (Wyalusing Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.869281 N      Long: -75.998333 W
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 0.23; Average Daily Flow = 7.16
<b>Wild Trout Classification:</b>	Unsampled Trout Stream
<b>Drainage Area (square miles):</b>	5.1
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Peak Day Withdrawal Amount (mgd):</b>	0.720 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	500
<b>Flow Protection Type:</b>	Passby; withdrawal activity limited such that no more than 20% of available flow may be withdrawn
<b>Flow Protection Rate (cfs):</b>	4.46
<b>Flow Protection Rate (gpm):</b>	2,000
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01534000; Tunkhannock Creek near Tunkhannock, Pennsylvania, until otherwise noticed by Commission staff in accordance with Special Conditions 18 and 19
<b>Flow Protection Trigger Flow (cfs):</b>	419
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all water withdrawals. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and

consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

## **Section 6. Special Conditions**

18. The project sponsor shall submit a plan for local instream flow measurement to Commission staff for review and, if appropriate, approval prior to initiation of the water withdrawal. Upon approval of the flow measurement plan and prior to any withdrawal, the project sponsor shall install the device in accordance with approved specifications. Upon installation, the project sponsor shall record flows daily for a period of one (1) year at minimum and report the data to Commission staff on a monthly basis. Within thirty (30) days of the end of the twelfth (12<sup>th</sup>) month, the project sponsor shall generate and submit for staff review the local flow duration curve. Once the duration curve is established from the instream flow measurement device and is approved by Commission staff, the project sponsor shall utilize the instream flow measurement device as a real-time monitoring device for the flow protection trigger flow. From that time forward, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the on-site device, is less than the flow protection trigger flow for the on-site device, which will be determined by Commission staff based on the flow protection rates listed in Section 4. The project sponsor shall not reinstate withdrawals until the streamflow has remained above the flow protection trigger flow for the on-site device for 48 hours.

19. Until such time as Commission staff approves the use of local flow measurement in accordance with Special Condition 18, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required.

20. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

21. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

22. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

23. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B6

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391  
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**Docket No. 20110606**  
**Approval Date: June 23, 2011**

## **CHESAPEAKE APPALACHIA, LLC**

### **Surface Water Withdrawal of up to 0.900 mgd from Wappasening Creek**

#### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Chesapeake Appalachia, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Windham Township
<b>County:</b>	Bradford County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Wappasening Creek
<b>Subbasin:</b>	Upper Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010307 (Wappasening Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.973530 N      Long: -76.326412 W
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 0.74; Average Daily Flow = 76
<b>Drainage Area (square miles):</b>	56.9
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Peak Day Withdrawal Amount (mgd):</b>	0.900 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	625 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 20% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	15.29
<b>Flow Protection Rate (gpm):</b>	6,863
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01532000 – Towanda Creek near Monroeton, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	64
mgd – million gallons per day	USGS – U.S. Geological Survey
gpm – gallons per minute	

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation

18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).



9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

## Section 6. Special Conditions

18. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

19. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

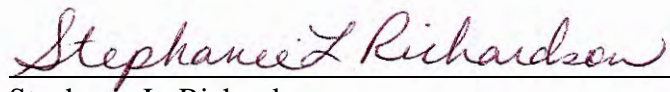
20. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

21. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

22. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B7

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

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**Docket No. 20110607**

**Approval Date: June 23, 2011**

## **CHESAPEAKE APPALACHIA, LLC**

### **Surface Water Withdrawal of up to 0.715 mgd from Wyalusing Creek**

#### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Chesapeake Appalachia, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Rush Township
<b>County:</b>	Susquehanna County
<b>State:</b>	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	
<b>Approved Source:</b>	Wyalusing Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010607 (Wyalusing Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.787697 N      Long: -76.112886 W
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 6.78; Average Daily Flow = 211.9
<b>Drainage Area (square miles):</b>	150
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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	
<b>Peak Day Withdrawal Amount (mgd):</b>	0.715 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	700 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 20% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	42.38
<b>Flow Protection Rate (gpm):</b>	19,022
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01534000; Tunkhannock Creek near Tunkhannock, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	109.80
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

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

### Section 5. Existing Approved Withdrawals

A summary of major conditions applicable to the existing approved withdrawals are listed in the table below.

Existing Approved Surface Water Withdrawals			
Source	Peak Day Withdrawal (mgd)	Commission Docket No.	Docket Expiration Date
Wyalusing Creek	0.216	20081227*	12/4/2012
Wyalusing Creek	0.499	20090610	6/8/2013
* Chesapeake Appalachia, LLC acquired Commission Docket No. 20081227 from Epsilon Energy USA, Inc., and transferred ownership on April 21, 2010.			

Because this approval is consolidating the existing approved withdrawals listed above, and as specified in Condition 18 in Section 7, all conditions of the docketed referenced above are superseded by this approval. The approved withdrawal from the source identified in Section 3 shall henceforth be subject to all conditions contained herein.

### Section 6. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule.

4. Within sixty (60) days from the date of this approval, the project sponsor shall submit an intake design to the Commission for review and approval by Commission staff. The project sponsor shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. Any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23. The existing intake constructed for Docket No. 20090610 shall be removed, and the project sponsor shall conduct any restoration in accordance with the jurisdictional permitting agency regulations.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. If the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's approved withdrawals uses be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. This approval is effective until December 4, 2012, the termination date of Docket No. 20081227, which originally approved the source location specified in Section 3 of this approval. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by June 4, 2012, and obtain Commission approval prior to continuing operation beyond December 4, 2012.

## **Section 7. Special Conditions**

18. This approval hereby supersedes and rescinds Commission Docket Nos. 20081227 and 20090610.

19. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

20. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

21. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

22. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

23. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011



Stephanie L. Richardson  
Stephanie L. Richardson





# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B8

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

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**Docket No. 20110608**

**Approval Date: June 23, 2011**

## **CHESAPEAKE APPALACHIA, LLC**

### **Surface Water Withdrawal of up to 0.504 mgd from Wysox Creek**

#### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Chesapeake Appalachia, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Rome Township
<b>County:</b>	Bradford County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Wysox Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010604 (Wysox Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.864551 N      Long: -76.330331 W
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 0.26; Average Daily Flow = 27.1
<b>Drainage Area (square miles):</b>	20.3
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Peak Day Withdrawal Amount (mgd):</b>	0.504 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	350 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 20% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	5.4
<b>Flow Protection Rate (gpm):</b>	2,433
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01532000; Towanda Creek near Monroeton, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	66
mgd – million gallons per day	USGS – U.S. Geological Survey
gpm – gallons per minute	

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation

18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

## Section 6. Special Conditions

18. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

19. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

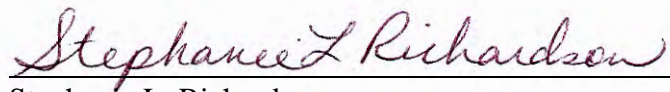
20. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

21. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

22. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B9

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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**Docket No. 20061209-1**

**Approval Date: December 5, 2006**

**Modification Date: June 23, 2011**

## **EXELON GENERATION COMPANY, LLC PEACH BOTTOM ATOMIC POWER STATION**

**Consumptive Water Use (Peak Day) of up to 49,000 mgd, and  
Surface Water Withdrawal of up to 2,363.620 mgd from the Susquehanna River,  
for Electric Power Generation**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a modification for an increased consumptive use of water in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Exelon Generation Company, LLC
<b>Approval Types:</b>	Consumptive Water Use
<b>Water Use Type:</b>	Electric Power Generation
<b>Municipality:</b>	Drumore Township; Peach Bottom Township
<b>County:</b>	Lancaster County; York County
<b>State:</b>	Pennsylvania

### Section 3. Source Information

Source Information	
<b>Approved Source:</b>	Susquehanna River
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030617 (Susquehanna River)
<b>Withdrawal Location (degrees):</b>	Lat: 39.76056 N      Long: -76.26556 W
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 2,812; Average Daily Flow = 38,671
<b>Special Flow Protection Required:</b>	No
Cfs – cubic feet per second	

The surface water withdrawal was in use prior to November 11, 1995, and did not previously require Commission approval. However, the application for increased surface water withdrawal in 2006 subjected the existing withdrawal to review and approval under Commission Regulation 18 CFR §806.4(a)(2)(iv).

### Section 4. Approved Consumptive Water Use Quantities and Limitations

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

Approved Consumptive Water Use Quantities and Limitations	
<b>Sources for Project Consumptive Water Use:</b>	Conowingo Reservoir; Susquehanna River
<b>Peak Day Consumptive Water Use Amount (mgd):</b>	49.000 (Not to Exceed)
<b>Project Consumptive Water Uses:</b>	<ol style="list-style-type: none"> <li>1. Cooling Tower Evaporation</li> <li>2. Drift Losses</li> <li>3. Instream Evaporation</li> </ol>

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

### Section 5. Existing Approved Withdrawals

The Commission originally approved the project on December 5, 2006, as Commission Docket No. 20061209 for the surface water withdrawal (peak day) of 2,363.620 mgd from the Susquehanna River and the consumptive water use (peak day) of 32.490 mgd.

A summary of major conditions applicable to the existing approved withdrawal is listed in the table below.

<b>Existing Approved Surface Water Withdrawal</b>			
<b>Source</b>	<b>Peak Day Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Susquehanna River	2,363.620	20061209	7/3/2034

As specified in Condition 16 in Section 7, all conditions of the docket referenced above are superseded by this approval. The approved surface water withdrawal from the source identified in Section 3 shall henceforth be subject to all conditions contained herein.

## **Section 6. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. The project sponsor has submitted a metering plan to the Commission for review and approval by Commission staff that accounts for all surface water withdrawal and consumptive water use at the Peach Bottom Atomic Power Station facility. Following approval, the project sponsor shall execute the plan and complete implementation in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, when the monitoring plan has been fully implemented.

3. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

4. 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. The daily quantity of withdrawal shall be calculated in accordance with Condition 2 above. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

5. The project sponsor shall keep daily records of the project's consumptive water use and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be calculated in accordance with Condition 2 above. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff.

6. The project's consumptive water use is subject to water mitigation requirements, as per Commission Regulation 18 CFR §806.22(b). To satisfy the Commission's current



compensation requirements for consumptive water use, the project sponsor has proposed to mitigate the project's consumptive water use through releases from Conowingo Reservoir. Until such time as Commission staff approves the proposed mitigation, the project sponsor shall adhere to the compliance method first approved in Resolution No. 93-04, effective until September 16, 2011. If the parties cannot reach agreement on the revised plan before that date, 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, until agreement is reached, unless an extension is requested by the project sponsor and approved by the Commission.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

8. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

9. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

10. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

11. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

12. 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.

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

14. Should the project's approved withdrawals or consumptive uses be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.


15. This modified approval is effective until July 3, 2034, the term of the prior docket approval. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by January 3, 2034, and obtain Commission approval prior to continuing operation beyond July 3, 2034.

### Section 7. Special Conditions

16. The Commission previously approved the surface water withdrawal and consumptive water use at the facility in Commission Docket No. 20061209. All conditions and approvals of Commission Docket No. 20061209 are hereby superseded and rescinded.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B10

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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**Docket No. 20110610**

**Approval Date: June 23, 2011**

## **EXELON GENERATION COMPANY, LLC THREE MILE ISLAND GENERATING STATION, UNIT 1**

**Surface Water Withdrawal of up to 122.800 mgd  
from the Susquehanna River;  
Groundwater Withdrawal (30-Day Average) of 0.225 mgd  
from Wells A, B, and C; and  
Consumptive Water Use (Peak Day) of up to 19.200 mgd,  
for Power Plant Operations and Electric Power Generation**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal and the consumptive use of water in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), Pennsylvania Game Commission (PGC), 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	
<b>Project Sponsor:</b>	Exelon Generation Company, LLC
<b>Approval Type:</b>	Surface Water Withdrawal, Groundwater Withdrawal, and Consumptive Water Use
<b>Water Use Type:</b>	Power Plant Operation and Electric Power Generation
<b>Municipality:</b>	Londonderry Township
<b>County:</b>	Dauphin County
<b>State:</b>	Pennsylvania

### Section 3. Source Information

Information concerning the sources of water from which the withdrawals will be made is set forth in the tables below.

Surface Water Source Information	
<b>Approved Source:</b>	Susquehanna River
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030510 (Susquehanna River)
<b>Withdrawal Location (degrees):</b>	Lat: 40.154722 N      Long: -76.727500 W
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 2,701; Average Daily Flow = 35,396
<b>Special Flow Protection Required:</b>	No
cfs – cubic feet per second	

The surface water withdrawal was in use prior to November 11, 1995, and did not previously require Commission approval. However, the application for increased surface water withdrawal at the facility subjected the existing withdrawal to review and approval under Commission Regulation 18 CFR §806.4(a)(2)(iv).

Groundwater Source Information	
<b>Approved Sources:</b>	Wells A, B, and C
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030510 (Susquehanna River)
<b>Withdrawal Location (degrees):</b>	Well A    Lat: 40.153549 N      Long: -76.726479 W
	Well B    Lat: 40.153549 N      Long: -76.726780 W
	Well C    Lat: 40.153850 N      Long: -76.726780 W
<b>Special Flow Protection Required:</b>	No

#### Section 4. Approved Withdrawal Quantities and Limitations

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

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Peak Day Withdrawal Amount (mgd):</b>	122.800 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	85,277 (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 Water Use Quantities and Limitations

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

<b>Approved Consumptive Water Use Quantities and Limitations</b>	
<b>Sources for Project Consumptive Water Use:</b>	1. Susquehanna River 2. Groundwater Wells A, B, and C
<b>Peak Day Consumptive Water Use Amount (mgd):</b>	19.200 (Not to Exceed)
<b>Project Consumptive Water Uses:</b>	1. Cooling Tower Evaporation 2. Blowdown Makeup 3. Industrial Cooling Evaporation 4. Spent Fuel Pool Evaporation 5. Instream Evaporation
<b>Consumptive Water Use Mitigation Type:</b>	Release of water for use replacement

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

#### Section 6. Existing Approved Groundwater Withdrawals

A summary of major conditions applicable to the existing approved groundwater withdrawals are listed in the table below.

<b>Existing Approved Groundwater Withdrawals</b>			
Source	30-Day Average Withdrawal (mgd)	Commission Docket No.	Docket Expiration Date
Wells A, B, and C	0.225	19961102-1	11/26/2021

As specified in Condition 16 in Section 8, all conditions of the docket referenced above are superseded by this approval. The approved groundwater withdrawals from the sources identified in Section 3 shall henceforth be subject to all conditions contained herein.

## **Section 7. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for the withdrawal and all consumptive water use. Following approval, the project sponsor shall execute the plan and complete any installation of meters or other means of measuring withdrawal and consumptive water use, in accordance with the approved schedule. Upon completion, the project sponsor shall certify to the Commission that the metering plan has been implemented.

3. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

4. The project sponsor shall keep daily records of the project's withdrawal and consumptive water use and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

5. The project's consumptive water use is subject to water mitigation requirements, as per Commission Regulation 18 CFR §806.22(b). To satisfy the Commission's requirements for consumptive water use mitigation, the project participated in the reallocation of storage in the Cowanesque Lake project and, through an agreement with the Commission, sponsored a total of 8,274 acre-feet of storage at the Cowanesque Lake project to mitigate consumptive losses during low flow periods. Of this amount, 4,250 acre-feet of storage are dedicated to mitigating the consumptive use approved at the time the contract was signed. The increased consumptive water use approved herein, in accordance with current Commission mitigation standards, will require an additional estimated 332 acre-feet of storage, for a total of 4,582 acre-feet of storage. Commission staff has determined the necessary storage to be available to the project sponsor.

6. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

7. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

8. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

9. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

10. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

11. 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.

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

13. Should the project's approved withdrawals or consumptive uses be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

14. This approval for surface water withdrawal and consumptive use of water is effective until April 19, 2034. This date coincides with the expiration date of Exelon Generation Company, LLC's license (Docket No. 05000289) from the U.S. Nuclear Regulatory Commission. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by October 19, 2033, and obtain Commission approval prior to continuing operation beyond April 19, 2034.

15. The approval for groundwater withdrawal is effective until November 26, 2021. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by May 26, 2021, and obtain Commission approval prior to continuing operation of the groundwater wells beyond November 26, 2021.


## Section 8. Special Conditions

16. The Commission previously approved consumptive use and groundwater withdrawal at the facility in Commission Docket Nos. 19950302, 19950302-1, 19961102, and 19961102-1. All conditions and approvals of Commission Docket Nos. 19950302, 19950302-1, 19961102, and 19961102-1 are hereby superseded and rescinded.

17. The Commission previously adopted several resolutions prior to the approval of the above dockets, including Commission Resolution Nos. 82-5, 83-1, 89-12, 90-02, and 91-2, related to mitigation of consumptive use at the project. All provisions of those resolutions not inconsistent herewith shall remain effective.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson





# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B11

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**Docket No. 20110611**

**Approval Date: June 23, 2011**

## **FOX ROAD WATERWORKS, LLC**

**Surface Water Withdrawal of up to 0.157 mgd  
from South Branch Tunkhannock Creek**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Fox Road Waterworks, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Bulk Sale for Development of Natural Gas Wells
<b>Municipality:</b>	Tunkhannock Township
<b>County:</b>	Wyoming County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	South Branch Tunkhannock Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010611 (South Branch Tunkhannock Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.554950 N      Long: -75.845842 W
<b>Water Use Designation:</b>	Trout Stocked Fishery (TSF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 4.3; Average Daily Flow = 134.5
<b>Drainage Area (square miles):</b>	95.2
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Peak Day Withdrawal Amount (mgd):</b>	0.157 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	109 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 20% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	26.9
<b>Flow Protection Rate (gpm):</b>	12,073
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01534000; Tunkhannock Creek near Tunkhannock, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	108
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation

18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall adhere to the floating intake design that extends no farther than 10 feet into the stream channel as reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

## Section 6. Special Conditions

18. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

19. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.


20. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

21. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

22. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B12

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**Docket No. 20110612**

**Approval Date: June 23, 2011**

## HYDRO RECOVERY, LP

**Groundwater Withdrawal (30-Day Average) of 0.216 mgd from Well HR-1,  
and Consumptive Water Use of up to 0.316 mgd  
from Well HR-1 and Public Water Supply**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal and the consumptive use of water in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) 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	
<b>Project Sponsor:</b>	Hydro Recovery, LP
<b>Approval Types:</b>	Groundwater Withdrawal and Consumptive Water Use
<b>Water Use Type:</b>	Treatment of Flowback Water and Bulk Sales to Natural Gas Exploration and Production Companies
<b>Municipality:</b>	Blossburg Borough
<b>County:</b>	Tioga County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Withdrawal Type:</b>	Groundwater
<b>Withdrawal Source:</b>	Well HR-1
<b>Subbasin:</b>	Chemung
<b>Watershed Boundary Dataset (WBD):</b>	0205010409 (Tioga River)
<b>Withdrawal Location (degrees):</b>	Lat: 41.671617 N      Long: -77.072300 W
<b>Special Flow Protection Required:</b>	No

### Section 4. Aquifer Testing

The constant-rate aquifer testing required by Commission Regulation 18 CFR §806.12 for groundwater withdrawals was completed with prior Commission approval. A 72-hour, constant-rate aquifer test of Well HR-1 was conducted on September 15 through 18, 2010, pumping at an average rate of 150 gallons per minute (gpm).

Commission staff has determined that hydraulic communication exists between Well HR-1 and the nearby Ward Plant 1 Well, and that the continuous operation of Well HR-1 at the requested withdrawal rate has the potential to cause an unacceptable interference with a competing supply. The operation of Well HR-1 is therefore subject to the conditions set forth in Section 9 below.

### Section 5. Approved Withdrawal Quantities and Limitations

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

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.216 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	150 (Not to Exceed)
mgd – million gallons per day	

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

### Section 6. Approved Consumptive Water Use Quantities and Limitations

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

<b>Approved Consumptive Water Use Quantities and Limitations</b>	
<b>Sources for Project Consumptive Water Use:</b>	1. Well HR-1 2. Public Water Supply – Blossburg Municipal Authority, not to exceed 0.100 mgd
<b>Peak Day Consumptive Water Use Amount (mgd):</b>	0.316 (Not to Exceed)
<b>Project Consumptive Water Uses:</b>	On-site treatment of flowback water
<b>Consumptive Water Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

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

### **Section 7. Rescission of Existing Approval**

In accordance with Commission Regulation 18 CFR §806.22(e), Approval by Rule for Consumptive Uses of Water, the project sponsor received Commission approval on October 21, 2010, for its consumptive water use of up to 0.100 mgd (peak day) from the Blossburg Municipal Authority. On June 1, 2011, the project sponsor requested that the Commission rescind Approval by Rule No. ABR-201010061, upon receiving approval for withdrawal from Well HR-1 herein. Therefore, Approval by Rule No. ABR-201010061 is hereby rescinded.

### **Section 8. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all consumptive water use. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.

4. Within ninety (90) days from the date of this approval, the project sponsor shall submit a plan to Commission staff for review and approval for the implementation of a groundwater elevation monitoring program. The plan shall include proposed methods for the



daily measurement and recording of groundwater elevations in the source listed in Section 3. Following approval, the project sponsor shall execute the plan and complete installation of water level monitoring equipment in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented. Thereafter, the groundwater elevations data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. The project sponsor shall keep daily records of all the project's withdrawals and shall report the data to the Commission quarterly, and as otherwise required. The project sponsor shall also keep daily records of any other person receiving the water subject to this approval for use in natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply such water to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water use, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall keep daily records of the project's consumptive water use and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of water added to flowback for treatment. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff.

9. The project's consumptive water use as calculated above is subject to water mitigation requirements, as per Commission Regulation 18 CFR §806.22(b). To satisfy the Commission's current compensation requirements for consumptive water 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 daily 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.

10. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 Commission Regulation 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 has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's approved withdrawals or consumptive uses be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

19. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

20. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

### **Section 9. Special Conditions**

21. The projects existing Approval By Rule for consumptive water use (ABR-201010061) under Commission Regulation 18 CFR §806.22(e) is hereby rescinded.

22. Due to the determined potential for an unacceptable interference with an existing competing supply (Ward Plant 1 Well), the groundwater level in Well HR-1 must be maintained above 126 feet below ground surface (bgs). The following modifications must be completed prior to the operation of Well HR-1:

- a. The project sponsor shall install an automatic shut-off switch so that if the water level of 126 feet bgs is reached, operation of Well HR-1 is automatically ceased.
- b. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the automatic shut-off equipment. The project sponsor shall notify the Commission when the shut-off equipment is fully functional.

23. The project sponsor shall conduct additional monitoring during well operation to confirm long-term water availability and boundary conditions present in the aquifer, and to ensure that the operation of Well HR-1 does not adversely impact the local groundwater users (i.e., Ward Manufacturing) and the aquifer, or affect the low flow of local streams. The monitoring requirements set forth below shall be implemented within sixty (60) days of the date of this approval and shall continue for a minimum of three (3) consecutive years and through a 1-in-5-year drought, unless the objectives are met earlier and the length of study is reduced by Commission staff:

- a. The project sponsor shall keep daily records of the Well HR-1 groundwater level and shall report the data to the Commission, as required.
- b. With the concurrence of Ward Manufacturing, an electronic recording transducer shall be supplied, installed, and maintained by the project sponsor in the Ward Plant 1 Well. The purpose of this device is to monitor pumping groundwater levels in this well to document long-term effects on the local area aquifer.

Additionally, if not currently available, a metering device must be installed and maintained on the Ward Plant 1 Well water conveyance line. Daily groundwater withdrawal data must be documented from the Ward Plant 1 Well as part of the three (3)-year monitoring program.

- c. If Ward Manufacturing is not receptive to Special Condition 23b above, the project sponsor shall propose alternative local area aquifer monitoring to the Commission for staff review and approval. This could include the installation of one or more groundwater monitoring wells within the zone of influence of Well HR-1, positioned and constructed for evaluating ongoing impacts to the Ward Plant 1 Well.


All data collected as part of Special Condition 23 shall be submitted electronically to the Commission on a quarterly basis. If an evaluation of these data indicates unacceptable hydraulic conditions (i.e., recurring excessive drawdown, lowering of the water table, etc.) or excessive unacceptable interference between Well HR-1 and Ward Plant 1 Well during operation of the Ward Plant 1 Well, the Commission reserves the right to rescind or impose additional restrictions on the use of Well HR-1.

24. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the groundwater withdrawal approval including quantity and rate, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

25. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B13

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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**Docket No. 20110614**

**Approval Date: June 23, 2011**

## **KEYSTONE CLEARWATER SOLUTIONS, LLC**

**Surface Water Withdrawal of up to 0.999 mgd  
from Driftwood Branch Sinnemahoning Creek**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Keystone Clearwater Solutions, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Bulk Sale for Development of Natural Gas Wells
<b>Municipality:</b>	Emporium Borough
<b>County:</b>	Cameron County
<b>State:</b>	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	
<b>Approved Source:</b>	Driftwood Branch Sinnemahoning Creek
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020202 (Driftwood Branch Sinnemahoning Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.508478 N      Long: -78.240942 W
<b>Water Use Designation:</b>	Trout Stocked Fishery (TSF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 2.25 Average Daily Flow = 246
<b>Drainage Area (square miles):</b>	149
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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	
<b>Peak Day Withdrawal Amount (mgd):</b>	0.999 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	694 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 20% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	49.2
<b>Flow Protection Rate (gpm):</b>	22,079
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01543000; Driftwood Branch Sinnemahoning Creek at Sterling Run, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	90
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.



17. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

## Section 6. Special Conditions

18. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

19. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

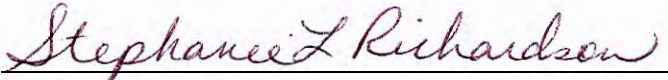
20. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

21. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

22. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B14

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**Docket No. 20110616**

**Approval Date: June 23, 2011**

## **KEYSTONE CLEARWATER SOLUTIONS, LLC**

### **Surface Water Withdrawal of up to 1.292 mgd from Lycoming Creek**

#### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Keystone Clearwater Solutions, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Bulk Sale for Development of Natural Gas Wells
<b>Municipality:</b>	Lewis Township
<b>County:</b>	Lycoming County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Lycoming Creek
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020602 (Lycoming Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.437298 N      Long: -76.994626 W
<b>Water Use Designation:</b>	Exceptional Value (EV) (Pennsylvania Existing Use Classification)
<b>Flow Statistics (cfs):</b>	Q7-10 = 6.55; Average Daily Flow = 246
<b>Wild Trout Classification:</b>	Naturally Reproducing Wild Trout Stream
<b>Drainage Area (square miles):</b>	149
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Peak Day Withdrawal Amount (mgd):</b>	1.292 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	897 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 25% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	61.58
<b>Flow Protection Rate (gpm):</b>	27,639
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01550000; Lycoming Creek near Trout Run, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	72
mgd – million gallons per day	USGS – U.S. Geological Survey
gpm – gallons per minute	

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule.

4. Within sixty (60) days from the date of this approval, the project sponsor shall submit an intake design to the Commission for review and approval by Commission staff. The project sponsor shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise

requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

## **Section 6. Special Conditions**

18. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

19. Per Commission coordination with jurisdictional agencies, the project sponsor shall adhere to recommendations for avoiding adverse impact to documented occurrences of rare, threatened, or endangered species at or in proximity to the project location. To avoid adverse impact to the stream's naturally reproducing wild trout population, instream construction shall not be permitted from October 1 through December 31. Pending results of the aquatic resource survey, additional restrictions to the installation of the intake may be necessary. Unless notified otherwise by Commission staff, installation of the intake shall not be permitted from August 1 through November 30 to avoid the breeding and egg incubation periods of the Eastern hellbender.

20. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

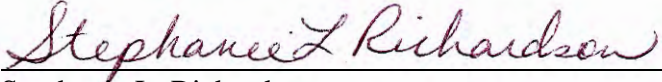
21. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

22. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

23. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B15

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**Docket No. 20090906-2**

**Approval Date: September 10, 2009**

**Modification Date: December 16, 2010**

**Modification Date: June 23, 2011**

## LHP MANAGEMENT, LLC

### Surface Water Withdrawal of up to 0.999 mgd from Fishing Creek (Clinton Country Club)

#### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that the flow protection rate of the previously approved docket must be revised for the withdrawal supporting the project identified in Section 2, from the source identified in Section 3, and is hereby modified by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), Department of Conservation and Natural Resources (DCNR), Pennsylvania Fish and Boat Commission (PFBC), and Clinton County Conservation District (CCCD) 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	
<b>Project Sponsor:</b>	LHP Management, LLC
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Bulk Sale for Development of Natural Gas Wells
<b>Municipality:</b>	Bald Eagle Township
<b>County:</b>	Clinton County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Fishing Creek (Clinton Country Club)
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020403 (Fishing Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.115694 N      Long: -77.487139 W
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 22.66; Average Daily Flow = 264.58
<b>Wild Trout Classification:</b>	Class B Naturally Reproducing
<b>Drainage Area (square miles):</b>	181
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Peak Day Withdrawal Amount (mgd):</b>	0.999 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,000 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 25% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	66.15
<b>Flow Protection Rate (gpm):</b>	29,688
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01555000; Penns Creek at Penns Creek, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	112
mgd – million gallons per day	USGS – U.S. Geological Survey
gpm – gallons per minute	

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise

requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

16. This modified approval is effective until September 10, 2013, the term of the prior docket approval. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by March 10, 2013 and obtain Commission approval prior to continuing operation beyond September 10, 2013.

## Section 6. Special Conditions

17. All other conditions in Commission Docket Nos. 20090906 and 20090906-1 not inconsistent herewith shall remain effective.

18. The project sponsor shall not use the pipeline connected to the golf course irrigation system as a means for providing water for sale to or use by the natural gas industry. The project sponsor shall remove the pipeline or render the pipeline unusable for any use other than providing irrigation on the golf course.

19. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

20. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.


21. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

22. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

23. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391  
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**Docket No. 20110617**  
**Approval Date: June 23, 2011**

## MOUNT JOY BOROUGH AUTHORITY

**Groundwater Withdrawals (30-Day Averages)**  
**of 1.227 mgd from Well 1 and 1.165 mgd from Well 2;**  
**Combined Withdrawal Limit (30-Day Average)**  
**of 1.600 mgd from Wells 1 and 2; and**  
**Total System Withdrawal Limit (30-Day Average) of 2.600 mgd**  
**from Wells 1, 2, and 3 for Public Water Supply**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting groundwater withdrawals in support of the project identified in Section 2, from the sources identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Mount Joy Borough Authority
<b>Approval Types:</b>	Groundwater Withdrawals
<b>Water Use Type:</b>	Distribution in a Public Water Supply System
<b>Municipality:</b>	Mount Joy Borough
<b>County:</b>	Lancaster County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Withdrawal Type:</b>	Groundwater
<b>Withdrawal Source:</b>	Wells 1 and 2
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030608 (Chickies Creek)
<b>Withdrawal Location (degrees):*</b>	Lat: -- Long: --
<b>Special Flow Protection Required:</b>	No
* Specific location information concerning discrete water-related project features has been withheld for security reasons.	

Wells 1 and 2 were in use prior to July 13, 1978, and did not previously require Commission approval. However, the application for withdrawal from Well 3 subjected the existing withdrawals from Wells 1 and 2 to review and approval under Commission Regulation 18 CFR §806.4(a)(2)(iv).

### Section 4. Aquifer Testing

The project sponsor requested that the constant-rate aquifer testing required by Commission Regulation 18 CFR §806.12 for groundwater withdrawals be waived. The project sponsor provided historical operational data to support the waiver request. Commission staff determined that the withdrawals from Wells 1 and 2, at the approved withdrawal rates, should not cause permanent loss of aquifer storage, render competing supplies unreliable, or cause adverse impacts to the water resources of the basin, subject to the conditions set forth below. Therefore, the aquifer testing requirements for Wells 1 and 2, according to Commission Regulation 18 CFR §806.12, are hereby waived.

### Section 5. Approved Withdrawal Quantities and Limitations

The withdrawals approved hereunder are subject to the quantitative limits and restrictions set forth in the tables below.

<b>Approved Groundwater Withdrawal Quantities and Limitations – Well 1</b>	
<b>30-Day Average Withdrawal (mgd):</b>	1.227 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,100 (Not to Exceed)
<b>Combined Daily Withdrawal Limit – Wells 1 and 2 (30-Day Average) (mgd):</b>	1.600 (Not to Exceed)
<b>Total System Withdrawal Limit – Wells 1, 2, and 3 (30-Day Average) (mgd):</b>	2.600 (Not to Exceed)
mgd – million gallons per day gpm – gallons per minute	

<b>Approved Groundwater Withdrawal Quantities and Limitations – Well 2</b>	
<b>30-Day Average Withdrawal (mgd):</b>	1.165 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,150 (Not to Exceed)
<b>Combined Daily Withdrawal Limit – Wells 1 and 2 (30-Day Average) (mgd):</b>	1.600 (Not to Exceed)
<b>Total System Withdrawal Limit – Wells 1, 2, and 3 (30-Day Average) (mgd):</b>	2.600 (Not to Exceed)

The withdrawals are also subject to all other conditions set forth in this docket approval.

### Section 6. Existing Approved Withdrawals

The Commission originally approved the project on June 13, 2007, as Commission Docket No. 20070607 for the groundwater withdrawal (30-day average) of 1.020 mgd from Well 3 and the total system withdrawal limit (peak day) of 2.600 mgd for public water supply.

A summary of major conditions applicable to the existing approved withdrawals are listed in the table below.

<b>Existing Approved Groundwater Withdrawals</b>			
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Well 3	1.020	20070607	6/13/2022

Under Docket No. 20070607, the Mount Joy Borough Authority is subject to a total system withdrawal limit not to exceed 2.600 mgd.

Unless superseded by this approval, all conditions of the docket referenced above shall remain effective for the term thereof.

### Section 7. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. The project sponsor shall maintain metering on the sources listed in Sections 3 and 6 in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall document existing meters or the installation of new meters on Wells 1 and 2 to the Commission, in writing, and submit digital photographs of the meters installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.
3. Within ninety (90) days from the date of this approval, the project sponsor shall submit a plan to Commission staff for review and approval for the implementation of a groundwater elevation monitoring program. The plan shall include proposed methods for the

daily measurement and recording of groundwater elevations in the sources listed in Sections 3 and 6. Following approval, the project sponsor shall execute the plan and complete installation of water level monitoring equipment in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented. Thereafter, the groundwater elevations data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter.

4. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

5. The project sponsor shall keep daily records of all the project's withdrawals and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

6. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals 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.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(a).

8. The project sponsor shall reduce system water losses to less than twenty (20) percent to comply with Commission Regulation 18 CFR §806.25(a)(1). The project sponsor shall have reduced system losses and achieved 100 percent compliance with the requirements within five (5) years of the date of this docket (June 23, 2016) unless an extension of time is granted due to extenuating circumstances described, in writing, by the project sponsor. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement. Annual reports are due within sixty (60) days after the close of the preceding year.

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.



10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. If the project is discontinued for a period of three (3) years and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's anticipated withdrawals be expected to exceed the approved amounts listed herein, the project sponsor shall be required to make application for modification to this approval at that time.

17. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

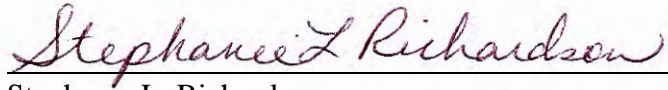
18. This approval is effective until June 22, 2026. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2025, and obtain Commission approval prior to continuing operation beyond June 22, 2026.

## Section 8. Special Conditions

19. Should the project's anticipated total system demand be expected to exceed the approved total system withdrawal limit herein, the project sponsor is required to make application for modification to this approval at that time.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011



Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B17

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**Docket No. 20110618**

**Approval Date: June 23, 2011**

## NATURE'S WAY PUREWATER SYSTEMS, INC.

**Groundwater Withdrawal (30-Day Average) of 0.057 mgd  
from Covington Springs Borehole 1 (BH-1) and  
Consumptive Water Use of up to 0.257 mgd**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal and the consumptive use of water in support of the project identified in Section 2, from the sources identified in Sections 3 and 6, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) and the Delaware River Basin Commission (DRBC) 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	
<b>Project Sponsor:</b>	Nature's Way Purewater Systems, Inc.
<b>Approval Types:</b>	Groundwater Withdrawal and Consumptive Water Use
<b>Water Use Type:</b>	Bottled Water
<b>Municipality:</b>	Dupont Borough
<b>County:</b>	Luzerne County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Withdrawal Type:</b>	Groundwater
<b>Withdrawal Source:</b>	Covington Springs Borehole 1 (BH-1)
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010701 (Lackawanna River)
<b>Withdrawal Location (degrees):</b>	Lat: 41.271825 N      Long: -75.538150 W
<b>Special Flow Protection Required:</b>	No

### Section 4. Aquifer Testing

The constant-rate aquifer testing required by Commission Regulation 18 CFR §806.12 for groundwater withdrawals was completed with prior Commission approval. A 72-hour, constant-rate aquifer test of Well BH-1 was conducted on June 1 through 4, 2010, pumping at an average rate of 81.5 gallons per minute (gpm).

Commission staff determined that the withdrawal from Well BH-1 at the tested and the requested withdrawal rate has the potential for causing adverse impacts to competing supplies along with potential to cause adverse impacts to the water resources of the basin. Commission staff calculated, using the supplied testing results, a reduced withdrawal quantity that should not result in adverse impacts to either competing water supplies or the water resources of the basin, subject to the conditions set forth below.

### Section 5. Approved Withdrawal Quantities and Limitations

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

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.057
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	40 (Not to Exceed)
<b>Total System Withdrawal Limit (30-Day Average) (mgd):</b>	0.057
mgd – million gallons per day	

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

## Section 6. Approved Consumptive Water Use Quantities and Limitations

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

Approved Consumptive Water Use Quantities and Limitations	
<b>Sources for Project Consumptive Water Use:</b>	1. Covington Springs BH-1 2. Public Water Supply – Pennsylvania American Water
<b>Peak Day Consumptive Water Use Amount (mgd):</b>	0.257 (Not to Exceed)
<b>Project Consumptive Water Uses:</b>	Bottled Water
<b>Consumptive Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

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

## Section 7. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all consumptive water use. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.

4. Within ninety (90) days from the date of this approval, the project sponsor shall submit a plan to Commission staff for review and approval for the implementation of a groundwater elevation monitoring program. The plan shall include proposed methods for the daily measurement and recording of groundwater elevations in the source listed in Section 3, along with monitoring well BH-4 and wetlands piezometers WP-1, WP-2 and WP-3 (new wetlands piezometer). Following approval, the project sponsor shall execute the plan and complete installation of water level monitoring equipment in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital

photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented. Thereafter, the groundwater elevations data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, consumptive water 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.

8. The project sponsor shall keep daily records of the project's consumptive water use and shall report the data to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the combined quantity of water received from Covington Springs BH-1 and Pennsylvania American Water. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff.

9. The project's consumptive water use is subject to water mitigation requirements, as per Commission Regulation 18 CFR §806.22(b). To satisfy the Commission's current compensation requirements for consumptive water 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 daily 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. Water approved for consumptive use under this approval but originating from sources outside the Susquehanna River Basin are not subject to the water mitigation requirement; therefore, the consumptive use mitigation fee required for this project

shall be calculated from the total combined water received from the Covington Springs BH-1 and the Pennsylvania American Water interconnect sources, both of which are located within the Susquehanna River Basin.

10. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

11. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

13. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

14. The Commission reserves the right to reopen any project docket 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 Commission Regulation 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 has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

18. Should the project's approved withdrawals or consumptive uses be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

19. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

20. This approval is effective until June 22, 2026. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2025, and obtain Commission approval prior to continuing operation beyond June 22, 2026.

### Section 8. Special Conditions

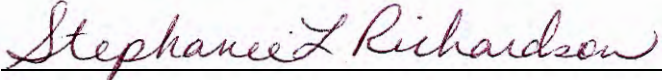
21. Should the project's anticipated total system demand be expected to exceed the approved total system withdrawal limit herein, the project sponsor is required to make application for modification to this approval at that time.

22. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

23. For evaluation of potential ongoing impacts to the site wetlands, an additional wetlands piezometer to be identified as WP-3 should be installed 50 to 80 feet to the west and downslope of the Weir 2 location. WP-3 should be installed with similar depth and construction as WP-2. Following the installation of WP-3, the project sponsor shall provide the Commission an updated site map illustrating the location of WP-3, and a construction and lithologic log for WP-3. Additionally, during the period of three (3) years following the initiation of operation of the approved withdrawal from BH-1, the project sponsor shall prepare and submit a report annually providing the results and evaluations of groundwater elevation and wetlands piezometer monitoring required herein. The report must be submitted within sixty (60) days after the close of the preceding year of operation. The report shall be submitted in both hard copy and by electronic file. Upon receiving the monitoring and reporting for the third year of operation, Commission staff will make a determination regarding impacts of the operation and the need for continued monitoring. Commission staff will notify the project sponsor in writing if it determines that the monitoring and reporting requirement may be terminated.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson





# Exhibit B18

# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391  
 (717) 238-0423 Phone • (717) 238-2436 Fax  
 www.srbc.net

**Docket No. 20110619**  
**Approval Date: June 23, 2011**

## NEW MORGAN LANDFILL COMPANY, INC. dba CONESTOGA LANDFILL

**Groundwater Withdrawal (30-Day Average) of 0.008 mgd from Well SW-3,  
 and the Combined Withdrawal Limit (30-Day Average) of 0.008 mgd  
 from Well 3 and Maintenance Shop Well for Landfill Operations**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting groundwater withdrawals in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	New Morgan Landfill Company, Inc., dba Conestoga Landfill
<b>Approval Types:</b>	Groundwater Withdrawal
<b>Water Use Type:</b>	Landfill Operations
<b>Municipality:</b>	New Morgan Borough
<b>County:</b>	Berks County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Withdrawal Type:</b>	Groundwater
<b>Withdrawal Source:</b>	Well SW-3
<b>Subbasin:</b>	Lower Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205030611 (Conestoga River)
<b>Withdrawal Location (degrees):</b>	Lat: 40.170367 N      Long: -75.897383 W
<b>Special Flow Protection Required:</b>	No

### Section 4. Aquifer Testing

The project sponsor requested that the constant-rate aquifer testing required by Commission Regulation 18 CFR §806.12 for groundwater withdrawals be waived. Commission staff determined that the withdrawal from Well SW-3, at the requested withdrawal rate, should not cause permanent loss of aquifer storage, render competing supplies unreliable, or cause adverse impacts to the water resources of the basin, subject to the conditions set forth below. Therefore, the aquifer testing requirements for Well SW-3, according to Commission Regulation 18 CFR §806.12, are hereby waived.

### Section 5. Approved Withdrawal Quantities and Limitations

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

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.008 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	15 (Not to Exceed)
<b>Combined Daily Withdrawal Limit – Wells SW-3 and Maintenance Shop Well (30-Day Average) (mgd):</b>	0.008 (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 6. Approved Consumptive Water Use Quantities and Limitations

Well SW-3 is hereby approved as a source to the project's approved consumptive water use associated with landfill operations in accordance with this docket approval and with the consumptive water use conditions in Commission Docket No. 20061206-1.

## Section 7. Existing Withdrawal and Consumptive Use Approvals

The Commission originally approved the project sponsor for its existing consumptive water use of up to 0.085 mgd for landfill operations on December 5, 2006, as Commission Docket No. 20061206. This approval predated January 1, 2007, the effective date of Commission Regulation 18 CFR §806.4(a)(1), where any project that involves consumptive use of water from a surface water or groundwater withdrawal source also shall be subject to the standards set forth in Commission Regulation 18 CFR §806.23 (Standards for Water Withdrawals). Therefore, sources for the project’s consumptive water use previously did not require approval under Commission regulations.

On June 11, 2010, the Commission approved the project sponsor’s request to increase its consumptive water use up to 0.350 mgd, as Commission Docket No. 20061206-1. As a result of the project sponsor’s request to increase its consumptive use approval, all sources to the project’s consumptive water use became subject to review under Commission Regulation 18 CFR §806.4(a)(2)(ii).

Subsequently, the Commission approved the project on September 16, 2010, as Commission Docket No. 20100909, for its existing groundwater withdrawal (30-day average) of 0.003 mgd from the Maintenance Shop Well and for its existing surface water withdrawal (peak day) of up to 0.249 mgd from the Quarry Pond for landfill operations.

A summary of major conditions applicable to the project’s existing approved withdrawals and consumptive water use are listed in the tables below.

<b>Existing Approved Groundwater Withdrawal</b>			
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Maintenance Shop Well	0.003	20100909	9/15/2025

<b>Existing Approved Surface Water Withdrawal</b>			
<b>Source</b>	<b>Peak Day Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Quarry Pond	0.249	20100909	9/15/2025

<b>Existing Approved Consumptive Water Use</b>			
<b>Sources</b>	<b>Peak Day Consumptive Water Use (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Quarry Pond, Maintenance Shop Well, and Leachate Treatment System	0.350	20061206-1	12/5/2031

Unless superseded by this approval, all conditions of the dockets referenced above shall remain effective for the term thereof.

## **Section 8. Standard Conditions**

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meters when they have been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all consumptive water use from the source listed in Section 3. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.

4. Within ninety (90) days from the date of this approval, the project sponsor shall submit a plan to Commission staff for review and approval for the implementation of a groundwater elevation monitoring program. The plan shall include proposed methods for the daily measurement and recording of groundwater elevations in the sources listed in Sections 3 and 7. Following approval, the project sponsor shall execute the plan and complete installation of water level monitoring equipment in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented. Thereafter, the groundwater elevation data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. The project sponsor shall keep daily records of the project's withdrawals and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring

reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water 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.

8. The project sponsor shall keep daily records of the project's consumptive water use and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff.

9. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

10. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

12. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

13. The Commission reserves the right to reopen any project docket 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 Commission Regulation 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 has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

17. Should the project's anticipated withdrawals be expected to exceed the approved amounts listed herein, the project sponsor shall be required to make application for modification to this approval at that time.

18. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.


19. This approval is effective until June 22, 2026. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2025, and obtain Commission approval prior to continuing operation beyond June 22, 2026.

### **Section 9. Special Conditions**

20. Should the project's anticipated demand for withdrawals be expected to exceed the approved withdrawal limits herein, the project sponsor is required to make application for modification to this approval at that time.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B19

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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**Docket No. 20110620**

**Approval Date: June 23, 2011**

## **SENECA RESOURCES CORPORATION**

### **Surface Water Withdrawal of up to 0.500 mgd from Genesee Forks**

#### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Seneca Resources Corporation
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Pike Township
<b>County:</b>	Potter County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Genesee Forks
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020502 (Upper Pine Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.79824 N                      Long: -77.71351 W
<b>Water Use Designation:</b>	High-Quality Cold Water Fishery (HQ-CWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 0.54; Average Daily Flow = 44.85
<b>Wild Trout Classification:</b>	Class A, Naturally Reproducing Wild Trout Stream
<b>Drainage Area (square miles):</b>	29.1
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Peak Day Withdrawal Amount (mgd):</b>	0.500 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	347 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; withdrawal activity limited such that no more than 5% of available flow may be withdrawn
<b>Flow Protection Rate (cfs):</b>	14.7
<b>Flow Protection Rate (gpm):</b>	6,593
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01549500; Blockhouse Creek near English Center, Pennsylvania, until otherwise noticed by Commission staff in accordance with Special Conditions 18 and 19
<b>Flow Protection Trigger Flow (cfs):</b>	20
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and

consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

## **Section 6. Special Conditions**

18. The project sponsor shall submit a plan for local instream flow measurement to Commission staff for review and, if appropriate, approval prior to initiation of the water withdrawal. Upon approval of the flow measurement plan and prior to any withdrawal, the project sponsor shall install the device in accordance with approved specifications. Upon installation, the project sponsor shall record flows daily for a period of one (1) year at minimum and report the data to Commission staff on a monthly basis. Within thirty (30) days of the end of the twelfth (12<sup>th</sup>) month, the project sponsor shall generate and submit for staff review the local flow duration curve. Once the duration curve is established from the instream flow measurement device, and is approved by Commission staff, the project sponsor shall utilize the instream flow measurement device as a real-time monitoring device for the flow protection trigger flow. From that time forward, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the on-site device, is less than the flow protection trigger flow for the on-site device, which will be determined by Commission staff based on the flow protection rates listed in Section 4. The project sponsor shall not reinstate withdrawals until the streamflow has remained above the flow protection trigger flow for the on-site device for 48 hours.

19. Until such time as Commission staff approves the use of local flow measurement in accordance with Special Condition 18, the project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required.

20. Per Commission coordination with jurisdictional agencies, the project sponsor shall adhere to recommendations for avoiding adverse impact to the stream's naturally reproducing, Class A wild trout population by avoiding instream construction from October 1 through April 1.

21. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

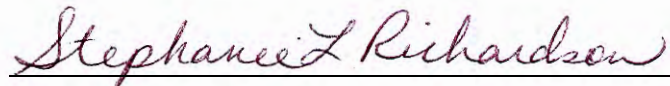
22. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

23. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

24. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B20

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**Docket No. 20110621**

**Approval Date: June 23, 2011**

## **TALISMAN ENERGY USA INC.**

### **Surface Water Withdrawal of up to 1.000 mgd from Wappasening Creek**

#### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Talisman Energy USA Inc.
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Windham Township
<b>County:</b>	Bradford County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Wappasening Creek
<b>Subbasin:</b>	Upper Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010307 (Wappasening Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.973902 N      Long: -76.323278 W
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 0.74; Average Daily Flow = 76
<b>Drainage Area (square miles):</b>	56.7
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Peak Day Withdrawal Amount (mgd):</b>	1.000 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,400 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 20% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	15.24
<b>Flow Protection Rate (gpm):</b>	6,842
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01532000; Towanda Creek near Monroeton, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	70
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation

18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. The project sponsor shall also keep daily records of any other person receiving the water withdrawn under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water withdrawn hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

8. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

9. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

10. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

13. 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.

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

15. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

16. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

17. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.



## Section 6. Special Conditions

18. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

19. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.


20. The project sponsor shall keep daily records of the well sites or companies receiving the water withdrawn under this approval and shall report the data to the Commission as required.

21. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

22. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B21

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

www.srbc.net

**Docket No. 20110622**

**Approval Date: June 23, 2011**

## TENNESSEE GAS PIPELINE COMPANY

### Surface Water Withdrawal of up to 1.090 mgd from Meshoppen Creek

#### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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	
<b>Project Sponsor:</b>	Tennessee Gas Pipeline Company
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Hydrostatic Testing of a Gas Pipeline
<b>Municipality:</b>	Springville Township
<b>County:</b>	Susquehanna County
<b>State:</b>	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	
<b>Approved Source:</b>	Meshoppen Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010608 (Meshoppen Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.711563 N      Long: -75.87440 W
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 0.31; Average Daily Flow = 32.1
<b>Drainage Area (square miles):</b>	24.0
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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	
<b>Peak Day Withdrawal Amount (mgd):</b>	1.090 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	757 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 20% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	6.42
<b>Flow Protection Rate (gpm):</b>	2,881
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01534000; Tunkhannock Creek near Tunkhannock, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	135
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation

18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

8. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

9. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

10. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

11. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

12. 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.

13. The project sponsor has a period of one (1) year from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

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

15. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

16. This approval is effective until December 22, 2012. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by June 22, 2012, and obtain Commission approval prior to continuing operation beyond December 22, 2012.

## **Section 6. Special Conditions**

17. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

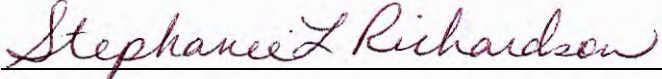
18. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

19. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

20. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B22

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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**Docket No. 20110623**

**Approval Date: June 23, 2011**

## **TENNESSEE GAS PIPELINE COMPANY**

### **Surface Water Withdrawal of up to 4.032 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 determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Tennessee Gas Pipeline Company
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Hydrostatic Testing of a Gas Pipeline
<b>Municipality:</b>	Asylum Township
<b>County:</b>	Bradford County
<b>State:</b>	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	
<b>Approved Source:</b>	Susquehanna River
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010605 (Upper Susquehanna River)
<b>Withdrawal Location (degrees):</b>	Lat: 41.707638 N      Long: -76.329937 W
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 614.59; Average Daily Flow = 11,213
<b>Drainage Area (square miles):</b>	8,247
<b>Special Flow Protection Required:</b>	No
cfs – cubic feet per second	

### 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	
<b>Peak Day Withdrawal Amount (mgd):</b>	4.032 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	2,800 (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. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.



3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

8. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

9. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

10. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right

to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

11. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

12. 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.

13. The project sponsor has a period of one (1) year from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

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

15. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

16. This approval is effective until December 22, 2012. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by June 22, 2012, and obtain Commission approval prior to continuing operation beyond December 22, 2012.

## **Section 6. Special Conditions**


17. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

18. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

19. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011



Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B23

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**Docket No. 20110624**

**Approval Date: June 23, 2011**

## TENNESSEE GAS PIPELINE COMPANY

### Surface Water Withdrawal of up to 3.140 mgd from the Tioga River

#### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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	
<b>Project Sponsor:</b>	Tennessee Gas Pipeline Company
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Hydrostatic Testing of a Gas Pipeline
<b>Municipality:</b>	Richmond Township
<b>County:</b>	Tioga County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Tioga River
<b>Subbasin:</b>	Chemung
<b>Watershed Boundary Dataset (WBD):</b>	0205010409 (Tioga River)
<b>Withdrawal Location (degrees):</b>	Lat: 41.775668 N      Long: -77.074747 W
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 8.74; Average Daily Flow = 194.55
<b>Impairment:</b>	Acid Mine Drainage (AMD)
<b>Drainage Area (square miles):</b>	137
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Peak Day Withdrawal Amount (mgd):</b>	3.140 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	2,800 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 15% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	29.2
<b>Flow Protection Rate (gpm):</b>	13,098
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01516350; Tioga River near Mansfield, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	33
mgd – million gallons per day	USGS – U.S. Geological Survey
gpm – gallons per minute	

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

8. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

9. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

10. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

11. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

12. 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.

13. The project sponsor has a period of one (1) year from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

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

15. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

16. This approval is effective until December 22, 2012. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by June 22, 2012, and obtain Commission approval prior to continuing operation beyond December 22, 2012.

## **Section 6. Special Conditions**

17. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

18. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

19. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

20. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson





# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B24

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391  
 (717) 238-0423 Phone • (717) 238-2436 Fax  
 www.srbc.net

**Docket No. 20110625**  
**Approval Date: June 23, 2011**

## TENNESSEE GAS PIPELINE COMPANY

**Surface Water Withdrawal of up to 0.144 mgd  
 from the Unnamed Tributary of North Elk Run**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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	
<b>Project Sponsor:</b>	Tennessee Gas Pipeline Company
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Hydrostatic Testing of a Gas Pipeline
<b>Municipality:</b>	Richmond Township
<b>County:</b>	Tioga County
<b>State:</b>	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	
<b>Approved Source:</b>	Unnamed Tributary of North Elk Run
<b>Subbasin:</b>	Chemung
<b>Watershed Boundary Dataset (WBD):</b>	0205010409 (Tioga River)
<b>Withdrawal Location (degrees):</b>	Lat: 41.790181 N      Long: -77.141221 W
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 0.00172; Average Daily Flow = 1.09
<b>Drainage Area (square miles):</b>	1.05
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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	
<b>Peak Day Withdrawal Amount (mgd):</b>	0.144 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	100 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; withdrawal activity limited such that no more than 20% of available flow may be withdrawn
<b>Flow Protection Rate (cfs):</b>	0.891
<b>Flow Protection Rate (gpm):</b>	400
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01516500; Corey Creek near Mainesburg, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	13
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation 18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

8. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

9. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

10. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

11. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

12. 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.

13. The project sponsor has a period of one (1) year from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

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

15. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

16. This approval is effective until December 22, 2012. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by June 22, 2012, and obtain Commission approval prior to continuing operation beyond December 22, 2012.

## **Section 6. Special Conditions**

17. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

18. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

19. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

20. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B25

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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www.srbc.net

**Docket No. 20110626**

**Approval Date: June 23, 2011**

## TENNESSEE GAS PIPELINE COMPANY

### Surface Water Withdrawal of up to 4.032 mgd from Towanda Creek

#### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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	
<b>Project Sponsor:</b>	Tennessee Gas Pipeline Company
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Hydrostatic Testing of a Gas Pipeline
<b>Municipality:</b>	Monroe Township
<b>County:</b>	Bradford County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Towanda Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010603 (Towanda Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.721927 N      Long: -76.465781 W
<b>Water Use Designation:</b>	Warm Water Fishery (WWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 3.47; Average Daily Flow = 359.6
<b>Drainage Area (square miles):</b>	268
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>Peak Day Withdrawal Amount (mgd):</b>	4.032 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	2,800 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 20% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	71.9
<b>Flow Protection Rate (gpm):</b>	32,277
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01532000; Towanda Creek near Monroeton, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	64
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation

18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

8. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

9. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.



10. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

11. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

12. 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.

13. The project sponsor has a period of one (1) year from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

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

15. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

16. This approval is effective until December 22, 2012. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by June 22, 2012, and obtain Commission approval prior to continuing operation beyond December 22, 2012.

## **Section 6. Special Conditions**

17. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

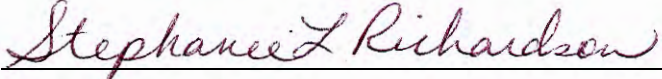
18. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

19. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

20. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B26

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

www.srbc.net

**Docket No. 20110627**

**Approval Date: June 23, 2011**

## TENNESSEE GAS PIPELINE COMPANY

### Surface Water Withdrawal of up to 0.384 mgd from White Creek

#### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), 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	
<b>Project Sponsor:</b>	Tennessee Gas Pipeline Company
<b>Approval Type:</b>	Surface Water Withdrawal
<b>Water Use Type:</b>	Hydrostatic Testing of a Gas Pipeline
<b>Municipality:</b>	Springville Township
<b>County:</b>	Susquehanna County
<b>State:</b>	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	
<b>Approved Source:</b>	White Creek
<b>Subbasin:</b>	Middle Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205010608 (Meshoppen Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 41.711971 N      Long: -75.941886 W
<b>Water Use Designation:</b>	Cold Water Fishery (CWF)
<b>Flow Statistics (cfs):</b>	Q7-10 = 0.12; Average Daily Flow = 11.92
<b>Drainage Area (square miles):</b>	8.9
<b>Special Flow Protection Required:</b>	Yes
cfs – cubic feet per second	

### 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	
<b>Peak Day Withdrawal Amount (mgd):</b>	0.384 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	267 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby; 20% Average Daily Flow
<b>Flow Protection Rate (cfs):</b>	2.38
<b>Flow Protection Rate (gpm):</b>	1,070
<b>Method for Flow Protection Monitoring:</b>	USGS Real-Time Gage 01534000; Tunkhannock Creek near Tunkhannock, Pennsylvania
<b>Flow Protection Trigger Flow (cfs):</b>	134
mgd – million gallons per day gpm – gallons per minute	USGS – U.S. Geological Survey

The withdrawal 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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering on the withdrawal in accordance with Commission Regulation

18 CFR §806.30. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow.

3. 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 approval by Commission staff in accordance with Commission Regulation 18 CFR §806.30.

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff and shall obtain necessary general or individual permits from the jurisdictional permitting agency prior to use of the intake. The project sponsor shall provide the Commission a copy of the permit prior to operating the withdrawal. If subsequent design review by the permitting agency requires modification to the intake design, the project sponsor shall submit to the Commission an approved permit for the modified intake structure. Thereafter, any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and approval by Commission staff in accordance with Commission Regulations 18 CFR §806.21 and §806.23.

5. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

6. 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. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

7. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

8. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

9. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

10. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

11. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

12. 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.

13. The project sponsor has a period of one (1) year from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

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

15. Should the project's approved withdrawals be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

16. This approval is effective until December 22, 2012. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by June 22, 2012, and obtain Commission approval prior to continuing operation beyond December 22, 2012.

## **Section 6. Special Conditions**

17. The project sponsor shall cease all withdrawals from the approved source when streamflow, as measured at the U.S. Geological Survey stream gage specified in Section 4, is less than the flow protection trigger flow specified in Section 4, and shall not reinstate withdrawals until the streamflow has remained above such flow protection trigger flow for 48 hours. The project sponsor shall keep daily records of the U.S. Geological Survey stream gage and shall report the data to the Commission, as required. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if acceptable, approval.

18. Prior to any withdrawal of water, the project sponsor shall post at each entry to the property from a public right-of-way a sign that meets Commission specifications and displays a project description. The project description shall identify the project sponsor, project name, docket approval number, and conditions of the surface water withdrawal approval including quantity, rate and passby flow requirement, docket expiration date, and contact information for the project sponsor and the Commission. The sign shall be installed prior to any withdrawal of water and be maintained for the duration of the approval. The project sponsor shall submit digital photographs as proof of sign installation prior to the initiation of the withdrawal.

19. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

20. The project sponsor shall demonstrate to the satisfaction of the Commission that all water withdrawn from surface water sources, while under control of or on a facility owned or operated by the project sponsor, is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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Docket No. 20110628

Approval Date: June 23, 2011

## WILLIAMSPORT MUNICIPAL WATER AUTHORITY

**Groundwater Withdrawals (30-Day Averages)  
of 1.300 mgd from Well 10 and 0.700 mgd from Well 11; and  
Total System Withdrawal Limit (30-Day Average) of 12.000 mgd  
from Wells 3 through 11 and Mosquito Creek and Hagermans Run**

### Section 1. Approval

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts to area surface water or groundwater withdrawals are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting a withdrawal in support of the project identified in Section 2, from the sources identified in Sections 3 and 7, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) 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	
<b>Project Sponsor:</b>	Williamsport Municipal Water Authority
<b>Approval Types:</b>	Groundwater Withdrawal
<b>Water Use Type:</b>	Public Water Supply
<b>Municipality:</b>	Williamsport City
<b>County:</b>	Lycoming County
<b>State:</b>	Pennsylvania



### Section 3. Source Information

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

<b>Source Information</b>	
<b>Withdrawal Type:</b>	Groundwater
<b>Withdrawal Sources:</b>	Wells 10 and 11
<b>Subbasin:</b>	West Branch Susquehanna
<b>Watershed Boundary Dataset (WBD):</b>	0205020602 (Lycoming Creek)
<b>Withdrawal Location (degrees)*:</b>	Lat: --                      Long: --
<b>Special Flow Protection Required:</b>	No
* Specific location information concerning discrete water-related project features has been withheld for security reasons.	

### Section 4. Aquifer Testing

The project sponsor requested that the constant-rate aquifer testing required by Commission Regulation 18 CFR §806.12 for groundwater withdrawals be waived. In support of its request for a waiver, the project sponsor has submitted historical aquifer testing data and operational data for Wells 10 and 11. Commission staff determined that the withdrawals from Wells 10 and 11 at the requested withdrawal rates should not cause permanent loss of aquifer storage or render competing supplies unreliable, or cause adverse impacts to the water resources of the basin, subject to conditions below. Therefore, the aquifer testing requirements for Wells 10 and 11, according to Commission Regulation 18 CFR §806.12, are hereby waived.

### Section 5. Approved Withdrawal Quantities and Limitations

The withdrawals approved hereunder are subject to the quantitative limits and restrictions set forth in the tables below.

<b>Approved Withdrawal Quantities and Limitations – Well 10</b>	
<b>30-Day Average Withdrawal (mgd):</b>	1.300 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,000 (Not to Exceed)
<b>Total System Withdrawal Limit (30-Day Average) (mgd):</b>	12.000
mgd – million gallons per day gpm – gallons per minute	

<b>Approved Withdrawal Quantities and Limitations – Well 11</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.700 (Not to Exceed)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	500 (Not to Exceed)
<b>Total System Withdrawal Limit (30-Day Average) (mgd):</b>	12.000

The withdrawals are also subject to all other conditions set forth in this docket approval.

### Section 6. Existing Approved Withdrawals

A summary of major conditions applicable to the existing approved withdrawals are listed in the table below.

<b>Existing Approved Groundwater Withdrawals</b>			
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Wells 10 and 11	2.000	19810308; formerly M(G) 5-81-3	3/12/2011

Unless superseded by this approval, all conditions of the docket referenced above shall remain effective for the term thereof.

### Section 7. Grandfathering Determination – Withdrawals

Conditions applicable to the project’s grandfathering determination for existing groundwater and surface water withdrawals are listed in the tables below.

<b>Grandfathered Groundwater Withdrawals</b>	
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)</b>
Well 3	0.940
Well 4	0.940
Well 5	2.141
Well 6	0.687
Well 7	2.254
Well 8	0.987
Well 9	0.800
Wells 3 – 9 (combined)	6.669

<b>Grandfathered Surface Water Withdrawals</b>	
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)</b>
Mosquito Creek (including Youngman Dam)	6.833
Hagermans Run (including Heller Dam)	4.926

### Section 8. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. Within ninety (90) days from the date of this approval, the project sponsor shall submit a plan to Commission staff for review and approval for the implementation of a

groundwater elevation monitoring program. The plan shall include proposed methods for the daily measurement and recording of groundwater elevations in the sources listed in Section 3. Following approval, the project sponsor shall execute the plan and complete installation of water level monitoring equipment in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the water level monitoring equipment when it has been installed and certify the accuracy of the measuring devices. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented. Thereafter, the groundwater elevations data shall be reported to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line and are due within thirty (30) days after the close of the preceding quarter.

3. The project sponsor or any other person 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 Commission Regulation 18 CFR §808.12.

4. The project sponsor shall keep daily records of all the project's withdrawals and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

5. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water 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.

6. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(a).

7. The project sponsor shall reduce system water losses to less than twenty (20) percent to comply with Commission Regulation 18 CFR §806.25(a)(1). The project sponsor shall have reduced system losses and achieved 100 percent compliance with the requirements within five (5) years of the date of this docket (June 23, 2016) unless an extension of time is granted due to extenuating circumstances described, in writing, by the project sponsor. The project sponsor shall report to the Commission annually on the progress made pursuant to this requirement. Annual reports are due within sixty (60) days after the close of the preceding year.

8. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

9. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

10. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

11. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

12. 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.

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

14. If the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

15. Should the project's anticipated withdrawals be expected to exceed the approved amounts listed herein, the project sponsor shall be required to make application for modification to this approval at that time.

16. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

17. This approval is effective until June 22, 2026. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2025, and obtain Commission approval prior to continuing operation beyond June 22, 2026.

## Section 9. Special Conditions

18. Within ninety (90) days from the date of this approval, the project sponsor shall install and maintain metering on the approved and grandfathered sources listed in Sections 3 and 7, respectively, in accordance with Commission Regulation 18 CFR §806.30(a)(1). The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter(s) when installed and certify the accuracy of the measuring device(s) to within five (5) percent of actual flow.

19. Should the project's grandfathered withdrawals or consumptive water uses be expected to exceed the amounts listed herein, the project sponsor is required to make application at that time.

20. Should the project's anticipated total system demand be expected to exceed the approved total system withdrawal limit herein, the project sponsor is required to make application for modification to this approval at that time.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B28

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

www.srbc.net

**Docket No. 20110629**

**Approval Date: June 23, 2011**

## CHIEF OIL & GAS LLC

**Into-Basin Diversion of up to 0.249 mgd  
from 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 determines that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting an into-basin diversion in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Chief Oil & Gas LLC
<b>Approval Type:</b>	Into-Basin Diversion from the Ohio River Basin
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Cambria Township
<b>County:</b>	Cambria County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Borough of Ebensburg Public Water System Hydrant – Ebensburg Municipal Airport
<b>Basin:</b>	Ohio River Basin
<b>Watershed Boundary Dataset (WBD):</b>	0501000710 (Blacklick Creek)
<b>Withdrawal Location (degrees):</b>	Lat: 40.458622 N      Long: -78.774076 W
<b>Impairment:</b>	None; source is a public water supply with water quality parameters within normal ranges

### Section 4. Approved Into-Basin Diversion Quantities and Limitations

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

<b>Approved Into-Basin Diversion Quantities and Limitations</b>	
<b>Peak Day Diversion Amount (mgd):</b>	0.249 (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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all water diverted into the Susquehanna River Basin. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.

3. 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. The project sponsor shall also keep daily records of any other person receiving the water imported under this approval for natural gas development and shall report the data to the Commission as required. The project

sponsor shall only supply water imported hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

4. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

5. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

6. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

7. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

8. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

9. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

10. 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.

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



12. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

13. Should the project's approved diversion be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

14. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.


### Section 6. Special Conditions

15. The project sponsor shall keep daily records of the well sites or companies receiving the water diverted under this approval and shall report the data to the Commission as required.

16. The project sponsor shall demonstrate to the satisfaction of the Commission that all water diverted into the Susquehanna River Basin is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011



Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B29

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

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**Docket No. 20110630**

**Approval Date: June 23, 2011**

## **CHIEF OIL & GAS LLC**

**Into-Basin Diversion of up to 0.249 mgd  
from 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 determines that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting an into-basin diversion in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Chief Oil & Gas LLC
<b>Approval Type:</b>	Into-Basin Diversion from the Ohio River Basin
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Summerhill Township
<b>County:</b>	Cambria County
<b>State:</b>	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	
<b>Approved Source:</b>	Cambria Somerset Authority – Arcelor Mittal Pristine Resources Pump Station at Wilmore Dam
<b>Basin:</b>	Ohio River Basin
<b>Watershed Boundary Dataset (WBD):</b>	0501000710 (Little Conemaugh River)
<b>Withdrawal Location (degrees):</b>	Lat: 40.409052 N      Long: -78.688674 W
<b>Impairment:</b>	None; source is a reservoir with water quality parameters within normal ranges

### Section 4. Approved Into-Basin Diversion Quantities and Limitations

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

Approved Into-Basin Diversion Quantities and Limitations	
<b>Peak Day Diversion Amount (mgd):</b>	0.249 (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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all water diverted into the Susquehanna River Basin. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.
3. 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. The project sponsor shall also keep daily records of any other person receiving the water imported under this approval for natural gas development and shall report the data to the Commission as required. The project

sponsor shall only supply water imported hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

4. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

5. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

6. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

7. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

8. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

9. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

10. 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.

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

12. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

13. Should the project's approved diversion be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

14. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

### Section 6. Special Conditions

15. The project sponsor shall keep daily records of the well sites or companies receiving the water diverted under this approval and shall report the data to the Commission as required.

16. The project sponsor shall demonstrate to the satisfaction of the Commission that all water diverted into the Susquehanna River Basin is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011



Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B30

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**Docket No. 20110631**

**Approval Date: June 23, 2011**

## **CHIEF OIL & GAS LLC**

**Into-Basin Diversion of up to 0.249 mgd  
from 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 determines that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting an into-basin diversion in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Chief Oil & Gas LLC
<b>Approval Type:</b>	Into-Basin Diversion from the Ohio River Basin
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Portage Township
<b>County:</b>	Cambria County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Highland Sewer and Water Authority
<b>Basin:</b>	Ohio River Basin
<b>Watershed Boundary Dataset (WBD):</b>	0501000710 (Little Conemaugh River)
<b>Withdrawal Location (degrees):</b>	Lat: 40.354444 N      Long: -78.661389 W
<b>Impairment:</b>	None; source is a public water supply with water quality parameters within normal ranges

### Section 4. Approved Into-Basin Diversion Quantities and Limitations

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

<b>Approved Into-Basin Diversion Quantities and Limitations</b>	
<b>Peak Day Diversion Amount (mgd):</b>	0.249 (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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all water diverted into the Susquehanna River Basin. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.

3. 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. The project sponsor shall also keep daily records of any other person receiving the water imported under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water imported hereunder to persons who have properly registered this

docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

4. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

5. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

6. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

7. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

8. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

9. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

10. 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.

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



12. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

13. Should the project's approved diversion be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

14. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

### Section 6. Special Conditions

15. The project sponsor shall keep daily records of the well sites or companies receiving the water diverted under this approval and shall report the data to the Commission as required.

16. The project sponsor shall demonstrate to the satisfaction of the Commission that all water diverted into the Susquehanna River Basin is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011



Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B31

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

www.srbc.net

**Docket No. 20110632**

**Approval Date: June 23, 2011**

## **NATURE'S WAY PUREWATER SYSTEMS, INC.**

**Into-Basin Diversion of up to 0.099 mgd  
from the Delaware River Basin**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission determines that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting an into-basin diversion in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) and the Delaware River Basin Commission (DRBC) 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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Nature's Way Purewater Systems, Inc.
<b>Approval Type:</b>	Into-Basin Diversion from the Delaware River Basin
<b>Water Use Type:</b>	Water Bottling
<b>Municipality:</b>	Foster Township
<b>County:</b>	Luzerne County
<b>State:</b>	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	
<b>Approved Source:</b>	Nature's Way Springs Borehole 1 (BH-1)
<b>Basin:</b>	Delaware River Basin
<b>Watershed Boundary Dataset (WBD):</b>	0204010603 (Middle Lehigh River)
<b>Withdrawal Location (degrees):</b>	Lat: 41.038719 N      Long: -75.768690 W
<b>Impairment:</b>	None

### 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	
<b>Peak Day Diversion Amount (mgd):</b>	0.099 (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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all water diverted into the Susquehanna River Basin. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.
3. 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. Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

4. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water 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.

5. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

6. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

7. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

8. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

9. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

10. 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.

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

12. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

13. Should the project's approved diversion be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time. If the increase is anticipated to exceed the DRBC's threshold for export from the Delaware River Basin, application to and approval from the DRBC must be acquired for the export.

14. This approval is effective until June 22, 2026. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2025, and obtain Commission approval prior to continuing operation beyond June 22, 2026.


### Section 6. Special Conditions

15. The project sponsor shall demonstrate to the satisfaction of the Commission that all water diverted into the Susquehanna River Basin is transported, stored, incorporated into product, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

16. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B32

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

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**Docket No. 20110633**

**Approval Date: June 23, 2011**

## **PENN VIRGINIA OIL & GAS CORPORATION**

**Into-Basin Diversion of up to 0.100 mgd  
from 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 determines that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting an into-basin diversion in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Penn Virginia Oil & Gas Corporation
<b>Approval Type:</b>	Into-Basin Diversion from the Ohio River Basin
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Port Allegany Borough
<b>County:</b>	McKean County
<b>State:</b>	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	
<b>Approved Source:</b>	Port Allegany Borough Public Water System Hydrant
<b>Basin:</b>	Ohio River Basin
<b>Watershed Boundary Dataset (WBD):</b>	0501000105 (Headwaters Allegheny River)
<b>Withdrawal Location (degrees):</b>	Lat: 41.815131 N      Long: -78.286547 W
<b>Impairment:</b>	None; source is a public water supply with water quality parameters within normal ranges

### Section 4. Approved Into-Basin Diversion Quantities and Limitations

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

Approved Into-Basin Diversion Quantities and Limitations	
<b>Peak Day Diversion Amount (mgd):</b>	0.100 (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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.

2. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all water diverted into the Susquehanna River Basin. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.

3. 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. The project sponsor shall also keep daily records of any other person receiving the water imported under this approval for natural gas development and shall report the data to the Commission as required. The project

sponsor shall only supply water imported hereunder to persons who have properly registered this docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

4. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

5. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

6. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

7. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

8. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

9. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

10. 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.

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



12. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

13. Should the project's approved diversion be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

14. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

### Section 6. Special Conditions

15. The project sponsor shall keep daily records of the well sites or companies receiving the water diverted under this approval and shall report the data to the Commission as required.

16. The project sponsor shall demonstrate to the satisfaction of the Commission that all water diverted into the Susquehanna River Basin is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011



Stephanie L. Richardson



# SUSQUEHANNA RIVER BASIN COMMISSION

Exhibit B33

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

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

www.srbc.net

**Docket No. 20110635**

**Approval Date: June 23, 2011**

## **TRIANA ENERGY, LLC**

**Into-Basin Diversion of up to 0.500 mgd  
from 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 determines that no adverse impacts are anticipated by the operation of this project, and that the project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin. Accordingly, the application of the project sponsor requesting an into-basin diversion in support of the project identified in Section 2, from the source identified in Section 3, is hereby approved by the Commission in accordance with the conditions set forth below.

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.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Triana Energy, LLC
<b>Approval Type:</b>	Into-Basin Diversion from the Ohio River Basin
<b>Water Use Type:</b>	Development of Natural Gas Wells
<b>Municipality:</b>	Roulette Township
<b>County:</b>	Potter County
<b>State:</b>	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.

<b>Source Information</b>	
<b>Approved Source:</b>	Johnson Quarry Pond
<b>Basin:</b>	Ohio River Basin
<b>Watershed Boundary Dataset (WBD):</b>	0501000105 (Headwaters Allegheny River)
<b>Withdrawal Location (degrees):</b>	Lat: 41.784086 N      Long: -78.173389 W
<b>Impairment:</b>	Quarry pond water quality parameters within normal ranges

### 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.

<b>Approved Into-Basin Diversion Quantities and Limitations</b>	
<b>Peak Day Diversion Amount (mgd):</b>	0.500 (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, including metering and reporting requirements contained in Commission Regulation 18 CFR §806.30.
2. Within sixty (60) days from the date of this approval, the project sponsor shall submit a metering plan to the Commission for review and approval by Commission staff that accounts for all water diverted into the Susquehanna River Basin. Following approval, the project sponsor shall execute the plan and complete any installation of meters in accordance with the approved schedule. The project sponsor shall notify the Commission, in writing, and submit digital photographs of the meter when it has been installed and certify the accuracy of the measuring device to within five (5) percent of actual flow. The project sponsor shall notify the Commission when the monitoring plan has been fully implemented.
3. 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. The project sponsor shall also keep daily records of any other person receiving the water imported under this approval for natural gas development and shall report the data to the Commission as required. The project sponsor shall only supply water imported hereunder to persons who have properly registered this

docket approval pursuant to Commission Regulation 18 CFR §806.22(f)(12)(i). Quarterly monitoring reports shall be submitted on-line 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, if appropriate, approved by Commission staff prior to implementing or modifying existing equipment or procedures.

4. The project sponsor shall maintain the totalizing meter and other measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals and consumptive water uses, and certify to the Commission once every two (2) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

5. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation 18 CFR §806.25(b).

6. To satisfy the Commission's registration requirement, the project sponsor shall register with the PADEP all surface water and groundwater sources described in this docket in accordance with 25 PA Code §110.201, Pennsylvania Water Resources Planning Act, Act 220 of 2002.

7. 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 is subject to enforcement actions pursuant to Commission Regulation 18 CFR §808.

8. Commission approval shall not be construed to exempt the project sponsor from obtaining 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 reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

9. The Commission reserves the right to reopen any project docket 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 Commission Regulation 18 CFR §806.32.

10. 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.

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

12. The project sponsor has a period of three (3) years from the date of this approval to initiate the project or this approval will automatically expire, unless an extension is requested by the project sponsor and approved by the Commission. Likewise, if the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

13. Should the project's approved diversion be expected to exceed the amounts listed herein, the project sponsor is required to make application for modification to this approval at that time.

14. This approval is effective until June 22, 2015. As specified in Commission Regulation 18 CFR §806.31(e), the project sponsor shall submit an application by December 22, 2014, and obtain Commission approval prior to continuing operation beyond June 22, 2015.

### Section 6. Special Conditions

15. Per Commission coordination with jurisdictional agencies, the project sponsor shall adhere to project requirements from PFBC as related to quarry water level drawdown.


16. The project sponsor shall keep daily records of the well sites or companies receiving the water diverted under this approval and shall report the data to the Commission as required.

17. The project sponsor shall maintain legal access to the withdrawal location for the duration of the approval.

18. The project sponsor shall demonstrate to the satisfaction of the Commission that all water diverted into the Susquehanna River Basin is transported, stored, injected into a well, or discharged with appropriate controls and treatment to prevent the spread of aquatic nuisance species.

**CERTIFICATION:** I, Stephanie L. Richardson, 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 23, 2011.

Dated: June 24, 2011

  
Stephanie L. Richardson

RESOLUTION NO. 2011-05

A RESOLUTION of the Susquehanna River Basin Commission (the “Commission”) revising the Regulatory Program Fee Schedule for FY 2012.

WHEREAS, pursuant to Article 3, Section 3.9 of the Susquehanna River Basin Compact (the “Compact”), the Commission’s regulations, 18 CFR Parts 801, 806-808, and previously adopted resolutions of the Commission, the most recent of which is Resolution No. 2009-11 of December 17, 2009<sup>3</sup>, the Commission imposes certain fees to help defray the cost of its Regulatory Program for water resource projects; and

WHEREAS, Resolve No. 3 of prior Resolution No. 2005-03, as incorporated by Resolution No. 2009-11, provided that, subject to public hearing upon due notice given and final Commission approval, the categorical fees set forth in the Regulatory Program Fee Schedule shall be increased at the rate of 10% per year for five consecutive years and a Consumer Price Index (CPI) adjustment shall be made annually, beginning on January 1, 2007; and

WHEREAS, Resolve No. 2 of prior Resolution No. 2008-03 provided that the Consumptive Use Mitigation Fee shall be adjusted annually based on the U.S. Army Corps of Engineers Civil Works Construction Cost Index System average for the immediately previous four quarters for which indexing data are available; and

WHEREAS, in addition to the said adjustments, certain other revisions to the Regulatory Program Fee Schedule are needed, among other things, to establish a special rate for multiple transfer of approvals in a single transaction, and to make clarifications regarding the application of compliance monitoring fees to administratively approved projects, refunds on withdrawn or terminated applications, and the interest rate on installment payments; and

WHEREAS, the Commission has actively sought public comment on the proposed Regulatory Program Fee Schedule by posting it on its web site on June 6, 2011, and by holding a public hearing this day; and

WHEREAS, the Commission has duly considered the comments received on the proposed Regulatory Program Fee Schedule and has made certain changes and adjustments to the schedule in response to these comments.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby adopts a Regulatory Program Fee Schedule for FY 2012 implementing the above-referenced revisions, which is attached hereto and made a part of this Resolution.

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<sup>3</sup> As amended by Resolution 2010-02 of June 2010.

2. Resolve No. 3 of Resolution No. 2005-03 providing for annual adjustments in the fee schedule, is incorporated herein and made a part of this Resolution, and shall remain in full force and effect.

3. Resolve No. 2 of Resolution No. 2008-03 providing that the Consumptive Use Mitigation Fee shall be adjusted annually based on the U.S. Army Corps of Engineers Civil Works Construction Cost Index System average for the immediately previous four quarters for which indexing data are available, is incorporated herein and made a part of this Resolution, and shall remain in full force and effect.

4. The fees set forth in the attached Regulatory Program Fee Schedule shall become effective July 1, 2011.

Dated: June 23, 2011

  
\_\_\_\_\_  
Kenneth P. Lynch, Chairman  
New York



# SUSQUEHANNA RIVER BASIN COMMISSION

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## REGULATORY PROGRAM FEE SCHEDULE

Effective July 1, 2011

Adopted by Resolution No. 2011-05, June 23, 2011

1. The Susquehanna River Basin Commission (Commission) requires payment of nonrefundable review fees, in accordance with the tables herein, for the following categories of projects which require review and approval by the Commission under the Susquehanna River Basin Compact (the "Compact") and Commission Regulations found in 18 CFR Parts 801 and 806.
  - a. Consumptive uses, including all related administrative approvals under 18 CFR §806.22.
  - b. Surface and groundwater withdrawals, including any related constant-rate aquifer test plan evaluations or aquatic resource surveys.
  - c. Diversions.
  - d. Hydroelectric projects.
  - e. Any other projects requiring the review and approval of the Commission under the Compact that do not involve a request for a quantity of water.
  - f. Other applications required under 18 CFR §806.5.

Fees for Consumptive Use Mitigation and Annual Compliance and Monitoring are also set forth in this schedule.

2. If any project involves more than one of the above categories, a separate fee is required for each category.
3. Agencies of the member jurisdictions to the Compact with applicable member jurisdiction-wide authority are exempt from fees. However, political subdivisions of the member jurisdictions are subject to the fees.
4. Agricultural water use projects, as defined in 18 CFR §806.3, are exempt from the fees set forth in this schedule.



5. Public water systems owned and operated by a governmental authority, as defined in 18 CFR §806.3, are eligible to pay the discounted fee amounts identified in the “Municipal Fee” category listed on the tables herein.
6. Groundwater remediation systems approved by an agency of a member jurisdiction shall pay a single withdrawal application fee based on the total requested quantity of withdrawal to create a single, localized depression within the groundwater table, regardless of the number of individual recovery wells being used in the system. Such systems shall also pay a single annual compliance and monitoring fee.
7. Fees paid in accordance with this schedule are nonrefundable. Fees are not reduced nor any amount credited to the project sponsor if the Commission’s approval authorizes a rate of withdrawal or quantity of water that is less than that requested by the project sponsor, or if the application is withdrawn during the review process.
8. Project sponsors must complete and submit the enclosed worksheet (page 8) with their application payment.
9. When fees calculated in accordance with this schedule are deemed to be insufficient to cover costs associated with applications or compliance, the Executive Director may impose a fee in an amount up to 100 percent of such costs or as required in the Commission approval action.
10. Sponsors of projects with expiring Commission approvals shall pay the same fees as sponsors of new projects.
11. The Commission may, for good cause shown, waive or reduce any of the fees set forth herein.
12. If any single application fee exceeds \$25,000, project sponsors have the option of making installment payments. This option provides for the payment of up to three consecutive equal annual installments with interest thereon at a rate of prime<sup>1</sup> plus 2 percent, but not less than 5 percent per annum on the unpaid balance. The project sponsor should indicate that it intends to use this option when making application. Municipal<sup>2</sup> project sponsors have the option of making installment payments for fees exceeding \$5,000, and may make payments of up to five equal annual installments with interest thereon at a rate of prime<sup>1</sup> plus 2 percent, but not less than 5 percent per annum on the unpaid balance. The first annual installment is due at the time the application is submitted.
13. The appropriate fee must be submitted to the Commission with the project application (see Paragraph 12 regarding an installment payment option). Failure to submit payment of the fee or submission of an insufficient fee with the application will result in its return to the

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<sup>1</sup> Prime refers to the U.S Prime Rate at the time of the installment payment request.

<sup>2</sup> For purposes of this fee schedule, municipalities are defined as political subdivisions of the member states, which shall include counties, townships, towns, boroughs, villages, cities, or any authorities, boards or other public benefit corporations organized thereby.

project sponsor or, at the discretion of the Commission, an additional billing of the proper fee to the project sponsor. Except as otherwise provided in Paragraph 7, refunds will be made for any portion of a fee payment submitted with the application that exceeds the appropriate amount identified on the tables herein. The Commission will not take action on a project application until the appropriate fees are paid.

14. All projects approved by the Commission on or after January 1, 2010, including modification approvals, shall also be subject to annual compliance and monitoring fees as set forth herein. Fees will be pro-rated the first year and due annually thereafter. Fees are due and payable within 30 days from the date of invoice.

## APPLICATION FEE TABLE

Project Category	Requested Quantities <sup>1</sup> or Capacities	Standard Fee	Municipal Fee
Consumptive Water Use	20,000 gallons per day (gpd) – 99,999 gpd 100,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd 1 million gpd (mgd) – 5 mgd Over 5 mgd	\$ 2,850 5,750 11,400 34,225 57,050	\$ 2,280 4,600 9,120 27,380 45,640
Approval by Rule Consumptive Use	<u>Approval by Rule; 18 CFR §806.22(e):</u> 20,000 gpd – 99,999 gpd 100,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd 1 mgd – 5 mgd Over 5 mgd  <u>Natural Gas Approval by Rule; 18 CFR §806.22(f)<sup>2</sup>:</u>	\$ 1,425 2,875 5,700 17,100 28,525  \$ 10,000	Not Applicable
Withdrawals <sup>1,3,4</sup>	Less than 100,000 gpd 100,000 gpd – 249,999 gpd 250,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd 1 mgd – 5 mgd 5,000,001 gpd – 10 mgd Over 10 mgd	\$ 4,975 7,475 9,975 12,475 14,950 32,475 32,475+ \$5,525 for each additional 1 mgd increment <sup>5,6</sup>	\$ 3,980 5,980 7,980 9,980 11,960 25,980 25,980 + \$4,425 for each additional 1 mgd increment <sup>5,6</sup>
Diversions	Less than 250,000 gpd 250,000 gpd or greater	\$ 9,525 28,550 (plus consumptive use fee unless not applicable)	\$ 7,620 22,840 (plus consumptive use fee unless not applicable)
Hydroelectric Projects (New or Re-licensing)	Greater than 10 megawatts (anything less subject to “all other projects” category below)	\$ 222,500	Not Applicable
All other projects requiring review and approval and not otherwise specified.	Not Applicable	\$ 4,750	\$ 3,800
Aquatic Resource Survey <sup>3,4,7</sup>		\$ 6,475	\$ 5,180
Constant-Rate Aquifer Testing Plan or Waiver Request Evaluation <sup>3</sup>		\$ 3,825	\$ 3,060
Emergency Certificate		\$ 4,750	\$ 4,750

<sup>1</sup> Groundwater withdrawal fees are based on a maximum 30-day average. All other fees are based on peak 24-hour period.

<sup>2</sup> Applicants are reminded that the water source for any Approval By Rule approved consumptive use must be either registered or administratively approved, regardless of quantity. See 18 CFR §806.22(f)(12)(i),(ii).

<sup>3</sup> A separate application fee is required for each withdrawal location.

<sup>4</sup> Withdrawal applications may also be subject to an aquatic resource survey fee (see footnote 6).

<sup>5</sup> 1 mgd increment includes any amount from 1 gallon to the next mgd.

<sup>6</sup> Except as provided in No. 9 on page 2, the maximum project fee for this category will be \$266,100.

<sup>7</sup> Aquatic resource surveys will be conducted on streams when recent relevant data are not available to evaluate the potential impacts of a withdrawal. Commission staff will make that determination during the review of an application and will invoice this fee separately.

MODIFICATION APPLICATION FEE TABLE<sup>1</sup>

Project Category	Amount of Requested Increase in Quantities or Capacities	Standard Fee	Municipal Fee
Consumptive Water Use	Less than 100,000 gpd <sup>2</sup> 100,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd 1 mgd – 5 mgd Over 5 mgd	\$ 1,900 5,750 11,400 34,225 57,050	\$ 1,520 4,600 9,120 27,380 45,640
Approval by Rule Consumptive Use	<u>Approval by Rule; 18 CFR §806.22(e):</u> Less than 100,000 gpd 100,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd 1 mgd – 5 mgd Over 5 mgd  <u>Water Sources Under 18 CFR §806.22(f)<sup>3</sup>:</u> Source Registration; Subpart (12)(i) Source Approval; Subpart (12)(ii)	\$ 1,425 2,875 5,700 17,100 28,525  \$ 515 1,030	Not Applicable
Withdrawals <sup>4</sup>	Less than 250,000 gpd 250,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd 1 mgd – 5 mgd 5,000,001 gpd – 10 mgd Over 10 mgd	\$ 4,975 9,975 12,475 14,950 32,475 32,475 + \$5,525 for each additional 1 mgd increment <sup>5,6</sup>	\$ 3,980 7,980 9,980 11,960 25,980 25,980 + \$4,420 for each additional 1 mgd increment <sup>5,6</sup>
Diversions	Less than 250,000 gpd 250,000 gpd or greater	\$ 9,525 28,550 (plus consumptive use fee unless not applicable)	\$ 7,620 22,840 (plus consumptive use fee unless not applicable)
Hydroelectric Projects	Greater than 10 megawatts (anything less subject to “all other projects” category below)	Actual Costs	Not Applicable
All other projects requiring review and approval and not otherwise specified.	Not Applicable	\$ 4,750	\$ 3,800
Transfer of Existing Approval <sup>7</sup>		\$ 1,900	\$ 1,520

<sup>1</sup> The amount of the fee for a modification of an approved project involving a request for an additional quantity of water shall not be less than the difference between the amount of the fee that was paid on the total quantity of water requested in an initial application, and the fee for the total quantity of water (existing quantity + requested increase quantity) stipulated in the Application Fee Table.

<sup>2</sup> When the requested modification for any category of project listed does not include a request to modify quantities, the lowest fee for the applicable project category shall apply.

<sup>3</sup> A separate application and fee are required for each new water source added to a company source list as defined under Commission Regulation found in 18 CFR §806.22(f).

<sup>4</sup> A separate application fee is required for each withdrawal location.

<sup>5</sup> 1 mgd increment includes any amount from 1 gallon to the next mgd.

<sup>6</sup> Except as provided in No. 9 on page 2, the maximum project fee for this category will be \$266,100.

<sup>7</sup> The fee for transfers as defined under Commission Regulation found in 18 CFR §806.6 which occur simultaneously as part of a single transaction will be reduced by 50% when the number of transfers in the transaction equal 50 or more.

## ANNUAL COMPLIANCE AND MONITORING FEE TABLE<sup>1</sup>

Project Category	Standard Fee	Municipal Fee
Hydroelectric	\$10,000	\$10,000
Diversions and Consumptive Water Use Projects Not Paying the Consumptive Use Mitigation Fee	\$ 2,000	\$ 2,000
Consumptive Use	\$ 1,000 <sup>2</sup>	\$ 1,000 <sup>2</sup>
Groundwater	\$ 1,000 <sup>2</sup>	\$ 1,000 <sup>2</sup>
Surface Water	\$ 1,000 <sup>2</sup>	\$ 1,000 <sup>2</sup>
Approval by Rule	\$ 1,000	\$ 1,000

<sup>1</sup> Annual compliance and monitoring fees apply to each docket approval or Approval by Rule issued by the Commission on or after January 1, 2010, including modifications of approvals that require Commission action on or after that date. All fees on this table will be invoiced by the Commission on or after July 1 of each year. Fees will be prorated on the basis of a fiscal year commencing July 1. Fees are due and payable within 30 days from the date of invoice.

<sup>2</sup> In the case of a facility operating under multiple approvals (consumptive use, groundwater, or surface water), the maximum annual compliance and monitoring fee will be limited to \$5,000.

## CONSUMPTIVE USE MITIGATION FEE TABLE

Project Category	Standard Fee
Consumptive Use Mitigation Fee <sup>1</sup>	\$0.29 per 1,000 gallons consumed

<sup>1</sup> Consumptive use mitigation fees are paid by project sponsors electing to use such payments as their method of compliance with 18 CFR §806.22(b). Such fees are deposited in the Commission's Water Management Fund and shall be used for planning, engineering, design, and construction phases of new projects, or the reformulation of existing reservoirs, or any other project or study initiated by the Commission to address the cumulative impact of consumptive water use or otherwise to support low flow management in the Susquehanna River Basin, as provided for in the Commission's Water Management Fund Policy, Policy No. 95-02, as revised June 8, 2005.

## APPLICATION FEE WORKSHEET

**Project Sponsor:**

**Facility:**

**County:**

**Municipality:**

**State:**

Table <sup>1</sup>	Project Category <sup>2</sup>	Source Location <sup>3</sup>	Requested Quantity (gpd) <sup>4</sup>	Municipal Fee (Yes/No)	Fee from Table
<sup>1</sup> Application or modification. Use "A" for Application Fee Table and "M" for Modification Application Fee Table. <sup>2</sup> Consumptive Water Use, Approval by Rule, Withdrawal, Diversion, etc. <sup>3</sup> Name of withdrawal point (not applicable for Consumptive Water Use); e.g., Well 2A, Trout Creek, etc. <sup>4</sup> Requested amount of water in gallons per day (gpd) based on peak 24-hour period (maximum 30-day average for groundwater withdrawals).				<b>Amount Due</b>	
				<b>Amount Paid</b>	
				<b>Check Number</b>	

RESOLUTION NO. 2011-06

A RESOLUTION of the Susquehanna River Basin Commission (Commission) amending the *Comprehensive Plan for the Water Resources of the Susquehanna River Basin* (the “Comprehensive Plan”) by incorporating the Water Resources Program (FY 2012-2013), the Migratory Fish Management and Restoration Plan for the Susquehanna River Basin, and all water resources projects approved by the Commission since the last revision of the Comprehensive Plan.

WHEREAS, under Article 3, Section 3.3 (1) and Article 14, Section 14.1 of the Susquehanna River Basin Compact, Pub. L. 91-575, (Compact), the Commission is directed to “develop and adopt, and from time to time review and revise, a comprehensive plan for the immediate and long range development and use of the water resources of the basin;” and

WHEREAS, by Resolution 2008-08 of December 4, 2008, the Commission adopted a substantially revised Comprehensive Plan; and

WHEREAS, under Article 14, Section 14.2 of the Compact, the Commission also adopts an annual Water Resources Program based upon the Comprehensive Plan, which consists of the projects and facilities that the Commission proposes to be undertaken by the Commission and its member jurisdictions over the ensuing six-year time period or such other reasonably foreseeable period as the Commission may determine; and

WHEREAS, Resolve No. 2 of the said Resolution 2008-08 stipulates that the annual Water Resources Program prepared by the Commission shall hereinafter implement and be based upon the Comprehensive Plan, and shall be incorporated into the plan annually; and

WHEREAS, the Commission has this day adopted a Water Resources Program (FY 2012-2013); and

WHEREAS, Resolve No. 4b of the said Resolution 2008-08 provides for the incorporation of approved water resources projects and certain plans adopted by the Commission into the comprehensive plan annually; and

WHEREAS, by Resolution No. 2011-02, the Commission adopted a “Migratory Fish Management and Restoration Plan for the Susquehanna River Basin” and indicated that such plan shall be considered for incorporation into the comprehensive plan by separate action of the Commission; and

WHEREAS, a public hearing has been held this day in accordance with the requirements of Article 14, Section 14.1 of the Compact.

NOW THEREFORE BE IT RESOLVED THAT:

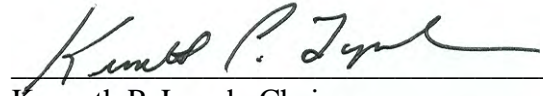
1. The Commission hereby incorporates the Water Resources Program (FY 2012-2013) and the Migratory Fish Management and Restoration Plan for the Susquehanna River Basin into the Comprehensive Plan.

2. The Commission also incorporates all water resources projects approved by the Commission since the last revision of the Comprehensive Plan.

3. Staff is directed to file copies of these 2011 amendments to the Comprehensive Plan with the Federal Energy Regulatory Commission pursuant to Section 10 (a) of the Federal Power Act, 16 U.S.C. Section 803(a).

4. This resolution shall be effective immediately.

Dated: June 23, 2011

  
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Kenneth P. Lynch, Chairman  
New York



RESOLUTION NO. 2011-07

A RESOLUTION by the Susquehanna River Basin Commission to adopt a proposed budget for the fiscal year beginning July 1, 2012, and ending June 30, 2013, and to apportion among the Commission's member jurisdictions a proposed amount required for the support of the budget.

Whereas, pursuant to Section 14.3 of the Susquehanna River Basin Compact (the "Compact"), the Commission desires to adopt a budget for the fiscal year beginning July 1, 2012.

NOW THEREFORE BE IT RESOLVED THAT:

1. A proposed budget for the fiscal year beginning July 1, 2012, for expenditures from the General Fund and the Water Resources Management Fund, in the amount of \$12.4 million, is hereby approved and adopted for submission to the member jurisdictions for their review and approval.

2. Pursuant to Section 14.3 of the Compact, there is hereby requested from each member jurisdiction the following apportioned amounts that are required, together with other funds as may be available to the Commission, for the support of the budget, as proposed, for the fiscal year beginning July 1, 2012.

<u>Member Jurisdictions</u>	<u>Apportionment</u>
New York	\$ 372,000
Pennsylvania	\$ 660,000
Maryland	\$ 400,000
United States	\$1,000,000

3. In accordance with the Compact, Section 14.3(c), the respective member jurisdictions agree to include the apportioned amounts set forth in Paragraph 2 in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. All requested contributions are expressly subject to the executive branch prerogatives of each member jurisdiction in formulating annual budgets, and this Commission Resolution is not intended to be an endorsement of any appropriation request to the extent that it is inconsistent with such executive branch priorities or policies.


4. The Executive Director is authorized and directed to transmit certified copies of the proposed budget to the principal budget officers of the respective member jurisdictions together with a certified statement of the amount hereby apportioned to each member jurisdiction in accordance with the requirement of the Compact.

5. To the extent that actual revenues received are less than amounts stipulated in this budget, and are insufficient to cover actual expenditures incurred, the Executive Director is

authorized to transfer such amounts as are necessary from the Fiscal Stabilization and Reserve Fund to the General Fund to cover such revenue shortfall.

6. This Resolution shall take effect immediately.

Dated: June 23, 2011

  
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Kenneth P. Lynch, Chairman  
New York

RESOLUTION NO. 2011-08

A RESOLUTION of the Susquehanna River Basin Commission (Commission) urging the U.S. Congress to appropriate an additional \$7.3 million in Fiscal Year (FY) 2012 funding to the National Streamflow Information Program, and for the federal executive branch to support this increase.

WHEREAS, concern by Congress for the long-term continuity and reliability of our national streamgaging data led to creation of the National Streamflow Information Program (NSIP) by the U.S. Geologic Survey (USGS) in 1999; and

WHEREAS, NSIP was designed and authorized to operate as a federally funded “backbone” network supporting approximately 4,750 streamgages and tidal gages necessary to fulfill five specific national purposes including streamflow forecasts that provide real-time stage and discharge data that are required to support flood and other streamflow forecasting by the National Weather Service and other federal agencies across the country; and

WHEREAS, Public Law 111-11 known as "Omnibus Public Land Management Act of 2009" authorizes full implementation of NSIP by March 2019; and

WHEREAS, 45 streamgages in the Susquehanna Flood Forecast and Warning System (SFFWS) have been designated as eligible for NSIP support; and

WHEREAS, these streamgages are crucial to early warning and flood damage reduction efforts in the Susquehanna River Basin, one of the most flood prone river basins in the United States; and

WHEREAS, the USGS is projecting a FY 2012 budgetary shortfall of nearly \$300,000 in SFFWS operation and maintenance funding (O & M) for NSIP eligible streamgages in the SFFWS; and

WHEREAS, this SFFWS shortfall is linked to a shortfall in the total amount of FY 2012 funding provided to NSIP by Congress, which is allocated to NSIP eligible streamgages across the nation; and

WHEREAS, a \$7.3 million increase in NSIP’s overall FY 2012 budget will allow a proportionate increase in funding to NSIP eligible gages in the SFFWS that is intended to result in complete or partial coverage of the projected \$300,000 shortfall in O & M funding for those SFFWS streamgages.

NOW THEREFORE BE IT RESOLVED THAT:


1. The Commission hereby urges the U.S. Congress to appropriate an additional \$7.3 million in FY 2012 funding to NSIP.

2. The Commission further urges that the federal executive branch support this increase in NSIP FY 2012 funding.

3. Copies of this resolution shall be provided to the President of the United States; the Director of the Office of Management and Budget; all member jurisdiction Members of Congress; the Administrator of NOAA; the Director of USGS; the Assistant Secretary of the Army for Civil Works; the Commander, U.S. Army Corps of Engineers North Atlantic Division; the District Engineer, U.S. Army Corps of Engineers Baltimore District; the secretaries of the Pennsylvania Department of Environmental Protection and the Maryland Department of the Environment; the Commissioner of the New York State Department of Environmental Conservation; the directors of the New York, Pennsylvania, and Maryland emergency management agencies; and the directors of all county emergency management agencies in the Susquehanna River Basin.

4. This resolution shall be effective immediately.

Dated: June 23, 2011

  
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Kenneth P. Lynch, Chairman  
New York