

## GP-04 INTO BASIN DIVERSION OF WATER FACT SHEET

### Purpose

The purpose of this fact sheet is to define a General Permit (GP-04) and explain the scope, conditions, and administrative processes associated with obtaining coverage.

In compliance with the provisions of the Susquehanna River Basin Compact, and its regulations at 18 C.F.R. § 806.17, the Susquehanna River Basin Commission (Commission) has approved the diversion of water into the basin under 18 CFR § 806.4(a)(3) under GP-04.

### What is a General Permit?

A General Permit is a permit issued by the Commission in lieu of an individual approval for a specific category of projects the Commission regulates. A General Permit covers a type of activity that can operate under the same general conditions and will result in minimal adverse impacts to the water resources of the Susquehanna River Basin.

The General Permit process has several benefits for the regulated community:

- Established criteria for qualification to operate under the General Permit.
- Established conditions of operation under the General Permit.
- Streamlined application and review process, resulting in quicker permit decisions.
- Lower application fees.

### Scope of General Permit (GP-04)

The Commission requires review and approval of into basin diversions of water under 18 CFR § 806.4(a)(3) prior to the commencement of the diversion. The regulation provides that the into basin diversions “of any amount” trigger Commission review and approval, unless otherwise exempted under § 806.4(a)(3)(v)(vii) or (ix). The Commission established standards for the review of into basin diversions at 18 CFR § 806.24(c). Evaluation if a project can meet these standards, can be effectively accomplished with a Notice of Intent under a general permit and are focused on the source of the water, its quality, and a demonstration that the appropriate member jurisdiction permit(s) are obtained for any discharge to the waters of the Basin. Into basin diversions also lend themselves to regulation through uniform permit conditions, making them eligible for this process. The following activities are within the scope of GP-04:

1. A new diversion of water into the Basin in any amount.

2. An existing into basin diversion eligible for renewal or modification of an existing docket.
3. An existing into basin diversion with a grandfathering registration that will increase in quantity by any amount or undergo a change in ownership.

### **Administrative Process**

Eligible project sponsors may request permission to operate under GP-04 by filing a Notice of Intent (NOI) to the Commission. The NOI is a short application form that the project sponsor fills out with basic project information, and can be found on the Commission's website. The Commission will publish receipt of every NOI on its website. There is a 30-day public comment period for every NOI published on the Commission's website.

Commission staff reviews the NOI for completeness. Upon close of the public comment period and after review of comments received, the Executive Director of the Commission determines if an Approval of Coverage to operate under GP-04 may be issued to the project sponsor. Notice of approval or denial of coverage will be published in the Federal Register.

### **Fee**

The NOI fee for coverage under GP-04 is \$5,000 for non-municipal projects and \$4,000 for municipal projects, which is set by the authority granted in § 806.17(c)(5). This fee may change with annual updates to the Commission's Regulatory Program Fee Schedule.

### **Term**

GP-04 has a term of 15 years, in keeping with Commission regulations at 18 C.F.R. § 806.31 *Terms of Approvals* where projects generally have a term of 15 years. GP-04 is effective April 1, 2025 and the term ends on March 31, 2040.

### **Activities Not Approved by GP-04**

The following activities are **examples** of projects that are **not approved** under GP-04:

1. Required individual permit for diversions of water out of the basin.
2. Exempt projects for diversions of water contained in 18 C.F.R. §§ 806.4(a)(3)(v),(vii), or (ix).
3. Any project that otherwise does not require a discharge permit from a state jurisdiction that results in water quality degradation that may be injurious to any existing or potential ground or surface water use in the basin.

## Conditions

GP-04 contains General Conditions for diversion of water into the Basin. The conditions are outlined in GP-04, and **examples** of those conditions are:

- The project sponsor shall adhere to the metering plan submitted with the NOI under 18 C.F.R. § 806.30.
- The project sponsor must keep daily records of the water diverted into the Basin and report that to the Commission each quarter.
- To protect the water quality of the Basin, the project sponsor must obtain and maintain all necessary permits from federal, state and local government agencies, including any requirements as dictated by the Clean Water and Safe Drinking Water Acts and equivalent state laws regarding discharges to a surface water body or groundwater.
- If the water is sourced where invasive species are present, the project sponsor shall develop and adhere to an invasive species management plan approved by Commission staff.

GP-04 contains a **Special Condition** for diversion of water into the Basin for use in unconventional natural gas development projects or hydrostatic testing as follows:

- In consideration of the source water quality, and where water quality sample data indicate that source water may be injurious to any existing or potential ground or surface water use in the basin, all water diverted into the Susquehanna River Basin under this General Permit shall be stored in tanks or lined impoundments, and used downhole only for hydrocarbon development or hydrostatic testing. Water used for hydrostatic testing shall not be discharged and must either be returned to storage, used for downhole uses, or treated at a permitted water disposal or recycling facility. The water shall not be utilized for any purposes incidental to these uses.