

General Permit GP-04
INTO BASIN DIVERSION OF WATER

1. **GENERAL DESCRIPTION AND AUTHORITY** – The Susquehanna River Basin Commission (Commission) hereby approves by General Permit, subject to the terms and criteria set forth below, the diversion of water into the basin. This approval is pursuant to Article 3.10 of the Susquehanna River Basin Compact (Compact) and the rules and regulations promulgated thereunder at 18 C.F.R. §§ 806.4(a)(3) and 806.17. The General Permit is subject to the terms and conditions set forth below.
2. **DENIAL OF APPROVAL** – The Commission or Executive Director shall have the discretion, on a case-by-case basis, to deny, revoke, or suspend the approval to use this General Permit for any project determined to not meet or no longer meet the criteria for coverage under the General Permit or to have violated the terms and conditions of this General Permit, provided false or incomplete information on the Notice of Intent (NOI) seeking coverage under the General Permit, or for any reason enumerated in 18 C.F.R. § 806.17(d).
3. **DEFINITIONS** – The following terms as used in this General Permit shall have the following meanings:

Basin. The area of drainage of the Susquehanna River and its tributaries into the Chesapeake Bay to the southern edge of the Pennsylvania Railroad Bridge between Havre de Grace and Perryville, Maryland.

Commission. The Susquehanna River Basin Commission, as established in Article 2 of the Compact, including its commissioners, officers, employees, or duly appointed agents or representatives.

Diversion. As used in this General Permit, the transfer of water into the basin.

Project sponsor. Any person who owns, operates, or proposes to undertake a project. The singular shall include the plural.

Unconventional Natural Gas Development Project. A hydrocarbon development project undertaken for the purpose of extraction of gaseous hydrocarbons from low permeability geologic formations utilizing enhanced drilling, stimulation, or recovery techniques.
4. **SCOPE** – The scope of this General Permit is limited to diversions of water into the basin from a source outside of the basin:

- a. A new diversion of water into the basin in any amount.
 - b. An existing into basin diversion eligible for renewal or modification of an existing docket.
 - c. An existing into basin diversion that has a grandfathering registration that will increase in quantity by any amount or undergo a change in ownership.
5. **WHERE GENERAL PERMIT DOES NOT APPLY** – This General Permit does not apply and is not valid for the following circumstances:
 - a. Required individual permit for diversions of water out of the basin.
 - b. Exempt projects for diversions of water contained in 18 C.F.R. §§ 806.4(a)(3)(v), (vii), or (ix).
 - c. 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.
6. **EFFECTIVE TIME PERIOD** – This General Permit shall expire on March 31, 2040.
7. **GENERAL CONDITIONS** – The following general conditions apply to all activities approved by this General Permit:
 - a. The project sponsor shall comply with all Commission regulations, 18 C.F.R. Parts 801, 806, and 808. This project is subject to the Annual Compliance and Monitoring fee as specified in the Commission’s Regulatory Program Fee Schedule, which may be modified over the term of the approval.
 - b. The project sponsor shall adhere to the metering plan submitted with the NOI and must conform to 18 C.F.R. § 806.30. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with 18 C.F.R. § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.
 - c. The project sponsor shall maintain the totalizing meter and other flow and volume measuring devices, accurate to within five (5) percent, so as to provide an accurate record of diversions, 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. Certification of meter accuracy shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.
 - d. 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, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. All data

collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

- e. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under 18 C.F.R. § 808.12.
- f. In accordance with 18 C.F.R. § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of all approvals to the Commission within ninety (90) days of the change in ownership or project sponsor name change.
- g. In accordance with 18 C.F.R. § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this General Permit within five (5) days of such violation or report loss of measuring or recording capabilities required under 18 C.F.R. § 806.30(a)(1) within five (5) days after any such loss.
- h. The project sponsor shall maintain legal access to the necessary withdrawal and diversion project locations for the duration of the approval.
- i. The project sponsor shall register with the appropriate agency all sources, as may be required by regulations of the member jurisdiction.
- j. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this General Permit, the project sponsor is subject to enforcement actions pursuant to 18 C.F.R. Part 808.
- k. This General Permit shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the diversion of water. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.
- l. The Commission may at any time reopen any General Permit or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment pursuant to 18 C.F.R. § 806.32.
- m. The General Permit 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.

- n. The Executive Director can deny or revoke coverage under a General Permit if the project or project sponsor does not or can no longer meet the criteria for coverage under a General Permit; if the withdrawal individually or in combination with other similar Commission-regulated activities is causing or has the potential to cause adverse impacts to water resources or competing water users; the project does not comport with 18 C.F.R. § 806.21(a) or (b); the project includes other diversions, withdrawals, or consumptive uses that require an individual approval, and the issuance of both an individual approval and a General Permit for the project would constitute an undue administrative burden on the Commission; or the Executive Director determines that a project cannot be effectively regulated under a General Permit and is more effectively regulated under an individual approval.
- o. This project is approved for inclusion in the Commission's Comprehensive Plan for the Water Resources of the Susquehanna River Basin.
- p. The project sponsor is required to apply for and obtain approval prior to any increase in the diversion that would exceed the amounts listed in the Approval of Coverage.
- q. The water shall only be used for the purpose memorialized in the Approval of Coverage. To change an authorized water use, the project sponsor must file an application for minor modification of the Approval of Coverage under 18 C.F.R. § 806.18(c)(4).
- r. 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.

Special Conditions Related to Into Basin Diversions for Use in an Unconventional Natural Gas Development Project or Hydrostatic Testing

- s. 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.
- t. The project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered or received approval pursuant to 18 C.F.R. § 806.22(f), as applicable.