

PUBLIC NOTICE INSTRUCTIONS

October 1, 2021

The purpose of the public notice requirements in 18 CFR § 806.15 is to ensure effective opportunity for public comment during the review phase of applications submitted to the Susquehanna River Basin Commission's (Commission's or SRBC's) regulatory program. Additional public notice is provided by the Commission through publication of notice in the Federal Register and state bulletins prior to public hearings and business meetings.

These instructions have been prepared to align with current regulations, to aid projects in complying with the Public Utility Confidential Security Information Disclosure Protection Act while completing notices, and to provide guidance to the regulated community. These instructions and samples are for use by project sponsors to ensure that the notices contain sufficient detail to adequately inform the recipients of the project scope and meet the requirements of the Commission. The project sponsor may need to provide more or less detail, as appropriate, to adequately describe the project's water use(s).

A. Who must the project sponsor notice? This section provides commonly required recipients for notices, if listed in Table 1 below.

1. **State Agency** – The appropriate agency of the member state. For most applications, the Regional Director or Regional Permit Administrator at the regional office of the State's environmental regulatory agency in which the project is located.
 - a) Pennsylvania projects:
 - 1) Gas (hydrocarbon development projects): Pennsylvania Department of Environmental Protection (PADEP) Environmental Program Manager, Bureau of Oil and Gas Management.
 - 2) Non-gas: PADEP Regional Director or Environmental Program Manager, Safe Drinking Water Program.
 - b) New York projects:
 - 1) Non-public water supply (PWS): New York State Department of Environmental Conservation (NYSDEC) Regional Permit Administrator.
 - 2) PWS: NYSDEC, Regional Permit Administrator, and either New York State Department of Health (NYSDOH) Regional Director or County's Director of Health Department.
 - c) Maryland projects: Maryland Department of the Environment (MDE) Chief of Source Protection and Appropriations Division.
2. **Municipality** – Each municipality in which the project is located.
 - a) Municipal notices should be sent to the Board of Supervisors, Borough County, City Council, etc., as applicable.

- b) Municipal notice is not required if the municipality is the project sponsor.
- 3. **County** – Each county in which the project is located. Commission regulations for some projects require that the appropriate County agency and County officials also be notified.
 - a) **County officials** notice is typically accomplished by mailing a notice to the County Commissioners, County Board of Supervisors, or County Manager/Executive.
 - b) **County agency** notice is typically accomplished by notifying the County Planning Commission, County Planning Board/Department, or County agency having any jurisdiction over the project.
 - c) County and County agency notices are not required if the county is the project sponsor.
- 4. **Newspaper** – The general public, by publishing at least one notice in a newspaper of general circulation serving the area where the regulated activity is located or proposed to be located.
 - a) Newspaper notice must run for one-day circulation.
- 5. **Property Owner** – For this requirement, a property “owner” is the person who is listed on the tax assessment rolls as being responsible for the payment of real estate property taxes imposed on the property.
 - a) Notice should be sent to the mailing address on the tax rolls, as the owner may not reside at the property.
 - b) For groundwater withdrawal applications, except renewals without increases in quantity, the owner of any property that is located within a one-quarter (1/4) mile radius of the well.
 - 1) Specific to groundwater withdrawal applications, the Commission or Executive Director may allow notification of property owners through alternate methods.
 - c) For surface water withdrawal applications, except renewals without increases in quantity, the owner of any property that is riparian or littoral to the body of water from which the withdrawal will be taken and is within a one-half (1/2) mile radius of the withdrawal location, both upstream and downstream.
 - d) For Notice of Intent (NOIs) seeking Approval by Rule under 18 CFR § 806.22(f) (ABRf), the owner of the property where the drilling pad site is located.

B. Draft Notice

- 1. A draft notice is required to be submitted with most applications. For ABR(f)’s, Commission staff will review a draft notice upon request by the project sponsor.
 - a) Notices should not be issued until staff provides comments on the draft notice.
 - b) Please prepare the draft notice using the corresponding List of Sample Notices attachment (Samples A through I).
- 2. Commission staff will review the draft notice and provide comments, as needed, typically in 1 to 2 business days. This helps ensure that notices are completed correctly, and reduces the likelihood of the need for re-noticing the project.

Table 1: Required Public Notices

| Public Notice Required (where the project is located): | Application Type | | | | | | | | Delivery method, proof of delivery, and required enclosure: |
|--|------------------|----------------|----------------|-----------------|--------------------|----------------------|-----------------------------------|---------------------|---|
| | Surface Water | Groundwater | Diversion | Consumptive Use | Minor Modification | Approval by Rule (e) | Approval by Rule (f) ¹ | General Permit (GP) | |
| Municipality | X | X | X | X | X | X | X | X | <u>Method</u> : Certified U.S. mail or comparable delivery service. <u>Proof of delivery</u> : A copy of the verified return receipt. <u>Enclosure</u> : Site location map. |
| County | X | X | X | X | X | X | X | X | |
| Appropriate County Agencies | X | X | X | X | X | X | X | X | |
| State | X | X | X | X | X | X | X | X | |
| Property Owner where project (drilling pad) is located | - | - | - | - | - | - | X | - | <u>Method</u> : First-Class mail. <u>Proof of delivery</u> : Not required. <u>Enclosure</u> : Site location map. A site map is not required for public water supply sources due to location security. |
| Property Owners within One-Quarter (1/4) Mile | - | X ² | - | - | - | - | - | - | |
| Riparian or Littoral Property Owners within One-Half (1/2) Mile | X ² | - | - | - | - | - | - | - | |
| Newspaper | X | X | X ³ | X | - | - | - | - | <u>Method</u> : Publish in newspaper. <u>Proof of delivery</u> : A copy of the proof of publication, obtained from the newspaper. <u>Enclosure</u> : Not required. |
| Any additional notice identified in the General Permit (GP) | - | - | - | - | - | - | - | X | As specified in the GP. |
| "X" denotes required notice ¹ Approval by Rule (f) notification requirements are applicable to 18 CFR § 806.22(f) and § 806.22(f)(13). ² Only required for new projects, major modifications, and renewals requesting an increase in quantity. ³ Out-of-basin diversions also require publication in a newspaper (outside the basin where the project proposing to use the diverted water is located). Into-basin diversions also require publication in a newspaper (outside the basin where the withdrawal of water proposed for diversion is located). | | | | | | | | | |

C. What must the notice contain?

1. Sample notices are attached as Samples A through I. Except for the newspaper notice, the notice should be printed on the project sponsor's letterhead. To ensure that the notice contains sufficient detail to adequately inform the recipients of the project scope, the notice should contain the information identified in the samples with bold, underlined font.
2. The date on which the application was submitted should be provided in the first sentence, "Notice is hereby given that on **month day, year.**" This date should correspond with the date on which the application was submitted to the Commission.
3. Each government agency (State, County, County agency, and Municipality) letter should include a map showing the location of the regulated activity and a certified mail or comparable delivery service tracking number.
 - a) This map should be at a scale which sufficiency identifies the project area and the source(s)/consumptive use should be clearly identified.
4. Property owner notice letters should explain why notice is being issued, when applicable. See List of Sample Notices attachment below.
 - a) A site location map is not required for property notices for public water supply sources due to location security.

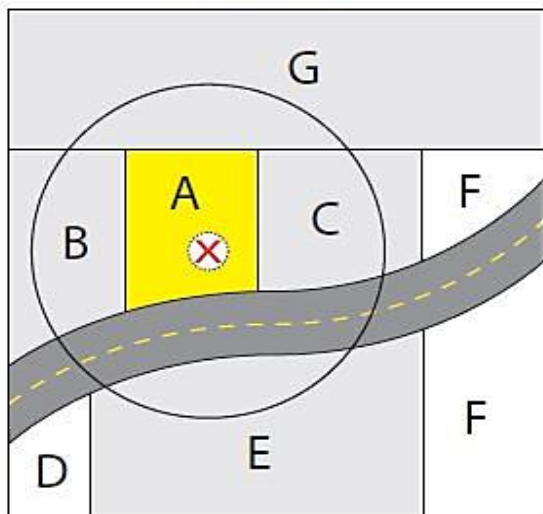
D. Determination of Property Owners – To determine which property owners should receive notice of withdrawal applications:

1. Obtain a parcel map (map) of the area around the project site.
 - a) A map is typically available from the County tax office, town clerk's office, or auditor's office or web page.
2. Locate the withdrawal location (well, intake, etc.) on the map.
3. Delineate the required radius from the withdrawal location regardless of all rights-of-way, roadways, waterways, easements, or railroads. Examples are provided on Figure 1 below.
4. For a groundwater withdrawal, identify each property owner within the radius. If data collected during the required aquifer test indicates that the influence of the withdrawal extends beyond a one-quarter (1/4) mile radius, the Commission has the authority to direct project sponsors to send notification to property owners in these extended areas.
5. For a surface water withdrawal, identify each property owner that is located within the one-half (1/2) mile radius from the intake location and that is riparian or littoral (adjacent) to the surface waterbody. This includes properties upstream or downstream, located on both streambanks.
6. Owners of properties partially within the radius should also receive notice.
7. Place each property owner identified above on a list that has been keyed to the map. The map should be scaled to clearly identify all parcels and may include multiple pages.

Figure 1: Examples of Common Project Settings

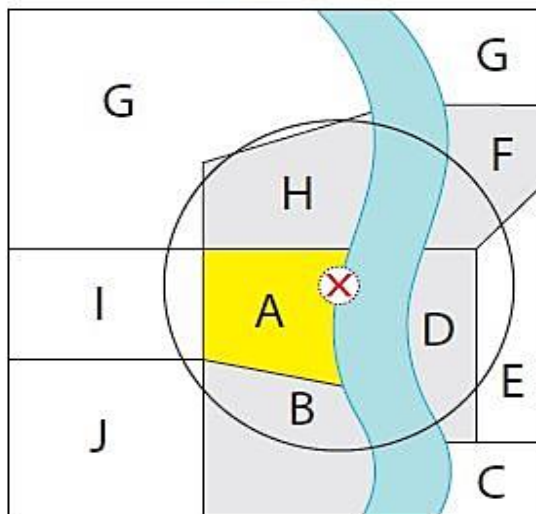
Sample Property Owner Maps

Groundwater Withdrawal



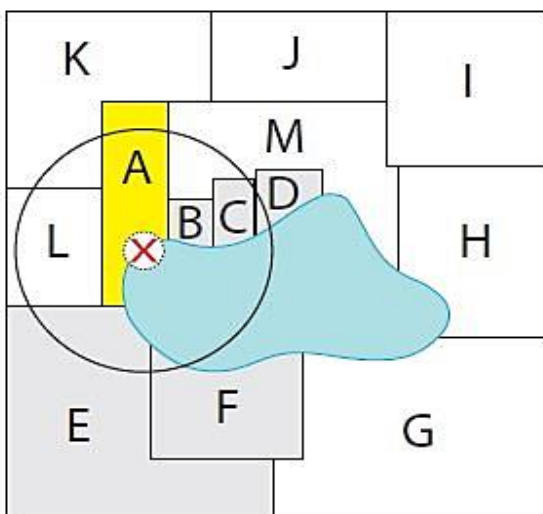
Property Owner: A
Notice: B, C, E, and G
Circle radius: 0.25 mile

Surface Water Withdrawal



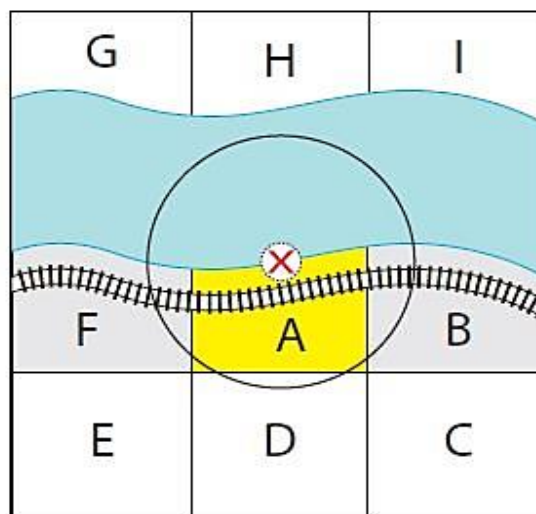
Property Owner: A
Notice: B, D, F, and H
Circle radius: 0.5 mile

Pond (Surface Water) Withdrawal



Property Owner: A
Notice: B, C, D, E, and F
Circle radius: 0.5 mile

Surface Water Withdrawal



Property Owner: A
Notice: B and F
Circle radius: 0.5 mile

LIST OF SAMPLE NOTICES

The below samples are available as a Microsoft Word document at:

<https://www.srbc.gov/regulatory/policies-guidance/docs/sample-public-notices.docx>

Please note, the samples below are provided for the most common application types. Notices for specific projects may need to be adjusted. The Commission encourages project sponsors to combine notices for multiple applications related to a single facility when possible. If you have any questions while preparing notices, please contact Commission staff.

Sample A Withdrawal Application

Sample B Consumptive Use Application

Sample C Withdrawal and Consumptive Use Applications

Sample D ABR(e) Notice of Intent

Sample E ABR(f) Notice of Intent

Sample F ABR(f) – Source 13 Application

Sample G Diversion Application

Sample H Minor Modification Application

Sample I General Permit Notice of Intent