



SUSQUEHANNA RIVER  
BASIN COMMISSION

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NY ■ PA ■ MD ■ USA

January 28, 2022

Ms. Rachel Stauffer  
Engineer 1, Environmental  
Highland Field Services, LLC  
51 Zents Boulevard  
Brookville, PA 15825

Re: Notice of Transfer of Approval;  
from Hydro Recovery-Antrim LP to Highland Field Services, LLC;  
Duncan Township, Tioga County, Pennsylvania;  
Commission Docket No. 20211205

Dear Ms. Stauffer:

The Susquehanna River Basin Commission (Commission) received a Request for Transfer of Approval (Commission Form #86) on December 21, 2021, for Commission Docket No. 20211205. This request indicated the change in ownership was effective September 30, 2021, from Hydro Recovery-Antrim LP to Highland Field Services, LLC (Highland). Upon review of the project and the submitted request for transfer, it was determined that the request is in compliance with the regulations and consistent with 18 CFR § 806.6(a). Therefore, the approval listed above is hereby transferred effective January 28, 2022.

A copy of the above-referenced approval is available on the Commission's Water Application and Approval Viewer (WAAV) at [www.srbc.net/waav](http://www.srbc.net/waav).

Please note that Highland may operate under the terms and conditions of the transferred approval not inconsistent with the conditions of this transfer, provided that:

1. Within 120 days from approval of this transfer request, Highland shall post updated signage that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The signage shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then Highland shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an

interested person would have unrestricted access to legibly view such sign. Highland shall submit photographs as proof of installation of the updated signage.

2. In accordance with the Commission's Regulatory Program Fee Schedule, the facility continues to be subject to the Annual Compliance and Monitoring fee (ACMF). The ACMF is contained in the Regulatory Program Fee Schedule, which may be modified over the term of the approval. The ACMF will be invoiced separately.

Outstanding post-approval items should be submitted electronically via the Monitoring Data Website (MDW). If you have any questions regarding the submittal of post-approval conditions, please feel free to contact Steve McFeaters at (717) 238-0423, extension 1225, or via e-mail at [samcfeaters@srbc.net](mailto:samcfeaters@srbc.net).

Please be advised that, under 18 CFR § 808.11, you have a duty to comply with all provisions of the Susquehanna River Basin Compact (Compact), as well as the Commission's rules, regulations, orders, approvals, conditions of approval, and any other requirements of the Commission. It is your obligation to fulfill all conditions of this approval within the specified time limits and provide written notification to the Commission, as appropriate, and comply with all conditions set forth therein. Failure to meet any term or condition within the specified time may subject you to enforcement action and imposition of civil penalties pursuant to 18 CFR Part 808, Subpart B, and Section 15.17 of the Compact. Penalties range from \$50 to \$1,000 per day, per condition (which includes exceeding approved quantities), with every day being a separate offense.

Pursuant to 18 CFR § 808.2 relating to administrative appeals, any appeal to this action must be made to the Commission within 30 days of receipt of this notice. All appeals must be made in writing on the Commission's Notice of Appeal form and conform to the requirements of 18 CFR § 808.2. Pursuant to 18 CFR § 808.2(i), an appeal made under this section stays the commencement of the 90-day appeal period to Federal Court contained in Section 3.10(6) of the Compact.

Should you have any questions, please contact Todd Eaby, Manager of Project Review, at (717) 238-0423, extension 1234, or via e-mail at [teaby@srbc.net](mailto:teaby@srbc.net).

Sincerely,



Andrew D. Dehoff  
Executive Director

cc: Douglas Kepler – Highland Field Services, LLC  
Christopher Yeakel – PADEP-Williamsport, PA



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

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**Docket No. 20211205**

**Approval Date: December 17, 2021**

## **HYDRO RECOVERY-ANTRIM LP**

**Surface Water Withdrawal (Peak Day) of up to 1.872 mgd  
from Antrim No. 1 Mine Discharge and Backswitch Mine Discharge,  
and Consumptive Use (Peak Day) of up to 1.872  
from Antrim No. 1 Mine Discharge and Backswitch Mine Discharge**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of Commission Docket No. 20090902 that was approved September 10, 2009, modified September 20, 2010, as Commission Docket No. 20090902-1, and modified March 21, 2013, as Commission Docket No. 20090902-2. The project sponsor did not request, and Commission staff did not recommend, any changes to the project.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the Department of Conservation and Natural Resources (DCNR), and the Pennsylvania Fish and Boat Commission (PFBC) during review of this project.

### **Section 2. Project Information**

Information concerning the project sponsor, water use type, and location are set forth in the table below.

<b>Project Information</b>	
<b>Project Sponsor:</b>	Hydro Recovery-Antrim LP
<b>Approval Types:</b>	Surface Water Withdrawal and Consumptive Use
<b>Past Docket Nos.:</b>	20090902, 20090902-1, and 20090902-2
<b>Authorized Water Use Purpose:</b>	Blending of Flowback and Produced Fluids with Mine Drainage Water for use in Hydrocarbon Development and Related Incidental Uses

<b>Project Information (continued)</b>	
<b>Municipality:</b>	Duncan Township
<b>County:</b>	Tioga 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>Approved Sources:</b>	Antrim No. 1 Mine Discharge and Backswitch Mine Discharge	
<b>Subbasin:</b>	West Branch Susquehanna	
<b>Watershed Boundary Dataset (WBD):</b>	0205020504 (Babb Creek)	
<b>Withdrawal Location (degrees):</b>		
Antrim No. 1 Mine Discharge	Lat: 41.628611 N	Long: 77.284167 W
Backswitch Mine Discharge	Lat: 41.634167 N	Long: 77.294167 W
<b>Impairment:</b>	Abandoned Mine Drainage	
<b>Special Flow Protection Required:</b>	Yes	

### 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>	1.872 (Not to Exceed, When Available)
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	1,300 (Not to Exceed)
<b>Flow Protection Type:</b>	Passby*
<b>Flow Protection Rate (gpm):</b>	460
<b>Method for Monitoring Flow Protection:</b>	Monitor effluent weirs at the Antrim Treatment Plant discharge points with on-site real-time data logging equipment in accordance with Special Condition 20
mgd – million gallons per day gpm – gallons per minute * Passby based on Antrim Treatment Plant operational needs.	

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

### Section 5. Approved Consumptive Use Quantities and Limitations

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

Approved Consumptive Use Quantities and Limitations	
<b>Sources for Project Consumptive Use:</b>	1. Antrim No. 1 Mine Discharge 2. Backswitch Mine Discharge
<b>Peak Day Consumptive Use Amount (mgd):</b>	1.872 (Not to Exceed)
<b>Authorized Project Consumptive Uses:</b>	Blending of Flowback and Produced Fluids with Mine Drainage
<b>Consumptive Use Mitigation Type:</b>	Payment of Consumptive Use Mitigation Fee

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

### Section 6. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the Annual Compliance and Monitoring fee as specified in the Commission’s Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

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

4. The project sponsor shall adhere to the intake design reviewed and approved by Commission staff. Any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with 18 CFR § 806.21 and § 806.23 prior to undertaking such modification(s).

5. The project sponsor shall keep daily records of the project’s withdrawal and consumptive use and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the

preceding quarter. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor shall be submitted for review and approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

6. The project's consumptive use is subject to mitigation requirements, as per 18 CFR § 806.22(b). To satisfy the Commission's current mitigation requirements for consumptive use, the project sponsor shall make quarterly payments to the Commission at the rate specified in the effective Regulatory Program Fee Schedule, as modified from time to time by the Commission. Payments shall be made quarterly and shall be calculated by applying this rate to the total amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

7. Within sixty (60) days from notice of this approval, the project sponsor shall post an updated sign that meets Commission specifications and displays required project description information. Signage specifications can be found at the Commission's website ([www.srbc.net](http://www.srbc.net)), along with example sign templates for reference. The sign shall be maintained for the duration of the approval. Such sign shall be posted at the point of entry or access to the project facility from a public right-of-way. If there is any restriction to access at such point that would prevent an interested person from legibly viewing such sign, then the project sponsor shall post the sign at the nearest location to such point, along the route of ingress and egress to same, where an interested person would have unrestricted access to legibly view such sign. The project sponsor shall submit photographs as proof of installation of the updated sign.

8. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under 18 CFR § 808.12.

9. In accordance with 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

10. In accordance with 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of all approvals to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

11. The project sponsor shall comply with the water conservation requirements specified in 18 CFR § 806.25.

12. This approval is conditioned on the project sponsor maintaining legal access to the withdrawal location for the duration of the approval.

13. The project sponsor shall register with the appropriate agency all surface water sources described herein, as may be required by regulations of the member jurisdiction.

14. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to 18 CFR Part 808.

15. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

16. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to 18 CFR § 806.32.

17. 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.

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

19. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal or consumptive use that would exceed the amounts listed herein or to add a source used for consumptive use that is not listed in Section 5.

## **Section 7. Special Conditions**

20. Effective January 1, 2022, the project sponsor shall cease all withdrawals from the approved sources when discharges at the Antrim Treatment Plant, as measured by real-time data logging equipment at the on-site weirs as provided in the approved metering and monitoring plan, are less than the applicable flow protection threshold specified in Section 4, and shall not reinstate withdrawals until the discharges are equal to or exceed such flow protection threshold. Any modifications proposed for the flow monitoring shall be submitted for review and, if appropriate, approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

21. The project sponsor shall, on a daily basis, collect and record the discharges as measured by real-time data logging equipment at the on-site weirs specified in Section 4, 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. The project sponsor may propose alternative flow monitoring to the Commission for staff review and, if appropriate, approval.

22. The date of the last meter certification was June 5, 2018; therefore, the next meter certification is due no later than June 5, 2023. 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.

23. Prior to supplying water for any use not authorized pursuant to Sections 2 or 5 of this approval, the project sponsor shall first submit a request for minor modification under 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

24. As specified in Condition 6, the project’s consumptive use is subject to mitigation requirements. The project’s withdrawals and consumptive use are directly from abandoned mine discharge locations. Payment of the consumptive use mitigation fee shall be controlled by the draft policy “Fee Incentives for the Withdrawal and Consumptive Use of AMD Impacted Waters & Treated Wastewater” should it be adopted, or any subsequent related policy, if applicable.

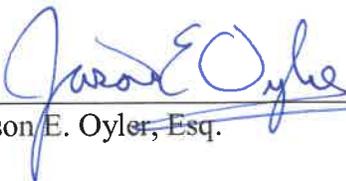
**Section 8. Term**

25. This approval shall be effective January 1, 2022, and shall remain effective until December 31, 2036. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before June 30, 2036, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

26. Commission Docket Nos. 20090902, 20090902-1, and 20090902-2 shall remain effective through December 31, 2021, whereupon they shall expire.

**CERTIFICATION:** I, Jason E. Oyler, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on December 17, 2021.

Dated: December 20, 2021

  
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Jason E. Oyler, Esq.