

DOCKET NO. D-1994-047 CP-2

DELAWARE RIVER BASIN COMMISSION

Special Protection Waters

**Nesquehoning Borough Authority
Groundwater and Surface Water Withdrawal
Nesquehoning Borough, Carbon County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Nesquehoning Borough Authority (NBA or docket holder) to the Delaware River Basin Commission (DRBC or Commission) on November 4, 2013 for renewal of an allocation of groundwater and surface water and review of a groundwater and surface water withdrawal project (Application). The project wells were reviewed under the Pennsylvania Safe Drinking Water Act for public water supply and the construction permits were approved by the Pennsylvania Department of Environmental Protection (PADEP) on February 21, 1995 and January 25, 1995, (Permits Nos. 1394501 and 1393502-T-1), subject to approval by the DRBC. PADEP issued Water Allocation Permit No. WA 13-627B for the project surface water withdrawal on October 30, 1998.

The Application was reviewed for continued inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Carbon County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on December 9, 2014.

A. DESCRIPTION

1. **Purpose.** The purpose of this project is to renew the approval to withdraw up to 22.3 million gallons per month (mgm) of groundwater from existing wells Nos. 1, 2, 3, 4 and 5 for use in the docket holder's existing public water supply distribution system and to approve an allocation of up to 1.2 million gallons per day (mgd) of surface water, based on a 30-day average, when available from the docket holder's existing Fourth Hollow Reservoir on Broad Run for industrial use at the Panther Creek Energy Facility. The groundwater allocation approved by this docket is not an increase to the allocation previously approved in DRBC Docket No. D-94-47 CP. The surface water withdrawal project was approved by the Commission (DRBC Docket No. D-69-2) on February 26, 1969; however the water supply is no longer used by NBA for public water supply purposes and a surface water allocation was not specified in the docket approval.

2. **Location.** The project wells, which are completed in the Mauch Chunk Formation and the surface water supply are located in the Nesquehoning Creek Watershed in Nesquehoning Borough, Carbon County, Pennsylvania. Nesquehoning Creek near the project site is designated by the PADEP as supporting Cold Water Fishes and Migratory Fishes (CWF, MF). The surface water withdrawal is from the Fourth Hollow Reservoir located on Broad Run, a tributary to Nesquehoning Creek. Broad Run is classified by the PADEP as Exceptional Value Waters (EV). The groundwater and surface water sources are located within the drainage area of the Lower Delaware, which is designated as Special Protection Waters.

Specific location information has been withheld for security reasons.

3. **Area Served.** The NBA public water system serves potable water to the more densely populated areas of Nesquehoning Borough, New Columbus, Hauto Valley Estates and the Green Acres West Industrial park within the area delineated on a map entitled “Location Map and Service Area Map” submitted with the Application. NBA supplies surface water from its Fourth Hollow Reservoir for industrial cooling and processes at the Panther Creek Energy Facility, exclusively. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical features.**

a. **Design criteria.** NBA’s five well groundwater system currently serves water to approximately 2,850 persons on 1,341 domestic service connections, 58 commercial service connections and 12 industrial service connections and records an existing average and maximum water demand of 0.283 million gallons per day (mgd) and 0.481 mgd, respectively. The docket holder projects the 10-year average and maximum water demand to increase to 0.523 mgd and 1.114 mgd, respectively. The docket holder indicated that the continued total groundwater allocation of 22.3 mgm should be sufficient to meet the future monthly potable demands within the NBA service area.

NBA also supplies up to 1.2 mgd (based on a 30-day average) of unfiltered surface water, when available, from its Fourth Hollow Reservoir on Broad Run for industrial use at the Panther Creek Energy Facility. The subsidiary allocation approval was most recently renewed by the Commission in DRBC Docket No. D-1987-066-6 issued to Panther Creek Power Operating, LLC on September 12, 2012. Previously, NBA had utilized the reservoir for its domestic water supply source, but has replaced the surface water supply with the groundwater wells described in this docket. The Fourth Hollow Reservoir surface water supply project was approved by the Commission on February 26, 1969 (DRBC Docket No. D-69-2 CP).

The Fourth Hollow reservoir has a surface area of 6 acres and impounds approximately 80 acre-feet of water (26 million gallons) and controls a drainage area of 1.7 square miles. Modeling conducted by Panther Creek indicated that the 10-year frequency net safe yield of the reservoir was 0.6 mgd. The Fourth Hollow Reservoir is connected to the Panther Creek Energy Facility’s 14-inch diameter force main with approximately 1,000 linear feet of 10-inch diameter iron pipe. The connection is made in a pre-cast concrete valve pit and includes isolation/shutoff valves and back-flow check valves on both the 10-inch diameter pipe from the reservoir and a

14-inch diameter pipe from the facility's alternate water supply (the Lausanne Tunnel mine pool overflow) to enable use of either supply as required by operating conditions. The flow from the reservoir can be shut off so that the water supply from the Lausanne Tunnel mine pool overflow can be utilized when water from the Fourth Hollow Reservoir is not available.

NBA was issued a permit for withdrawal from Fourth Hollow Reservoir by the Pennsylvania Department of Health (Permit No. 1368501) in 1969; a reallocation Permit No. WA13-627B was issued by the Pennsylvania Department of Environmental Protection (PADEP) on October 30, 1998 which includes provision for a new operation plan for releases from the reservoir to maximize its use for both the Panther Creek Energy Facility project and fisheries. By letter of November 1, 1999, the Pennsylvania Fish & Boat Commission (PFBC) accepted the proposed plan.

PADEP Water Allocation Permit No. WA 13-627B allows NBA to withdrawal up to 1.2 mgd of water, based on a 30-day average, as a seasonal taking, when available, from the Fourth Hollow Reservoir for use only at the PCEF. The withdrawal of water may only occur when reservoir water levels at the dam are above an elevation of 1,213.5 feet above mean sea level (MSL) which is equal to 4.0 feet below the spillway. This level corresponds to 20 million gallons of storage which is 77 percent of the total reservoir capacity. When the water level reaches an elevation of 1,213.5 feet above MSL, NBA discontinues the supply of water to Panther Creek Energy Facility. As described in the Findings section of this docket, NBA is required to provide conservation releases from its Fourth Hollow Reservoir.

b. Facilities. The existing project wells and surface water source have the following characteristics:

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
1	501'	103' / 8"	125 gpm	1993
2	425'	118' / 8"	250 gpm	1992
3	300'	128' / 8"	200 gpm	1992
4	497'	65' / 10"	125 gpm	1993
5	497'	70' / 10"	125 gpm	1993

INTAKE NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY	7Q10 FLOW AT INTAKE (CFS)	YEAR CONSTRUCTED
Broad Run	Fourth Hollow Reservoir / Broad Run	Gravity fed 3,085 gpm	0.17 ⁽¹⁾	1975

⁽¹⁾ Low flow statistic from USGS StreamStats.

All water service connections are metered.

All wells and the Broad Run intake are metered.

Prior to entering the distribution system, groundwater is treated for corrosion control and chlorinated. Surface water from Broad Run is not treated, but only used for industrial purposes at the Panther Creek Energy facility

The project wells are outside the 100-year flood plain.

The water system is not interconnected with any other water distribution system.

c. **Other.** Wastewater is conveyed to the Borough of Nesquehoning sewage treatment facility most recently approved by DRBC Docket No. D-1990-107 C-2 on September 12, 2013. The PADEP issued its most recent NPDES Permit No. PA0062243 on December 3, 2012 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the existing project.

d. **Cost.** There are no costs associated with this renewal project.

e. **Relationship to the Comprehensive Plan.** The Fourth Hollow Reservoir surface water supply project was previously included in the Comprehensive Plan by the Commission in Docket No. D-69-2 CP, approved on February 26, 1969. NBA's five groundwater wells were previously included in the Comprehensive Plan by the Commission in Docket No. D-94-47 CP, approved on March 9, 1999. Issuance of this docket will continue approval of the docket holder's surface water and groundwater sources in the Comprehensive Plan.

B. FINDINGS

Special Protection Waters

In 1992, the DRBC adopted Special Protection Waters requirements, as part of the DRBC *Water Quality Regulations* (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap were classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations* that provide increased protection for waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for Special Protection Waters designation and clarity on definitions and terms were updated for the entire program.

Article 3.10.3A.2.e.1). and 2). of the *Water Quality Regulations, Administrative Manual - Part III*, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source

Pollution Control Plan that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of Special Protection Waters. The wells and surface water intake providing water supply to the NBA public water system are located within in the drainage area to the Special Protection Waters. Since this project does not entail additional construction and expansion of facilities or service areas (i.e., there are not any new or increased non-point source loads associated with this approval), the non-point source pollution control plan requirement is not applicable at this time. Accordingly, Special Condition II.aa. has been included in the Decision section of this docket.

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

This project consists of an existing withdrawal of groundwater from Well Nos. 1, 2, 3, 4 and 5 and an existing withdrawal of surface water from the Fourth Hollow Reservoir. The docket holder has requested to retain the previous total system groundwater allocation. The surface water allocation provided by this docket is identical to the rate approved by the PADEP in its Water Allocation Permit. The instantaneous allocations for the existing wells are based on the pump tested rates and PADEP permitted yields. Combined well allocations for Wells Nos. 1, 4 and 5 and Wells Nos. 2 and 3 were additionally limited to account for the PADEP maximum permitted rates as approved in the PADEP 4-log permits. The allocations are provided in Condition II.d. in the Decision Section of this docket. As the existing water withdrawals have already been realized by the local hydrologic system, and the total groundwater allocation approved by this docket is approximately 40 percent less than the total pump tested rate, there should be no significant impacts from continued withdrawals from the existing system wells.

Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the Water Code states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance (Section 2.1.8.C). Water audits shall be submitted annually to the Commission by March 31 (Condition II.m. in the Decision section of this docket). The NBA submitted their most recent Water Audit on March 21, 2014.

The DRBC estimates that the project groundwater withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 percent of the total water use. The project surface water withdrawals, used solely for industrial cooling and processes at the Panther Creek Energy facility, result in a consumptive use of 100 percent of the total surface water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

Drought Management and Contingency Plan (DMCPs)

Section 2.3.5.1 C. of the Commission's *Rules of Practice and Procedure (RPP)*, requires industrial and commercial water withdrawals in excess of one million gallons per day to develop

a contingency plan including emergency conservation measures to be instituted in the event of a Commission declared drought or other water shortage. Resolution No. 83-14 amended the Commission's *Water Code* (Section 2.1.4) to include the conservation goal of a 15 percent reduction in depletive use during drought conditions. Hereafter referred to as drought management and contingency plans (DMCPs), DMCPs must contain the following: source of water supply; the average daily and monthly peak water withdrawal; average daily and peak monthly consumptive use (difference between quantity withdrawn and quantity returned to the ground or surface waters of the basin); description of recycling and conservation measures; point of discharge (where water is returned or discharged); types of products produced; normal employment levels (numbers); and estimated employment (numbers) and economic impact for curtailment of water usage for the following levels of curtailment: 10%; 25%; 35%; 50% and 100%.

The withdrawals from Fourth Hollow Reservoir are used solely by the Panther Creek Energy Facility. As required by DRBC Docket No. D-1987-066-6, Panther Creek submitted a DMCP to the Commission. The Executive Director approved the Panther Creek Energy Facility DMCP on May 29, 2013.

Reservoir Operations and Conservation Release Requirements

PADEP Water Allocation Permit No. WA 13-627B, Modification Order No. 2, includes a condition that requires NBA to provide conservation releases from the Fourth Hollow Reservoir. When the reservoir is between capacity and 4.0 feet below the spillway a conservation release of 0.1685 mgd (0.249 cfs) must be maintained at all times in Broad Run below the spillway. When the water level in the reservoir reaches 4.0 feet below the spillway (elevation of 1,213.5 feet above MSL), the withdrawal ceases and the conservation release flow is increased to 0.600 mgd (0.9285 cfs) until the reservoir fills completely. In the event storage continues to decline and the elevation drops to 1,208.75 feet above MSL, which is equivalent to 13 million gallons or 50 percent of the storage capacity, the conservation releases are reduced to 0.400 mgd (0.619 cfs) to reduce excessive drawdown in the reservoir during infrequent severe drought conditions.

Panther Creek Energy and NBA coordinate operations of the Reservoir. Panther Creek maintains daily records of the withdrawals and ensures that the allocation is not exceeded. NBA oversees the entire operation and monitors the reservoir water levels and measures and maintains the required conservation releases. When the reservoir water level approaches the cut off threshold, NBA notifies Panther so that they can make preparations to switch to their alternate water supply. Withdrawal volumes, reservoir water levels and conservation release rates are submitted by the docket holder to the PADEP.

Entitlement and Surface Water Charges

DRBC Entitlement No. 307 entitles NBA to withdrawal 12.16 million gallons per month (1.216 mgm consumptive use and 10.944 mgm non-consumptive use) from the Broad Run Intake without surface water charges. As described above, NBA no longer uses this source as a potable water supply. NBA has a contractual agreement with the Panther Creek Energy Facility to transfer water from this intake in times when the authority's groundwater sources are not sufficient to meet its public water supply demand. In a letter dated January 17, 2006, DRBC staff indicated that because this intake continues to be operable and able to be used by NBA as

specified in DRBC Entitlement No. 307, this entitlement remains valid. The water taken from Broad Run by Panther Creek will continue to be outside of the entitlement and chargeable by the Commission. Currently, Panther Creek submits water charges to the Commission for the total amount of water it receives from NBA. In the event that NBA resumes the use of the Broad Run Intake for purposes of public water supply, the docket holder shall pay for surface water use in excess of 1.216 mgm consumptive use and 10.944 mgm non-consumptive use from the water diversion in accordance with the provisions of Resolution No. 74-6, as amended as described in Condition II.h. in the DECISION section of this docket.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-1994-047 CP-2 below:

a. The projects described in Docket Nos. D-69-2 CP and D-94-47 CP are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1994-047 CP-2; and

b. Docket Nos. D-69-2 CP and D-94-47 CP are terminated and replaced by Docket No. D-1994-047 CP-2.

c. The project and the appurtenant facilities described in the Section A “Physical features” shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its Public Water Supply Permits and Water Allocation Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall register with and report to the PADEP all surface and ground water sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The wells and operational records shall be available at all times for inspection by the DRBC.

c. The wells and surface water intake shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month, the combined groundwater withdrawal from all well sources shall not exceed 22.3 million gallons. No well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
1	125 gpm	5.58 mg
2	250 gpm	11.16 mg
3	200 gpm	8.92 mg
4	125 gpm	5.58 mg
5	125 gpm	5.58 mg

Additionally, the combined groundwater withdrawals from Wells Nos. 2 and 3 shall not exceed 400 gpm or 17.85 mgm and the total withdrawals from Wells Nos. 1, 4 and 5 combined shall not exceed 270 gpm or 12.05 mgm.

e. During any 30-day period, the surface water withdrawal from the Broad Run Intake shall not exceed 36 million gallons.

f. The wells shall be equipped, where possible, with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes as repairs or modifications are made at each existing well so that water levels may be measured under all conditions.

g. No withdrawals shall be made from the Broad Run Intake when the water level at the Fourth Hollow Reservoir dam is at an elevation of 1,213.5 feet above MSL (4.0 feet below the spillway) or less.

h. A continuous flow of not less than 0.16085 mgd or 0.249 cfs shall be maintained in Broad Run immediately below the spillway. In the event that the measured flow falls below the 0.249 cfs, the docket holder shall supplement the flow from its own source (during the 4 foot drawdown to elevation 1213.5 feet below MSL. Once the elevation of 1213.5 feet above MSL is reached, the docket holder shall increase the flow to 0.600 mgd or 0.9285 cfs. In the event storage continues to decline and the elevation drops to 1208.75 feet below MSL, the docket holder shall decrease the continuous flow to 0.400 mgd or 0.619 cfs.

i. All water withdrawn from Broad Run and transferred to Panther Creek Energy is considered 100 percent consumptive and subject to DRBC water charges. Panther Creek Energy currently submits these fees to the Commission. If withdrawals from Broad Run are made by NBA for public water supply, the docket holder shall pay for surface water use in excess of 1.216 mgm consumptive and 10.944 mgm non-consumptive use in accordance with Administrative Manual – Part III Basin Regulations – Water Supply Charges.

j. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the

5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

k. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

l. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

m. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the Water Code, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. Water audits shall be submitted annually to the Commission by March 31.

n. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

o. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

p. The docket holder shall continue to implement its Water Conservation Plan as approved by the PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

q. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

r. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

s. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

t. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

u. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

v. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

w. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

x. If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing uses of ground or surface water, or if the docket holder receives a complaint by any existing ground or surface water users within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by any ground or surface users within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Section at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the docket holder shall provide written notification to all potentially impacted users of wells or surface water supplies of the docket holder's responsibilities under this condition. Any ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

y. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

z. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

aa. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

bb. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE: December 10, 2014

EXPIRATION DATE: December 10, 2024