

A RESOLUTION to amend the *Administrative Manual – Rules of Practice and Procedure* (18 CFR Part 401) to adopt a new project review fee structure and the *Administrative Manual – Basin Regulations – Water Supply Charges* (18 CFR part 420) to provide for automatic inflation adjustments, and to incorporate these rule changes in the Comprehensive Plan.

WHEREAS, the Commission in May of 2016 proposed a comprehensive revision of its regulatory program fees, including an automatic annual indexed inflation adjustment for most fees, and at the same time proposed an annual automatic inflation adjustment for its water supply charges rates applicable to consumptive and non-consumptive surface water withdrawals.

WHEREAS, the changes to DRBC's regulatory program fees are designed to provide a more predictable and sustainable source of revenues and to close the annual gap in funding needed to support DRBC's project review program, and the changes to DRBC's water supply charges regulations are designed to help revenues assigned to DRBC's Water Supply Storage Facilities Fund keep pace with inflation.

WHEREAS, the Commission's public process for this rulemaking included:

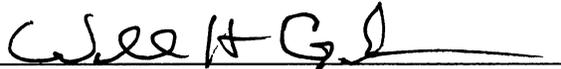
- Publication of a Notice of Proposed Rulemaking and Public Hearing on May 9, 2016 on the DRBC website. A set of Frequently Asked Questions ("FAQs") and a press release accompanied the May 9, 2016 web posting. An email alert, including a link to the notice and supporting documents was transmitted electronically to all parties subscribed to DRBC's list serve.
- Publication of the Notice of Proposed Rulemaking and Public Hearing in the Federal Register on June 3, 2016 (81 FR 35662), the Delaware Register of Regulations on June 1, 2016 (DE Reg. 1052), the New Jersey Register on June 6, 2016 (48 N.J.R. 949), the New York State Register on May 25, 2016 (p. 1), and the Pennsylvania Bulletin on June 11, 2016 (46 Pa. B. 2967).
- A public informational meeting on Wednesday, June 15, 2016 in Washington Crossing, Pa., including presentations by DRBC staff and informal questions and answers.
- A duly noticed public hearing on Wednesday, July 27, 2016 at the Commission's office building in West Trenton, N.J., and opportunity for submission of written comments through August 12, 2016.

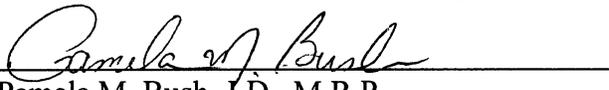
WHEREAS, in response to the comments received on the draft rules, staff developed a detailed comment and response document, including modest and clarifying changes to the rule text.

WHEREAS, the Commissioners have carefully considered and consulted with staff on the comments and proposed changes to the draft rules and find that the changes are appropriate, responsive to the public's concerns and a logical outgrowth of the draft rules originally published for comment.

Now therefore, BE IT RESOLVED by the Delaware River Basin Commission:

1. The *Administrative Manual – Rules of Practice and Procedure* (18 CFR Part 401) is hereby amended by the addition of a new section 2.3.12 (18 CFR § 401.43), captioned “Regulatory Program Fees,” in accordance with the attached text (Attachments 1a, 1b and 1c).¹
2. Section 5.3.1 (18 CFR § 420.41) of the *Administrative Manual – Basin Regulations – Water Supply Charges* is likewise amended in accordance with the attached text (Attachments 2a, 2b, and 2c).²
3. The staff memorandum dated October 17, 2016 and captioned “DRBC Response to Comments and Staff Recommendation on Proposed Amendments to DRBC’s *Rules of Practice and Procedure ...and Water Supply Charges Regulations...*” is hereby adopted as the Commission’s response to comments on the draft rule published in May and June of 2016.
4. The rule changes approved hereby are also incorporated into the Commission’s Comprehensive Plan.
5. A final rule notice recording this action shall be filed with the Federal Register and the Delaware, New Jersey, New York and Pennsylvania state registers promptly, and the rules shall become effective on January 1, 2017.


BG William H. Graham, Chairman *pro tem*


Pamela M. Bush, J.D., M.R.P.
Commission Secretary / Assistant General Counsel

ADOPTED: December 14, 2016

¹ Attached text includes: (a) a clean version of the final rule with CFR numbering (18 CFR § 401.43); (b) a redline showing changes between the draft and final versions of the rule (modified sections only); and (c) a clean version of the final rule with DRBC Administrative Manual numbering.

² Attached text includes: (a) a clean version of the amended rule with CFR numbering (18 CFR 420.41); (b) a redline version of the rule comparing the current version of 18 CFR 420.41 with the amended version; and (c) a clean version of the final rule with DRBC Administrative Manual numbering.

ATTACHMENT 1a

[A clean version of the final rule establishing Regulatory Program Fees follows, as it will appear in 18 CFR Part 401.]

§ 401.43 Regulatory program fees.

(a) *Purpose.* The purpose of this section is to provide an adequate, stable and reliable stream of revenue to cover the cost of the Commission’s regulatory program activities, an important means by which the Commission coordinates management of the shared water resources of the Basin. Activities to be covered by the fees include the review of applications for projects that are subject to review under the *Delaware River Basin Compact* and implementing regulations; and ongoing activities associated with such projects, including but not limited to, effluent and ambient monitoring, data analysis, hydrodynamic and water quality modeling, and coordination with state and federal agencies.

(b) *Types of fees.* The following types of fees are established by this section:

(1) *Docket Application Fee.* Except as set forth in paragraph (b)(1)(iii) of this section, the Docket Application Fee shall apply to:

(i) Any project that, in accordance with the *Delaware River Basin Compact* and DRBC regulations, requires a Commission-issued docket or permit, whether it be a new or existing project for which the Commission has not yet issued an approval or a project for which the renewal of a previous Commission approval is required.

(ii) Any project that in accordance with section 11 or section 13.1 of the *Delaware River Basin Compact* and DRBC regulations must be added to the Comprehensive Plan (also, “Plan”). In addition to any new project required to be included in the Plan, such projects include existing projects that in accordance with section 13.1 of the *Compact* are required to be included in the Plan and which were not previously added to the Plan. Any existing project that is changed substantially from the project as described in the Plan shall be deemed to be a new and different project for purposes of this section.

(iii) *Exemptions.* The Docket Application Fee shall not apply to:

(A) Any project for which the Signatory Party Agency serves as lead under the one permit program rule (§ 401.42), unless such project must be added by the Commission to the Comprehensive Plan.

(B) Any project for which an agency, authority or commission of a signatory to the *Compact* is the primary sponsor. Projects sponsored by political subdivisions of the signatory states shall not be included in this exemption. For purposes of this section “political subdivisions” shall include without limitation municipalities, municipal utility authorities, municipal development corporations, and all other entities not directly under the budgetary and administrative control of the Commission’s members.

(2) *Annual Monitoring and Coordination Fee.*

(i) Except as provided in paragraph (ii) below, an Annual Monitoring and Coordination Fee shall apply to each active water allocation or wastewater discharge approval issued pursuant to the *Compact* and implementing regulations, regardless of whether the

approval was issued by the Commission in the form of a docket, permit or other instrument, or by a Signatory Party Agency under the one permit program rule (§ 401.42). The fee shall be based on the amount of a project's approved monthly water allocation and/or approved daily discharge capacity.

(ii) For any withdrawal or diversion covered in part by a certificate of entitlement issued pursuant to 18 CFR § 420.31-32 of the water supply charges regulations, the Annual Monitoring and Coordination Fee shall be based on the allocated amount, if any, in excess of the quantity specified in the entitlement.

(3) *Alternative Review Fee.* In instances where the Commission's activities and related costs associated with the review of an existing or proposed project are expected to involve extraordinary time and expense, an Alternative Review Fee equal to the Commission's actual costs may be imposed. The Executive Director shall inform the project sponsor in writing when the Alternative Review Fee is to be applied and may require advance payment in the amount of the Commission's projected costs. Instances in which the Alternative Review Fee may apply include, but are not limited to, matters in which:

(i) DRBC staff perform a detailed pre-application review, including but not limited to the performance or review of modeling and/or analysis to identify target limits for wastewater discharges;

(ii) DRBC staff perform or review complex modeling in connection with the design of a wastewater discharge diffuser system;

(iii) DRBC manages a public process for which the degree of public involvement results in extraordinary effort and expense, including but not limited to costs associated with multiple stakeholder meetings, special public hearings, and/or voluminous public comment.

(iv) DRBC conducts or is required to engage third parties to conduct additional analyses or evaluations of a project in response to a court order.

(4) *Additional fees.*

(i) *Emergency approval.* A request for an emergency certificate under § 401.40 to waive or amend a docket condition shall be subject to a minimum fee in accordance with paragraph (e) of this section. An Alternative Review Fee also may be charged in accordance with paragraph (b)(3) of this section.

(ii) *Late filed renewal application.* Any renewal application submitted fewer than 120 calendar days in advance of the expiration date or after such other date specified in the docket or permit or letter of the Executive Director for filing a renewal application shall be subject to a Late Filed Renewal Application charge in excess of the otherwise applicable fee.

(iii) *Modification of a DRBC approval.* Following Commission action on a project, each project revision or modification that the Executive Director deems substantial shall require an additional Docket Application Fee calculated in accordance with paragraph (e) of this section and subject to an Alternative Review Fee in accordance with paragraph (b)(3) of this section.

(iv) *Name change.* Each project with a docket or permit issued by the DRBC or by a Signatory Party Agency pursuant to the one permit program rule (§ 401.42) will be charged an administrative fee as set forth in paragraph (e) of this section.

(v) *Change of ownership.* Each project that undergoes a “change in ownership” as that term is defined in § 420.31(e)(2) of the Commission’s water supply charges regulations will be charged an administrative fee as set forth in paragraph (e) of this section.

(c) *Indexed adjustment.* On July 1 of every year, beginning July 1, 2017, all fees established by this section will increase commensurate with any increase in the annual April 12-month Consumer Price Index (CPI) for Philadelphia, published by the U.S. Bureau of Labor Statistics during that year.¹ In any year in which the April 12-month CPI for Philadelphia declines or shows no change, the Docket Application Fee and Annual Monitoring and Coordination Fee will remain unchanged. Following any indexed adjustment made under this paragraph, a revised fee schedule will be posted on the Commission’s website. Interested parties may also obtain the current fee schedule by contacting the Commission directly during business hours.

(d) *Late payment charge.* When any fee established by this section remains unpaid 30 calendar days after the payment due date provided on the Commission’s invoice, an incremental charge equal to 2% of the amount owed shall be automatically assessed. Such charge shall be assessed every 30 days thereafter until the total amount owed, including any late payment charges, has been paid in full.

(e) *Fee schedules.* The fees described in this section shall be as follows.

DOCKET APPLICATION FILING FEE

<u>Project Type</u>	<u>Docket Application Fee</u>	<u>Fee Maximum</u>
Water Withdrawal	\$400 per million gallons/month of allocation ¹ , not to exceed \$15,000 ¹ . Fee is doubled for any portion to be exported from the basin.	Greater of: \$15,000 ¹ or Alternative Review Fee
Wastewater Discharge	Private projects: \$1,000 ¹ Public projects: \$500 ¹	Alternative Review Fee
Other	0.4% of project cost up to \$10,000,000 plus 0.12% of project cost above \$10,000,000 (if applicable), not to exceed \$75,000 ¹	Greater of: \$75,000 ¹ or Alternative Review Fee

¹ Subject to annual adjustment in accordance with paragraph (c) of this section.

¹ Consumer Price Index – U / Series ID: CWURA102SA0 / Not Seasonally Adjusted / Area: Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD / Item: All items / Base Period: 1982-84=100.

ANNUAL MONITORING AND COORDINATION FEE

Water Withdrawal	<u>Annual Fee</u>	<u>Allocation</u>
	\$300 ¹	< 4.99 mgm
	\$450 ¹	5.00 to 49.99 mgm
	\$650 ¹	50.00 to 499.99 mgm
	\$825 ¹	500.00 to 9,999.99 mgm
	\$1,000 ¹	> or = to 10,000 mgm
Wastewater Discharge	<u>Annual Fee</u>	<u>Discharge Design Capacity</u>
	\$300 ¹	< 0.05 mgd
	\$610 ¹	0.05 to 0.9 mgd
	\$820 ¹	1 to 10 mgd
	\$1,000 ¹	>10 mgd

¹ Subject to annual adjustment in accordance with paragraph (c) of this section.

ADDITIONAL FEES

<u>Proposed Action</u>	<u>Fee</u>	<u>Fee Maximum</u>
Emergency Approval Under 18 CFR 401.40	\$5,000	Alternative Review Fee
Late Filed Renewal Surcharge	\$2,000	--
Modification of a DRBC Approval	At Executive Director’s discretion, Docket Application Fee for the appropriate project type.	Alternative Review Fee
Name change	\$1,000 ¹	--
Change of Ownership	\$1,500 ¹	--

¹ Subject to annual adjustment in accordance with paragraph (c) of this section.

ATTACHMENT 1b

[A redline version of the final rule establishing Regulatory Program Fees follows, showing changes made to the proposed rule in response to comments received. Only sections of the rule that have been modified are shown. This redline uses the Code of Federal Regulations numbering system.]

§ 401.43 Regulatory program fees.

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(b) *Types of fees.*

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(2) *Annual Monitoring and Coordination Fee.*

(i) Except as provided in paragraph (ii) below, An Annual Monitoring and Coordination Fee shall apply to each ~~active withdrawal and/or discharge project for which a~~ water allocation or wastewater discharge approval issued pursuant to the *Compact* and implementing regulations ~~is in effect~~, regardless of whether the approval was issued by the Commission in the form of a docket, permit or other instrument, or by a Signatory Party Agency under the one permit program rule (§ 401.42). The fee shall be based on the amount of a project’s approved monthly water allocation and/or approved daily discharge capacity.

(ii) For any withdrawal or diversion covered in part by a certificate of entitlement issued pursuant to 18 CFR § 420.31-32 of the water supply charges regulations, the Annual Monitoring and Coordination Fee shall be based on the allocated amount, if any, in excess of the quantity specified in the entitlement.

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(e) *Fee schedules.* The fees described in this section shall be as follows.

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ANNUAL MONITORING AND COORDINATION FEE

	<u>Annual Fee</u>	<u>Allocation</u>
Water Withdrawal	\$300 ¹	< 4.99 mgm
	\$450 ¹	5.00 to 49.99 mgm
	\$650 ¹	50.00 to 499.99 mgm
	\$825 ¹	500.00 to 9,999.99 mgm
	\$1,000 ¹	> or = to 10,000 mgm
	<u>Annual Fee</u>	<u>Discharge Design Capacity</u>
Wastewater Discharge	\$300 ¹	< 0.05 mgd
	\$610 ¹	0.05 to 0.9 mgd
	\$820 ¹	1 to 9.99 mgd
	\$1,000 ¹	> or = to 10 mgd

¹ Subject to annual adjustment in accordance with paragraph (c) of this section.

ATTACHMENT 1c

[A clean version of the final rule establishing Regulatory Program Fees follows, as it will appear in DRBC's Administrative Manual – Rules of Practice and Procedure.]

§ 2.3.12 Regulatory program fees.

- A. **Purpose.** The purpose of this section is to provide an adequate, stable and reliable stream of revenue to cover the cost of the Commission's regulatory program activities, an important means by which the Commission coordinates management of the shared water resources of the Basin. Activities to be covered by the fees include the review of applications for projects that are subject to review under the *Delaware River Basin Compact* and implementing regulations; and ongoing activities associated with such projects, including but not limited to, effluent and ambient monitoring, data analysis, hydrodynamic and water quality modeling, and coordination with state and federal agencies.
- B. **Types of fees.** The following types of fees are established by this section:
1. *Docket Application Fee.* Except as set forth in paragraph B.1.c. of this section, the Docket Application Fee shall apply to:
 - a. Any project that, in accordance with the *Delaware River Basin Compact* and DRBC regulations, requires a Commission-issued docket or permit, whether it be a new or existing project for which the Commission has not yet issued an approval or a project for which the renewal of a previous Commission approval is required.
 - b. Any project that in accordance with section 11 or section 13.1 of the *Delaware River Basin Compact* and DRBC regulations must be added to the Comprehensive Plan (also, "Plan"). In addition to any new project required to be included in the Plan, such projects include existing projects that in accordance with section 13.1 of the *Compact* are required to be included in the Plan and which were not previously added to the Plan. Any existing project that is changed substantially from the project as described in the Plan shall be deemed to be a new and different project for purposes of this section.
 - c. *Exemptions.* The Docket Application Fee shall not apply to:
 - (i) Any project for which the Signatory Party Agency serves as lead under the one permit program rule (§ 2.3.11), unless such project must be added by the Commission to the Comprehensive Plan.
 - (ii) Any project for which an agency, authority or commission of a signatory to the *Compact* is the primary sponsor. Projects sponsored by political subdivisions of the signatory states shall not be included in this exemption. For purposes of this section "political subdivisions" shall include without limitation municipalities, municipal utility authorities, municipal development corporations, and all other entities not directly

under the budgetary and administrative control of the Commission's members.

2. *Annual Monitoring and Coordination Fee.*
 - a. Except as provided in paragraph B.2.b. below, an Annual Monitoring and Coordination Fee shall apply to each active water allocation or wastewater discharge approval issued pursuant to the *Compact* and implementing regulations, regardless of whether the approval was issued by the Commission in the form of a docket, permit or other instrument, or by a Signatory Party Agency under the one permit program rule (§ 2.3.11). The fee shall be based on the amount of a project's approved monthly water allocation and/or approved daily discharge capacity.
 - b. For any withdrawal or diversion covered in part by a certificate of entitlement issued pursuant to § 5.2.1 – 5.2.2 of the water supply charges regulations, the Annual Monitoring and Coordination Fee shall be based on the allocated amount, if any, in excess of the quantity specified in the entitlement.
3. *Alternative Review Fee.* In instances where the Commission's activities and related costs associated with the review of an existing or proposed project are expected to involve extraordinary time and expense, an Alternative Review Fee equal to the Commission's actual costs may be imposed. The Executive Director shall inform the project sponsor in writing when the Alternative Review Fee is to be applied and may require advance payment in the amount of the Commission's projected costs. Instances in which the Alternative Review Fee may apply include, but are not limited to, matters in which:
 - a. DRBC staff perform a detailed pre-application review, including but not limited to the performance or review of modeling and/or analysis to identify target limits for wastewater discharges;
 - b. DRBC staff perform or review complex modeling in connection with the design of a wastewater discharge diffuser system;
 - c. DRBC manages a public process for which the degree of public involvement results in extraordinary effort and expense, including but not limited to costs associated with multiple stakeholder meetings, special public hearings, and/or voluminous public comment.
 - d. DRBC conducts or is required to engage third parties to conduct additional analyses or evaluations of a project in response to a court order.
4. *Additional fees.*
 - a. *Emergency approval.* A request for an emergency certificate under § 2.3.9 to waive or amend a docket condition shall be subject to a minimum fee in accordance with paragraph E. of this section. An Alternative Review Fee also may be charged in accordance with paragraph B.3. of this section.

- b. *Late filed renewal application.* Any renewal application submitted fewer than 120 calendar days in advance of the expiration date or after such other date specified in the docket or permit or letter of the Executive Director for filing a renewal application shall be subject to a Late Filed Renewal Application charge in excess of the otherwise applicable fee.
 - c. *Modification of a DRBC approval.* Following Commission action on a project, each project revision or modification that the Executive Director deems substantial shall require an additional Docket Application Fee calculated in accordance with paragraph E. of this section and subject to an Alternative Review Fee in accordance with paragraph B.3. of this section.
 - d. *Name change.* Each project with a docket or permit issued by the DRBC or by a Signatory Party Agency pursuant to the one permit program rule (§ 2.3.11) will be charged an administrative fee as set forth in paragraph E. of this section.
 - e. *Change of ownership.* Each project that undergoes a “change in ownership” as that term is defined in section 5.2.1 E.2 of the Commission’s water supply charges regulations will be charged an administrative fee as set forth in paragraph E. of this section.
- C. **Indexed adjustment.** On July 1 of every year, beginning July 1, 2017, all fees established by this section will increase commensurate with any increase in the annual April 12-month Consumer Price Index (CPI) for Philadelphia, published by the U.S. Bureau of Labor Statistics during that year.¹ In any year in which the April 12-month CPI for Philadelphia declines or shows no change, the Docket Application Fee and Annual Monitoring and Coordination Fee will remain unchanged. Following any indexed adjustment made under this paragraph, a revised fee schedule will be posted on the Commission’s website. Interested parties may also obtain the current fee schedule by contacting the Commission directly during business hours.
- D. **Late payment charge.** When any fee established by this section remains unpaid 30 calendar days after the payment due date provided on the Commission’s invoice, an incremental charge equal to 2% of the amount owed shall be automatically assessed. Such charge shall be assessed every 30 days thereafter until the total amount owed, including any late payment charges, has been paid in full.

¹ Consumer Price Index – U / Series ID: CWURA102SA0 / Not Seasonally Adjusted / Area: Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD / Item: All items / Base Period: 1982-84=100.

E. **Fee schedules.** The fees described in this section shall be as follows.

DOCKET APPLICATION FILING FEE

<u>Project Type</u>	<u>Docket Application Fee</u>	<u>Fee Maximum</u>
Water Withdrawal	\$400 per million gallons/month of allocation ¹ , not to exceed \$15,000 ¹ . Fee is doubled for any portion to be exported from the basin.	Greater of: \$15,000 ¹ or Alternative Review Fee
Wastewater Discharge	Private projects: \$1,000 ¹ Public projects: \$500 ¹	Alternative Review Fee
Other	0.4% of project cost up to \$10,000,000 plus 0.12% of project cost above \$10,000,000 (if applicable), not to exceed \$75,000 ¹	Greater of: \$75,000 ¹ or Alternative Review Fee

¹ Subject to annual adjustment in accordance with paragraph C. of this section.

ANNUAL MONITORING AND COORDINATION FEE

	<u>Annual Fee</u>	<u>Allocation</u>
Water Withdrawal	\$300 ¹	< 4.99 mgm
	\$450 ¹	5.00 to 49.99 mgm
	\$650 ¹	50.00 to 499.99 mgm
	\$825 ¹	500.00 to 9,999.99 mgm
	\$1,000 ¹	> or = to 10,000 mgm
	<u>Annual Fee</u>	<u>Discharge Design Capacity</u>
Wastewater Discharge	\$300 ¹	< 0.05 mgd
	\$610 ¹	0.05 to 0.9 mgd
	\$820 ¹	1 to 10 mgd
	\$1,000 ¹	>10 mgd

¹ Subject to annual adjustment in accordance with paragraph C. of this section.

ADDITIONAL FEES

<u>Proposed Action</u>	<u>Fee</u>	<u>Fee Maximum</u>
Emergency Approval Under 18 CFR 401.40	\$5,000	Alternative Review Fee
Late Filed Renewal Surcharge	\$2,000	--
Modification of a DRBC Approval	At Executive Director's discretion, Docket Application Fee for the appropriate project type.	Alternative Review Fee
Name change	\$1,000 ¹	--
Change of Ownership	\$1,500 ¹	--

¹ Subject to annual adjustment in accordance with paragraph C. of this section.

ATTACHMENT 2a

[A clean version of the final rule amending the Schedule of Water Charges follows, as it will appear in 18 CFR Part 420.]

§ 420.41 Schedule of water charges.

The schedule of water charges established in accordance with § 420.22 shall be as follows:

(a) \$80 per million gallons for consumptive use, subject to paragraph (c) of this section; and

(b) \$0.80 per million gallons for non-consumptive use, subject to paragraph (c) of this section.

(c) On July 1 of every year, beginning July 1, 2017, the rates established by this section will increase commensurate with any increase in the annual April 12-month Consumer Price Index (CPI) for Philadelphia, published by the U.S. Bureau of Labor Statistics during that year.¹ In any year in which the April 12-month CPI for Philadelphia declines or shows no change, the water charges rates will remain unchanged. Following any indexed adjustment made under this paragraph, revised consumptive and non-consumptive use rates will be posted on the Commission's website. Interested parties may also obtain the current rates by contacting the Commission directly during business hours.

¹ Consumer Price Index – U / Series ID: CWURA102SA0 / Not Seasonally Adjusted / Area: Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD / Item: All items / Base Period: 1982-84=100.

ATTACHMENT 2b

[A redline version of the final rule amending the Schedule of Water Charges follows, showing changes made to the former rule text. This redline uses the Code of Federal Regulations numbering system.]

§ 420.41 Schedule of water charges.

The ~~Commission will from time to time, after public notice and hearing, make, amend and revise a~~ schedule of water charges. ~~Until changed, the charge for water established in accordance with § 420.22~~ shall be as follows:

- (a) \$80 per million gallons for consumptive use, subject to paragraph (c) of this section; and
- (b) \$0.80 per million gallons for ~~nonconsumptive~~non-consumptive use, subject to paragraph (c) of this section.

(c) On July 1 of every year, beginning July 1, 2017, the rates established by this section will increase commensurate with any increase in the annual April 12-month Consumer Price Index (CPI) for Philadelphia, published by the U.S. Bureau of Labor Statistics during that year.¹ In any year in which the April 12-month CPI for Philadelphia declines or shows no change, the water charges rates will remain unchanged. Following any indexed adjustment made under this paragraph, revised consumptive and non-consumptive use rates will be posted on the Commission's website. Interested parties may also obtain the current rates by contacting the Commission directly during business hours.

¹ Consumer Price Index – U / Series ID: CWURA102SA0 / Not Seasonally Adjusted / Area: Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD / Item: All items / Base Period: 1982-84=100.

ATTACHMENT 2c

[A clean version of the final rule amending the Schedule of Water Charges follows, as it will appear in DRBC's Administrative Manual Part III – Basin Regulations – Water Supply Charges.]

ARTICLE 5.3

5.3.1 Schedule of Water Charges. The schedule of water charges established in accordance with § 5.1.2 shall be as follows:

- A. \$80 per million gallons for consumptive use, subject to paragraph (c) of this section; and
- B. \$0.80 per million gallons for non-consumptive use, subject to paragraph (c) of this section.
- C. On July 1 of every year, beginning July 1, 2017, the rates established by this section will increase commensurate with any increase in the annual April 12-month Consumer Price Index (CPI) for Philadelphia, published by the U.S. Bureau of Labor Statistics during that year.¹ In any year in which the April 12-month CPI for Philadelphia declines or shows no change, the water charges rates will remain unchanged. Following any indexed adjustment made under this paragraph, revised consumptive and non-consumptive use rates will be posted on the Commission's website. Interested parties may also obtain the current rates by contacting the Commission directly during business hours.

¹ Consumer Price Index – U / Series ID: CWURA102SA0 / Not Seasonally Adjusted / Area: Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD / Item: All items / Base Period: 1982-84=100.