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DOCKET NO. D-1967-240-3

DELAWARE RIVER BASIN COMMISSION

**Energy Transfer Marketing & Terminals L.P.
Marcus Hook Terminal**

**Surface Water Withdrawal
New Castle County, Delaware and
Marcus Hook Borough, Delaware County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on November 24, 2025, for renewal of an allocation of surface water and review of a surface water withdrawal project (Application). The water supply was previously approved by the Commission via Docket No. D-67-240 on March 27, 1968, issued to Sun Oil Company and renewed and issued to Sunoco Partners Marketing & Terminals LP on December 16, 2016. On March 22, 2022, the docket holder requested a name change from Sunoco Partners Marketing & Terminals L.P. to Energy Transfer marketing & Terminals L.P. which was granted by DRBC on March 30, 2022. The surface water withdrawal was approved by the Delaware Department of Natural Resources and Environmental Control (DNREC) on June 23, 2004 (Industrial Water Allocation Permit No. 04-0003).

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The New Castle County Planning Department and Delaware County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on November 4, 2026.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew the approval of a total withdrawal of up to 556 million gallons per month (mgm) of surface water from existing intake RW-7. This includes an allocation of 215 mgm for industrial purposes at the Marcus Hook Terminal and 341 mgm for use by the Marcus Hook Energy Center, an electric and steam generating facility located on the Marcus Hook Terminal Site. The docket also continues the approval of surface water withdrawals from existing intakes RW-5 and RW-6, which are used for emergency fire flow purposes.

2. **Location.** The project is located at the Marcus Hook Terminal located along the Delaware River primarily in Marcus Hook Borough, Delaware County, Pennsylvania. Part of the approximate 550-acre site extends into New Castle County, Delaware. The project surface water intake RW-7 is located at River Mile 78.4 in the Delaware River DRBC Water Quality Zone 5 in New Castle County, Delaware. Intakes RW-5 and RW-6 are located approximately 2,500 feet upriver of RW-7 at Delaware River Mile 78.9 in Water Quality Zone 4 in Marcus Hook Borough, Delaware County, Pennsylvania.

Specific location information has been withheld for security reasons.

3. **Area Served.** The project intakes will continue to serve the Marcus Hook Terminal and Marcus Hook Energy Center. The site boundary is outlined on a map entitled "Site Plan and USGS Map" submitted with the Application. 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. **Design Criteria.** The Marcus Hook Terminal is a natural gas and related liquids processing facility that operates 24 hours per day. The Marcus Hook Terminal includes fractionation, terminalling and storage assets for natural gas liquids (e.g., ethane, propane, and butane), and terminalling and storage assets for refined products and crude oil. The facility includes the end of pipeline facilities associated with the Mariner East pipelines. Propane, butane and ethane processed at the facility is periodically loaded onto refrigerated marine vessels for shipping.

Surface water withdrawn from the Delaware River via intake RW-7 is used for industrial cooling, training, maintenance and testing of the fire suppression system, and miscellaneous uses including external cooling for overheated equipment/processes, dust suppression during construction activities, leak and pressure testing of process equipment and wash down of process areas. Potable water is supplied by the Chester Water Authority. All wastewater is conveyed to the Delaware County Regional Water Quality Control Authority (DELCORA) Western Regional wastewater treatment plant.

The docket holder's current average and maximum daily surface water demand for the Marcus Hook Terminal (not including the Marcus Hook Energy Center) is reported to be 1.73 million gallons per day (mgd) and 3.20 mgd, respectively. Based on water usage data submitted by the docket holder to the Commission, monthly withdrawals from intake No. RW-7 over the last 5-year period ranged from approximately 21 mgm to approximately 97 mgm. The average monthly withdrawal over this reporting period was approximately 55 mgm. The docket holder projects its 10-year average and maximum daily water demand to increase to approximately 4.61 mgd and 6.93 mgd as a result of additional industrial cooling and hydrotesting at the facility. The docket holder requested an allocation of 216 mgm from intake RW-7 to meet its 10-year projected monthly demands.

The docket holder also supplies up to 341 mgm (11 mgd) of surface water withdrawn from intake RW-7 to the Marcus Hook Energy Center, a 750-megawatt electric and steam generation facility on the Marcus Hook Terminal site. This facility and associated water uses are described

in DRBC Docket No. D-2000-44-2, last approved by the Commission on February 11, 2009. Commission staff have prepared a draft renewal docket for the electric generation facility and expect to include it on the Commission's November 4, 2026 DRBC Public Hearing. Adding the allocation of 341 mgm of surface water diverted from the docket holder's intake to the Marcus Hook Energy Center to the docket holder's allocation of 216 mgm for the Marcus Hook Terminal results in a total allocation of 557.0 mgm of surface water from the RW-7 intake.

5. **Facilities.** The existing project intakes have the following characteristics:

INTAKE ID	WITHDRAWAL WATER BODY	PUMP CAPACITY	USE	YEAR CONSTRUCTED
RW-7	Delaware River	22,200 gpm total (5,000 gpm - docket holder's pumps) (17,200 gpm - Marcus Hook Energy Center Pumps)	Regular	1968
RW-5	Delaware River	9,000 gpm	Emergency	1959
RW-6	Delaware River	25,080 gpm	Emergency	2017

Surface water intake RW-7 is 34 feet by 16.5 feet in size and is located approximately 450 feet shoreward of the existing shipping channel. Two 48-inch diameter steel pipes convey the water from the intake structure to a sump located in the RW-7 pump house. The docket holder operates a total of five (5) pumps; three (3) pumps (only one typically in operation at a time) are designed to supply water from the sump to the suction of the distribution pumps and two (2) distribution pumps with a combined capacity of 5,000 gpm to withdrawal water from the sump and transfer it to the water distribution system. Typically, only one 1,500 gpm pump is used. The second 3,500 gpm pump is used during fire emergencies or when additional demand is required. Water pumped from the sump into the water distribution system is continuously circulated with unused water being recycled back into the sump. The continuous circulation of water maintains pressure in the system so that a large volume of water is available on demand in the event of a fire emergency. A portion of the water withdrawn is used to wash the intake screens, which is discharged back to the Delaware River.

Marcus Hook Energy Center utilizes two separate pumps located in the RW-7 pump house sump that withdraw water from Intake RW-7. Based on the DNREC Water Allocation Permit No. 04-0004, issued to FPL Energy (now Marcus Hook Energy) each pump has a pumping capacity of 8,600 gpm. As part of the DRBC application for approval of the MH750 Energy Facility, FPL Energy, agreed to upgrade the RW-7 intake by the installation of polyethylene mesh screen designed to reduce the intake velocity to less than 0.5 feet per second. The screen is inspected and repaired as needed by Marcus Hook Energy every three years.

The docket holder's Intakes RW-5 and RW-6 are located on the Delaware River approximately 2,500 feet upriver from intake RW-7. Intake RW-5 contains three (3) pumps with a total capacity of 9,000 gpm. Intake RW-5 is used only for fire emergency purposes and as a backup in the event that the RW-7 pumps are out of service for maintenance or repair.

Intake RW-6, constructed in 2019, consists of a 44-foot by 108-foot intake structure equipped with a debris screen and trash rack system. The pump house contains five (5) pumps with a total capacity of 25,080 gpm. Intake RW-6 is used for fire emergency purposes only. Although neither intake is routinely used, all pumps are tested weekly for a 15-minute period.

The total withdraw from Intake RW-7 to the RW-7 pumphouse sump is metered as well as the amount of water that is diverted to the Marcus Hook Energy Center. The docket holder calculates the amount of water used at the Marcus Hook Terminal based on the difference of these two readings.

The water is not treated prior to use.

Potable water is supplied to the Marcus Hook Terminal by Chester Water Authority.

6. Other. Wastewater generated by operations at the Marcus Hook Terminal is conveyed to the DELCORA Western Regional wastewater treatment plant most recently approved by DRBC Docket No. D-1992-018 CP-4 on March 13, 2019. The PADEP issued NPDES Permit No. PA0027103 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the existing project. A portion of the water that is diverted to Marcus Hook Energy Center and used for cooling purposes is discharged to the Delaware River Via Marcus Hook Energy's Outfall No. 001. The cooling tower blowdown discharge was most recently approved by DRBC Docket No. D-2008-021 CP-4 on September 10, 2025. The PADEP issued NPDES Permit No. PA0024449 for this discharge.

B. FINDINGS

1. Drought Management and Contingency Plans (DMCPs) for Water Withdrawal greater than 1 mgd

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 docket holder submitted a DMCP as part of the renewal application. The docket holder shall implement the DMCP upon direction by the Executive Director. (see Section C. DECISION condition C.2.).

2. Surface Water Charges

The docket holder shall pay for surface water use in accordance with Basin Regulations-Water Supply Charges 18 C.F.R. Part 420 (See Section C. DECISION condition C.3.).

3. Other Findings

The DNREC water allocation is valid for a period of 30 years from date of issue, with review every five years.

The docket holder estimates that the project withdrawals, used for the purpose of industrial cooling and use of the fire water system results in a consumptive use of 11 percent of the total water use. The docket holder estimates that the consumptive use will increase to 81 percent in the future as a result of additional industrial cooling needs at the site. The DRBC definition of consumptive use is defined in Basin Regulations-Water Supply Charges 18 C.F.R. 420.1(d).

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

The project as approved herein does not impair or conflict with the Comprehensive Plan.

C. DECISION

Effective on the approval date for Docket No. D-1967-240-3 below, Docket No. D-1967-240-2 is terminated and replaced by Docket No. D-1967-240-3. The project and appurtenant facilities as described in Section A.4. (Design Criteria) and A.5. (Facilities) are approved subject to the following conditions, pursuant to Section 3.8 of the *Compact*:

Monitoring and Reporting

1. The project withdrawals shall be metered by means of an automatic continuous recording device, flow meter, or other method, and shall be measured to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted for surface water withdrawals by the designated agencies (DNREC) if maintenance of the 5 percent performance is not technically feasible or economically practicable. Meters or other methods of measurement shall be subject to approval and inspection by the DNREC as to the type, method, installation, maintenance, calibration, reading and accuracy. A record of daily withdrawals shall

be maintained, and monthly totals shall be reported to the DNREC annually and shall be available at any time to the Commission if requested by the Executive Director.

2. The docket holder shall implement the DMCP upon direction by the Executive Director.
3. The docket holder shall pay for surface water use in accordance with *Basin Regulations – Water Supply Charges 18 C.F.R. Part 420*.

Other Conditions

4. During any month, the total withdrawal from Intake RW-7 shall not exceed 556 million gallons. This includes the allocations of 215 mgm for use by the docket holder and 341 mgm for use by the Marcus Hook Energy Facility. The intake shall not be pumped above the maximum rate and monthly allocations as indicated below:

INTAKE NO.	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MG)
RW-7	12,639 gpm	556 mgm
Marcus Hook Terminal	5,000 gpm	215 mgm
Marcus Hook Energy Center	7,639 gpm	341 mgm

* Based on a 24-Hour Average

5. This approval shall expire on the expiration date set forth below unless prior thereto the docket holder has applied to the Commission to renew or extend this approval.
6. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 C.F.R. 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges in the event of untimely submittal of its renewal application whether DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. If the docket holder has not applied to renew the docket or the DRBC is unable to reissue the docket before the expiration date below, the terms and conditions of the current docket will remain fully effective and enforceable pending the renewal of the docket.
7. The surface water intakes and operational records shall be available at all times for inspection by the DRBC.
8. The surface water intakes shall be operated at all times to comply with the requirements of the *WC* and *WQR* of the DRBC.

9. 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).
10. The docket holder shall implement to the satisfaction of the DNREC and PADEP, a drought or other water supply emergency plan.
11. 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.
12. 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.
13. 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*.
14. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations. (see 18 CFR 401.43).
15. This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).
16. The docket holder shall request a name change if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 C.F.R. 401.43).
17. 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 to ensure the proper control, use and management of the water resources of the Basin.
18. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing uses of ground or surface water, or if the docket holder receives a complaint from an existing ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director, and unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the

Executive Director.) In addition, the docket holder shall provide written notice to all potentially affected water users of the docket holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the docket holder's project withdrawal shall be repaired, replaced or mitigated at the docket holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct the docket holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement, or mitigation.

19. 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.

20. 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.

21. For the duration of any drought emergency declared by either Delaware 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 Delaware, to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

22. 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:

EXPIRATION DATE: December 3, 2036