

DOCKET NO. D-1994-047 CP-3

DELAWARE RIVER BASIN COMMISSION

Located in Drainage Area to 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 to the Delaware River Basin Commission (DRBC or Commission) on December 8, 2023 for renewal of an allocation of groundwater and review of a groundwater 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). PADEP issued operation permit No. 3130026 for the wells on March 4, 2011.

The Application was reviewed for continuation of this project 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 November 6, 2024.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew the approval to withdraw up to 22.3 million gallons per month (mgm) of groundwater from existing Wells 1, 2, 3, 4 and 5 for public water supply and renew the approval of a surface water withdrawal of up to 37.2 mgm from the docket holder's existing Fourth Hollow Reservoir on Broad Run for industrial use at the Panther Creek Energy Facility.

2. Location. The project wells are completed in the Mauch Chunk Formation in the Nesquehoning Creek Watershed and 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 in Nesquehoning Borough, Carbon County, Pennsylvania within the drainage area of the Lower Delaware, which the Commission has designated as Special Protection Waters.

Specific location information has been withheld for security reasons.

3. Area Served. The docket holder’s public water system supplied by its groundwater sources serves potable water to Nesquehoning Borough, New Columbus, Hauto Valley Estates and the Green Acres West Industrial Park as shown on a map entitled “Location Map and Service Area Map” submitted with the Application. Surface water from the docket holder’s Fourth Hollow Reservoir on Broad Run is used only for industrial cooling and processes at the Panther Creek Energy Facility. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in Section C. DECISION of this docket.

4. Design Criteria. The docket holder’s public water system serves water to approximately 3,230 persons on 1,536 domestic service connections, 82 commercial service connections and 16 industrial service connections and records an existing average and maximum water demand of 0.158 million gallons per day (mgd) and 0.316 mgd, respectively. The docket holder projects the 10-year average and maximum water demand to increase to 0.160 mgd and 0.320 mgd, respectively. The continued total groundwater allocation of 22.3 mgm should be sufficient to meet the future monthly potable demands within the docket holder’s service area.

The docket holder 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-1987-066-7 issued to Panther Creek Power Operating, LLC on March 8, 2023. Previously, the reservoir was used for public water supply but has been replaced with the groundwater wells described in this docket.

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. As described in the Findings section of this docket, the docket holder is required to provide conservation releases from its Fourth Hollow Reservoir.

5. 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.

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

6. Other. Wastewater from the groundwater supplied public water system is conveyed to the Borough of Nesquehoning sewage treatment facility most recently approved by DRBC Docket No. D-1990-107 CP-4 on September 8, 2022. The PADEP issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0062243 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the existing project.

Surface water supplied to Panther Energy from the Forth Hollow Reservoir on Broad Run is consumptively used and not discharged.

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

B. FINDINGS

1. Special Protection Waters

In 1992, the DRBC amended its *Water Quality Regulations (WQR)* by the addition of regulations for the protection of Special Protection Waters (SPW), designed to maintain the quality of interstate waters where existing quality is better than the established stream quality objectives. As the result of its initial classifications and subsequent amendments, the Commission has designated the entire non-tidal main stem Delaware River from Hancock, New York to Trenton, New Jersey as SPW. DRBC's SPW regulations apply within the designated reaches and their drainage area.

The wells and surface water intakes providing water supply to the docket holder are located within the drainage area to SPW. Sections 3.10.3A.2.e.1) and 2) of the *WQR* state that projects subject to review under Section 3.8 of the *Compact* that are located within the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) 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 SPW.

Since this project involves the renewal of an approval for existing activities and does not entail additional construction or expansion of facilities or create new or increased non-point source loads, the NPSPCP requirement is not applicable at this time. Condition C.32. of this docket provides that at such time, if ever, as additions to the area served by the docket holder's withdrawals are proposed, the docket holder will be required to demonstrate compliance with an approved NPSPCP in accordance with DRBC's SPW regulations.

2. 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. The docket holder submitted their most recent Water Audit on February 23, 2023.

3. 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 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.

4. Surface Water Charges / Entitlement

DRBC Entitlement No. 307 entitles the docket holder 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. The docket holder no longer uses this source as a potable water supply. The docket holder 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 the docket holder 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 C.3 in the DECISION section of this docket.

5. Reservoir Operations and Conservation Release Requirements

Panther Creek Power Operating, LLC and the docket holder coordinate operations of the Reservoir. Panther Creek maintains daily records of the withdrawals and ensures that the allocation is not exceeded. The docket holder 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, the docket holder notifies Panther so that they can make preparations to switch to their alternate water supply.

This docket continues the withdrawal restrictions and conservation releases that were contained in the previous docket and PADEP Water Allocation Permit No. WA 13-627B. These include:

- 1) 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 (See Condition C.14) and;
- 2) 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. (See Condition C.15)

The docket holder shall submit a reservoir operation plan describing the methods and instruments used to measure and record daily reservoir withdrawals, reservoir water levels and conservation release rates. The reservoir operation plan shall be submitted to the Commission within 3 months of the approval date of this docket for approval by the DRBC Executive Director. (See Condition C.15).

Daily withdrawal volumes, reservoir water levels and conservation release rates must be maintained by the docket holder and submitted to the DRBC annually by January 31 and shall be available upon request of the DRBC Executive Director (See Condition C.16).

6. Other Findings

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 percent of the total water use. Surface water supplied to the Panther Energy Facility is 100 percent consumptively used. 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 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

Effective on the approval date for Docket No. D-1994-047 CP-3 below, the projects described in Docket No. D-1994-047 CP-2 are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1994-047 CP-3; Docket No. D-1996-047 CP-2 is terminated and replaced by Docket No. D-1994-047 CP-3; and the project and the appurtenant facilities described in in Section A.4. (Design Criteria) and A.5. (Facilities) shall be continued in the Comprehensive Plan. The project and appurtenant facilities as described in 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 docket holder shall continue to report to the PADEP all surface and groundwater sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).
2. 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 agency PADEP 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 PADEP 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 PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.
3. All water withdrawn from Broad Run and transferred to Panther Creek Energy is subject to DRBC water charges and considered 100 percent consumptive. 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 *Basin Regulations – Water Supply Charges 18 C.F.R. Part 420*.
4. 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.
5. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the *Water Code (WC)*, 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.

6. The docket holder shall implement to the satisfaction of the PADEP, a 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.

7. The docket holder shall continue to implement its Water Conservation Plan as approved by 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.

Other Conditions

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

WELL NO.	MAXIMUM RATE (GPM)*	MONTHLY ALLOCATION (MGM)
1	125	5.58
2	250	11.16
3	200	8.92
4	125	5.58
5	125	5.58

* Based on a 24-Hour Average

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

9. During any month, the withdrawal from all surface water sources shall not exceed 37.2 million gallons. No intake shall be pumped above the maximum rate and monthly allocation as indicated below:

INAKE NO.	MAXIMUM RATE* (MGD)	MONTHLY ALLOCATION (MGM)
Fourth Hollow Reservoir on Broad Run	1.2	37.2

* Based on a monthly average

10. In accordance with 18 C.F.R. 401.8. of the Commission’s *Rules of Practice and Procedure (RPP)*, if at any future time the Project is changed materially from the Project as described in this

docket, it will be deemed to constitute a new and different project for the purposes of Article 11 of the Delaware River Basin Compact and will require Commission amendment of the Comprehensive Plan. In accordance with the same section of the RPP, whenever a change to the Project is made, the sponsor must advise the Executive Director, who will determine whether the change is deemed materially for purposes of this provision.

11. 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.

12. 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.

13. 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.

14. 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.

15. The docket holder shall submit a reservoir operation plan describing the methods and instruments used to measure and record daily reservoir withdrawals, reservoir water levels and conservation release rates. The reservoir operation plan shall be submitted to the Commission within 3 months of the approval date of this docket for approval by the DRBC Executive Director.

16. Daily withdrawal volumes, reservoir water levels and conservation release rates must be maintained by the docket holder and submitted to the DRBC annually by January 31 and shall be available upon request of the DRBC Executive Director.

17. The wells, surface water intake and operational records shall be available at all times for inspection by the DRBC.

18. The wells and surface water intake shall be operated at all times to comply with the requirements of the *WC* and *WQR* of the DRBC.

- 19.** 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.
- 20.** Each new water service connection shall include a water meter in accordance with the DRBC’s Resolution No. 87-7 (Revised).
- 21.** 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).
- 22.** The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.
- 23.** 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.
- 24.** 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.
- 25.** 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*.
- 26.** 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).
- 27.** 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).
- 28.** The docket holder shall request a name change of the entity to which this approval is issued 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).
- 29.** 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.

30. 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.

31. 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.

32. 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.

33. 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 complies with a DRBC approved NPSPCP.

34. 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 5, 2034

DRAFT