



DRBC Project Review: Background Information for Applicants and the General Public

Why Does DRBC Review Projects?

The Delaware River Basin Compact provides that no project having a substantial effect on the water resources of the basin shall be undertaken unless it shall have been first submitted to and approved by the commission (Delaware River Basin Compact, §3.8). In accordance with Section 3.8 of the Compact, the commission is required to approve a project whenever it finds and determines that the project would not substantially impair or conflict with the Comprehensive Plan.

The commission provides by regulation for the procedure of submission, review, and consideration of projects and for its determinations pursuant to Section 3.8 of the Delaware River Basin Compact (for docket application) and in accordance with Section 10.3 of the compact and the commission's Southeastern Pennsylvania Ground Water Protected Area Regulations (GWPA; for Protected Area Permit applications).

[View DRBC's Authorities, Regulations, and Guidance](#)

What is the Process for DRBC Project Review?

In general, DRBC has the authority to review projects in the basin that withdraw from or discharge to the basin's waters over certain thresholds. DRBC's review responsibilities cover new projects, renewals, or increases (or decreases) in allocations previously approved by the commission. Docket and permit applications are reviewed by DRBC's Water Resource Management (WRMB) and Modeling, Monitoring, and Assessment branches.

The commission issues a public [Notice of Application Received \(NAR\)](#) about once a month to update the public regarding applications it received since its last NAR was issued. The notice is issued prior to a detailed review by the WRMB. Because projects may be modified as a result of commission review, the project description in an NAR does not always perfectly match the project description in the corresponding docket approval, when issued.

The DRBC commissioners approve dockets at regularly scheduled business meetings after a public hearing has occurred. Commission public hearings are scheduled quarterly each year. DRBC provides a pending project status matrix to assist applicants and the general public in tracking information about a project that has been submitted to the commission for review. A project for which no hearing date is listed in the pending project status matrix may nevertheless be under active review. A hearing date may not yet have been assigned for any of several reasons, including missing information, the status of state review, or WRMB work load.

Applicants should advise WRMB staff of any key project milestones that could be compromised if a hearing date is missed. The commission's WRMB staff will attempt to accommodate the needs of the applicant; however, project reviews are subject to the rules of the commission, branch work load, timing of the applicant's submission relative to the next commission hearing, coordination with the state, and the quality of the application. Generally, applicants should anticipate 4-6 months for review of an application prior to commission hearing and should make an early application to avoid project delays.

An informal conference may be scheduled to explain, supplement, or review a project application. Applicants for new projects are encouraged to seek an informal conference early in the project development stage.

Although the DRBC pending project status matrix is updated regularly, commission hearing dates are subject to change. Applicants and the public should check with the project lead if they have questions regarding the hearing status of a project. A project can receive commission consideration at a public hearing only when notice has been published at least 10 days prior to the hearing date.

It is important to note that GWPA permits do not automatically receive a commission hearing. They are approved or disapproved by the DRBC executive director with the concurrence of the Pennsylvania member of the commission (or his or her designated alternate).

The commission's regulations provide for emergency approval between commission meetings in the event that action is required to protect the public interest or to avoid substantial and irreparable injury to a private person or property. Under such circumstances, if review, hearing, and determination in accordance with the commission's usual procedures are not possible, the DRBC executive director, with the approval of the chairman of the commission, may issue an emergency certificate authorizing an applicant to take such action as the executive director may deem necessary and proper, pending review, hearing, and determination in accordance with commission procedures.

[View Applications & Information for DRBC Docket Holders](#)

DRB Areas with Special Review Thresholds:

- [Southeastern Pennsylvania Ground Water Protected Area \(GWPA\)](#) - The GWPA, where more stringent regulations apply to ground water withdrawals than they do in the rest of the Delaware River Basin, was initially established by DRBC at the request of the Commonwealth of Pennsylvania after it became evident that development was negatively impacting ground water levels. The regulations require that new or expanded well water projects located within the delineated GWPA involving an average withdrawal of more than 10,000 gallons per day (gpd) during any consecutive 30-day period from a well or group of wells operated as a system must obtain a DRBC Protected Area Permit.
- [Special Protection Waters \(SPW\)](#) - The SPW program, initially adopted by the DRBC in 1992 and expanded in 1994 and 2008, is designed to prevent degradation in streams and rivers where existing water quality is better than the established water quality standards through stricter control of wastewater discharges and reporting requirements. This is accomplished by taking a watershed approach, looking also at the drainage area of the designated waters, and by regulating both point and non-point source discharges. Currently, the entire 197-mile non-tidal

Delaware River from Hancock, N.Y. to Trenton, N.J. is considered Special Protection Waters, three-quarters of which is also included in the National Wild and Scenic Rivers System.

DRBC Type of Project Definitions:

Definitions for “Type of Project” in the Application Status Information spreadsheet are as follows:

- GW = ground water withdrawal
- SW = surface water withdrawal
- IWTP = industrial waste treatment plant
- WTP = water treatment plant
- WWTP = wastewater treatment plant
- Import = diversion or transfer of water/wastewater into the Delaware River Basin
- Export = diversion or transfer of water/wastewater from the Delaware River Basin
- Power = A consumptive use of water for power production in excess of 100,000 gpd that may also include withdrawals of water and discharges of wastewater.
- Pipeline = A pipeline installation project that may also include withdrawals of water and discharges of wastewater.
- Gas Drilling = A natural gas extraction related project that may also include withdrawals of water and discharges of wastewater.

DRBC Project Categories:

For purposes of efficiency at DRBC public hearings, DRBC dockets are assigned one of three general categories, as follows:

- Renewals with no substantive changes (no increase in allocation or change in wastewater treatment process and no increase in discharge capacity). A new or replacement well may be included in the application with no increase in allocation.
- Renewals with substantive changes (increases in groundwater/surface water allocation, increases in wastewater discharge capacity, change in treatment process, substantial alterations or additions as per SPW definition, etc.).
- New Projects. A project for which no docket or GWPA permit has been issued previously.