

Frequently Asked Questions (FAQs)

Water Supply Systems Serving the Public— Large Customer Reporting Rule



1. What action is the Delaware River Basin Commission (DRBC) proposing regarding large customers of water supply systems serving the public (purveyors)?

Under Section 2.50.3 of the current Delaware River Basin Water Code each public water supply system that withdraws or distributes in excess of 100,000 gallons per day (“gpd”) as an average during any 30-day period is required to report certain source and service data annually for the previous calendar year. The Commission is proposing to add to the reporting requirements for some of these systems—those that constitute water supply systems serving the public (“purveyors”)—a requirement that each also report certain data for customers to which during the previous calendar year the system has supplied 50,000 gpd or more as an average over any 30-day period through one or more proximate connections. If a purveyor bills only quarterly, and a 30-day average is not initially available, then the threshold of 50,000 gpd over 90 days (*i.e.*, as a quarterly rather than a 30-day average) is proposed to apply temporarily. (See FAQs #10 and #11). In addition to amending the Water Code, the requirement would constitute an amendment to the Commission’s Comprehensive Plan.

2. What is a water supply system serving the public (purveyor) for purposes of this rule?

For purposes of the proposed changes to Water Code Section 2.50, a “water supply system serving the public,” or “purveyor,” means any water utility, public or private, that delivers water to customers. The terms “water supply system serving the public” and “purveyor” are used interchangeably in the proposed rule and in these FAQs.

3. What are proximate connections?

For the purpose of the proposed rule, proximate connections are service connections of a water supply system serving the public that may be metered separately but that serve a single customer at a single location, facility, or campus.

4. What data will the Commission require for each large customer?

The Commission is proposing that the data to be reported include the amount of water supplied to each large customer for each calendar month, the purveyor’s DRBC docket number and state permit number or state identifier, a customer identifier, the customer

and/or facility name, the customer type or sector (*see* FAQ #21 for anticipated type/sector descriptors), and the customer NAICS¹ code.

5. *How will purveyors report large customer water use to the Commission?*

Purveyors will report the data electronically in a manner prescribed by the Executive Director. The prescribed manner will entail a data entry form in Microsoft Excel, to be completed and transmitted to the Commission by the purveyor. This approach is similar to that by which water supply systems serving the public currently submit their Water Audit data. Notably, if the purveyor has verified that a large customer is already supplying the required information to a state agency that shares water use data with the Commission, then the purveyor will not be required to submit the same data on that customer to the Commission.

6. *How many purveyors are expected to be impacted by this rule?*

Approximately 300 water supply systems serving the public will be subject to the new rule. However, the Commission anticipates that only a subset of these have customers that purchase 50,000 gallons or more per day as a 30-day average (or initially, if the 30-day average is not available, as a quarterly average). The exact number of systems with customers of this size is not yet known.

7. *Why is the Commission proposing this change now?*

From approximately 1990 to the year 2020, usage by water supply systems serving the public declined in the Delaware Basin, despite an increase in population. This trend was attributed to a decline in large industrial customers, the adoption of plumbing codes requiring water-efficient plumbing fixtures, fittings and appliances, and the regular implementation of leak detection and repair programs. However, beginning in 2021, the data show a reversal of the decades-long downward trend. Since that year, total withdrawals by water supply systems serving the public have been increasing, but the reasons for this reversal are not known. Nor is it clear whether the increases are comprised of water that is used consumptively (*i.e.*, not returned to waters of the Basin) or non-consumptively (*i.e.*, discharged to waters of the Basin after it is used). To ensure that uses of the Basin's water resources remain sustainable, it is important that the Commission monitor and understand trends in water use, including by gaining a better understanding of how water delivered by public water supply systems is used. Collecting additional

¹ "NAICS" stands for North American Industry Classification System. NAICS codes consist of two- to six-digit numbers developed jointly by the United States, Canada and Mexico. Businesses self-assign a NAICS code to classify their primary economic activity. The codes are used by government agencies to standardize industry data collection across North America.

information about large customer water use is a way to better understand recent trends without imposing a substantial burden on either purveyors or end users.

8. *How did the Commission determine the reporting threshold of 50,000 gpd?*

The selection of 50,000 gpd as a reporting threshold reflects the Commission's attempt to find a balance between collecting too much data and too little. The Commission seeks to avoid casting the net so wide as to make the obligation burdensome and generate more data than DRBC can readily use or interpret. At the same time, it does not want to cast the net so narrowly that no helpful clarification is obtained from the effort.

For additional context, within the Delaware River Basin, surface or ground water withdrawals of more than 100,000 gpd during any consecutive 30-day period are subject to DRBC review and approval, except in the Southeastern Pennsylvania Groundwater Protected Area ("GWPA"), where withdrawals exceeding 10,000 gpd during any 30 consecutive-day period require a DRBC permit. [Chapter 110](#) of Pennsylvania's Act 220 ("Chapter 110") includes a requirement that anyone with a total withdrawal of water at a rate in excess of an average of 10,000 gpd in any 30-day period must report their water usage to the Department of Environmental Protection. Chapter 110 requires similar reporting by anyone who obtains water from another person through an interconnection in an amount that exceeds an average rate of 100,000 gpd in any 30-day period, or if within a designated critical water planning area, an average rate of 10,000 gpd during any 30-day period through. See 25 Pa. Code § 110.201. Under the [Delaware Administrative Code](#), anyone who withdraws 50,000 gallons per day or more of water from surface or groundwater must obtain an allocation permit and report monthly water use to the state's Division of Natural Resources and Environmental Control. See 7 DE Admin. Code 7303.

9. *How many large customers of water supply systems serving the public exist in the Delaware River Basin?*

It is not known how many large customers exist in the Basin. It is expected that the new reporting requirement will help DRBC answer this question.

10. *What if a water supply system serving the public doesn't bill their customers monthly?*

Drawing upon data from the calendar year (CY) 2024 Water Audit submittals, the Commission tabulated the billing frequencies of water supply systems serving the public, as shown below.

**Billing Frequency as Reported by Water Supply Systems
Serving the Public in the CY2024 Water Audit Submissions**

Row Labels	DE	NJ	NY	PA	TOTAL
No answer		2		2	4
More frequently than monthly	3	2	2	11	18
Monthly	16	31	2	52	101
Bi-Monthly		1			1
Quarterly	8	47	11	91	157
Less frequently than quarterly		1		1	2
Subtotals:	27	84	15	157	283

11. Which year will be the first reported under the adopted rule?

The Commission proposes to collect monthly data for large customers beginning with calendar year 2026 data, to be submitted in June 2027. If a purveyor's practice is to bill only quarterly, then the purveyor must initially report data for customers to which it supplies 50,000 gpd as a 90-day average. These less-than-monthly data will be accepted for 2026 and any portion of 2027 that precedes the effective date of the final rule. As proposed, the rule requires all water supply systems serving the public, regardless of their current billing practices, to report monthly large customer water use (50,000 gpd as a 30-day average) for each month following the effective date of the final rule. Accordingly, if the rule becomes effective in May 2027, the purveyor's report for 2026 (to be submitted in June 2027) may include less-than-monthly data for all of 2026. The purveyor's report for 2027 (to be submitted in 2028) may include less-than-monthly water use data for the months of January through April of 2027, but must include monthly data for each large customer for the months of May through December of 2027.

12. What if a large customer already reports their monthly water use to the host state agency under state regulations?

If a purveyor verifies that in accordance with a state regulation, a large customer has reported directly to a state agency all the information required by the DRBC's proposed rule, the proposed rule does not require the purveyor to submit the same information to the Commission.

13. How is this proposed rule different than the existing rule in Pennsylvania that requires anyone withdrawing or using water in excess of an average of 10,000 gpd to register their water sources and submit annual water use reports?

On the Commonwealth of Pennsylvania State Water Plan website, Pennsylvania Act 220 ([25 Pa. Code Chapter 110](#)) is described as follows:

A Department regulation, which establishes water withdrawal and use registration, monitoring, record-keeping and reporting requirements at [25 Pa. Code Chapter 110](#), became effective upon publication in the Pennsylvania Bulletin on November 15, 2008.

Registration applies to public water supply agencies (defined as community water systems) and hydropower facilities, irrespective of the amount of withdrawal and to the following persons:

- Whose total withdrawal from the point of withdrawal, or multiple points of withdrawal operated as a system either concurrently or sequentially, within a watershed exceeds an average rate of 10,000 gallons per day in any 30-day period.
- Who obtains water through an interconnection (purchase) with another person in an amount that exceeds an average rate of 100,000 gallons per day in any 30-day period unless within an area designated as a critical water planning area and the purchase amount exceeds an average rate of 10,000 gallons per day in any 30-day period. For critical water planning areas, refer to this map([opens in a new tab](#)).

Any person not meeting the aforementioned reporting requirements may voluntarily register and report their withdrawals and usage to DEP.

Registrants must annually report their water usage and other information and retain records for at least 5 years.

The proposed DRBC rule differs from Pennsylvania's existing regulation in that the DRBC rule would: (1) require the *purveyor*, not the *customer*, to submit water use reports (except in instances in which the customer is already reporting the required data to Pennsylvania); (2) require data only for customers of water supply systems serving the public; and (3) apply only to customers to which a purveyor supplies 50,000 gpd or more as an average during any 30-day period through one or more proximate connections (except as described at FAQs #1 and #11).

- 14. Under the proposed rule, would purveyors report use by a customer such as a university or hospital complex that uses more than 50,000 gpd, but through more than one metered connection?**

Please see responses to FAQ #1 and #2 for discussions of the terms “large customer” and “proximate connection” in the context of the proposed rule. By the applicable definition, a single university or hospital campus is considered a large customer if the complex (or campus it occupies) uses more than 50,000 gpd through one or more connections. The purveyor is encouraged to reach out to DRBC staff to discuss unique scenarios.

15. *Does the proposed rule require the purveyor to report monthly water use by a large customer if the system has entered into a non-disclosure agreement (NDA) with that customer?*

Yes. Please also see FAQ #19, below.

16. *How will large customer water use data help the Commission determine whether a use is consumptive or non-consumptive?*

The proposed rule requires the purveyor to identify the NAICS code and type/sector of the facility associated with each large customer. The Commission expects to be able to associate a large customer’s NAICS code and type/sector with an estimated consumptive use coefficient based upon a review of published literature and/or case-specific information. The coefficient may then be applied to refine our understanding of the consumptive use profile of water supply systems serving the public.

17. *What consumptive use coefficient does the Commission currently apply to water supply systems serving the public?*

The Commission currently applies a 10 percent consumptive use coefficient to most water supply systems serving the public based upon a review of published literature and/or case-specific information.

18. *How does water use data help the Commission manage water resources during dry or drought conditions?*

During dry conditions or a drought, the Commission relies on releases of fresh water from reservoirs to help repel saline ocean water, which may otherwise migrate upstream through the Delaware River Estuary, posing a risk to water supply intakes serving millions of people in Philadelphia and southern New Jersey and harming industrial intakes. Consumptive uses of fresh water that would otherwise flow into the Estuary can exacerbate the dry conditions the Commission is charged with mitigating. As a consequence, facilities with very large consumptive uses, currently including electric generating and cogenerating facilities that consume in excess of 100,000 gpd in a 30-day period, are required to maintain sources of consumptive use replacement water that can be released to augment flows under extremely dry conditions. Comprehensive water use

data helps the Commission understand which industrial or other uses—either individually or collectively—have the potential to diminish main stem flows during a drought. The large customer data the Commission proposes to collect will help DRBC confirm whether the basinwide consumptive use profile on which the Commission’s drought management plans are based accurately reflects current use within the Basin or requires reevaluation.

19. Does the Commission expect to publish the data it collects?

Yes. The DRBC expects to publish the data directly or indirectly, for example as part of technical and planning studies, as needed to support its water resource management responsibilities. The information DRBC collects is presumed to constitute public records subject to disclosure in accordance with Subpart H of the Commission’s *Rules of Practice and Procedure*, 18 C.F.R. Part 401. However, under Subpart H, certain commercial or financial information that “is used in [a] business and is of a type customarily held in strict confidence or regarded as privileged and not disclosed to any member of the public by the person to whom it belongs” may be exempt from disclosure. 18 C.F.R. § 401.112(c). An entity claiming data is exempt from disclosure by the Commission bears the burden of proving the elements of the exemption under this rule.

20. Will the Commission adjust applicable surface water charges based on this information?

In accordance with the Commission’s Water Supply Charges Regulations at 18 C.F.R. Part 420, with limited exceptions, withdrawers of surface water throughout the Basin are charged a fee for their withdrawals to support the debt service, operation, maintenance and replacement costs of storage the Commission maintains in two reservoirs—Blue Marsh and Beltzville—owned and operated by the U.S. Army Corps of Engineers. The Commission uses releases from its storage to support freshwater flows in the main stem Delaware River. Sufficient freshwater flows are needed to protect water supply and industrial intakes in the Delaware Estuary from the upstream migration of saline ocean water during periods of low flow or drought. The current schedule of surface water supply charges, set forth at 18 C.F.R. § 420.41, provides for charges of \$110 per million gallons for water used consumptively and \$1.10 per million gallons for water used non-consumptively. “Consumptive use” is defined at 18 C.F.R. § 420.1. These rates are subject to an annual adjustment in accordance with 18 C.F.R. § 420.41(c).

As noted at FAQ #17 above, for any large surface water withdrawal, the Commission generally applies a sector-specific consumptive use coefficient to determine the volume of the water that is presumed to be used consumptively. The information collected through the proposed rule may prompt the Commission to re-examine the coefficient that it currently applies to water supply systems serving the public or seek more system-specific

information before routinely applying this coefficient. But neither of these outcomes is pre-determined, and neither will necessarily result in a change to surface water withdrawal charges. Some or all withdrawals from many large water supply systems serving the public may be exempt from DRBC water supply charges because the withdrawals pre-date the Delaware River Basin Compact or are taken from reservoir storage constructed by the public water supply system at its own expense. Other purveyors rely on groundwater withdrawals that are not subject to the Commission's surface water withdrawal charging program. The Commission's primary objectives in collecting large customer data are to better understand the water use profile of these customers, to better quantify consumptive uses of water, and to determine future water supply needs and risks based on trends.

21. *Which sectors will the Commission expect purveyors to choose from when identifying their large customers?*

It is anticipated that the Commission's reporting form will have a dropdown menu with a list of sectors for public water supply systems to choose from. As of this writing, the sectors are expected to include: Residential (Single-Family), Residential (Multi-Family), Mobile Home Park, Correctional Facility, School/Education, Hospital/Health, Recreation, Military, Golf Course, Garden Supply/Nursery, Other Food/Beverage Industry, Irrigation—Other, Bottled Water, Data Center, Commercial, Manufacturing, Refinery, Industrial, Power Generation, and Other.

22. *Are exportations of water from the Basin by New York City and the state of New Jersey pursuant to the 1954 U.S. Supreme Court Decree intended to be subject to this rule?*

No. Diversions out of the Basin by New York City and the State of New Jersey under the 1954 U.S. Supreme Court Decree would not be subject to the proposed reporting requirements if and when adopted.

23. *Will a purveyor that is not a withdrawer but that distributes more than 100,000 gpd during any 30-day period be subject to this rule?*

Yes. The proposed reporting requirement applies to any water supply system serving the public that distributes more than 100,000 gpd during any 30-day period, regardless of whether the system is also a water withdrawer. If such a purveyor is not also a withdrawer, it likely acquires water from a bulk water provider or through a large interconnection with another public water supply system serving the public. Such purveyors are sometimes referred to as "sale for re-sale" purveyors.

24. *What impact, if any, will the proposed rule have on residents or businesses (i.e., individual ratepayers) that purchase water from a water supply system serving the public?*

None. The Commission does not anticipate any additional costs to individual ratepayers, nor does the Commission anticipate the installation of new or additional service meters. Through this rule, the Commission is proposing **only** to require additional reporting by **purveyors**. In particular, the rule will require purveyors to report certain data for their large customers, *i.e.*, those to whom during the previous calendar year the system supplied 50,000 gpd or more as an average over any 30-day period. Notwithstanding the above, if any potentially affected person foresees an unintended impact on individual ratepayers, they are encouraged to identify that impact during the public comment period.

25. *What burden will the proposed rule place on water supply systems serving the public?*

DRBC does not anticipate that the proposed rule will place a significant burden on purveyors. However, the Commission is interested in hearing from the regulated community during the public comment period regarding the impact of the additional reporting burden. Additionally, during the Commission's Water Management Advisory Committee (WMAC) meeting on October 14, 2026, DRBC staff will host an informal presentation about the proposed rule. The WMAC meeting will be held virtually, and registration details will be posted on the [DRBC website](#) closer to the meeting date.

26. *What, if any, additional revisions to the Delaware River Basin Water Code is DRBC proposing?*

DRBC is proposing to add a new Section 2.50.1, "Definitions," to Section 2.50. Accordingly, current Sections 2.50.1 through 2.50.3, will be re-numbered 2.50.2 through 2.50.4. Cross-references in Section 2.50 and at 2.1.8 D. will be changed to match the new section numbers.

In addition, DRBC is proposing minor grammatical revisions to clarify the meaning of current Sections 2.50.3 A.1 and A.2 (which will become 2.50.4 A.1. and A.2). Specifically, Section 2.50.3 A.1. currently provides: "The owner(s) of each water supply system serving the public and subject to requirements under subsection 2.50.1, subsection 2.50.2, **and** the Ground Water Protected Area Regulations for Southeastern Pennsylvania shall report the following data on an annual basis to the designated agency" (emphasis added).

Likewise, Section 2.50.3 A.2 currently provides: "Each person, firm, corporation, or other entity, except water supply systems serving the public subject to requirements under

subsection 2.50.2 **and** the Ground Water Protected Area Regulations for Southeastern Pennsylvania shall report the following data on an annual basis to the designated agency” (emphasis added).

The proposed amendments replace "and" with "or" in each instance to clarify when the provisions apply. In neither instance does the change alter the manner in which the Commission currently applies the provision or intends to apply it in the future.

END OF SECTION

ADDITIONAL QUESTIONS AND ANSWERS WILL BE ADDED AS REQUIRED