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AUTHORITY: Delaware River Basin Compact (75 Stat. 688), unless otherwise noted.

SOURCE: 39 FR 25474, July 11, 1974, unless otherwise noted.

§ 401.0 Introduction.

(a) The Delaware River Basin Compact requires the Commission to formulate and adopt a Comprehensive Plan and Water Resources Program. In addition, the Compact provides in Section 3.8 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. The Commission is required to approve a project whenever it finds and determines that such project would not substantially impair or conflict with the Comprehensive Plan. Section 3.8 further provides that the Commission shall provide by regulation for the procedure of submission, review and consideration of projects and for its determinations pursuant to Section 3.8.

(b) The Comprehensive Plan consists of all public and those private projects and facilities which the Commission has directed be included therein. It also includes those documents and policies which the Commission has determined should be included with the Comprehensive Plan as being needed to insure optimum planning, development, conservation, use, management and control of the water resources of the Delaware Basin to meet present and future needs. The Comprehensive Plan is subject to periodic review and revision as provided in Sections 3.2 and 13.1 of the Compact.

(c) The Water Resources Program is based upon the Comprehensive Plan. It is required to be updated annually and to include a systematic presentation of the quantity and quality of water resources needs of the area to be served for such reasonably foreseeable period as the Commission may determine, bal-

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anced by existing and proposed projects required to satisfy such needs. The Commission's review and modification of the Water Resources Program is conducted pursuant to the provisions of Articles 3.2 and 13.2 of the Compact.

(d) The Commission's Rules of Practice and Procedure govern the adoption and revision of the Comprehensive Plan, the Water Resources Program, the exercise of the Commission's authority pursuant to the provisions of Article 3.8 and other actions of the Commission mandated or authorized by the Compact.

(e) These Rules of Practice and Procedure extend to the following areas of Commission responsibility and regulation:

- Article 1—Comprehensive Plan.
- Article 2—Water Resources Program.
- Article 3—Project Review Under Section 3.8 of the Compact.
- Article 4—(Reserved).
- Article 5—Appeals or Objections to Decisions of the Executive Director in Water Quality Cases.
- Article 6—Administrative and Other Hearings.
- Article 7—Penalties and Settlements in Lieu of Penalties.
- Article 8—Public Access to the Commission's Records and Information.
- Article 9—General Provisions.

(f) These rules are subject to Commission revision and modification from time to time as the Commission may determine. The Commission reserves the right to waive any Rule of Practice and Procedure it determines should not be applicable in connection with any matter requiring Commission action. All actions by the Commission, however, shall comply fully with the applicable provisions of the Compact.

[62 FR 64154, Dec. 4, 1997]

Subpart A—Comprehensive Plan

SOURCE: 62 FR 64154, Dec. 4, 1997, unless otherwise noted.

§ 401.1 Scope.

This subpart shall govern the submission, consideration, and inclusion of projects into the Comprehensive Plan.