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November 30, 2023

Mr. Steve Tambini
Executive Director
Delaware River Basin Commission
25 Cosey Rd.
West Trenton, NJ 08628

Re: Public Comment on Proposed Amendments to Rules of Practice and Procedure

Dear Mr. Tambini:

Please accept the following letter as my submission for public comment on the Delaware River Basin Commission's (DRBC) proposed amendments to the Commission's Rules of Practice and Procedure.

As you know, over 14.2 million people – including over 5.7 million Pennsylvania residents – live within the Delaware River Basin and rely on this waterway for clean drinking water and outdoor recreation. I appreciate the DRBC's efforts to protect the quality of our drinking water and hope that such efforts continue in the future. The DRBC has a critical role in protecting the health and well-being of our communities and ecosystem and I urge the Commission to make such protections the consistent, top priority in all future decisions, even when the pressure from powerful, for-profit entities whose operations often threaten the environment and waterways, is increased when they seek to use the Delaware River Basin as part of the business plan. The public relies on the Commission to ensure they have clean, drinkable water, a constitutional right here in Pennsylvania, as well as a basic necessity for life for all living beings. The DRBC must include the public in all aspects of decision making regarding any impacts to the water resources provided by the Delaware River Basin.

While the proposed amendments to the Rules of Practice and Procedure were explained by DRBC to resolve ambiguities in current language and replace out-of-date provisions, several stakeholders contacted my office with significant concerns about the provisions in the amendments regarding public participation and transparency. Transparency is not an option or a privilege, but rather a fundamental component of a fair and functional government and its affiliated entities and agencies. It is the duty and responsibility of all government officials and

decision makers to ensure that all processes, actions and solutions are available and accessible to all, including guaranteed opportunity for public comment and participation.

I am requesting that the DRBC consider the following improvements to the proposed amendments before they are finally implemented. First, it is imperative that all Commissioners have an opportunity to review and approve any and all extensions of permits. Under the proposed amendment to §401.41, much decision making power is vested in the Executive Director and public notification is only required after a determination has been made. The determination of any permit extension or permit modification must be open to public comment prior to it being approved. Making decisions without public input is simply unacceptable and leads to ineffective, and even harmful, policy and/or regulatory implementation.

Also, while I appreciate the DRBC taking action to try and eliminate confusion regarding the public information request process, I have concerns with the updates to Subpart H of the Rules of Practice and Procedure. It is my hope that these changes do not limit public access and that the DRBC enhances public involvement, and works to remove barriers encountered by concerned residents when trying to access pertinent information on projects and applications. Public participation empowers residents to hold the government accountable for its actions or lack of action, ensures people-centered policy creation and implementation, and ensures that permit seekers, such as for-profit entities (including corporate polluters) are not given approval without adequate review from those who are directly impacted by a proposed project.

Thank you in advance for your consideration of this public comment.

In service,

A handwritten signature in black ink, appearing to read 'Katie Muth', with a stylized, flowing script.

Katie Muth
State Senator
44th Senatorial District

cc: Honorable Josh Shapiro, Governor, Commonwealth of Pennsylvania