



Public Hearing Requirement for Data Centers Seeking ABR(e) Approval from the Susquehanna River Basin Commission

Public interest continues to grow regarding project sponsors (regulated entities) seeking to develop data centers. The Susquehanna River Basin Commission (SRBC) specifically notes the growing interest in water sourcing for potential data centers. And recently, some data center developers are considering designs that function on water volumes that can be provided by existing public water supplies.

Because such projects would not be developing new water withdrawals, this approach does not require an individual water withdrawal approval from the SRBC because the source water is already regulated through the public water supply system. However, this approach does require SRBC approval for the consumptive use of water* if the volume of water used exceeds the SRBC's threshold of 20,000 gallons per day over a 30-day average. Consumptive uses of water solely supplied by "public water supply, stormwater, wastewater, or other reused or recycled water, or any combination thereof," may seek an approval by rule from the SRBC for its consumptive use. See [18 C.F.R. § 806.22\(e\)](#). This approval is known as an "ABR(e)" and is akin to a general permit. This process has been in place since 2007.

ABR(e)s can be issued by the Executive Director after review of the application by SRBC staff and satisfaction of the notice requirements under 18 C.F.R. § 806.15(f), which includes a written comment period. However, this review process is not required in the Commission's quarterly public hearing process. The Executive Director has the authority to hold public hearings for both the "consideration of projects" and/or when a hearing is warranted to "give adequate consideration to issues related to health, safety and welfare, or protection of the environment, or to gather additional information for the record or consider new information on a matter before the Commission." 18 C.F.R. § 808.1(b)(2) and (4).

Given the heightened public interest and scrutiny involving data center development within the Susquehanna River Basin, the Executive Director of the SRBC, pursuant to his authority under 18 C.F.R. § 808.1(b)(2) and (4), hereby requires that any application for an ABR(e) filed by a project sponsor for a data center will be subject to a hearing. Any application for an ABR(e) for a data center water use will be subject to the next quarterly Commission hearing date for the purpose of receiving public comments related to the proposed consumption of water. More information on the Commission's ABR(e) process can be found at on our website at this [link](#).

**Consumptive Use* is defined as water used in such a way that it is considered lost to the basin because it is evaporated, transpired due to irrigation, diverted, incorporated into manufactured products or injected underground.