

Chapter 110 Final Regulations

Statewide Committee

April 18, 2008

What's different?

- Received comments from 8 organizations
- Prepared Comment/Response document
- Regulations were revised

Definitions

- Minor additions to terms
- References to sections in Act (Removal of redundancies if terms are in Act)
- Clarification of terms

110.2 Purpose

§ 110.2. Purpose

This chapter establishes the registration, monitoring, recordkeeping and reporting requirements ~~that apply, for purposes of developing data for the State Water Plan~~ **OBTAINING ACCURATE INFORMATION FOR WATER RESOURCES PLANNING**, to each person who owns a public water supply agency or hydropower facility and each person whose total withdrawal or withdrawal use from a point of withdrawal, or from 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.

§ 110.3. General requirements ~~CONFIDENTIAL INFORMATION.~~


~~(a) Registration requirements. Each person who owns a public water supply agency or hydropower facility and each person whose total withdrawal or withdrawal use from a point of withdrawal, or from 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 shall register, monitor, maintain records and submit reports to the Department regarding withdrawals or uses of water in accordance with this chapter.~~

~~(b) Confidential information.~~

(1a) Except as provided in ~~paragraph subsection (2b)~~, information required to be submitted to the Department under this chapter shall be subject to the act of June 21, 1957 (P. L. 390, No. 212), known as the Right-to-Know ~~Act~~ **LAW**.

(2b) Each person who submits information under this chapter that the person claims is confidential information **UNDER EITHER THE ACT OR PUBLIC UTILITY CONFIDENTIALITY SECURITY INFORMATION DISCLOSURE PROTECTION ACT** shall identify **OR DESIGNATE** the confidential information and provide a justification

Persons can claim confidentiality under Act 220 or Act 156 through unified procedure



Subchapter B Registration

Subchapter B. REGISTRATION

Sec.

110.201.	Registration requirement.
110.202.	Submission of registrations.
110.203.	Content of registration.
110.204.	Voluntary registration.
110.205.	Transfer of registration.
110.206.	Termination of registration.

§ 110.201. Registration requirement.

The following persons shall register the information specified in § 110.203 (relating to content of registration) with the Department:

- (1) Each owner of a public water supply agency.
- (2) Each owner of a hydropower facility.
- ~~(3) —(3) Each person whose total withdrawal or withdrawal use from a point of withdrawal, or from 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.~~
- (4) EACH PERSON WHO OBTAINS WATER THROUGH INTERCONNECTION WITH ANOTHER PERSON IN AN AMOUNT THAT EXCEEDS ~~except if all water is supplied by a public water supply agency and the average consumptive use is less than~~ AN AVERAGE RATE OF 100,000 gallons per day ~~over~~ IN any 30-day period.**
- (5) WITHIN AN AREA DESIGNATED AS A CRITICAL WATER PLANNING AREA, EACH PERSON WHO OBTAINS WATER THROUGH INTERCONNECTION WITH ANOTHER PERSON IN AN AMOUNT THAT EXCEEDS AN AVERAGE RATE OF 10,000 GALLONS PER DAY IN ANY 30-DAY PERIOD.**

- Discontinued use of the term “withdrawal use”
- Changed exceptions to positives

- New: Items (4) and (5)
- Registration of those on public water supply
- Opportunities for conservation, Identification of consumptive use



Registration

§ 110.203. Content of registration.

A registrant shall provide information, on forms prescribed by the Department and developed in consultation with the Statewide Committee, including:

(1) Registrant identification and description information.

(2) — (2) — FOR EACH SOURCE:

(i) Identification **NAME, DESCRIPTION AND LOCATION**

(ii) — description, including location, and a **Amount OF WATER WITHDRAWN OR** as appropriate, of the following: source, withdrawal or withdrawal use, or both, consumptive and nonconsumptive use, water returned and discharged and water transferred between public water supply agencies via interconnection **OBTAINED THROUGH INTERCONNECTION WITH ANOTHER PERSON, OR INSTREAM HYDROPOWER USE**

~~—(3) Identification and justification of confidential information.~~

§ 110.204. Voluntary registration.

(a) — A person, not subject to the registration requirements of § 110.201 (relating to registration requirement), who withdraws or uses water, may voluntarily register with the Department the **HIS OR ITS water** withdrawal or **WITHDRAWAL** use, in accordance with the registration provisions of this subchapter.

(b) Notwithstanding §§ 110.301 and 110.401 (relating to reporting requirement; and monitoring and recordkeeping requirement), voluntary registrants shall monitor, maintain records and report to the Department in accordance with the other provisions of Subchapters C—E **(RELATING TO REPORTING; RECORD KEEPING; AND MONITORING)**.

§ 110.205. Transfer of registration.

The Department will transfer a registration, if the following conditions are met:

General information

Opportunity for voluntary registration

Termination of registration

§ 110.206. Termination of registration.

(a) Except for a public water supply agency or hydropower facility, when a ~~registered withdrawal or use~~ **PERSON'S COMBINED WITHDRAWALS FROM ALL SOURCES** ~~over a~~ **DECREASE FOR** ~~A~~ 12-month period ~~continue to be an amount less than the 30-day average threshold amount requiring registration as specified in~~ **SUCH THAT THE PERSON IS NO LONGER SUBJECT TO** § 110.201(2) (relating to ~~registration~~ **REGISTRATION** requirement), the person ~~responsible for the withdrawal or use~~ may file with the Department, on forms provided by the Department, a written **NOTICE OF REDUCTION AND** request for termination of registration.

(b) When a registered withdrawal **FOR A SOURCE** or use over a 12-month period is zero, or if a withdrawal or use has been ~~abandoned~~ **TERMINATED**, the person responsible for the withdrawal or use may file with the Department, on forms provided by the Department, a written **NOTICE OF TERMINATION AND** request for termination of registration **RELATED TO THAT SOURCE OR USE**.

(c) Upon receipt of proper written request for termination, the Department will terminate the registration and notify the registrant.

(d) When a registered withdrawal or use over seven consecutive 12-month periods is zero, based upon reports submitted in accordance with Subchapter C (relating to reporting), the Department will terminate the registration and notify the registrant.

If withdrawals change below 10,000 gpd trigger

Registrants may submit notice of termination

DEP may terminate based on 7, 12-month zero withdrawals.

Reporting

§ 110.301. Reporting requirement.

Each person subject to § 110.201 (relating to registration requirement), **IRRESPECTIVE OF THE QUANTITY OF WITHDRAWAL OR USE DURING THE REPORTING YEAR**, shall submit reports to the Department in accordance with this subchapter, regarding the withdrawal and use, ~~except for~~ **UNLESS THE** registrations ~~that have~~ **HAS** been terminated in accordance with § 110.206 (relating to termination of registration).

§ 110.302. Submission of reports.

Reports shall be submitted **ANNUALLY** to the Department, on forms prescribed by the Department and developed in consultation with the Statewide Committee, ~~annually or less frequently as may be prescribed by the Department~~, no later than:

- (1) March 31--Public water supply agency.
- (2) June 30--Any user except a public water supply agency, including:
 - (i) Power generation facility.
 - (ii) Manufacturing industry user.
 - (iii) Mineral industry user.
 - (iv) Bulk, vended, retail and bottled water systems.
 - (v) Agricultural user.
 - (vi) Golf course user.
 - (vii) Ski resort.
 - ~~(viii) Other user.~~

§ 110.303. Reporting period.

Reports must provide information for the calendar year preceding the date of submission.

Annual reporting

Deadlines to submit



Reporting- General Contents

§ 110.304. General contents of report.

—A report must include THE FOLLOWING:

(1) ~~the~~ items under § 110.203 (relating to content of registration).

(2) AMOUNT OF CONSUMPTIVE AND
NONCONSUMPTIVE USES.

(3) LOCATIONS AND AMOUNTS OF ANY WATERS
RETURNED OR DISCHARGED.

(4) AMOUNTS OF WATER TRANSFERRED BETWEEN
PUBLIC WATER SUPPLY AGENCIES BY MEANS OF
INTERCONNECTIONS.

(a)

- Information relative to withdrawal “subfacility”
- Who? How much?
- Gets to consumptive use

User-specific contents

§ 110.305. User-specific contents of report.

In addition to the contents specified in § 110.203 (relating to content of registration), registrants shall submit user-specific information, including:

- (1) *Public water supply agency.*
- (i) Connections and water transfers.
- (ii) Service area map.
- (iii) Metering.

(iv) ~~Storage~~ **WATER STORAGE** information.

(v) CUSTOMER TYPE INFO

(2) *Power generation facility including hydropower and thermo-electric.*

(i) ~~Energy source type.~~

- (ii) Generating capacities.
- (iii) Generating units.

- Sector- specific
- Information related to “primary facility”
- Provides Department with information to better estimate withdrawals and usage

Recordkeeping

Subchapter D. RECORDKEEPING

Sec.

110.401.	Recordkeeping requirement.
110.402.	Retention of records.

§ 110.401. Recordkeeping requirement.

A person subject to § 110.201 (relating to registration requirement) shall make and maintain a record of the items required under Subchapters B and C (relating to registration; and reporting), including supporting data, ~~except for registrations that have~~ **UNLESS THE REGISTRATION HAS** been terminated in accordance with § 110.206 (relating to termination of registration).

§ 110.402. Retention of records.

Records ~~created~~ **REQUIRED TO BE MAINTAINED** under § 110.401 (relating to recordkeeping requirement), including supporting data, shall be kept for at least 5 years **IN ANY FORMAT THAT ALLOWS REPRODUCTION OF THE RECORD.**

Provides for records to be kept for 5 years

In any format that allows reproduction of the record

Monitoring

Subchapter E. MONITORING

Sec.

110.501.	Metering and measuring requirement.
110.502.	Recording frequency.
110.503.	Measuring requirement in critical water planning areas.

§ 110.501. Metering and measuring requirement.

(a) Each public water supply agency shall measure its withdrawals ~~or~~ **uses AND WATER TRANSFERRED THROUGH INTERCONNECTION WITH ANOTHER PUBLIC WATER**

Public water suppliers: Continuous recording devices or meters 5% accuracy.

Hydropower: Continuous recording, meters or calculate based on generation or turbine flow rates

SUPPLY AGENCY by means of a continuous-recording device or flow meter, accurate to within 5% of actual flow.

(b) Each hydropower facility shall measure its withdrawal ~~or~~ **INSTREAM HYDROPOWER** use by means of a continuous-recording device or flow meter or shall calculate its withdrawal ~~or~~ **use** based upon electrical generation or turbine flow rates or other method, accurate to within 5% of actual flow.

(c) ~~The following persons~~ **EACH PERSON WHOSE TOTAL WITHDRAWAL FROM A POINT OF WITHDRAWAL, OR FROM MULTIPLE POINTS OF WITHDRAWAL OPERATED AS A SYSTEM EITHER CONCURRENTLY OR SEQUENTIALLY, WITHIN A WATERSHED EQUALS OR EXCEEDS AN AVERAGE RATE OF 50,000 GALLONS PER DAY IN ANY 30-DAY PERIOD AND EACH PERSON WHO OBTAINS WATER THROUGH**

Monitoring

(c) ~~The following persons~~ **EACH PERSON WHOSE TOTAL WITHDRAWAL FROM A POINT OF WITHDRAWAL, OR FROM MULTIPLE POINTS OF WITHDRAWAL OPERATED AS A SYSTEM EITHER CONCURRENTLY OR SEQUENTIALLY, WITHIN A WATERSHED EQUALS OR EXCEEDS AN AVERAGE RATE OF 50,000 GALLONS PER DAY IN ANY 30-DAY PERIOD AND EACH PERSON WHO OBTAINS WATER THROUGH INTERCONNECTION WITH ANOTHER PERSON IN AN AMOUNT THAT EXCEEDS AN AVERAGE RATE OF 100,000 GALLONS PER DAY IN ANY 30-DAY PERIOD SHALL MEASURE OR CALCULATE:**

(1) ~~measure or calculate their~~ W_{withdrawals}, AND WATER OBTAINED THROUGH INTERCONNECTION WITH ANOTHER PERSON ~~or uses~~ by means of a continuous-recording device or flow meter or other method, accurate to within 5% of actual flow

(2) CONSUMPTIVE USES BY A MEANS OR METHOD ACCURATE TO WITHIN 10% OF ACTUAL FLOW. ~~each person whose total withdrawal or withdrawal use from a point of withdrawal, or from multiple points of withdrawal operated as a system either concurrently or sequentially, within a watershed equals or exceeds an average rate of 50,000 gallons per day in any 30-day period, except if all water is supplied by a public water supply agency and the average consumptive use is less than 100,000 gallons per day over any 30-day period.~~

(d) **UPON WRITTEN REQUEST FROM A REGISTRANT,** ~~The~~ **THE** Department may grant exceptions to the 5% **OR 10%** performance standard~~S~~, if maintenance of the 5% ~~performance~~ standard is not technically feasible or economically practicable.

~~—(e) A person who is subject to compact basin commission requirements more stringent than those provided in this section shall measure the withdrawal or use in accordance with the more stringent requirements.~~

- Non PWS or hydropower, Persons > 50,000 gpd:

Withdrawals or interconnection water: Continuous recording, flow meters or other methods accurate to within 5% of actual flow

Consumptive use: by means or method accurate to within 10%

- DEP may grant exceptions to 5% or 10% standards if not technically feasible or economically practicable

Monitoring

~~(fe) The following ANY persons-~~ **PERSON WHO IS SUBJECT TO §110.204(B) (RELATING TO VOLUNTARY REGISTRATION) OR § 110.301 (RELATING TO REPORTING REQUIREMENT) BUT IS NOT SUBJECT TO SUBSECTIONS (a)-(c)** shall measure or calculate ~~their~~ **HIS OR ITS** withdrawals or uses by a means **OR METHOD, WHICH IS BASED UPON ESTABLISHED SCIENTIFIC PRINCIPLES, DESIGN OR MANUFACTURER'S PRODUCT SPECIFICATIONS, OR RESEARCH RESULTS** acceptable to the Department:

- ~~(1) A person, who is not subject to subsections (a) - (c), whose total withdrawal or withdrawal use from a point of withdrawal, or from multiple points of withdrawal operated as a system either concurrently or sequentially, within a watershed exceeds an average rate of 10,000 gallons, but is less than 50,000 gallons, per day in any 30 day period.~~
- ~~(2) A person who has voluntarily registered.~~

Everyone else

<10,000 gpd

Non PWS or Hydropower

Measure or calculate based upon established scientific principles, design or manufacturer's product specs or research results.

Recording frequency

§ 110.502. Recording frequency.

Withdrawals and uses subject to § 110.501(a) and (b) (relating to metering and measuring requirement) shall be recorded on a daily basis. Withdrawals ~~and uses~~ **AND WATER OBTAINED THROUGH INTERCONNECTION WITH ANOTHER PERSON** subject to § 110.501(c) shall be recorded on a weekly basis. **USES SUBJECT TO § 110.501(C) SHALL BE RECORDED MONTHLY.** Withdrawals and uses subject to § 110.501(e) ~~and (f)~~ shall be recorded monthly.

- PWS's and hydro's record daily
- Interconnection water recorded weekly
- Consumptive use disposal recorded monthly

Water Conservation

Subchapter F. WATER CONSERVATION

Sec.



110.601.	Registration.
110.602.	Registration information.
110.603.	Reporting.
110.604.	Water Resources Technical Assistance Center.

§ 110.601. Registration.

A person who has implemented a water conservation project or practice may register the project or practice with the Department.

§ 110.602. Registration information.

Registration of water conservation projects or practices ~~shall~~ **MUST** be on forms, prescribed by the Department, containing information including the following:

- (1) The registrant name and address.
- (2) A 7.5-minute U.S.G.S-UNITED STATES GEOLOGICAL SURVEY Quadrangle map, or acceptable substitute, showing the location of the project or practice.
- (3) A description of the project or practice, including information detailing a description of:
 - (i) Project or practice prior and subsequent to implementation of water conservation program.

- Registration of water conservation practices

- Asks for information on who, where and items that describe the benefit of practices

- Water Resources Technical Assistance Center will help us in this area and in evaluating credits.