

CHAPTER 110. WATER RESOURCES PLANNING

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Authority

The provisions of this Chapter 110 adopted under sections 4 and 3118 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.4); section 3118 of the Water Resources Planning Act, 27 Pa.C.S. § 3118; and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), unless otherwise noted.

Source

The provisions of this Chapter 110 adopted November 14, 2008, effective November 15, 2008, 38 Pa.B. 6266 unless otherwise noted.

Subchapter A. GENERAL PROVISIONS

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§ 110.1. Definitions.

The following words and phrases, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—27 Pa.C.S. Chapter 31 (relating to water resources planning).

Average rate—Total quantity in gallons of water withdrawn or used during a period of time divided by the number of days in the period.

Basin—As defined in section 3102 of the act (relating to definitions).

Calculate or *calculation*—Mathematical computations, or the act of computing, for the purposes of water use registration or reporting, or both, usually based on pump intake rate and duration of pumping or similar factors.

Compact basin commission—An interstate commission having jurisdiction with respect to the planning, development or regulation of water resources within a basin in this Commonwealth, created by interstate compact or Federal-interstate compact.

Confidential information—

- (i) As defined in section 3102 of the act.

(ii) The term also includes confidential security information, as defined in the Public Utility Confidential Security Information Disclosure Protection Act, which has been designated by a public utility in accordance with that act.

Consumptive use—As defined in section 3102 of the act.

Critical area resource plan—As defined in section 3102 of the act.

Critical water planning area—As defined in section 3102 of the act.

Deep well injection—As defined in section 3102 of the act.

Groundwater—As defined in section 3102 of the act.

Hydropower facility—A facility that produces electricity by the action of water, not including steam, passing through a turbine.

Nonconsumptive use—As defined in section 3102 of the act.

Nonwithdrawal use—As defined in section 3102 of the act.

Person—As defined in section 3102 of the act.

Public Utility Confidential Security Information Disclosure Protection Act—36 P. S. §§ 2141.1—2141.6.

Public water supply agency—As defined in section 3102 of the act.

Source—

(i) The point of withdrawal.

(ii) The term includes point of interconnection through which water is obtained.

Statewide Committee—The Statewide Water Resources Committee established under section 3114(a) of the act (relating to Statewide Water Resources Committee).

Surface water—As defined in section 3102 of the act.

System—Two or more points of withdrawal that are adjacent or geographically proximate to each other, operated concurrently or sequentially for use in a common operation.

Use—The term may include withdrawal use, nonwithdrawal use, consumptive use or nonconsumptive use, or a combination of any of these.

Water conservation project or practice—

(i) As defined in section 3102 of the act, as “water conservation practices and measures.”

(ii) The term includes those projects and practices identified in section 3112(a)(11) of the act (relating to plan contents).

Water resource—As defined in section 3102 of the act.

Watershed—As defined in section 3102 of the act.

Withdrawal—As defined in section 3102 of the act.

Withdrawal use—As defined in section 3102 of the act.

§ 110.2. Purpose.

This chapter establishes the registration, monitoring, recordkeeping and reporting requirements for purposes of obtaining accurate information for water resources planning.

§ 110.3. Confidential information.

(a) Except as provided in subsection (b), information required to be submitted to the Department under this chapter shall be subject to the Right-to-Know Law (65 P. S. §§ 67.101—67.3104).

(b) Each person who submits information under this chapter that the person claims is confidential information under either the act or the Public Utility Confidentiality Security Information Disclosure Protection Act, shall identify or designate the confidential information and provide a justification for its confidential nature, in accordance with protocols and procedures for submitting confidential information and addressing challenges to the designations as established by the Department.

§ 110.4. Inspection authorization.

The Department, its employees and authorized agents are authorized, during reasonable hours and upon reasonable notice, to make inspections and conduct tests or sampling, or examine books, papers and records, including electronic records, pertinent to a matter under investigation, to determine compliance with the act and this chapter, as it deems necessary. The persons subject to § 110.201 (relating to registration requirement) shall grant access to, and make available upon request of, the Department, its employees and authorized agents, the facilities and records necessary for conducting the inspections, tests, sampling or examinations.

§ 110.5. Coordination with other water use reports.

(a) The persons subject to § 110.201 (relating to registration requirement) shall cooperate with the Department in its coordination of the submission of reports under this chapter with water use reports required by the Department and compact basin commissions.

(b) The persons subject to § 110.201 shall submit information in accordance with joint reporting forms developed by the Department to facilitate the submission of water use information required by the Department and compact basin commissions, to reduce duplicate and repetitious reporting requirements. The joint forms shall be used in lieu of individual forms for the required reports.

§ 110.6. Effect of registration.

Registration under this chapter will not be construed as either a determination of a person's water rights or approval of a withdrawal or use by the Department, another agency of the Commonwealth or a compact basin commission.

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.

Cross References

This subchapter cited in 25 Pa. Code § 109.701 (relating to reporting and recordkeeping).

§ 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) 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 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 an average rate of 100,000 gallons per day 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.

Cross References

This section cited in 25 Pa. Code § 110.4 (relating to inspection authorization); 25 Pa. Code § 110.5 (relating to coordination with other water use reports); 25 Pa. Code § 110.202 (relating to submission of registrations); 25 Pa. Code § 110.204 (relating to voluntary registration); 25 Pa. Code § 110.206 (relating to termination of registration); 25 Pa. Code § 110.301 (relating to reporting requirement); 25 Pa. Code § 110.401 (relating to recordkeeping requirement); and 25 Pa. Code § 110.503 (relating to measuring requirement in critical water planning areas).

§ 110.202. Submission of registrations.

Registrations shall be submitted to the Department by March 16, 2004, or 30 days following initiation of a water withdrawal or withdrawal use subject to § 110.201 (relating to registration requirement), whichever is later.

§ 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) For each source:
 - (i) Name, description and location.
 - (ii) Amount of water withdrawn or obtained through interconnection with another person, or instream hydropower use.

Cross References

This section cited in 25 Pa. Code § 110.201 (relating to registration requirement); 25 Pa. Code § 110.304 (relating to general contents of report); and 25 Pa. Code § 110.305 (relating to user-specific contents of report).

§ 110.204. Voluntary registration.

- (a) A person, not subject to § 110.201 (relating to registration requirement), may voluntarily register with the Department the 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 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; recordkeeping; and monitoring).

Cross References

This section cited in 25 Pa. Code § 110.501 (relating to metering and measuring requirement).

§ 110.205. Transfer of registration.

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

- (1) The registrant and transferee are in compliance with this chapter.
- (2) No later than 30 days subsequent to the transfer, the transferee submits the following to the Department:
 - (i) A request for transfer of the registration, on a form prescribed by the Department.
 - (ii) A written statement signed by the registrant and the transferee, containing the date of the transfer of registration and acknowledging the transferee's recordkeeping and reporting responsibilities.

§ 110.206. Termination of registration.

- (a) Except for a public water supply agency or hydropower facility, when a person's combined withdrawals from all sources decrease for a 12-month period so that the person is no longer subject to § 110.201 (relating to registration requirement), the person 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 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.

Cross References

This section cited in 25 Pa. Code § 110.301 (relating to reporting requirement); and 25 Pa. Code § 110.401 (relating to recordkeeping requirement).

Subchapter C. REPORTING

Sec.

- 110.301. Reporting requirement.
- 110.302. Submission of reports.
- 110.303. Reporting period.
- 110.304. General contents of report.
- 110.305. User-specific contents of report.

Cross References

This subchapter cited in 25 Pa. Code § 109.701 (relating to reporting and recordkeeping); and 25 Pa. Code § 110.204 (relating to voluntary registration).

§ 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, unless the registration has been terminated in accordance with § 110.206 (relating to termination of registration).

Cross References

This section cited in 25 Pa. Code § 110.204 (relating to voluntary registration); and 25 Pa. Code § 110.501 (relating to metering and measuring requirement).

§ 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, 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.

§ 110.303. Reporting period.

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

§ 110.304. General contents of report.

A report must include the following:

- (1) 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.

§ 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) Water storage information.
 - (v) Customer type information.
- (2) *Power generation facility including hydropower and thermo-electric.*
 - (i) Generating capacities.
 - (ii) Generating units.
 - (iii) Water storage information.
- (3) *Manufacturing industry.*
 - (i) Employment.
 - (ii) Water storage information.
- (4) *Mineral industry.*
 - (i) Types of operations.
 - (ii) Employment.
 - (iii) Water storage information.
- (5) *Bulk, vended, retail and bottled water.*
 - (i) Employment.
 - (ii) Water storage information.
- (6) *Agriculture.*
 - (i) Irrigation water use.
 - (ii) Animal water use.
 - (iii) Water storage information.
- (7) *Golf course.*
 - (i) Irrigated areas and water use by tees, greens, fairways and other land coverages.

- (ii) Irrigation system information.
- (iii) Employment.
- (iv) Water storage information.
- (8) *Ski resort.*
 - (i) Snowmaking acreage.
 - (ii) Employment.
 - (iii) Water storage information.

Subchapter D. RECORDKEEPING

- Sec.
110.401. Recordkeeping requirement.
110.402. Retention of records.

Cross References

This subchapter cited in 25 Pa. Code § 109.701 (relating to reporting and recordkeeping); and 25 Pa. Code § 110.204 (relating to voluntary registration).

§ 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, unless the registration has been terminated in accordance with § 110.206 (relating to termination of registration).

Cross References

This section cited in 25 Pa. Code § 110.204 (relating to voluntary registration); and 25 Pa. Code § 110.402 (relating to retention of records).

§ 110.402. Retention of records.

Records 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.

Subchapter E. MONITORING

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

Cross References

This subchapter cited in 25 Pa. Code § 109.701 (relating to reporting and recordkeeping); and 25 Pa. Code § 110.204 (relating to voluntary registration).

§ 110.501. Metering and measuring requirement.

(a) Each public water supply agency shall measure its withdrawals and water transferred through interconnection with another public water 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 and instream hydropower use by means of a continuous-recording device or flow meter or shall calculate its withdrawal and use based upon electrical generation or turbine flow rates or other method, accurate to within 5% of actual flow.

(c) 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) Withdrawals, and water obtained through interconnection with another person 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.

(d) Upon written request from a registrant, the Department may grant exceptions to the 5% or 10% performance standards, if maintenance of the standard is not technically feasible or economically practicable.

(e) A 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 the withdrawals or uses by a means or method, which is based upon established scientific principles, design or manufacturer's product specifications, or research results.

Cross References

This section cited in 25 Pa. Code § 110.502 (relating to recording frequency); and 25 Pa. Code § 110.503 (relating to measuring requirement in critical water planning areas).

§ 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 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) shall be recorded monthly.

Cross References

This section cited in 25 Pa. Code § 110.503 (relating to measuring requirement in critical water planning areas).

§ 110.503. Measuring requirement in critical water planning areas.

(a) The Department may require persons subject to § 110.201 (relating to registration requirement) located within a critical water planning area to measure or calculate their withdrawals and uses by means of a more accurate measuring method (but not more accurate than 5%) and record the measurements on a more frequent basis (not to exceed daily) than required in accordance with §§ 110.501 and 110.502 (relating to metering and measuring requirement; and recording frequency), if the Department determines that more accurate data is required for the development of a critical area resource plan in a watershed within a critical water planning area. Upon receipt of written notice from the Department, including an explanation of the basis for the determination, those persons shall begin the measurements or calculations within 180 days.

(b) In making the determination, the Department will consider the necessity of requiring more accurate data and having it recorded more frequently than required by §§ 110.501 and 110.502, from various categories of water users, for effective critical area resource planning in the specific watershed and the costs to registrants of providing the accuracy and frequency.

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 must be on forms, prescribed by the Department, containing information including the following:

- (1) The registrant name and address.
- (2) A 7.5-minute 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 a water conservation program.
 - (ii) Quantity of demand and withdrawal prior and subsequent to implementation of a water conservation program, showing a reduction in demand or withdrawal.

- (iii) Quantity of consumptive use prior and subsequent to implementation of a water conservation program, showing a reduction in consumptive use.
- (iv) Improvements in water use efficiency, including plumbing retrofit programs.
- (v) Reduction of water leakage, loss and waste.
- (vi) Improvement in reuse and recycling of water.
- (vii) Increase of supply or storage of water.
- (viii) Improvements in land management practices to conserve water or to preserve or increase groundwater recharge.
- (ix) Conservation-based rate structure.
- (x) Water provided to offset water use during drought periods.

§ 110.603. Reporting.

Each person who has registered a water conservation project or practice in accordance with this subchapter shall submit annually to the Department, on forms prescribed by the Department and developed in consultation with the State-wide Committee, a report documenting the continuing effectiveness of the project or practice.

§ 110.604. Water Resources Technical Assistance Center.

The Department will establish a Water Resources Technical Assistance Center to promote voluntary water conservation and to provide technical assistance on water resources use issues, including programs identified in section 3120(a) of the act (relating to water conservation).

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