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ANNEX A
TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE II. WATER RESOURCES
Chapter 110. Water Resources Planning

Subchapter A. GENERAL PROVISIONS

§ 110.1. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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.

Confidential information

- (i) Records, reports or information, or a particular portion thereof, that if made public would:
 - (A) Divulge production or sales figures or methods, processes or production unique to a person;
 - (B) Otherwise tend to affect adversely the competitive position of a person by revealing trade secrets, including intellectual property rights; or
 - (C) Present threats to the safety and security of water supplies, including information concerning public water supply agency vulnerability assessments.
- (ii) The term does not include any of the following:
 - (A) Information identifying the general source of water used by a facility.
 - (B) Information reporting the total amount of water withdrawn by a facility or the total amount of water used for consumptive uses or nonconsumptive uses by a facility.

Consumptive use - The loss of water from a groundwater or surface water source through a manmade conveyance system, including such water that is purveyed through a public water supply system, due to transpiration by vegetation, incorporation into products during their manufacture, evaporation, diversion out of a basin or any other process to the extent that the water withdrawn is not returned to the waters of a basin. Deep well injection shall not be considered a return of waters to a basin.

Deep well injection - Injection of waste or wastewater substantially below aquifers containing fresh water.

Department - The Department of Environmental Protection of the Commonwealth.

Groundwater - Water beneath the surface of the ground within a zone of saturation, whether or not flowing through known and definite channels or percolating through underground geologic formations and regardless of whether the result of natural or artificial recharge. The term includes water contained in aquifers, artesian and nonartesian basins, underground watercourses and other bodies of water below the

surface of the earth.

Hydropower facility - a facility that produces electricity by the action of liquid water passing through a turbine.

Municipality - Any county, city, borough, town, township or home rule municipality.

Nonconsumptive use - A use of water withdrawn from water resources of this Commonwealth in such manner that it is returned to its basin of origin. Where only a portion of the water withdrawn is returned to the basin of origin, that portion which is returned is a nonconsumptive use, and the portion of water withdrawn which is not returned to the basin of origin is a consumptive use.

Person - An individual, partnership, association, company, corporation, municipality, municipal authority, Federal or Commonwealth administrative agency or an entity which is recognized by law as the subject of rights and obligations. The term shall include the officers, employees and agents of any legal entity.

Public water supply agency - A community water system as defined by the act of May 1, 1984 (P.L. 206, No. 43), known as the Pennsylvania Safe Drinking Water Act, or any person subject to the act of June 24, 1939 (P.L. 842, No. 365), referred to as the Water Rights Law.

Source – The point of withdrawal of water within a watershed. If the withdrawal use includes the transfer of water through interconnections, the source is the point of the interconnection.

Surface water - Water on the surface of the earth, including water in a perennial or intermittent watercourse, lake, reservoir, pond, spring, wetland, estuary, swamp or marsh, or diffused surface water, whether such body of water is natural or artificial. The term does not include recirculated process water or wastewater stored in an off-stream impoundment, pond, tank or other device unless such water or wastewater is withdrawn and used by a person other than the person who initially withdrew the water from a water resource or obtained such water from a public water supply agency.

System – Two or more facilities that are adjacent or geographically proximate to each other, operated concurrently or sequentially for use in a common operation and owned, managed or operated by the same person.

Water conservation project or practice - Any project or practice which is technically feasible and economically practicable and which is designed to accomplish any of the following:

- (i) Reduce the demand for water.
- (ii) Improve efficiency in water use and reduce leakage, losses and waste of water.
- (iii) Improve reuse and recycling of water.
- (iiii) Improve land management practices to conserve water or to preserve or increase groundwater recharge.

Watercourse - A distinct natural or artificial body of water flowing perennially or intermittently in a defined channel with bed and banks. The term includes a river, creek, stream, slough or canal.

Water resource - Surface water or groundwater, within or on the boundaries of this Commonwealth.

Watershed - The drainage area of a watercourse of a minimum drainage area determined in accordance with guidelines developed pursuant to section 3115(a)(2) (relating to development, adoption,

amendment and periodic review of State water plan).

Withdrawal - The removal or taking of water from any water resource, whether or not returned to the water resource.

Withdrawal use - Any use of water which is withdrawn, including, but not limited to, domestic, municipal, public, commercial, industrial, energy development and production and agricultural water supply. The term includes the use of water transferred through interconnections but shall not include transfer of water within a system operated by the same public water supply agency.

§ 110.2. Scope.

This Chapter applies to each person who owns a public water supply agency or hydropower facility and each person whose total withdrawal or withdrawal use from one or more points of withdrawal within a watershed, operated as a system, either concurrently or sequentially, exceeds an average rate of 10,000 gallons per day in any 30-day period.

§ 110.3. General Requirements.

(a) Each person subject to this Chapter shall register, monitor, measure, maintain records and submit reports to the Department regarding withdrawals or uses of water in accordance with this Chapter.

(b) Confidential Information

(1) Except as provided in Subsection (2), information required to be submitted to the Department under this Chapter shall be subject to the provisions of the Act of June 21, 1957 (P.L. 390, No. 212), referred to as the Right to Know Act.

(2) Any person who submits information under this Chapter that they claim is confidential information must identify the confidential information and provide a justification for its confidential nature.

§ 110.4. Inspection Authorization.

The Department, its employees and duly 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 any matter under investigation, in order to determine compliance with this Chapter, as it deems necessary. The persons subject to this Chapter shall grant access to, and make available upon request of, the Department, its employees and duly authorized agents, all facilities and records necessary for conducting such inspections, tests, sampling or examinations.

§ 110.5. Coordination with reports under other statutes.

The persons subject to this Chapter shall cooperate with the Department in its coordination of the submission of reports under this Chapter with reports required under other statutes and regulations administered by the Department or by other Federal and State agencies.

The persons subject to this Chapter shall submit information in accordance with any joint reporting forms developed by the Department to facilitate the submission of information required under other statutes and regulations administered by the Department and other Federal and State agencies, 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 of a withdrawal or use under this Chapter shall not be construed as either a determination of a person's water rights or approval of a withdrawal or use by the Department, any other agency of the Commonwealth or by a Compact Basin Commission.

Subchapter B. REGISTRATION

§ 110.7 Registration Requirement.

The following persons shall register in accordance with this subchapter the source, location and amount of withdrawal or withdrawal use, or both, 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 or withdrawal use from one or more points of withdrawal within a watershed, operated as a system, either concurrently or sequentially, exceeds an average rate of 10,000 gallons per day in any 30-day period, except if all water is supplied by a public water supply agency and the consumptive use does not exceed 10,000 gallons per day over any 30-day period.

§ 110.8. Submission of Registrations.

Registrations shall be submitted to the Department, on forms prescribed by the Department, not later than March 16, 2004, or 30 days following initiation of a withdrawal or withdrawal use, whichever is later.

§ 110.9. Pre-registration.

At least fifteen (15) days prior to submission of a registration, a person subject to the registration requirement shall pre-register on forms provided by the Department. Pre-registration shall provide the Department with the necessary information to:

- (1) confirm whether records of the registrant currently exist on the Department's database;
- (2) establish a new data record for the registrant, if necessary; and
- (3) issue security identification for electronic registration and reporting.

§ 110.10. Content of Registration.

Registrant shall provide information including:

- (1) Registrant Information
 - (i) Name and address of individual or business
 - (ii) Ownership type and code
 - (iii) DEP identification numbers, if known
- (2) Water Source
 - (i) Surface water source name and type and status

- (ii) Groundwater source name and type and status
 - (iii) Interconnection name and type and status
 - (iv) Permit Number(s) (water allocation permit and River Basin Commission docket)
 - (v) Passby or conservation release amount requirements
- (3) Location of Source or Use
- (i) Municipality
 - (ii) County
 - (iii) Latitude and Longitude (method used and date obtained) or map
- (4) Amount of Withdrawal or Use, or both
- (i) 12 monthly totals
 - (ii) Number of days per month
 - (iii) Yearly total
 - (iv) Number of days per year
 - (v) Peak day use
 - (vi) Peak day date
- (5) Capacity of surface water source
- (i) Pump
 - (ii) Intake (including truck capacity)
 - (iii) Measurement/metering information including meter brand, model number, accuracy, last test date and person who conducted test.
- (6) Use type
- (7) Disposal
- (i) Type, including evaporation, incorporation into product, irrigation, transfers, deep well injection, off-site disposal, or discharge to public sewer system, on-lot septic system, waterway, private treatment system, or stabilization ponds.
 - (ii) Location; municipality; county; map; water body
 - (iii) Permit Number(s)
 - (iv) Name of receiving water body or sewer system
 - (v) Quantities of disposal by type
 - (A) 12 monthly totals
 - (B) Number of days per month
 - (C) Yearly total
 - (D) Number of days per year
 - (vi) Percents disposed and reclaimed
- (8) Storage
- (i) Usable Storage Volume
 - (ii) Date of last Sedimentation Survey

- (9) Well data
 - (i) Date Drilled
 - (ii) Depth Drilled
 - (iii) Diameter
 - (iv) Well driller's name and license number
 - (v) Casing information
 - (vi) Pump capacity and pump setting
- (10) Identification of confidential information
- (11) Certification

§ 110.11. Transfer of registration.

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

- (1) The registrant and transferee are in compliance with all requirements of this Chapter.
- (2) No later than 30 days subsequent to the transfer, the transferee submits to the Department:
 - (i) A request for transfer of the registration, on a form prescribed by the Department and
 - (ii) A copy of a written agreement between the registrant and the transferee containing the date of the transfer of registration and delineation of record-keeping and reporting responsibilities between them.

§ 110.12. Reduction of water use and termination of registration.

Where a registered withdrawal or use is terminated or, if not a public water supply agency or hydropower facility or voluntary registrant, is reduced to an amount which over a twelve-month period is less than the 30-day average threshold amounts requiring registration, the person responsible for such withdrawal or use may file with the Department, on forms provided by the Department, a written notice of termination or reduction. Upon receipt of proper written notice of termination, the Department shall terminate the registration.

§ 110.13. Voluntary Registration.

Any person, not subject to the registration requirements of this Chapter, who withdraws or uses water, may voluntarily register with the Department their water withdrawal or use, in accordance with the registration provisions of this subchapter. Subsections C.1, D.1, and E.1 notwithstanding, such registrants shall monitor, keep records, measure and report to the Department in accordance with all other provisions of Subchapters C, D and E.

Subchapter C. REPORTING

§ 110.14 Reporting Requirement.

The following persons shall submit reports to the Department:

- (1) Each owner of a public water supply agency.
- (2) Each owner of a hydropower facility.
- (3) Each person whose total withdrawal or withdrawal use from one or more points of withdrawal within a watershed, operated as a system, either concurrently or sequentially, exceeds an

average rate of 10,000 gallons per day in any 30-day period, except if all water is supplied by a public water supply agency and the consumptive use does not exceed 10,000 gallons per day over any 30-day period.

§ 110.15. Submission of Reports.

Reports shall be submitted to the Department, on forms prescribed by the Department, not later than:

- (1) Public Water Supply Agency – March 31 annually
- (2) Power Generation Facility annually
 - (i) Hydropower – June 30
 - (ii) Thermo-electric – June 30
- (3) Agricultural User – March 31 annually
- (4) Industrial User – June 30 annually
- (5) Bottled Water User – June 30 annually
- (6) Golf Course – March 31 annually
- (7) Other – March 31 annually

§ 110.16. Reporting Period.

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

§ 110.17. General Contents of Report.

Reports will include all items under Content of Registration, §110.10.

§ 110.18. User-specific Contents of Reports.

In addition to the contents specified in §110.10., registrants shall submit user-specific information on forms provided by the Department including:

- (1) Public Water Supply Agencies (AWSR)
 - (i) Water Use
 - (ii) Connections and water transfers
 - (iii) Distribution System
 - (iv) Storage facilities
 - (v) Metering
- (2) Power Generation Facilities including hydropower and thermo-electric
 - (i) Water Use
 - (ii) Sources of energy
 - (iii) Generating capacities
 - (iv) Generating units
 - (v) Storage facilities
 - (vi) Operational information
- (3) Agricultural Users
 - (i) Irrigation water use by crop and acreage
 - (ii) Animal water use by animal type and number
 - (iii) Storage facilities
- (4) Industrial Users

- (i) Water use
 - (ii) Source adequacy
 - (iii) Operational information
 - (iv) Storage facilities
- (5) Golf Courses
- (i) Irrigated areas and water use by tees, greens, fairways and other land coverages
 - (ii) Irrigation system information
 - (iii) Storage facilities
- (6) Ski Resorts
- (i) Number and acreage of slopes and trails
 - (ii) Areas covered by snowmaking
 - (iii) Snowmaking capacities, and water use
 - (iv) Operational information
 - (v) Storage facilities
- (7) Mining
- (i) Types of operations
 - (ii) Water Use quantity and quality
 - (iii) Operational information
 - (iv) Storage facilities
 - (v) Water reuse information

Subchapter D. MONITORING AND RECORD KEEPING

§ 110.19. Monitoring and record keeping requirement.

The following persons shall monitor and make and maintain a record of all the items required under **Subchapters B and C**, Registration and Reporting, including the amount of withdrawal or use, or both:

- (1) Each owner of a public water supply agency.
- (2) Each owner of a hydropower facility.
- (3) Each person whose total withdrawal or withdrawal use from one or more points of withdrawal within a watershed operated as a system either concurrently or sequentially exceeds an average rate of 10,000 gallons per day in any 30-day period, except if all water is supplied by a public water supply agency and the consumptive use does not exceed 10,000 gallons per day over any 30-day period.

§ 110.20. Retention of records.

All records created pursuant to Subsection 110.19. (relating to Monitoring and record keeping requirement), above, shall be kept for a period of no less than five years.

Subchapter E. MEASUREMENT

§ 110.21. Metering Requirement.

(a) The following persons shall measure their withdrawals or uses by means of an automatic, continuous-recording device, or flow meter, accurate to within five percent of actual flow:

(1) Each public water supply agency.

(2) Each person whose total withdrawal or withdrawal use from one or more points of withdrawal within a watershed operated as a system either concurrently or sequentially 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 consumptive use does not exceed 10,000 gallons per day over any 30-day period.

(b) The Department may grant exceptions to the five-percent performance standard, but no greater than ten percent, if maintenance of the five-percent performance standard is not technically feasible or economically practicable.

(c) Measurement devices shall be tested and certified as to accuracy, and copies of such certifications shall be submitted to the Department no less frequently than once every five years.

§ 110.22. Hydropower measurement requirement.

Each hydropower facility shall measure their withdrawal or use by means of an automatic, continuous-recording device, or flow meter, or shall calculate their withdrawal or use based upon electrical generation or turbine flow rates, or such other method as may be accurate to within five percent of actual flow.

§ 110.23. Calculation Requirement.

In lieu of direct metering or measurement, each person subject to the registration requirements of Subchapter B (relating to Registration), but not subject to the requirements of Subsections 110.21. or 110.22. (relating Metering requirement and Hydropower measurement requirement) may calculate their withdrawal or use based upon pump or other equipment capacities and run time, or other methods acceptable to the Department reasonably expected to provide accuracies within ten (10) percent.

§ 110.24. Recording frequency.

Withdrawals and uses subject to Subsections 110.21. and 110.22. (relating to Metering requirement and Hydropower measurement requirement) shall be recorded on a daily basis. All other withdrawals and uses shall be recorded weekly.

Subchapter F. WATER CONSERVATION

§ 110.25. Registration.

Any person who has registered in accordance with Subchapter B (relating to Registration) and has implemented a water conservation project or practice may document and register such project or practice with the Department.

§ 110.26. Documentation.

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

- (1) Registrant name and address
- (2) A 7.5-minute U.S.G.S. Quadrangle map, or acceptable substitute, showing the location of the project or practice
- (3) A description of the project or practice, including information detailing:
 - (i) Description of project or practice prior and subsequent to implementation of water conservation program
 - (ii) Description of quantity of water use prior and subsequent to implementation of water conservation program
 - (iii) Description of quantity of consumptive use prior and subsequent to implementation of water conservation program
 - (iv) Description of any reuse or recycling of water
 - (v) Description of increase of supply or storage of water
 - (vi) Description of increase of groundwater recharge
 - (vii) Description of conservation-based rate structure
 - (viii) Description of water use efficiency, including plumbing retrofit programs
 - (ix) Description of reduction of water loss

§ 110.27. Annual reporting.

Any person who has registered a water conservation project or practice this Subchapter shall provide to the Department annually, in a form and containing information as prescribed by the Department, a report documenting the continuing effectiveness of the project or practice.