

**DRAFT**  
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

General Comment - It would be extremely useful to see the data forms that would accompany this regulation? Vagueness of terms in this regulation is a problem. The regulation needs to be tighter before it officially goes out for public review. DEP agree that the forms would be helpful, but they are still under development. DEP can provide forms used previously, which will indicate closely what is intended.

I would also like some feedback on what is going to happen to all of this annual data. Previously my impression of the WUDS system was that new data is put in it each year and old data is removed. This is a problem related to some uses not being representative of maximum potential use for planning purposes. The old WUDS system only stored the most recent year's data entries, and we maintained historical information by archiving a copy of the database each year; however, the new WUDS system retains historical information within the database itself.

General Comment Regarding Fees – None should be imposed. I believe Act 220 addressed program costs as follows:

In Section 3131(A) Use of Funds- states “The Department shall use fees collected from the use of the statewide data system to defray reasonable costs of administering Sections 3117 (relating to statewide data system) and 3118 (relating to water use registration and reporting).”

- Section 3131 (D) Water Resource Fund... states, “Fines and penalties collected under this chapter shall be paid into the state treasury in a special fund known as the Water Resources Fund. This fund shall be administered by the Department to carry out the purposes of this chapter.”

- Section 3131 (E) Use of Other Funds...states,” Money in the Clean water Fund, established by the Act of June 22, 1937, known as the Clean Streams Law, may be used by the Department for purposes of this chapter.

**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 water, not including steam, passing through a turbine.

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*Municipality* - Any county, city, borough, town, township or home rule municipality or any agency or authority created by any one or more of the foregoing.

*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.
- (iii) 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, [Compact Basin Commissions](#), 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, [Compact Basin Commissions](#), 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. ~~(ACT 220 established interim procedures (pending these regulations) that allowed for registration within the latter of 12 months or 30 days after the initiation of the use. The 30-day standard here is too tight and not bound by the Act. This is particularly true given the pre-registration requirement proposed below. After a new use is initiated the user would only have two weeks to pre-register, and would then be required to register within two additional weeks. I recommend a 90 to 120 day period after the initiation of use as a minimum. The 12-month requirement was within 12 months of the effective date of the act, not within 12 months of initiation of use. Since we are well past the 12 months, the 30-day limit is the only limit currently effective. The new use could be pre-registered anytime either prior to or within 15 days after initiation, and it can be registered anytime either prior to or within 30 days after initiation. The timeframes are not as short as suggested in the comment. The suggested 90- to 120-day period would not conform to the 30-day requirement of the act.~~

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**§ 110.9. Pre-registration.**

I recommend that this be made an optional requirement for those that want to register and report electronically. I'm not following the need for pre-registration if a user wishes to directly complete the registration forms manually. Items 1) and 2) below can be completed by the Department after they receive the registration. I also recommend that pre-registration data be kept to a minimum so that its not repeated again during registration. It isn't possible to register electronically without a password and PIN, hence the need for preregistration, to provide the password and PIN. For paper registrations, the preregistration indicates whether to mail the user an agricultural or non-agricultural registration form. The preregistration only requests identification information, e.g, name, address, phone, email, type use (ag or non-ag), and number of sources, so it is as minimal as possible and non-duplicative of water use information provided on the registration form. 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:

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- (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 (vague) These will be provided on the form (checkoffs) and/or described in the instructions.

(iii) DEP identification numbers, if known

(2) Water Source

(i) Surface water source name and type and status (What is meant by type and status??) Again, checkoffs and/or described in instructions

(ii) Groundwater source name and type and status (Are surface aquifers named? – is anyone going to know this?) Again, checkoffs and/or described in instructions.

(iii) Interconnection name and type and status (?)

(iv) Permit Number(s) (water allocation permit and Compact Basin Commission docket), if known. The user should know this.

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(v) Passby or conservation release amount requirements, if known. The user should know this; otherwise, how would they be complying with the requirement?

(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 (Is the term “Use” here intended to refer to a Withdrawal Use or a Consumptive Use or Instream Use?, -- suggest you add in the words Consumptive Use since you want that reported as well.)

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(i) 12 monthly totals

(ii) Number of days per month (Is this really necessary? Do you want to know how many days are in the month or how many days a facility operated? If you only need a monthly withdrawal total what difference does it make if a farmer doesn't water his field on Sundays?? If you are trying to determine the maximum rate of use in gpm for planning, I'd suggest using the pump or intake capacity)

(iii) Yearly total

(iv) Number of days per year (ditto)

(v) Peak day use

(vi) Peak day date

(v) and (vi) above impose a daily recording requirement. Even if a use is fully metered, meter readings would have to be taken daily to satisfy this requirement. This is difficult enough for large facilities that are staffed and operate 7 days per week, let alone smaller or agricultural users. If methods besides metering, as REQUIRED by the Act, are used this becomes even more problematic. I suggest that (v) and (vi) be eliminated and that the Department use pump or intake capacity numbers as required to be provided below.

(5) Capacity of surface water source

(i) Pump (gpm)

(ii) Intake (gpm), (including truck capacity) ( I assume that you are talking here about some kind of water trucking operation – Are you looking for truck volume and not rate? If so, what good is it?)

(iii) Measurement/metering information including meter brand, model number, accuracy, last test date and person who conducted test, if known and applicable (See my metering comments below)

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(6) Use type (Is this different than ownership type and code noted above?)

(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.

ACT 220 specifically notes that the filing of DMR's for NPDES permits are intended to satisfy the reporting requirement. This is not addressed below. The act states that DMRs are to be used to the extent they provide the required information, rather than that they are to be deemed to satisfy the reporting requirement. We are working to develop a process internally whereby DMR data can be used to the extent it satisfies the requirements. DMRs do not address all types of disposal listed above.

(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 (see above)

(C) Yearly total

(D) Number of days per year (see above)

(vi) Percents disposed and reclaimed

(8) Storage

(Is this section intended to relate to public water suppliers? If yes, so state!.. If no then I believe the data reporting is excessive.) Applies to other uses also.

(i) Usable Storage Volume

(ii) Date of last Sedimentation Survey

(9) Well data

Only item (vi) seems to be of value for planning

(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 (suggest 90-120 days) subsequent to the transfer, the transferee submits to the Department: Registration is required within 30 days; transfers should be required within the same timeframe.

- (i) A request for transfer of the registration, on a form prescribed by the Department and
- (ii) A written statement signed by the registrant and the transferee, containing the date of the transfer of registration and acknowledgement of the transfer of record-keeping and reporting responsibilities. (a written agreement seems excessive – Suggest that the request for transfer be accompanied by data collected since the last report and an acknowledgement that the new owner assumes responsibility for subsequent reporting.) Agreed—see revisions

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#### § 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. Sections 110.14, and 110.19. (Should this read Subchapter C,D,E? What is C1, D1,E1?) Agreed. Revised to read “Sections” 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. (Does this mean that if I volunteer to provide data for a use that’s less than 10,000 gpd, then I’ll have to install a meter? – How many volunteers do you think you’ll get??) Wasn’t intended to require metering—the revision should help to clarify.

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### 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. (Why individual reporting when consumptive use is over 10,000 gpd?) The act requires all withdrawal uses (which would include individuals on public water supply systems) to register and report. The proposal is to consumptive uses over 10,000 gpd to narrow the field of registrants and allow capture of significant consumptive uses, which the public water supply data won’t capture.

#### § 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 – **June 30** annually Agreed
- (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

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(ii) Thermo-electric – June 30 ¶

**§ 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:

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(Note: Many of the contents specified below are requirements contained within RBC registration and reporting regulations. We are screening these contents one more time to determine the minimums that would meet the RBC requirements. Others are data elements that we have collected historically using our previous survey forms. We are awaiting results of the DRBC contract to determine either information that is not necessary for planning purposes or additional information that may be needed; we intend to revise these contents accordingly.)

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- (1) Public Water Supply Agencies (AWSR)
  - (i) Water Use (specified in 110.10)
  - (ii) Connections and water transfers
  - (iii) Distribution System map (seems vague)
  - (iv) Storage facilities
  - (v) Metering (specified in 110.10)
  
- (2) Power Generation Facilities including hydropower and thermo-electric
  - (i) Water Use (specified in 110.10)
  - (ii) Sources of energy (Other than for hydro, why is this necessary?)
  - (iii) Generating capacities (Why is this necessary?)
  - (iv) Generating units (Why is this necessary?)
  - (v) Storage facilities (vague and why is this necessary?)
  - (vi) Operational information (vague)
  
- (3) Agricultural Users
  - (i) Irrigation water use by crop and acreage (Can you reasonably expect to get this?)
  - (ii) Animal water use by animal type and number (Can you reasonably expect to get this?)
  - (iii) Storage facilities (Why is this necessary?)
  
- (4) Industrial Users
  - (i) Water use (specified in 110.10)
  - (ii) Source adequacy (vague, and why them and not other users?)

- (iii) Operational information(vague)
  - (iv) Storage facilities(Why is this necessary?)
- (5) Golf Courses
- (i) Irrigated areas and water use by tees, greens, fairways and other land coverages(Can you reasonably expect to get this?)
  - (ii) Irrigation system information(vague)
  - (iii) Storage facilities(Why is this necessary?)
- (6) Ski Resorts
- (i) Number and acreage of slopes and trails(Why is this necessary?)
  - (ii) Areas covered by snowmaking(Why is this necessary?)
  - (iii) Snowmaking capacities, and water use(specified in 110.10)
  - (iv) Operational information(vague)
  - (v) Storage facilities(Why is this necessary?)
- (7) Mining
- (i) Types of operations(vague)
  - (ii) Water Use quantity and quality(quantity specified in 110.10, why quality ?)
  - (iii) Operational information(vague)
  - (iv) Storage facilities(Why is this necessary?)
  - (v) Water reuse information(reclaimed % specified in 110.10)

#### **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 (consumptive use? Instream 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. (see above)

##### **§ 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 and Measuring Requirement.

General Comment: I believe that this section is inconsistent with the intent of Act 220 which contains a general provision “WHERE ALTERNATIVE METHODS EXIST TO OBTAIN A REASONABLY ACCURATE EVALUATION OF WITHDRAWALS OR WITHDRAWAL USES, CONSUMPTIVE OR NONCONSUMPTIVE USES AND RETURN FLOWS, SUCH REGULATIONS SHALL ALLOW FOR USE OF THE ALTERNATIVE METHODS TO OBTAIN A REASONABLE ESTIMATE OR INDIRECT CALCULATION OF SUCH IN LIEU OF DIRECT METERING OR MEASUREMENT.” Please note the term “Shall Allow” in the above.

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The language in the Act should not be interpreted solely for uses less than 50,000 gpd. Many people specifically lobbied to have the general language included in the Act that required regulations to allow the use of alternative methods. Alternative methods are accepted by the River Basin Commissions for compliance monitoring. If it’s good enough for compliance, it should be more than good enough for planning purposes.

Metering, particularly for large users, and particularly in retrofit situations can be problematic and costly. Over time, meter accuracy can also be problematic. As a PPL example at our Susquehanna Plant our intake water line has experienced some corrosion and fouling which has made accurate metering difficult. To fix the problem PPL would have to shut down the entire plant for several days at a cost of millions of dollars in lost generation. In this instance SRBC has accepted alternative methods to compute water use.

Even for new uses, metering can also be a problem and is not necessarily any more accurate than computational methods. As an example at PPL’s Lower Mount Bethel plant we have been working for months to try to resolve inconsistent and unreliable metering required under a DRBC docket. In our most recent water report to the DRBC we have had to resort to alternative computational methods for water reporting, pending potential complete replacement of plant water meters..

My point is that metering is not the panacea for accuracy, and that computational methods are just as valid, and at times more valid than metering. While I recognize that Department approval of alternative methods can be a serious manpower issue, the alternative of requiring metering is a substantial burden on users, and is of questionable value within the context of planning studies. I’m sure others will raise serious issues with regard to metering as specified.

(a) Each public water supply agency 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. (The USGS measures to within 5% -- It may be appropriate for compliance reporting as with the River Basin Commissions, but is overly restrictive for planning purposes. A lesser standard is appropriate- Recommend 10%). The suggested 5% requirement derives from the DRBC Resolution 2001-8 metering and reporting requirements, which Act 220 reporting is designed to mirror. “A. Each person, firm, corporation, or other entity whose cumulative daily average withdrawal(s) from the surface and/or ground waters of the Basin from any surface water intake, spring, or well, or any combination of surface water intakes, springs, or wells operated as a system, exceeds 100,000 gallons per day during any 30-day period shall meter or measure and record their withdrawals and report such withdrawals to the designated agency.

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Withdrawals shall be measured by means of an automatic continuous recording device, flow meter, or other method, and shall be measured to within five percent of actual flow. Exception to the five percent performance standard, but no greater than ten percent, may be granted for surface water withdrawals by the designated agency if maintenance of the five percent performance standard is not technically feasible or economically practicable. Meters or other methods of measurement shall be subject to approval and inspection by the designated agency as to type, method, installation, maintenance, calibration, reading, and accuracy. Withdrawals shall at a minimum be recorded on a daily basis for public water supply use and on a biweekly basis for all other water uses, and reported as monthly totals annually. More frequent recording or reporting may be required by the designated agency or the Commission.”

(b) 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.

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(c) Each person who is subject to Compact Basin Commission requirements more stringent than those provided in this section shall measure their withdrawal or use in accordance with the more stringent requirements.

(d) 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, shall measure or calculate their withdrawals or uses by means of an automatic, continuous-recording device, or flow meter, or other method accurate to within five percent of actual flow.

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**(Act 220 was not written with metering as the standard with soley provisions for exceptions) See revisions above.**

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(e) Any person who has registered in accordance with Subchapter B (relating to Registration) and is not subject to paragraphs (a) through (d) of this section shall measure or calculate their withdrawals or uses by any means acceptable to the Department and accurate to within ten percent of actual flow.

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¶ 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.(Again the 5% standard seems excessive, although it's probably not a problem when its computed from generation, unless I have to certify it! – suggest 10% globally for planning)¶

(f) 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.

(g) 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. **(Under the assumption that there will be in excess of 10,000 registered users all with meters the Department should get about 6 certificates a day! To my knowledge neither the DRBC or SRBC require certification of meters, even for compliance requirements – why here? --Strongly suggest that certifications be eliminated and the Department rely on their inspection authority under 110.4 to insure that reasonable metering standards (where people choose to meter) are adhered to.) We are verifying whether this is an RBC requirement.**

Inserted: (Again the 5% standard seems excessive, although it's probably not a problem when its computed from generation, unless I have to certify it! – suggest 10% globally for planning)

~~§ 110.22. Recording frequency.~~

~~Withdrawals and uses subject to paragraphs 110.21. (a) through (d) (relating to Metering and measuring requirement) shall be recorded on a daily basis. All other withdrawals and uses shall be recorded weekly. (This is inconsistent with 110.10 where peak day use and date is required. For planning purposes I will again suggest the use of pump or intake capacities. If you use that data you can use monthly recording frequency which is less of a burden on users.~~

**§ 110.23. Metering and Measuring Requirement in Critical Water Planning Areas**

Within any Critical Water Planning Area, the Department may require any 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, to measure or calculate their withdrawals or uses by means of an automatic, continuous-recording device, or flow meter, or other method accurate to within five percent of actual flow. Upon receipt of written notice from the Department, such persons shall begin such measurements within 180 days.

**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, **if different from the withdrawal location or use.**
- (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

**Deleted: § 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 to 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. **(So this applies to <50,000 gpd, and consumptive use <10,000 gpd if supplied by a public water supplier??)¶**

**Inserted: to**

**Inserted: (So this applies to <50,000 gpd, and consumptive use <10,000 gpd if supplied by a public water supplier??)**

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**Deleted: and 110.22.**

**Deleted: and Hydropower measurement requirement**

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~~(ix)~~ Description of reduction of water loss

~~(x)~~ **Description of water provided to offset water use during drought periods.**

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**§ 110.27. Annual reporting.**

Any person who has registered a water conservation project or practice **in accordance with** 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.