

Executive Summary
Chapter 110 Water Resources Planning
(25 Pa Code, Chapter 110)

On December 16, 2002, the Governor signed Act 220 into law, requiring the Department of Environmental Protection (DEP) to update the Pennsylvania State Water Plan within five years of the effective date of the Act (by March 16, 2008), and every five years thereafter. The Act established an interim registration program requiring registrations of water withdrawals and withdrawal use no later than March 16, 2004. The Act specified that, in order to provide accurate information for water resources planning, DEP in consultation with a statewide committee shall recommend and the Environmental Quality Board (EQB) shall adopt regulations establishing requirements for the registration, record keeping, and periodic reporting of withdrawals and withdrawal use of water. The Act further specified that the regulations shall include a process under which water users may document and register practices or projects that they have implemented to reduce water withdrawals or consumptive use, promote groundwater recharge, or otherwise conserve or enhance water supplies for consideration and use in providing appropriate recognition and credit during the implementation of existing or future water supply programs. The proposed regulations achieve those purposes.

The purpose of the regulation is to assure that accurate information on water withdrawals, use, and disposal is made available to DEP and the public during the initial preparation and subsequent updates of the State Water Plan, to adequately assess how much water is available in the Commonwealth, how much is used, and how much will be needed in the future. Planning for water availability, based upon accurate data and adequate protection of instream aquatic resources, will help public and private decision makers to guide local and regional development in an environmentally protective manner.

The regulation will apply to each person who owns a public water supply agency, each 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. In addition, 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. All public water supply agencies, of which there are about 2,200, are currently required by the PA Safe Drinking Water Act and Chapter 109 to provide water withdrawal and use information. While there are differences in technical and administrative resources among water suppliers, all would have the technical capacity to provide the information under the regulation. Other existing water users subject to this regulation who are also subject to the jurisdiction of the Susquehanna River Basin Commission (SRBC) and Delaware River Basin Commission (DRBC) (approximately 3,000) will have prior experience and technical capacity to provide the information under the regulation. Water users in the Ohio, Potomac, and Great Lakes Basins (estimated 2,000) and most agricultural users (estimated 1,000) may not have the prior experience but should have the technical capacity to provide the information under the regulation. It is estimated that there are 250 facilities that obtain water through an interconnection exceeding 100,000 gallons per day and that they have the technical capability of quantifying their water use to provide the information under the regulation.

The Act establishes a Statewide Water Resources Committee (Statewide Committee) to assist DEP in developing the State Water Plan. The Statewide Committee is also charged with

reviewing and commenting on regulations proposed by DEP under the Act. The Act also establishes six Regional Committees in each of the following major river basins: Delaware River, Upper/Middle Susquehanna River, Lower Susquehanna River, Ohio River, Potomac River, and Great Lakes. DEP presented the proposed regulations to both the Statewide and the six Regional Committees for comment. The Statewide and Regional committees considered the proposed regulation at their public meetings held throughout the Commonwealth, at which the public could also comment. Comments from the public included extensive comments from the PA Chamber of Business and Industry. DEP revised the draft regulations in accordance with those comments.

The Statewide Committee expressed concern about the possibility that a fee structure may be associated with the registration or reporting. No fees are included in the regulations. Other significant concerns related to metering and the level of detail required in the registration and reporting forms. Those concerns, as well as others expressed, have already been addressed by comprehensive revisions to the original draft regulations. The Statewide Committee has recommended moving these regulations to the EQB for final consideration and has indicated in writing their support of the regulatory package.

As required by Act 11 of 1993, the draft regulations were presented to the Agricultural Advisory Board prior to their presentation to the EQB. One item that was of interest was the regulatory requirement for measuring water usage for large water users. The draft regulations will not require metering for agricultural operations of less than 50,000 gallons per day and affirm that flow calculations will be acceptable. A question was raised inquiring whether farmers will be able to establish “credits” for land use practices that recharge the water table. Staff noted that the Act authorizes a Water Conservation Award and that one of the considerations for this award will be water recharge.

The proposed regulation was approved by the EQB on September 19, 2006, and published in the *Pennsylvania Bulletin* on December 2, 2006 (36 Pa.B. 7260) for public comment period. There were no public meetings or hearings held. During the 30-day public comment period that concluded on January 2, 2007, comments were received from eight commentators.