

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### PART V. DELAWARE RIVER BASIN COMMISSION [25 PA CODE CH. 901]

#### Water Code and Comprehensive Plan to Establish Water Usage Reporting Requirements and Modify Water Metering Requirements

At its April 19, 2001, business meeting, the Delaware River Basin Commission (Commission) amended its Water Code and Comprehensive Plan to establish water usage reporting requirements for source water withdrawals and water service and to modify its existing water metering requirements for consistency with the new reporting provisions. The final-form rulemaking fulfills a technical requirement of the Delaware River Basin Compact (32 P.S. § 815.101) that rules adopted by the Commission be filed in accordance with the laws of the signatory parties.

#### *Effective Date*

The final-form rulemaking is effective immediately.

#### *Further Information, Contact*

Additional information, including background on the need for water usage reporting requirements and an account of the process by which the amendments were proposed, can be found at 30 Pa.B. 5844 (November 11, 2000). Copies of the complete Water Code as amended are available on the Commission's website: <http://www.DRBC.net>. Copies also are available upon request from the Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628-0360. For further information, contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, Delaware River Basin Commission, (609) 883-9500 (x203).

#### *Supplemental Information*

These amendments to the Water Code and Comprehensive Plan, approved on April 19, 2001, modify source metering requirements adopted by the Commission in 1986 under Resolution No. 86-12 and service metering requirements enacted the following year under Resolution No. 87-7, revised in 1988. Because the types of information to be reported under the earlier rules were not specified, key pieces of information have not been reported to the Commission and reported data have been inconsistent among the basin states, impeding the Commission's ability to perform critical water use analyses. The amendments approved on April 19, 2001, will provide additional data in key areas and standardize the water usage reporting requirements to facilitate evaluation.

On October 23, 2000, the Commission published on its website a Notice of Proposed Rulemaking to establish water usage reporting requirements to ensure that the Commission has the source and service information needed to evaluate how and where water is being used in the basin. Notice of proposed rulemaking was published at 30 Pa.B. 5844 and at 65 FR 71094 (November 29, 2000). A public hearing was held on January 9, 2001. The proposed amendments were substantively revised on the basis of the written and oral testimony received and a notice of revised proposed rulemaking was published at 31 Pa.B. 1233 (March 3, 2001) and at 66 FR 12930

(March 1, 2001). An additional comment period and public hearing were provided. The final-form rulemaking was approved by the Commission at the conclusion of the hearing on April 19, 2001.

The final-form rulemaking amends Section 2.50.1, "Service Metering" and Section 2.50.2, "Source metering recording and reporting" of the Commission's Water Code and adds a new Section 2.50.3, "Reporting Requirements." The title of Section 2.50 is revised to read, "Water Metering and Reporting Requirements." Section 2.50.1 is amended to authorize, rather than require, the Executive Director to enter into administrative agreements with the implementing agencies of the signatory states, whereby the appropriate state agencies will administer and enforce the provisions of the regulation. Section 2.50.1 is further amended to provide that in the absence of such an administrative agreement, the Commission shall serve as the agency for administration and enforcement. Section 2.50.2 is amended to provide that the Commission shall administer and enforce the regulation in the New York portion of the basin. New Section 2.50.3 enumerates the types of source and service data to be reported for water supply systems serving the public and for other withdrawals subject to the requirements of Section 2.50.1, Section 2.50.2 and the Commission's Ground Water Protected Area Regulations. In order to avoid redundant reporting, Section 2.50.3 enumerates different reporting requirements for the year 2000 than for subsequent years. For the year 2000, a greater one-time effort is required to initiate reporting. For subsequent years, a much smaller effort is required to continue reporting.

This final rule amends the Comprehensive Plan and Article 2 of the Water Code of the Delaware River Basin Commission by: revising the title of Section 2.50 of the Water Code to read as follows: WATER METERING AND REPORTING REQUIREMENTS; revising Section 2.50.1, Subsection G, and Section 2.50.2, Subsections A, C and D as indicated as follows (brackets denote deleted text; *italic* denotes added text); and by adding a new Section 2.50.3, set forth in regular text below.

#### 2.50.1 Service Metering

G. To avoid duplication of effort and to insure proper enforcement of this regulation, the Executive Director *is hereby authorized* to enter into administrative agreements with the Delaware Department of Natural Resources and Environmental Control, New Jersey Department of Environmental Protection, New York Department of Health, Pennsylvania Department of Environmental Protection, and other state agencies where appropriate, authorizing such agencies to administer and enforce the provisions of this regulation to the extent practicable and to adopt such rules and regulations of procedure as may be necessary to insure the proper administration and enforcement of this regulation. *In the absence of an administrative agreement, the Commission shall serve as the administration and enforcement agency for this regulation.*

#### 2.50.2 Source metering, recording and reporting

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 desig-

nated agency [of the state where the withdrawals are located]. 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 [state] 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 [state] 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 [state] agency or the Commission.

C. The following are the designated [state] agencies for the purposes of this regulation: Delaware Department of Natural Resources and Environmental Control; New Jersey Department of Environmental Protection; and Pennsylvania Department of Environmental Protection. *The Delaware River Basin Commission shall serve as the designated agency for administering and enforcing this regulation in the New York portion of the Basin.*

D. Pursuant to Section 11.5 of the Compact, the designated [state] agencies shall administer and enforce programs for metering, recording and reporting of water withdrawals, in accordance with this regulation and any applicable state regulations.

2.50.3 Reporting Requirements

A. Year 2000 Reporting Requirements

1. Water Supply Systems Serving the Public. The owner(s) of each water supply system serving the public and subject to requirements under subsection 2.50.1, subsection 2.50.2, and the Ground Water Protected Area Regulations for Southeastern Pennsylvania, shall report the following data for the year 2000 to the designated agency.

a. Source Data

i. Withdrawals. The following data shall be reported for each withdrawal source separately (i.e., each well or surface water intake).

- Year-2000
- Facility Identification Code (State Code)
- State Permit Number
- DRBC Docket Number(s)
- Facility Name
- Source Type: Surface Water/Ground Water
- Source Name and/or Source ID Number
- Withdrawal Location
  - Municipality
  - County
  - Latitude and Longitude (method used)
- Monthly Withdrawal Amount (million gallons (MG))

ii. Bulk Purchases from Other Suppliers. The following data shall be reported for each bulk purchase separately.

- Bulk Supplier Name
- Bulk Supplier's Source Name(s)
- Monthly Bulk Purchase Amount (MG)
- b. Service Area Data. The following data shall be reported separately for each county served.
  - i. Service Area Name(s)
  - ii. Service Area Location(s)
    - Municipalities
    - Counties
  - iii. Population Served
  - iv. Total Annual Water Use by Category (MG) (To the extent available, provide a breakdown of water use by the following categories.)
    - Residential metered (including apartment complexes)
    - Commercial metered
    - Institutional metered
    - Industrial metered
    - Bulk Sales
    - Other metered (Specify)
      - Unaccounted for (defined as the amount of water entering the distribution system minus the amount of water delivered through service meters)<sup>1</sup>
    - Total
  - v. Wastewater Disposal (if known)
    - Facility Identification Code (State Code)
    - State Permit Number
    - Facility Name
  - vi. United States Geological Survey (USGS) quadrangle map (1:24K) or other equivalent or higher resolution map identifying withdrawal, service area and discharge locations.

2. Other Withdrawals. Each person, firm, corporation, or other entity, except water supply systems serving the public, subject to requirements under subsection 2.50.2 and the Ground Water Protected Area Regulations for Southeastern Pennsylvania, shall report the following data for the year 2000 to the designated agency. The data shall be reported for each withdrawal source separately (i.e., each well or surface water intake).

- a. Year-2000
- b. Facility Identification Code (State Code)
- c. State Permit Number
- d. DRBC Docket Number(s)
- e. Facility Name
- f. Source Type: Surface Water/Ground Water
- g. Source Name and/or Source ID Number
- h. Use Category
  - i. Self supplied commercial
  - ii. Self-supplied industrial
  - iii. Self-supplied institutional
  - iv. Self-supplied agriculture (including crop irrigation, nurseries, aquaculture & livestock)

<sup>1</sup> Further breakdown of unaccounted for water can be provided. For example, estimated fire hydrant use, other unmetered public uses, and leakage losses.

v. Self-supplied non-agricultural irrigation (i.e., golf course, country club, athletic field)

vi. Self-supplied mining

vii. Self-supplied thermoelectric power

viii. Self-supplied hydroelectric power

ix. Self-supplied other (specify) \_\_\_\_\_

i. Withdrawal Location

i. Municipality

ii. County

iii. Latitude and Longitude (method used)

j. Use Location

i. Municipalities

ii. County

iii. Latitude and Longitude (method used) (if known)

k. Acres Irrigated (for irrigated uses only)

l. Monthly Withdrawal Amount (MG)

m. Evaporative Loss Amount (MG) (if known)

n. Product Use Amount (MG) (if known)

o. Is water recycled (Y/N)? If yes, what percent is recycled? (if known)

p. Are withdrawals metered (Y/N)?

q. Wastewater Disposal (To the extent available, provide the following information on wastewater disposal.)

i. Type (municipal wastewater treatment plant, package wastewater treatment plant, subsurface discharge system, other)

ii. Facility Identification Code (State Code)

iii. State Permit Number

iv. Facility Name

v. Discharge Location

—Surface Water Body (wastewater treatment plants only)

—Municipality

—County

—Latitude and Longitude (method used) (if known)

vi. Estimated Monthly Discharge Amount (MG)

vii. Is wastewater reclaimed (Y/N)? If yes, what percent is reclaimed? (if known)

r. USGS quadrangle map (1:24K) or other equivalent or higher resolution map identifying withdrawal, use, and discharge locations.

**B. Annual Reporting Requirements for Subsequent Years**

1. Water Supply Systems Serving the Public. Commencing with reporting year 2001, the owner(s) of each water supply system serving the public and subject to requirements under subsection 2.50.1, subsection 2.50.2, and the Ground Water Protected Area Regulations for Southeastern Pennsylvania, shall report the following data on an annual basis to the designated agency. Changes to any other information required under Section A above, shall also be reported. All information required under Section A above shall be completed for new withdrawals for the first year of operation.

a. Source Data

i. Withdrawal Data. The following data shall be reported for each withdrawal source separately (i.e., each well or surface water intake).

—Year

—Facility Identification Code (State Code)

—State Permit Number

—Facility Name

—Monthly Withdrawal Amount (MG)

ii. Bulk Purchases from Other Suppliers. The following data shall be reported for each bulk purchase separately.

—Bulk Supplier Name

—Bulk Supplier's Source Name(s)

—Monthly Bulk Purchase Amount (MG)

b. Service Area Data. The following data shall be reported separately for each county served.

i. Service Area Name(s)

ii. Total Annual Water Use by Category (MG) (All usage shall be reported according to the following categories.)

—Residential metered (including apartment complexes)

—Commercial metered

—Institutional metered

—Industrial metered

—Public metered

—Bulk Sales

—Other metered (Specify)

—Unaccounted for (defined as the amount of water entering the distribution system minus the amount of water delivered through service meters)<sup>2</sup>

—Total

2. Other Withdrawals. Commencing with reporting year 2001, each person, firm, corporation, or other entity, except water supply systems serving the public, subject to requirements under subsection 2.50.2 and the Ground Water Protected Area Regulations for Southeastern Pennsylvania, shall report the following data on an annual basis to the designated agency. The data shall be reported for each withdrawal source separately (i.e., each well or surface water intake). Changes to any other information required under Section A above, shall also be reported. All information required under Section A above shall be completed for new withdrawals for the first year of operation.

a. Year

b. Facility Identification Code (State Code)

c. State Permit Number

d. Facility Name

e. Monthly Withdrawal Amount (MG)

f. Evaporative Loss Amount (MG) (if known)

g. Product Use Amount (MG) (if known)

h. Estimated Monthly Wastewater Discharge Amount (MG)

<sup>2</sup> Further breakdown of unaccounted for water can be provided. For example, estimated fire hydrant use, other unmetered public uses, and leakage losses.

C. To avoid duplication of effort and to insure proper enforcement of this regulation, the Executive Director is hereby authorized to enter into administrative agreements with the following designated agencies: Delaware Department of Natural Resources and Environmental Control, New Jersey Department of Environmental Protection, New York Department of Health, Pennsylvania Department of Environmental Protection, and other state agencies where appropriate, authorizing such agencies to administer and enforce the provisions of this regulation and to adopt such rules and regulations of procedure as may be necessary to insure proper administration and enforcement of this regulation. In the absence of an administrative agreement, the Commission shall serve as the designated agency. Designated agencies are encouraged to implement and maintain automated data collection and reporting systems to facilitate the efficient transfer of data to the Delaware River Basin Commission. The administrative agreements shall specify the format for data submission.

PAMELA M. BUSH, Esq.,  
*Secretary*

**Fiscal Note:** Fiscal Note 68-40 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART V. DELAWARE RIVER BASIN COMMISSION**

**CHAPTER 901. GENERAL PROVISIONS**

**§ 901.2. Comprehensive Plan and water quality.**

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A (2001) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 (2001) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 02-252. Filed for public inspection February 15, 2002, 9:00 a.m.]

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