

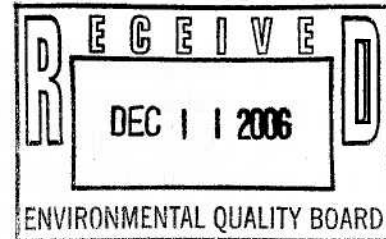


# Wheatland Tube Company

Wheatland Division

December 7, 2006

Environmental Quality Board  
P.O. Box 8477  
Harrisburg, PA 17105-8477



RE: Comments on Proposed Rulemaking  
25 PA Code Chapter 110  
Water Resources Planning

Gentlemen:

The following are my comments on the subject proposed rulemaking appearing in the December 2, 2006 *Pennsylvania Bulletin*:

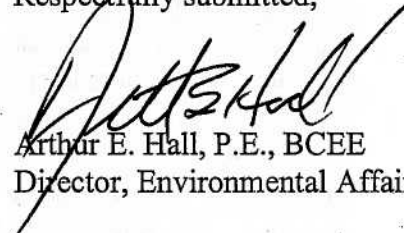
1. The Department should clarify how the average water withdrawal rate of 10,000 gallons in any 30-day period for the purpose of registration is to be determined. Is it the average rate of every day that a withdrawal occurs in a 30-day period or is it the average of the total amount withdrawn during a 30-day period divided by 30? It is to be based on actual withdrawal amount or potential withdrawal amount?
2. § 3118(B)(4) of the Act states "*To avoid duplication of efforts, regulations implementing the periodic reporting requirements of this subsection shall provide that the requirements may be satisfied by the filing of Discharge Monitoring Reports prepared under the Clean Streams Law...*". Neither the language in the proposed § 110.5 nor the preamble addresses this requirement. In fact, coordination responsibility is placed upon the regulated community instead of on the Department, as required by the Act.
3. § 110.201 requires registration for consumptive use of water supplied by a public water supply agency in excess of 100,000 gallons per day. This requirement does not appear in the Act. The Act does not consider a user's connection to a public water supply to be a point of withdrawal and is therefore not subject to registration or reporting.
4. § 110.203 appears to require the identification, location and amount of each consumptive and nonconsumptive use. Having to provide such information on each use is burdensome to the users and is of no value in water resource planning. The total amount of consumptive and nonconsumptive water use is the only relevant information.

5. Does a detailed annual report required under § 110.301-305 have to be submitted by a registered user if the threshold average withdrawal rate of 10,000 gal/day in a 30-day period is not exceeded during the year?
6. Employment information required to be reported under § 110.305 is of no use in water resource planning and should be deleted from the proposed regulation.
7. § 110.501 requires meters to be installed on each point of withdrawal if the total system water usage exceeds an average rate of 50,000 gal/day in a 30-day period. The Act states that for withdrawals of less than 50,000 gal/day, *"The regulations shall provide for the use of alternative methods to obtain a reasonable estimate or indirect calculation of such in lieu of direct metering or measurement"*. To require a meter on an individual point of withdrawal that uses less than 50,000 gal/day solely because it is part of a larger system is burdensome and unnecessary. The Department should provide guidance in this proposal as to what alternative methods to determine usage it considers to be acceptable, while allowing users to request approval of other methods.

Finally, while the proposed registration and reporting requirements appear somewhat reasonable, the forms provided by the Department for these functions are much more onerous:

1. Form 3920-FM-WM0290 requires the estimation or measurement of the amount of water disposed of in each of ten different methods. This level of detailed information has no beneficial use in water resource planning. All that is necessary are the total amounts for consumptive and nonconsumptive uses.
2. Forms 39020-FM-WM0048 and 39020-FM-WM0291 require extensive detailed information on groundwater well construction, pumping capabilities, the type of meter used and disposal method(s). None of this information is relevant to water resource planning.

Respectfully submitted,



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Director, Environmental Affairs