

PA Section, American Water Works Association Water Utility Council

1309 Bridge Street – New Cumberland, PA 17070 – 717-774-8870 – 717-774-0288 (FAX)

December 14, 2006

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

RE: ID #7-403 (#2585) Proposed Rulemaking: Water Resources Planning

Dear Board:

The Pennsylvania-Section, American Water Works Association (PA-AWWA) consists of 2,500 + members representing all classes of water utilities in Pennsylvania, including those owned by investors, authorities and municipalities, plus regulators, vendors, contractors, engineers and others dedicated to promoting the health and welfare of Pennsylvania by providing affordable drinking water of superior quality and sufficient quantity. The Water Utility Council of AWWA includes representatives from the National Association of Water Companies, Pennsylvania Chapter; Pennsylvania Municipal Authorities Association; Pennsylvania Rural Water Association; and Water Works Operators' Association of Pennsylvania.

The Council **supports** the proposed rulemaking on Water Resources Planning ID #7-403 (#2585) which amends Chapter 109 (relating to safe drinking water) and adds Chapter 110 (relating to water resources planning). Chapter 110 establishes the requirements for registration of water users and recordkeeping and reporting of water withdrawal and use information, as required by 27 Pa.C.S. Chapter 31 (relating to water resources planning). The proposed rulemaking specifies who is required to register, keep records and report information regarding withdrawals of water in this Commonwealth and details the information that is to be recorded and reported to the Department of Environmental Protection (DEP). The information collected under this proposed rulemaking is essential to development of the State Water Plan, which is mandated by 27 Pa.C.S. Chapter 31.

Specifically, the proposed rulemaking will require public water supply agencies and hydropower facilities, irrespective of the amount of withdrawal, and persons 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 of water a day in a 30-day period to register, periodically report and keep records of water use.

The Council appreciates and supports the proposed rulemakings avoidance of duplication in reporting requirements by amending one section of Chapter 109 to indicate that compliance by public water supply agencies with Chapter 110 will fulfill compliance with the Chapter 109 annual water supply reporting requirements.

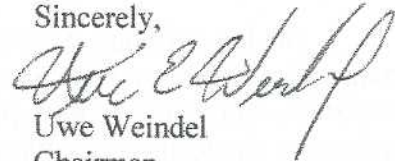
With respect to § 110.203 (Content of registration), the Council believes that the specific location of a public water supplier's intakes should be considered confidential security information; and therefore, protected from public disclosure by the Department, per Act 156 of 2006 (Public Utility Confidential Security Information Disclosure Protection Act).

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Finally, the registration requirement under § 110.201 (3) seems to imply that persons who have a withdrawal or withdrawal use from a point of withdrawal do not need to register "if water is supplied by a public water supply agency and the average consumptive use is less than 100,000 gallons per day (GPD) over any 30-day period." However, it is our understanding that large consumptive users that are customers of a public water supply agency must record and report their consumptive use under the Department's interpretation of the rulemaking. This would require the public water supplier to monitor, track and notify our customer that they must register and report their consumptive use. The Council questions the need for this provision, which was not included in the initial registration program, and believes it to be of little value for the purposes of water resources planning.

The Council thanks you for considering our comments on this most important issue to our industry. If you should need any additional information, please do not hesitate to contact me.

Sincerely,



Uwe Weindel
Chairman

CC: Alvin C. Bush, IRRC
Senator Mary Jo White
Senator Raphael Musto
Representative Bud George
Representative Bill Adolph