

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Watershed Management
Division of Water Use Planning

DOCUMENT NUMBER 392-2130-002

TITLE: SUBSIDIARY WATER ALLOCATION PERMIT REQUIREMENT

AUTHORITY: Water Rights Act of June 24, 1939, P.L. 842, No. 365, as amended, 32 P.S., 631 *et seq.*

POLICY: The Department will follow a department-wide, standard process for reviewing applications for subsidiary surface water allocation permits.

PURPOSE: This policy provides guidance on the procedures to be followed in processing an application for a surface water allocation permit when the public water supply agency is applying for approval to acquire water from another water supply agency which withdraws surface waters.

APPLICABILITY: This policy applies to all applications for surface water allocation submitted by a public water supply agency which seeks to purchase surface waters from another public water supply agency.

DISCLAIMER: The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of the Department to give these rules that weight or deference. This document establishes the framework, within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

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LOCATION: Vol. 15, Tab 02

TECHNICAL GUIDANCE:

The following policy and procedure for the processing of subsidiary water allocation permits will be used by the Department in processing any applications for subsidiary allocation received from public water supply agencies. If a water supply is obtained from another supplier having both surface and groundwater supply, the water will be considered from a surface water source for purposes of the subsidiary allocation.

Basically, there are three types of interconnections which can exist where a subsidiary water allocation permit may be required:

A public water supply agency secures all or part of its water supply on a full-time basis from another person or public water supply agency holding a water allocation permit.

A public water supply agency secures all or part of its water supply on a full-time basis for a fixed period from another person or public water supply agency holding a water allocation permit.

A public water supply agency secures all or part of its water supply on an intermittent basis from another person or public water supply agency holding a water allocation permit.

In reviewing applications for a permanent, interim or intermittent subsidiary water allocation permit, the Division will review the application from the standpoint of: need of the public water supplier; whether the water supplier providing the water service can provide the amount of allocation requested and not jeopardize service to its own customers; and where the water supplied will be returned to a stream. Instances of interbasin transfer would be reviewed appropriately. The application will also be reviewed to determine if the applicant has developed water conservation and leak detection programs. The Delaware River Basin Commission, Susquehanna River Basin Commission, and the Department have specific requirements which require public water suppliers making application to the signatory agency to have these programs developed.

The life of a permanent or intermittent subsidiary water allocation will be tied to the life of the water allocation permit issued to the public water supplier providing the water supply. An interim subsidiary water allocation permit will be tied to the planned life of the interim connection but in no event will exceed the life of the water allocation permit issued to the public water supplier providing the supply. Any permanent or interim subsidiary allocation issued will be offset from the permanent allocation issued to the provider of the water supply, and that quantity of water shall not be available for use by the provider prior to expiration of the subsidiary allocation. The subsidiary allocation will not increase the permanent allocation to the provider.

All applicants for a subsidiary water allocation permit must make application. A water right cannot be granted without making application pursuant to Section 6 of the Water Rights Act of 1939. Application fees for a permanent, interim or intermittent subsidiary water allocation permit shall be in accordance with Chapter 108, Section 108.3 and 108.4 of the Department's Rules and Regulations.

Where a subsidiary water allocation permit is to be issued to a public water supplier, the public water supply agency providing the water will be sent a letter requesting confirmation that it has no objections to the issuance of the subsidiary water allocation permit.