

ABR(e) FAQ

What is an ABR(e)?

An Approval by Rule, type (e), or “ABR(e)” is regulated by [18 CFR Section 806.22 \(e\)](#), can be issued by the Executive Director, and is similar to a general permit. These approvals are for the consumptive use¹, not withdrawal, of water supplied by public water supply, stormwater, wastewater, recycled water, or a combination of any of the above.² Any consumptive use of water equal to or exceeding 20,000 gallons per day over a consecutive 30-day average requires Commission approval. ABR(e) approvals are not new and have been a part of the regulations since 2007.

How is the withdrawal of water regulated then?

The Commission regulates water withdrawals and the consumptive use of water individually. An ABR(e) only regulates the consumptive use of water. The withdrawal of that water, if by a public water supply entity, whether from surface sources such as rivers and streams or groundwater from wells, is regulated and approved separately. The regulatory withdrawal threshold is 100,000 gallons per day over a consecutive 30-day average, individually or in combination from all sources.

Here are some examples:

1. A power plant sources the water it needs to operate from the river it sits along, and it also consumptively uses a portion of that water for cooling purposes. Both the withdrawal and consumptive use volumes exceed Commission thresholds, so the company is required to obtain approval for both the withdrawal and the consumptive use before operating.

¹ *Consumptive Use* is defined as water used in such a way that it is considered lost to the basin because it is evaporated, transpired due to irrigation, diverted, incorporated into manufactured products or injected underground.

² In accordance with 18 CFR Section 806.22(e)(8), at the discretion of the Executive Director, small capacity sources or sources used only for potable supply may be appropriately included in an ABR(e). Small capacity sources are defined as a groundwater or surface water source with a withdrawal of 20,000 gallons or less per day over a consecutive 30-day average.

2. A public water utility sources its supply from a stream and two groundwater wells. Because the supplies exceed Commission thresholds, the utility must receive withdrawal approvals. However, the utility is not the consumer of the water, so they are not subject to a consumptive use approval.

3. A food manufacturer receives the water it needs to operate from a public water supplier. The withdrawal of that water has already been scientifically reviewed and accounted for under the approval issued to the public water supplier. However, the food manufacturer is consumptively using water exceeding Commission thresholds, so it receives an ABR(e) approval for that use.

Note that public water suppliers have the discretion and responsibility of managing their allocation of water within approved limits. If they want to sell a volume of water that exceeds their Commission-approved limits, they must go through a new approval process for any increase.

How do you ensure a user remains compliant?

Project sponsors (regulated entities) that receive approval under an ABR(e) are required to comply with metering, daily water use quantity monitoring, reporting, and consumptive use mitigation requirements. They are also subject to records audits and compliance inspections. ABR(e) approvals have a standard approval term of 15 years.

Is public notice required?

Yes, under [18 CFR Section 806.22\(e\)\(3\)](#) project sponsors who submit an application (aka a notice of intent) for an ABR(e) must satisfy the notice requirements of Section 806.15. For an ABR(e), this requires that the project sponsor provide notice of the application to the appropriate agency of the state, county, appropriate county agencies, and municipality in which the project is located. The Commission posts notice of all applications including ABR(e) projects on their website in the [Water Application and Approval Viewer](#) (WAAV). A summary document is provided for each application, and the WAAV includes a link that can be used for submitting comment on any application.