
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 993 Session of
2015

INTRODUCED BY DINNIMAN, SEPTEMBER 21, 2015

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 21, 2015

AN ACT

1 Amending the act of July 7, 1961 (P.L.518, No.268), entitled "An
2 act to create a regional agency by intergovernmental compact
3 for the planning, conservation, utilization, development,
4 management and control of the water and related natural
5 resources of the Delaware River Basin, for the improvement of
6 navigation, reduction of flood damage, regulation of water
7 quality, control of pollution, development of water supply,
8 hydroelectric energy, fish and wildlife habitat and public
9 recreational facilities, and other purposes, and defining the
10 functions, powers and duties of such agency," in short title,
11 definitions, purpose and limitations, further providing for
12 definitions; and, in regulation of withdrawals and
13 diversions, further providing for standards.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 1.2 of the act of July 7, 1961 (P.L.518,
17 No.268), known as the Delaware River Basin Compact, is amended
18 by adding a definition to read:

19 Section 1.2. Definitions. For the purposes of this compact,
20 and of any supplemental or concurring legislation enacted
21 pursuant thereto, except as may be otherwise required by the
22 context:

23 * * *

1 (f.1) "Local water resources authority" shall mean a water
2 resources authority established by a county, township, city,
3 borough or town that employs water resource engineers who are
4 certified by the participating state or who meet the same
5 requirements for certification as established by the
6 participating state.

7 * * *

8 Section 2. Section 10.5 of the act is amended to read:

9 Section 10.5. Standards.

10 (a) Permits shall be granted, modified or denied as the case
11 may be so as to avoid such depletion of the natural stream flows
12 and ground waters in the protected area or in an emergency area
13 as will adversely affect the comprehensive plan or the just and
14 equitable interests and rights of other lawful users of the same
15 source, giving due regard to the need to balance and reconcile
16 alternative and conflicting uses in the event of an actual or
17 threatened shortage of water of the quality required.

18 (b) This section requires the following:

19 (1) Due consideration of the potential impact of the
20 withdrawal of water from a naturally occurring aquifer under a
21 proposed permit shall be conducted.

22 (2) Notification within forty-eight hours of the granting of
23 a water withdrawal permit provided to the following by the
24 agency of the participating state responsible for the permitting
25 process within the participating state:

26 (i) Local water resource authority for the area affected by
27 the permit.

28 (ii) County commissioners for the county affected by the
29 permit.

30 (iii) Township supervisors for the township affected by the

1 permit.

2 (iv) Legislators for the participating state who represent
3 the state legislative districts affected by the permit.

4 (3) (i) Deference shall be given to an evaluation on the
5 potential adverse impact of proposed water withdrawal under a
6 proposed permit that was prepared by the local water resources
7 authority when evaluating the potential impact of the proposed
8 water withdrawal on natural stream flows, ground waters and
9 naturally occurring aquifers.

10 (ii) The right of first refusal for conducting tests to
11 evaluate the potential adverse impact of the proposed water
12 withdrawal under a proposed permit shall be given to the local
13 water resources authority for the area potentially affected by
14 the proposed water withdrawal, where either the commission or
15 the administrative agency for the signatory state or
16 commonwealth elects to outsource the performance of the tests to
17 a third party.

18 (4) A private entity that as a result of water withdrawal
19 from a naturally occurring aquifer for purpose of resale causes
20 an existing water well located within the boundaries of the
21 naturally occurring aquifer to become dry shall be responsible
22 for establishing a new water well.

23 Section 3. This act shall take effect in 60 days.