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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 992 Session of  
2015

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INTRODUCED BY DINNIMAN, SEPTEMBER 21, 2015

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,  
SEPTEMBER 21, 2015

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AN ACT

1 Amending the act of June 24, 1939 (P.L.842, No.365), entitled  
2 "An act relating to the acquisition of rights to divert water  
3 from rivers, streams, natural lakes, and ponds, or other  
4 surface waters within the Commonwealth or partly within and  
5 partly without the Commonwealth; defining various words and  
6 phrases; vesting in the Water and Power Resources Board  
7 certain powers and authorities for the conservation, control  
8 and equitable use of the waters within the Commonwealth in  
9 the interests of the people of the Commonwealth; making  
10 available for public water supply purposes, water rights  
11 heretofore or hereafter acquired but not used; providing for  
12 hearings by the Water and Power Resources Board and for  
13 appeals from its decisions; fixing fees; granting to all  
14 public water supply agencies heretofore or hereafter created  
15 the right of eminent domain as to waters and the land covered  
16 by said waters; repealing all acts or parts of acts  
17 inconsistent herewith, including Act No. 109, Pamphlet Laws  
18 152, approved April 13, 1905, Act No. 307, Pamphlet Laws 455,  
19 approved June 7, 1907, Act No. 64, Pamphlet Laws 258,  
20 approved April 8, 1937," further providing for definitions;  
21 and providing for additional duties of the board.

22 The General Assembly of the Commonwealth of Pennsylvania  
23 hereby enacts as follows:

24 Section 1. Section 1 of the act of June 24, 1939 (P.L.842,  
25 No.365), referred to as the Water Rights Law, is amended by  
26 adding a definition to read:

27 Section 1. Definitions.--Hereafter in this act the following

1 words and phrases shall be understood to have the meanings  
2 herein set forth, unless a contrary or different meaning be  
3 clearly indicated by the context.

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5 (f) "Local water resources authority" shall mean a water  
6 resources authority established by a county of the second class  
7 A or a county of the third class under State law that employs  
8 water resource engineers who are certified by the Pennsylvania  
9 Department of Environmental Protection or who meet the same  
10 requirements for certification as established by the department.

11 Section 2. The act is amended by adding a section to read:

12 Section 7.1. It shall be the duty of the board to comply  
13 with the following:

14 1. Give due consideration of the potential impact of the  
15 withdrawal of water from a naturally occurring aquifer on  
16 private water supplies under a proposed permit.

17 2. Provide notification within forty-eight hours of the  
18 granting of a permit provided to the following:

19 (i) Local water resource authority for the area affected by  
20 the permit.

21 (ii) County commissioners for the county affected by the  
22 permit.

23 (iii) Township supervisors for the township affected by the  
24 permit.

25 (iv) Legislators for the participating State who represent  
26 the state legislative districts affected by the permit.

27 3. Give the following:

28 (i) Deference to an evaluation on the potential adverse  
29 impact of proposed water withdrawal under a proposed permit that  
30 was prepared by a local water resources authority when

1 evaluating the potential impact of the proposed water withdrawal  
2 on natural stream flows, ground waters and naturally occurring  
3 aquifers regarding private water supplies.

4 (ii) The right of first refusal for conducting tests to  
5 evaluate the potential adverse impact of the proposed water  
6 withdrawal under a proposed permit to the local water resources  
7 authority for the area potentially affected by the proposed  
8 water withdrawal, where the board elects to outsource the  
9 performance of such tests to a third party.

10 A private entity that as a result of water withdrawal from a  
11 naturally occurring aquifer for the purpose of resale causes an  
12 existing water well located within the boundaries of the  
13 naturally occurring aquifer to become dry shall be responsible  
14 for establishing a new water well.

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