

"BRANDYWINE RIVER VALLEY COMPACT"
Act of Sep. 9, 1959, P.L. 848, No. 337
AN ACT

Cl. 32

Authorizing a compact between the Commonwealth of Pennsylvania and the State of Delaware for the construction of a series of multipurpose dams and reservoirs on the Brandywine Creek and its tributaries and authorizing a diversion for the Borough of West Chester.

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

The Governor is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Pennsylvania and the State of Delaware in form substantially as follows:

BRANDYWINE RIVER VALLEY COMPACT

The contracting states solemnly agree that:

ARTICLE I.

The purposes of this compact are through means of joint and cooperative action to promote the orderly development of the water resources of the Brandywine Valley for water supply, improvement of the quality of the water, flood prevention and control, watershed protection, low flow augmentation, conservation and recreation.

ARTICLE II.

This compact shall enter into force and become binding when it has been enacted by the State of Delaware.

ARTICLE III.

The Department of Forests and Waters of the Commonwealth of Pennsylvania is authorized:

(a) To construct, operate and maintain a series of multipurpose dams and reservoirs on the Brandywine Creek and its tributaries.

(b) To construct, operate and maintain State parks at one or more of the said dam sites.

(c) To cooperate with the State of Delaware and the City of Wilmington with respect to the financing of the said dams and reservoirs and the low flow augmentation of the creek at the Delaware state line.

(d) To cooperate with the residents, industries, counties and municipalities of southeastern Pennsylvania with respect to the financing of the aforesaid dams and reservoirs and the apportionment of waters.

(e) To cooperate with and receive assistance from the United

States government

(f) To divert and supply to the Borough of West Chester, Pennsylvania, not more than six million gallons per day of water from the said dams and reservoirs upon the payment by the Borough of West Chester of its proportionate share of the costs of this project.

(g) To maintain for the benefit of the City of Wilmington and the State of Delaware, upon the payment of a proportionate share of the costs, a low flow augmentation of the Brandywine Creek.

(h) To permit inspection of the operation of the dams and reservoirs by the State of Delaware, the City of Wilmington, the Borough of West Chester and the local interests in southeastern Pennsylvania and Delaware.

ARTICLE IV.

The Commonwealth of Pennsylvania and the State of Delaware agree to reconsider the needs of the City of Wilmington and of the local interests in southeastern Pennsylvania for changes in the apportionment of waters in order to provide equitably for all users whenever changing conditions or population, land use, water supply or other factors make such changes necessary or desirable.

ARTICLE V.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof.