

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 992 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 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

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

* * *

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

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

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

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

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

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

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

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

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

3. Give the following:

(i) Deference to an evaluation on the potential adverse impact of proposed water withdrawal under a proposed permit that 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.