

Veto No. 1988-10

SB 1283

December 21, 1988

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

I hereby publicly proclaim, and file with the Secretary of the Commonwealth, my disapproval of Senate Bill 1283, Printer's No.1804, entitled "An act amending the act of June 24, 1939 (P.L.842, No.365), entitled 'An act relating to the acquisition of rights to divert water from rivers, streams, natural lakes, and ponds, or other surface waters within the Commonwealth or partly within and partly without the Commonwealth; defining various words and phrases; vesting in the Water and Power Resources Board certain powers and authorities for the conservation, control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth; making available for public water supply purposes, water rights heretofore or hereafter acquired but not used; providing for hearings by the Water and Power Resources Board and for appeals from its decisions; fixing fees; granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters; repealing all acts or parts of acts inconsistent herewith, including Act No.109, Pamphlet Laws 152, approved April 13, 1905, Act No.307, Pamphlet Laws 455, approved June 7, 1907, Act No.64, Pamphlet Laws 258, approved April 8, 1937,' further defining 'water rights'; and providing for the application of the provisions of this act."

Senate Bill 1283 amends the Water Rights Act of 1939 to exempt from Commonwealth control the sale of water between water supply companies so long as the seller has obtained a water rights permit from the Department of Environmental Resources. I believe this bill would seriously hinder the Commonwealth's ability to ensure that all our citizens have an adequate and safe water supply.

The question, very simply stated, is whether the Commonwealth or local water companies will have the legal right to allocate scarce water resources when there are conflicting demands and needs between groups of consumers. Clearly, there can be only one answer to that question. Our recent experiences with giardiasis in the Northeast, with the pollution of water supplies in the West resulting from the Ashland Oil spill and with drought emergencies throughout Pennsylvania have underscored the critical need for coordinated management of this fragile natural resource.

I am advised by the Pennsylvania Emergency Management Agency (PEMA) that disruption of local water supplies for any measurable period of time could threaten the public health, fire safety and economic stability of the affected residents. PEMA cites the Ashland Oil spill as an example of this kind of threat. During that emergency, the only source of water for some communities over a five-day period was a system of fire hoses connecting hydrants and an interconnect with neighboring water systems. Without the

ability of State agencies like DER, PEMA and the Public Utility Commission to require water supply interconnects, small water companies would be at the mercy of the few major suppliers. Small companies would have little incentive to invest in these interconnections if they have no assurance that sufficient water will flow when they need it most.

The Water Rights Act provides the primary basis for the Commonwealth's water conservation program. Effective conservation of clean water depends upon our ability to keep track of all sources of supply available for distribution. Under Senate Bill 1283, any water company with a permit to withdraw surface water could divert that water to another locality, even across state lines. The Department of Environmental Resources would be powerless to prevent transfers that deplete the supply available for customers of the company selling the water. In fact, nothing in this bill requires that DER even be informed of an inter-company transfer.

The lesson of Pennsylvania's recent water emergencies should be that we need a more comprehensive approach to surface and groundwater management, not an approach that leaves water allocation decisions to the water wholesalers and retailers. Senate Bill 1283 has the potential to cripple this State's control over water allocation decisions. Therefore, I must withhold my signature from the bill.

ROBERT P. CASEY