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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE RESOLUTION**

No. **312** Session of  
2014

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INTRODUCED BY McILHINNEY, MENSCH, ERICKSON, SMITH, VULAKOVICH,  
ALLOWAY, HUGHES AND BOSCOLA, MARCH 14, 2014

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 14, 2014

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A RESOLUTION

1 Directing the Senate of Pennsylvania to call upon the parties to  
2 the United States Supreme Court Consent Decree of 1954 to  
3 address the on-going risk of Delaware River Basin flooding in  
4 Bucks County.

5 WHEREAS, Bucks County's eastern border is the Delaware River;  
6 and

7 WHEREAS, The Delaware River has historically flooded,  
8 endangering both human life and property, damaging public  
9 infrastructure and disrupting the conduct of business in the  
10 county; and

11 WHEREAS, Bucks County empaneled a Delaware River Flood Task  
12 Force in 2007 to study the flood events of 2004, 2005 and 2006  
13 and to make findings and recommendations to reduce the impact of  
14 flooding on Bucks County's river communities; and

15 WHEREAS, The Delaware River Flood Task Force concluded, based  
16 on two years of study, analysis and review of published reports,  
17 that establishing year-round voids in the New York City  
18 reservoirs would have a beneficial effect on flood levels in  
19 Bucks County and would reduce the number of properties flooded

1 and the extent of flooding; and

2 WHEREAS, One of those reports indicating that reservoir voids  
3 would have reduced flooding in Bucks County was issued by the  
4 Delaware River Basin Commission through its Flood Analysis Model  
5 (2010); and

6 WHEREAS, The management of the flows and levels of these  
7 reservoirs, which are owned by the City of New York, are subject  
8 to the United States Supreme Court Decree of 1954 to which the  
9 States of New Jersey, New York and Delaware, the Commonwealth of  
10 Pennsylvania and the City of New York are parties; and

11 WHEREAS, The United States Supreme Court Decree of 1954  
12 provides that the City of New York may fill its reservoirs to  
13 105% of capacity during the period of May 1 to June 15 of each  
14 year, a period when flooding has occurred historically; and

15 WHEREAS, When the reservoirs are filled beyond their  
16 capacities, the City of New York is unable to provide any flood  
17 control downstream of the reservoirs during significant rain  
18 events, thereby presenting an unnecessary and dangerous threat  
19 to the lives and properties of the citizens of Bucks County; and

20 WHEREAS, Each of the four states has standing to call upon  
21 the United States Supreme Court to amend the United States  
22 Supreme Court Decree of 1954 and demand that the City of New  
23 York maintain the levels in its Delaware River Basin reservoirs  
24 at or below 90% during all periods of the year, thereby  
25 providing reasonable flood mitigation capability to protect  
26 those who are downstream of the City of New York's reservoirs;  
27 therefore be it

28 RESOLVED, That the Senate of Pennsylvania call upon the four  
29 states that are parties to the United States Supreme Court  
30 Decree of 1954 to address matters regarding the management of

1 the reservoirs belonging to the City of New York, to petition  
2 the Supreme Court of the United States to revisit the decree and  
3 to amend the decree so that the City of New York would be  
4 compelled to limit the level of water in the reservoirs under  
5 its jurisdiction that impact the Delaware River at or below a  
6 level of 90% at all times during the year in order to provide  
7 adequate voids to mitigate flooding conditions that endanger the  
8 lives and properties of the citizens of Bucks County; and be it  
9 further

10       RESOLVED, That a copy of this resolution be sent to the  
11 Governor of Pennsylvania, the Governor of New Jersey, the  
12 Governor of Delaware, the Governor of New York and the Mayor of  
13 the City of New York and the Congressional delegations of these  
14 states.