
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 312 Session of
2014

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

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 14, 2014

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.