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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2114 Session of  
2015

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INTRODUCED BY STURLA, EVERETT, HANNA, FRANKEL, THOMAS, O'BRIEN,  
COHEN, ROZZI, McNEILL, McCARTER, YOUNGBLOOD AND PASHINSKI,  
JUNE 27, 2016

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 27, 2016

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AN ACT

1 Providing for registration of extraordinary nonagriculture and  
2 nonmunicipal water users; imposing a water resource fee;  
3 establishing the Water Use Fund; and providing for submission  
4 of a question to the electorate authorizing incurring of  
5 indebtedness for water-related environmental initiatives.

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

7 CHAPTER 1

8 PRELIMINARY PROVISIONS

9 Section 101. Short title.

10 This act shall be known and may be cited as the Pennsylvania  
11 Water Resource Act.

12 Section 102. Definitions.

13 The following words and phrases when used in this act shall  
14 have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 "Consume." Remove water from the waters of this Commonwealth  
17 and not return it to the natural source.

18 "Department." The Department of Environmental Protection of  
19 the Commonwealth.

20 "Extraordinary water user." A person that withdraws more  
21 than 10,000 gallons of water a day from the waters of this  
22 Commonwealth for the purpose of for-profit business. The term  
23 does not include withdrawals made by a community water system or  
24 a noncommunity water system regulated by the department under  
25 the act of May 1, 1984 (P.L.206, No.43), known as the  
26 Pennsylvania Safe Drinking Water Act.

27 "Groundwater or surface water source." A river, stream,  
28 brook, lake, body of water or aquifer located in this  
29 Commonwealth.

30 "Returned." Put back water into the waters of this

1 Commonwealth, whether the water is diminished in quality or not.  
2 "Watersheds." The Delaware, Erie, Ohio, Potomac, Susquehanna  
3 and Genesee watersheds.

4 "Withdraw" or "withdrawal." The removal, diversion or taking  
5 of water from a groundwater or surface water source.

6 Section 103. Scope.

7 This act applies to extraordinary nonagricultural and  
8 nonmunicipal water withdrawals by for-profit businesses.

9 CHAPTER 3

10 WATER RESOURCE PROTECTION

11 Section 301. Registration.

12 (a) General rule.--No extraordinary water user may withdraw  
13 water from any groundwater or surface water source for a  
14 nonagricultural or nonmunicipal purpose without filing a  
15 registration document with the department.

16 (b) Registration document.--The registration document shall  
17 be submitted on a form prepared by the department and shall set  
18 forth all of the following:

19 (1) The name and mailing address of the applicant.

20 (2) The name, if any, and location of the water source.

21 (3) The type of water source.

22 (4) The point in the water source from which the user  
23 proposes to withdraw the water.

24 (5) The name, location and acreage of the lands or other  
25 application for which the water is to be withdrawn.

26 (6) The location and description of the water well,  
27 canal, tunnel or piping and other works or equipment through  
28 which the water is to be withdrawn.

29 (7) The amount, in gallons, of water withdrawn on an  
30 average day of operation during the preceding year and the

1 number of days during the preceding year when water was  
2 withdrawn.

3 (8) The total amount, in gallons, of water estimated to  
4 be withdrawn and the periods of time when the withdrawal is  
5 scheduled during the current year.

6 (9) The location, means and expected condition of any  
7 water returned to the waterways of this Commonwealth.

8 Section 302. Water resource fee.

9 (a) Fee.--An extraordinary water user shall pay to the  
10 Commonwealth the following fees:

11 (1) for water withdrawn and subsequently returned to the  
12 water source, a water resource fee of \$0.0001 per gallon for  
13 water withdrawals greater than 10,000 gallons per day for  
14 nonagricultural or nonmunicipal purposes; and

15 (2) for water withdrawn and consumed, a water resource  
16 fee of \$0.001 per gallon for water consumption greater than  
17 10,000 gallons per day for nonagricultural or nonmunicipal  
18 purposes.

19 (b) Water consumption calculation.--For purposes of  
20 calculating the fee under subsection (a)(2), the following  
21 apply:

22 (1) for those extraordinary water users that measure  
23 water use by meter, the difference between the values of  
24 daily withdrawn water and daily returned water shall be  
25 reported as the amount consumed; and

26 (2) for those extraordinary water users that do not  
27 measure metered withdrawn and returned water, or due to  
28 evaporation or method of use find it impossible to accurately  
29 measure water consumed, the amount consumed shall be based on  
30 the department's consumptive use coefficients. The department

1 shall determine which extraordinary water users are subject  
2 to this paragraph and shall develop coefficients for those  
3 users.

4 (c) Coordination with other fees.--The fees, if any, paid by  
5 an extraordinary water user under the act of July 7, 1961  
6 (P.L.518, No.268), known as the Delaware River Basin Compact,  
7 and the act of July 17, 1968 (P.L.368, No.181), referred to as  
8 the Susquehanna River Basin Compact Law, to the Susquehanna  
9 River Basin Commission or the Delaware River Basin Commission,  
10 at the rates set on the effective date of this act, shall be  
11 subtracted from fees owed under this section.

12 Section 303. Distribution of water resource fees.

13 (a) Establishment of Water Use Fund.--The Water Use Fund is  
14 established in the State Treasury.

15 (b) Distribution.--The fees collected under section 302  
16 shall be paid into the fund. The fund shall be distributed as  
17 follows:

18 (1) \$30 million to the department for water-related  
19 programs and activities with any remainder for general  
20 government operations.

21 (2) \$25 million to the Department of Conservation and  
22 Natural Resources for water-related programs and activities  
23 with any remainder for general government operations.

24 (3) \$5 million to the Pennsylvania Fish and Boat  
25 Commission for water-related programs and activities with any  
26 remainder for general government operations.

27 The fund may be used to service the debt for any bonds issued  
28 under Chapter 5. Any remainder in the fund shall be distributed  
29 pursuant to section 505.

30 CHAPTER 5

1 WATERSHED PROTECTION BONDS

2 Section 501. Authorization to incur indebtedness.

3 Pursuant to the provisions of section 7(a)(3) of Article VIII  
4 of the Constitution of Pennsylvania, the department may submit  
5 the question of a bond issuance in the amount of \$3,000,000,000  
6 for the protection of watersheds, water resources, water  
7 environments, fresh water sources, the furthering of water  
8 conservation and other water-related environmental initiatives  
9 to the electors at the next election in the year that the  
10 department decides to issue bonds.

11 Section 502. Certification.

12 The Secretary of the Commonwealth shall certify the question  
13 to the county board of elections.

14 Section 503. Question to electorate.

15 The question shall be in the following form:

16 Do you favor authorizing the Commonwealth to incur an  
17 indebtedness of up to \$3,000,000,000, to be repaid using  
18 funds generated under the act of (P.L. , No. ),  
19 known as the Pennsylvania Water Resource Act, for the  
20 issuance of bonds for the maintenance and protection of  
21 watersheds, water resources, the furthering of water  
22 conservation and other water-related environmental  
23 initiatives?

24 Section 504. Election procedure.

25 The election shall be conducted in accordance with the act of  
26 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
27 Election Code, except that:

28 (1) any requirements for advertising or notice related  
29 to the question are hereby waived;

30 (2) the requirements for a statement pursuant to section

1 201.1 of the Pennsylvania Election Code are hereby waived;

2 and

3 (3) any authority of the Secretary of the Commonwealth  
4 to determine the form of the question is hereby abrogated.

5 Section 505. Use of proceeds.

6 Proceeds of the borrowing, and any remainder in the fund  
7 under section 303(b), shall be used for the maintenance and the  
8 protection of watersheds, water resources, water environments,  
9 fresh water sources, the furthering of water conservation and  
10 other water-related environmental initiatives and shall be  
11 allocated to the watersheds named in this act based on the  
12 percent of fees generated under section 302 in each watershed  
13 respectively.

14 CHAPTER 7

15 MISCELLANEOUS PROVISIONS

16 Section 701. Regulations.

17 The department shall promulgate rules and regulations as  
18 needed to administer and enforce this act.

19 Section 702. Effective date.

20 This act shall take effect in 60 days.