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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE RESOLUTION

No. 674 Session of  
2014

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INTRODUCED BY PETRI, QUINN, O'NEILL, R. BROWN, FREEMAN,  
GINGRICH, GROVE, KILLION, O'BRIEN, READSHAW, THOMAS,  
YOUNGBLOOD, WATSON AND MURT, MARCH 10, 2014

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MARCH 10, 2014

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A RESOLUTION

1 Memorializing the Governor to take certain actions relating to  
2 the year-round capacity of the City of New York-owned  
3 reservoirs affecting the Delaware River Basin.

4 WHEREAS, The Delaware River is the eastern border of Bucks  
5 County in this Commonwealth; and

6 WHEREAS, The Delaware River has a history of flood events  
7 which have endangered human life and property, damaged public  
8 infrastructure and disrupted the conduct of business in Bucks  
9 County; and

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

14 WHEREAS, Based on two years of study, analysis and review of  
15 published reports, the task force concluded that establishing  
16 year-round voids in New York City reservoirs would beneficially  
17 affect Bucks County flood levels and reduce the number of

1 flooded properties and the extent of flooding; and

2 WHEREAS, The Delaware River Basin Commission through its  
3 Flood Analysis Model (2010) issued a report indicating that  
4 reservoir voids would reduce flooding in Bucks County; and

5 WHEREAS, Management of the flows and levels of reservoirs  
6 owned by the City of New York is subject to the United States  
7 Supreme Court Decree of 1954 (Decree of 1954); and

8 WHEREAS, The Commonwealth of Pennsylvania, the State of  
9 Delaware, the State of New Jersey, the State of New York and the  
10 City of New York are parties to the Decree of 1954; and

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

15 WHEREAS, When its 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 Bucks County residents; and

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

27 WHEREAS, PPL Electric Utilities, which owns Lake  
28 Wallenpaupack in northeastern Pennsylvania, has voluntarily  
29 lowered its lake levels; and

30 WHEREAS, The Delaware River Basin Commission has been

1 requested to assist downstream residents and businesses with  
2 lowering other reservoir levels; and

3 WHEREAS, The agreement of the parties to the Decree of 1954  
4 has not been attained; therefore be it

5 RESOLVED, That the Governor of the Commonwealth of  
6 Pennsylvania call upon the Governors of the State of Delaware,  
7 the State of New Jersey and the State of New York to address  
8 matters regarding the management of reservoirs belonging to the  
9 City of New York and to petition the United States Supreme Court  
10 to amend the Decree of 1954 to compel the City of New York to  
11 limit water levels in reservoirs under its jurisdiction at or  
12 below a level of 90% at all times of the year in order to  
13 provide adequate voids to mitigate flooding conditions that  
14 endanger the lives and properties of the citizens of Bucks  
15 County; and be it further

16 RESOLVED, That copies of this resolution be transmitted to  
17 the Governor of the State of Delaware, the Governor of the State  
18 of New Jersey, the Governor of the State of New York, the Mayor  
19 of the City of New York, the Pennsylvania congressional  
20 delegation and the Delaware, New Jersey and New York  
21 congressional delegations.