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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 20 Session of  
2017

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INTRODUCED BY STURLA, SCHLOSSBERG, PASHINSKI, McNEILL, O'BRIEN  
AND FRANKEL, MAY 25, 2017

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MAY 25, 2017

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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 per 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 "Fund." The Water Use Fund established under section 303.

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

1 "PENNVEST." The Pennsylvania Infrastructure Investment  
2 Authority established under the act of March 1, 1988 (P.L.82,  
3 No.16), known as the Pennsylvania Infrastructure Investment  
4 Authority Act.

5 "Returned." Put water back into the waters of this  
6 Commonwealth, whether the water is diminished in quality or not.

7 "Watersheds." The Delaware, Erie, Ohio, Potomac, Susquehanna  
8 and Genesee watersheds.

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

11 Section 103. Scope.

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

#### 14 CHAPTER 3

#### 15 WATER RESOURCE PROTECTION

16 Section 301. Registration.

17 (a) General rule.--No extraordinary water user may withdraw  
18 water from a groundwater or surface water source for a  
19 nonagricultural or nonmunicipal purpose without filing a  
20 registration document with the department.

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

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

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

26 (3) The type of water source.

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

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30 application for which the water is to be withdrawn.

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

4 (7) The amount, in gallons, of water withdrawn on an  
5 average day of operation during the preceding year and the  
6 number of days during the preceding year when water was  
7 withdrawn.

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

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

13 Section 302. Water resource fee.

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

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

20 (2) for water withdrawn and consumed, a water resource  
21 fee of \$0.001 per gallon for water consumption greater than  
22 10,000 gallons per day for nonagricultural or nonmunicipal  
23 purposes.

24 (b) Water consumption calculation.--For purposes of  
25 calculating the fee under subsection (a)(2), the following  
26 apply:

27 (1) for those extraordinary water users that measure  
28 water use by meter, the difference between the values of  
29 daily withdrawn water and daily returned water shall be  
30 reported as the amount consumed; and

1           (2) for those extraordinary water users that do not  
2 measure metered withdrawn and returned water, or due to  
3 evaporation or method of use find it impossible to accurately  
4 measure water consumed, the amount consumed shall be based on  
5 the department's consumptive use coefficients. The department  
6 shall determine which extraordinary water users are subject  
7 to this paragraph and shall develop coefficients for those  
8 users.

9           (c) Coordination with other fees.--The fees, if any, paid by  
10 an extraordinary water user under the act of July 7, 1961  
11 (P.L.518, No.268), known as the Delaware River Basin Compact,  
12 and the act of July 17, 1968 (P.L.368, No.181), referred to as  
13 the Susquehanna River Basin Compact Law, to the Susquehanna  
14 River Basin Commission or the Delaware River Basin Commission,  
15 at the rates set on the effective date of this act, shall be  
16 subtracted from fees owed under this section.  
17 Section 303. Distribution of water resource fees.

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

20           (b) Distribution.--The fees collected under section 302  
21 shall be paid into the fund. The fund shall be distributed as  
22 follows:

23           (1) Thirty million dollars to the department for water-  
24 related programs and activities with any remainder for  
25 general government operations.

26           (2) Twenty-five million dollars to the Department of  
27 Conservation and Natural Resources for water-related programs  
28 and activities with any remainder for general government  
29 operations.

30           (3) Five million dollars to the Pennsylvania Fish and

1 Boat Commission for water-related programs and activities  
2 with any remainder for general government operations.

3 (4) Five million dollars to the Department of  
4 Agriculture for water-related programs and activities with  
5 any remainder for general government operations.

6 (5) The remainder of the fund to PENNVEST, which shall  
7 distribute the remainder under section 505 or use the  
8 remainder to service the debt for any bonds issued under  
9 Chapter 5.

10 CHAPTER 5

11 WATERSHED PROTECTION BONDS

12 Section 501. Authorization to incur indebtedness.

13 Pursuant to the provisions of section 7(a)(3) of Article VIII  
14 of the Constitution of Pennsylvania, PENNVEST may submit the  
15 question of a bond issuance in the amount of up to  
16 \$3,000,000,000 for the protection of watersheds, water  
17 resources, water environments, fresh water sources, the  
18 furthering of water conservation and other water-related  
19 environmental initiatives to the electors at the next election  
20 in the year that PENNVEST decides to issue bonds.

21 Section 502. Certification.

22 The Secretary of the Commonwealth shall certify the question  
23 to the county board of elections.

24 Section 503. Question to electorate.

25 The question under section 501 shall be in the following  
26 form:

27 Do you favor authorizing the Commonwealth to incur an  
28 indebtedness of up to \$ \_\_\_\_\_, to be repaid using  
29 funds generated under the act of \_\_\_\_\_ (P.L. \_\_\_\_\_, No. \_\_\_\_\_),  
30 known as the Pennsylvania Water Resource Act, for the

1 issuance of bonds for the maintenance and protection of  
2 watersheds, water resources, the furthering of water  
3 conservation and other water-related environmental  
4 initiatives?

5 Section 504. Referendum procedure.

6 The referendum shall be conducted in accordance with the act  
7 of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
8 Election Code, except that:

9 (1) the requirements for advertising or notice related  
10 to the question are waived;

11 (2) the requirements for a statement under section 201.1  
12 of the Pennsylvania Election Code are waived; and

13 (3) the authority of the Secretary of the Commonwealth  
14 to determine the form of the question is abrogated.

15 Section 505. Use of proceeds.

16 Proceeds of the borrowing shall be used for the maintenance  
17 and the protection of watersheds, water resources, water  
18 environments, fresh water sources, the furthering of water  
19 conservation and other water-related environmental initiatives  
20 and shall be allocated to the watersheds named in this act based  
21 on the percentage of fees generated under section 302 in each  
22 watershed respectively.

## 23 CHAPTER 7

### 24 MISCELLANEOUS PROVISIONS

25 Section 701. Regulations.

26 The department shall promulgate rules and regulations as  
27 needed to administer and enforce this act.

28 Section 702. Effective date.

29 This act shall take effect in 60 days.