

ROUGH DRAFT
**Potential Legislative Initiatives Needed to Implement State Water
Plan**
Recommendations of the Statewide Water Resources Committee

December 18, 2008

- 1) Enact legislation to require proficiency-based licensing and certification of water well drillers, and to establish statewide private water well construction standards.
- 2) Based on pilot plan assessments, enact new or amended legislation that would encourage the development and implementation of Integrated Water Resources Plans.
- 3) Enact new or amended legislation to link local land use decisions with water resources planning and management, and to provide adequate funding for developing information necessary for making sound decisions.
- 4) Amend the Pennsylvania Flood Control Act to:
 - a) Provide DEP with general authority to indemnify federal agencies for water resources projects.
 - b) Amend the Pennsylvania Flood Control Act to provide authority to consider and implement all potential flood control solutions, including non-structural alternatives and preventive approaches to reduce the risk of flooding; allow all types of flood control solutions to be funded through the capital budget process.
- 5) Evaluate Section 301(a) of the Flood Plain Management Act to consider expanding the list of floodplain obstructions that have been determined to present a special hazard to public health and safety, may cause significant pollution, or may endanger life and property.
- 6) Through appropriate legislation, regulation, and administrative changes, integrate and leverage existing state and federal stormwater management regulations, policies and requirements (e.g. Storm Water Management Act, Sewage Facilities Act, Municipalities Planning Code, Chapters 102 and 105, NPDES, MS4, TMDLs) to provide an effective, straightforward, seamless stormwater management program that is blind to regulatory origin.

- 7) Clearly authorize by legislation, regulation, or policy the creation and operation of local Authorities, Utilities or Management Districts, and/or other sustainable funding sources that would enable entities to collect fees and generate revenues dedicated to planning, constructing, monitoring, maintaining, improving, expanding, operating, inspecting and repairing public and private stormwater management infrastructure.
- 8) As further information concerning Pennsylvania's water use trends and challenges are developed over the next five years, concerted efforts should be undertaken to evaluate and evolve Pennsylvania's water rights and water withdrawal arrangements to a more consistent, secure and holistic approach that
 - a) Offers water users well-defined, stable and predictable water rights;
 - b) Promotes siting and development of uses requiring withdrawals in ways that assure adequate and sustainable supplies both in normal and drought periods, without causing unacceptable impacts on instream uses and environmental resources;
 - c) Is administratively efficient and avoids unnecessary duplication between agencies and programs.

Focus should be placed on considering and evaluating the options and issues described on [pages 48-49) of the Water Plan Principles, evaluating programs that are used in other states, utilizing a process which includes the Department, the Statewide committee, and other major stakeholders. Based on that process, a report on the relative merits of the identified options should be developed, and appropriate recommendations should be made to the General Assembly as to whether and how Pennsylvania's water rights system might be improved and made more efficient, effective, predicable and secure.

