



March 24, 2019

Hon. Daryl D. Metcalfe, Chairman
Hon. Greg Vitali, Democratic Chair
Members, Committee on Environmental Resources and Energy
Pennsylvania House of Representatives

Re: COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HB829

Dear Chairman Metcalfe, Democratic Chair Vitali and Committee Members,

We are opposed to HB829, legislation cited as “Amending the act of July 7, 1961 (P.L.518, No.268), entitled ‘An act to create a regional agency by intergovernmental compact for the planning, conservation, utilization, development, management and control of the water and related natural resources of the Delaware River Basin, for the improvement of navigation, reduction of flood damage, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat and public recreational facilities, and other purposes, and defining the functions, powers and duties of such agency,’ in pollution control, further providing for enforcement; and, in general provisions, further providing for effect on riparian rights.”

Our opposition is based on the following:

1. The Delaware River Basin Commission (DRBC) has authority to make decisions regarding the water resources of the Delaware River Watershed based on the Delaware River Compact, the DRBC’s Special Protection Waters Program, and regulations adopted in its Comprehensive Plan and its Rules of Practice and Procedure. The Compact is agreed to by the four states in the Basin and the federal government: Pennsylvania, New York, New Jersey, Delaware and the Army Corps of Engineers. HB827 would violate the Compact and principles of federalism, as a state cannot unilaterally impose requirements on an interstate compact commission.
2. HB827 would violate the separation of powers doctrine, as it is the role of the courts, not the legislature, to determine whether a regulation constitutes a taking.
3. DRBC as a matter of carrying out its management of the water resources of the Delaware River Basin reviews projects that meet specific thresholds, as adopted in its regulations, which may matter relating to the discharge of wastewater through a septic system.

We respectfully request that you and the Committee do not approve HB827 and not allow any further advancement of this bill through the legislative process.

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Thank you for your consideration.

Respectfully submitted,



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