

# PFA Testifies On Water Legislation

HARRISBURG (Dauphin Co.) — A spokesman for the Pennsylvania Farmer's Association (PFA) testified before the state Senate Environmental Resources and Energy Committee on legislation to expand the water management authority of the Department of Environmental Resources (DER).

William Adams, director of natural resources for the statewide farm organization, told the committee that Senate Bill 351 needs to be substantially improved before PFA can support it.

One of the biggest problems, Adams said, is the legislation's "... failure to clearly identify the limitations of regulatory power to be given to the Department of Environmental Resources.

"The bill would give broad power and latitude to the Department to impose restrictions and requirements against individual us-

ers. The bill would also allow the Department to determine and designate water conservation areas, thereby imposing even greater restrictions against individual water users."

The bill also fails to provide direction to DER on water usage priorities or water management goals, Adams said.

"Senate Bill 351 is designed to give broad regulatory power and board discretion with no statutory effort to direct the use or to limit the potential abuse of that power," Adams testified. "Without much more clearly defined ground rules governing regulatory authority, we fear that the current rights of farmers to use water to meet their farming needs are at the mercy of the Department's whims. This condition we cannot accept."

Specific PFA objections include water permit, requirements which would force farmers to either

get a permit in anticipation of a drought or wait until a drought is imminent and a permit is least likely to be obtained. Even then, DER could limit the permit "in the public interest," or designate the area as a water conservation area.

"Water management legislation should attempt to secure and guarantee water rights for all users, both large and small. The bill's provisions create the real possibility that water 'rights' will be whatever the Department subjectively wants them to be," Adams told the committee.

PFA also believes cropland irrigation needs to be included in the bill's "emergency withdrawal" provisions. DER's authority under the bill to deny or revoke water user permits for failure to comply with any state or federal law is too broad, PFA testified, and should be limited to intentional violations involving water usage. A provi-

sion giving private individuals the right to sue should be eliminated. "Too often, private individuals do not have the technical expertise available to the Department to assess the likelihood of violations," Adams said.

PFA also objects to provisions of the bill for water use fees. In addition, clarification of jurisdiction is needed between DER and the various river commissioners.

"Our policy supports the right of the individual to use water in connection with his property rights, including the management of that water for reasonable and beneficial use," Adams testified. "Property owners should be granted a secure right to groundwater and to develop groundwater resources, unless their development would impact other water estab-

lished uses within the groundwater basin."

In conclusion, Adams testified, "We favor efforts to inventory groundwater resources. We also favor the development of a plan for water management during drought or other water shortage emergencies, including identification of relative emergency states. Upon the declaration of such emergency by the Governor, the state should be authorized to take necessary actions for equitable uses of water. However, any action undertaken during a water emergency must give priority to agriculture to secure a quantity of water needed for production of food and fiber. Furthermore, specific state action taken should be subject to a review board in which at least 30 percent of board members are farmers."

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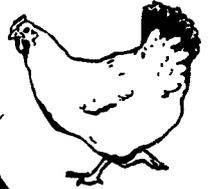
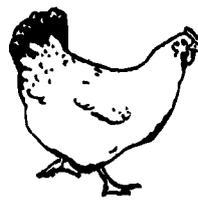
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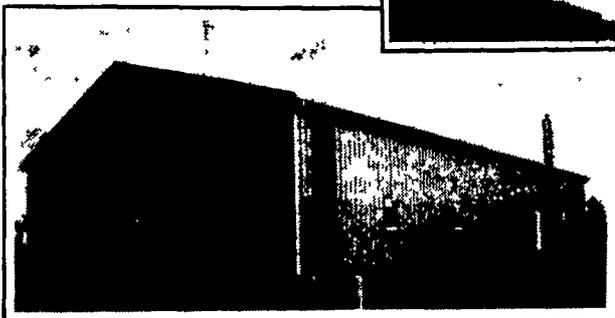


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