

EMERGENCY RESOLUTION

A RESOLUTION to declare a state of emergency in the water supplies of the Delaware River Basin.

WHEREAS, reservoir storage, streamflow and ground water levels throughout many areas of the Delaware River Basin are below normal and indicate the progressive development of severe drought conditions; and

WHEREAS, in October 1980, the Commission, acting under Section 3.3(a) of the Compact, and with unanimous consent of all parties to the U.S. Supreme Court decree of 1954, temporarily modified the diversions and releases from the New York City-Delaware River Basin reservoirs in order to conserve available storage, and further modification in such diversions and releases were made by the Commission in November of 1980; and

WHEREAS, Section 10.4 of the Delaware River Basin Compact provides that in the event of a drought which may cause an actual or immediate shortage of available water supply within the basin, the Commission may determine and delineate the area of shortage and declare a water supply emergency therein; and

WHEREAS, a public hearing was held by the Commission on December 1, 1980 to permit members of the general public and representatives of the signatory parties to comment on current drought conditions and make recommendations concerning possible Commission action as required under Section 10.4 of the Compact; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. Findings of Fact. The Commission hereby finds and determines as follows:

- (a) The precipitation deficit in the Delaware Basin since May 1, 1980 is more than 30 percent.
- (b) Combined storage in the New York City upper Delaware reservoirs is approximately 31 percent of capacity, and has a 20 percent chance of refilling by June 1, 1981.
- (c) The Blue Marsh and Beltzville reservoirs of the U. S. Army Corps of Engineers are currently at 78 and 38 percent of capacity, respectively.
- (d) Flows in the Delaware River at Trenton averaged 2970 cfs during September, 3510 cfs during October, 3974 cfs during November, and 3788 cfs during December. These flows compare to long-term average flows for the same months, of 4130 cfs, 4020 cfs, 9020 cfs and 10,800 cfs, respectively.
- (e) Location of the 250 milligrams per liter chloride front in the Delaware estuary has in recent months ranged from above Eddystone, Pennsylvania (River Mile 85) to the Walt Whitman Bridge (River Mile 96.5), in response to reduced freshwater inflow. These movements are approximately 20 miles farther upstream than those experienced during normal years.
- (f) Wells supplying the City of Camden and other municipal and industrial users in southern New Jersey, southeastern Pennsylvania and northern Delaware are partially recharged by Delaware River water, and excessive concentration of chloride in the river presents a substantial risk of salt water intrusion of the underground aquifer.

2. Declaration of Emergency. By virtue of the powers vested in the Commission by Section 3.3(a) and Section 10.4 of the Compact to declare a water supply emergency, and in view of the foregoing findings and determinations:

- (a) A state of emergency in the water supplies of the Delaware River Basin is hereby declared.
- (b) For the purposes of further delineation of the area of emergency, and further reference thereto in conservation orders of the Commission to be issued hereunder, the Delaware River Basin is divided into twelve sub-basins as shown on the map Figure 1-3 of the Commission report, Water Management of the Delaware River Basin, April 1975.

3. Delaware River Master. The Delaware River Master is requested to cooperate in the administration of this resolution, and conservation orders issued hereunder, together with such parts of the U. S. Supreme Court decree of 1954 as are not inconsistent herewith.

4. Sanctions; Civil and Criminal.

- (a) Any person, association, corporation, public or private entity who or which violates or attempts or conspires to violate any provision of this resolution, or any conservation order, regulation or permit issued in furtherance thereof, shall be punishable as provided in Section 14.17 of the Compact.
- (b) General Counsel of the Commission may, in his discretion, request the appropriate law enforcement officers of the signatory parties to prosecute any or all violations of this resolution in accordance with the Compact and the laws of the respective signatory parties, and for recovery of the fines fixed by Section 14.17 of the Compact, in the name and on behalf of the Commission. Pursuant

to the applicable provisions of the Compact, including but not limited to, Sections 1.5, 3.9 and 11.5, each of the signatory parties and their respective law enforcement officers are hereby requested to provide such technical, professional and administrative services as may be required for such enforcement.

- (c) In addition to such penal sanctions as may be imposed pursuant to the Compact, any violation of this resolution shall also be subject to all other civil remedies, including injunction, as may be provided by law.

5. Inspections. The Executive Director is authorized to designate investigators pursuant to Section 14.2(b) of the Compact for the purposes of inspecting public and private facilities for water use and conservation, and enforcing compliance with this resolution and conservation orders of the Commission approved hereunder.

6. Duration. This resolution shall take effect immediately and shall remain in full force and effect until such time as the Commission determines that the state of emergency no longer exists.

s/Brendan T. Byrne
Brendan T. Byrne, Chairman

s/W. Brinton Whitall
W. Brinton Whitall, Secretary

Adopted: January 15, 1981