

NO. 85-13

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 the Delaware River Basin are below normal and indicate the progressive development of severe drought conditions; and

WHEREAS, in January 1985, pursuant to the Water Code of the Delaware River Basin and the Comprehensive Plan, the Basin entered a drought warning condition as defined in Section 2.5.3 of the Water Code; and

WHEREAS, a schedule of phased reductions in diversions, releases and streamflow objectives automatically went into effect at that time; and

WHEREAS, further reductions were made in February 1985 as storage conditions continued to decline; and

WHEREAS, the Commonwealth of Pennsylvania declared a drought emergency in the Basin on April 26, 1985; and

WHEREAS, the City of New York declared a drought emergency on April 26, 1985; 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 May 13, 1985 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 August 1984 is more than 12 inches.
  - (b) Combined storage in the New York City upper Delaware reservoirs is approximately 61.8 percent of capacity, and has less than a 2 percent chance of refilling by June 1, 1985.
  - (c) Flows in the Delaware River at Trenton averaged 6,080 cfs during January, 6,740 cfs during February, 9,670 cfs during March, and 6,640 cfs during April. These flows compare to long-term average flows for the same months of 10,440 cfs, 12,240 cfs, 20,040 cfs and 23,320 cfs, respectively.
  - (d) Location of the 250 milligrams per liter chloride front in the Delaware Estuary has in recent months ranged from the Delaware Memorial Bridge (River Mile 69) to the Pennsylvania-Delaware state line (River Mile 79), in response to reduced freshwater inflow. These movements are approximately 5 miles farther upstream than those experienced during normal years.
  - (e) 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 the Delaware River, and excessive concentration of chloride in the river presents a substantial risk of salt water intrusion of the underground aquifer system.

2. Declaration of Emergency. By virtue of the powers vested in the Commission by 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, attached and made a part of this resolution.

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 and the Water Code as are not inconsistent herewith.

4. Sanctions; Civil and Criminal.

- (a) Any person, association, corporation, public or private entity violating or attempting or conspiring 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) The Executive Director and General Counsel of the Commission may, in their 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.

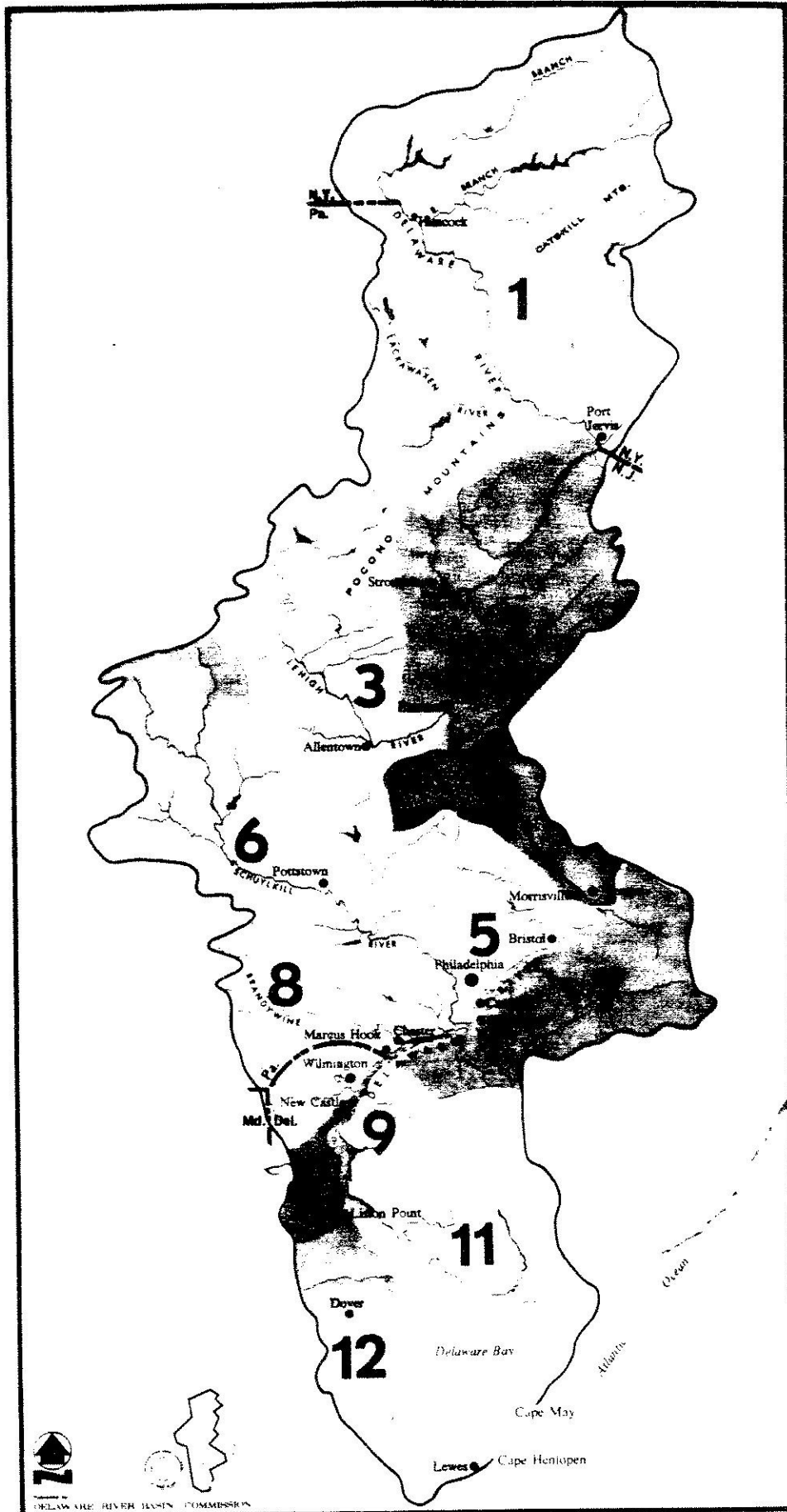
5. Inspections. The Executive Director is authorized to designate investigators pursuant to Section 14.2(b) of the Compact for the purposes of inspecting public and private facilities for water use and conservation, and enforcing compliance with this resolution and conservation orders of the Commission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

/s/ Susan M. Weisman  
Susan M. Weisman, Secretary

ADOPTED: May 13, 1985



### Sub-basins of the Delaware River Basin

Sub-basin			Drainage area, sq. mi.
No.	Name	Description of sub-basin	
1	Upper Basin	Delaware River drainage area above Port Jervis, N. Y. (including Neversink River drainage area.)	3,422
2	Jervis-Riegelsville	Delaware River drainage area between Port Jervis, N.Y., and Riegelsville, N.J. (excluding Lehigh drainage area).	1,542
3	Lehigh Valley	Lehigh River drainage area.	1,364
4	Riegelsville-Trenton	Delaware River drainage area between Riegelsville, N.J. and Trenton, N.J. (Calhoun Street Bridge).	452
5	Pennsylvania-Estuary	Delaware River drainage area in Pa. between Morrisville, Pa., (Calhoun Street Bridge) and Pa.-Del. boundary of Marcus Hook, Pa. (excluding Schuylkill River drainage area above Fairmount Dam).	678
6	Schuylkill Valley	Schuylkill River drainage area above Fairmount Dam.	1,893
7	New Jersey-Estuary	Delaware River drainage area in N.J. between Trenton, N.J. (Calhoun Street Bridge) and N.J.-Del. boundary at Nortonville, N.J. (opposite Marcus Hook).	1,019
8	Brandywine Valley	Delaware River drainage area in Pa. and Del. between Pa.-Del. boundary at Marcus Hook, Pa., and mouth of Christina River (including Christina River drainage area).	591
9	Salem	Delaware River drainage area in N.J. between N.J.-Del. boundary at Nortonville, N.J. (opposite Marcus Hook), and mouth of Delaware River at Hope Creek Monument (opposite Liston Point).	257

Sub-basin			Drainage area sq. mi.
No.	Name	Description of sub-basin	
10	New Castle	Delaware River drainage area in Del. between mouth of Christina River and mouth of Delaware River at Liston Point.	166
11	New Jersey-Bayside	Delaware Bay drainage area in N.J. between mouth of Delaware River at Hope Creek Monument (opposite Liston Point) and Cape May.	769
12	Delaware-Bayside	Delaware Bay drainage area in Del. between mouth of Delaware River at Liston Point and Cape Henlopen.	612
TOTAL--LAND AREA DELAWARE RIVER BASIN			12,765*
DELAWARE BAY			782
TOTAL			13,547

\* This area is divided among five States as follows:

<u>State</u>	<u>Area (sq. mi.)</u>	<u>Percentage</u>
New York	2,362	18.5
Pennsylvania	6,422	50.3
New Jersey	2,969	23.3
Delaware	1,001	7.9
Maryland	8	0.0