

NO. 99-1

EMERGENCY RESOLUTION

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

WHEREAS, reservoir storage and streamflows throughout the Delaware River Basin are below normal and indicate the progressive development to drought emergency; and

WHEREAS, on November 21, 1998, the parties to the U.S. Supreme Court decree, in consultation with the Delaware River Master, and in consideration of the continuing precipitous decline in reservoir storage, agreed to reductions in the allowable diversions to New York City and the flow objectives at Montague and Trenton; and

WHEREAS, on December 14, 1998, 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 on December 23, 1998 as storage conditions continued to decline and entered the lower half of drought warning; 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, the Commission has consulted with the City of New York and the Delaware River Master and advised them of the actions proposed herein; and

WHEREAS, a public hearing was held by the Commission on January 5, 1999 to permit members of the general public, the Delaware River Master, 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; and

WHEREAS, Section 2.5.3 of the Water Code establishes a schedule of further phased reductions in diversions, releases and flow objectives that shall take effect automatically under specified conditions and provides for a drought emergency declaration by the Commission for purposes of imposing mandatory in-basin conservation measures and other appropriate actions; and

WHEREAS, the best available information indicates that a drought condition will exist in the Basin prior to the scheduled January 27, 1999 Commission meeting; and

WHEREAS, the Commission has determined the conservation measures that are required to be implemented upon the existence of a drought condition; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. A State of Emergency shall exist in the water supplies of the Delaware River Basin at such time as the schedule of diversions, releases and streamflow objectives for "drought" operations shall go into effect as provided in Sections 2.5.3 and 2.5.4 of the Water Code. At such time, the attached Conservation Orders, Numbers 1 through 4 inclusive, shall be in full force and effect and shall remain in effect until terminated as provided in Sections 2.5.3 and 2.5.4 of the Water Code.

2. Delaware River Master. The Delaware River Master is requested to cooperate in the administration and implementation of this resolution and conservation orders issued hereunder.

3. 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.

4. Inspection. 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.

5. Duration. This resolution shall take effect immediately and shall remain in effect until the State of Emergency is terminated as provided in Sections 2.5.3 and 2.5.4 of the Water Code or as otherwise provided by the Commission.

/s/ Robert C. Shinn, Jr.
Robert C. Shinn, Jr., Chairman pro tem

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

ADOPTED: January 5, 1999