

100-240 1790
9/26/90

A RESOLUTION temporarily allowing for additional thermal stress releases in excess of the 6,000 cfs-days limit provided for in Delaware River Basin Commission Docket No. D-77-20 CP (Revised).

WHEREAS, the recent extraordinary hydrologic conditions in the upper Delaware River Basin have resulted in unusually high demands upon the available thermal stress release bank, provided for in Section VI of the Interstate Water Management Recommendations of the Parties to the U. S. Supreme Court Decree of 1954, and adopted by the Delaware River Basin Commission in Docket No. D-77-20 CP (Revised); and

WHEREAS, as of August 8, 1990, approximately 67 percent of the available water contained in the thermal stress release bank had been released; and

WHEREAS, water in excess of the amount remaining in the thermal stress release bank may be required to relieve thermal stress on the aquatic life in the river downstream of the New York City reservoirs; now therefore

BE IT RESOLVED by the Delaware River Basin Commission:

1. Subject to the provisions of paragraphs two, three, and four of this resolution, the thermal stress bank is increased by 2,000 cfs-days in addition to the 6,000 cfs-days provided for in Docket No. D-77-20 CP (Revised) until September 30, 1990.

2. The increased releases provided for in paragraph one of this resolution shall be charged to the excess releases quantity as defined by the 1954 Supreme Court Decree. The excess release quantity of 11,418 cfs-days shall be reduced by 2,000 cfs-days to 9,418. In the event the 2,000 cfs-days are not expended by September 30, 1990, the remaining balance shall become available for excess release credits.

3. This resolution is in response to extraordinary hydrologic conditions and shall not in any way be construed as precedent for changing the 6,000 cfs-days limit contained in the thermal stress release bank.

4. This resolution is contingent upon the consent of the parties to the U. S. Supreme Court Decree entered in New Jersey v. New York, 347 U.S. 995 (1954), which is set forth in the attached Consent to Action.

/s/ Michael F. Catania
Michael F. Catania, Chairman pro tem

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

ADOPTED: September 26, 1990

Consent to Emergency Action by
Delaware River Basin Commission

Consent of the Parties to the U. S. Supreme Court Decree in New Jersey vs. New York, 347 U.S. 995 (1954) to the emergency action of the Delaware River Basin Commission to temporarily allow a special release bank to reduce the thermal stress on fisheries. Such temporary modification is for the period August 10 through September 30, 1990.

Michael S. Catania 8/27/90 Russell C. Mt. Pleasant 8/2/90
State of New Jersey Date State of New York Date

A. J. Failing 8/20/90 James R. Hare 9/4/90
State of Delaware Date Commonwealth of Pennsylvania Date

Joseph Conway 9-17-90
City of New York Date