

RESOLUTION NO. 80-20

A RESOLUTION to provide for the temporary modification of the diversion and release rights and obligations of the parties to the U.S. Supreme Court decree of 1954.

WHEREAS, current reservoir and ground water levels and streamflow conditions throughout the Delaware Basin indicate the early stages of a drought, calling for conservation measures to minimize future adverse impacts on water users; and

WHEREAS, a temporary reduction in authorized diversions and compensating releases if made now may forestall the necessity for more severe emergency measures at a later date; and

WHEREAS, it is the responsibility of the Commission to allocate waters of the Basin in such manner and at such times as will equitably distribute the risks of water shortages, and protect the health, safety and welfare of the people dependent upon the waters of the Basin; Now
Therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. Findings. The Commission hereby finds and determines:
 - (a) The Delaware Basin has experienced a cumulative precipitation deficit since May 1980, of approximately 6 inches.
 - (b) Augmented releases from the U.S. Army Corps of Engineers' Beltzville and Blue Marsh reservoirs have been necessary since August to maintain desired Delaware River flows. Measured at Trenton, New Jersey, these flows have averaged 3800 cubic feet per second during May to September compared to the long-term average of 5100 cubic feet per second for the same period. Further, storage levels in Beltzville and Blue Marsh reservoirs are being rapidly depleted.

- (c) Chloride concentrations in the Delaware River estuary are presently at the control point (Mouth of Schuylkill River) established by the Commission.
- (d) Combined storage levels in the New York City-Delaware Basin reservoirs are presently 40 percent of capacity and are in "drought warning condition" as defined in reservoir release regulations of the New York State Department of Environmental Conservation (Part 671), and models used in the Delaware River Basin Commission's 77-20 study, and will decline to 25 percent of capacity by mid-November, if current diversion and release rates are continued and in the absence of increased precipitation.

2. Modification of Requirements of Supreme Court decree of 1954.

Pursuant to the authority provided in Section 3.3(a) of the Delaware River Basin Compact the diversions and releases provided for in the U.S. Supreme Court decree of 1954, New Jersey v. New York, 347 U.S. 995, are temporarily modified as follows:

- (a) Diversions by the City of New York from its Delaware Basin reservoirs shall not exceed an average of 680 million gallons per day.
- (b) Combined diversions by the State of New Jersey through the Delaware and Raritan Canal, or from other Delaware River Basin sources, shall not exceed an average of 65 million gallons per day.
- (c) The City of New York shall release to the Delaware River such amounts as are required in the judgment of the River Master to sustain a flow at Montague of not less than 1655 cubic feet per second.

3. Modification of the Trenton Flow Objective. The Commission shall operate the reservoirs in the middle and lower basin to achieve a flow objective at Trenton of 2700 cubic feet per second.
4. Duration and Termination. This resolution shall terminate on December 31, 1980, unless prior thereto (i) it is extended or amended by the Commission upon unanimous consent of the parties to the Supreme Court decree or (ii) the combined storage in the New York City-Delaware Basin reservoirs reaches a level 10 billion gallons above the drought warning curve shown on Appendix A hereof and remains at or above such level for five consecutive days. If storage in the New York City reservoirs reaches the level specified herein the River Master shall notify all parties and the Commission and immediately place in effect all diversions and releases provided for in the Supreme Court decree.
5. Plan For Resumption of Normal Operating Procedures. The Commission requests the parties to the decree and the River Master, in consultation with the Commission, to develop a recovery plan for the resumption of the normal operating procedures in the basin. This plan should take into account the fact that the City of New York and the State of New Jersey have refrained, from June 1 to the date of this resolution, from taking their full allotments under the terms of the decree, and shall also take into account hydrologic conditions in the basin and the mutual sacrifices of the members of the Commission and the parties to the decree.

6. Effective Date. The terms and conditions of this resolution shall go into effect immediately upon receipt by the Commission of the consent of the authorized representatives of the parties to the U.S. Supreme Court decree. The Executive Director is hereby directed to implement the provisions of this resolution and shall notify the River Master of the Commission action taken hereunder.

s/Steven J. Picco

Steven J. Picco, Chairman pro tem

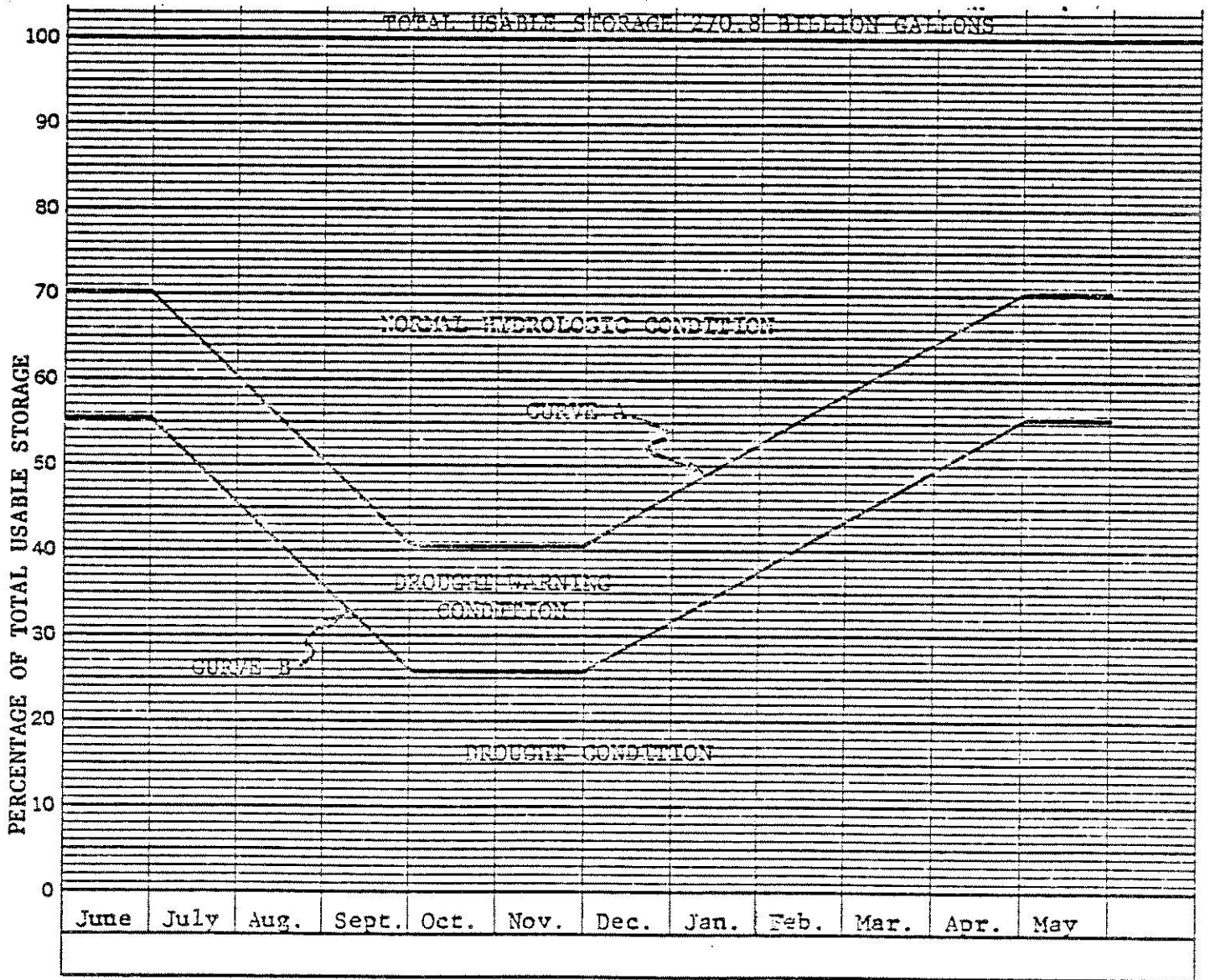
s/W. Brinton Whitall

W. Brinton Whitall, Secretary

ADOPTED: October 17, 1980

Appendix A

Operation Curves for Cannonsville, Pepacton and Neversink Reservoirs



Consent To Action By The Delaware River Basin Commisison

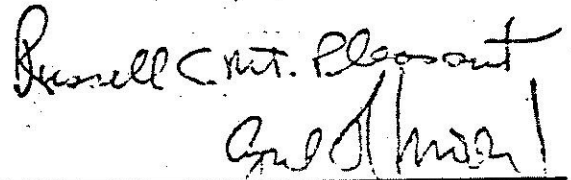
Under Section 3.3(a) of the Compact

Consent of the parties to the U.S. Supreme Court decree in New Jersey v. New York, 1954, to the action of the Delaware River Basin Commission in adopting Resolution No. 80-20 temporarily modifying the terms of said decree is hereby given.



State of New Jersey

Date: 10/17/80



State of New York

Date: Oct. 17, 1980



State of Delaware

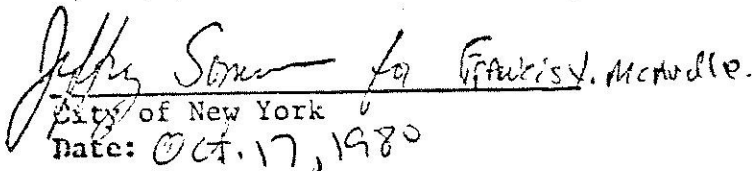
Date:

10/17/80



Commonwealth of Pennsylvania

Date: Oct. 17, 1980



City of New York

Date: Oct. 17, 1980