
**Guidance for the development of
Drought Management and Contingency Plans (DMCPs)
for industrial or commercial surface or ground water withdrawals
greater than one (1) million gallons per day**

The 1961 Delaware River Basin Compact (Compact), Section 3.1, authorizes the Commission to develop and effectuate plans, policies and projects relating to the water resources of the basin and adopt and promote policies for water conservation, control, use and management in the basin. Further, Section 3.6 of the Compact directed the Commission to establish standards of planning, design and operation for all projects and facilities in the basin that affect its water resources. In accordance with Section 3.8 of the Compact, projects having a substantial effect on the water resources of the basin are to be submitted to and approved by the Commission before they are undertaken. The Commission approves a project whenever it determines that the project would not substantially impair the water resources of the basin. The Commission has developed regulations for the procedure of submission, review and consideration of projects, and for its determinations.

As the water resources management agency of the Delaware River Basin, the Commission is charged with releasing water to maintain fresh water flows into the estuary to repel salinity for the protection of water intakes. Under Section 4.2 of the Compact, the Commission works with the signatory parties to the Compact to ensure that flow augmentation releases made from Commission storage are not diminished by the diversion of any water of the basin. Under Section 10.4 of the Compact, the Commission may declare a water supply emergency and, through general rule or special permit, prescribe allowable water withdrawal quantities. Constraints on consumptive use of water are necessary to insure reasonable protection against salinity intrusion in the Delaware River Estuary.

The Commission's Rules of Practice and Procedure (RPP) (Section 2.3.5.1.C) requires industrial and commercial water withdrawals in excess of one million gallons per day to develop a contingency plan including emergency conservation measures to be instituted in the event of a Commission declared drought or other water shortage. For the purposes of this guidance document, these contingency plans will herein be referred to as Drought Management and Contingency Plans (DMCP). The Commission has also passed several resolutions (e.g. Nos. 81-8, 83-14, 85-17, 89-11, 99-5, 99-18 and 2001-32) requiring the submission to the Commission of DMCPs for consumptive water use curtailment during drought conditions. Resolution No. 83-14 amended the Commission's Water Code (Section 2.1.4) to include the conservation goal of a 15 percent reduction in consumptive use during drought conditions.

DMCP's must contain the following:

1. source of water supply;
2. average daily and monthly peak water withdrawal;
3. average daily and peak monthly depletive/consumptive use (difference between quantity withdrawn and quantity returned to the ground or surface waters of the basin);
4. description of recycling and conservation measures currently in place or planned (temporary or permanent);
5. point of discharge (where non-consumptively used water is returned or discharged);
6. types of products produced;
7. normal employment levels (numbers of positions and/or full time equivalents); estimated reduction in employment (numbers of positions and/or full time equivalents) that may result from curtailment of water usage for the following levels of curtailment: 15, 25, 35, 50 and 100 percent; and,
8. estimated economic impact that may result from curtailment of water usage for the following levels of curtailment: 15, 25, 35, 50 and 100 percent.

Estimated information may be used for new facilities without sufficient actual water use or employment data.

Utilities and companies in the power and industrial sectors are the largest consumptive water users in the basin. Utilities and companies in the power and industrial sectors and other surface withdrawers with high consumptive use requirements must consider and investigate alternative water sources to meet its consumptive use demands. The docket holder, particularly those with public service obligations, should consider a purchase or lease of capacity from existing alternate water sources. The DMCP must be submitted to the Commission with the withdrawal application or if approved by the Commission within six (6) months of the docket approval date. After review and modification and a finding that the DCMP is in accordance with the Commission's requirement, the DCMP will either be approved with the docket or by the Executive Director, as appropriate. The docket holder shall implement the DMCP upon direction by the Executive Director or the Commission declaration of a Drought.