



## **DRBC Drought Management FAQs**

### **1. *What is DRBC's primary role within the Delaware River Basin when conditions are dry and there is a potential drought?***

The Commission's primary drought planning and response responsibilities include:

- Complementing and coordinating with the states' drought actions.
- Coordinating the operation of regional reservoirs to conserve storage for vital purposes of water supply and flow augmentation in the Delaware River.
- Controlling salinity in the Delaware Estuary to protect drinking water and industrial intakes.

### **2. *What are the primary objectives of today's Commission action?***

The primary objectives of the Resolutions passed today are to:

- Preserve and protect water supplies in the Delaware River Basin through coordinated action.
- Address and acknowledge dry conditions throughout the Basin.
- Establish maximum out-of-basin diversions and flow objectives for the Delaware River based upon drought conditions through the use of a special permit.
- Explain the key elements of complex drought management and water management rules and agreements.
- Provide for coordination and collaboration among Commission members and the Parties to the 1954 Supreme Court Decree during this event.
- Identify potential coordination with hydropower reservoirs based upon drought conditions.
- Address potential interference from groundwater withdrawals not otherwise regulated by the DRBC or Basin states.
- Support water conservation and water efficiency measures.
- Allow for adaptation as conditions change during this event.

### **3. *What is a "water supply emergency"?***

Under Section 10.4 of the [Delaware River Basin Compact](#), a water supply emergency is described as a "drought or other condition which may cause an actual and immediate shortage of available water supply within the basin, or within any part thereof." The Commission is authorized to declare a water supply emergency after holding a public hearing. This action is prerequisite to Commission management actions during a drought, including issuance of a special permit.

### **4. *Is the Delaware River Basin in a "drought emergency"?***

The DRBC is not declaring a "drought emergency" at this time. The Commission has declared a "water supply emergency" consistent with Section 10.4 of the Compact. The Delaware River Basin would reach a Basinwide operational "drought emergency" stage if and when the combined storage available in the New York City Delaware River Basin reservoirs, Cannonsville, Pepacton and Neversink, falls below the "drought emergency" line in Figure 1 of the Resolution and remains below the line for five consecutive days. There are two drought operational stages before the drought emergency stage – "drought watch" then "drought warning." The status of Basinwide operational

drought stages and the combined storage in the New York City Delaware River Basin reservoirs can be found on the DRBC's website [here](#).

**5. *Is the Delaware River Basin in a drought?***

The below-normal precipitation totals throughout most of the Delaware River Basin, with the resulting effects on streamflows, groundwater levels, reservoir storage, and soil moisture, have prompted New Jersey, Pennsylvania, Delaware and New York to declare drought watches or warnings under their respective drought operating plans in 40 of the 42 counties that lie entirely or partially in the Basin.

On the basis of reservoir storage, the Delaware River Basin will reach its first Basinwide operational “drought watch” stage if and when the combined storage available in the New York City Delaware Basin reservoirs falls below the “drought watch” line in Figure 1 of the Resolution and remains below the line for five consecutive days. Based on current hydrologic conditions and future weather predictions for the Basin, it is anticipated that the drought watch stage could be reached in the coming weeks.

**6. *What are DRBC drought stages?***

Drought stages under the special permit in Resolution 2024-07 consist of “drought watch,” “drought warning” and “drought emergency” and will be determined and automatically declared on the basis of combined storage in the Cannonsville, Pepacton and Neversink Reservoirs, as shown in Figure 1 in the Resolution.

**7. *What is a “special permit”?***

The [Delaware River Basin Compact](#) in section 10.4 provides that “[f]or the duration of [a water supply] emergency... no person, firm, corporation or other public or private entity shall divert or withdraw water for any purpose, in excess of such quantities as the commission may prescribe by general regulation or authorize by special permit....” In this case, special permits are being used to outline and communicate certain coordinated drought management actions for the entire Delaware River Basin during the water supply emergency.

**8. *What action is the DRBC taking under the special permit in Resolution 2024-07?***

The special permit issued today under Section 10.4 of the Delaware River Basin Compact provides for coordinated management of regional reservoirs and aligns the drought curves established by regulation in the Commission’s Water Code with those in an operating plan known as the Flexible Flow Management Program. Under the terms of the special permit:

- Basinwide drought stages will be automatically declared and based on the combined water storage in [three New York City reservoirs](#) at the headwaters of the Delaware River in New York State – Pepacton, Cannonsville and Neversink.
- Out-of-basin diversions to New York City and portions of New Jersey first established by a 1954 U.S. Supreme Court Decree will be adjusted depending upon the drought stages defined by the special permit.

- The Delaware River flow objectives at Montague, N.J. (supported by releases from New York City reservoirs and established by the 1954 U.S. Supreme Court Decree) and Trenton, N.J. (supported by releases from Beltzville and Blue Marsh reservoirs located in Pa.) will be adjusted depending upon the drought stages defined by the special permit.

**9. *What action is the DRBC taking under the special permit in Resolution 2024-08?***

The second special permit issued today under Section 10.4 of the Delaware River Basin Compact similarly aligns the Commission’s utilization of Lake Wallenpaupack and the Mongaup system hydropower reservoirs with the drought curves described above. Water released from Lake Wallenpaupack and the Mongaup system can assist, under certain conditions, in meeting the main stem flow objectives at Montague and Trenton.

**10. *What is the effective date of the special permits?***

The special permits take effect immediately after the Commission approves them, and, in the case of Resolution 2024-07 (Paragraph 3), the Decree Parties have given it their unanimous consent. That occurred on December 5, 2024. But the drought operations provided for in the special permit are initiated only when certain threshold reservoir storage conditions (established by the permits) are reached.

**11. *Is the DRBC calling for water restrictions?***

At this stage, the Basin states have the lead responsibility for implementing and enforcing any mandatory water use restrictions, based upon drought conditions identified by each state. The DRBC through this Resolution encourages all residents, businesses and users of waters of the Basin to maximize water efficiency.

**12. *What is the DRBC doing about reports of dry groundwater wells?***

The DRBC has responsibility to protect water availability throughout the Basin. During the term of the declared water supply emergency, and after consulting with the host state, if an otherwise-unregulated withdrawal of groundwater is impairing a publicly or privately owned groundwater source vital to human health or sanitation, DRBC may take appropriate steps to address the interference.

**13. *What is the Delaware River Basin Compact?***

The [Delaware River Basin Compact](#) (“the Compact”) is the founding document of the Delaware River Basin Commission. A Compact is an agreement between two or more states that has been approved and enacted by Congress as federal law. The U.S. Constitution Article 1, Section 10, states, “No state shall, without the Consent of Congress, ... enter into agreement or Compact with another State.” The [Compact](#) is thus a federal statute and an agreement between the United States, State of Delaware, State of New Jersey, State of New York and Commonwealth of Pennsylvania, recognizing “the water and related resources of the Delaware River Basin as regional assets vested with local, State and National interests, for which they have joint responsibility.” The Compact was signed in 1961 and adopted as law by each party as follows:

- **United States:** P.L. 87-328, Approved September 27, 1961, 75 Stat. 688.
- **Delaware:** 53 Delaware Laws, Chapter 71, Approved May 26, 1961.
- **New Jersey:** Laws of 1961, Chapter 13, Approved May 1, 1961.
- **New York:** Laws of 1961, Chapter 148, Approved March 17, 1961.
- **Pennsylvania:** Acts of 1961, Act No. 268, Approved July 7, 1961.

**14. Does the Delaware River Basin Compact include a drought management plan?**

The Compact recognizes the possibility of drought conditions and provides the Commission with certain authorities to respond to such conditions. Using its authorities under the Compact, the Commission has adopted detailed drought management plans as regulations and has placed them in the [Water Code](#).

**15. What is the DRBC Water Code?**

The [DRBC Water Code](#) is a set of regulations that have been adopted by the Commission to address water resource management objectives set forth in the Compact. The Water Code has several water resource management elements, including drought management.

**16. How does the 1954 U.S. Supreme Court Decree deal with drought issues?**

The [1954 U.S. Supreme Court Decree](#) provided for, among other things, out-of-basin diversions by New York City and New Jersey and a flow objective in the Delaware River at Montague, but not drought management. In accordance with the Delaware River Basin Compact, the Commission can modify the terms of the decree as long as the parties to the decree (the states of Delaware, New Jersey and New York, the Commonwealth of Pennsylvania and the City of New York) give their unanimous consent. All Commission actions that affect “the diversions, compensating releases, rights, conditions, obligations, and provisions for the administration thereof as provided” in the decree have been adopted by the Commission with the unanimous consent of the parties to the decree (“Decree Parties”).

**17. Are the Decree Parties the same as the DRBC?**

No. The “Decree Parties” are the parties to the United States Supreme Court decree in *New Jersey v. New York*, 347 U.S. 995 (1954) – the states of Delaware, New Jersey and New York, the Commonwealth of Pennsylvania and the City of New York. The Commission’s members are the Governors of the four basin states: Delaware, New Jersey, New York and Pennsylvania; and the Division Engineer, North Atlantic Division, U.S. Army Corps of Engineers, who serves as the federal representative. More information about the Decree and the Parties can be found at [Office of the Delaware River Master](#). More information about the DRBC can be found at [www.drbc.gov](http://www.drbc.gov).

**18. What is the Flexible Flow Management Program (FFMP)?**

The Decree Parties, in consultation with the DRBC, have been working on the principle of adaptive management to improve and optimize a variety of water resource management needs. The Decree Parties have unanimously agreed to several versions of a flexible flow management program since 2007. More information about the FFMP, including the current version of the 2017 agreement, can be found at the [Office of the Delaware River Master](#).

**19. *What are the allowable out-of-basin diversions and Delaware River flow objectives during this drought event?***

The schedule of diversions and flow objectives will be in accordance with the Basinwide drought operation stages depicted in Figure 1 of Resolution 2024-07. The corresponding diversion and flow rates are set forth in Tables 1 and 2 of the Resolution. The schedules are consistent with the out-of-basin diversions and Delaware River flow objectives established by the 2017 FFMP.

**20. *Are all drought management operations described in this Resolution?***

No. Except as set forth in Resolution 2024-07, drought operations are set forth in sections 2.5.1 through 2.5.6 of the Commission's Delaware River Basin Water Code. Drought operations may be adjusted by the Commission in response to evolving conditions and needs.

**21. *What is the "salt front" and where is it?***

The "salt line" or "salt front," is defined as the 250 milligram per liter chloride concentration. The seven-day average location of the salt front is used by the DRBC as an indicator of salinity intrusion in the Delaware Estuary. As of December 5, 2024, the salt front is estimated to be at river mile 85.4, or 16.4 miles above its "normal" location for this time of year. More information on the salt front including a map can be found [here](#).

**22. *If flow objectives are reduced, how will that impact the salt front?***

Under the drought management plan, the flow objectives are reduced to preserve water stored in regional reservoirs. If conditions reach "drought emergency" stage and if the salt line continues to progress upstream, the flow objectives are increased as noted in Table 2 of the Resolution.

**23. *Are the Resolutions and special permits subject to change?***

Yes, consultation among the Commissioners, and where required, with the Decree Parties and the Office of the Delaware River Master, will continue regularly through the duration of this water supply emergency. Based upon changing conditions and, in the case of Resolution 2024-07 with the unanimous consent of the Decree Parties, the Commission may modify or terminate the conditions of the special permits.

**END OF SECTION  
ADDITIONAL QUESTIONS AND ANSWERS WILL BE ADDED AS REQUIRED**