

A RESOLUTION pursuant to section 10.4 of the Delaware River Basin Compact to preserve and protect water supplies in the Delaware River Basin during persistent dry conditions by providing for coordinated actions to manage out-of-basin diversions, Delaware River flow objectives, regional reservoir operations, and consumptive uses by electric generating and cogenerating facilities.

WHEREAS, the states of New Jersey, New York, and Delaware and the Commonwealth of Pennsylvania have issued drought watches and warnings covering a significant area of the Delaware River Basin and have taken steps to manage water availability, including calls for water conservation by all users; and

WHEREAS, the New York City Department of Environmental Protection on November 18, 2024, elevated its previously declared drought watch to drought warning and paused the final phase of the City's Delaware Aqueduct Repair Project, restoring the City's access to water impounded in the City's Delaware River Basin reservoirs; and

WHEREAS, multiple hydrologic and drought indicators and trends, including reservoir storage volumes, precipitation, streamflows, the location of the salt front in the Delaware River Estuary, and national drought monitors all indicate stressed conditions that have led to regional and localized drought and could adversely affect water supplies and the attainment of DRBC flow management objectives; and

WHEREAS, the Delaware River Basin's drought management plans, adopted with the unanimous consent of the Decree Parties pursuant to Section 3.3(a) of the Compact, are set forth in and have been codified in the [Delaware River Basin Water Code](#) ("Water Code"); and

WHEREAS, the Basin's drought management plans complement the [states' drought response measures](#) by providing for the conservation of regional reservoir storage through phased reductions in diversions, reservoir releases and flow objectives for purposes of water supply and flow augmentation in the Delaware River and salinity control in the Delaware River Estuary; and

WHEREAS, the Water Code defines "Basinwide" and "Lower Basin" drought conditions and provides for the implementation of corresponding drought management actions, while simultaneously encouraging the Commission and Decree Parties by unanimous agreement to modify and adjust applicable plans, as necessary and appropriate, to reflect observed conditions and needs; and

WHEREAS, by [Resolution No. 2018-5](#), the Commission in 2018 clarified and re-stated the Commission's policy for the replacement of water consumptively used by electric generating or cogenerating facilities during "critical hydrologic conditions"; and

WHEREAS, in anticipation of the need to consider a declaration under section 10.4 of the Delaware River Basin Compact, the Commission on November 19, 2024, held a public hearing to accept input on the persistent dry conditions throughout the basin and how to address them; and

WHEREAS, section 10.4 of the Compact provides that "[i]n the event of 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 may, after public hearing, determine and delineate the area of such shortage and declare a water supply emergency therein," and further provides that "[f]or the duration of such 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”; and

WHEREAS, the Compact and Water Code empower the Commissioners and Decree Party representatives to jointly select and implement operations plans designed to meet existing conditions; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. **Declaration Under Section 10.4 of the Compact.** To address overall dry conditions throughout the basin, the Commission is taking the procedural step of declaring a “water supply emergency” pursuant to section 10.4 of the Delaware River Basin Compact for the entire Delaware River Basin. This action is not a declaration of a “drought emergency” by DRBC or any other jurisdiction, but it allows the Commission to implement a coordinated response to conserve water in regional reservoirs and protect water users. Future conditions will determine if and when there may be a need to declare a “drought emergency” as a result of declining reservoir storage.
2. **Allowable Water Uses.** Except as otherwise provided by this Resolution or in accordance with a Conservation Order issued by the Commission or the Executive Director hereafter, any person, firm, corporation, or public or private entity heretofore entitled to divert or withdraw water may continue to do so within such limits as are otherwise now imposed by law.
3. **Drought Management Special Permit No. 2024-01 for Major Diversions, Releases and Flow Objectives.** Pursuant to section 10.4 of the Compact, a special permit consisting of this paragraph 3 and sub-paragraphs 3.a through 3.g. below is hereby approved, to provide for coordinated operation of regional reservoirs and diversions, and in particular, to conserve regional reservoir storage.
 - a. **Decree Party Consent.** Because the diversions, releases and flow objectives established hereby affect the diversions, compensating releases, rights, conditions, obligations, and provisions for administration thereof as provided in the United States Supreme Court decree in *New Jersey v. New York*, 347 U.S. 995 (1954) (“Decree”), in accordance with section 3.3 of the Compact, the parties to the Decree have signified their consent hereto by the signatures of their authorized representatives on an attached page.
 - b. **Drought Stages.** For purposes of this special permit, basinwide drought stages consisting of “drought watch,” “drought warning” and “drought” shall be determined on the basis of combined storage in the Cannonsville, Pepacton, and Neversink Reservoirs, as set forth in Figure 1 below (“Figure 1”).
 - c. **Term of Special Permit.** Implementation of the conditions of this special permit shall begin immediately, and unless the Commission with the unanimous consent of the Decree Parties provides otherwise, shall terminate upon: the date of the Commission’s first quarterly business meeting in 2025, currently scheduled for Wednesday, March 12, 2025; or the date when the combined storage in the New York City Delaware Basin reservoirs (including the projected water runoff equivalent of actual snow and ice within the watersheds tributary to the reservoirs) reaches a level 15 billion gallons above the drought watch line, as defined in Figure 1, and remains above that level for five consecutive days.

- d. **Out-of-Basin Diversions and Delaware River Flow Objectives.** The schedule of diversions and flow objectives during a Basinwide drought will be in accordance with the drought stages depicted in Figure 1 and the corresponding rates set forth in Tables 1 and 2 below.

The difference between the amount of water diverted from the basin by New Jersey under Table 1 below and the diversion values expressed in Section 2.5.3 of the Water Code will be drawn from banks of water established by the Decree Parties. No offsetting or accounting for offsetting is required for New Jersey's increased diversions on any day when DRBC determines that releases from lower basin reservoirs are not required to meet the Trenton flow objective. The bank referred to by the Decree Parties as the New Jersey Diversion Offset Bank is 1.49 BG (2,300 cfs-days) for this special permit. The bank referred to by the Decree Parties as the NJ Diversion Amelioration Bank is 1.65 BG (2,545 cfs-days) for this special permit.

- e. **Drought Stages Automatic.** The schedule of diversions, releases and streamflow objectives for Basinwide drought operations shall go into effect automatically if and when the combined storage in the New York City Delaware Basin Reservoirs declines below any of the drought stage lines, defined in Figure 1, and remains below that line for five consecutive days.
 - f. **Other.** Except as set forth in paragraphs 3.b. through 3.e. above, operation of lower basin reservoirs shall be in accordance with sections 2.5.1 through 2.5.6 of the Water Code, except that throughout those sections, references to "Figure 1" shall be deemed to be references to Figure 1 below; and references to "drought warning" shall be deemed to encompass both "drought watch" and "drought warning" as defined by Figure 1 below.
 - g. **Ongoing Consultation, Coordination and the Potential for Modification.** Consultation among the Commissioners, Decree Parties and Delaware River Master will continue throughout the duration of the current drought event. On the basis of these ongoing consultations and with the unanimous consent of the Decree Parties, the operations prescribed herein may be modified or terminated.
- 4. **Consumptive Use Management.** The Commission's policy for the replacement of water consumptively used by electric generating or cogenerating facilities during critical hydrologic conditions is set forth in [Resolution No. 2018-5](#). Unless otherwise directed by the Commission, a "critical hydrologic condition" will exist whenever the Trenton Effective Flow Objective is less than 3,000 cfs.
 - 5. **Signatory State Actions.** The signatory states shall be responsible for the declaration of county or statewide drought stages in their respective jurisdictions as they deem necessary, and shall be responsible for the implementation and enforcement of associated water use restrictions in these areas.
 - 6. **Interference and Impairment.** For the duration of this water supply emergency, in any instance in which the Executive Director determines that a withdrawal (or withdrawals) of groundwater not regulated by DRBC or the host state may be impairing a publicly or privately owned groundwater source vital to human health or sanitation, the Executive Director may, following consultation with host state representatives, require the operator of the allegedly responsible withdrawal(s) on an expedited basis to furnish reasonably available data or to provide new data,

or both, to ascertain the degree of impact on the uses allegedly experiencing impairment. If the Executive Director determines on the basis of existing or new data that the unregulated withdrawal is interfering, the Executive Director may place limits on the amount and rate of the groundwater withdrawals causing the impairment or require the operator to cease all such withdrawals until the Commission ends the water supply emergency declared today.

7. **Maximum Water Use Efficiency Encouraged.** All residents, businesses and users of waters of the basin are encouraged to maximize water efficiency to preserve and protect the basin's water supplies as provided for in section 2.1.4 of the Water Code.
8. **Effective Date.** This Resolution shall take effect immediately.

/s/ Karen Stainbrook

Karen Stainbrook, Chair

/s/ Pamela M. Bush

Pamela M. Bush, Esquire, Commission Secretary

ADOPTED: December 5, 2024

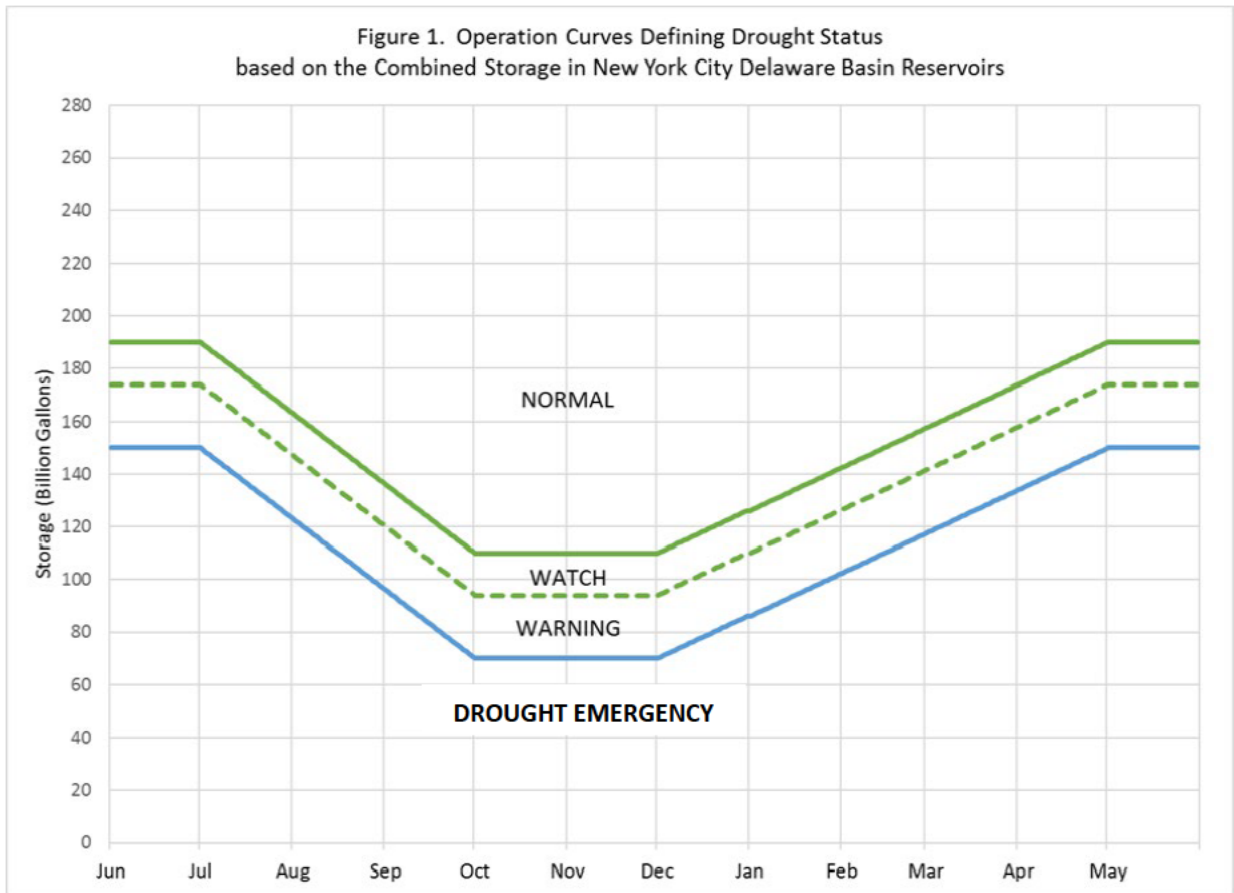


Table 1
Interstate Operation Formula for Diversions and Flow Objectives

	NYC Diversion (mgd)**	NJ Diversion (mgd)**	Montague Flow Objective (cfs)	Trenton Flow Objective (cfs)
NYC Storage Condition				
Normal (L1, L2)	800	100	1,750	3,000
Drought Watch (L3)	680	100	1,650	2,700
Drought Warning (L4)	560	90	1,550	2,700
Drought Emergency (L5)	520	80	1,100-1,650*	2,500-2,900*
Severe Drought (to be negotiated depending upon conditions)				

* Varies with time of year and location of salt front, in accordance with Table 2.

** Diversions to be computed in accordance with Section 2.5.3 D. of the DRB Water Code.

Table 2
Adjustments for Montague and Trenton Flow Objective During Drought Emergency [1]

7-day average location of Salt Front [2] River Mile (RM) [3]	Montague, NJ			Trenton, NJ [4]		
	Dec.- Apr.	May- Aug.	Sept.- Nov.	Dec.- Apr.	May- Aug.	Sept.- Nov.
Upstream of RM 92.5	1,600	1,650	1,650	2,700	2,900	2,900
Between RM 87.0 and RM 92.5	1,350	1,600	1,500	2,700	2,700	2,700
Between RM 82.9 and RM 87.0	1,350	1,600	1,500	2,500	2,500	2,500
Downstream of RM 82.9	1,100	1,100	1,100	2,500	2,500	2,500

[1] As defined in Figure 1

[2] Defined as the 250 milligrams per liter isochlor in the Delaware Estuary

[3] Measured in statute miles along the navigation channel from the mouth of Delaware Bay

[4] The Trenton Flow objective is achieved if the sum of the flows observed at the USGS Trenton gaging station, releases in excess of conservation release from Blue Marsh Reservoir, and 70 cfs to account for bypass flows via Yardley and the Point Pleasant Pumping Station is greater than the Trenton Flow Objective listed above.

**CONSENT TO ACTION BY
DELAWARE RIVER BASIN COMMISSION**

Consent of the parties to the U.S. Supreme Court Decree in *New Jersey v. New York*, 347 U.S. 995 (1954) to Resolution No. 2024-07 of the Delaware River Basin Commission to preserve and protect water supplies in the Delaware River Basin during persistent dry conditions by providing for coordinated actions to manage out-of-basin diversions, Delaware River flow objectives and regional reservoir operations.

State of New Jersey

Date

State of New York

Date

David Wunsch 11/26/24

State of Delaware Date

Commonwealth of Pennsylvania Date

City of New York

Date

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Patricia Gardner

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Gardner
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State of New Jersey

Date

State of New York

Date

State of Delaware

Date

Commonwealth of Pennsylvania

Date

City of New York

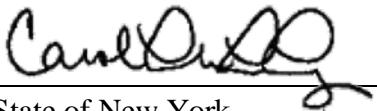
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State of New Jersey

Date

 12/3/24

State of New York Date

State of Delaware

Date

Commonwealth of Pennsylvania

Date

City of New York

Date


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State of New Jersey Date

State of New York Date

State of Delaware Date

 11/21/2024

Commonwealth of Pennsylvania Date

City of New York Date

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State of New Jersey Date

State of New York Date

State of Delaware Date

Commonwealth of Pennsylvania Date

 12/9/24

City of New York Date