

7/24/85

NO. 85-30

CONSERVATION ORDER NO. 7

A RESOLUTION temporarily allowing an emergency thermal release bank related to Delaware River Basin Commission Docket No. D-77-20 CP (Revised).

WHEREAS, storage in Neversink, Pepacton and Cannonsville Reservoirs is in the drought warning condition as defined below and augmented conservation releases have been reduced to basic conservation releases and the thermal stress release bank is not available, pursuant to Section VI of the Interstate Water Management Recommendations of the Parties to the U. S. Supreme Court Decree of 1954 as adopted by the Delaware River Basin Commission in Docket No. D-77-20 CP (Revised); and

WHEREAS, releases directed by the Delaware River Master to meet the Montague flow objective are lower than normal because of the reduced Montague flow objective in drought warning and because of releases from the upper river electric utilities of Pennsylvania Power and Light Company and Orange and Rockland Utilities, Inc. in accordance with the Coordinated Operation Plan for Basinwide Drought (DRBC Water Code Section 2.5.3); and

WHEREAS, the potential exists for fish kills in the rivers downstream from the New York City reservoirs; and

WHEREAS, it is important to prevent fish kills in the Upper Delaware mainstream, East and West Branches of the Delaware and the Neversink Rivers if at all possible; and

WHEREAS, an action was taken by the Commission to establish a Thermal Emergency Bank of 2000 cfs-days during the period July 5 to July 24, 1985, of which approximately 1500 cfs-days have been used, now therefore

BE IT RESOLVED by the Delaware River Basin Commission:

1. Subject to the other provisions of this action a Thermal Bank of an additional 1500 cfs-days is established for utilization by the New York State Department of Environmental Conservation for releases from the three New York City reservoirs over and above releases directed by the River Master during the period July 25 - August 28, 1985 to prevent possible fish kills. The 1500 cfs-days is in addition to the 2000 cfs-days previously established for a total Thermal Emergency Bank of 3500 cfs-days.

2. To compensate for thermal emergency releases made under this Resolution, the Thermal Emergency Bank shall be credited with 25% of the savings in storage achieved by reducing the Montague flow objective from the rates set forth in DRBC Resolution No. 83-13 to the "Drought Warning - Special Operation" schedule provided in DRBC Resolution No. 85-21 (Revised) adopted July 24, 1985.

3. To the extent that thermal emergency releases are not compensated by credits to the Thermal Emergency Bank provided under paragraph 2 and DRBC Resolution No. 85-21 (Revised), New York City shall be credited for any emergency thermal releases during the period cited in paragraph 1 above and such credits shall be made up to the extent practicable by reduced release requirements at Montague beginning September 3, 1985, notwithstanding the drought status of the Delaware Basin, but subject to the following limitations and conditions:

- a) When the projected Trenton flow will exceed the flow objective as contained in DRBC Resolution No. 83-13 (Water Code Delaware River Basin - Section 2.5.3 C3), or DRBC Resolution No. 85-21 (Revised) directed releases to meet the Montague flow objective established under Resolution No. 83-13 or Resolution No. 85-21 (Revised) may

be reduced by an amount equal to the difference between the projected 5-day flow at Trenton less the Trenton flow objective, not to exceed 250 cfs and provided that, as a result of such reduction of Montague flow objectives, releases will not be required from the lower Basin reservoirs to meet Trenton flow objectives; and

- b) If the Trenton flow absent directed releases from the lower Basin reservoirs would be less than the flow objective contained in DRBC Resolution No. 83-13 or Resolution No. 85-21 (Revised) necessitating releases from the lower Basin reservoirs, the Montague Flow Objective and related directed releases may be reduced beginning September 3, by 125 cfs; provided that the Montague Flow Objective may not be reduced below 1300 cfs.

4. The Executive Director, in consultation with the River Master, shall develop a communication and accounting procedure with New York City, New York State and interested signatory party representatives to implement this program.

5. The increased releases provided for in paragraph 1 of this resolution shall be subject to the condition that the combined storage in New York City's Cannonsville, Pepacton, and Neversink Reservoirs is in the drought warning zone as contained in Figure 1 of Delaware River Basin Commission Resolution No. 83-13.

6. This emergency action is in response to extraordinary hydrologic conditions and shall not in any way be construed as precedent for future changes in the provisions of Delaware River Basin Commission Docket No. D-77-20 CP (Revised).

7. This emergency action 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/ Richard T. Dewling
Richard T. Dewling, Chairman pro tem

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

ADOPTED: July 24, 1985

Consent to 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 action of the Delaware River Basin Commission to temporarily modify the schedule of reductions in diversions, releases, and streamflow objectives contained in Section 2.5.3 of the Delaware River Basin Water Code, so as to provide an emergency thermal stress release bank to prevent fish kills. Such temporary modification is for the period July 25 through August 28, 1985.

/s/ Richard T. Dewling
State of New Jersey

/s/ Irwin H. King
State of New York

/s/ Robert J. Touhey
State of Delaware

/s/ R. Timothy Weston
Commonwealth of Pennsylvania

/s/ Joseph T. McGough, Jr.
City of New York