

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



Policy No. 98-01
March 12, 1998

POLICY REGARDING DIVERSIONS OF WATER FROM THE SUSQUEHANNA RIVER BASIN

The water resources of the Susquehanna River Basin are vested with a local, state, regional and national interest. The signatory parties have a shared responsibility to exercise the powers under the Susquehanna River Basin Compact (the Compact), P.L. 91-575; 84 Stat. 1509 et seq., in the common interest of the people of the region. Present and anticipated future demands require increasing economies and efficiencies in the use and reuse of the basin's water resources. It is the Commission's duty to develop and effectuate policies for water resources conservation, control, utilization, and management. In order to conserve, protect and utilize the water resources of the basin in accordance with the best interest of the people of the basin and the Commission's signatory jurisdictions, it shall be the policy of the Commission to discourage the diversion or transfer of water from the basin.

Before any project is approved under Article 3, Section 3.10.2 (ii) of the Compact, for the diversion of the waters of the Susquehanna River Basin, the project sponsor must demonstrate to the Commission through clear and convincing evidence that it has made every good faith effort to develop and conserve sources of water within the importing basin and has fully considered other reasonable alternatives to the diversion. There must also be a clear commitment by the project sponsor to adhere to Commission water conservation standards and to comply with any orders or special regulations issued by the Commission under Compact Article 11.

In deciding whether to approve a proposed diversion, in addition to the General Standards set forth in §803.41 of its regulations, the Commission may also consider, but is not limited to, the following factors: 1) any adverse effects and cumulative adverse effects the project may have on the ability of the Susquehanna River Basin, or any portion thereof, to meet its own present and future water needs; 2) the location, amount, timing, purpose and duration of the proposed diversion and how the project will individually and cumulatively affect the flow of any impacted stream or river and the freshwater inflow of the Chesapeake Bay; 3) how the project will individually and cumulatively affect other environmental, social and recreational values;

4) whether there is a reasonably foreseeable need for the quantity of water requested by the applicant and how that need is measured against reasonably foreseeable needs in the Susquehanna River Basin; 5) the impact of the diversion on economic development within the Susquehanna River Basin, the signatory states or the United States of America; 6) the cost of the diversion versus other alternatives, including certain external costs such as impacts on the environment or natural resources; 7) the amount and location of water being diverted to the Susquehanna River Basin from the importing basin; 8) the proximity of the project to the Susquehanna River Basin; 9) the project sponsor's pre-compact legal authority to withdraw or divert the waters of the basin; 10) any policy of the signatory parties relating to water resources, growth and development; and 11) any land use and natural resource planning being carried out in the importing basin.

All projects involving a diversion of water from the basin must be submitted to the Commission for review and determination under Article 3, Section 3.10.2(ii) of the Compact and be included in the Comprehensive Plan. In accordance with Article 3, Section 3.10.5 of the Compact, the review procedure for a proposed diversion shall include public hearing on due notice given with opportunity for interested persons, agencies governmental units, and signatory parties to be heard and to present evidence. A complete transcript of the proceedings at the hearing shall be made and shall be available for review in accordance with the Commission's regulations.