

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



Policy No. 2003-03
October 9, 2003

EMERGENCY WATER WITHDRAWAL/CONSUMPTIVE USE PROCEDURES

Background. The Susquehanna River Basin Commission (Commission) regulates the emergency withdrawal and/or the consumptive use of water within its geographical boundaries under 18 CFR §803.27. Historically, the Commission has approved few emergency water uses, and those approved, have been closely examined to ensure conformance with 18 CFR §803.27, applying strict interpretation of the request with the term “emergency” as cited in the regulations. While the Commission encourages conservation and proper planning for water use, it also realizes that exigent circumstances, such as water quality constraints, persistent low water, or drought conditions may exist on a temporary basis that require some immediate action for which the normal project review process is inadequate.

Purpose. To provide guidelines for processing applications for temporary certificates authorizing emergency water withdrawals or emergency consumptive uses in the Susquehanna River Basin.

Scope. These procedures apply to any project sponsor (applicant) who requests a certificate authorizing emergency withdrawal or consumptive use from surface or ground water source(s) within the boundaries of the Susquehanna River Basin. Consumptive uses or withdrawals could be in addition to those already approved in a Commission issued docket, or could be for “new” projects not previously acted upon by the Commission. 18 CFR §803.27 specifies an emergency exists when “immediate action [is required] to protect the public health, safety and welfare, or to avoid substantial and irreparable injury to any person, property, or natural resources.”

Procedures. The following procedures shall apply to emergency withdrawals or consumptive uses (“projects”), subject to Commission approval:

1. Notification and application. An applicant shall notify the Commission, prior to commencement of the project, that an emergency certificate is needed. If immediate action, as defined by 18 CFR §803.27, is required by an applicant and prior notice to the Commission is not possible, then the applicant must contact the Commission within one (1) business day of the action. Notification may be by certified mail, facsimile, telegram, mailgram, or other form of written communication. This notification must be followed within one (1) business day by submission of the following information:

- (a) An emergency application form (SRBC Form 78) or copy of state or federal emergency water use application if the applicant also is requesting emergency approval from either a state or federal agency.
 - (b) As a minimum, the application information must contain:
 - i. Contact information
 - ii. Justification for emergency action (purpose)
 - iii. Location map and schematic of proposed project
 - iv. Desired term of emergency use
 - v. Source(s) of the water
 - vi. Quantity of water
 - vii. Flow measurement system (such as metering)
 - viii. Use restrictions in effect (or planned)
 - ix. Description of potential adverse impacts and mitigating measures
2. Staff review. Prior to recommending issuance of an emergency approval, Commission staff must:
- (a) Confirm that a valid emergency exists requiring immediate action; if the applicant does not demonstrate an immediate action is needed, the applicant will be advised to submit an application under the usual procedures for project review; and
 - (b) Confirm from available information that the applicant selected actions to respond to the emergency are designed to minimize adverse impact to life, health, property or natural resources; and
 - (c) Coordinate with all necessary resource agencies and applicable member jurisdictions in accordance with CFR 18 §803.27.
3. Emergency Certificate Issuance. The Executive Director will:
- (a) Review and act on the emergency request as expeditiously as possible upon receipt of all necessary information stipulated in paragraph 1 above.
 - (b) With the concurrence of the chairperson of the Commission and the member from the affected signatory state, issue an emergency certificate for a term not to extend beyond the next Commission meeting.
 - (c) Include conditions in the emergency certificate which may include, without limitation, monitoring of withdrawal and/or consumptive use amounts, measurement devices, public notification, and reporting, to assure minimal adverse impacts to the environment and other users.
4. Post Approval. Actions following emergency approvals will vary depending upon project circumstances.
- (a) At the next Commission meeting, Commissioners may, by resolution, extend the term of the emergency certificate, upon presentation of a request from the

applicant accompanied by appropriate evidence that the conditions causing the emergency persist.

- (b) If the condition is expected to persist longer than the specified extended term, the applicant must submit application to the Commission for applicable water withdrawal or consumptive use, or the project will be terminated. If the applicant already has an Commission approval for the project, the applicant must submit an application to modify the existing docket accordingly or face suspension or revocation of the docket.
- 5. With the concurrence of the chairperson of the Commission and the member from the affected signatory state, the Executive Director may terminate an emergency certificate earlier than the specified duration if it is determined that an emergency no longer exists under provisions of 18 CFR §803.27, and/or the certificate holder has not complied with one or more special conditions for the emergency withdrawal or consumptive water use.
- 6. Project applicants are responsible for any necessary restoration or mitigation of environmental damage that may occur as a result of the emergency action.
- 7. Point of contact for these procedures is the Chief, Water Resources Management Division.

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APPLICATION FOR EMERGENCY WATER CERTIFICATE

1. Administrative contact information:

Name of applicant/business: _____

Address: _____

Responsible contact person: _____ Phone: (____) _____

E-mail address: _____

2. Project Purpose (brief statement of proposed emergency use, and justification)

3. Project location (Attach a site map using 1:24,000 scale USGS topographic quadrangle map, or equivalent, and show expanded detail, as necessary. Public water suppliers must also delineate the service area that will use the water.)
Desired duration of use (number of days or ending date)

4. Desired duration of use (number of days or ending date). _____

5. Source(s) of water/location (specify ground or surface water source name(s) and clearly designate point(s) of withdrawal).

6. Amount of water proposed to be withdrawn/consumptively used (gallons per day)

7. Flow measurement system (metering plan to account for water during emergency use/withdrawal).

8. Use restrictions or conservation measures employed (planned or currently in effect).

9. Describe any anticipated adverse effects on the environment or on other water users, and measures designed to minimize or mitigate such effects.

