

SUSQUEHANNA RIVER BASIN COMMISSION
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**SRBC CONVENES PUBLIC HEARING ON THE EMERGENCY USE
PROVISIONS IN THE CITY OF ABERDEEN DOCKET**
Commission Prefers Administrative Remedy to Costly Litigation

ABERDEEN (May 22) – The Susquehanna River Basin Commission (SRBC) today held a public hearing at the HEAT Center in Aberdeen, Maryland, to receive testimony regarding the special emergency use conditions and related provisions contained in the City of Aberdeen docket approved by SRBC on December 12, 2002 for the city to withdraw and divert water from the Susquehanna basin for the Aberdeen Proving Ground (APG).

Subsequent to the December approval, the Deer Creek Watershed Association challenged SRBC on procedural grounds that it failed to provide adequate notice of and opportunity to comment on the special emergency use provisions incorporated into the City of Aberdeen docket.

SRBC Executive Director Paul Swartz noted while the Commission has existing authorities to approve emergency water use requests—through regulations 18 CFR Section 803.27—it chose to also incorporate the provisions in the city’s docket due to public health and safety concerns related to perchlorate contamination in the city’s water supply well field. Perchlorate is a toxic substance found in liquid rocket fuel and has been linked to thyroid problems in humans.

“The State of Maryland requested that the special emergency use provisions be included in the City of Aberdeen docket, given the potential water supply shortfall posed by perchlorate contamination,” said Swartz. “In light of the history of such contamination, the commissioners from the other jurisdictions fully supported and approved this request by Maryland.”

Swartz said, “We convened this public hearing as a matter of our long-standing policy of soliciting and welcoming public comments. In the interest of providing the opportunity for public

comments regarding the inclusion of the emergency use provisions, we reopened our records and will incorporate the comments received today. We hope this rectifies some of the perceived procedural defects, negating the need for costly litigation.”

The SRBC commissioners—a four-member panel representing the federal government and the states of New York, Pennsylvania and Maryland—were present at the hearing and will subsequently determine the merits of retaining or removing the emergency use provisions in the docket.

Whether the SRBC commissioners act to ultimately retain or remove the emergency use provisions contained in the City of Aberdeen docket, there will be no effect on SRBC’s existing regulatory authority (803.27) to review emergency water uses. The regulations provide for emergency uses to “protect the public health, safety and welfare or to avoid substantial and irreparable injury to any person, property, or natural resources...” The SRBC executive director has the authority to certify the emergency uses with the concurrence of the Commission chairperson—currently John Hicks of New York—and the commissioner representing the affected jurisdiction.

The Susquehanna River Basin Commission is the governing agency established under a 100-year compact signed on Dec. 24, 1970 by the federal government and the states of New York, Pennsylvania and Maryland to protect and wisely manage the water resources of the Susquehanna River Basin. The Susquehanna River starts in Cooperstown, N.Y., and flows 444 miles to Havre de Grace, Md., where the river meets the Chesapeake Bay.