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THE GOVERNOR

GOVERNOR'S OFFICE

[29 Pa.B. 4045]

Proclamation Declaration of Drought Emergency in the Commonwealth and Implementing Measures

Whereas, a long and continuing period of unusually dry weather, abnormally low stream flows, and reduced groundwater levels have resulted in shortages of water supplies within Pennsylvania; and

Whereas, in accordance with criteria established by the Commonwealth Emergency Operations Plan for natural resource shortages, a review of climatic, hydrologic, and water supply conditions indicate the existence of a drought and water shortage emergency in Pennsylvania; and

Whereas, these conditions and water shortages may endanger the health, safety, and welfare of a significant number of Pennsylvania citizens, threaten our natural resources, and have created and threaten to create problems greater in scope than municipal and county governments alone may resolve; and

Whereas, conservation measures are necessary to reduce the severity of these water shortfalls and to protect the health, safety, and welfare of affected citizens in Pennsylvania;

Therefore, I, Tom Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution, the Emergency Management Services Code, 35 Pa.C.S.A. Section 7101 et seq., as amended, and other laws of the Commonwealth, do hereby declare, order, direct, and certify as follows:

1. A state of drought and water shortage emergency exists in all of the following counties: Adams, Allegheny, Beaver, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Lackawanna, Lancaster, Lawrence, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Washington, Wayne, Westmoreland, Wyoming, and York. These counties constitute the designated drought emergency area.

2. I hereby transfer up to \$500,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for drought-related expenses

incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this drought emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code. Act of May 15, 1998, P. L. 358, No. 57, § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516.

3. During the period of this drought and water shortage emergency, the Pennsylvania Emergency Management Agency and Pennsylvania Emergency Management Council are authorized and directed to do the following:

a. implement the regulations set forth in 4 Pa. Code Chapters 118, 119, and 120, consistent with the provisions of the Pennsylvania Emergency Operations Plan and all other applicable state, county, and municipal disaster emergency management plans;

b. prohibit and restrict nonessential uses of water;

c. require the submission of drought and water shortage contingency plans by public water supply agencies located within the designated drought emergency area in cooperation with the governing body of each political subdivision where they provide services;

d. provide for contingency plans to conserve water and energy through the reduction of major water uses, where necessary, within the designated drought emergency area in Pennsylvania;

e. require the development and adoption of local water rationing plans, as defined in 4 Pa. Code Chapter 120, by water purveyors, public water supply agencies and governing bodies of political subdivisions within the designated drought emergency area, when deemed necessary to meet local conditions; and

f. require the development and adoption of contingency plans by self supplied commercial and industrial water risers in cooperation with local governing bodies that will provide for the reduction of major water users where necessary, through the mandatory implementation of specific water conservation measures within the designated drought emergency area.

4. The Pennsylvania Department of Environmental Protection is authorized to issue orders or take other appropriate actions to do the following:

a. order temporary modification of conditions in existing water withdrawal permits, including restrictions in the timing or quantity of water use;

b. supervise the storage and release of water in public and private reservoir facilities subject to State regulation;

c. require emergency and permanent interconnection of public and private water systems and prescribe the delivery of water through such interconnections;

d. regulate the diversion and withdrawal of water in the designated drought emergency area in excess of such quantities as may be prescribed by order or regulation, including the establishment of requirements for emergency withdrawal permits; and

e. cooperate with the Pennsylvania Emergency Management Agency and Federal agencies responsible for operation of Federal Reservoir facilities to develop and implement emergency schedules for storage and release of water.

5. The Pennsylvania Emergency Management Agency, the Department of Environmental Protection, the Department of Military and Veterans Affairs, the Public Utility Commission, and all

other agencies of the Commonwealth are authorized, ordered and directed to adopt and enforce such rules, regulations or orders as necessary to carry out their respective responsibilities and functions under this Proclamation, to adopt, amend and enforce such rules, regulations or orders under their respective statutory authorities as may be reasonably necessary to assist in responding to this water shortage, and to cooperate with all applicable River Basin Commissions in implementing and enforcing the drought and water shortage emergency orders and measures undertaken by those Commissions.

6. The Commonwealth Drought Coordinator, appointed under the provisions of the Commonwealth Emergency Operations Plan, is authorized and directed to carry out all functions, duties and responsibilities specified by the Plan and this Proclamation, and generally to assist the Pennsylvania Emergency Management Agency in coordinating and directing State Agency response to the drought emergency. The Pennsylvania Emergency Management Council shall review the actions of the Commonwealth Drought Coordinator.

7. Each public water supply agency located within the designated drought emergency area is hereby directed to develop a contingency plan in cooperation with the local governing body where it provides services in order to balance demand and available supplies and to assure that sufficient water is available to preserve public health and safety. The contingency plan shall establish equitable water use restrictions for residential, commercial, industrial and other water uses together with appropriate implementing arrangements. The contingency plan must be completed and submitted to the Department of Environmental Protection within thirty (30) days of the date of this Proclamation. If a public water supply agency has a contingency plan, it shall review the plan in cooperation with the local governing body for coordination purposes. The plan review shall be completed within thirty (30) days of the date of this Proclamation and the Department of Environmental Protection notified of such action.

8. The Pennsylvania Emergency Management Agency is directed to activate and coordinate state agencies and intergovernmental compliance and conservation efforts. The Pennsylvania Emergency Management Council is authorized to adopt and promulgate Local Water Rationing Plans, in accordance with the following:

a. As part of its drought contingency plan, each public water supply agency or water purveyor located within the designated drought emergency area is hereby authorized to develop a Local Water Rationing Plan in cooperation with the local governing body as may be necessary to balance demand and available supplies and to assure that sufficient water is available to preserve public health and safety. The Local Water Rationing Plan, as described in 4 Pa. Code Chapter 120, may:

(1) prohibit nonessential water uses, and

(2) establish equitable water use restrictions for residential, commercial, industrial and other water uses together with appropriate implementing arrangements.

b. Each public water supply agency located within the designated drought emergency area may prepare and submit its Local Water Rationing Plan, as part of its contingency plan to the local governing body in which it supplies water. The local governing body shall review and finalize concurrence of the Rationing Plan and contingency plans as required by Paragraph 7 above, and shall submit the plan to the Pennsylvania Emergency Management Council for its review and approval within thirty (30) days of the date of this Proclamation.

c. Any measures, rules, restrictions or orders contained in a Local Water Rationing Plan that may be developed by public water supply agencies and/or political subdivisions, pursuant to this Proclamation, shall be enforceable only upon submission to and adoption by the Pennsylvania Emergency Management Council, without limitation on any other remedies which may be available for noncompliance with such measures, rules, restrictions and orders.

d. It shall be the duty of every person in, or doing business in, the designated drought emergency area; the officers, agencies and employees of every public water supply agency; the members of the governing bodies and the officials, agents and employees of every political subdivision in the designated drought emergency area; and the officers and employees of all State agencies, to cooperate fully in all matters concerning this water shortage, and faithfully to exercise their respective duties and responsibilities to respond to the water shortage as set forth in this Proclamation and each Local Water Rationing Plan which may be developed.

9. For the purpose of promulgating or amending rules, regulations, and Local Water Rationing Plans authorized and directed by this Proclamation, such rules, regulations and plans may be adopted and rendered effective pursuant to the expedited procedures in sections 203 and 204 of the Commonwealth Documents Law Act of July 31, 1968, P. L. 769, No. 240, as amended, 45 P. S. §§ 1203, 1204) (relating to omission of proposed rulemaking) and pursuant to the emergency procedures provided by Section 6(b) of the Regulatory Review Act (Act of June 25, 1982, P. L. 633, No. 181, as amended, 71 P. S. § 745.6(b)).

10. Any rule, regulation, contingency plan, or Local Water Rationing Plan adopted pursuant to this Proclamation may be amended, relaxed, suspended or repealed pursuant to the same procedures set forth in this Proclamation and without regard to said statutes, regulations and executive orders, if compliance with such procedures is impracticable, would impose unnecessary hardships, or would be unnecessary or contrary to the public interest.

11. If any provision of the Public Utility Code or any other statute, administrative order, rule or regulation relating to operation and management of water supplies is inconsistent with the requirements of this Proclamation or any rule, regulation, contingency plan, Local Water Rationing Plan or order issued pursuant hereto, or if strict compliance with such provisions would prevent, hinder or delay necessary action to cope with the emergency, then such provision is hereby suspended for the duration of this Proclamation.

12. For purposes of undertaking effective response to the drought and water shortage emergency and to allow for expedited development of emergency replacement of supplemental water supplies and to protect against possible energy shortages, the Department of Environmental Protection, Department of Health, Public Utility Commission, Pennsylvania Infrastructure Investment Authority and Department of Community and Economic Development are authorized to issue such emergency permits or approvals as required by law, without regard to the procedures set forth in the Act of February 17, 1984 (P. L. 75, No. 14) (71 P. S. § 510-5) or to any other applicable statute, regulation or executive order, if compliance with such procedures is impracticable or would be contrary to the public interest.

13. All residents of the Commonwealth are urged to conserve water on a voluntary basis and to comply with water use restrictions requested or imposed by the public water supply agencies servicing their areas in order to prevent further water shortages.

14. All county commissioners of counties located within the designated drought emergency area shall establish a drought management task force within their county. The county task force shall coordinate, monitor, and manage all drought reporting and response activities and water conservation measures undertaken within their county as necessary to ensure the provision of safe and reliable drinking water sources. The county task forces shall be comprised of county emergency management officials, public water supply agency representatives, elected officials, health officials, fire officials, law enforcement officials, affected business and industry representatives and others as the county may determine. The county commissioners will monitor, coordinate, initiate and report to the Pennsylvania Emergency Management Council on county task force activities to include but not limited to public information, planning, water system vulnerabilities, enforcement coordination, fire protection, and other areas of public concern.

15. The Pennsylvania State Police, all local law enforcement departments, county and state fire

marshals, other state employees with law enforcement authority and public water supply agencies shall assist the Pennsylvania Emergency Management Council and all affected political subdivisions within the designated drought emergency area, in the enforcement of the various water use restrictions, Local Water Rationing Plans and other measures that are implemented under this Proclamation.

16. This Proclamation shall take effect immediately.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, this twentieth day of July in the year of our Lord, one thousand nine hundred and ninety-nine and of the Commonwealth, the two-hundred and twenty-fourth.



Governor

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