

# Commonwealth of Pennsylvania



## Governor's Office

### PROCLAMATION OF DROUGHT AND WATER SHORTAGE EMERGENCY

February 12, 2002

*WHEREAS, a large portion of the Commonwealth has experienced a long and continuing period of rainfall deficits and a lack of winter snow accumulation which has resulted in abnormally low stream flows, reduced groundwater levels and water supply shortages within those affected areas of the Commonwealth; and*

*WHEREAS, in accordance with criteria established by the Pennsylvania Drought Contingency Plan for water 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 drought conditions and water shortages may endanger the health, safety, and welfare of a significant number of Pennsylvania's citizens, threaten our natural resources, and have created or threaten to create problems greater in scope than county and municipal governments alone may resolve; and*

*WHEREAS, water conservation measures are needed to reduce the severity of these water supply shortages and to protect the health, safety, and welfare of affected Pennsylvania citizens;*

*NOW THEREFORE, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa. C.S. Section 7101 et seq.), I do hereby proclaim the existence of a drought and water shortage emergency in the following counties: Adams, Bedford, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Lancaster, Lebanon, Lehigh, Montgomery, Monroe, Northampton, Perry, Philadelphia, Pike, Schuylkill, Wayne and York.*

*1. I hereby transfer up to \$250,000 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.*

*2. During the period of this drought and water shortage emergency, the Pennsylvania Emergency Management Agency and the Commonwealth Drought Coordinator are authorized and directed to implement the regulations set forth in 4 Pa. Code Chapters 118, 119 and 120. Within the designated drought emergency area, the following applies:*

a. The nonessential water uses identified in 4 Pa. Code Chapter 119 are prohibited and restricted.

b. Public water supply agencies with sources or service areas located within the designated drought emergency area are hereby required to submit to the Commonwealth Drought Coordinator, within 30 days of this Proclamation, drought contingency plans, in cooperation with the governing body of each political subdivision where they provide services, in accordance with 4 Pa. Code § 118.4.

c. The Commonwealth Drought Coordinator may require the development and adoption of local water rationing plans by public water supply agencies and governing bodies of political subdivisions within the designated drought emergency area, when deemed necessary to respond to local conditions, in accordance with 4 Pa. Code Chapter 120; and

3. The Pennsylvania Department of Environmental Protection is authorized to:

a. order the 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 the Department's 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. coordinate activities with Federal agencies responsible for the operation of Federal reservoirs in order to develop and implement emergency schedules for the storage and release of water from those facilities.

4. The Commonwealth Drought Coordinator is authorized and directed to carry out all of the functions, duties, and responsibilities specified in the Pennsylvania Drought Contingency Plan and this Proclamation and shall assist the Pennsylvania Emergency Management Agency in coordinating and directing State agency response to this drought and water shortage emergency.

5. It shall be the duty of every person residing in, or doing business in, the designated drought emergency area; the officers and employees of every public water supply agency and the elected officials and employees of every political subdivision in the designated drought emergency area to cooperate fully in all matters concerning this water shortage emergency and to faithfully exercise their assigned duties and responsibilities to respond to this water shortage emergency.

6. If any provision of the Public Utility Code or any other statute, administrative order, or regulation relating to the operation and management of water supplies is inconsistent with the requirements of this Proclamation or any regulation, drought 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.

7. 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 Labor and Industry, 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 municipal notice procedures set forth in 71 P.S. Section 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.*

*8. 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 serving their areas in order to prevent further water shortages.*

*9. 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 Commonwealth Drought Coordinator 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 the authority of this Proclamation.*

*10. This Proclamation shall take effect immediately.*



*GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, this twelfth day of February in the year of our Lord, two thousand and two and of the Commonwealth, the two-hundred and twenty-sixth.*

*Mark S. Schweiker*  
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Governor