

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER NUMBER THIRTY-TWO

TO: HEADS OF ALL STATE DEPARTMENTS, AGENCIES AND AUTHORITIES, AND ALL POLITICAL SUBDIVISIONS AND GOVERNMENTAL UNITS OF THE STATE OF DELAWARE

RE: DECLARATION OF DROUGHT WARNING; NOTICE OF POTENTIAL MANDATORY WATER CONSERVATION MEASURES; EXTENDING VOLUNTARY WATER CONSERVATION MEASURES; AND OTHER RELATED ACTION

WHEREAS, on July 19, 1995, I issued a drought advisory for northern New Castle County and urged voluntary water conservation measures to avoid a drought warning; and

WHEREAS, despite this measure, the absence of rain since that time and the demand for water due to extremely warm weather have caused conditions to worsen thereby necessitating a drought warning and more aggressive water conservation measures; and

WHEREAS, such measures are essential to avoid or mitigate the adverse impact of a drought that may cause a state of emergency to be declared; and

WHEREAS, the current drought conditions experienced in Delaware are adversely affecting fresh water supplies and have created a condition of relative water scarcity which will likely result in conflicts among competing water users; and

WHEREAS, any mandatory directive to reduce water use during drought conditions will likely have a substantial impact on the State's environment and economy, thereby affecting a wide range of water users and interests; and

WHEREAS, instream water needs to protect fish and wildlife and to maintain water quality standards must also be addressed; and

WHEREAS, a high degree of cooperation among the various water users of Delaware will be necessary during a drought and will require input from persons representing and/or regulating these interests to achieve; and

WHEREAS, the State's Comprehensive Water Resources Management Plan has established a phased approach in implementing drought contingency measures and the Delaware Code requires a public hearing before mandatory water resources conservation measures are implemented.

NOW, THEREFORE, I, Thomas R. Carper, by the authority vested in me as Governor of the State of Delaware, do hereby proclaim as follows:

1. This Executive Order shall constitute a drought warning for northern New Castle County (north of the Chesapeake and Delaware Canal) pursuant to 20 Del. C. § 3132.

2. State facilities in northern New Castle County shall impose a ban on all non-essential use of water as more fully set forth in Paragraph 3 of this Order below. Each agency shall also ensure that it continues to implement best management practices for agency water use as required by previous Executive Orders.

3. All citizens residing in northern New Castle County are urged to voluntarily restrict the non-essential use of water including, but not limited to, the following:

(a) The use of fresh water for non-agricultural irrigation and watering of lawns and outdoor gardens, landscaped areas, athletic fields, trees, shrubs, and outdoor plants by the use of hand-held containers or hand-held low-pressure perforated hoses with either the user in attendance or controlled by an automatic timer; and by watering only between the hours of 5:00 p.m. and 9:00 a.m., unless otherwise requested by the water purveyor;

(b) The use of fresh water for watering golf courses by limiting water use to tees, greens, and newly re-sodded or seeded portions of fairways in the minimum amount necessary for survival thereof and by watering such areas only between the hours of 5:00 p.m. and 9:00 a.m.;

(c) The use of water for washing paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts, and patios;

(d) The use of water for ornamental purposes including fountains, artificial waterfalls, and reflecting pools;

(e) The use of water for non-commercial washing of automobiles, trucks, and other motor vehicles and trailers, by using hand-held buckets and hand-held hoses with manual flow control nozzles;

(f) The use of water from a fire hydrant for any purpose except for fire fighting;

(g) The use of water for flushing sewers and hydrants except as deemed necessary in the interest of public health and safety;

(h) The use of water in restaurants, clubs, and eating places by serving water only at the request of a customer; and

(i) Taking other measures to save water where possible, including repairing leaky water fixtures, flushing toilets only when necessary, minimizing splashing from pools and avoiding evaporation by covering pools when not in use, and installing shower flow restrictors, toilet tank dams, and faucet aerators.

4. Delaware water suppliers are requested to consider the adoption of such other water conservation measures as may be practicable.

5. DNREC shall immediately implement the drought warning directives set forth in the Comprehensive Water Resources Management Plan.

6. Pursuant to 20 Del. C. § 3132(d), DNREC shall immediately schedule a public hearing upon twenty days notice to consider making the voluntary water usage restrictions in Paragraph 3 of this Order mandatory for northern New Castle County substantially in the form set forth in Exhibit A attached to this Order. Stewart Lovell of DNREC is hereby appointed to act as the hearing officer at such hearing and shall make a written report as required by 20 Del. C. § 3132(d).

7. The Drought Advisory Committee shall consult with municipalities and other relevant agencies and organizations, both public and private, in carrying out the above-described activities.

8. All citizens of Delaware are further asked to follow the conservation practices set forth in Paragraph 3 of this Order in order to avoid shortages similar to those experienced in northern New Castle County.

Approved this 25th day of August, 1995.


Governor

Attest:


Secretary of State



**PROPOSED MANDATORY WATER USE RESTRICTIONS
PURSUANT TO 20 DEL. C. § 3132**

It is proposed that the following practices be prohibited pursuant to 20 Del. C. § 3132:

1. The use of fresh water for non-agricultural irrigation and watering of lawns, gardens, landscaped areas, trees, shrubs, and outdoor plants with the following exceptions which are nevertheless only permissible from 5:00 a.m. to 8:00 a.m.:
 - a) Water applied for irrigation to domestic vegetable and fruit gardens by hand-held containers or hand-held hoses with manually operated flow control nozzles or by low pressure perforated hoses with the user in attendance;
 - b) Water used by commercial nurseries in the minimum amount necessary to maintain stock;
 - c) Water applied in the minimum amount necessary for revegetation of land following earth moving where necessary to prevent soil erosion; and
 - d) Water applied in the minimum amount necessary to allow only new lawns and shrubs to survive or for application of fertilizers and herbicides to existing lawns.
2. The use of fresh water for watering of golf courses by limiting water use to tees, greens, and newly re-sodded or seeded portions of fairways in the minimum amount necessary for survival thereof and by watering such areas only between the hours of 5:00 a.m. and 8:00 a.m.
3. The use of water for washing paved surfaces such as streets, roads, sidewalks, driveways, parking areas, tennis courts, and patios.
4. The use of water for ornamental purposes including fountains, artificial waterfalls, and reflecting pools.
5. The use of water for non-commercial washing and cleaning of vehicles, except emergency vehicles and domestic washing unless by the use of hand-held buckets and hand-held hoses with automatic flow control nozzles where use is restricted to the minimum volume necessary and is performed only on unpaved surfaces.

6. The use of water from a fire hydrant for any purpose except for fire fighting.

7. The use of water for flushing sewers and hydrants except as deemed necessary in the interest of public health and safety.

8. The use of water in restaurants, bars, pubs, clubs, and entertainment establishments by serving water only at the request of a customer.