

STATE OF DELAWARE



EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER THIRTY-THREE

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

RE: PROCLAMATION OF STATE OF EMERGENCY DUE TO DROUGHT; NOTICE OF POTENTIAL EMERGENCY MANDATORY WATER CONSERVATION MEASURES; EXTENDING VOLUNTARY WATER CONSERVATION MEASURES; AND OTHER RELATED ACTION

WHEREAS, on August 25, 1995, I issued a declaration of drought warning and gave notice of a hearing pursuant to 20 Del. C. § 3132 to precede the implementation of mandatory water conservation measures because of the continuing lack of rain and the concomitant strain on water supplies in northern New Castle County; and

WHEREAS, since that time, the City of Wilmington water system has had to cease supplying water to suburban New Castle County water systems due to the fact that the City's own water supply is at or approaching an all-time low;

WHEREAS, it is essential that mandatory water conservation measures be taken if northern New Castle County is to avoid a situation where available water supplies cannot meet essential needs, thereby resulting in residences lacking water service and/or requiring the shut-down of important economic activities dependent upon heavy water usage; and

WHEREAS, the drought conditions in northern New Castle County have reached the point where they constitute a threat to the health and property of the people of northern New Castle County and satisfy the conditions for the proclamation of a state of emergency pursuant to 20 Del. C. §§ 3125 and 3133; 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, 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 and order as follows:

1. This Executive Order shall constitute a proclamation of a state of emergency due to drought for northern New Castle County (north of the Chesapeake and Delaware Canal) pursuant to 20 Del. C. § § 3125 and 3133.

2. State facilities in northern New Castle County shall continue to ban all non-essential uses 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 continue to voluntarily restrict the non-essential use of water by adhering to, among other restrictions, the following enhanced conservation restrictions:

(a) The use of fresh water for non-agricultural irrigation and watering of outdoor gardens, landscaped areas, athletic fields, trees, shrubs, and outdoor plants by the use of hand-held containers or hand-held hoses with manually operated flow control nozzles or by low-pressure perforated hoses with the user in attendance and by watering only between the hours of 5:00 a.m. and 8:00 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 and greens in the minimum amount necessary for survival thereof and only through application by the use of hand-held containers or hand-held hoses with manually operated flow control nozzles or by low-pressure perforated hoses with the user in attendance and by watering such areas only between the hours of 5:00 a.m. and 8:00 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;

(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;

(i) The use of water for non-essential domestic purposes, such as the operation of dishwashers or washing machines or for the purpose of cleaning floors, except on alternating days, with households which have street or mailing addresses ending in an even number using water for non-essential domestic purposes only on even-numbered days and households which have such addresses ending in an odd number using water for such purposes only on odd-numbered days;

(j) The use of swimming pools by public and private schools serving students in kindergarten through grade twelve; and

(k) 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 water shortage emergency directives set forth in the Comprehensive Water Resources Management Plan. The Delaware Emergency Management Agency shall immediately activate the provisions of the Delaware Emergency Operations Plan.

6. Pursuant to 20 Del. C. § 3133(g), DNREC shall immediately schedule a public hearing upon seven 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. § 3133(g). The public hearing previously ordered in connection with the declaration of drought warning in Executive Order 32 is hereby cancelled in lieu of the hearing required by this Order.

7. Effective immediately, each water utility which provides water to customers for domestic purposes in northern New Castle County shall have its water allocation permit limits suspended. Such suspensions shall remain in effect until further Order of the Governor or of the Secretary of the Department of Natural Resources and Environmental Control.

8. The Governor's representative to the Delaware River Basin Commission is hereby directed to urge that Commission to take all necessary measures within its authority to alleviate the drought conditions in northern New Castle County.

9. 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.

10. 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 4th day of September, 1995.

Thomas R. Carze
Governor

Attest:

Edw. Faul
Secretary of State



**PROPOSED MANDATORY WATER USE RESTRICTIONS
PURSUANT TO 20 DEL. C. § 3133**

It is proposed that the following practices be prohibited pursuant to 20 Del. C. § 3133:

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; and

c) Water applied in the minimum amount necessary for revegetation of land following earth moving where necessary to prevent soil erosion.

2. The use of fresh water for watering of golf courses by limiting water use to tees and greens in the minimum amount necessary for the survival thereof and only through application 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 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.

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.

9. The use of swimming pools by public and private schools serving students in kindergarten through grade twelve.