

STATE OF DELAWARE



**EXECUTIVE DEPARTMENT
DOVER**

EXECUTIVE ORDER
NUMBER THIRTY-FIVE

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

RE: IMPOSING MANDATORY WATER CONSERVATION MEASURES; EXTENDING VOLUNTARY WATER CONSERVATION MEASURES; AND OTHER RELATED ACTION

WHEREAS, on September 4, 1995, by Executive Order Number 33, I proclaimed a drought emergency for northern New Castle County, ordered the commencement of the statutory hearing process for the imposition of mandatory conservation measures, and urged continued voluntary water conservation measures; and

WHEREAS, since that time, the absence of sustained rain and the problems caused by the region-wide nature of the current drought have caused conditions to worsen, necessitating more aggressive conservation measures; and

WHEREAS, pursuant to 20 Del. C. § 3133(g), and as directed by Executive Order 33, the Department of Natural Resources and Environmental Control ("DNREC") held a public hearing on September 11, 1995 after seven days notice to consider the proposed mandatory restrictions on water use; and

WHEREAS, the report of the hearing examiner recommends the imposition of mandatory water conservation measures substantially in the form annexed as Exhibit A to Executive Order 33; and

WHEREAS, the Drought Advisory Committee also recommends adoption of the mandatory measures proposed by Executive Order 33; and

WHEREAS, the hearing record also contains voluntary water conservation plans which reflect the sincere commitment of several major Delaware businesses and non-profit organizations to reduce their water use substantially; and

WHEREAS, without the adoption of the mandatory measures set forth herein and the ability of industry to reduce its water usage in accordance with the voluntary plans in the hearing record, far more burdensome mandatory measures may have to be imposed to avoid serious water shortages and breakdowns in service.

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

1. All state agencies with facilities in northern New Castle County (defined herein as that area of the County north of the Chesapeake & Delaware Canal) are banned from all non-essential use of water as more fully set forth in paragraph 2 of this Executive Order, and shall continue to follow best management practices for water use.
2. Pursuant to 20 Del.C. § 3133, the following uses of water are prohibited in northern New Castle County effective immediately except where specifically indicated to the contrary:
 - (a) The use of potable water for non-agricultural irrigation and watering of lawns, outdoor gardens, landscaped areas, athletic fields, trees, shrubs, and outdoor plants with the following exceptions which are nevertheless only permissible between the hours of 5:00 a.m. and 8:00 a.m.:
 - i) Potable 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; and
 - ii) Potable water applied in the minimum amount necessary for revegetation of land following earth moving where necessary to prevent soil erosion;
 - (b) Effective September 19, 1995, the use of potable water by commercial and retail nurseries except in the minimum amount necessary to maintain stock with application limited to no more than six hours daily which may be divided into no more than two periods of watering in accordance with a written plan submitted to DNREC specifying the specific hours during which such watering will occur;

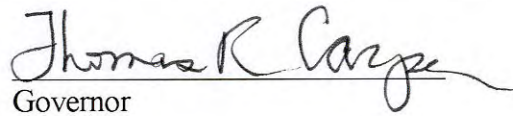
- (c) The use of potable water for watering golf courses except to water tees and greens in the minimum amount necessary for survival thereof and by watering only between the hours of 5:00 a.m. and 8:00 a.m.;
 - (d) The use of potable water for washing paved surfaces such as, but not limited to, streets, roads, sidewalks, driveways, garages, parking areas, tennis courts, and patios with the exception that clay tennis courts may be watered only between the hours of 5:00 a.m. and 8:00 a.m.;
 - (e) The use of water for ornamental purposes including fountains, artificial waterfalls, and reflecting pools;
 - (f) The use of potable water for washing of automobiles, trucks, or other motor vehicles and trailers, except at commercial washing facilities;
 - (g) The use of water from a fire hydrant for any purpose except for fire fighting;
 - (h) The use of water for flushing sewers and hydrants except as deemed necessary by a state or local government official in the interest of public health and safety;
 - (i) The service of water by restaurants, bars, clubs, entertainment establishments, and eating places except at the specific request of a customer; and
 - (j) The use of potable water for the operation of swimming pools by public and private schools for grades kindergarten to twelve.
3. All citizens of northern New Castle County are urged to continue to adhere to the voluntary conservation measures set forth in Paragraph 3 of Executive Order 33 to the extent such measures are more restrictive than the mandatory measures required by this Order. In addition to the previously identified voluntary conservation measures, industrial and commercial water users are urged to strive to reduce their level of water usage by twenty-five percent through the implementation of effective water conservation practices and the use of alternative water supplies which reduce demand on the potable water supplies of water utilities, recognizing that such reductions may not be feasible for every industry.
4. Water allocation permit holders who are providing or who hereafter commit to provide potable water to utilities which provide water for domestic purposes in northern New

Castle County shall, on a case-by-case basis determined by DNREC, have said permit limits suspended for the purpose of maximizing public water supply. Such suspensions shall remain in effect until further Order of the Governor or of the Secretary of DNREC.

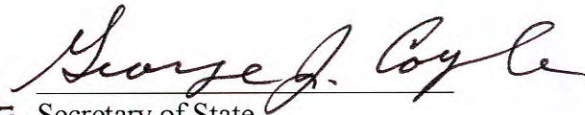
5. The Drought Advisory Committee shall continue to consult with municipalities and other relevant agencies and organizations, both public and private, in carrying out the above-described activities.

6. All citizens of Delaware are urged to follow the conservation practices set forth in Paragraph 2 of this Order and in Paragraph 3 of Executive Order 33 (to the extent they are more restrictive than the mandatory measures in this Order) in order to avoid shortages similar to those being experienced in northern New Castle County.

Approved this 12th day of September, 1995.


Governor

Attest:


ASST. Secretary of State

