

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER NUMBER THIRTY-EIGHT

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

RE: TERMINATION OF DROUGHT EMERGENCY; REPEAL OF MANDATORY WATER CONSERVATION MEASURES; DECLARATION OF DROUGHT WARNING; EXTENDING VOLUNTARY WATER CONSERVATION MEASURES; AND OTHER RELATED ACTION

WHEREAS, on September 4, 1995, pursuant to 20 Del. C. § 3125 and § 3133, I issued Executive Order Thirty-Three proclaiming a drought emergency and thereafter, on September 12, 1995, issued Executive Order Thirty-Five ordering certain mandatory water use restrictions for northern New Castle County and urging continued voluntary water conservation by the rest of the State; and

WHEREAS, since the issuance of these Orders, hydrologic conditions have substantially improved because of above-normal rainfall which has increased stream flow to near-normal levels and has reduced, but not fully eliminated, the precipitation deficit that has accumulated over the past year; and

WHEREAS, the hydrologic index for northern New Castle County registered no deficiency in either precipitation or stream flow for the month of October because of very heavy rainfall and conditions in November to date have also been at above-normal levels, indicating that the necessity for mandatory water conservation measures has ended; and

WHEREAS, despite the improvement in conditions, there remains a residual precipitation deficiency in northern New Castle County; and

WHEREAS, the Governor's Drought Advisory Committee has consistently recommended a careful, phased approach to addressing drought situations, including the determination of when drought conditions are such that statutory drought alleviation measures are no longer necessary; and

WHEREAS, consideration must also be given to local and regional basin-wide conditions and the regulatory requirements of water users in Delaware under the jurisdiction of the Delaware River Basin Commission since the availability of adequate water supplies is highly dependent on regional conditions and cooperation; and

WHEREAS, the residual effects of the drought still require continued cooperation and water conservation by the citizens and businesses of northern New Castle County.

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

1. This Executive Order shall terminate the drought emergency declared by Executive Order Thirty-Three and the mandatory water conservation measures ordered by Executive Orders Thirty-Five and Thirty-Six. In place of the drought emergency, this Order shall further constitute a declaration of a drought warning for northern New Castle County pursuant to 20 Del.C. § 3132.
2. All state facilities in northern New Castle County shall restrict all non-essential use of water as more fully set forth in paragraph four of this Executive Order, and each shall continue to use best management practices for water use.
3. All residents of northern New Castle County are requested to voluntarily restrict the following non-essential uses of water:
 - (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 for which the recommended hours of watering are 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) 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 four hours daily to be divided into no more than two periods of watering; and
- (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, patios, and tennis courts;
- (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, 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.

Residents are also encouraged to take 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. 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.

5. Water allocation permit holders who have said permit limits suspended for the purpose of maximizing public water supply as previously provided in Executive Orders Thirty-Three and Thirty-Five are hereby ordered to return to adherence to said permit limits.

Approved this 6th day of November, 1995.



Thomas R. Carper
Governor

Attest:

George J. Cagle
ACTING Secretary of State