

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER NUMBER FIFTY-TWO

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

RE: AGRICULTURAL INDUSTRY ADVISORY COMMITTEE ON NUTRIENT
MANAGEMENT

WHEREAS, the quality of Delaware's ground and surface water and the
availability of clean drinking water are of paramount importance to the quality of
life of all Delawareans; and

WHEREAS, Delawareans owe it to future generations to preserve the
quality of our State's aquatic environment; and

WHEREAS, agriculture is one of Delaware's most important industries,
and maintaining a strong and profitable agricultural industry is essential to the
health of Delaware's economy and to the preservation of an essential part of the
Delaware way of life; and

WHEREAS, pursuant to § 303(d) of the 1972 federal Clean Water Act, the
Department of Natural Resources and Environmental Control ("DNREC") and the
Environmental Protection Agency ("EPA") have signed a Memorandum of

Understanding (the “DNREC-EPA Agreement”) which sets forth a plan of action for restoring the quality of Delaware’s impaired waters to achieve federal water quality standards;

WHEREAS, the DNREC-EPA Agreement calls for the establishment of Total Maximum Daily Loads (“TMDLs”) in those waters which are not in compliance with federal water quality standards; and

WHEREAS, the establishment of a TMDL for an affected waterway brings with it the legal requirement to enforce the TMDL so as to restore the waterway to acceptable water quality standards; and

WHEREAS, it is highly unlikely that acceptable water quality standards can be achieved in Delaware waterways solely through the regulation of point sources of water pollution; and

WHEREAS, it will therefore be necessary to reduce non-point sources of water pollution if the State is to bring water quality into compliance with legal standards; and

WHEREAS, studies indicate that excess nutrient loading of surface lands has a negative effect on the quality of both the surface and ground water of Delaware; and

WHEREAS, public concerns about the effect of agricultural nutrients on water quality have intensified and governmental actions are now underway in other states and at the federal government level to develop new nutrient management policies which could significantly affect Delaware agriculture; and

WHEREAS, the issue of water quality management is also being addressed by the agricultural and poultry industries of the Delmarva Peninsula; and

WHEREAS, Delaware has a history of using voluntary methods to empower individual farmers to address environmental issues related to agriculture; and

WHEREAS, the State desires to use voluntary methods to improve agricultural nutrient management practices and thereby ensure compliance with federal water quality standards; and

WHEREAS, the existing committee convened at the request of Representatives Price, Schroeder, West and Senator Bunting, which has been examining both the point and non-point sources of nutrients flowing into the Inland Bays, is an excellent example of a positive initiative which is proactively addressing the myriad of issues associated with this problem, and that Committee is encouraged to continue its efforts to build a consensus of all involved entities and to produce a plan to reduce point and non-point sources of pollution to the Inland Bays; and

WHEREAS, while it is important to address the unique circumstances of each waterway, there is also a demonstrated need to assess on a statewide basis the relationship between agricultural nutrient management practices and water quality in Delaware and to formulate a systematic and economically viable solution which will both maintain agricultural profitability and improve water quality in Delaware; and

WHEREAS, the best method to achieve such a solution in the first instance is to bring together the State's agriculture community and the state agencies responsible for improving water quality in order to develop a cooperative plan to improve nutrient management practices, reduce non-point source pollution, and help Delaware meet federal water quality standards.

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

1. There is hereby established the Agricultural Industry Advisory Committee on Nutrient Management.
2. The Advisory Committee shall be composed of ten representatives from Delaware's agricultural community, no fewer than seven of whom shall be actively involved in farming.
3. The Chairperson of the Advisory Committee shall be appointed by the Governor from among the Committee members and the Secretary of Agriculture shall be responsible for convening all meetings of the Advisory Committee.
4. A senior staff support team, composed of the Directors of the Division of Soil and Water Conservation and the Division of Water Resources of DNREC, the Director of the Division of Public Health of the Department of Health and Social Services ("DHSS"), and the Executive Assistant to the Secretary of the Department of Agriculture, shall provide the necessary administrative, scientific, and technical resources and staff

to support the Advisory Committee. Technical support and/or advice shall also be sought from any agency, university, organization, group, or individual as deemed necessary by the Secretary of Agriculture and the Advisory Committee.

5. The Advisory Committee shall serve as the mechanism by which state agencies such as the Department of Agriculture, DNREC, and DHSS and federal agencies such as the EPA and the United States Department of Agriculture receive advice and input from Delaware's agriculture community regarding what policies the State and federal government should implement in order to improve water quality in Delaware while maintaining the profitability of the State's agricultural industry. In that regard, the Advisory Committee should provide advice regarding, among other issues:

- a. The relationship between agricultural nutrient management practices and water quality in Delaware, including recommendations to maximize the effectiveness of voluntary measures (such as improved management practices) in reducing the negative effects of agricultural nutrients on water quality in Delaware; and
- b. The relative effectiveness and economic effects of available options to minimize the negative effects of agricultural nutrients on water quality in Delaware; and

- c. The effectiveness of public policies of other states and the federal government which address the issue of nutrient management and water quality, and the utility of their adoption in Delaware; and
- d. The additional outreach efforts the State should take to obtain the views of relevant members of the agriculture community as the State addresses the water quality of, and establishes TMDLs with respect to, specific waterways in accordance with the DNREC-EPA Agreement.

6. The Advisory Committee shall present a written summary of its recommendations to the Secretaries of the Department of Agriculture, DNREC, and DHSS no less than once a year. The Secretaries shall issue a joint report to the Governor and the General Assembly regarding how the recommendations of the Advisory Council should be addressed no more than 90 days after receiving them.



APPROVED this 25th day of April, 1998.

Thomas R. Carper
Governor

ATTEST:

Laurel Windley
asst. Secretary of State