

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER
NUMBER SIXTY-TWO

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 EMERGENCY; ISSUING AN EMERGENCY ORDER IMPOSING MANDATORY WATER CONSERVATION MEASURES; AND OTHER RELATED ACTION.

WHEREAS, on July 23, 1999, by Executive Order Number Sixty-One, I proclaimed a drought warning for the State of Delaware and urged specific voluntary conservation measures;

WHEREAS, Delaware and the region continue to experience severe drought conditions, including below normal precipitation and stream flow;

WHEREAS, the demand for fresh water has only diminished marginally since the imposition of voluntary conservation measures;

WHEREAS, the current supply of fresh water in northern New Castle County is low and is barely meeting current demand;

WHEREAS, the supply of fresh water in northern New Castle County will likely diminish further in the coming days and weeks if drought conditions continue;

WHEREAS, without a significant decrease in demand, fresh water supplies will be adversely affected thereby creating a condition of relative water scarcity which will likely result in conflicts among competing water users;

WHEREAS, the problem of water supply is most acute in northern New Castle County;

WHEREAS, to mitigate against and avert a serious water shortage, which could jeopardize public health and safety, it is necessary to impose aggressive mandatory conservation measures;

WHEREAS, in addition to reducing demand, it is necessary for the protection of public health to monitor water quality standards and to ensure that the instream water needs are sufficient to protect fish and wildlife; 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.

NOW, THEREFORE, I, Thomas R. Carper, by the authority vested in me as Governor of the State of Delaware, pursuant to 20 Del. C. § 3115 and § 3116 (a) (5), do hereby proclaim as follows:

1. This Executive Order shall constitute a State of Emergency due to drought, limited to northern New Castle County (north of the Chesapeake and Delaware Canal).

2. All State facilities in northern New Castle County are banned from all non-essential use of water as more fully set forth in Paragraph 4 of this Order below. Each agency shall also continue to implement best management practices for agency water use as required by previous Executive Orders.

3. All municipalities are hereby ordered pursuant to 20 Del. C. § 3116 and § 3122 to issue directives consistent with this Order.

4. Pursuant to 20 Del. C. § 3115 (a) (5), the following uses of water are prohibited in northern New Castle County effective 3:00 p.m. August 5, 1999, except where specifically indicated to the contrary:

(a) The use of potable water for non-agricultural irrigation and watering of lawns and 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 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 for watering golf course trees, greens and fairways by reducing water to the minimum amount necessary for survival and by only watering such areas between the hours of 5 a.m. and 8 a.m.;

(c) The use of fresh water for watering of nursery trees, shrubs, and other outdoor plants to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use, fresh water may be:

i) Used by means of handheld container or handheld hose with manually operated flow control nozzles or by low-pressure perforated hoses with the user in attendance at the minimum rate necessary between the hours of 5 p.m. and 9 a.m. to establish and maintain newly planted gardens, trees, shrubs or other outdoor plants. This includes work in progress at the time of this Order.

ii) Used by commercial and retail nurseries in the minimum amount necessary to maintain stock and prevent loss with the application limited to no more than six hours daily which may be divided into no more than two periods of watering. Syringing of drought stressed plants is permitted as required between the hours of 12 Noon and 3 p.m. with no more than 10 minutes of watering allowed in any one area.

iii) Used by arboretums and public gardens of National, State, or regional significance at the minimum rate necessary to preserve specimens.

iv) Sources of water, other than fresh, shall be used where available, such as from on-site storm water retention basins or ponds, and may be applied as conservatively as possible to prevent loss of outdoor plants.

(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 of clay tennis courts which may be watered only between the hours of 5:00 a.m. and 9:00 a.m.;

(e) The use of potable water for ornamental purposes, including but not limited to, fountains, artificial waterfalls, and reflecting pools;

(f) The use of potable water for non-commercial washing of automobiles, trucks, and other motor vehicles and trailers;

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

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

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

5. Industrial and commercial water users in northern New Castle County are directed to reduce their level of water usage by twenty percent, wherever practical, 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. Upon request by the Department of Natural Resources Environmental Control (DNREC), industrial and commercial water users in northern New Castle County shall produce records and reports certifying the water usage reductions achieved.

6. Law enforcement authorities of this State and of the political subdivisions of this State shall enforce this Emergency Order and may issue citations for violations thereof pursuant to 20 Del. C. § 3125. Law Enforcement officers may, in addition to issuing a summons for any such violation, provide the violator with a voluntary assessment pursuant to the prescribed procedure under 7 Del. C. § 6061.

7. 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 as 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.

8. 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.

9. All citizens of Delaware are urged to follow the conservation practices set forth in Paragraph 4 of this Order in order to avoid shortages similar to those being experienced in northern New Castle County.

Approved this day of August 5, 1999.

Thomas R. Carper
Governor

Attest:

Ed Guil
Secretary of State

