

# STATE OF DELAWARE



## EXECUTIVE DEPARTMENT DOVER

### EXECUTIVE ORDER NUMBER SIXTY-FIVE

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

RE: AMENDMENT TO EXECUTIVE ORDER NUMBER SIXTY-TWO, AS AMENDED BY EXECUTIVE ORDER NUMBER SIXTY-THREE AND EXECUTIVE ORDER NUMBER SIXTY-FOUR, REGARDING THE STATE OF EMERGENCY DUE TO DROUGHT EMERGENCY; ISSUING AN EMERGENCY ORDER IMPOSING MANDATORY WATER CONSERVATION MEASURES; CREATING THE WATER SUPPLY TASK FORCE; 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, on August 5, 1999, by Executive Order Number Sixty-Two, I proclaimed a state of emergency due to drought and imposed certain mandatory conservation measures;

WHEREAS, on August 6, 1999, by Executive Order Number Sixty-Three, I amended Executive Order number Sixty-Two;

WHEREAS, on August 20, 1999, by Executive Order Number Sixty-Four, I further amended Executive Order number Sixty-Two;

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

WHEREAS, the need to reduce the demand for fresh water has not diminished;

WHEREAS, the use of non-potable water, such as pool water and treated wastewater, wherever possible will help reduce demand;

WHEREAS, the fall sports season is approaching and the use of potable water for school athletic fields where necessary is appropriate to prevent injuries;

WHEREAS, to help offset use of potable water for athletic fields, restrictions on the use of potable water for recreational swimming pools is necessary and appropriate;

WHEREAS, clarification of Executive Order 62 as amended by Executive Order 63 and Executive Order 64 is necessary;

WHEREAS, the Drought of 1999 has also raised significant issues concerning the long-term water needs of Delawareans;

WHEREAS, the Drought of 1999 has focused attention on the adequacy of current water supplies;

WHEREAS, several water providers, public and private, currently supply Delaware with its water;

WHEREAS, the Drought of 1999 has revealed the need for close coordination among water suppliers and state, local and municipal governments in times of crises;

WHEREAS, it is prudent and timely for the various stakeholders to review the long-term water needs of Delaware and make recommendations to the Governor;

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, 3116 (a)(5), do hereby proclaim as follows:

A. Amend Executive Order Number Sixty-Two, as amended by Executive Order Number Sixty-Three and Executive Order Number Sixty-Four, by striking the text of paragraphs 1 through 9 and inserting in lieu thereof the following language:

“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. § 3116 (a)(5), the following uses of water are immediately prohibited in northern New Castle County, 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, trees, shrubs, and outdoor plants with the following exceptions:
  - (i) Potable water may be applied between the hours of 5:00 a.m. and 8:00 a.m. 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.
  - (ii) Potable water may be applied to school athletic fields between the hours of 5:00 a.m. and 8:00 a.m. to the extent non-potable water is not otherwise available and to the extent necessary to prevent injuries;
- (b) The use of surface waters for watering golf courses, except that onsite stormwater or retention ponds or irrigation wells may be used for syringing of tees and greens during daytime stress periods and potable water may be used to water tees and greens between the hours of 5:00 a.m. and 8:00 a.m. to the extent minimally necessary for survival and where non-potable sources are not otherwise available;
- (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 a.m. and 8 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 water, shall be used where available, such as from on-site storm water retention basins or ponds, and must be applied as conservatively as possible to prevent loss of outdoor plants.
- (d) The use of potable water for washing surfaces such as, but not limited to, streets, roads, sidewalks, driveways, garages, parking areas, tennis courts, decks and building facades;
- (e) The use of potable water for ornamental purposes, including but not limited to, fountains, artificial waterfalls, and reflecting pools that do not support animal, plant or aquatic life;
- (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;
- (i) The serving of water in restaurants, clubs, and eating places by serving water only at the request of a customer;
- (j) The use of water for dust suppression, except for treated wastewater or water withdrawn from stormwater or retention pools;
- (k) The use of potable water to fill or top off swimming pools, except that such water may be used to fill a newly constructed pool only to the extent minimally necessary to prevent structural damage. At the conclusion of the operating season, outdoor public pool owners/operators shall not discard any water from pools until further notice;
- (l) The withdrawal of surface water, other than stormwater retention ponds, for any commercial or personal use, unless specifically authorized by the Department of Natural Resources and Environmental Control (DNREC) or otherwise permitted under this Order.



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 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. Law enforcement may enforce the provisions provided herein, with or without a warrant, as long as such officer has reasonable ground to believe that the person has violated the terms of this order, even if such violation has occurred outside of the officer's presence. The justices of the peace shall have original jurisdiction to hear, try and finally determine any violation of the terms of this order.

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."

B. The Water Supply Task Force is hereby established:

1. The Water Supply Task Force shall consist of members appointed by the Governor representing agencies and entities providing and regulating the water resources of this State;

2. The Chairperson shall be appointed by the Governor from any member of the Water Supply Task Force;

3. The Water Supply Task Force shall review Delaware's current and projected water supply along with current and projected demand;

4. The Water Supply Task Force shall provide recommendations to the Governor concerning long-term solutions to Delaware's water supply needs, both in terms of normal weather conditions and severe drought conditions; and

5. The Water Supply Task Force may establish subcommittees under the leadership of the Task Force members to conduct activities of the Task Force.

C. The provisions of this Order shall be effective as of 12:01 p.m., August 27, 1999.

Approved this 26<sup>th</sup> day of August, 1999.

Thomas R. Carver  
Governor

Attest:

Edna J. Paul  
Secretary of State

