STATE OF DELAWARE

EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHTEEN

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: LEADING BY EXAMPLE TOWARDS A CLEAN ENERGY ECONOMY & SUSTAINABLE NATURAL ENVIRONMENT

WHEREAS, the transition to a cleaner energy, low-carbon economy and the importance of addressing climate change present Delaware with unprecedented challenges and opportunities to strengthen the State's economic competitiveness, create thousands of well-paying jobs, improve public health, protect the environment, and enhance the quality of life; and

WHEREAS, an important part of the State's economic development strategy is advancing climate prosperity, through which companies and individuals can become more prosperous by seizing market opportunities in the State's emerging clean energy economy and using resources more efficiently; and

WHEREAS, State government must lead by example as it works towards transforming Delaware into a national model clean energy economy built on economic growth, environmental protection, energy conservation and efficiency, renewable energy, cleaner transportation options, and sustainable buildings and operations; and

WHEREAS, the State government faces significant budget challenges that require creative solutions to reduce and stabilize operating expenses, including reducing the more than $35 million expended annually on energy; and

WHEREAS, the Governor's Energy Advisory Council has made numerous recommendations worthy of adoption, including the State of Delaware focusing on leading by example; and

WHEREAS, the steps identified in this order have the potential to reduce greenhouse gas emissions from State government operations and demonstrate that the adoption of responsible policies to minimize our impact on the environment can simultaneously reduce operating expenses and create a more efficient government;

NOW, THEREFORE, I, JACK A. MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER that:

Energy Conservation and Efficiency

1. All State executive branch agencies, departments and offices shall achieve, subject to funding opportunities and constraints, an overall collective reduction, from fiscal year 2008 levels, in energy consumption of at least 10% by the end of fiscal year 2011, 20% by the end of fiscal year 2013, and 30% by the end of fiscal year 2015.

a. All State executive branch agencies, departments and offices shall, as appropriate in both state-owned and state-leased buildings, reduce operating expenses through energy conservation practices, including but not limited to:

Energy Conservation from Lighting, Appliances, and Computer Equipment

i. Eliminating unnecessary lighting by turning off unused lights, reducing lighting in common areas, eliminating non-essential outdoor lighting taking into consideration safety and protection of individuals;

ii. Eliminating the use of portable appliances unless approved by a Cabinet Secretary or an agency's Sustainability Manager, as defined in Section 11 of this Order;

iii. Following Green Computing Practices as outlined by the Department of Technology and Information ("DTI"), including but not limited to:

1. Enabling the power management tools on all personal computers in accordance with DTI guidelines;

2. Enabling, where possible, duplex printing (printing front and back of all pages) as the default for network printers;

3. Acquiring printers and copiers capable of duplex printing when appropriate; and

4. Formatting documents to reduce the number of printed pages when possible.

iv. Evaluating additional activities that consume large amounts of energy and implement conservation measures to reduce consumption.

Thermostat Controls

i. Operating heating systems with temperature settings not to exceed 68-70 degrees during normal working hours. Lobby, corridor and restroom areas shall be kept at a temperature setting of 65 – 67 degrees during working hours if possible. Building entrances and storage areas shall be kept at a temperature setting of 60 – 62 degrees if possible. Temperature settings shall also not exceed 55 degrees in those facilities that are unoccupied during the non-business hours of 6:00 p.m. to 7:00 a.m. workdays, as well as weekends and holidays.

ii. Operating air conditioning no more than is necessary to maintain a temperature setting of 75 - 78 degrees during normal working hours. Lobby, corridor and restroom areas shall be kept at a temperature setting of 78 - 80 degrees during working hours if possible. In facilities that are unoccupied during non-business hours, weekends and holidays, the air conditioning temperature should be no less than is required to maintain the integrity and operation of the system.

iii. Agencies can exempt specific facilities from these restrictions if such temperatures threaten life, health, or safety; however conservation measures shall be applied wherever systems permit. Additionally, any area that houses equipment requiring precise climate controlled conditions in order to operate efficiently shall also be exempt.

b. All State executive branch agencies, departments and offices shall pursue opportunities to reduce operating expenses further through energy efficiency or other measures:

i. The Office of Management and Budget ("OMB"), in collaboration with the Department of Natural Resources and Environmental Control ("DNREC"), is directed to establish a system and procedures to benchmark, monitor and track the energy use and carbon emissions of all State-owned and State-leased facilities, and to make such data and tools available to agencies for their use in promoting energy conservation and greenhouse gas emission monitoring and reporting. The benchmarking system shall:

1. Require all State executive branch agencies, departments and offices that own or operate facilities to enter energy and utility usage and cost data into a tool or system provided by OMB and DNREC;

2. Require historic energy usage and cost data for the last two fiscal years to be compiled for all state-owned and state-leased facilities. The information will be used to rank each facility's energy usage

and enable benchmarking against facilities of a similar age, size, construction and function;

3. Target facilities with the highest energy use and identify no or low-cost operational changes that can reduce consumption without capital investment;

4. Be used to prioritize energy efficiency and distributed renewable energy projects based on energy savings, cost savings and environmental benefit;

5. Quantify, on a facility-by-facility basis, the estimated cost and work necessary to reduce energy consumption by 10%, 20% and 30%; and

6. Evaluate the feasibility of installing on-site wind, photovoltaic, co-generation or other cleaner energy systems that can be implemented using a simple payback period not to exceed 20 years.

ii. OMB is further directed to work with DNREC, the Agency Sustainability Managers designated pursuant to Section 11 below, and in consultation with the Sustainable Energy Utility ("SEU"), in preparation of a plan to audit State facilities for energy efficiency opportunities. Said plan shall include a timetable for such audits and identify appropriate funding for energy efficiency projects, including resources from the American Recovery and Reinvestment Act, Regional Greenhouse Gas Initiative auction proceeds, and tax-exempt financing and other programs administered by the SEU. A preliminary plan is to be delivered to the Cabinet Committee on Energy by May 31, 2010.

iii. Larger State facilities that utilize 50% or more of the aggregate energy used in State buildings shall be benchmarked by December 31, 2010, with the remainder completed by December 31, 2011. All reasonably available efficiency upgrades must be implemented before or coincident with investment in renewable energy technologies.

Use of Clean, Renewable Energy

2. For buildings owned or operated by State executive branch agencies, the State shall target at least 20% of its overall annual electric energy demand from clean, renewable sources by the end of fiscal year 2012, and 30% of its overall annual electric energy demand from clean, renewable sources by the end of fiscal year 2013.

a. OMB, through statewide procurement of energy services, shall utilize procurement strategies that maximize clean and renewable energy purchases and

minimize costs over the long term to achieve the targets within the limits of appropriations. OMB is further directed to maximize stabilization of energy costs through utilization of offshore wind energy as the resource is being developed.

b. All State executive branch agencies, departments and offices, in cooperation with OMB and DNREC, are further directed to maximize the use of local distributed renewable energy generation or other clean energy solutions at State facilities in helping to achieve the targets. OMB shall work with DNREC to assess State facilities and appropriate public lands for potential distributed generation sites and evaluate a wide-range of funding sources and mechanisms that maximize the State's return on investment.

Environmentally Responsible and Energy Conscious Construction

3. The State shall integrate the U.S. Green Building Council's Leadership in Energy and Environmental Design ("LEED") practices into all new construction, renovation and the operation of state facilities, with a particular focus on integrating technologies and design/material/construction elements that generate lower long-term operating expenses. Throughout the project planning, building design, construction and operation phases of a project, state agencies, departments and offices shall incorporate best practices to reduce the environmental effects associated with capital improvements. State agencies, departments and offices shall work with architects and engineers working on the design and construction of capital projects to design projects to meet or exceed LEED Silver standards. All projects will pursue that standard and third party certification unless it is determined that such certification cannot be done at a reasonable cost. To meet this goal, architects and engineers working on the design and construction of capital projects shall consider incorporation of the following goals into each project:

a. Maximize the incorporation of design elements and technologies to increase energy efficiency, improve indoor air quality, and reduce potable water usage.

b. Maximize the integration of renewable resources, as geothermal, solar, and wind, into new construction.

c. Manage stormwater on-site through green infrastructure best practices to prevent flooding, reduce water pollution, and promote aquifer recharge.

d. Reduce solid waste generation during construction and integrate recycled content materials.

e. Protect and enhance biodiversity, restore and preserve natural habitats, wetlands and agricultural lands, and withstand and adapt to climate change effects, including sea-level rise.

f. Integrate best land use practices into project design by modeling smart growth approaches to development, including supporting walkable and cyclable

communities, prioritizing infill development close to existing infrastructure, ensuring access to public transit, and reducing urban heat island effects.

Recycling

4. All State executive branch agencies, departments and offices shall reduce, reuse, and recycle materials to achieve a 50% rate of diverted waste from landfills by the end of fiscal year 2011, and a 75% rate of diverted waste from landfills by the end of fiscal year 2012, for office, construction and demolition debris and other state activities or wastes. Insofar as achievement of this standard is subject to current contractual obligations and funding constraints, it should be integrated into all future contractual arrangements.

a. The Agency Sustainability Managers designated pursuant to Section 11 below, with the aid of other staff as appropriate, shall jointly determine the appropriate base year and current diversion rates for achievement of these standards and shall report that information to the Cabinet Committee on Energy on or before May 31, 2010.

Clean Transportation

5. All agencies shall improve air quality and reduce the operating expenses from State vehicle use with the goal of reducing, from fiscal year 2008 levels, petroleum consumption by 25%, vehicle emissions by 25%, and vehicle miles traveled by 15% by the end of fiscal year 2012.

a. To reduce energy consumption and air pollution, particularly ground-level ozone, resulting from State fleet vehicle usage, it shall be a priority of the State that, on and after March 1, 2010, new or replacement light duty cars and trucks purchased by State executive branch agencies, departments and offices shall be hybrid vehicles, alternative fuel vehicles, high fuel economy or low-emission vehicles, except if such goal compromises public health, safety, or law enforcement needs. OMB shall annually prepare a life cycle cost analysis for fleet vehicle purchases, and that analysis shall take into consideration the external costs of fossil-fueled vehicles.

b. Develop procedures for diesel vehicles in the State fleet to use biodiesel of the highest percentage content practical.

c. State executive branch agencies, departments and offices shall implement measures to reduce the number of vehicle miles traveled and emissions from idling by State employees, to the extent feasible, in personal and fleet vehicles resulting from job-related travel.

d. State executive branch agencies shall also foster a work environment, to the extent feasible, which enables a voluntary reduction in employee commuting miles, including the promotion of car-pooling, van-pooling, telecommuting, and public transportation incentives.

Environmentally Sensitive Procurement

6. OMB shall work with DNREC, DTI and the Department of Health and Social Services to develop an environmentally sensitive procurement policy for State executive branch agencies, departments and offices. The policy shall encourage such agencies, to the extent permitted by relevant law, to give appropriate consideration to use of environmentally preferable products and services, especially those that will improve the health and productivity of State employees. These products shall include, but not be limited to, goods that consist of fewer toxic substances, reduce the amount of toxic substances disposed or consumed, improve indoor air quality, contain recycled content, minimize waste, lessen the impact to public health, conserve energy, and/or conserve water. Examples include Energy Star rated appliances and technology equipment capable of utilizing recycled paper and duplex printing. OMB shall implement procurement preference programs favoring the purchase of these products and services. The policy shall be completed on or before August 30, 2010 and implemented as existing state contracts expire.

Implementation

7. The Secretary of DNREC shall lead and direct the implementation of the Governor's energy agenda. In this capacity, the Secretary will lead the efforts of the Cabinet Committee on Energy as Chair, review, and implement as appropriate, the recommendations of the Governor's Energy Advisory Council, and oversee the State's involvement in the SEU. Further, all energy-related programs will be coordinated by DNREC, including the Weatherization Assistance Program and the Low-Income Home Energy Assistance Program, unless otherwise required by Delaware law.

8. The Cabinet Committee on Energy, established pursuant to 29 DEL. C. § 8054, shall review the progress towards achieving the six goals and standards in this Order, identify and address any barriers to achievement of these goals and standards, and recommend any new goals for future years as may be necessary and desirable.

9. OMB, in coordination with DNREC and the Agency Sustainability Managers designated pursuant to Section 11 below, shall develop a program to educate State employees about strategies and tactics to achieve the six goals. The program shall emphasize the benefits to managing energy consumption in both the workplace and at home and shall be provided to the Cabinet Committee on Energy.

10. Each Cabinet Secretary shall report on a quarterly basis on the progress his or her agency has made towards the goals in this executive order.

11. Each Cabinet Secretary shall designate, by February 28, 2010, a sustainability manager tasked with coordinating with DNREC and OMB on program implementation and reporting. Agency Sustainability Managers shall coordinate their agency's activities in the areas described in this Order.

12. The progress of each executive branch agency, department and office shall be measured and top performers shall be considered for recognition by the Cabinet Committee on Energy.

13. The Agency Sustainability Managers shall collectively develop implementation guidelines for review by the Cabinet Committee on Energy, including recommendations to maximize the financial savings associated with the measures in this order. Said guidelines shall be developed by May 31, 2010.

14. Executive Order No. Eighty-Four, issued by Governor Michael N. Castle, is hereby rescinded.

APPROVED this 17th day of February, 2010

Governor

ATTEST:

Secretary of State