

CHAPTER 107
FORMERLY
SENATE BILL NO. 72

AN ACT TO AMEND TITLE 26, CHAPTER 13 OF THE DELAWARE
CODE RELATING TO PUBLIC UTILITIES, GAS, WATER AND OIL
CORPORATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
DELAWARE:

WHEREAS, it is the declared policy of this State that:

(1) Clean and plentiful water supplies are the basis for a prosperous domestic, industrial, commercial, agricultural, and tourism economy in Delaware;

(2) Depending on the variability of weather and the climate, Delaware's water supplies may be impacted by droughts of the levels experienced in 1995, 1999, and 2002;

(3) The Delaware Water Supply Coordinating Council ("WSCC") is charged with performing water supply planning and management to ensure surplus water supplies to meet peak demands during the drought of record in New Castle, Kent, and Sussex Counties;

(4) The water purveyors on the WSCC have implemented over 2 billion gallons of water supply storage projects in northern New Castle County since the drought of 1999 and completed water supply planning for southern New Castle County to 2030;

(3) The WSCC is responsible for funding and completing water supply planning and management projects including exploration of groundwater reserves to carry out its mission;

(4) A dedicated, equitable, and sustainable source of revenue is needed to fund water supply planning and management projects to ensure surplus water supplies to meet future demand;

(5) The WSCC is due to sunset on January 1, 2010 and should be reauthorized to January 1, 2016 to prepare and implement water supply plans in Kent and Sussex Counties.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1305, Title 26 of the Delaware Code by adding a new subsection (cc) to read as follows: "(cc) The Delaware State Climatologist or State Climatologist's designee."

Section 2. Amend § 1306(b), Title 26 of the Delaware Code by deleting "no less than twice each year" and substituting in lieu thereof "at least annually."

Section 3. Amend § 1306(c), Title 26 of the Delaware Code by inserting after "and DPH to" and before "achieve" the following: "continue to."

Section 4. Amend § 1306(c), Title 26 of the Delaware Code by deleting "by 2010."

Section 5. Amend § 1306(c), Title 26 of the Delaware Code by deleting the number "2025" and substituting in lieu thereof the number "2030".

Section 6. Amend § 1306(c)(1), Title 26 of the Delaware Code by inserting before "To provide technical input in conducting hydraulic field tests and/or modeling to optimize and expand, where appropriate, water utility connections;" the following: "The WSCC may explore development of an appropriate funding mechanism to facilitate timely completion of necessary tasks."

Section 7. Amend § 1306(c)(3), Title 26 of the Delaware Code by deleting “To conclude the authorized United States Army Corps of Engineers Groundwater Availability Study for northern New Castle County and provide technical support on any groundwater availability studies as deemed necessary by the WSCC.”

Section 8. Amend § 1308, Title 26 of the Delaware Code by deleting the number “2010” and substituting in lieu thereof the number “2016”.

Approved July 06, 2009