

CHAPTER 123
FORMERLY
SENATE BILL NO. 129
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING
TO DELAWARE AGRICULTURAL LANDS PROTECTION.

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

Section 1. Amend Chapter 23, Title 3 of the Delaware Code by re-designating it to read as follows:

“Title 23. Irrigation Preservation”

Section 2. Amend Chapter 23, Title 3 of the Delaware Code by adding a new Section “§ 2301” to read as follows:

“§ 2301. Agricultural lands and use of treated wastewater effluent.

Notwithstanding any law or regulation to the contrary:

(a) Any agricultural lands which are actively being farmed shall have the right to receive and recycle to such land reclaimed water through irrigation systems.

(b) Any agricultural land receiving and applying reclaimed water pursuant to paragraph (a) of this Section may also be leased to a private or public entity for irrigation systems to disperse said reclaimed water in accordance with the agronomic requirements of the agricultural land. Such leased irrigation systems shall only be subject to application and permitting of the irrigation systems by the Delaware Department of Natural Resources and Environmental Control.

(c) The receipt and application of reclaimed water for irrigation purposes on agricultural lands subject to agricultural lands preservation under 3 Del. C. Ch. 9 shall be permitted subject to the provisions of 3 Del. C. §909(a)(5) e.

(d) Agricultural land may be leased to a public or private entity for irrigation systems to disperse reclaimed water provided that:

(1) Prior to entering any contractual agreement, and expressly included in the contractual agreement, the private or public entity advises the agricultural landowners of potential limitation, risk and loss regarding the use of reclaimed water on conventional crops for direct human consumption.”.

Approved July 08, 2009