



SPONSOR: Sen. Hoffner & Rep. Harris  
Rep. Carson

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE BILL NO. 190

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO WATER SUPPLY COORDINATING COUNCIL.

1 WHEREAS, it is the declared policy of this State that clean and plentiful water supplies are the basis for a  
2 prosperous domestic, industrial, commercial, agricultural, and tourism economy in Delaware; and

3 WHEREAS, Delaware's water supplies may be impacted by climatic drought, competing uses, regional water-  
4 quality concerns, and sea-level rise; and

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

8 WHEREAS, the WSCC should coordinate with the Water Infrastructure Advisory Council for recommending  
9 funding for water supply planning and management projects including exploration of groundwater reserves to carry out its  
10 mission; and

11 WHEREAS, the membership of the previous Council was developed primarily to address issues in the drought-  
12 prone portions of New Castle County; and

13 WHEREAS, additional efforts are needed to support the charge of effective water supply management in Kent and  
14 Sussex Counties; and

15 WHEREAS, a re-establishment of the council membership is necessary to incorporate the appropriate local  
16 representation to address similar issues such as potentially competing water usage in the Columbia and Piney Point aquifers  
17 in Central Kent County and Coastal Water Supply Resiliency and Saltwater Intrusion in Sussex County; and

18 WHEREAS, the WSCC sunset on January 31, 2022, and should be reauthorized to January 31, 2033, to continue  
19 the development and implementation of water supply plans to proactively address these issues.

20 NOW, THEREFORE:

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

22 Section 1. Amend Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as  
23 shown by underline as follows:

Chapter 75A. Establishment of a State Water Supply Coordinating Council.

§7501A. Purpose.

A Water Supply Coordinating Council is hereby established to manage, protect, and ensure the adequacy of a clean water supply throughout Delaware.

§7502A. Membership.

(a) The Council shall include the following members:

(1) The Secretary of the Department of Natural Resources and Environmental Control or the Secretary's designee.

(2) The Secretary of the Department of Agriculture or the Secretary's designee.

(3) The Director of the Division of Public Health or the Director's designee.

(4) The Director of the Delaware Geological Survey or the Director's designee.

(5) The Director of the Water Resources Agency at the University of Delaware or the Director's designee.

(6) The State Climatologist or State Climatologist's designee.

(7) The Chair of the Water Infrastructure Advisory Council or the Chair of the Water Infrastructure Advisory Council's designee.

(8) One representative of the executive branch as appointed by the elected county executive or appointed county administrator of each of the Governments of New Castle County, Kent County, and Sussex County.

(9) A representative of the Delaware State Chamber of Commerce.

(10) A representative from the Delaware Farm Bureau.

(11) A representative from the Delaware River and Bay Commission.

(12) One representative from a public or private water utility in each county, to be appointed by the Chair.

(13) The Executive Director of the Delaware Nursery and Landscape Association or the Executive Director's designee.

(b) The Secretary of the Department of Natural Resources and Environmental Control or the Secretary's designee shall serve as Chair of the Council.

(c) Only one representative of an entity or designee of an official named in (a) may serve at a time and must submit written documentation to the Chair from their entity or official authorizing them to act as a representative or designee. No person claiming to be a representative or designee shall be permitted to vote or be counted as a member of a quorum without this authorization. Their authorization shall be considered revoked if a letter to that effect is submitted to

the Chair, if a replacement is subsequently authorized, or if they miss more than two meetings of the full Council in a row without notice to the Chair.

§7503A. Subcommittees.

(a) The Council, by majority vote, may establish subcommittees and appoint or remove members of such subcommittees to address water supply issues and plans that do not require the full participation of the Council. The subcommittees shall report to the Council and any recommended actions shall require the approval of the Council.

Permanent subcommittees shall include:

(1) A New Castle County Subcommittee, which shall include the following:

a. The representative of New Castle County government serving on the Council, who shall serve as chair of the subcommittee.

b. A representative of each public and private water utility serving New Castle County.

c. Other members as appointed by the Council.

(2) A Kent County Subcommittee, which shall include the following:

a. The representative of Kent County government serving on the Council, who shall serve as chair of the subcommittee.

b. A representative of each public and private water utility serving Kent County.

c. Other members as appointed by the Council.

(3) A Sussex County Subcommittee, which shall include the following:

a. The representative of Sussex County government, who shall serve as chair of the subcommittee.

b. A representative of each public and private water utility serving Sussex County.

c. Other members as appointed by the Council.

(4) A Drought Advisory Subcommittee, which shall include the following members:

a. The Secretary of the Department of Natural Resources and Environmental Control or the Secretary's designee.

b. The Secretary of the Department of Agriculture or the Secretary's designee.

c. The Director of the Division of Public Health or the Director's designee.

d. The Director of the Delaware Geological Survey or the Director's designee.

e. The Director of the Water Resources Agency at the University of Delaware or the Director's designee.

- 84                                f. The State Climatologist or State Climatologist's designee.
- 85                                g. Other members as appointed by the Council.
- 86                                §7504A. Administration of the Water Supply Coordinating Council.
- 87                                (a) The designation of the Water Supply Coordinating Council and the duties and responsibilities conferred by this
- 88 chapter shall end on January 31, 2033.
- 89                                (b) The Division of Water in the Department of Natural Resources and Environmental Control shall provide
- 90 administrative support to the Water Supply Coordinating Council.

#### SYNOPSIS

Since its creation the Water Supply Coordinating Council (the Council) has provided critical guidance to proactively address identified water supply issues. However, the actions of the Council have largely focused on recommendations and implementation associated with water supplies in the drought-prone portions of Northern New Castle County. While the water supplies in that area remain critical to the State, additional focus is needed on similar water supply coordination in other portions of the State as well. Many of the Council's reports have made recommendations for other actions in these areas, however, it is critical that appropriate local/regional representation be included to receive the necessary input and feedback that made the New Castle County implementation successful. Therefore, this Act is intended to reconstitute the Council to provide for a smaller more consistent quorum for state-wide coordination while establishing the structure for direct regional (County-level) contributions and implementation. It is intended that the preliminary charge of each County-level subcommittee will be to establish the appropriate memberships to best address their prioritized concerns.

Author: Senator Hoffner