



SPONSOR: Rep. Schwartzkopf & Rep. Booth &
 & Sen. Bunting; Reps. Hall-Long, Smith;
 Sens. Amick, Blevins, Cloutier, Cook,
 McBride, Sokola, Still, Vaughn

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE BILL NO. 203
 AS AMENDED BY
 HOUSE AMENDMENT NO. 2

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:

1 Section 1. Amend Chapter 13, Title 26 of the Delaware Code by striking §1305 through §1308 in its entirety, and
 2 substituting in lieu thereof the following:

3 **"§1305 Establishment of a State Water Supply Coordinating Council.**

4 (a) A Water Supply Coordinating Council is hereby established.

5 (1) The Council shall have the following members:

6 a. The Secretary of the Department of Natural Resources and Environmental
 7 Control or his/her designee;

8 b. The Secretary of the Department of Agriculture or his/her designee;

9 c. The Executive Director of the Public Service Commission or his/her designee;

10 d. The Director of the Delaware Emergency Management Agency or his/her
 11 designee;

12 e. The Director of the Division of Public Health or his/her designee;

13 f. The Public Advocate or his/her designee;

14 g. The Director of the Delaware Geological Survey or his/her designee;

15 h. The Director of the Water Resources Agency at the University of Delaware or
 16 his/her designee;

- 17 i. The Executive Director of the Delaware River Basin Commission or his/her
18 designee;
- 19 j. A representative of the Office of the Governor;
- 20 k. A representative of the Governments of New Castle County, Kent County, and
21 Sussex County;
- 22 l. A representative of each public and private water utility serving New Castle
23 County;
- 24 m. A representative of public water supply utilities from the membership of Sussex
25 County Association of Towns (SCAT);
- 26 n. A representative of public water supply utilities of Kent County from the
27 membership of the League of Local Governments;
- 28 o. A representative from the Delaware Rural Water Association;
- 29 p. A representative from the membership of the Delaware Chapter of the National
30 Association of Water Companies not included in "l" above;
- 31 q. One representative from each county representing local Chambers of Commerce
32 in New Castle County, Kent County, and Sussex County;
- 33 r. A representative of the Delaware State Chamber of Commerce;
- 34 s. A representative of the New Castle County Chamber of Commerce;
- 35 t. A representative of the Delaware Nursery and Landscape Association;
- 36 u. A representative of the Delaware Grounds Management Association;
- 37 v. A representative of the Delaware State Golf Association;
- 38 w. A representative of the Delaware Nature Society;
- 39 x. A representative from the Delaware Farm Bureau;
- 40 y. A representative from the Center for Inland Bays;
- 41 z. The State Fire Marshal or his/her designee.
- 42 aa. A representative from the Civic League of New Castle County; and

43 bb. A representative from the Coalition of Natural Stream Valleys.

44 (b) The Secretary of the Department of Natural Resources and Environmental Control or
45 his/her designee shall serve as Chair of the Council.

46 (c) The Council, by majority vote, may establish subcommittees to address water supply
47 issues and plans that do not require the full participation of the Council. The subcommittees shall report to
48 the Council and any recommended actions shall require the approval of the Council.

49 **§1306. Reports by the Water Supply Coordinating Council.**

50 (a) The Water Resources Agency ("WRA"), the Delaware Geological Survey ("DGS"), the
51 Department of Natural Resources and Environmental Control ("DNREC"), and the Division of Public
52 Health (DPH) shall assist the Water Supply Coordinating Council ("WSCC") to help ensure the timely
53 implementation of the projects identified in the WSCC report dated January 17, 2003.

54 (b) The WRA, DGS, DNREC, and DPH shall prepare periodic reports on behalf of the Water
55 Supply Coordinating Council (WSCC) for the Governor and the General Assembly summarizing the
56 progress towards completion of the projects identified in the report. The first report shall be submitted on
57 or before December 31, 2003 with additional reports submitted no less than twice each year.

58 (c) The principal duty of the Council shall be to work cooperatively with WRA, DGS,
59 DNREC, and DPH to achieve water supply self sufficiency in northern New Castle County by 2010, and
60 to develop and publish water supply plans for southern New Castle County, Kent County, and Sussex
61 County. These plans shall identify and describe uses, localities, or areas where water supply issues exist,
62 and identify and describe localities, or areas where future water supply issues may occur. These areas and
63 uses should include, but not be limited to Middletown-Odessa-Townsend, Dover and central Kent County,
64 Coastal Sussex County and agricultural irrigation uses. These plans shall contain an estimate of existing
65 and future public and private water supplies and water demands through 2025. Private demands shall take
66 into account, to the maximum extent practicable, all domestic, industrial, and irrigation uses. Additional
67 duties of the Council shall consist of performing the following specific functions:

68 (1) To provide technical input in conducting hydraulic field tests and/or modeling to
69 optimize and expand, where appropriate, water utility connections;

70 (2) To work with water utilities to develop cost and capacity agreements subject to
71 approval by the applicable rate-setting authority for the purchase of water supplies during drought
72 and other times emphasizing the need for providers with supply deficiencies to enter agreements
73 which assure adequate supply to customers; and

74 (3) To conclude the authorized U. S. Army Corps of Engineers Groundwater
75 Availability Study for northern New Castle County and provide technical support on any
76 groundwater availability studies as deemed necessary by the WSCC.

77 **§1307. Recovery of costs of water supply enhancement projects in rates of public utilities.**

78 In the case of a public utility subject to the jurisdiction of the Public Service Commission,
79 upon the determination by the Commission that a water supply enhancement project identified as
80 necessary to assure adequate supply in a report of the Water Supply Coordinating Council has been
81 placed into service by the utility and is used and useful in the provision of public utility service, the
82 public utility shall be entitled to recover, in its rates, its reasonable and prudently incurred capital and
83 ongoing operating costs for such project. Nothing in this section shall preclude the Commission from
84 authorizing an allowance for funds used during construction for any such identified enhancement
85 project. (72 Del. Laws, c. 409, § 3.)

86 **§ 1308. Length of service for the Water Supply Coordinating Council.**

87 The designation of the Water Supply Coordinating Council, and the duties and responsibilities
88 conferred by this section shall end on January 1, 2010.