

EXECUTIVE ORDER No. 5

WHEREAS, Executive Orders No. 94, 96, 97, 98, 99, and 103 were signed by Governor Brendan Byrne in 1980 to declare a state of emergency in certain communities in New Jersey in response to unusually dry weather conditions; and

WHEREAS, Governor Brendan Byrne signed Executive Order No. 104 on February 7, 1981, which Executive Order merged Executive Orders No. 94, 96, 97, 98, and 103, in response to the worsening drought conditions; and

WHEREAS, Emergency Resolution No. 81-1, declaring an emergency concerning the water supplies of the Delaware River Basin, was signed in 1981 by the Governors of the member states of the Delaware River Basin Commission: New Jersey, Pennsylvania, New York and Delaware, in response to unusually dry weather conditions; and

WHEREAS, The water conservation measures and water rationing plan established by the above referenced Orders resulted in reduced water consumption at rates adequate to preserve the dwindling water supplies in the State; and

WHEREAS, The Legislature of the State of New Jersey appropriated emergency funds for the construction of water supply projects to improve the capability of interconnections and water supply delivery to the northeastern part of the State; and

WHEREAS, The emergency water supply projects resulted in greater capability by the State of New Jersey and water purveyors to deliver potable water supplies in the event of future water shortages or other emergency conditions requiring interconnection and cooperation by the major water purveyors in this State; and

WHEREAS, Recent rainfall patterns, coupled with the water conservation efforts of the residents and businesses of the State of New Jersey, resulted in improvements in reservoir levels such that the average reservoir levels now exceed 90 percent of capacity; and

WHEREAS, Due to the water conservation efforts of the residents and businesses of this State, and the actions of the Legislature of the State of New Jersey to provide funds for insuring the capability of interconnections and water supplies to the most

populated regions of this State, the recent water supply emergency can be considered over for the present; while noting, however, that the conditions which resulted in a water shortage of such severe proportions continue to exist with a number of the water purveyors and, as a result, there is a continued probability that below normal rainfall could result again in severe water supply shortages; and

WHEREAS, I am recommending that the Board of Public Utilities, pursuant to its authority to establish rates for water supplied by all water purveyors which are subject to the jurisdiction, regulation and control of the Board of Public Utilities, develop and adopt an emergency water rate schedule to be utilized by all applicable purveyors in the event of future water supply emergencies which are declared by the Governor of the State of New Jersey, which emergency water rate schedule should reflect the appropriate and necessary costs of water, given the scarcity of the resource and the need to curtail excessive water supply usage during a declared state of water supply emergency, and should also include consideration of the establishment of reserve accounts by the water purveyors in order to supply the necessary resources to deal with water shortage or emergency situations;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State, do hereby ORDER and DIRECT as follows:

1. a. I hereby declare that a state of emergency no longer exists in the State of New Jersey, except in those municipalities within the Delaware River Basin north of the Salem-Gloucester County line.

b. I hereby further declare that the existing state of emergency in those municipalities within the Delaware River Basin as set forth above shall continue until terminated by resolution of the Delaware River Basin Commission.

2. a. I hereby declare that all uncollected excess water use surcharges imposed pursuant to Executive Orders No. 98 and 104, signed by Governor Byrne, are hereby rescinded. All such uncollected excess water use surcharges shall be deemed null and void.

b. I further order that the excess water use surcharges imposed under Executive Orders No. 98 and 104 be reimbursed in accordance

with the provisions of P. L. 1981, c. 540, section 2(c), by a Drought Coordinator appointed by the Commissioner of the Department of Environmental Protection.

3. a. I hereby direct that the Department of Environmental Protection and the Department of Community Affairs assist the Board of Public Utilities in developing a rate schedule for the retail costs of water supplies during future water emergencies which are declared by the Governor of the State of New Jersey, and which shall be utilized by all applicable water purveyors in the event of such a declared emergency.

b. The Department of Community Affairs, in consultation with the Department of Environmental Protection, shall take such steps as are within its statutory power to ensure that municipal purveyors are authorized to institute the above-mentioned emergency water rate schedule in the event that a water shortage emergency is declared in the future by the Governor of the State of New Jersey.

4. I further direct that, in the event of a future declaration of water shortage emergency, the rates established and collected pursuant to paragraph 3 above shall be the responsibility of the applicable purveyors to collect. Such sums as are collected pursuant to said rate schedule in excess of the amounts collected under normal water rates shall be deposited in an account established by the Department of Treasury for said purposes. This account shall be designated as the "Water Emergency Fund," and shall be disposed as directed by the State Treasurer, in consultation with the Commissioner of the Department of Environmental Protection, for the following purposes:

a. The promotion of water conservation, the purchase of water conservation devices for distribution to water users affected by the water supply emergency, and emergency projects;

b. Reimbursement, in whole or part, to water purveyors for reasonable expenses incurred in the administration and enforcement of the water supply rate program established pursuant to section 3 above; and

c. Reasonable administrative costs directly attributable to the water supply emergency incurred by the State in the discharge of duties and responsibilities under an Executive Order which declares a water supply emergency.

5. I direct that the Department of Environmental Protection, through its Office of Water Conservation, in cooperation with the

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water purveyors, through their public relations offices or whatever other means are available, continue to undertake an effort to increase public awareness of the importance of conserving New Jersey's water supplies.

6. I hereby terminate the emergency rules and regulations adopted in response to Executive Order No. 104, and found at N. J. A. C. 7:1G-1 et seq.

7. This Order shall take effect immediately and shall be posted by the municipal clerks of all affected municipalities, in a public place within a municipal building, immediately upon receipt, and shall be sent to all affected water purveyors in the State.

Issued April 27, 1982.

EXECUTIVE ORDER No. 6

WHEREAS, Executive Order No. 3 creates an Interdepartmental Committee on State Water Supply, which Committee has completed its work; and

WHEREAS, Executive Order No. 8 establishes a Cabinet Committee on Urban Affairs, which Committee has completed its work; and

WHEREAS, Executive Order No. 12 declares a storm emergency in various counties on December 1-3, 1974, which emergency has now ceased; and

WHEREAS, Executive Order No. 13 imposes restrictions on State-owned or leased buildings during the energy crisis of 1974 and said immediate emergency has since passed; and

WHEREAS, Executive Order No. 20 establishes a Governor's Committee to Evaluate the State Commission of Investigation to conduct a one-time study and said study has been completed; and

WHEREAS, Executive Order No. 25 names a coordinating officer to respond to certain storm damage in 1975 and said duties have been completed; and

WHEREAS, Executive Order No. 26 names a coordinating officer to respond to the water crisis of 1975 and said emergency has since passed; and