

(Return Address)

Commonwealth Drought Coordinator
Department of Environmental Protection
Bureau of Watershed Management
P.O. Box 8555
Harrisburg, PA 17105-8555

Dear Coordinator:

We hereby request the Commonwealth Drought Coordinator to consider and adopt the enclosed Local Water Rationing Plan for _____

(name of water supplier)

whose service area includes: _____ We request this

(municipalities in service area)

action because the water supply is presently ___ percent below normal and cannot be expected to provide adequate supply to cover existing demand. The drought and recent weather have created an emergency situation in that

_____ (list name(s) of sources)

water sources are no longer available in sufficient quantity. As a result, present storage would provide _____ remaining days of water at the present level of demand. This is inadequate to assure necessary water supply until anticipated spring recharge.

The Department of Environmental Protection's Bureau of Watershed Management has approved the Drought Contingency Plan on _____ and the Local Water Rationing Plan on _____.

(date)

(date)

Since their approval, the following changes have been made in the water system: _____

Three copies of both this letter and the Local Water Rationing Plan are enclosed.

This plan was approved by the _____

(water purveyor)

and all appropriate local governments.

*Signatures

Public Water Supply Agency Representative

Title

County Official

County

Municipal Official

Name of Municipality



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERSHED MANAGEMENT

LOCAL WATER RATIONING PLAN

for the Service Area of Name(s) of

_____ purveyor, municipality or authority

The Commonwealth Drought Coordinator is authorized to approve a Water Rationing Plan by the provisions of 4 Pa. Code Chapter 120 issued under the Emergency Management Services Code 35 Pa. C.S. §7101 et seq., as implemented by the Drought Emergency Proclamation dated _____

NOTE: Blank spaces are to be filled in by water purveyor or municipality. Blank spaces are variable and will be specifically stated and indicated by the purveyor or municipality adopting a local water rationing plan and requesting approval.

Section 1. Definitions

- (a) Commonwealth Drought Coordinator - An officer of the Department of Environmental Protection appointed by the Secretary to carry out the responsibilities established in the Pennsylvania Drought Contingency Plan to coordinate Commonwealth planning, preparedness and response action to a drought or water shortage emergency.
- (b) Emergency Service Area - The service areas of the water supply purveyors covered by this Local Water Rationing Plan, as set forth in Section 3, Scope.
- (c) Excess Use - The usage of water by a water customer in excess of the water allotment provided under the Local Water Rationing Plan for that customer, over any applicable period.
- (d) Non-Residential Customer - Commercial, industrial, institutional, public and all other users with the exception of hospitals and health care facilities.
- (e) Person - An individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision, or an agency of Federal or State government. The term includes the officers, employees and agents of a partnership, association, company, corporation, municipality, municipal authority, political subdivision, or an agency of Federal or State government.
- (f) Plan-local water rationing plan - A drought response plan for the equitable allocation of limited water supplies, submitted by a public water supply agency or the governing body of a political subdivision and approved by the Commonwealth Drought Coordinator.
- (g) Political subdivision - A county, city, borough, incorporated town or township.
- (h) Public Water Supply Agency, Purveyor, Water Purveyor, Water Supply Purveyor – A “community water system” as that term is defined in section 3 of the Pennsylvania Safe Drinking Water Act (35 P.S. §721.3). The owner or operator of any public water supply system including, but not limited to, any public utility, municipality, municipal authority, association or other organization which supplies water to the public; and the officers, employees and agents of any such purveyor.
- (i) Residential Water Customer - Any customer who receives water service for a single or multi-family dwelling unit. The term does not include educational or other institutions, hotels, motels, or similar commercial establishments.
- (j) Service Area - The geographic area serviced by an individual water supply purveyor.
- (k) Service Interruption - The temporary suspension of water supply, or reduction of pressures below that required for adequate supply, to any customer, portion of a water supply system, or an entire system.
- (l) Special Emergency Area - The area or areas within which the Governor has declared a state of drought and water shortage emergency.

- (m) Water Allotment - The maximum quantity of water allowed for each customer over any applicable period as established pursuant to Sections 8-10 of this Plan.
- (n) Water Customer - Any person who is connected to and receives water service from a water supply system.

Section 2. Purpose

This Local Water Rationing Plan is intended to establish measures for essential conservation of water resources, and to provide for equitable distribution of limited water supplies, in order to balance demand and limited available supplies and to assure that sufficient water is available to preserve public health and safety within the Emergency Service Area.

Section 3. Scope

This Local Water Rationing Plan shall apply to all water uses within the service area of

encompassing all or part of the following municipalities:

Section 4. Objective of the Plan

- (a) It is imperative that water customers within the Emergency Service Area achieve an immediate and further reduction in the water use in order to extend existing water supplies and, at the same time, assure that sufficient water is available to preserve the public health and sanitation, and provide fire protection service.
- (b) The objective of this Local Water Rationing Plan is to effect an immediate ____ percent reduction in water usage. Should drought conditions continue, further reductions in usage may be required. If it is necessary to implement further reductions, this Plan will be modified as noted in Section 16. It is the purveyor's responsibility to continually monitor the water supply available to the water system to determine if amendments are required.
- (c) The Plan provides for equitable reductions in water usage on the part of each water customer. The success of this Plan depends on the cooperation of all water customers in the emergency service area.

Section 5. Measures to Implement the Plan

Each municipality and water supply purveyor within the Emergency Service Area will develop and adopt such implementing and enforcement measures as are necessary and appropriate to assure compliance with requirements of this Local Water Rationing Plan.

Section 6. Prohibited Non-Essential Water Uses

- (a) The following water uses are declared non-essential and are prohibited within the Emergency Service Area:
 - (1) The use of any water for watering of grass, except:
 - (i) Water may be applied to grass areas approved prior to or during the emergency as part of a sewage or storm water treatment system utilizing spray irrigation which system was approved in a permit issued by the Department of Environmental Protection prior to the drought emergency proclamation.
 - (ii) Water may be used, in a manner that ensures effective conservation, to implement revegetation following earthmoving, where revegetation is required under an erosion and sedimentation control plan adopted under state law or regulation. Revegetation use shall comply with applicable best conservation management practices for revegetation prescribed by the Department of Environmental Protection and county conservation districts.
 - (2) The use of any water for watering athletic fields, except:
 - (i) Water may be applied to athletic field grass areas approved prior to or during the emergency as part of a sewage or stormwater treatment system utilizing spray irrigation, which system was approved in a permit issued by the Department of Environmental Protection prior to the drought emergency proclamation.

- (ii) Water may be applied to athletic field nongrass areas to control dust during an athletic event, by means and in a manner that ensures effective conservation, if dust control is necessary to protect health or safety.
- (3) The use of fresh water for irrigation and watering of outdoor gardens, landscaped areas, trees, shrubs and other outdoor plants except that fresh water may be:
 - (i) Used for irrigation for the production of food and fiber, and the maintenance of livestock and poultry.
 - (ii) Used by nurseries to maintain stock, by a means that ensures effective conservation, only to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use.
 - (iii) Used by public gardens of National, State or regional significance, or arboretums to preserve specimens, by a means that ensures effective conservation, only to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use.
 - (iv) Used, in a manner that ensures effective conservation, to implement revegetation following earthmoving, where revegetation is required under an approved erosion and sedimentation control plan adopted under state law or regulation, to the extent that sources of water, other than fresh water, adequate to supply needs are not available or feasible to use. Revegetation use shall comply with applicable best conservation management practices for revegetation prescribed by the Department of Environmental Protection and county conservation districts.
- (4) The use of any water for washing paved surfaces, except water may be used:
 - (i) At the minimum rate necessary for sanitation of the premises of raw or processed food, pharmaceutical or vaccine processing, storage or vending establishments, including restaurants and grocery stores.
 - (ii) At the minimum rate necessary for the sanitation of the premises of waste handling, storage and disposal facilities.
 - (iii) At the minimum rate necessary to comply with permit conditions or other regulatory requirements.
- (5) The use of any water for ornamental purposes, including fountains, artificial waterfalls and reflecting pools, except:
 - (i) Fountains or waterfalls may be operated to perform the primary and necessary aeration function for a pond that supports fish life.
 - (ii) Water may be used to top off ornamental water gardens or fish ponds to the minimum extent necessary to maintain fish and aquatic life.
- (6) The use of any water for washing or cleaning of mobile equipment except that:
 - (i) Water may be used for cleaning of construction, emergency, public transportation or government vehicles if necessary to preserve the proper functioning and safe operation of the vehicle.
 - (ii) Water may be used for cleaning and sanitizing equipment used for hauling or vending raw or processed food, pharmaceuticals or vaccines for human or livestock use, or for handling waste products.
- (7) The serving of water in restaurants, clubs or eating places, unless specifically requested by the individual.
- (8) The use of any water to fill and top off swimming pools, except that water may be used to fill and top off swimming pools operated by health care facilities used in relation to patient care and rehabilitation.
- (9) The use of water from a fire hydrant except for firefighting; or line flushing only when needed to protect public health and safety.
- (10) The use of any water that is not for a beneficial use.
- (b) Exemptions or Variance from Non-Essential Uses of Water Restrictions
 - (1) If compliance with the non-essential use of water restrictions would result in extraordinary hardship upon a water user, the water user may apply for an exemption or variance. For purposes of this section, extraordinary hardship means a permanent damage to property or other personal or economic loss

which is substantially more severe than the sacrifices borne by other water users subject to the nonessential use of water restrictions.

- (2) A person or business entity believing he suffers an extraordinary hardship and desiring to be wholly or partially exempt from the restrictions on the non-essential use of water shall submit a written request with full documentation supporting the need for the requested relief to the municipality, public water supply agency or water purveyor responsible for adopting and implementing this Plan. The application shall contain information specifying:
 - (i) The nature of the hardship claimed and reason for the requested exemption or variance.
 - (ii) The efforts taken by the applicant to conserve water and extent to which water use may be reduced by the applicant without extraordinary hardship.
- (3) The municipality, public water supply agency or purveyor shall advise the applicant of its decision regarding the application. An exemption or variance will be granted only to the extent necessary to relieve extraordinary hardship.
- (4) Any person aggrieved by a decision relating to such an exemption or variance rendered by a public utility or municipal corporation rendering water service beyond its corporate limits may file a complaint with the Public Utility Commission in accordance with the procedures established under the Public Utility Code.
- (5) Any person aggrieved by a decision relating to such an exemption or variance rendered by a water supply purveyor not under the jurisdiction of the Public Utility Commission may file an appeal with the Commonwealth Drought Coordinator who shall render a final decision.

Section 7. General Requirement for Water Use Reductions

Each and every water customer, regardless of whether residential, commercial, industrial, municipal, institutional or other type of user, shall achieve the water use reductions set forth in this Local Water Rationing Plan. In order to achieve the overall objectives of the Plan, the water use restrictions and limitations set forth in Sections 8-10 shall apply.

Section 8. Water Use Restrictions for Residential Users

(a) Metered Residential Water Customers and Allotments:

- (1) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.
- (2) Each dwelling unit (household) shall be allotted ___ gallons per day for each resident of the household. Households with only one permanent resident will have a daily allotment of ___ gallons.
- (3) Residential water customers are required to provide water purveyor personnel with reasonable access to read meters as necessary to implement this rationing plan. Where access is not readily available, the purveyor shall make all reasonable efforts to contact customers in order to arrange for access to read meters. In the event a water customer does not allow water purveyor personnel entry to read the meter, after the purveyor has made reasonable efforts to arrange for such access, the dwelling unit (household) allotment will be reduced to ___ gallons per day.

(b) Non-Metered Residential Water Customers and Allotments

- (1) In order to effectively implement and monitor the residential water conservation effort, a water allotment shall be established for the entire water system based on ___ gallons per day per capita served or ___ percent of the water used by the entire system during the _____, whichever is greater.

(e.g. same quarter of the preceding year)

- (2) The purveyor will establish a communication system with the customers through public media to inform customers of the requirements of the Governor's Proclamation and this Local Water Rationing Plan; possible conservation measures that customers may employ; the system allotment; and a daily report of whether the usage was within the allotment.

(c) Metered and Non-Metered Residential Customers of the Same Water Supply System Where a water supply system serves both metered and non-metered residential customers, the allotments and procedures provided under both subsections (a) and (b) shall be applied, as appropriate.

(d) Variances and Exceptions

- (1) Where the residential water allotment provided under this section would create extraordinary hardship, as in the case of special health related requirements, the water customer may apply to the water supply purveyor for an exemption or variance from these requirements. If the purveyor finds that the allotment provided in this section would impose extraordinary hardship, the purveyor may establish a revised allotment for the particular customer. For these purposes, an "extraordinary hardship" means a permanent damage to property or economic loss which is substantially more severe than the sacrifices borne by other water users subject to this Local Water Rationing Plan.
- (2) Any person aggrieved by a decision relating to such an exemption or variance rendered by a public utility or municipal corporation rendering water service beyond its corporate limits may file a complaint with the Public Utility Commission in accordance with the procedures established under the Public Utility Code.
- (3) Any person aggrieved by a decision relating to such an exemption or variance rendered by a water supply purveyor not under the jurisdiction of the Public Utility Commission may file an appeal with the Commonwealth Drought Coordinator who shall render a final decision.

Section 9. Water Use Restrictions for Non-Residential Water Customers

- (a) Non-residential customers include commercial, industrial, institutional, public, and all other users, with the exception of hospitals and health care facilities.
- (b) Non-residential water customers shall reduce their water usage by a minimum of _____ percent of use levels for the _____
(e.g. same quarter of the preceding year).
- (c) It is the primary responsibility of each non-residential water customer to meet its mandated water use reduction goal in whatever manner possible.
- (d) The water supply purveyor will establish a water allotment for each non- residential water customer, based upon a required _____ percent reduction of water usage from the rate of water used by the customer in the _____
(e.g. same quarter of the preceding year)
or the last recorded use level if no meter readings record the rate of the customer's use in the same quarter of the preceding year.
- (e) Each non-residential water user shall provide access to water supply purveyor personnel for purposes of meter reading and monitoring of compliance with this Plan. The water purveyor shall make all reasonable efforts to contact customers to arrange for access.
- (f) (i) If the mandated _____ percent reduction in water usage cannot be obtained without imposing extraordinary hardship threatening health and safety, the non-residential customer may apply to the water purveyor who provides the customers' service for a variance. For these purposes, "extraordinary hardship" means a permanent damage to property or economic loss which is substantially more severe than the sacrifices borne by other water users subject to this Local Water Rationing Plan. If the purveyor finds that the _____ percent reduction would cause extraordinary hardship or threaten health or safety, the purveyor may grant a variance and establish a revised water use reduction requirement for the particular customer.
(ii) Any person aggrieved by a decision relating to such a variance rendered by a public utility or municipal corporation rendering water service beyond its corporate limits may file a complaint with the Public Utility Commission in accordance with the procedures established in the Public Utility Code.
(iii) Any person aggrieved by a decision relating to such a variance rendered by a water supply purveyor not subject to the jurisdiction of the Public Utility Commission may appeal the decision to the Commonwealth Drought Coordinator who shall render a final decision.

Section 10. Water Use Restrictions for Hospitals and Health Care Facilities

- (a) Hospitals and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution, to the extent compliance will not endanger the health of the patients or residents of the institution.
- (b) Each hospital and health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of patients or residents to achieve a _____ percent reduction in the institution's water usage.

Section 11. Enforcement of the Plan

- (a) The water supply purveyor will have lead responsibility for monitoring of compliance with this Local Water Rationing Plan.
- (b) Each water purveyor is authorized to alter meter reading schedules to assure adequate monitoring of compliance with this plan.
- (c) The purveyor shall institute procedures to closely monitor supplies and current usage to determine if reductions are being attained consistent with the target figures established in the plan. A purveyor shall establish a mechanism to advise the water users of the effects of rationing.
- (d) Proper law enforcement authorities and private citizens have additional enforcement responsibilities and rights as specified in Section 14 of this Local Water Rationing Plan.

Section 12. Service Interruptions

- (a) Local Water Rationing Plans shall include provisions for implementation of temporary service interruptions if this action is necessary to achieve water use reductions to prevent a public water supply system from depleting its on hand water supply to the point that vital service demands including, but not limited to, public health and safety, firefighting, and use of health care facilities cannot be met.
- (b) The following provisions shall govern the implementation of temporary service interruptions:
 - (1) In order to effectuate compliance with this Plan, the water supply purveyor is hereby authorized and required to plan and implement temporary service interruptions to all or part of its water supply system, as the water supply purveyor may deem appropriate, when any and/or all of the following conditions are determined by each water supply purveyor to exist, as to its water supply system:
 - (i) A _____ percent reduction in systemwide water usage has not been achieved, and/or
 - (ii) The _____ percent reduction in systemwide water usage has been achieved, but has failed to have a significant impact in extending limited water supplies, and/or
 - (iii) Temporary service interruptions are necessary in order to further extend limited and/or dwindling water supplies.
 - (2) In the event that the water supply purveyor determines that temporary service interruptions are necessary, the water supply purveyor shall notify its customers through the public media (newspapers, radio, telephone, and television) serving the customers of the water supply purveyor in its service territory, at least one day prior to the temporary service interruptions, that a planned, temporary service interruption is to be imposed. In addition, the water supply purveyor shall notify the Commonwealth Drought Coordinator, the local coordinator of emergency management, local public health authorities, the Pennsylvania Emergency Management Agency, the Regional office of the Department of Environmental Protection, and the Pennsylvania Public Utility Commission, Bureau of Fixed Utility Services, if the water supply purveyor is subject to the jurisdiction of the Commission. Such notice shall:
 - (i) State the day or days when the planned, temporary service interruptions will occur;
 - (ii) State the time(s) when such planned, temporary service interruptions will commence, and the time(s) such interruptions will cease;
 - (iii) State whether the planned, temporary service interruptions are to be imposed on the entire system, or a part thereof, and, if only part(s) of the system will experience planned, temporary service interruptions, identify the geographical boundaries within which the planned, temporary service interruptions will occur; and
 - (iv) Advise all customers within the areas affected by planned, temporary service interruptions how to treat any water received from the system, for human consumption, during the period(s) of planned, temporary service interruptions and for such additional time as may be necessary until full pressure is restored to the system.
 - (3) If the water supply purveyor imposes planned, temporary service interruptions as authorized and required by this Plan, it must provide for the continued delivery of water to health care facilities within the area(s) affected by such interruptions, by means of any adequate, alternative delivery measures that may be necessary.

- (4) If the water supply purveyor implements planned, temporary service interruptions, it must make provision, by any means possible, for the continued delivery of such water, as may be necessary, for the proper operation of sewage collection, treatment and disposal systems and facilities.

Section 13. Excess Use Charges

Any residential or non-residential water customer who exceeds the allotments established pursuant to this Local Water Rationing Plan will be subject to the following excess-use charge provisions:

- (a) Water supply purveyors in the Emergency Service Area are directed to collect an "excess-use charge" based on the amount by which a customer's use exceeds the water allotments established pursuant to the Local Water Rationing Plan, computed in accordance with the following schedule:

| Excess Usage Per Month | Charge for Excess |
|--|--|
| First 2,000 gallons or portion thereof | _____ Times the actual rate charged for water (no more than 5; range 1-5) |
| Each 1,000 gallons or portion thereof thereafter | _____ Times the actual rate charged for water (no more than 10; range 1-10) |

- (1) Excess use charges will only be assessed against metered customers and shall be based upon actual meter readings.
- (2) Excess use charges may be changed by the purveyor if needed to effect necessary reductions in water use, provided that the charges do not exceed the actual rate charged multiplied by 5 times for the first 2,000 gallons and 10 times for each 1,000 gallons thereafter. The Commonwealth Drought Coordinator need not approve such changes to an already approved Local Water Rationing Plan prior to implementation; however, 3 copies of the revised Plan must be submitted immediately to the Commonwealth Drought Coordinator.
- (b) Any monies collected by water supply purveyors through excess use charges shall not be accounted for as income to the purveyor, but shall be placed by the purveyor in a reserve account. The disposition of funds placed in the reserve account shall be governed as follows:
 - (1) Funds collected by a public utility or a municipal corporation rendering services beyond its corporate limits shall be disposed of as directed by orders and procedures adopted by the Public Utility Commission.
 - (2) Funds collected by a municipal authority or a municipal corporation or other purveyor rendering services within its corporate limits shall be used to offset drought-related costs or expenses as directed by the Commonwealth Drought Coordinator.
- (c) In addition to the excess use charge, non-compliance with the Local Water Rationing Plan will result in the following:
 - (1) For the first excess use, a warning of possible discontinuation shall be issued to the customer by the water supply purveyor.
 - (2) For the second or subsequent excess use, the water supplier may interrupt or shut off service to the customer for a period not to exceed 48 hours, or, if the customer provides access, the water supplier may install a flow restrictor in the customer's service line for the duration of the emergency. The cost incurred by the water purveyor to interrupt or shut off and reinstate service, or to install and remove a flow restrictor, shall be assessed to the water customer by the water purveyor.
 - (3) Penalties as provided for in Section 14 of this plan.
- (d) Any customer or other person aggrieved by a decision or action by a water purveyor imposing an excess use charge or other remedy for non-compliance with the requirements of this Plan may proceed in accordance with the following provisions:
 - (1) Each water purveyor shall adopt procedures which provide an opportunity for the customer or aggrieved party to rebut the finding of a violation, or evidence of circumstances beyond the customer's control which resulted in the violation. Each water purveyor shall keep a record of evidence presented regarding disputed violations, and shall provide the customer or aggrieved party with a written notice of the purveyor's final decision and action in such cases.

- (2) Any person aggrieved by the final decision or action of a public utility or municipal corporation rendering water service beyond its corporate limits may file a complaint with the Public Utility Commission in accordance with the procedures established under the Public Utility Code, 66 PA C.S. §101 et seq.
- (3) Any person aggrieved by the final decision or action of a water supply purveyor not subject to the Public Utility Commission may file an appeal with the Common Pleas Court in the county where the water service is provided, in accordance with the provisions and procedures of the Local Agency Law, 2 Pa. C.S. §§551- 555, 751-754.

Section 14. Penalties

Any person who violates the provisions of this Plan, who fails to carry out duties and responsibilities imposed by this Plan, or who impedes or interferes with any action undertaken or ordered pursuant to this Plan, shall be subject to the penalties provided by law under 35 Pa. C.S. §7707. Violation of any provision of this Chapter is a summary offense enforceable by law enforcement officers or private citizens in accordance with 234 Pa. Code Chapter 50 (relating to summary cases).

Section 15. Savings Clause

Nothing in this Local Water Rationing Plan shall in any way limit or affect the power or authority of any political subdivision to adopt and enforce ordinances, rules, restrictions and orders for water conservation and protection of essential water supplies, provided that such ordinances, rules, restrictions and orders do not conflict with 4 Pa. Code Chapters 118, 119, and 120 (relating to reductions of major water use in a Commonwealth drought emergency area; prohibition of nonessential water uses in a Commonwealth drought emergency area; and local water rationing plans), river basin commission orders or plans, and the requirements of this Plan.

Section 16. Amendment of the Plan

Any water purveyor, county or municipality covered under the provisions of this Plan may, at any time, submit proposed additions to or amendments of this Plan to the Commonwealth Drought Coordinator.

Section 17. Effective Period

This Plan shall remain in effect until terminated by action of the Commonwealth Drought Coordinator.

Section 18. Effective Date

This Plan shall take effect immediately upon approval by the Commonwealth Drought Coordinator.