

APPENDIX C. WATER SHORTAGE RESPONSE

A. Declarations The Chief Operations Officer of PWC's Water Resources Division (COOWR) is responsible for continually monitoring the water supply, water demands, and area conditions. Based upon any one (1) or more of the triggers detailed below, the COOWR shall notify the General Manager that water conservation measures be implemented or modified and recommend a conservation stage be implemented or modified. Upon such notification, the General Manager shall be empowered and shall declare and implement conservation stages I and II. In instances in which declaration and implementation of stages III and IV are warranted or required, the General Manager shall notify the PWC's Board of Commissioners, who, upon voting in favor of such declaration, shall issue a resolution declaring the implementation of a water conservation stage III or IV. PWC shall notify local government agencies and Consumers of the water restrictions through a public awareness campaign using any or all of the following strategies:

- (1) Local daily newspaper for two (2) consecutive issues or weekly as long as conditions persist;
- (2) Public service announcement via local radio and government access television channel;
- (3) Signs posted in city hall, the courthouse, and PWC's offices;
- (4) Website; and
- (5) Water bills; and any other means as appropriate for the shortage situation.

Notifications will include but not be limited to the description of the conservation stage and the conservation measures adopted. Any changes to the Water Shortage stage will be announced through the same methods used to publicize the implementation of the stage and any other means PWC deems appropriate. Once a conservation stage is declared or changed, the conservation stage shall remain in effect until lifted by the declarer.

B. Water Conservation Measures It shall be mandatory for every Consumer to comply with the following schedule for the irrigation of outdoor landscaping (such as grass, shrubbery, trees, flowers and vegetable gardens) on a year-round basis:

- (1) For addresses that end in the number 1, 3, 5, 7 or 9 watering of lawns, grass, shrubbery, trees, flowers and vegetable gardens using an automatic irrigation or sprinkler system or hose end sprinkling device shall only be done on Sunday, Tuesday and Thursday. For addresses that end in the number 0, 2, 4, 6 or 8 watering shall only be done on Saturday, Monday and Wednesday.

Notwithstanding the foregoing restrictions: (a) a person regularly engaged in the sale of plants shall be permitted to use water for such purposes at any time or any day; and (b) for new sod, seeded lawns or planted landscapes, a Consumer may water any day of the week as necessary to establish the new plantings for a period of thirty (30) days following the planting.

- (2) These measures shall remain in effect unless state II, III or IV has been declared. If a state II, III or IV declaration is made, the restrictions therein supersede the conservation measures in this section.

The owner or occupant of any land or building which receives water from PWC and also utilizes water from a well or supply other than that of PWC, shall post and maintain in a prominent place thereon a sign furnished by PWC, giving public notice of the use of the well or other sources of supply. In addition, all Consumers should attempt to conserve Treated Water at all times. Consumers may refer to PWC's water conservation guidelines for tips and information on various water conservation measures.

C. Water Conservation Stage I – Water Shortage Alert When a Water Shortage alert is declared, Consumers should begin limiting (or further limiting, as applicable) the following uses where reasonably feasible:

- (1) Outdoor use for landscape irrigation.
- (2) Washing of automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment.
- (3) Washing of outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, and sidewalks.
- (4) Introduction of water into any pond, ornamental fountain, pool, or other structure.
- (5) Use of water from public or private fire hydrants for purposes other than fire suppression, public emergency, or PWC need.
- (6) Use of Treated Water for dust control or compaction.

D. Water Conservation Stage II – Water Shortage Warning When a Water Shortage warning is declared, the following Mandatory Conservation measures shall be in effect:

- (1) For addresses that end in 1, 3, 5, 7 or 9 watering of lawns, grass, shrubbery, trees, flowers and vegetable gardens using an automatic irrigation or sprinkler system or hose end sprinkling device shall only be done on Sunday and

Thursday. For addresses that end in the number 0, 2, 4, 6 or 8 watering shall only be done on Saturday and Wednesday. Notwithstanding the foregoing restrictions, a person regularly engaged in the sale of plants shall be permitted to use water for such purposes at any time or any day.

- (2) Treated Water shall not be intentionally wasted.
- (3) All Consumers shall reduce consumption to any degree feasible with a goal of reduction of at least ten percent (10%) of typical consumption. It is the primary responsibility of each Consumer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours or days, if necessary.

E. Water Conservation Stage III – Water Shortage Emergency In the event of a Water Shortage Emergency, the following Mandatory Conservation measures shall apply:

- (1) Watering or sprinkling any lawn, grass, shrubbery, trees, or flowers with Treated Water using an automated irrigation or sprinkler system or hose end sprinkling device is prohibited. Watering is permitted only by a hand-held hose with a spring-loaded nozzle, by container, or by installed drip type irrigation. Notwithstanding the foregoing restrictions, a person regularly engaged in the sale of plants shall be permitted to use automated irrigation or sprinkler systems but only in amounts necessary to prevent the loss of nursery stock.
- (2) Treated Water shall not be intentionally wasted.
- (3) All Consumers shall reduce consumption to any degree feasible with a goal of reduction of at least twenty percent (20%) of typical consumption. It is the primary responsibility of each Consumer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours or days, if necessary.
- (4) Restaurants and other food serving establishments shall use single serving utensils, plates, and cups and shall serve water only at the patron's request.
- (5) The use of Treated Water from hydrants is prohibited except for fire suppression, other public emergency, or PWC need.
- (6) The use of Treated Water for dust control or compaction is prohibited unless the Consumer demonstrates to PWC, acting in its discretion, the absence of alternative sources available to the Consumer.

F. Water Conservation Stage IV – Water Shortage Crisis In the event of a Water Shortage crisis, in addition to the restrictions made unlawful heretofore, the following Mandatory Conservation measures shall be in effect:

- (1) Watering any lawn, grass, shrubbery, trees, or flowers with Treated Water is prohibited; provided, however, that any person regularly engaged in the sale of plants shall be permitted to use automated irrigation or sprinkler systems but only in amounts necessary to prevent the loss of nursery stock. Persons regularly engaged in the sale of plants shall meet the same percent reduction goals as other commercial establishments as stated in this subsection.
- (2) Treated Water shall not be intentionally wasted.
- (3) All Consumers (to include nursery operations) shall reduce consumption to the degree feasible with a goal of a reduction of at least thirty percent (30%) of typical consumption. It is the primary responsibility of each Consumer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours or days, if necessary.
- (4) Restaurants and other food serving establishments shall use single serving utensils, plates, and cups and shall serve water only at the patron's request.
- (5) The use of Treated Water from hydrants is prohibited except for fire suppression, other public emergency, or PWC need. Fire suppression must be maintained but where possible tank trucks shall use untreated water.
- (6) The use of Treated Water for dust control or compaction is prohibited.
- (7) Washing automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment is prohibited except at commercial car wash facilities. Commercial car wash facilities shall meet the same percent reduction goals as other commercial establishments as stated in this subsection.
- (8) The use of Treated Water to wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks, or patios or use water for other similar purposes is prohibited; provided, however, that any person regularly engaged in the business of washing such areas for profit shall be permitted to use water for such purposes. Persons engaged in the business of washing such areas shall meet the same percent reduction goals as other commercial establishments as stated in this subsection.
- (9) The introduction of Treated Water into any pond, ornamental fountain, or other structure making similar use of water is prohibited.

- (10) Filling newly constructed swimming or wading pools, or refilling swimming or wading pools that have been drained is prohibited. Supplementation of water in existing pools is restricted to only amounts necessary to maintain structural integrity or filtration systems.
- (11) The General Manager may declare and implement additional measures of mandatory conservation controls, including, but not limited to, larger percentage reductions in consumption, banning of all Nonessential Use, termination of service to specific areas in the water system on a rotating basis, prohibition of all industrial uses of Treated Water, and whatever is necessary to protect the health and safety of the Customers of the water system.

G. Water Conservation State Triggers Conditions that might contribute to a Water Shortage include, but are not limited to, peak customer demands on the water system, water supplies below the level necessary to meet needs, water quality threats or impairment due to the addition to any watershed area, reservoir, storage tank, or distribution system of any material that appears in an above-normal concentration or has high nuisance or harmful effect on the Consumer or the system, power outages or equipment malfunction, and natural disasters. The following are a list of standardized water conservation stage triggers, but PWC may exercise discretion on a case-by-case basis to implement an alternative stage of conservation:

(1) Triggers based on water supply:

Water Conservation Stage	PWC Trigger
Water Shortage Alert	Unusually dry conditions resulting in severely low stream flows that are consistently below seasonal norms and dry conditions are forecast.
Water Shortage Warning	Target flow of the Cape Fear River at Lillington is reduced to 250 CFS or less
Water Shortage Emergency	Daily demands exceed 50% of available flow
Water Shortage Crisis	Daily demands exceed 75% of available flow

(2) Triggers based on water levels:

Water Conservation Stage	PWC Trigger-Hoffer Wet Well Level (ft.)	PWC Trigger-River Stage at Fayetteville (ft.)	PWC Trigger-Elevation at Lock & Dam #3 (ft.)
Voluntary Water Shortage Alert	Seven (7) consecutive days at 12.4	9.45	29.97

Water Shortage Warning	11.85	8.9	29.42
Water Shortage Emergency	11.35	8.4	28.92
Water Shortage Crisis	10.66	7.66	28.18

(3) Triggers based on daily water demands:

Water Conservation Stage	PWC Trigger
Voluntary Water Shortage Alert	3 consecutive days of demand exceeding 85% of available capacity
Water Shortage Warning	3 consecutive days of demand exceeding 90% of available capacity
Water Shortage Emergency	5 consecutive days of demand exceeding 90% of available capacity
Water Shortage Crisis	1 day of demand exceeding 100% of available capacity

H. Plan Evaluation and Effectiveness

The effectiveness of this Plan will be determined by measuring system-wide water use reductions during declared water shortage stages. In addition to water supply and usage, the frequency of implementing water shortage stages within the parameters set forth in the Plan will also be evaluated. If the frequency of implementation of water shortage stages is found to be too great, or if the duration is found to be excessive, then modifications to the Plan, or adjustments to the water supply infrastructure will be considered and proposed. The number of citations issued during a water shortage may also be used to determine if the level and severity of citations is sufficient to achieve the water usage reductions necessary.

Water Use Reduction Goals

Stage	Percent Reduction Goals
0	
1	3-5%
2	5-10%
3	10-20%
4	30% or more

For the purposes of determining “normal water use”, consideration may be given to one or more of the following:

- Historical maximum daily, weekly, and monthly flows during drought conditions.
- Increased customer base (e.g., population growth, service area expansion) since the historical flow comparison.
- Changes in major water users (e.g., industrial shifts) since the historical flow comparison.
- Climatic conditions for the comparison period.
- Changes in water use since the historical flow comparison.
- Other system specific considerations.

I. Enforcement Any person who violates the provisions of this section, who fails to carry out the duties and responsibilities imposed by this section, or who impedes or interferes with any action undertaken or ordered pursuant to this section shall be subject to enforcement actions. The COOWR shall be responsible for monitoring and enforcement of this section. Enforcement actions may include, but are not limited to the following:

- (1) **Written warning.** Whenever the COOWR or his duly authorized representative finds that any Consumer has violated or is violating this section or any prohibition, limitation or requirement contained herein, or policy issued pursuant thereto, a written warning may be issued to such offender by an authorized representative of PWC. The written warning shall notify the violator of the nature of the violation and the need to take corrective action and that failure to do so will result in the issuance of a notice of violation.

Notice of violation. The COOWR or his duly authorized agent may serve upon such offender a written notice of violation stating the nature of the violation. The written notice of violation shall be affixed to the property where the violation occurred and/or mailed certified with return receipt requested to the customer of record and to any other person known to PWC to be responsible for the violation or its correction. When a customer of record refuses to accept a notice of violation by certified mail, hand delivery of the written notice of violation to the customer of record or to the person in charge of the premises where the violation occurred shall also constitute service. The notice of violation shall inform the Consumer of the violation, the Consumer’s responsibility to discontinue the activity within a specified period of time, and the potential for the imposition of penalties and termination of service if the violation continues.

- (2) Civil penalties. The General Manager may assess a civil penalty to any offender who shall continue any violation beyond the time limit provided for in the aforementioned notice of violation. Each day, beginning at 12:01 a.m., in which a violation of any provision of this article shall occur or continue, shall constitute a separate and distinct offense. The amount of the civil penalty shall be in accordance with the following penalty schedule:

Meter Size	First Violation	Second Violation
3/4" – 1"	\$100.00	\$250.00
1-1/2" – 2"	\$250.00	\$500.00
3" – 4"	\$500.00	\$1,000.00
> 4"	\$750.00	\$1,500.00

- (3) Suspension of service. If after issuance of a civil penalty, compliance is not achieved and/or the penalty is not paid within thirty (30) days, the COOWR or his duly authorized agent may immediately terminate or restrict the service to the premises where such violation has occurred and may in addition thereto, or in the alternative, take such other appropriate legal action as provided by law; provided, however, PWC may terminate service in accordance with subsections H.2. and H.6. notwithstanding the compliance periods set forth in H.4. At such time the COOWR is satisfied that the offender(s) are no longer in violation of any Treated Water use restrictions, PWC may reinstate water service to the premises following the payment of all civil penalties assessed, as well as all applicable suspension and reconnection fees imposed pursuant to these Service Regulations and Charges, the applicable rate schedule, and the UPA.
- (4) PWC may implement special rates, fees, and surcharges on an emergency basis to further encourage water conservation by Consumers.
- (5) Any and all measures. The General Manager may use any and all enforcement measures listed in this section without prior notice, warning, or prerequisite enforcement action, depending on the severity and nature of the violation, as deemed reasonably necessary to achieve compliance with this Appendix C. In addition, enforcement may include any one, all, or a combination of the remedies authorized and prescribed by law.

J. Appeals

- (1) Any Consumer whose water use has been restricted or terminated or who has been assessed a civil penalty under Section H shall have the right to an appeal hearing before a hearing officer designated by the PWC Board of

Commissioners. A Consumer requesting an appeal hearing must do so by submitting a written request, which identifies the specific issues to be contested, to the PWC Clerk within five (5) business days following issuance of the notice of restriction, termination, or civil penalty. Unless such demand is made within the time specified in this section, the decision to restrict or terminate the water use, or the civil penalty assessment, shall be final and binding.

- (2) The hearing officer shall notify the Consumer of the date, time, and place for the hearing. The hearing shall take place within ten (10) business days of the written request for a hearing. A decision shall be made within ten (10) calendar days from the date of the hearing and a copy of the written decision shall be deemed given when mailed to the Consumer by certified mail, return receipt requested.

K. Variances and Variance Criteria

- (1) PWC's General Manager or the General Manager's duly authorized designee is authorized to grant variances from prevailing water conservation measures. In order to qualify for a variance, a Consumer must apply, in writing, to the General Manager or the General Manager's duly authorized designee, identifying:
 - a. The physical address of the location where the water will be used and the billing address for the water usage;
 - b. The basis for the variance from prevailing water restrictions; and
 - c. The duration of the requested variance.

PWC reserves the right to request additional information and records regarding the requested variance and to reject the variance if such information and records are not promptly delivered.

- (2) Until such time as the variance is approved, if it is, the Consumer shall continue to comply with the restrictions. If and when a variance is granted, the Consumer must retain the written variance approval and make it available for inspection immediately upon request by any PWC employee or City official. The Consumer must at all times abide by all conditions and provisions of the variance or it will be subject to immediate revocation.
- (3) Variance requests will be evaluated on the basis of all factors deemed relevant by PWC, acting in its discretion, including, but not be limited to, impact on



water supply, existence of one (1) or more alternative supply sources, social or economic importance, and prevention of structural damage.

L. Effective Date

This Water Shortage Response Plan is effective upon adoption by the Fayetteville Public Works Commission Board of Commissioners on this the 12th day of July, 2023.

The Water Shortage Plan will be reviewed and revised to include any new circumstances after implementation of any emergency restrictions or every five years from the date of adoption.

RESOLUTION ADOPTING WATER SHORTAGE RESPONSE PLAN

WHEREAS, the Fayetteville Public Works Commission (PWC), a North Carolina public authority that provides public water service, has developed water conservation measures to respond to drought and other water shortage conditions in accordance with G.S. 143-355.2; and

WHEREAS, the North Carolina Division of Water Resources has directed that water shortage response plans be adopted by North Carolina units of government via board resolution.

THEREFORE, LET IT BE RESOLVED BY THE COMMISSIONERS OF THE FAYETTEVILLE PUBLIC WORKS COMMISSION THAT:

PWC's Water Shortage Response Plan, as set forth in Appendix C of PWC's Service Regulations and Charges, is hereby adopted effective July 12, 2023.

ADOPTED this 12th day of July, 2023.

FAYETTEVILLE PUBLIC WORKS COMMISSION



Ronna Rowe Garrett, Chairwoman

ATTEST:



Evelyn O. Shaw, Secretary