

Winston-Salem/Forsyth County Utility Commission Action Request Form

Date: February 12, 2024

To: Chair and Members of the Utility Commission

From: Courtney Driver, Utilities Director

Commission Action Requested:

Consideration of a Resolution Approving Revisions to Article VI. Water Conservation of the Water System Policy Resolution.

Strategic Plan Goal Area: Customers & Stakeholders

Strategy: Update Policies

Key Work Item: No

Summary of Information:

All units of local governments and large community water systems that are required to prepare a Local Water Supply Plan under N.C.G.S. 143-355(l) are required to review their Water Shortage Response Plans (WSRP) and submit revisions to the North Carolina Department of Environmental Quality-Division of Water Resources (NC DEQ-DWR) for review every five years, or as needed.

Requirements of the WSRP are outlined in 15A North Carolina Administrative Code 02E .0607. The purpose is to plan for an effective course of action to minimize harmful impacts of drought and water supply emergencies.

Staff has reviewed Article VI. Water Conservation of the Water System Policy Resolution and has identified needed revisions for approval.

The revisions are shown in detail on the attached, red-lined document, with additions underlined and deletions shown in strike-through and are generally described below.

1. Defined specific terms and capitalized these terms throughout
2. Clarified period used to calculate reduction goals
3. Clarified how cumulative violations will be assessed in Sec. 87 Civil Penalties
4. Added NC DEQ-DWR required language to Sec. 89 for variance requests

The Policy Committee of the Utility Commission met on January 18 to review the proposed changes and recommends approval of the attached revisions to the Article VI. of the Water System Policy Resolution.

Submitted By: Bill Brewer
Name

Utilities Administration
Department/Division

RESOLUTION APPROVING REVISIONS TO ARTICLE VI. WATER CONSERVATION OF THE WATER SYSTEM POLICY RESOLUTION

WHEREAS, all units of local governments and large community water systems that are required to prepare a Local Water Supply Plan under N.C.G.S. 143-355(l) are required to review their Water Shortage Response Plans (WSRP) and submit revisions to the North Carolina Department of Environmental Quality-Division of Water Resources (NC DEQ-DWR) for review every five years, or as needed; and

WHEREAS, requirements of the WSRP are outlined in 15A North Carolina Administrative Code 02E .0607. The purpose is to plan for an effective course of action to minimize harmful impacts of drought and water supply emergencies; and

WHEREAS, staff has reviewed Article VI. Water Conservation of the Water System Policy Resolution and has identified needed revisions for approval; and

WHEREAS, the revisions are shown in detail on the attached, red-lined document, with additions underlined and deletions shown in strike-through and are recommended by the Policy Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Winston-Salem/Forsyth County Commission, a joint agency of the City of Winston-Salem and Forsyth County, approves the attached revisions to Article VI. Water Conservation of the Water System Policy Resolution.

ARTICLE VI. WATER CONSERVATION

Sec. 32. Purpose.

The purpose of this Article is to provide for the official declaration of ~~water shortage~~ Water Shortage stages and the implementation of water conservation measures throughout the ~~Commission~~ Commission's water service area in the event of such declaration.

Sec. 33. Definitions.

~~For the purpose of~~ For the interpretation and enforcement of this Article, in addition to those definitions in Section 2 of this resolution, unless the context specifically indicates otherwise, the following terms, words and phrases shall have the meanings ascribed to them in this section:

CFS (Cubic Feet Per Second). Define Flow Rate The velocity of water flow, expressed in cubic feet per second.

Customer. The person who contracts for water service and/or is responsible for the payment of water bills. Any person using water for any purpose, including commercial, manufacturing, institutional and residential uses, from the Commission's water distribution system and for which a regular charge is made.

Emergency Conservation. Conservation measures taken when water supplies are below the level necessary to meet normal needs and serious shortages exist, such that the water supply may not be sufficient to preserve public health and safety, thereby necessitating more restrictive mandatory conservation measures. Water Supplies are below the level necessary to meet normal needs and that serious shortages exists such that the water supply may not be sufficient to preserve public health and safety thereby necessitating more restrictive mandatory conservation measures.

Essential Water Uses. Water uses necessary to sustain human life and the lives of domestic pets, to maintain minimum standards of hygiene and sanitation, to provide for fire protection, and to ensure public health and safety.

Mandatory Conservation. The state in which a decline of the water supply poses a threat to the adequate provision of water to meet normal needs such that customers are required to take certain restrictive conservation measures to limit water use and prevent the waste of water, as defined in the table in Section 34(C). The consistent decline of the water supply poses a threat to the adequate provision of water to meet normal needs such that customers are required to take certain restrictive conservation measures to limit water use and prevent the waste of water.

Voluntary Conservation. Conditions exist which indicate the potential for a ~~water shortage~~ Water Shortage such that ~~customer~~ Customers are encouraged to take certain conservation measures to limit water use and prevent the waste of water.

Water Shortage. Any event where the availability of source water or water production is limited and has the potential to impact public health as determined by the Utilities Director.

Sec. 34. Declaration and ~~P~~Public ~~notice~~ Notice.

A. (a) In the event the water supply of the ~~Commission's~~ Commission's water distribution system supply is low and/or declining due to conditions which may adversely affect the continued availability of water for human consumption, sanitation, health and fire protection, as determined by the Utilities Director Utilities Director (or in his/her absence the Deputy Director of Utilities), the Assistant City Manager (or in his/her absence the utilities director) Assistant City Manager, then the Utilities Director or the Assistant City Manager at which point either is authorized and empowered, upon written notification to the City Manager and the Commission,

shall declare a ~~Water Shortage~~ **Water Shortage** and implement conservation measures set forth therein, and in Section 5, below. Such declaration ~~may~~ be issued for the entire water service area or for certain areas served by the water distribution system. Once a declaration of water conservation has been issued by the ~~Utilities Director or Assistant City Manager~~ **Utilities Director or Assistant City Manager**, internal employees shall be notified of the said declaration via email and/or interdepartmental memo.

A. _____

B. ~~(b)~~ In determining that water conservation measures are necessary, the ~~Utilities Director or Assistant City Manager~~ **Utilities Director or Assistant City Manager** shall consider factors including, but not limited to, the following:

1. ~~(1)~~ — Water flow and levels in rivers and reservoirs;
2. ~~(2)~~ — Water treatment plants and distribution system capabilities, including, ~~but not limited to,~~ treated supply recovery time, available distribution storage, and excessive system demand;
3. ~~(3)~~ — Drawdown rates;
4. ~~(4)~~ — Weather forecasts and expected precipitation;
5. ~~(5)~~ — Daily water use patterns;
6. ~~(6)~~ — Seasonal and long-term weather patterns; and
7. ~~(7)~~ — Availability of water from other sources.

C. The table below outlines the four (4) stages of ~~water shortage~~ **Water Shortages** responses, and the specific triggers that warrant transition from one stage to the next. The appropriate response to each stage is set out in Section 5. The ~~Assistant City Manager or Utilities Director~~ **Assistant City Manager or Utilities Director** shall implement a particular stage when any two (2) or more of the following triggers are present for that stage. Each conservation stage has an associated potable water reduction goal as indicated in the table. The potable water reduction goals shall be calculated ~~on the basis of~~ **based on** the weekly average daily demand, Monday through Sunday ~~of the previous week, as compared to the prior, as compared to the previous full week of less~~ restrictive conservation stages.

System Status	Voluntary Stage 1	Mandatory Stage 2a	Mandatory Stage 2b	Stage 3 Emergency
Potable Water Reduction Goal	10% reduction in system demand from pre-stage demand	20% reduction in system demand from pre-stage demand	25% reduction in system demand from pre-stage demand	35% reduction in system demand from pre-stage demand
System Demand	Exceeds 85% of available capacity for three consecutive days	Exceeds 90% of available capacity	Exceeds 90% of available capacity for three consecutive days	Exceeds 95% of available capacity
US Drought Monitor	Severe	Extreme	Extreme	Extreme
W. Kerr Scott Reservoir Level	≤1027 feet asl	≤1023 feet asl	≤1019 feet asl	≤1015 feet asl
Yadkin River Flow (as measured at USGS 02115360 Enon Gauge)	≤554 cfs	≤200 cfs for more than 5 consecutive days	≤175 cfs for more than 3 consecutive days	≤125 cfs for more than 2 consecutive days

B. ~~(c)~~ Notification of a ~~water shortage~~ **Water Shortage** declaration ~~or~~ and changes to the current level of conservation measures shall be published in a newspaper of general circulation in the water service area in accordance with N.C.G.S. § 1-597, and shall be publicized via press release or other appropriate method for making such declarations public.

D.

E. (d) The potable water reduction goals for each conservation stage for the utility's system shall be based on the reduction of system demand as indicated in the table above. Because since the utility can only impact system demand by conservation declarations, the percent reduction as indicated for each stage shall be used to determine the plan's effectiveness. The potable water reduction goal shall be calculated on the basis of the weekly average of daily demand, Monday through Sunday of the previous week, as compared to prior less restrictive conservation stages.

Sec. 85. Water Shortage Stages and Conservation Measures.

Once a water shortage stage has been declared, the utilities director shall begin to review the supply of water available on a daily basis, and report the status to the assistant city manager. A stage, once declared, shall remain in effect until two (2) or more of the triggers set out in Section 84(b) occur, requiring a transition from one stage to the next, at which time an amended declaration shall be announced, or, until such time as the utilities director or assistant city manager, upon the advice of the utilities director, shall deem that water conservation measures are no longer necessary. At the expiration of the declaration, the utilities director or assistant city manager shall report to the city manager, county manager and the commission the status of the existing water supply, and determine the appropriate stage, if any, to implement.

A. (a) Stage 1. Declaration of Voluntary Conservation. In the event that a potential water shortage is identified by the utilities director, using the factors set out in Section 84(b) above, the assistant city manager shall declare a stage 1 water shortage. All customers, in order to limit water use and prevent the waste of water, will be strongly encouraged to employ voluntary water conservation measures including, but not limited to, the following:

- (1) Limiting the watering of lawns, landscaping, and other vegetation to not more than one (1) hour per day and avoiding watering between 9:00 a.m. and 6:00 p.m.;
- (2) Inspecting and repairing all leaks and faulty and defective parts of faucets and toilets;
- (3) Installing water flow restrictive showerheads and water saving devices in toilets;
- (4) Showering for not more than five (5) minutes, instead of bathing in a bathtub or taking long showers;
- (5) Turning off faucets while shaving, brushing teeth or rinsing dishes;
- (6) Limiting the use of washing machines and dishwashers, and only operating them when full;
- (7) Limiting the washing of vehicles;
- (8) Refraining from using water to wash down outside areas such as sidewalks, patios, and driveways; and
- (9) Refraining from filling swimming or wading pools.

B. (b) Stage 2a. Declaration of Mandatory Conservation. In the event that a consistent decline in the water supply poses a threat to the adequate provision of water to meet normal needs, as determined by the utilities director, using the factors set out in Section 84(b) therein above, the assistant city manager shall declare a stage 2a water shortage and mandate conservation measures including, but not limited to, the following:

- (1) The watering of lawns, landscaping, and other vegetation shall be limited to manual or automated sprinkling between the hours of 6:00 p.m. and 9:00 p.m. The dates upon which sprinkling will be permitted will be determined by street address numbers. Customers whose street address numbers are odd shall be allowed to do such sprinkling on odd numbered days of the month. Customers whose

street address numbers are even shall be allowed to do such sprinkling on even numbered days of the month.

2. (2) — The only other method by which it shall be permitted to water plants shall be the use of watering can or other ~~hand held~~ handheld container or device, not exceeding (3) gallons in size.

3. (3) — Other restrictions contained in Section 85(a), above, shall remain voluntary, unless otherwise declared.

~~(c) C. Stage 2b. Declaration of Mandatory Conservation. In the event that a consistent decline in the water supply poses a threat to the adequate provision of water to meet normal needs, as determined by the Utilities Director, using the factors set out in Section 84(b) above, the Assistant City Manager shall declare Stage 2b ~~water shortage~~ Water Shortage and mandate conservation measures including, but not limited to, the following:~~

1. (1) — The watering of lawns, landscaping, and other vegetation shall be limited to Saturdays and Sundays via manual or automated sprinkling between the hours of 6:00 p.m. and 9:00 p.m. The day upon which sprinkling will be permitted will be determined by street address numbers. Customers whose street address numbers are odd shall be allowed to use sprinklers on Saturdays, while ~~customer~~ Customers whose street address numbers are even shall be allowed to use sprinklers on Sundays.

2. (2) — The only other method by which it shall be permitted to water plants shall be the use of watering can or other ~~hand held~~ handheld container or device, not exceeding (3) gallons in size.

3. (3) — Other restrictions contained in Section 85(a) shall remain voluntary, unless otherwise declared.

~~D. (d) Stage 3. Declaration of Emergency Conservation. Whenever the water supply is below the level necessary to meet normal needs and a serious shortage exists, as determined by the Utilities Director or Assistant City Manager using the factors set out in Section 84(b) hereinabove, the Assistant City Manager shall declare Stage 3 ~~water shortage~~ Water Shortage and mandate ~~emergency conservation~~ Emergency Conservation measures, including but not limited to the following:~~

1. (1) — The following shall not be permitted:

- a. Any use of water outdoors for non-emergency related reasons. Exceptions shall include fire protection and prevention, and the needs of the ~~City~~ City and the ~~Commission~~ Commission to maintain the water distribution system. Watering of lawns, and other landscaping, shall be permitted only with the use of watering can or other ~~hand held~~ handheld container or device, not exceeding three (3) gallons in size.
- b. The washing of vehicles and other mobile equipment, except that commercial and business operated car washes shall be exempt from this prohibition, and provided that parts of vehicles may be washed where such washing is required by federal, state, or local laws for health reasons.
- c. The filling of swimming or wading pools.

2. (2) — Customers shall be encouraged to reduce their consumption as much as possible, with a goal of reducing, by at least twenty five (25) percent, the ~~customer~~ Customer's average usage.

3. (3) — The ~~Utilities Director or Assistant City Manager~~ Utilities Director or Assistant City Manager shall temporarily impose restrictions on automated and manual irrigation systems. Such restrictions may include limitations on hours and days during which it is permissible to use such systems and absolute ban on the use of such systems.

Sec. 86. Compliance.

In the event that the ~~Utilities Director or Assistant City Manager~~ Utilities Director or Assistant City Manager declares a ~~water shortage~~ Water Shortage and imposes conservation measures, it shall be unlawful for any ~~customer~~ Customer to use, or permit the use of, water from the ~~Commission's~~ Commission's water distribution system in a manner which

fails to comply with such conservation measures and the provisions of this article. Failure to comply with any such conservation measures and /or the provisions of this article shall subject the offender to the enforcement provisions in Sections 86, 87, and 88. The City and the Commission may exercise any and all remedies allowed by law, and or in equity, including, but not limited to, the imposition of a civil penalty, and the pursuit of injunctive relief.

Sec. 87. Civil Penalties

A civil penalty shall be assessed by the Utility Director or Assistant City Manager against any Customer who fails to comply with any mandatory or emergency conservation measures set out in this article and or as imposed in any water shortage declaration. Notification of a civil penalty to be assessed shall be given within five (5) calendar days after discovery of the violation. The amount of the civil penalty shall be as follows:

First Offense:	\$0.00 (Warning)
Second Offense:	\$100.00
Third Offense:	\$200.00
Each successive Offense:	\$200.00-\$500.00 and subject to possible criminal prosecution)

Violations of the provisions of this article and any declaration shall be cumulative, so long as any declaration is in effect during a water shortage, or for subsequent violations received during additional declarations within one (1) calendar year. Violations of the provisions of this article and any declaration shall be cumulative, so long as the any declaration is in effect during a water shortage, and for one (1) calendar year thereafter. Any consequent penalties during a given water shortage shall also be cumulative. If a customer moves, or terminates service, and subsequently reestablishes service during any period in which a declaration is in effect, the customer's violations shall continue to accrue, regardless of such move or termination.

Sec. 88. Criminal Fines

Upon a fourth violation of this article, a criminal warrant shall may be issued for the arrest of the offending customer. Any violations after a third offense of the provisions of this article shall constitute a class C misdemeanor, punishable, upon conviction, by a term of imprisonment of up to twenty (20) days, and by a fine of up to five hundred dollars (\$500.00), as provided by N.C.G.S. § 14-24. In addition, violation of the article may be enjoined, as provided in N.C.G.S. § 160A-175. The issuance of a criminal warrant shall not prevent the imposition of further civil penalties.

Sec. 89. Variance Requests

Customers may request a variance from the restrictions listed herein above by completing a water conservation variance request form which can be obtained by contacting the City's Department of Utilities administration Department, at (336) 272-8000. Each request for variance will be reviewed on an individual basis, by the Utilities Director. A decision to approve or deny individual variance requests will be determined within two weeks of the Customer's submittal after careful consideration of, but not limited to, the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use for drinking water) and the prevention of structural damage. Making into consideration the circumstances involved. The Utilities Director shall notify the customer, in writing, of the Director's decision, within seventy-two (72) hours two weeks of receiving the request.

Sec. 90. ~~Water Service~~ ~~Service~~ ~~Disconnection~~ ~~Disconnection~~.

The ~~Utilities Director~~ ~~Utilities Director~~ shall have the authority to terminate or restrict water service to any ~~customer~~ ~~Customer~~ who has violated the mandatory or ~~Emergency Conservation~~ ~~Emergency Conservation~~ provisions of this article or any ~~water shortage~~ ~~Water Shortage~~ declaration. Prior to such termination or restriction of water service, the ~~Utilities Director~~ ~~Utilities Director~~ shall give at least two (2) working days' written notice of intent to terminate water service or restrict water supply. Within said two (2) days, such ~~customer~~ ~~Customer~~, upon petition to the ~~Assistant City Manager~~ ~~Assistant City Manager~~ or his/her designee, may be heard as to why such termination or restriction should not be enforced. No notice shall be required to terminate water service which is provided solely for lawn and shrubbery sprinkler systems, swimming pools, or other uses which are non-essential. After water service has been terminated or restricted, it shall be unlawful to reactivate such service without permission of the ~~Utilities Director~~ ~~Utilities Director~~.

Sec. 91. ~~Enforcement~~.

Utilities Division employees shall be empowered to enforce water restrictions as set forth in this article. Following declaration of any conservation declaration, the ~~Utilities Director~~ ~~Utilities Director~~ shall implement measures to document offenses and track repeat offenders, in order to aid enforcement of the civil penalties outlined in Section 87 herein above. Employees, designated by the ~~Utilities Director~~ ~~Utilities Director~~, will be given citation booklets and will issue citations for violations of the policy, immediately, upon discovery.

Sec. 92. ~~Policy~~ ~~Revision~~ ~~Revision~~ and ~~public~~ ~~Public~~ ~~Review~~ ~~Review~~.

Article VI, Water Conservation, of the Water and Sewer System Policy Resolutions shall be reviewed, at a minimum, every five (5) years, or at the conclusion of an event requiring conservation measures to be enacted. This article shall be revised in collaboration with the relevant ~~agencies~~ ~~and agencies~~ and shall be drafted by city staff. The revised article shall be submitted to the city/county Utilities ~~Commission~~ ~~Commission~~ for adoption. The ~~City of Winston-Salem/Forsyth County Utilities~~ ~~Commission~~ holds public meetings during which the general public has the opportunity to comment on new and proposed changes to the Water and Sewer System Policy Resolutions. Upon adoption by the ~~Commission~~ ~~Commission~~, the revised article shall be incorporated into the Water System Policy Resolutions and, by reference, into the City of Winston-Salem Administrative Code.