

ARTICLE 10 – WATER SHORTAGE CONTINGENCY PLAN⁹⁰

5.1001 DECLARATION OF PURPOSE AND PRINCIPLES

In accordance with Water Code 10632 requirements, Eastern Municipal Water District (EMWD) is responsible for conserving the available water supply, protecting the integrity of water supply facilities (infrastructure), and implementing a contingency plan in times of drought, supply reductions, failure of water distribution systems or emergencies. Particular emphasis is placed on use of domestic (potable) water, sanitation, fire protection, and preserving public health, welfare, and safety, in addition to minimizing the adverse impacts of water supply shortage or other water supply emergency conditions that do not include recycled water. Therefore, EMWD hereby adopts regulations and restrictions on the delivery and consumption of water use during water shortages.

Financial Impacts

In the event that EMWD was to implement the Water Shortage Contingency Plan (the Plan), it is recognized that the reductions in sales would impact the revenues that would normally be generated. To the extent that this reduction negatively impacts the coverage of its fixed related costs (those that are not tied to volume), EMWD will utilize its Rate Stabilization Reserve to mitigate any shortfall.

Priorities

The Plan is based on the following priorities:

- Public safety, healthy, and welfare
- Sustaining economic vitality

⁹⁰ Article 10 added to Title 5 by Resolution No. 2014-033 on March 26, 2014.

- Quality of life

5.1002 PUBLIC EDUCATION

EMWD will periodically provide the public with information about the Plan, including conditions under which each stage of the Plan is to be initiated or terminated and the conservation response measures to be implemented in each stage. This information will be provided by means of public events, website, press releases, bill inserts, etc.

5.1003 COORDINATION WITH REGIONAL WATER PLANNING GROUPS

Coordination and implementation of this Plan are in concert with regional water planning groups including MWD and EMWD sub-agencies – Lake Hemet Municipal Water District, Nuevo Water Company, Rancho California Water District, and the cities of Perris, Hemet, and San Jacinto.

5.1004 SHORTAGE DECLARATION PROCESS

(a) Long and Short Term Water Deficiencies

Driven by the requirements outlined in Water Code 10632, and the demand for potable water expected to be in excess of the water supply, EMWD's General Manager shall request the Board of Directors to authorize and implement the provisions of the Plan. The request shall be made at a regular or special meeting of the Board of Directors, to implement provisions of the Plan. The Board of Directors has the authority to initiate or terminate the water shortage contingency measures described in this Plan.

(b) Emergency Water Shortage Response

By adopting this Plan, the Board of Directors authorizes the General Manager to declare the extent of a potable water shortage emergency and to implement the appropriate water shortage contingency measures. The General Manager shall report such water shortage conditions and the level of response to the Board of Directors in a timely manner.

The declaration of the Board of Directors shall be made by public announcement and shall be published in a newspaper of general circulation. The declaration shall become effective immediately upon such publication.

5.1005 APPLICATION

The water shortage contingency measures of the Plan shall apply to all persons, customers, and properties utilizing potable water provided by EMWD. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, agencies, associations, and all other legal entities.

5.1006 DEFINITIONS

For the purposes of this Plan, the following definitions shall apply:

Commercial, Industrial, and Institutional (CII): Includes, but is not limited to, any type of non-profit establishments, governmental entities, schools, retail establishments, hotels, motels, restaurants, car washes, and office buildings.

Conservation: Those practices, techniques, and technologies that reduce the consumptions of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that supply is conserved and made available for future or alternative uses.

Customer: Any person, company, agency, or organization using water supplied by EMWD.

EMWD: Eastern Municipal Water District.

Domestic water: Used for personal needs or for household or sanitary purposes such as drinking, bathing, cooking, sanitation, or for cleaning a residence, business, industry, or institution. Also used for landscape irrigation.

Household: Residential premises served by the customer's meter.

Landscape irrigation use: The irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way and medians.

Long Term Shortage: A prolonged shortage of water supplies expected to last at least a year.

Potable water: Filtered/treated water suitable for drinking; also used for household needs and landscape irrigation.

Short Term Shortage: A shortage of water supplies expected to last less than a year.

Water Shortage Contingency Plan: The Plan as defined by this document.

Water shortage: A condition in which the existing or projected potable water supply available to EMWD is not adequate to meet the water requirements of its customers. This condition may be the result of factors including, but not limited to, voluntary or mandatory curtailment of EMWD's allocation from the MWD, drought, emergency conditions or failures of water distribution systems.

Water shortage period: The period beginning on the effective date of the Board of Director's approval of implementing EMWD's Water Shortage Contingency Plan, and ending on the date of the Board of Director's finding that a potable water shortage no longer exists.

5.1007 PROCESS FOR INITIATION/TERMINATION OF WATER SHORTAGE CONTINGENCY STAGES AND MODIFICATION OF ACTIONS TAKEN IN EACH STAGE⁹¹

The General Manager will recommend the appropriate stage of response to a water shortage based on the best information available at the time. Conditions that will be considered include:

- EMWD water supply conditions and storage levels
- Statewide water supply conditions
- Local water supply and demand conditions
- MWD Water Supply Allocation Plan implementation or other actions requiring a reduction in water demand
- Actions by surrounding agencies

As water supply conditions either deteriorate or improve, the General Manager will return to the Board to revise the appropriate stage of response. It shall not be necessary to implement any stage prior to another; the stages may be implemented in any reasonable order.

In the event the State or local agencies, through executive action, emergency legislation or other actions, impose conditions, requirements, or procedures that are not included in the District water shortage Contingency Plan, the General Manager is authorized to implement such measures as are reasonably required

⁹¹ Section 5.1007 amended by Resolution No. 2014-098 on July 2, 2014.

to bring the District's actions in each stage into functional conformity with such conditions, requirements, or procedures.

5.1008 PUBLIC NOTIFICATION PROCEDURES

When EMWD determines that a potable water shortage condition exists, any or all of the following notification procedures may be implemented:

(a) Notify the general public stakeholders, elected officials and other key decision-makers regarding the situation, actions to be taken, goals customers are intended to achieve, and how these actions will be implemented.

(b) The public at large will be informed of the situation and actions EMWD will be taking. Communications will occur through any of the following: billing inserts, special mailings, telephone contact, e-mail, social media, roadway signage, water conservation booths, and other booths in the community, speaker's bureau, community association meetings, newsletters, and education programs, etc. Literature appropriate to the drought circumstance will be provided regarding the potable water shortage condition, conservation methods, and water-savings devices.

(c) Use of all forms of media will be employed. This would include public service announcements on radio and cable television, social media as well as earned media and advertisements in local newspapers.

(d) EMWD's web site, www.emwd.org, will be the central location for messaging and customer communications.

5.1009 WATER SHORTAGE CONTINGENCY PLAN STAGES AND ENFORCEMENT^{92,93}

EMWD will implement an appropriate stage based on current water conditions. Higher stages will be implemented as shortages continue and/or if customer response does not bring about desired water savings. Restrictions, penalties and enforcement will build on each other as higher stages are implemented.

Stage 1: Supply Watch

At this stage, efforts will be focused on encouraging voluntary reduction of up to 10 percent. Customers can reduce demand by following the water use efficiency requirements of Section 5, Article 6 - Water Conservation of the Administrative Code. Other actions may be encouraged as appropriate.

Demand reduction will be encouraged through the on-going enforcement listed in Section 5, Article 6 - Water Conservation of the Administrative Code including EMWD's water budget based tiered rate and penalties for run off.

Stage 2: Supply Alert

At this stage efforts will be focused on a voluntary reduction of up to 25 percent. Customers can reduce demand by following the water use efficiency requirements of Section 5, Article 6 - Water Conservation of the Administrative Code. Voluntary customer actions could include the following:

- (a) Reduce watering or irrigating of lawn, landscape or other vegetated areas with sprinklers by one day a week.

⁹² Section 5.1009 amended by Resolution No. 2015-011 on March 18, 2015.

⁹³ Section 5.1009 amended by Resolution No. 2015-103 on August 19, 2015.

(b) All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system repaired within 48 hours.

(c) Refrain from filling or re-filling of ornamental lakes or ponds.

(d) Refrain from using potable water to wash or clean a vehicle, including but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not.

Demand reduction will be encouraged through the ongoing enforcement listed in Section 5, Article 6 - Water Conservation of the Administrative Code including EMWD's water budget based tiered rate and penalties for run off.

Stage 3: Mandatory Waste Reduction

At this stage, efforts will be focused on a mandatory reduction of excessive water use. Customers can reduce demand by following the conserving actions detailed in Stages 1 and 2.

Demand reduction will be enforced through changes to EMWD's water budget-based tiered rate structure and observation-based penalties:

For tiered customers:

(a) Stage 3a: No variances or adjustments will be allowed for filling swimming pools, establishing landscape or leaks that are not repaired within 48 hours.

(b) Stage 3b: Tier 3 budgets will be decreased by up to 50 percent.

(c) Stage 3c: Tier 3 budgets will be decreased by up to 100 percent.

Observation of any water waste in opposition to restrictions listed in Section 5, Article 6 - Water Conservation of the Administrative Code or under this or any previous stage of the Plan are subject to the following penalties:

(a) For multi-family, commercial, institutional, industrial, agricultural, and landscape accounts:

(1) For the first violation, the District shall issue a written notice of fact of such violation to the Customer.

(2) For a second violation a surcharge in the amount of \$100.00 shall be added to the Customer's water bill.

(3) For a third violation a surcharge in the amount of \$200.00 shall be added to the Customer's water bill.

(4) For a fourth and any subsequent violation a surcharge of \$300.00 shall be added to the Customer's water bill.

(b) For single-family residential accounts:

(1) For the first violation, the District shall issue a written notice of fact of such violation to the Customer.

(2) For a second violation a surcharge in the amount of \$25.00 shall be added to the Customer's water bill.

(3) For a third violation a surcharge in the amount of \$50.00 shall be added to the Customer's water bill.

(4) For a fourth and any subsequent violation a surcharge of \$100.00 shall be added to the Customer's water bill.

Stage 4: Mandatory Outdoor Reduction

At this stage efforts will be focused on a mandatory reduction of outdoor water use. Customers can reduce demand by following the conserving actions required in Stages 1 through 3 and limiting watering or irrigating of lawn, landscape or other vegetated areas with sprinklers to the following schedule:

(a) June through August – A maximum of two days a week

- (b) September through May – A maximum of one day a week

Demand reduction will be enforced through changes to EMWD's water budget based tiered rate structure and observation based penalties:

For tiered customers:

- (a) Stage 4a: Tier 2 budgets will be decreased by 10 percent.
- (b) Stage 4b: Tier 2 budgets will be decreased by up to 50 percent.
- (c) Stage 4c: Tier 2 budgets will be decreased by up to 100 percent.

Observation of any water waste in opposition to restrictions listed in Section 5, Article 6 - Water Conservation of the Administrative Code or under this or any previous stage of the Plan are subject to the following penalties:

- (a) For multi-family, commercial, institutional, industrial, agricultural, and landscape accounts:

- (1) For the first violation, the District shall issue a written notice of fact of such violation to the Customer.

- (2) For a second violation a surcharge in the amount of \$200.00 shall be added to the Customer's water bill.

- (3) For a third violation a surcharge in the amount of \$400.00 shall be added to the Customer's water bill.

- (4) For a fourth and any subsequent violation a surcharge of \$600.00 shall be added to the Customer's water bill.

- (b) For single-family residential accounts:

- (1) For the first violation, the District shall issue a written notice of fact of such violation to the Customer.

- (2) For a second violation a surcharge in the amount of \$50.00 shall be added to the Customer's water bill.

(3) For a third violation a surcharge in the amount of \$100.00 shall be added to the Customer's water bill.

(4) For a fourth and any subsequent violation a surcharge of \$200.00 shall be added to the Customer's water bill.

Stage 5: Mandatory Indoor Reduction

At this stage efforts will be focused on a mandatory reduction of indoor water use. This stage would only be implemented in response to a catastrophic loss of supplies requiring a 50 percent or more reduction in demand.

Demand reduction will be enforced through changes to EMWD's water budget based tiered rate structure and penalties for run off as detailed in Section 5, Article 6 - Water Conservation of the Administrative Code:

For tiered customers:

(a) Stage 5a: Tier 1 budgets will be decreased by 10 percent.

(b) Stage 5b: Tier 1 budgets will be decreased by up to 30 percent.

(c) Stage 5c: Tier 1 budgets will be decreased by up to 50 percent.

Commercial, Industrial, Institutional, Agricultural customers and any other customer without a water budget will be given a water budget based on historical water use. Allocations will be decreased in stages and the current Tier 4 rate will be applied to any use above the decreased allocation.

(a) Stage 5a: Budgets will be decreased by 10 percent.

(b) Stage 5b: Budgets will be decreased by up to 30 percent.

(c) Stage 5c: Budgets will be decreased by up to 50 percent.

5.1010 APPEALS PROCESS

All variance requests and appeals will be processed according to Section 5, Article 6 – Water Conservation of the Administrative Code.

5.1011 WHOLESALE SUPPLY ALLOCATION AND PENALTIES

During mandatory water shortage stages, wholesale customers will be required to reduce their retail water demand equivalent to EMWD's retail water demand reduction. If MWD has limited supply allocations to EMWD and other member agencies; supply to wholesale customers may be allocated using a formula and methodology based on the MWD Water Supply Allocation Plan.

Potential penalties for not reducing demand could be up to 4 times the MWD Tier 2 rate.