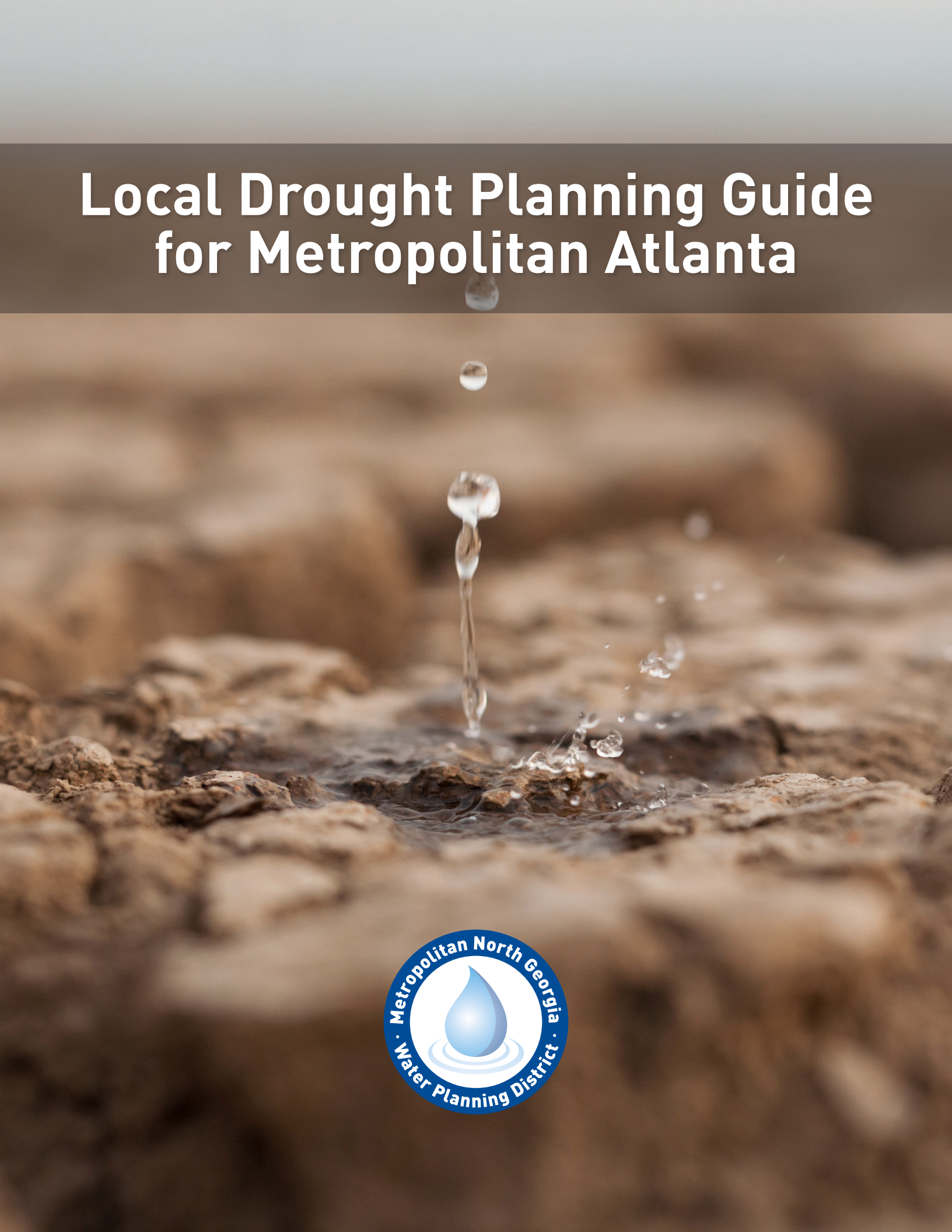
Local Drought Planning Guide for Metropolitan Atlanta



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Section 1 Introduction – Understanding this Guide

Who is the intended audience for this guide?

This Local Drought Planning Guide ("**Guide**") has been prepared to assist governmental public water systems in the District.

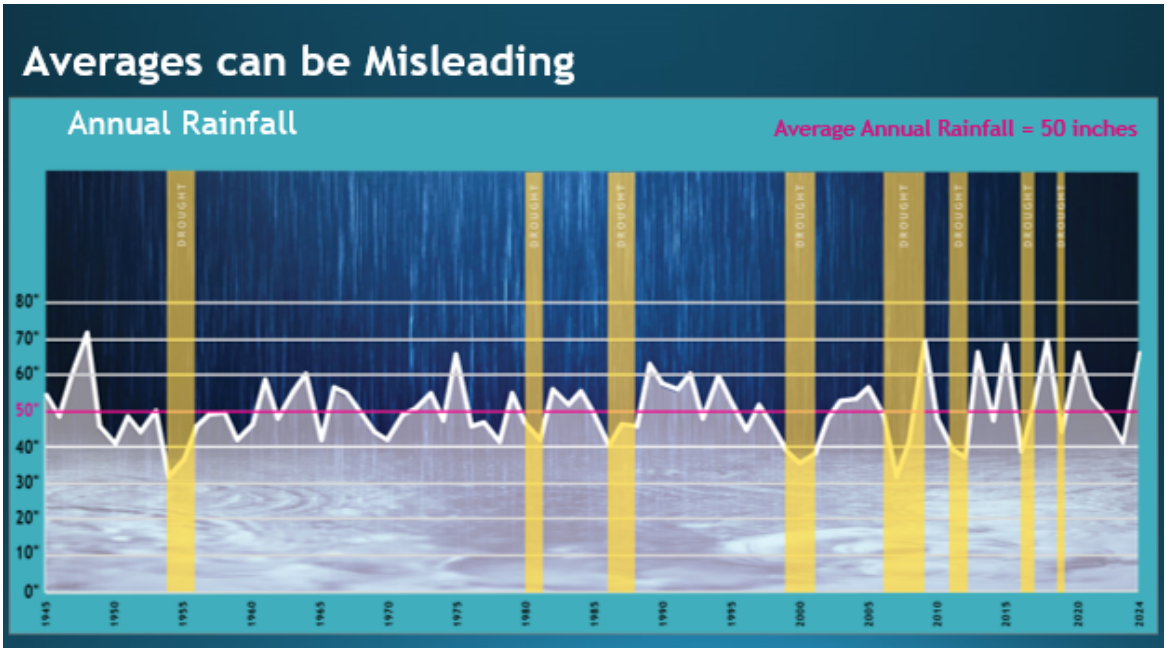
Why did the District prepare this Guide?

The Georgia Environmental Protection Division Drought Management Rule (**EPD Drought Rule**)[1] and related state laws[2] establish the requirements for drought response in Georgia. This Guide is intended to assist public water systems in understanding the EPD Drought Rule and to support a coordinated, effective, and regionally consistent approach to drought response.

Why is pre-drought planning important?

Metropolitan Atlanta receives an average of 50-inches of rain per year, but the region frequently experiences lower rainfall and drought conditions over multi-year periods. This infographic shows drought periods in the District.

1 Drought Management Rules, Ga. Comp. R. & Regs. 391-3-30 available at http://rules.sos.ga.gov/gac/391-3-30.
2 OCGA § 12-5-7 (Local variances from state restrictions on outdoor watering; limitations on outdoor irrigation; exceptions); OCGA § 12-5-8 (Rules and regulations relating to drought management); Surface water withdrawals, Ga. Comp. R. & Regs. 391-3-6-.07(4)(b)(9) (relating to drought contingency plans and potable water use priorities).



Are public water systems required to follow this Guide?

No, except to the extent this Guide references existing legal requirements or incorporates aspects of required action items from the District's 2022 Water Resources Management Plan. However, the District encourages use of this Guide for the reasons explained below.

Why the District Encourages the Use of the Drought Response Guide

Proven Approach

The District has prepared this guide to reflect proven drought response approachs

Consistent Messaging

Public water systems in the District share a regional media market and consistency in messaging will increase drought response effectiveness and public understanding of water restrictions.

Technical Assistance

The District will provide technical assistance tailored to this Guide

Photo credit: Diane Yancey

Section 2 Local Pre-Drought Planning

Why is local pre-drought planning needed?

Pre-drought planning is critical to ensuring a fast and efficient response. Having an organized approach to respond to drought quickly may help delay or avoid the need to implement more stringent watering restrictions later.

Implementation of the four pre-drought planning steps outlined in this section could easily take public water systems six months or more to fully implement, so utilities are encouraged not to wait until there is a need to begin the work. Additionally, some steps are likely to become more complicated or contentious once a drought response is declared. Addressing them before a drought response level is declared allows for more deliberative local policymaking with stakeholder buy-in. In addition, having a measured response that aligns with a well-thought-out strategy in a Drought Contingency Plan can help avoid harmful economic hardships that may be caused by demand curtailment actions (e.g., cutting back in irrigation and landscape maintenance can harm the economic well-being of the green industry).

Step 1 – Review Local Drought Contingency Plan, Update If Necessary.

All public water systems with a water withdrawal permit are required by EPD to have a drought contingency plan.

A. Drought contingency plans must include local drought condition indicators, such as streamflow, reservoir levels, and increased peak demands. These indicators are what public water systems use to determine whether to request a variance from EPD to either increase or decrease the drought response level and associated water restrictions. Confirm that these indicators make sense based on current information.

B. The drought contingency plan must set out the local potable water use priorities, which become relevant under drought response level 3 plus. Unless modified based on local conditions in the drought contingency plan, the potable water use priorities provided in Ga. Comp. R. & Regs 391-3-6-.07(9)(ii)(I) will apply.

C. Lastly, drought contingency plans must be consistent with the Drought Rule.

Under Step 1, each public water system should review their drought contingency plan. It may have been up to 10 years since the local drought contingency plan was updated, so first confirm that the local drought contingency plan still reflects the water supply system operations and conditions, including any local experience with any recent droughts. Lastly, make sure the drought contingency plan reflects the EPD Drought Rule from 2015 and not a prior version. If the drought contingency plan needs to be updated, coordination with EPD is necessary to complete the process.

Drought Response Guide

All public water systems with a water withdrawal permit are required by EPD to have a drought contingency plan.

I — Indicators

Drought contingency plans must include local drought condition indicators, such as streamflow, reservoir level, increased peak demands.

V — Variances

These indicators are what public water systems use to determine whether to request a variance from EPD to increase or decrease the drought response level and associated restrictions.

L — Local Conditions

The drought contingency plan must set out the local potable water use priorities, which become relevant under drought response level 3 plus. Unless modified based on local conditions in the drought contingency plan, the potable water use priorities provided in Ga. Comp. R. & Regs 391-3-6-.07(9)(ii)(I) will apply.

D — Drought Rule

Lastly, drought contingency plans must be consistent with the Drought Rule.

Step 2 – Review Intergovernmental Agreements for Water Imports and Exports; Address Drought-Related Items as Needed.

While drought contingency plans focus on water from a public water systems' own sources, water imports and/or exports sometimes make up a significant source of water supply. Therefore, having a clear understanding of imports and exports and their reliability during drought is essential. Experience has shown that the following questions may not be adequately addressed in some intergovernmental agreements:

A. Does the intergovernmental agreement address whether seller has the right to limit or end water sales during a drought?

B. If the agreement does not address limiting or ending water sales directly, does it have a force majeure provision (e.g. acts of God, unforeseen circumstances) that seller could use to limit or end water imports during a drought affecting the seller?

C. Is it a short-term agreement such that it may expire or otherwise be terminated during a multi-year drought?

D. If seller requests a variance from EPD to impose water use restrictions in seller's service area, does the agreement require buyer to seek its own variance to impose water use restrictions in buyer's service area?

E. If EPD establishes numeric water use reductions for the seller during declared drought response levels, does the agreement provide for those numeric reductions being imposed on the buyer? What about seller imposed numeric water use reductions?

If there is no written intergovernmental agreement or the agreement is silent or ambiguous as to these questions, consider entering into a dialogue with the agreement counterparty to clarify and, if necessary, agree to a written agreement or amendment that covers how the relationship will work during declared drought response levels.

Step 3 – Confirm a current, enforceable local drought response ordinance or policy is in place.

Local drought response ordinances and policies must be consistent with the EPD Drought Rule from 2015. Additionally, ordinances and policies must be adopted locally and include certain statutorily defined restrictions and exceptions as required by OCGA §12-5-7(a.1)(3). Lastly, a current local ordinance on drought is required by the District.

A. **Public water systems that are local governments** - The District model ordinance (available here) should be adopted as an ordinance by the county commission or city council, as applicable.

B. **Public water systems that are water authorities** - The District model ordinance should be adopted as a policy by the water authority board. The policy should be readily accessible by customers and referenced along with other policies in whatever documents customers agree to when they sign up for service.

Step 4 – Consider Assigning a staff member to track local drought indicators; understand local process for requesting variances.

EPD publishes periodic drought indicators at a state level but keeping a careful watch on drought indicators at a local level is important for early detection of local drought conditions. It is recommended that a specific staff member at each public water system be assigned to review local and state drought indicators. This staff member should understand any triggers under the local drought contingency plan indicating a need to request a variance to increase the local drought response level. Also, it is important to adopt an ordinance or policy that establishes the process and staff responsibilities for requesting a variance. For example, is the director of the public water system empowered to do this? Or does it require approval by the governing board? The District model ordinance includes one approach to handling staff responsibility for variances.


Photo credit: Kelli Sullivan

Section 3 District's Role in Drought Response

Monitoring Drought Indicators

EPD, under the Drought Rule, and public water systems, under their drought contingency plans, are responsible for monitoring drought indicators. The District supports this effort by monitoring regional drought indicators and water supply data. The District provides periodic updates to public water systems as needed.

Convening Public Water Systems

The District plays a convening role for the senior and mid-level management of public water systems when there is a desire to discuss drought indicators at a regional level and the need for any coordinated drought response. The District may also play a coordinating role with EPD on the need to increase or decrease drought response levels.

Regional Messaging, Media, and Website

The District coordinates messaging and engages with print, online, and television media by providing information on the region's water supply, the impacts of drought, and the need for watering restrictions, when applicable. Following a declared drought response level, the District maintains the website **www.gadrought.org** with public messaging and information. Region-level messaging is important because we share a regional media market and there are more than 50 governmentally owned public water systems in the District.

Sharing Ideas for Drought Education; Implementing and Enforcing Watering Restrictions

Starting with drought response level 1, the District staff will periodically host meetings and provide updates for public water system staff responsible for drought education and for implementing and enforcing watering restrictions. This meeting will serve as a forum for sharing successful practices and approaches, frequently asked questions from the public, and methods education, implementation, and enforcement. District staff can also provide detailed explanations of the EPD Drought Rule and the District's model ordinance.

Providing Technical Assistance to Public Water Systems

The District provides ongoing technical assistance on drought response. Some of this assistance is provided at a general, regional level. Assistance specific to a particular public water system is available upon request subject to available resources. Examples of technical assistance include:

- Preparing this Drought Response Guide,
- For regional water supplies, assisting with the evaluation of drought indicators, including reservoir levels, river and stream levels, and other data analytics,
- Assisting with local, pre-drought planning, including drought contingency plans, intergovernmental agreements, and local drought response ordinances,
- Providing toolkits and materials for local drought education as well as implementation and enforcement of watering restrictions,
- Analyzing water use trends and metering data to help public water systems focus their efforts on water users with the greatest opportunities for conservation, and
- Educating home builders and the public about the availability and benefits of installing drought tolerant turf grasses such as "TifTuf."

Please email TechnicalAssistance@northgeorgiawater.com for assistance with local pre-drought planning and drought response implementation.

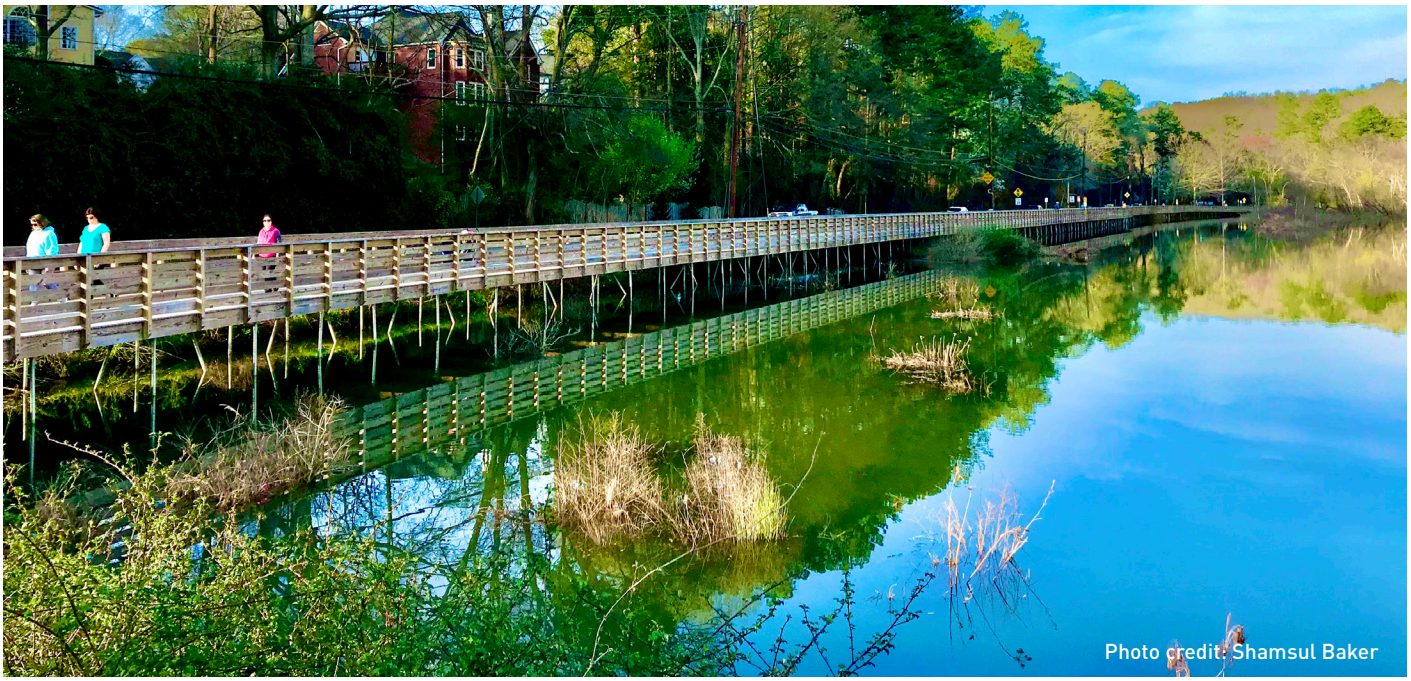


Photo credit: Shamsul Baker

Section 4 Local Variance Requests to Increase/ Decrease Drought Response Levels

IMPORTANT – Public Water Systems Cannot Impose Additional / Fewer Water Use Restrictions Locally without an EPD Approved Variance Request

EPD is responsible for making drought response declarations for large areas of the region or state, and all public water systems are responsible for implementing the drought response level that EPD declares and associated water use restrictions without change. Public water systems cannot decide to impose additional or fewer water use restrictions than those required under the applicable EPD declared drought response level without an approved variance request from EPD. There is, however, an exception for emergencies as described below.

IMPORTANT – Creative and New Incentive Programs, Educational Strategies, and Internal Operational Changes Always Allowed without Variance

While variances are required to impose additional restrictions, there are no limits on creating new incentive programs, educational strategies, and internal operation changes that save water at any time, including a drought.

Purpose of Drought Variance Requests

To provide for local flexibility, EPD Drought Rule 391-3-30-.08 provides a process for public water systems to submit a variance request to increase or decrease the drought response level and associated water use restrictions. Variance requests should be consistent with a public water system's drought contingency plan, including the specified local drought condition indicators, the local water storage availability, and associated trigger levels. Approved variances will apply only to the public water system's service area.

Variance Requests to Increase the Local Drought Response Level

Variance request applications shall demonstrate that the outdoor water use restrictions required by the current drought response level, if any, will not avoid or relieve a local water shortage and the extent to which additional water use restrictions will do so. See EPD Drought Rule 391-3-30-.08(1). Given the relatively detailed data, analyses, and estimates required for a variance request, public water systems should review the EPD Drought Rule and begin preparing their application as far in advance as possible.

Temporary Emergency Increase to the Local Drought Response Level

Public water systems may temporarily increase the local drought response level without first requesting a variance if it declares an emergency that immediately threatens the public health, safety, or welfare. Such emergency increase of the drought response level shall be valid for a period not to exceed seven days unless a variance is requested and granted by EPD. See EPD Drought Rule 391-3-30-.08(2).

Variance Requests to Decrease the Local Drought Response Level

Variance applications to decrease the drought response level shall demonstrate that the outdoor water use restrictions required by the current drought response level are not needed to avoid or relieve a local water shortage. EPD Drought Rule 391-3-30-.08(3).

Consistent Drought Response Level Framework for Variance Requests

Variance requests are limited to the drought response levels (non-drought, level 1, level 2, level 3, or level 3 plus) and their corresponding water use restrictions as articulated in the EPD drought response rule. See EPD Drought Rule 391-3-30-.08(3).

Photo credit: Diane Yancey

Section 5 Year-Round, Non-Drought Water Use Restrictions

Year-round restrictions on watering hours

Customers may irrigate outdoor ground cover, trees, shrubs, or other plants such as grasses only before 10 a.m. and after 4 p.m. subject to the exceptions in EPD Drought Rule 391-3-30-.03(1)(b). Public water systems should focus on educating customers during non-drought periods about the benefits of watering during these hours, instead of focusing on the lengthy list of exceptions in the EPD Drought Rule. For example, limiting outdoor irrigation to these hours saves customers money and water because less water is lost to evaporation during the cooler morning and evening hours. Public water systems should of course provide complete and accurate answers to any customer questions on exceptions. Enforcement of these watering hour restrictions should be reserved for intentional, repeat offenders and for drought response levels 2, 3, and 3-plus.

Restriction on Water Wasting Activities

The following water wasting activities are prohibited every day and all the time under the District's model ordinance under non-drought and all declared drought response levels:

- Operating a landscape irrigation system under the following conditions:
  - with visible leaks,
  - with broken or missing sprinkler heads,

    - during the rain or shortly thereafter when the landscape is visibly wet, or
    - in a manner that results in pooling or flowing water on hard surfaces such as streets, gutters, sidewalks, and driveways.
- Failing to install correctly, maintain, and use the legally required rain-sensor shutoff for a landscape irrigation system,
- Failing to repair visible leaks in a water service line, customer-side connection to the water meter, outdoor water spigot, or yard hydrant within 30 days,
- Using a water hose without a water shut-off nozzle,
- Operating water features as fountains, reflecting pools, and waterfalls, when water is regularly misting, splashing, or otherwise escaping outside the areas designed to be part of such water features, and

Again, public water systems should focus on educating customers on the benefits of avoiding water waste, and reserve enforcement for intentional, repeat offenders and drought response levels 2, 3, and 3-plus.

Photo credit: Leanna Greenwood

Section 6 Drought Response Level 1 – Public Information Campaign

What is a drought response level 1?

Drought response level 1 consists of a public information campaign. There are no outdoor watering restrictions associated with level 1, other than the year-round, non-drought watering restrictions, which continue to apply.

What does a Level 1 drought response public information campaign include?

The education campaign should alert the public about voluntary water conservation measures. The EPD Drought Rule requires that a public information campaign "include, at a minimum, public notice regarding drought conditions and drought specific public-service messages in one or more of the following ways: newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries."

Beyond these minimum requirements in the EPD Drought Rule, the District encourages public water systems to implement a campaign that at least:

- Alerts the public of current drought conditions and voluntary conservation measures;
- Explains the year-round watering restrictions, including restrictions on watering hours and water waste;
- Provides water conservation tips that the public can easily and practically implement;
- Encourages the public to reduce outdoor water use; and
- Explains that their efforts to conserve water are critical in times of drought.

Except for the year-round, non-drought watering restrictions, public water systems should ensure that their declared drought response level 1 campaign does not include additional watering restrictions on the public.

Available District resources

The District has printed and digital resources available to assist with public water systems' campaigns. These resources include but are not limited to:

- Upkeep of **gadrought.org**
- Region-wide drought conditions flyer that will be updated on an ongoing basis
- Water conservation tip card and brochure
- WaterWise Landscape Guide
- DIY Household Water Audit
- Sample social media posts

If a public water system needs education materials that are not already provided but does not have the resources or ability to create it, they can reach out to the District at **TechnicalAssistance@northgeorgiawater.com**.

What if Level 1 messaging is not enough?

According to **Alliance for Water Efficiency's January 2020 Study Report on Use and Effectiveness of Municipal Irrigation Restrictions During Drought**, voluntary conservation alone does not generate statistically significant water savings. If a public water system determines that conditions in their area are worsening and that a public information campaign is not doing enough to change behaviors, it may request a variance (see Section 4 of this Guide) from EPD to impose additional watering restrictions under drought response levels 2, 3, or 3-plus.

Photo credit: Tom Wilson

Section 7 Drought Response Level 2 – Water Use Restrictions

Outdoor Irrigation Limited to Two Days Per Week

Customers may irrigate outdoor ground cover, trees, shrubs, or other plants such as grasses only two days a week on an odd-even schedule. Customers with even numbered addresses may irrigate on Wednesday and Saturday and customers with odd numbered addresses may irrigate on Thursday and Sunday.

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
ODD			EVEN	ODD		EVEN

Restrictions on other Outdoor Water Uses

The following outdoor water uses are not allowed:

1. Washing hard surfaces such as streets, gutters, sidewalks, and driveways, except when necessary for public health and safety,
2. Using water outdoors for ornamental purposes, such as fountains, reflecting pools, and waterfalls,
3. Use of fire hydrants, except for the purposes of firefighting, public health, safety, or flushing,
4. Non-commercial washing of vehicles, such as cars, boats, trailers, motorbikes, airplanes, or golf carts,

5. Non-commercial washing, or pressure washing, of buildings or structures, except for immediate fire protection, and
6. Charity, or non-commercial fund-raiser, car washes.

Selecting and Implementing Drought Response Strategies

Each public water system must select and implement four or more of the drought response strategies listed below. Remember, if drought is especially severe locally, drought response level allows four ***or more*** strategies to be selected and one could also focus on the strategies with the highest water savings. Based on District staff experience in previous droughts and industry best practices and research, this table includes the anticipated levels of water savings, utility effort, and customer resistance for each strategy.

	Drought Response Strategy	Water Savings	Utility Effort	Customer Resistance	Notes and Resources
1	**Public information campaign that goes significantly beyond Drought Response Level 1**	Low	Low	Medium	Pairing enhanced education with enforcement, as provided in drought response strategy 10, is likely to result in additional water savings. Some messages, like prohibitions on homeowners pressure washing their own homes and on charity car washes, will be unpopular with customers, and care should be taken in messaging these restrictions. The District has made and provided informational materials when needed, and will continue doing so.
2	**Glasses of water provided to restaurant customers only upon request**	Low	Low	Medium	This strategy is best understood as an educational effort because direct water savings are negligible. The District will help prepare informational messages for restaurants to assist public water systems in their local implementation. The inconvenience will be unpopular with some customers.
3	**Distribute retrofit kits and water saving devices to customers**	Low	Low	Low	The kits result in modest water savings. The District may assist utilities with this strategy by providing advice on content of retrofit kits, facilitating bulk purchases, or by other means. This strategy presents another educational opportunity for customers and will be popular.
4	**Technical assistance otreach program to target high users and recommend opportunities to reduce water usage**	Medium	Medium	Medium	For many public water systems, a small percentage of customers are responsible for large amounts of water use. Specifically, studies like the Water Research Foundation's 2016 Executive Report on Residential End Uses of Water, have shown that some residential customers excessively water their outdoor landscapes far beyond their actual needs. While it takes some effort to identify and educate these customers on water savings opportunities, this approach has been proven to be very effective. Many customers will be appreciative of the outreach, but some customers may dislike having their water usage scrutinized.

5	**Reduce system pressure, unless such reduction would create unsafe water supply conditions**	Depends	Depends	Depends	The potential water savings, utility effort, and customer resistance from lowering system pressure is entirely system dependent. Utilities need to evaluate their own systems for savings opportunities and technical limitations.
6	**Pool cover requirements**	Depends	Medium	High	Water savings will depend on the number and size of pools in a utility's service area. Utilities would also need to prepare an inventory of customers with swimming pools to effectively implement this strategy, which for most utilities would need to be created from scratch. Additionally, water savings depend on proper and regular use of pool covers by customers. This strategy is likely to be very unpopular with customers because pool covers are expensive, require significant effort to use regularly and properly, and present new safety hazards.
7a	**Implement tiered conservation rates**	High	Low	Medium	No action is needed because all public water systems in the District have adopted tiered rates.
7b	**Implement drought surcharge**	Medium	High	Medium	Drought surcharges allow utilities to focus on reducing demands without worrying about resulting revenue losses, which could undermine their operations and staffing levels. Drought surcharges can also provide some independent conservation signals depending on how they are structured. Structuring and adopting drought surcharges requires significant effort by utilities and their leaders, and they are likely to be unpopular with some customers who see the surcharges as requiring them to pay more while using less. For more information on Drought Surcharges, see **Chapter 3 of the American Water Works Association's M1 Manual on the Principles of Water Rates, Fees, and Charges**.
8	**Suspension of street cleaning program(s)**	Low	Low	Low	Because MS4 permits require local governments to have a street cleaning program, public water systems should consider waiting until drought response level 3 to implement this strategy if they serve MS4 permitees that use water for street cleaning. These MS4 permitees should develop a contingency plan to replace street sweeping in the event of a Level 3 Drought Response declaration. The MS4 Permit requirement for street cleaning can be addressed through a litter removal program, such as Adopt-A-Road, litter pick-up by MS4 staff, or litter pick-up by another entity (e.g. community service, inmates). Many street cleaning techniques already use little, if any water so the potential savings from this strategy for most utilities will be low. With few exceptions, eliminating street cleaning processes that do use water will require low effort from utilities and will have low impacts on customers.

9	**Implement, or accelerate, leak detection and repair program(s)**	Medium	High	Low	Water savings from this strategy will depend on utilities dedicating high levels of financial and staff resources to accelerate their leak detection programs. Given the time it can take to implement leak repair projects, this strategy will be most effective for utilities that can accelerate existing multi-year leak reduction programs. Other than the typical disruptions associated with water infrastructure work, customer impact will be low.
10	**Impose monetary penalties or terminate water services to customers to reduce outdoor water waste**	High	Medium	High	Studies like the **Alliance for Water Efficiency's January 2020 Study Report on Use and Effectiveness of Municipal Irrigation Restrictions During Drought** demonstrate that restrictions should be paired with enforcement to be effective. This requires public water systems to take an active role in monitoring customer water use, issuing citations, and following through with enforcement actions. The customer impact will be high, so it is important to focus heavily on education and consider giving written warnings so that customers view enforcement actions as predictable and fair.

Exceptions to and Exemptions from Outdoor Watering Restrictions

The EPD Drought Rule includes numerous and complex exceptions and professional exemptions to the outdoor watering restrictions under drought response level 2. See EPD Drought Rule 391-3-30-.03(1)(b) and 391-3-30-.07(6). See Section 10 of this Guide for information on how manage these exceptions and exemptions.

Section 8 Drought Response Level 3 – Water Use Restrictions

Outdoor Irrigation Ban

Customers shall not irrigate outdoor ground cover, trees, shrubs, or other plants such as grasses subject to the exceptions listed in the EPD Drought Rule.

Restrictions on Other Outdoor Water Uses

The six restrictions on other outdoor water uses that applied under drought response level 2 continue to apply under drought response level 3. See the six restrictions above in Section 7 of this Guide.

Drought Response Strategies

The public water system must select and implement through its operations all 10 of the drought response strategies outlined above in Section 7 of this Guide.

Exceptions to Outdoor Water Use Restrictions

The EPD Drought Rule includes numerous and complex exceptions and professional exemptions to the outdoor watering restrictions under drought response level 3. See EPD Drought Rule 391-3-30-.03(1)(b) and 391-3-30-.07(6). See Section 10 of this Guide for information on how to manage these exceptions and exemptions.

Numeric Water Usage Reductions

EPD may establish numeric reduction requirements, and public water systems may need to increase their level of effort in implementing and enforcing water use restrictions accordingly. Additionally, seeking a variance for drought response level 3-plus may be needed if the numeric reductions cannot easily be met using only those water use restrictions under drought response level 3.

Section 9 Drought Response Level 3 Plus – Water Use Restrictions

What is Drought Response Level 3 Plus?

If a public water system needs to impose additional water use restrictions surpassing level 3, the public water system may request a variance from EPD to impose water use restrictions under level 3-plus. See Section 4 of this Guide on how to request variances.

Potable Water Use Priorities

When requesting a variance for drought response level 3-plus, public water systems can create and formulate their own, custom water use restrictions. However, unless modified based on local conditions in a public water system's local drought contingency plan, the following order of potable water use priorities provided in EPD rule 391-3-6-.07(9)(ii)(I) should be followed:

1. Emergency facilities for essential life support measures;
2. Domestic and personal uses, including drinking, cooking, washing, sanitary and health related;
3. Farm uses;
4. Industrial uses;
5. Other uses such as lawn sprinkling, non-commercial car washing, garden watering, etc.; and
6. Outdoor recreational uses.

Potential Water Use Restrictions for Level 3-Plus

Each public water system would need to evaluate the areas where the greatest water savings potential exists among and within its customer classes. Based on the above water use priorities, new water use restrictions under drought response level 3 plus should focus on limiting the uses in #5 and #6 above. For example, a public water system could prohibit all outdoor recreational uses of water or prohibit the installation of new or replanted plants, seed, or turf. Distinctions could be made to limit private uses first, given that more people benefit per unit of water used for public swimming pools and public sports fields. Public uses could also be limited if the need for water use reductions remains.

Photo credit: Danielle Bunch

Section 10 Local Management of Exceptions and Exemptions

Understanding the Exceptions and Professional Exemptions

The EPD Drought Rule includes numerous and complex exceptions and professional exemptions to the outdoor watering restrictions. See EPD Drought Rule 391-3-30-.03(1)(b) and 391-3-30-.07(6). The number and complexity of these exceptions and exemptions present several potential challenges to the effective implementation of watering restrictions, and the following recommendations are intended to assist public water systems in managing these challenges.

Recommended Strategy for Managing Exceptions and Exemptions

If all messaging on watering restrictions were to include all exceptions and exemptions, the messaging would be long and hard to understand, which would likely undermine the effectiveness. The District recommends two approaches that would help manage these challenges.

For a general audience, the messaging focus should be on the watering restrictions themselves and references to exceptions and exemptions should be handled in summary fashion by directing people to the webpage with the full list of exceptions and exemptions as well as the signage, notice, registration, and application requirements detailed below. This approach allows the audience to focus on and understand the watering restrictions while still providing an opportunity for concerned members of the audience to go find the exceptions and exemptions.

For a specific audience, like homeowners, the messaging focus should be on the watering restrictions and those exceptions and exemptions of greatest significance to that audience. In the case of homeowners, for example, the most significant exceptions would include hand watering, irrigation of personal food gardens, and watering new landscapes.

District Model Ordinance Requirements for Signage, Notice and Registration for Certain Exceptions

Some exceptions allow outdoor water use that will appear to be violations of watering restrictions to the public and to enforcement staff. They also create potential for abuse. These include exceptions to outdoor watering restrictions for new and replanted landscapes and for outdoor uses of reuse, reclaimed, and privately sourced water. As outlined in Section [Y]-11 of the District's model ordinance, requiring signage on the property, and notice and registration with the public water system for these exceptions to be claimed by customers, will help limit apparent violations and potential abuse. The District staff will assist public water systems in designing signage and creating templates for notice and registration requirements.

Requiring an Application for the Exemption for Essential Business Uses

As a catch-all for professional exemptions, the EPD drought rule exempts "[o]ther water using activities essential to daily business." To ensure a reasonable interpretation and scope of this exemption, the District recommends requiring an application process in order for this exemption to be claimed by a customer. See Section [Y]-12 of the District's model ordinance.

Staff Training on Exceptions and Exemptions

All staff members involved in drought response education, customer assistance, and enforcement should be thoroughly trained to ensure they understand the exceptions and exemptions and can accurately and consistently apply them to their work. The District staff will support public water systems with training programs on this topic.

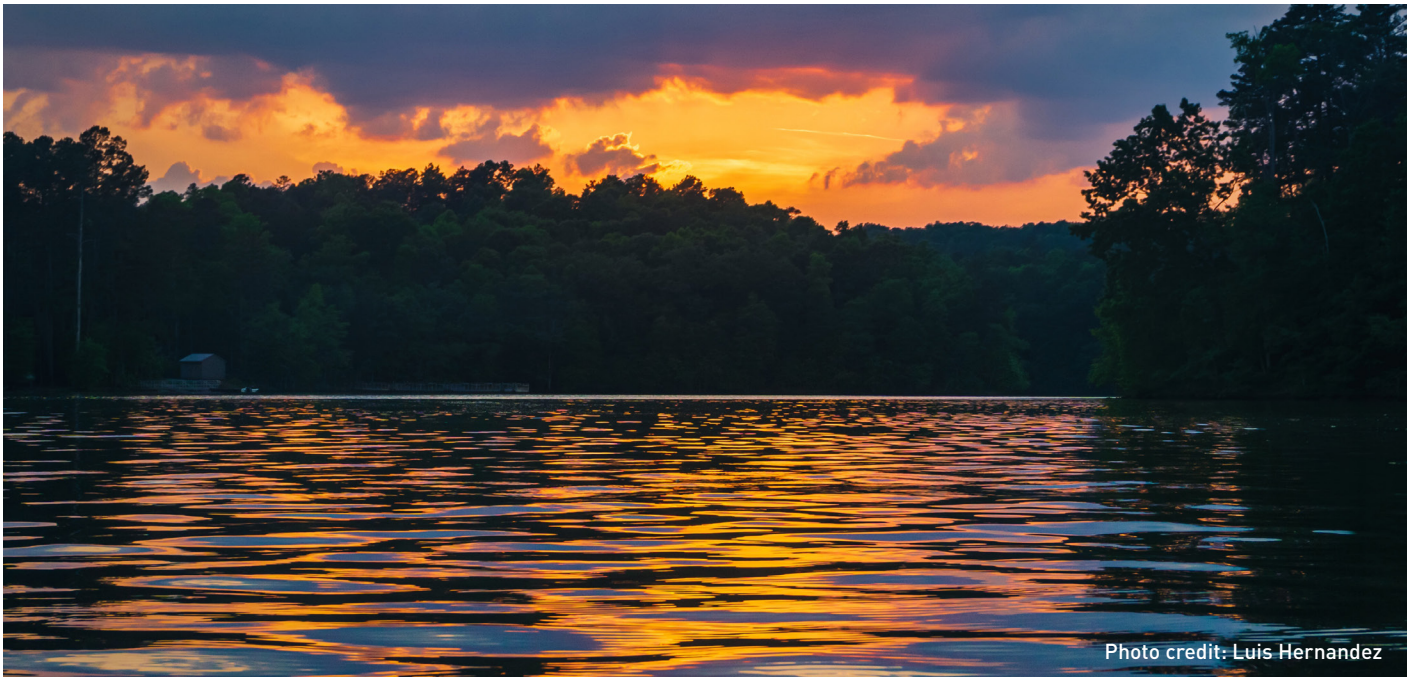


Photo credit: Luis Hernandez

Section 11 Monthly Reporting by Public Water Systems to EPD

Beginning with drought response level 2, public water systems must submit to EPD by the 10th of each month a report detailing the drought response implementation and enforcement as well as reporting on any water supply uses. EPD provides a **monthly reporting form**. In addition to indicating which drought response strategies a public water system has selected, a public water system should be tracking and be prepared to address the following from EPD's monthly form.

Implemented (Check box if yes)	Implementation and Enforcement
	Check options that are above and beyond normal business practices during non-drought conditions.
	Customer Notification (which of the following practices have been implemented during this 30 day reporting period?)
☐	Site visits: Verbal notification or hang tags left at residences;
☐	Phone calls;
☐	Emails;
☐	Letters/notifications sent to customers;
☐	Social media;
☐	Other/comments (please list below):
	Code Enforcement Actions (which of the following enforcement actions has the system implemented in this reporting period?)
☐	Verbal warnings;
☐	Written warnings;
☐	Citations issued to customers;
☐	Monetary penalty imposed to customers;
☐	Court/legal actions taken;
☐	Service disconnection;
☐	Other/comments (continued on next page):

Photo credit: Christian Murillo

FAQs Frequently Asked Questions

How was this Guide prepared?

The idea of preparing this Guide came from the District staff and public water systems' experiences with the droughts in 2016 and 2019. District staff led the initial drafting effort with the support from Jacobs Engineering. Then the draft Guide was reviewed and refined through a stakeholder process with the District Technical Coordinating Committees and Basin Advisory Councils.

Has EPD approved this Guide?

The District provided EPD an opportunity to review and comment on this Guide, but it is neither a regulatory document nor was it formally approved by EPD.

What are the limitations of this Guide?

This Guide is based on the legal requirements outlined in the EPD Drought Rule as of August, 2022. The District intends to update this Guide periodically based on regional experience with drought response, data and analysis for drought response around the country, and changes in law. Also, the District cannot account for all variations in local government forms and other unique local circumstances in this Guide. Public water systems should coordinate with technical and legal professionals as necessary to ensure their local drought response efforts are up to date, consistent with all legal requirements, and match local circumstances.

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