

Item 4.2

TOWNSHIP OF WASHINGTON  
FRANKLIN COUNTY, PENNSYLVANIA

RESOLUTION # 179

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THIS TOWNSHIP RATIFYING THE WASHINGTON TOWNSHIP MUNICIPAL AUTHORITY, RESOLUTION 91-7, THE WATER SHORTAGE RESPONSE PLAN, FOR THE WTMA'S WATER SERVICE AREA.

WHEREAS, from time to time water shortages occur as a result of the lack of rainfall and other conditions; and

WHEREAS, from time to time it may become necessary to conserve, restrict, or ration the use of water in the WTMA service area; and

WHEREAS, the WTMA on August 13, 1991, adopted Resolution 91-7, which provides a Water Shortage Response plan for the WTMA's water service area; and

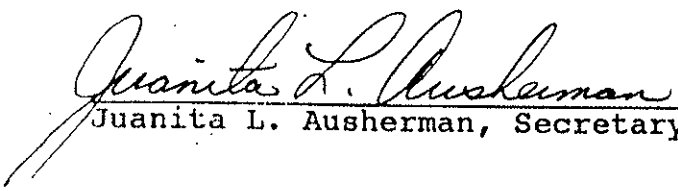
WHEREAS, the Washington Township Supervisors have been asked to ratify this resolution for the WTMA water service area.

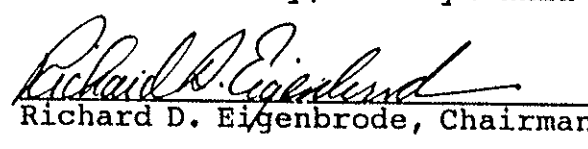
NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Washington Township does hereby ratify the WTMA Water Shortage Response Plan, Resolution # 91-7 adopted August 13, 1991, by the WTMA and attached hereto.

DULY RESOLVED this 19th day of August 1991, by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania in lawful session duly assembled.

Attest:

Township of Washington  
Franklin County, Pennsylvania

  
Juanita L. Ausherman, Secretary

  
Richard D. Eigenbrode, Chairman

RESOLUTION 91-7

A RESOLUTION DEVELOPING A "WATER SHORTAGE RESPONSE PLAN" FOR THE WASHINGTON TOWNSHIP MUNICIPAL AUTHORITY, FRANKLIN COUNTY, COMMONWEALTH OF PENNSYLVANIA.

WHEREAS, the Washington Township Municipal Authority, hereinafter referred to as the Authority, finds and determines that in order to conserve and protect its water supply and to meet the essential water needs of those residents to which public water service is provided, it is necessary to adopt a water shortage response plan and to establish the legal framework to properly implement such a plan, AND

WHEREAS, the purpose of this resolution is to protect public health and safety during periods of water shortage.

NOW THEREFORE, be it ordained by the Authority as follows:

SECTION ONE: WATER SHORTAGE RESPONSE PLAN

The WATER SHORTAGE RESPONSE PLAN of the Authority is hereby adopted and attached hereto. This plan may be modified and updated by resolution.

SECTION TWO: NONESSENTIAL USES OF WATER

Those uses of water not essential to the protection of public health and safety are deemed nonessential. Nonessential uses of water may be restricted by both voluntary and mandatory measures as prescribed and outlined within the Water Shortage Response Plan. A list of nonessential water uses is included in the Plan.

SECTION THREE: MANDATORY WATER USE RESTRICTIONS

If, during a water shortage period, a voluntary ban on nonessential uses of water has not sufficiently reduced the rate of depletion of water supply sources, and those sources have reached a level at which the Response Plan prescribes more severe demand reduction measures, a mandatory restriction of nonessential water uses shall be imposed.

SECTION FOUR: WATER RATIONING

If a water shortage emergency is declared by the Governor of the Commonwealth of Pennsylvania within an area which includes the service area of the Authority and both voluntary and mandatory restrictions of nonessential water uses have failed to sufficiently reduce the rate of depletion of all available supply sources, and if the Authority plans for water rationing have been reviewed and approved by the Pennsylvania Emergency Management Council, water rationing may be implemented. The Authority WATER RATIONING PLAN is included in the Water Shortage Response Plan.

SECTION FIVE:

Any water service customer(s) may apply to the Authority for an exemption to the terms of this resolution which may be granted by the Board upon adequate evidence of inequitable hardship imposed through adherence to the provisions of the Plan.

ADOPTED this 13th day of AUGUST, 1991 in due and lawful meeting in accordance with rules, regulations and/or bylaw amendment pursuant to 53 Pa. C.S.A. 301 (Municipality Authorities Act of 1945).

ATTEST:

WASHINGTON TOWNSHIP MUNICIPAL AUTHORITY  
FRANKLIN COUNTY, PENNSYLVANIA



Fred Eisenhart  
Secretary/Treasurer



Warren Tomlinson  
Chairman

(SEAL)

**WATER SHORTAGE RESPONSE PLAN**  
**FOR THE WASHINGTON TOWNSHIP MUNICIPAL AUTHORITY**  
**WASHINGTON TOWNSHIP, FRANKLIN COUNTY, COMMONWEALTH OF PENNSYLVANIA**

<u>ARTICLE NO.</u>	<u>TITLE</u>
1.	Definitions
2.	Purpose
3.	Scope
4.	Triggering Points
5.	Conservation Requirements for Each Stage
6.	Prohibition of Nonessential Uses
7.	Water Reduction Requirements
8.	Service Interruptions
9.	Procedure for Exemptions or Variance from Nonessential Uses of Water Restrictions
10.	Penalties and Enforcement
11.	Saving Clause
12.	Implementation Period
13.	Effective Date

ARTICLE 1. DEFINITIONS

The following words and terms, when used in this Plan shall have the following meanings unless the context clearly indicates otherwise:

Arboretum - A place where trees, shrubs, and plants are cultivated for scientific and educational purposes.

Authority - Washington Township Municipal Authority

Council - The Pennsylvania Emergency Management Council, created by 35 PA C.S.A. Sections 7101-7704 (relating to emergency management services).

Department - The Department of Environmental Resources.

Drought Coordinator - Person or persons appointed to represent the Authority.

Fresh Water - Water withdrawn from a surface or ground water source, or from a public water supply system, located within the Commonwealth, which has not been previously used, other than brackish water and water from a nonpotable source. The term does not include water collected directly from precipitation in rain barrels or cisterns.

Mobile Equipment - A public, private or commercial automobile, truck, bus, trailer, railroad car, camper, boat, or another type of similar equipment.

Nurseries - Facilities which are used to grow or keep plants, trees, shrubs, vines, bulbs, cuttings, grafts, flowering annual plants, aquatic plants, seeds, or tubers for propagation, distribution or sale.

PEMA - The Pennsylvania Emergency Management Agency, created by 35 PA C.S.A. Sections 7101-7707 (relating to emergency management services).

Plan - Water Shortage Response Plan.

Reclaimed Water - Waste water which has been treated to allow reuse.

Special Emergency Area - The area or areas within which the Governor or Authority has declared a State of Drought and Water Shortage Emergency.

Three Springs - Buena Vista, Bubbling, and Sulfhur Springs

Waste Water - Water which has been previously used for industrial, municipal, domestic, or other purpose, and has not been returned to the surface or ground water source.

Water from a Nonpotable Source - Water from a surface or ground water source which the Department determines is not used for public or private drinking water supply, and is not capable of being rendered suitable for drinking water supply by standard and economically feasible methods of treatment.

Water User - An individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision, or an agency of Federal, state, county or municipal government. The term includes the officers, employees and agents of a partnership, association, company, corporation, municipality, municipal authority, political subdivision, or an agency of Federal, state, county or municipal government.

Well No. 5 - Well Numbers 5 and 6

## ARTICLE 2. PURPOSE

The purpose of this plan is to establish a Water Shortage Plan defining nonessential uses of water, identifying voluntary and nonvoluntary restrictions in nonessential water use, and establishing mandatory water reductions in response to a state of drought and/or water shortage emergency declared by the Authority in order to conserve water, to balance demand with limited available supplies and to assure that sufficient water is available to serve essential health, safety, and economic needs.

## ARTICLE 3. SCOPE

This Plan applies to all water uses within areas of Washington Township which are included in the Authority's Executive Order that declares a state of drought or water shortage emergency.

## ARTICLE 4. TRIGGERING POINTS OF THE WATER SHORTAGE RESPONSE PLAN

Water levels at the Authority's wells and springs shall be monitored daily throughout

the summer and reports provided on a weekly basis to the Board. The following stages are necessary to control water production requirements.

- A. Stage I - Implemented when the water level in Well #5 drops to 55 feet.

Stage I is implemented automatically as a safe guard to preserve the Well #5 aquafier when rainfall fails to replenish the water system through the summer and fall.

- B. Stage II - Implemented when the flows from the three springs reduce and Well #5 is required for more than 6 hours operation each day (weekly basis).

- C. Stage III - Implemented when Well #5 is required for more than 16 hours per day or its level drops below 20 feet.

- D. Stage IV - When water volumes become inadequate, Stage IV is implemented.

Council approval is required before water rationing can be implemented.

Note: Stages II, III, and IV require Authority Board action. Each stage shall be implemented in accordance with this plan and with consideration of all available information. The Authority may declare a stage of emergency with water use restrictions at any time conditions impact the availability of water for its customers.

#### ARTICLE 5. CONSERVATION REQUIREMENTS FOR EACH STAGE OF THE PLAN.

- A. Stage I

1. The Authority switches the use of water from Well #5 to a secondary use and Hoover Springs to a primary use.
2. Water conservation is requested at this time through public announcements.

- B. Stage II

1. Nonessential water use is prohibited as per Article 6.
2. The Washington Township Supervisors are requested to enforce the nonessential water use ban.

- C. Stage III

1. Exceptions listed on the enclosed nonessential water use list are removed. There are no exceptions to the nonessential water use list.
2. A 25% reduction of water use by all customers is required. Penalties are implemented against customers failing to achieve the 25% reduction.

- D. Stage IV

1. Water rationing is implemented.
2. Temporary service interruptions may be implemented.

#### ARTICLE 6. PROHIBITION OF NONESSENTIAL WATER USES.

Whenever the Authority declares a state of drought or water shortage emergency in any area of the Authority's water service area, the following water uses shall be

deemed nonessential and are prohibited within those areas that have been declared to be in a state of drought or water shortage emergency. Please note that exceptions below are excluded when Stage III is declared.

A. The use of any water for watering of lawns, except:

1. Water may be applied to grass areas as part of a sewage or storm water treatment system utilizing spray irrigation.
2. Water may be applied at the minimum rate necessary to maintain grass tennis courts.
3. Water may be used at the minimum rate necessary to establish and maintain newly seeded and sodded grass areas when applied between the hours of 5:00 p.m. to 9:00 a.m. by means of a bucket, can, or hand-held hose equipped with an automatic shut-off nozzle. No sprinklers may be used for this purpose.
4. Water may be used at the minimum rate necessary to establish and maintain newly seeded or sodded non-residential grass areas exceeding 10,000 square feet when applied between the hours of 5:00 p.m. and 9:00 a.m., by any means designed and operated to assure effective conservation of the water.
5. Professional landscapers may use water at the minimum rate necessary on newly seeded and sodded grass areas greater than 10,000 square feet during regular working hours by any means designed and operated to assure effective conservation of the water.

B. The use of fresh water for irrigation and watering of outdoor gardens, landscaped areas, trees, shrubs, and other outdoor plants except:

1. Fresh water may be used for agricultural irrigation for the production of food and fiber, the maintenance of livestock and poultry, or the production of nursery stock.
2. Fresh water may be applied by means of a hand-held hose equipped with an automatic shut-off nozzle, when applied between the hours of 5:00 p.m. and 9:00 a.m.
3. Fresh water may be applied by means of a hand-held container or a hand-held hose equipped with an automatic shut-off nozzle at the minimum rate necessary to establish and maintain newly planted gardens, trees, shrubs or other outdoor plants. Sources of water, other than fresh water, should be used where available.
4. Fresh water may be used by commercial nurseries at the minimum rate necessary to maintain stock, only to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use.
5. Fresh water may be used by arboretums and public gardens of national, state or regional significance at the minimum rate necessary to preserve

specimens, to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use.

6. Fresh water may be used at the minimum rate necessary to implement revegetation following earthmoving, where revegetation is required under an approved erosion and sedimentation control plan adopted under State law or regulation, to the extent that sources of water, other than fresh water, adequate to supply needs are not available or feasible to use. Revegetation use shall comply with all applicable best conservation management practices for revegetation prescribed by the Department and County Conservation Districts.
- C. The use of fresh water for watering a portion of golf courses, except:
1. Fresh water may be used to water tees and greens during the hours of 5:00 p.m. to 9:00 a.m.
  2. Fresh water may be used as part of a necessary overseeding or resodding operation during the months of August, September and October at the minimum rate necessary.
- D. The use of water for washing paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts and patios, except:
1. Water may be used for prewashing in preparation of asphalt street or driveway recoating and sealing.
  2. Water may be used at the minimum rate necessary for the maintenance of tennis courts composed of clay or similar materials by means of a hand-held hose equipped with an automatic shut-off nozzle.
  3. Water may be used at the minimum rate necessary for sanitation of the premises of eating and drinking places.
- E. The use of water for ornamental purposes including fountains, artificial waterfalls and reflecting pools.
- F. The use of water for washing or cleaning of mobile equipment, including automobiles, trucks, trailers, and boats, except:
1. Individuals may wash personally owned or leased vehicles by buckets only.
  2. Water may be used by commercial car washes at the minimum rate necessary to ensure an effective wash.
  3. Water may be used for cleaning of construction, emergency, public transportation, or government vehicles where necessary to preserve the proper functioning and safe operation of the vehicle.
  4. Water may be used for the cleaning of new and used cars which are part of a dealer's sales inventory according to the following restrictions:
    - (a) Vehicles may be washed in preparation for sale at the time the vehicle is received from the manufacturer or prior owner.



- (b) Vehicles shall be washed no more than once every 7 days, to be determined as follows: Odd street addresses on Tuesdays, even street addresses on Wednesdays and no street address on Thursdays.
  - (c) Vehicles may be washed following sale immediately prior to delivery to the purchaser.
  - (d) Vehicles may be washed by any means designed and operated to assure effective conservation of water or by bucket or hand-held hose equipped with an automatic shut-off nozzle.
5. Water may be used by professional mobile wash businesses, at the minimum rate necessary, for the washing of commercial, government, or other vehicles as part of normal business practices.
- G. The serving of water in restaurants, clubs or eating places unless specifically requested by the individual.
- H. The use of water to fill and top off swimming pools, except water may be used for the following:
- 1. To fill and top off public swimming pools and residential swimming pools serving 25 or more dwelling units, if the pools have filtration equipment allowing for continued use and recycling of water over the swimming season.
  - 2. To fill and top off swimming pools operated by health care facilities used in relation to patient care and rehabilitation.
  - 3. To fill and top off other pools only if approved by the public water supply system from which the water is withdrawn. If water is obtained from other sources, permission from the owner of the source is required.
- I. The use of fire hydrants by any fire company for testing fire apparatus and for fire department drills except as necessary for fire fighting or protection purposes.
- J. The use of fire hydrants by municipal road departments, contractors and all others except for protection purposes.

#### ARTICLE 7. WATER REDUCTION REQUIREMENTS

The following water use restrictions and limitations shall be imposed when the Authority declares that a Stage III situation exists.

A. Allotments:

- 1. Each dwelling unit (household) shall reduce their water usage by a minimum of 25% of use levels for the same quarter of the preceding year or the last recorded use level if no meter readings record the rate of the customer's use in the same quarter of the preceding year. If no

records exist the allotment shall be 41 gpd (gallons per day) per dwelling unit resident or 111 gpd per EDU (equivalent dwelling unit) approved on the permit application for commercial or industrial customers.

2. Residential water customers are required to provide the Authority with reasonable access to read meters as necessary to implement this rationing plan. Where access is not readily available, the Authority shall make reasonable effort to contact customers to arrange for access to read meters. In the event a water customer does not allow said personnel entry to read the meter, after the Authority has made a reasonable effort to arrange for such access, the dwelling unit (household) allotment will be reduced to 55 gallons per day.
3. Where the residential water allotment provided under this section would create extraordinary hardship, as in the case of special health-related requirements, the water customer may apply to the Authority for an exemption or variance from these requirements. If the Authority finds that the allotment provided in this section would impose extraordinary hardship, the Authority may establish a revised allotment for the particular customer.
4. Any person aggrieved by a decision relating to such an exemption or variance rendered by the Authority may file an appeal with the Common Pleas Court of Franklin County, in accordance with the provisions and procedures of the Local Agency Law, 2 PA C.S. 551-555, 751-754.

B. Hospitals and Health Care Facilities.

1. Hospitals and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution, to the extent compliance will not endanger the health of the patients or residents of the institution.
2. Each hospital and health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of patients or residents to achieve a 25% reduction in the institution's water usage.

ARTICLE 8. TEMPORARY SERVICE INTERRUPTIONS

The following provisions shall govern the implementation of temporary service interruptions:

- A. In order to effectuate compliance with this Plan, the Authority may plan and implement temporary service interruptions to all or part of its water supply system, as may deem appropriate, when any and/or all of the following conditions are determined to exist, as to its water supply system:
  1. A 25% reduction in systemwide water usage has not been achieved, and/or
  2. The 25% reduction in systemwide water usage has been achieved, but has failed to have a significant impact in extending limited water supplies, and/or

3. Temporary service interruptions are necessary in order to further extend limited and/or dwindling water supplies.
- B. In the event that the Authority determines that temporary service interruptions are necessary, the Authority shall notify its customers through the public media (newspapers, radio, telephone and television) serving the customers of the Authority's service area, at least one day prior to the temporary service interruptions, that a planned, temporary service interruption is to be imposed.

In addition, the Authority shall notify the Commonwealth Drought Coordinator, the local coordinator of emergency management, local public health authorities, the Pennsylvania Emergency Management Agency, the Regional office of the Department of Environmental Resources and all local fire departments.

Such notice shall:

1. State the day or days when the planned, temporary service interruptions will occur;
  2. State the time(s) when such planned, temporary service interruptions will commence, and the time(s) such interruptions will cease;
  3. State whether the planned, temporary service interruptions are to be imposed on the entire system, or a part thereof, and if only part(s) of the system will experience planned, temporary service interruptions, identify the geographical boundaries within which the planned, temporary service interruptions will occur; and
  4. Advise all customers within the area(s) effected by planned, temporary interruptions how to treat any water received from the system, for human consumption during the period(s) of planned, temporary service interruptions and for such additional time as may be necessary until full pressure is restored to the system.
- C. If the Authority imposes planned, temporary service interruptions, it must provide for the continued delivery of water to health care facilities within the area(s) affected by such interruptions, by means of any adequate, alternative delivery measures that may be necessary.

ARTICLE 9. PROCEDURE FOR EXEMPTIONS OR VARIANCE FROM THE NONESSENTIAL USES OF WATER.

- A. If compliance with the prohibition of nonessential use of water would result in extraordinary hardship upon a water user, the water user may apply for an exemption or variance.
- B. For purposes of this section, extraordinary hardship means a permanent damage to property or other personal or economic loss which is substantially more severe than the sacrifices borne by other water users subject to the prohibition of nonessential use of water.
- C. A water user that believes it suffers an extraordinary hardship and desires

to be wholly or partially exempt from the prohibitions on nonessential uses of water may apply for an exemption or variance under the following procedures:

1. The water user shall submit a written application with full documentation supporting the need for the requested relief to:  
Washington Township Municipal Authority  
Drought Coordinator  
11102 Buchanan Trail East  
Waynesboro, PA 17268
2. The application shall contain information specifying:
  - (a) The nature of the hardship claimed and reason for the requested exemption or variance.
  - (b) The efforts taken by the water user to conserve water and extent to which water use may be reduced by the applicant without extraordinary hardship.
- D. An exemption or variance will only be granted to a water user to the extent necessary to relieve extraordinary hardship and will be conditioned upon compliance with all reasonable conservation measures required by this Plan or the exemption or variance.
- E. An exemption or variance approved by the Drought Coordinator may be modified or rescinded should public health, safety and welfare require further reduction in water use.
- F. An exemption or variance granted to a water user for a specific property, purpose or person is not transferable to another property.
- G. Any person aggrieved by the final decision or action of the Authority may file an appeal with the Common Pleas Court of Franklin County in accordance with the provisions and procedures of the Local Agency Law, 2 PA C.S. 551-555, 751-754.

#### ARTICLE 10. PENALTIES AND ENFORCEMENT

- A. A water user who violates a mandatory conservation order, fails to implement the duties and responsibilities imposed by this order, or impedes or interferes with action undertaken or required under this order, shall be subject to the penalties provided under 35 PA C.S.A., Section 7707 (relating to penalties). Violation of any provision of this chapter is a summary offense enforceable by proper law enforcement authorities or private citizens under 234 PA Code Chapter 50 (relating to summary cases) and Chapter 6000 (relating to Rules of Criminal Procedure for the Municipal Court of Philadelphia).
- B. Enforcement when Stage II, III, or IV restrictions are in effect.
  1. Any water customer who exceeds the allotments established pursuant to this Water Conservation Plan will be subject to an excess-use charge, computed in accordance with the following schedule:

EXCESS USAGE PER MONTH

CHARGE FOR EXCESS

First 2,000 gallons or  
portion thereof

\$7.00 per 1,000 gallons  
or portion thereof

Each 1,000 gallons or  
portion thereof thereafter

\$15.00 per 1,000 gallons  
or portion thereof

2. Any monies collected by the Authority through excess-use charges shall not be accounted for as income to the Authority, but shall be placed in a reserve account. The disposition of these funds placed in the reserve account shall be disposed of in accordance with the directions of the Commonwelath Drought Coordinator.
3. In addition to the excess-use charge, non-compliance with the Water Conservation Plan will result in the following:
  - (a) For the first excess use, a warning of possible discontinuation shall be issued to the customer.
  - (b) For the second or subsequent excess use, the Authority may interrupt or shut-off service to the customer for a period not to exceed 48 hours or may install a flow restrictor in the customer's service line for the duration of the emergency. The cost incurred to interrupt or shut-off and reinstate service or to install and remove a flow restrictor shall be assessed to the customer.
4. Any violation of prohibited nonessential uses during implemented Stages III or IV of this Plan shall be treated as a second offense.
5. The Authority may alter meter reading schedules to assure adequate monitoring of compliance with this Plan.

ARTICLE 11. SAVING CLAUSE

Nothing in this Plan shall in any way limit or affect the power or authority of any political subdivision to adopt and enforce ordinances, rules, restrictions, and orders for water conservation and protection of essential water supplies, provided that such ordinances, rules, and restrictions are not inconsistent with the requirements of this Plan.

ARTICLE 12. EFFECTIVE PERIOD

This Plan shall remain in effect until terminated by action of either the Governor, the Pennsylvania Emergency Management Council, or the Authority.

ARTICLE 13. EFFECTIVE DATE

This Plan shall take effect immediately upon action of either the Governor, the Pennsylvania Emergency Management Council, or the Authority.

Approved by the Washington Township Municipal Authority - August 13, 1991.