

Startex Jackson Wellford Duncan (SJWD) Water District Drought Management Plan and Response Ordinance

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Section I: Declaration of Purpose and Intent

The SJWD Water District understands the fundamental need to make efficient use of the limited and valuable water resource under its stewardship in order to protect the public's health and safety and environmental integrity. The purpose of this document is to establish a plan and procedures for managing water demand and evaluating supply options before and during a drought-related water shortage. The intent is to satisfy the requirements of the Drought Response Act of 2000 (Code of Laws of South Carolina, 1976, Section 49-23-10, et seq., as amended) with the goal of achieving the greatest public benefit from domestic water use, sanitation, and fire protection and to provide water for other purposes in an equitable manner. Therefore, the SJWD Water District has adopted this Drought Management Plan and Drought Response Ordinance that provide the policies and the authority to fulfill this obligation. The Drought Management Plan outlines the framework by which SJWD Water District will internally prepare for water shortages. The Ordinance provides the regulations by which the SJWD will manage and control its customer water usage during various levels of a drought.

Section II: Definition of Terms

For the purposes of this Plan and the accompanying Ordinance, the following definitions will apply:

Aesthetic Water Use: Water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

Commercial and Industrial Use: Water use integral to the production of goods and/or services by any establishment having profit as its primary aim.

Conservation: Reduction in water use to prevent depletion or waste of the resource.

Customer: Any person, company or organization using finished water owned or supplied by the SJWD Water District

Domestic Water Use: Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

Drought Alert Phases: There are four drought alert phases to be determined by the Drought Response Committee for the State of South Carolina. The four phases are:

- 1) Incipient Drought
- 2) Moderate Drought
- 3) Severe Drought
- 4) Extreme Drought

SJWD will use similar terminology in determination of water supply shortage phases.

Drought Response Management Areas: There are four drought management areas corresponding to the major river basins in South Carolina. The four areas are:

- 1) West or Savannah
- 2) Central or Santee
- 3) Northeast or Pee Dee
- 4) Southern or Ashepoo, Combahee, and Edisto.

In order to prevent overly broad response to drought conditions, drought response measures shall be considered within individual drought management areas or within individual counties, as applicable.

Drought Response Committee: A committee composed of State and local representatives created for the purpose of coordinating responses to water supply shortages within Drought Management Areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the Governor. The Committee is composed of State agency representatives from the South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental Control, South Carolina Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of

government, commissions of public works, power generation facilities, special purpose districts and Soil and Water Conservation Districts.

Essential Water Use: Water used specifically for fire fighting, maintaining in-stream flow requirements and to satisfy Federal, State or local public health and safety requirements.

Finished Water: Water distributed for use after treatment. The terms “water use,” “water user,” and “water customer” refer to finished water use unless otherwise defined.

Institutional Water Use: Water used by government, public and private educational institutions, churches and places of worship, water utilities, and organizations within the public domain.

Irrigation Water Use: Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

MGD: Million gallons per day.

Non-essential Water Use: Categories of water use other than Essential Water Use. Examples of non-essential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.

SC Dept. of Natural Resources: The State agency with primacy to implement the provisions of the Drought Response Act.

SJWD: The Startex Jackson Wellford Duncan Water District.

Water Supply Shortage: Lack of adequate, available water caused by drought to meet normal demands in the SJWD Water District.

Section III: Drought Management Plan

- A. Introduction:** To ensure that SJWD Water District adequately manages its water system during drought-related conditions, an organized plan is necessary for system operation and reliability, proper communications, effective coordination and ultimate allocation of water use. Prior planning will compliment the SJWD Water District's ability to respond to drought conditions and to enforce the related Ordinance.
- B. Designation of Water System Drought Response Representative:** Administrating a Drought Plan requires the skills needed to undertake a comprehensive public information program and the judgment required to deal with equity issues arising from enforcement of a mandatory program. Someone who has these skills will be selected by the water system to manage the water system's program and serve as the principal contact for the news media as the water system's Drought Response Representative. The Drought Response Representative for SJWD is Mike Caston, Executive Director, SJWD Water District, P.O. Box 607, Lyman SC 29365, 864-439-4423, mcaston@sjwd.com.
- C. Description of Water System Layout, Water Sources, Capacities and Yields:** The SJWD Water District is located in the Central Drought Response Management Area of South Carolina. The system serves western Spartanburg County.

SJWD currently owns six water storage reservoirs. The three reservoirs currently used for water supply are described below.

- Lake Lyman – Lake Lyman, on the Middle Tyger River, is a 1.4 billion gallon reservoir that stores water for subsequent release and capture at the downstream Lyman Low Head Dam. SJWD pumps raw water from the Lyman Low Head Dam to their adjacent surface water treatment plant.
- Lake Cooley – Lake Cooley is a 1.7 billion gallon reservoir on Jordan Creek, which feeds into the North Tyger River upstream of the North Tyger Reservoir. Water is released from Lake Cooley for subsequent capture in the North Tyger Reservoir.
- North Tyger Reservoir – The North Tyger Reservoir is a 0.3 billion gallon reservoir on the North Tyger River. SJWD has the capacity to pump approximately 10 MGD of raw water from the North Tyger Reservoir to the SJWD water treatment plant.

SJWD also owns three additional reservoirs; Lake Apalache and Berry's Pond on the South Tyger River, and Berry's Mill Pond on Beaverdam Creek. These sources could potentially be used in the future for water supply needs.

Currently SJWD serves approximately 19,800 taps. In 2007, customers purchased an annual average of 5.72 MGD (or 211 gallons per tap per day). The SJWD Water District includes a 12 MGD surface water treatment plant which is currently undergoing modifications to increase the capacity to 14 MGD. The filtration capacity is 14 MGD with a maximum

finished water pumping capacity of 32.8 MGD. SJWD has 10 million gallons of storage capacity at the treatment plant with an additional 4.5 million gallons of storage in the distribution system with both elevated and ground storage tanks. SJWD maintains approximately 670 miles of distribution mains.

D. Identification of Water System Specific Drought or Water Shortage Indicators:

Operators of every water system must develop historical trends that are valuable indicators of a system's ability to meet demand when demand begins to outpace supply. The SJWD Water District has developed triggers for use during drought or demand water shortages that describe when specific phases of the Drought Response Ordinance are implemented. The current primary triggers are as follows:

Incipient Water Supply Shortage (Phase 1):

- Usable volume in Lake Lyman less than or equal to 95% of normal (water surface elevation of 842.3 feet MSL). No water restrictions.

Moderate Water Supply Shortage (Phase 2):

- Usable volume in Lake Lyman less than or equal to 85% of normal (water surface elevation of 841.1 feet MSL). Implement Voluntary water restrictions.

Severe Water Supply Shortage (Phase 3):

- Usable volume in Lake Lyman less than or equal to 75% of normal (water surface elevation of 839.8 feet MSL). Implement Mandatory Phase I Water Restrictions.
- Usable volume in Lake Lyman less than or equal to 65% of normal (water surface elevation of 838.4 feet MSL). Implement Mandatory Phase II Water Restrictions.

Extreme Water Supply Shortage (Phase 4):

- Usable volume in Lake Lyman less than or equal to 50% of normal (water surface elevation of 836.2 feet MSL). Implement Mandatory Phase III Water Restrictions.

SJWD will use these trigger levels along with guidance from the SJWD Reservoir Operational Guidance Technical Memorandum (*Black & Veatch, 2008*) to determine the appropriate water supply shortage phase. Secondary triggers used in determining the appropriate drought phases include usable volume remaining in Lake Cooley and accumulated precipitation.

- E. Cooperative Agreements and Alternative Water Supply Sources:** Successful drought management requires a comprehensive program by the water utility. In many situations administrative agreements are required with other agencies to fully implement the Plan. Agreements with other water purveyors may be necessary for alternative water supply sources. Other agreements that strengthen conservation efforts by large users may be necessary.

The SJWD Water District identifies the following emergency connections that could potentially be used in the event of a water supply emergency: SJWD can receive up to 1 MGD from Greer Commission of Public Works and up to 6 MGD of water from Spartanburg Water System.

F. Description of Pre-Drought Planning Efforts: Before the occurrence of a water supply shortage and the need to implement the emergency provisions of the Ordinance, it is important that certain pre-response measures be taken with the aim of conserving the system's source water, as well as the water distributed to the customer. In regards to the conservation measures listed below, the SJWD Water District has taken the following actions:

1. All major water users of the system (*top 10%, include wholesale customers*) can be identified from SJWD's billing system on an as-needed basis.
2. A vigorous public education program is critical for achieving substantial water use reductions. An effective public outreach program will keep the public informed about the water supply situation, what actions will mitigate drought emergency problems, and how well the public is doing in terms of meeting the program goals. Keeping the public involved, informed, and participating in the decision-making process is key to implementing an effective Drought Management Plan. SJWD releases information to the local media, both print and local news programs. Information is also posted on the SJWD web site as necessary.

G. Description of Capital Planning and Investment for System Reliability and Demand Forecasting: Water utilities routinely find that capital improvements to the system strongly enhance their ability to get through times of drought. It is important that every water utility aggressively plan and build for future needs. The utility must continue to provide for system operation flexibility, improved pumping and storage capacity and new technologies to meet the demands of tomorrow.

Describe the utility's capital improvement program and how past efforts have enhanced your system's ability to meet demand during drought conditions: SJWD maintains an ongoing capital improvement program for the next five years of work. A project is added to the plan by the management staff and then rated on a weighted scale to determine its ranking. The projects with the highest ranking are then funded until the funds are depleted. This program has allowed SJWD to remain a viable water purveyor.

Describe other system improvements the utility should consider to prepare for future droughts and increasing water demands: SJWD has continued to procure and protect valuable water resources in our district to ensure that future demands are met.

Section IV: Drought Response Ordinance

- A. Declaration of Policy and Authority:** The objective of this Drought Response Ordinance is to establish authority, policy and procedure by which SJWD will take the proper actions to manage water demand during a drought-related shortage. The Ordinance satisfies the requirements of the Drought Response Act of 2000 and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

This Ordinance outlines the actions to be taken for the conservation of water supplied by the SJWD Water District. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

To satisfy these goals, the SJWD Water District hereby adopts the following regulations and restrictions on the delivery and consumption of water. This Ordinance is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the SJWD Water District.

If it becomes necessary to conserve water in its service area due to drought, the SJWD Water District is authorized to issue a proclamation (a "Proclamation") that existing conditions prevent fulfillment of the usual water-use demands. The Proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

Immediately upon issuance of such a Proclamation, regulations and restrictions set forth under this Ordinance shall become effective and remain in effect until the water supply shortage has ended and the Proclamation rescinded.

Water uses that are regulated or prohibited under this Ordinance are considered to be non-essential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The Drought Management Plan as outlined in Sections I - III is hereby approved.

- B. Moderate Drought Phase:** Upon notification by the Drought Response Committee that a Moderate drought condition is present and is expected to persist, the SJWD Water District will make the determination if a moderate water supply shortage exists based on trigger levels and engineering judgment using the SJWD Reservoir Operational Guidance Technical Memorandum. Upon this determination, the SJWD Water District will seek voluntary reductions from its customers in the use of water for all purposes and voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to achieve a reduction of 20% in residential water use and 15% in other water uses such as commercial, industrial, institutional and irrigation; and a reduction in overall water use of 15%.

To accomplish this, the SJWD Water District will take the following actions:

- 1) Issue a Proclamation to be released to local media, SJWD Water District's customers and to the South Carolina Department of Natural Resources Drought Information Center that Moderate drought conditions are present.
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system a listing of the voluntary conservation measures that the customers are requested to follow during Moderate drought conditions.
- 3) Limit non-essential water usage by issuing **Voluntary Restrictions** according to the following schedule:

Customers with street addresses, box numbers, or rural numbers ending in even numbers (0, 2, 4, 6 or 8) and locations without address should water outside **only on Thursdays and Sundays**. For example, a customer with the address 220 Main Street would water on Thursday and Sunday only.

Customers with street addresses, box numbers, or rural numbers ending in odd numbers (1, 3, 5, 7 or 9) should water outside **only on Wednesdays and Saturdays**. For example, a customer with the address 221 Main Street would water on Wednesday and Saturday only

Voluntary Water Restrictions may include the following (items a through g, below):

- a. Washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - b. Washing down of buildings for purposes other than immediate fire protection;
 - c. Flushing of gutters;
 - d. Domestic washing of motorbikes, boats, cars, etc.;
 - e. Use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 - f. Watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours.
 - g. Water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than fire-fighting or flushing necessary to maintain water quality.
- 4) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
 - 5) Continue to encourage and educate customers to comply with voluntary water conservation.

C. Severe Drought Phase: Upon notification by the Drought Response Committee that a severe drought condition is present, the SJWD Water District will make the determination if a severe water supply shortage exists based on trigger levels and engineering judgment using the SJWD Reservoir Operational Guidance Technical Memorandum. Upon this determination, the SJWD Water District will seek reduction in the use of water for all purposes, mandatory restrictions on non-essential usage, and restrictions on times when certain water usage is allowed by implementing two levels of Mandatory water restrictions (Level I and II). Specifically, the goal during this phase is to achieve a reduction of 25% in residential water use, 20% in all other water use categories, and a reduction in overall water use of 20%.

To accomplish these goals, the SJWD Water District will take the following actions:

- 1) Issue a Proclamation to be released to the local media, SJWD Water District's customers and to the South Carolina Department of Natural Resources Drought Information Center that Severe drought conditions are present.
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system a listing of the conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility.
- 3) Implement **Mandatory Water Restrictions – Level I** by limiting the non-essential water usage listed below (items a thru g, below) to the following schedule:

Customers with street addresses, box numbers, or rural numbers ending in even numbers (0, 2, 4, 6 or 8) and locations without address should water outside **only on Thursdays and Sundays**. For example, a customer with the address 220 Main Street would water on Thursday and Sunday only.

Customers with street addresses, box numbers, or rural numbers ending in odd numbers (1, 3, 5, 7 or 9) should water outside **only on Wednesdays and Saturdays**. For example, a customer with the address 221 Main Street would water on Wednesday and Saturday only.

Non-essential water uses that SJWD may elect to limit under Mandatory Level I Water Restrictions are listed below:

- a. Washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas.
- b. Washing down of buildings for purposes other than immediate fire protection.
- c. Flushing of gutters.
- d. Domestic washing of motorbikes, boats, cars, etc.
- e. Use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.

- f. Watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours.
 - g. Water obtained from fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality.
- 4) If necessary, SJWD may implement **Mandatory Water Restrictions – Level II** by limiting landscape irrigation only to the following schedule and eliminating the non-essential water usage listed below (items a thru f, below):

Landscape Irrigation Schedule:

Customers with street addresses, box numbers, or rural numbers ending in even numbers (0, 2, 4, 6 or 8) and locations without address should water outside **only on Thursdays and Sundays**. For example, a customer with the address 220 Main Street would water on Thursday and Sunday only.

Customers with street addresses, box numbers, or rural numbers ending in odd numbers (1, 3, 5, 7 or 9) should water outside **only on Wednesdays and Saturdays**. For example, a customer with the address 221 Main Street would water on Wednesday and Saturday only.

SJWD may call for elimination of the following non-essential water uses under Mandatory Level II Water Restrictions:

- a. Washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - b. Washing down of buildings for purposes other than immediate fire protection;
 - c. Flushing of gutters;
 - d. Domestic washing of motorbikes, boats, cars, etc.;
 - e. Use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 - f. Water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than fire-fighting or flushing necessary to maintain water quality.
- 5) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- 6) If necessary and appropriate, SJWD may elect to place a moratorium on the issuance of all new irrigation taps.
- 7) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.

- 8) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.
- 9) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.

D. Extreme Drought Phase: Upon notification by the Drought Response Committee that an Extreme drought condition is present and is expected to persist, the SJWD Water District will make the determination if an extreme water supply shortage exists based on the trigger levels and engineering judgment using the SJWD Reservoir Operational Guidance Technical Memorandum. Upon this determination, the SJWD Water District will impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 30% in residential water use, 25% in all other categories of water uses and a reduction in overall water use of 25%. To accomplish these goals, the SJWD Water District will take the following actions:

- 1) Issue a Proclamation to be released to the local media, the SJWD Water District's customers and to the South Carolina Department of Natural Resources Drought Information Center that Extreme drought conditions are present;
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system a listing of the mandatory restrictions to be placed on the use of water supplied by the utility.
- 3) Implement **Mandatory Water Restrictions – Level III** by eliminating landscape irrigation and other water use activities listed below (items a through h):
 - a. Washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - b. Washing down of buildings for purposes other than immediate fire protection;
 - c. Flushing of gutters;
 - d. Domestic washing of motorbikes, boats, cars, etc.;
 - e. Use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 - f. Filling or maintaining public or private swimming pools;
 - g. Water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality;
 - h. Limit normal water use by commercial and individual customers including, but not limited to, the following:
 - i. Stop serving water in addition to another beverage routinely in restaurants;

- ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;
 - iii. Limit irrigating golf courses and any portion of their grounds;
 - iv. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so; and
 - v. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.
- 4) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- 5) Other optional conservation measures that SJWD may elect to implement include:
 - a. Place a moratorium on the issuance of all new water service connections and contracts for all new water main extensions. As a part of the public information process, provide notice to developers of the moratorium.
 - b. Encourage all residential water customers to voluntarily reduce overall monthly water usage to 75% of the customer’s monthly average. If voluntary reduction of usage is not successful, then SJWD Water District may, at its option, implement the following excessive use rate schedule for water:

Tier I	0 - 6000 gallons	regular rate
Tier II	6001 – 10,000 gallons	2 times regular rate
Tier III	Over 10,000 gallons	3 times regular rate
 - c. If the conservation measures of the *Ordinance or Plan* prove inadequate to mitigate the effects of the drought conditions or water supply availability, the SJWD Water District may take additional actions as necessary to achieve the proposed goals.
- 6) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- 7) Expand the use of education and public relations efforts as conducted under the Moderate and Severe drought phase and emphasize the penalties associated with violating the mandatory restrictions.
- 8) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the mandatory restrictions.

E. Rationing: If a drought threatens the protection of public health and safety, the SJWD Water District is hereby authorized to ration water.

F. Enforcement of Restrictions: If any customer of the SJWD Water District fails to comply with the mandatory water use restrictions of this Ordinance, the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

First violation - \$50.00 surcharge shall be added to the customer's water bill;

Second violation - an additional \$100.00 surcharge shall be added to the customer's water bill;

Third violation - the customer's water service shall be terminated and restored only after payment of a surcharge of \$500.00 in addition to all previously assessed surcharges.

Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied water by the SJWD Water District shall diligently enforce the provisions of the Drought Response Ordinance.

G. Variances: Customers, who in their belief are unable to comply with the mandatory water use restrictions of this Drought Response Ordinance, may petition for a variance from restrictions by filing a petition with the SJWD Water District within ten (10) working days after the issuance of the Proclamation requiring water use restrictions.

All petitions for variance shall contain the following information:

- A. Name and address of the petitioner;
- B. Purpose of water usage;
- C. Special provision from which the petitioner is requesting relief;
- D. Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- E. Description of the relief desired;
- F. Period of time for which the variance is sought;
- G. Economic value of the water use;
- H. Damage or harm to the petitioner or others if petitioner complies with the Ordinance;
- I. Restrictions with which the petitioner is expected to comply and the compliance date;
- J. Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- K. Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with the Ordinance cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. The SJWD Water District is authorized to grant the request for variance.

In addition, SJWD Water District is authorized to grant temporary variances for existing water uses otherwise prohibited under the Ordinance if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this Ordinance occurring prior to the issuance of the variance. Variances granted by the SJWD Water District shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

H. Status of the Ordinance:

- 1) If any portion of this Ordinance is held to be unconstitutional for any reason, the remaining portions of the Drought Response Ordinance shall not be affected.
- 2) The provisions of this Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and other rules and regulations of the SJWD Water District.
- 3) Nothing in this Ordinance shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system.

Section V: Adoption of Ordinance

The SJWD Commissioners voted to approve this Drought Management Plan and Response Ordinance during their regularly scheduled meeting on December 16, 2008.