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WATER SHORTAGE RESPONSE PLAN

NEBO WATER DISTRICT

P.S.C.  
RESEARCH DIVISION

Section 1. Purpose. The purpose of this plan is to provide for the declaration of official phases of water supply shortages and the implementation of voluntary and mandatory water conservation measures throughout the Nebo Water District in the event a shortage is declared.

Section 2. Definitions. These terms are applicable only for this plan unless specifically noted.

- (a) "Customer" shall mean any person or entity using water for any purpose from the Nebo Water District's water distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at the site of delivery.
- (b) "Supplier" shall mean the City of Madisonville, from who the Nebo Water District purchases treated water.
- (c) "Treated Water" shall mean water that has been introduced by the Nebo Water District into its water distribution system, including water offered for sale. Uses of treated water are classified as follows:

Essential Water Uses (Class 1):

The following uses of water, listed by site or user type, are essential.

Domestic:

- water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

Public Use:

- health and public protection purposes, if specifically approved by health officials.

Socially or Economically Important Uses (Class 2): PUBLIC SERVICE COMMISSION OF KENTUCKY

The following uses of water, listed by site or user type, are socially or economically important. EFFECTIVE

Domestic:

- personal, in-house water use including kitchen, bathroom and laundry.

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Outdoor Non-Commercial Watering:

- minimal watering of vegetable gardens,
- minimal watering of trees where necessary to preserve them.

Outdoor Commercial or Public Watering (using conservation methods and when other sources of water are not available or feasible to use);

- agricultural irrigation for the production of food and fiber or the maintenance of livestock.

Non Essential Uses (Class 3):

Any waste of water that is non-essential not included in Class 1 or Class 2 uses.

(d) "Base Entitlement" shall mean the monthly usage for a customer during the same month of the receding calendar year or the average per customer usage for each class of service during the same month of the preceding year.

(e) "Curtailed Entitlement" shall mean the monthly usage for a customer after any curtailment percentage has been applied.

(f) "Curtailment" shall mean the reduction in entitlement by some percentage to meet anticipated water shortages.

(g) Water Shortage Response Phases:

"Advisory" shall mean that conditions exist which indicate the potential for serious raw or treated water supply shortages.

"Alert" shall mean the raw or treated water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

"Emergency" shall mean that raw or treated water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

(h) "Rationing" shall mean that procedures must be established to provide for the equitable distribution of critically-limited raw or treated water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

Section 3. Applicability. The provisions of this Plan shall apply to all retail and wholesale customers of the Nebo Water District. When implemented, this Plan becomes Nebo Water District's Water Shortage Response Regulation.

Section 4. Entitlements. Entitlements shall be established for each customer by adjusting the base entitlement to reflect any known change in usage pattern.

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BY: Chas. Lilla  
PUBLIC SERVICE COMMISSION MANAGER

Section 5. Determination of Water Shortage. Water supply and usage shall be monitored on a continuous basis. Unrestricted demand shall be projected from past records and adjusted for changes such as new developments and weather conditions on a regular basis. Water shortages generally occur for two reasons, a reduction in available supplies or a system failure. Each of these has a distinct influence on the nature and duration of the conservation program implemented. Official declaration of a water shortage stage and implementation of the measures necessary to curtail water use shall be approved by the Commissioners.

Section 6. Term of Water Shortage Declaration. Any water shortage declaration shall remain in effect until water supplies of service conditions have returned to normal. A final determination as Commissioners of Nebo Water District.

Section 7. Water Shortage Stage, Criteria, Conservation and Curtailment Measures.

A. Advisory Stage:

- (1) Criteria: A water advisory shall be declared when the Supplier or the State Division of Water issues a Water Shortage Watch which includes the areas from which the Nebo Water District draws water.
- (2) Conservation and Curtailment Measures:
  - (a) Declare a Water Shortage Advisory.
  - (b) Provide proper notice to all customers and to all local news media.
  - (c) Eliminate all water leaks.
  - (d) Request voluntary conservation of all non-essential (Class 3) water use.
  - (e) Request wholesale customers also issue request for voluntary conservation by their customers of all non-essential (Class 3) water use.

B. Alert Stage:

- (1) Criteria: A water alert shall be declared when the Supplier issues a Water Shortage Alert.
- (2) Conservation and Curtailment Measures:
  - (a) Declare Water Shortage Alert.
  - (b) Provide proper notice to all customers and to all local news media.

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BY: Clayton H. Miller  
PUBLIC SERVICE COMMISSION MANAGER

- (c) Eliminate all water leaks.
- (d) Prohibit all non-essential (Class 3) water uses.
- (e) Curtail entitlements to all customers by the same percentage as projected by Supplier.
- (f) Begin billing all customers water usage in excess of curtailed entitlement at the normal rate plus an excess usage charge of \$1.00 per 1,000 gallons.

C. Emergency Stage:

- 1. Criteria: A Water Emergency shall be declared when the Supplier issues a Water Shortage Emergency.
- 2. Conservation and Curtailment Measures:
  - (a) Declare a Water Shortage Emergency.
  - (b) Provide proper notice to all customers and to all news media.
  - (c) Eliminate all water leaks.
  - (d) Prohibit all Class 3 uses of water.
  - (e) Prohibit all Class 2 uses of water except Domestic uses for kitchens, bathrooms, and laundries.
  - (f) Curtail all commercial and industrial entitlements by 100%. (Except health care facilities)
  - (g) Curtail all Residential entitlements by the same percentage as the projected shortage.
  - (h) Curtail entitlements to all wholesale customers by the same percentage as the projected shortage.
  - (i) Begin billing all customer water usage in excess of curtailed entitlement at the normal rate plus an excess charge of \$2.00 per 1,000 gallons.

D. Rationing Stage:

- 1. Criteria: A Rationing shall be declared when the ~~Supplier~~ PUBLIC SERVICE COMMISSION and/or other public officials issues a Water Shortage RATIONING, and in the opinion of Nebo Water District EFFECTIVE mandatory rationing is required to insure adequate water is available to maintain public health and safety.
- 2. Conservation and Curtailment Measures:
  - (a) Declare Water Shortage Rationing.

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BY: George J. Miller  
PUBLIC SERVICE COMMISSION MANAGER

- (b) Provide proper notice to all customers and to all local news media.
- (c) Eliminate all water leaks.
- (d) Prohibit all Class 3 and Class 2 uses of water.
- (e) Curtail all commercial and industrial entitlement (except Health Care Facilities) by 100%.
- (f) Curtail all residential and wholesale entitlements by the same projected shortage.
- (g) Implement service interruptions to portions of system in accordance with approved published schedule. The schedule shall be provided to all local news media.
- (h) Begin billing customers water usage in excess of curtailed entitlement at the normal rate plus an excess usage charge of \$3.00 per 1,000 gallons.

Section 8. Enforcement of Water Restrictions. Any person who violates the provisions of this Plan, who fails to carry out the duties and responsibilities imposed by this Plan, or who impedes or interferes with any action undertaken or ordered pursuant to this Plan shall be subject to the following:

- (a) If the utility official charged with implementation and enforcement of this Plan learns of any violation of any water use restriction imposed, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record. Said notice shall describe the violation and order that it be corrected, cured, or abated immediately or within 48 hours.
- (b) The notice will inform the customer of his or her right to appeal by requesting a hearing before the utility's designee. If a hearing is requested by the customer, he or she shall be given full opportunity to be heard before termination. The governing body shall make findings of fact and decide whether service should continue or be terminated.
- (c) Any customer whose water service is terminated for violating provisions of this Plan shall be subject to the approved reconnection fee prior to reconnection of service.
- (d) The excess charge billing provisions of this Plan shall not be put in effect if a county or city ordinance containing penalty provisions is in effect to assist enforcement of this Plan.

Section 9. Request for Exception:

- (a) Exceptions to water use restrictions: If compliance with a curtailment measure authorized herein would cause a customer to be in violation of any ordinance or regulation of any governmental entity, the customer may request an exception to the curtailment measure. **PURSUANT TO 807 KAR 5:011, SECTION 9 (1)**

BY: Chapelle  
PUBLIC SERVICE COMMISSION MANAGER

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to bear extraordinary hardship, that individual or entity may apply to the Water District for an exception. For these purposes, "extraordinary hardship" shall be defined as a condition which may threaten health and safety, or cause property or economic losses, each of which must be shown to be substantially more severe than the sacrifices borne by other users. If extraordinary hardship is found to exist, then an exception shall be granted and a written waiver issued to the customer. If an appeal is made, water service shall be continued until a decision is announced. Any person aggrieved by the decision may file a complaint with the Public Service Commission.

- (b) Exception to curtailment surcharge: Exceptions to excess use charges shall not be considered or granted.

Section 10. Severability. If any provision of this Plan is declared invalid by the courts, the remainder of the Plan and its applicability to other persons and circumstances shall not be affected by that declaration.

Section 11. Effective Date. This Plan shall take effect immediately upon approval by the Public Service Commission.

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BY: Chambers  
PUBLIC SERVICE COMMISSION MANAGER