



Office of the Town Manager

Frank Cassidy

STAFF REPORT

Warrenton Town Council

Carter Nevill, Mayor

Heather Sutphin, Ward 1

William Semple, Ward 2

Brett Hamby, Ward 3

James Hartman, Ward 4 Vice Mayor

Jay Heroux, Ward 5

Paul Mooney, At Large

David McGuire, At Large

Council Meeting Date:	September 7 th , 2022
Agenda Title:	Drought Conditions Currently Affecting the Town and the Impact on Water Resources
Requested Action:	Review and consider approval of the Resolution Authorizing the Town Manager to Declare a Water Emergency
Department / Agency Lead:	Town Manager
Staff Lead:	Frank Cassidy

EXECUTIVE SUMMARY

This special meeting has been called to inform the Town Council of the drought conditions currently affecting the Town and the impact on the water resources. The purpose of this meeting is to prepare the Council for potentially imminent actions that need to be taken to preserve the resources of the Town for its basic functions. Staff recommends granting the authority to the Town Manager the authority to Declare a Water Emergency.

From the Fauquier County Government: The Virginia Department of Environmental Quality (DEQ) on August 30, 2023, issued drought watch and warning advisories across Virginia. A Drought Watch Advisory was issued for Fauquier County. According to the Virginia Drought Monitoring Task Force, surface and groundwater indicators such as precipitation, groundwater, stream flows have continued to decline throughout the past fourteen-day monitoring period, with near or at record low observations already this year. Additionally, forecasts in the upcoming ten days indicate high heat and no projected precipitation.

Fauquier County is currently experiencing drought conditions. The Department of A drought is a period of Drier than normal conditions. While there have been instances of heavy rain in Warrenton for the summer of 2023, they have been short duration events that have not deposited much water in the region. The lack of precipitation has impacted the available use of Water.

The Town is currently in water conservation measure condition 1- Voluntary Water restrictions.

The Comprehensive Drought management and emergence preparedness plan for Warrenton, Remington, the Plains, Fauquier County, Fauquier County Water and Sanitation Authority is attached.

BACKGROUND

From the Fauquier County Government: The Virginia Department of Environmental Quality (DEQ) on August 30, 2023, issued drought watch and warning advisories across Virginia. A Drought Watch Advisory

was issued for Fauquier County. According to the Virginia Drought Monitoring Task Force, surface and groundwater indicators such as precipitation, groundwater, stream flows have continued to decline throughout the past fourteen-day monitoring period, with near or at record low observations already this year. Additionally, forecasts in the upcoming ten days indicate high heat and no projected precipitation.

Sec. 17-146. - Authority to declare water emergencies. During the continued existence of climatic, hydrological and other extraordinary conditions the protection of the health, safety and welfare of the residents of the Town of Warrenton may require that certain uses of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of potable water becomes increasingly more critical, conservation measures to reduce consumption or curtail essential water use may be necessary.

The town manager, with the approval of the town council, is authorized to declare water emergencies affecting the use of water by persons and properties served by town water, inside and outside of the town boundaries, and to control and restrict the use of water during an emergency caused by a water shortage or other cause.

Sec. 17-147. - Publication of declaration.

Upon the declaration of a water emergency pursuant to section 17-146, the Town Manager shall immediately post a written notice of the emergency at the front door of town hall, in a newspaper of general circulation in the area, announce on television and radio and use any other appropriate means of communication.

Sec. 17-148. - Use of water restricted.

Upon the declaration of a water emergency pursuant to section 17-146, the town manager is authorized and directed to implement conservation measures by ordering the restricted use or absolute curtailment of the use of water for certain nonessential purposes for the duration of the water shortage in the manner hereinafter set out. In exercising this discretionary authority, and making the determinations set forth in section 17-150 thereof, the town manager shall give due consideration to water levels, available/usable storage on hand, draw down rates and the projected supply capability in source reservoirs in the Town of Warrenton, supply capacity, daily water consumption and consumption projections of the system's customers; prevailing and forecast weather conditions; fire service requirements; pipeline conditions including breakages, stoppages and leaks; estimates of minimum essential supplies to pre-serve public health and safety and such other data pertinent to the past, current and projected water demands.

All data collected and considered by the town manager shall be reduced to writing and maintained by the town manager.

On September 5th, 2022, the National Weather Service issued a heat advisory for the region citing record breaking heat across the east and southern United States of America. This heat advisory is bringing heat indexes of up to 107 degrees Fahrenheit through Thursday September 7th, 2023. The High heat is exacerbating the existing drought conditions.

Sec. 17-149. - Limitation of restrictions.

The provisions of this division, or regulations promulgated hereunder by the town manager, which are hereby authorized, shall not apply to any governmental activity, institution, business or industry which shall

be declared by the town manager, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved by the finding of the town manager may appeal that decision to a water conservation appeals board appointed by the town council consisting of three members selected as follows: a single representative from the department of public utilities, and two citizens from the public at large.

Sec. 17-150. - Water conservation measures.

Upon a determination by the town manager of the existence of the following conditions, the town manager shall take the following actions; which shall apply to any person whose water supply is furnished from the town water system:

(a)**Condition 1.** When moderate but limited supplies of water are available, the town manager shall, through appropriate means, call upon the general population to employ prudent restraint in water usage, and to conserve water voluntarily by whatever methods available.

(b)**Condition 2.** When very limited supplies of water are available, the town manager shall order curtailment of less essential usages of water, including, but not limited to, one or more of the following:(1)The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation, except indoor planting, greenhouse or nursery stocks and except limited watering for newly seeded lawns and watering by commercial nurseries of freshly planted plants upon planting and once a week for five (5) weeks following planting.(2)The washing of automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment, except in facilities operating with a water recycling system approved by the director of public works; provided, however, that any facility operating with a water recycling system shall prominently display in public view a notice approved by the director of public works/utilities stating that such recycling system is in operation. In lieu of the provisions hereof, the town manager may curtail the hours of operation of commercial enterprises offering such services or which wash their equipment.(3)The washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments, or other outdoor surfaces.(4)The operation of any ornamental fountain or other structure making a similar use of water.(5)The filling of swimming and/or wading pools, or the refilling of swimming and/or wading pools which were drained after the effective date of the order.(6)The use of water from fire hydrants for any purpose other than fire suppression or other public emergency.(7)The serving of drinking water in restaurants, cafeterias or any other food establishment unless requested by the individual.

(c)**Condition 3.** When critically limited supplies of water are available, the town manager shall institute mandatory reductions on each customer as follows:(1)Industrial, institutional, commercial, governmental, wholesale and all other nonresidential customers shall be allotted a percentage reduction based on that customer's average monthly and/or quarterly previous calendar year's consumption.(2)Individual residential customers shall be limited to a specific volume or percentage reduction of water per quarter. If the allotted monthly/or quarterly water usage is exceeded, the customer shall be charged ten dollars (\$10.00) for every one thousand (1,000) gallons of water consumed above the allotted volume. Where prior consumption data is not available, the town manager shall estimate allocations based upon the data available from similar activities of equal intensity.

(d)**Condition 4.** When crucially limited supplies of water are available, the town manager shall restrict the use of water to purposes which are absolutely essential to life, health and safety.

The determination of conditions 2, 3 and 4 by the town manager shall be accompanied by a written report which shall set out the criteria utilized and data relied upon in making such determination including a

narrative summary supporting the determination. Each report shall be available for public inspection in the town manager's office. The town manager shall forthwith transmit a copy of each report to the town council.

Sec. 17-151. - Penalty.

Any person who shall violate any of the provisions of this division, or of any of the conservation regulations promulgated by the town manager pursuant thereto, shall, Upon conviction thereof, in addition to additional charges set forth in subsection 17-150(c) be fined not less than one hundred dollars (\$100.00), nor more than two thousand five hundred dollars (\$2,500.00). Each act or each day's continuation of a violation shall be considered a separate offense. In addition to the foregoing, the town manager may suspend water service to any person continuing to violate the provisions of this ordinance or the regulations promulgated thereunder. If such water service is terminated, the person shall pay a re-connection fee of and all outstanding charges before service is restored.

Sec. 17-152. - Notification of end of water emergency.

The town manager shall notify the town council when, in his opinion, the water emergency situation no longer exists. Upon concurrence of the council, the water emergency shall be declared to have ended.

STAFF RECOMMENDATION

Consider a resolution that would grant the Town Manager the Authority to declare a Water Emergency if necessary, before the next regularly scheduled Town Council Meeting on September 12th, 2023. A deeper update will be available at that time.

Staff also recommends beginning the implementation of Condition 2 as follows while reserving the right to escalate as needed.

Condition 2. When very limited supplies of water are available, the town manager shall order curtailment of less essential usages of water, including, but not limited to, one or more of the following:

- (1) The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation, except indoor planting, greenhouse or nursery stocks and except limited watering for newly seeded lawns and watering by commercial nurseries of freshly planted plants upon planting and once a week for five (5) weeks following planting.
- (2) The washing of automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment, except in facilities operating with a water recycling system approved by the director of public works; provided, however, that any facility operating with a water recycling system shall prominently display in public view a notice approved by the director of public works/utilities stating that such recycling system is in operation. In lieu of the provisions hereof, the town manager may curtail the hours of operation of commercial enterprises offering such services or which wash their equipment.
- (3) The washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments, or other outdoor surfaces.
- (4) The operation of any ornamental fountain or other structure making a similar use of water.

(5) The filling of swimming and/or wading pools, or the refilling of swimming and/or wading pools which were drained after the effective date of the order.

(6) The use of water from fire hydrants for any purpose other than fire suppression or other public emergency.

Service Level / Policy Impact

Services may be impacted for the community due to water restrictions and the necessary enforcement.

Fiscal Impact

Additional funds may be necessary for advertisement, enforcement, and other emergency response through this Water Emergency.

Legal Impact

Potential Legal impact may be occurred due to enforcement measures.

ATTACHMENTS

- 1) Drought Watch Advisory from Fauquier County Government
- 2) Drought Plan 2018
- 3) Resolution: Water Emergency
- 4) United States Drought Monitoring Maps
- 5) DEQ: Drought Watch Advisory Declaration
- 6) VA Drought State Report