



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

[www.deq.virginia.gov](http://www.deq.virginia.gov)

L. Preston Bryant, Jr.  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4000  
1-800-592-5482

October 31, 2008

Mr. Dudley Pattie  
Rapidan Service Authority  
P.O. Box 148  
Ruckersville, VA 22968

RE: Final VWP Individual Permit Reissuance No. 96-0271  
Proposed Reissuance, Wilderness WTP Water Withdrawal  
Rapidan River, Orange County, Virginia

Dear Mr. Pattie:

Pursuant to the Virginia Water Protection (VWP) Permit Program Regulation 9 VAC 25-210-10 et seq., §401 of the Clean Water Act Amendments of 1977, and Public Law 95-217, the Department of Environmental Quality (DEQ) has enclosed the VWP individual permit reissuance for the above-referenced activity. The proposed project results in no permanent or temporary impacts to surface waters.

This permit is valid for **15 years** from the date of issuance. No extension of the permit may occur, as the permit term cannot exceed the maximum of 15 years. If you wish to continue the authorized withdrawals, re-application will be necessary **at least 180 days** prior to the expiration of this permit.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have **30 calendar days** from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

Alternatively, any owner under §§62.1-44.16, 62.1-44.17, and 62.1-44.19 of the State Water Control Law aggrieved by any action the board has taken without a formal hearing, or by inaction of the board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the board. Said petition must meet the requirements set forth in the board's Procedural Rule Number 1 (9 VAC 25-230-130 B). In cases involving actions of the board, such petition must be filed within **30 calendar days** after notice of such action is sent to such owner by certified mail.

VWP Individual Permit Reissuance No. 96-0271

Page 2 of 2

Should you have any questions, please contact me at (804) 698-4516 or [bkwinn@deq.virginia.gov](mailto:bkwinn@deq.virginia.gov).

Sincerely,

Brenda K. Winn  
Senior Environmental Specialist and Permit Writer

Enclosures: Permit Cover Page, Part I – Special Conditions, Part II – General Conditions, Attachment A

cc: Hal Wiggins, USACE



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VWP Individual Permit Reissuance Number 96-0271

Effective Date: October 31, 2008

Expiration Date: October 30, 2023

### VIRGINIA WATER PROTECTION PERMIT REISSUED PURSUANT TO THE STATE WATER CONTROL LAW AND SECTION 401 OF THE CLEAN WATER ACT

Based upon an examination of the information submitted by the owner, and in compliance with §401 of the Clean Water Act as amended (33 USC 1341) and the State Water Control Law and regulations adopted pursuant thereto, the State Water Control Board (board) has determined that there is a reasonable assurance that the activity authorized by this permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards. The board finds that the effect of the impact, together with other existing or proposed impacts to surface waters, will not cause or contribute to a significant impairment to state waters or fish and wildlife resources.

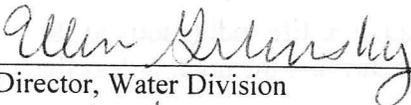
**Permittee:** Rapidan Service Authority

**Address:** POB 148, Ruckersville, VA 22968

**Activity Location:** Wilderness Water Treatment Plant intake in Orange County, VA.

**Activity Description:** The operation of a water supply intake on the Rapidan River. The maximum *daily* withdrawal shall be 2,999,520 gallons per day and the maximum *annual* withdrawal shall be 1,094,800,000 gallons. A maximum *instantaneous* withdrawal rate of up to 3,000 gallons per minute shall be authorized until the 14-day rolling average of river flow, based on the USGS Rapidan River at Culpeper gaging station, falls below 70 cubic feet per second, at which time the authorized instantaneous flow shall be reduced to 2,000 gallons per minute or less. Mandatory water conservation measures shall be implemented once the 14-day rolling average stream flow, based on the USGS Rapidan River at Culpeper gaging station, falls to 33 cubic feet per second or less.

The permitted activity shall be in accordance with this Permit Cover Page, Part I - Special Conditions, Part II - General Conditions, and Attachment A.

  
\_\_\_\_\_  
Director, Water Division

10/31/08

\_\_\_\_\_  
Date

A. *Authorized Activities*

1. As indicated in the application dated September 22, 2006, received by DEQ on September 25, 2006, and deemed complete by DEQ on July 24, 2008, as well as additional submittals approved by DEQ, this permit authorizes the withdrawal of surface water from the Rapidan River, which shall not exceed a maximum *daily* withdrawal volume of 2,999,520 gallons and a maximum *annual* withdrawal volume of 1,094,800,000 gallons.
2. An *instantaneous* withdrawal rate of up to 3,000 gallons per minute shall be authorized during times when the 14-day rolling average flow exceeds 70 cubic feet per second (cfs), based on the stream flow measured by the Rapidan River at Culpeper gage. Once the 14-day rolling average flow falls below 70 cfs, the permittee shall implement whatever means necessary to reduce the instantaneous withdrawal rate to 2,000 gallons per minute or less. The 14-day rolling average flow shall be calculated in accordance with Part I.D.6.

B. *Permit Term*

1. This permit is valid for 15 years from the date of issuance. An extension of this permit term or a new permit may be necessary for the continuance of the authorized activities, including water withdrawals, or any permit requirement that has not been completed, including compensation provisions. The permit term, including any granted extensions, shall not exceed 15 years.
2. The permittee shall notify DEQ in writing at least 120 calendar days prior to the expiration of this permit if reissuance of the permit is desired.

C. *Standard Project Conditions*

1. The activities authorized by this permit shall be executed in such a manner that any impacts to stream beneficial uses are minimized. As defined in §62.1-10(b) of the Code, "beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural, electric power generation, commercial, and industrial uses. Public water supply uses for human consumption shall be considered the highest priority.
2. No activity shall substantially disrupt the movement of aquatic life indigenous to the water body, including those species that normally migrate through the area, unless the primary purpose of the activity is to impound water.
3. Flows downstream of the project area shall be maintained to protect all uses.

4. No activity shall cause more than minimal adverse effect on navigation, unless the project purpose is to construct an impoundment or culvert, and no activity shall block more than half of the width of the stream at any given time.
5. The activity shall not prevent the passage of normal or expected high flows, and any associated structure shall withstand expected high flows.
6. Virginia Water Quality Standards shall not be violated in any surface waters as a result of the project activities.
7. All required notifications and submittals shall be submitted to the DEQ office stated below, to the attention of the VWP permit manager, unless directed in writing by DEQ subsequent to the issuance of this permit:

Attn: VWP Permit Manager (96-0271)  
Virginia Dept. of Environmental Quality  
Office of Wetlands and Water Protection  
P.O. Box 1105  
Richmond, Virginia 23218

8. All reports required by this permit and other information requested by DEQ shall be signed by the permittee or a person acting in the permittee's behalf, with the authority to bind the permittee. A person is a duly authorized representative only if *both* criteria below are met. If a representative authorization is no longer valid because of a change in responsibility for the overall operation of the facility, a new authorization shall be immediately submitted to DEQ.
  - a. The authorization is made in writing by the permittee.
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
9. All submittals shall contain the following signed certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

10. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery at 13901 Crown Court, Woodbridge, VA 22193, (703) 583-3800. If DEQ cannot be reached, the spill shall be reported to the Virginia Department of Emergency Management (DEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802.

*D. Projects Involving Surface Water Withdrawals*

1. Water withdrawal rates and volumes shall comply with the limits set forth in Part I.A.
2. Water withdrawal monitoring and reporting activities shall comply with Part I.C, Part I.D, and Part II. All records and information that result from the monitoring and reporting activities required by this permit, including any records of maintenance activities to the withdrawal system, shall be retained in accordance with Part II.G.3. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or as requested by the State Water Control Board.
3. To prevent the impingement and entrainment of fish eggs, larvae, and other aquatic life, the intake screens shall be so designed that screen openings are not larger than 1 millimeter in width and the screen face intake velocities are not greater than 0.50 feet per second.
4. The applicant shall submit within 30 days of permit reissuance any existing regional or local water supply conservation plans that apply to the service areas being supplied by the water withdrawn under this permit. Draft plans are acceptable to meet the requirements of this condition, provided that the final plans are also submitted to DEQ within 30 days of being finalized.
5. The permittee shall monitor withdrawals from the Rapidan River on a daily basis to confirm that the withdrawals are in compliance with the special conditions of this permit.
6. A 14-day rolling average of stream flow shall be calculated using the Rapidan River at Culpeper gage. If the 14-day rolling average flow falls to 33 cubic feet per second (cfs) or less, mandatory conservation measures are required, as detailed in Attachment A of this permit. At such time that the County of Orange, Virginia adopts a final drought response ordinance, the permittee may request a minor modification of this permit 96-0271 to specify the mandatory conservation measures adopted in that ordinance rather than those in Attachment A.

7. The permittee shall prepare an annual report to demonstrate compliance with the Part I.A.2, I.D.5, and I.D.6 of these special conditions. The report shall contain the stream flow in cubic feet per second (cfs) as measured at the Rapidan River at Culpeper gage, the calculated 14-day rolling average of the stream flow (cfs) based on that gage, the date when each measurement was taken, notation of any mandatory conservation measures in effect on the day of the measurement, and notation of any reduction in the instantaneous rate of withdrawal on the day of the measurement. The report shall be submitted to the address in Part I.C.7 by **January 31<sup>st</sup>** of the calendar year following the data collection or recordation.
8. Any violations of water withdrawal conditions shall be reported within one week of discovery by the permittee. The notification shall be submitted to the address in Part I.C.7.
9. The permittee shall revise the August 1997 RSA East Drought Water Conservation Plan and the August 1997 RSA East Water Withdrawal Operations and Maintenance Manual for DEQ approval to update the procedures, measurements, and calculations used to ensure that the special conditions of this permit are followed. The operations and maintenance manual shall include a contingency section that specifies what actions will be taken when required measurements cannot be taken for whatever reason. The conservation plan shall include the specific mandatory water conservation measures to be implemented and the enforcement mechanism for non-compliance by the users of water withdrawn under this permit. If one or more non-essential water uses is/are not applicable to the users served by the water withdrawn under this permit, such as, but not limited to, water served in restaurants, the permittee shall note the non-applicable non-essential uses in the annual report detailed in Part I.D.7. The revised plan and manual shall be submitted to DEQ within 90 days of this permit reissuance.
10. *For all permittees whose average daily withdrawal during any single month exceeds 10,000 gallons per day, the water withdrawals shall be reported to DEQ by January 31st of the next year, as required under State Water Control Board (SWCB) Water Withdrawal Reporting Regulation (9 VAC 25-200 et seq.). The annual monitoring report shall contain the following information: the permittee's name and address, the sources and locations of water withdrawal, the cumulative volume of water withdrawn each month of the calendar year, the maximum day withdrawal volume and the month in which it occurred, and the method of withdrawal measurement. For permittees subject to the Virginia Department of Health (VDH) Waterworks Regulations, the annual reports to DEQ may include, as an alternative, the source and location of water withdrawals, the type of use for the water withdrawn, and reference to the reports filed with VDH that contain the monthly withdrawal data.*

**A. Duty to Comply**

The permittee shall comply with all conditions of the VWP permit. Nothing in the VWP permit regulations shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations and prohibitions. Any VWP permit violation is a violation of the law, and is grounds for enforcement action, VWP permit termination, revocation, modification, or denial of an application for a VWP permit extension or reissuance.

**B. Duty to Cease or Confine Activity**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a VWP permit has been granted in order to maintain compliance with the conditions of the VWP permit.

**C. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any impacts in violation of the permit which may have a reasonable likelihood of adversely affecting human health or the environment.

**D. VWP Permit Action**

1. A VWP permit may be modified, revoked and reissued, or terminated as set forth in 9 VAC 25-210 et seq.
2. If a permittee files a request for VWP permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the VWP permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective VWP permit. If the permittee wishes to continue an activity regulated by the VWP permit after the expiration date of the VWP permit, the permittee must apply for and obtain a new VWP permit or comply with the provisions of 9 VAC 25-210-185 (VWP Permit Extension).
3. VWP permits may be modified, revoked and reissued or terminated upon the request of the permittee or other person at the board's discretion, or upon board initiative to reflect the requirements of any changes in the statutes or regulations, or as a result of VWP permit noncompliance as indicated in the Duty to Comply subsection above, or for other reasons listed in 9 VAC 25-210-180 (Rules for Modification, Revocation and Reissuance, and Termination of VWP permits).

### **E. Inspection and Entry**

Upon presentation of credentials, any duly authorized agent of the board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the VWP permit conditions;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.

### **F. Duty to Provide Information**

1. The permittee shall furnish to the board any information which the board may request to determine whether cause exists for modifying, revoking, reissuing or terminating the VWP permit, or to determine compliance with the VWP permit. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.
2. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as required by the board prior to commencing construction.

### **G. Monitoring and Records Requirements**

1. Monitoring of parameters, other than pollutants, shall be conducted according to approved analytical methods as specified in the VWP permit. Analysis of pollutants will be conducted according to 40 CFR Part 136 (2000), Guidelines Establishing Test Procedures for the Analysis of Pollutants.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the VWP permit, and records of all data used to complete the application for the VWP permit, for a period of at least three years from the date of the expiration of a granted VWP permit. This period may be extended by request of the board at any time.
4. Records of monitoring information shall include:
  - a. The date, exact place and time of sampling or measurements;

- b. The name of the individuals who performed the sampling or measurements;
- c. The date and time the analyses were performed;
- d. The name of the individuals who performed the analyses;
- e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used;
- f. The results of such analyses; and
- g. Chain of custody documentation.

#### **H. Transferability**

This VWP permit may be transferred to a new permittee only by modification to reflect the transfer, by revoking and reissuing the permit, or by automatic transfer. Automatic transfer to a new permittee shall occur if:

1. The current permittee notifies the board within 30 days of the proposed transfer of the title to the facility or property;
2. The notice to the board includes a written agreement between the existing and proposed permittee containing a specific date of transfer of VWP permit responsibility, coverage and liability to the new permittee, or that the existing permittee will retain such responsibility, coverage, or liability, including liability for compliance with the requirements of any enforcement activities related to the permitted activity; and
3. The board does not within the 30-day time period notify the existing permittee and the new permittee of its intent to modify or revoke and reissue the VWP permit.

#### **I. Property rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize injury to private property or any invasion of personal rights or any infringement of federal, state or local law or regulation.

#### **J. Reopener**

Each VWP permit shall have a condition allowing the reopening of the VWP permit for the purpose of modifying the conditions of the VWP permit to meet new regulatory standards duly adopted by the board. Cause for reopening VWP permits includes, but is not limited to when the circumstances on which the previous VWP permit was based have materially and substantially changed, or special studies conducted by the board or the permittee show material and

substantial change, since the time the VWP permit was issued and thereby constitute cause for VWP permit modification or revocation and reissuance.

#### **K. Compliance with State and Federal Law**

Compliance with this VWP permit constitutes compliance with the VWP permit requirements of the State Water Control Law. Nothing in this VWP permit shall be construed to preclude the institution of any legal action under or relieve the permittee from any responsibilities, liabilities, or other penalties established pursuant to any other state law or regulation or under the authority preserved by § 510 of the Clean Water Act.

#### **L. Severability**

The provisions of this VWP permit are severable.

#### **M. Permit Modification**

A VWP permit may be modified, but not revoked and reissued except when the permittee agrees or requests, when any of the following developments occur:

1. When additions or alterations have been made to the affected facility or activity which require the application of VWP permit conditions that differ from those of the existing VWP permit or are absent from it;
2. When new information becomes available about the operation or activity covered by the VWP permit which was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;
3. When a change is made in the promulgated standards or regulations on which the VWP permit was based;
4. When it becomes necessary to change final dates in schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Act;
5. When changes occur which are subject to "reopener clauses" in the VWP permit; or
6. When the board determines that minimum instream flow levels resulting from the permittee's withdrawal of water are detrimental to the instream beneficial use and the withdrawal of water should be subject to further net limitations or when an area is declared a Surface Water Management Area pursuant to §§ 62.1-242 through 62.1-253 of the Code of Virginia, during the term of the VWP permit.

#### **N. Permit Termination**

After notice and opportunity for a formal hearing pursuant to Procedural Rule No. 1 (9 VAC 25-230-100) a VWP permit can be terminated for cause. Causes for termination are as follows:

1. Noncompliance by the permittee with any condition of the VWP permit;
2. The permittee's failure in the application or during the VWP permit issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;
3. The permittee's violation of a special or judicial order;
4. A determination by the board that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by VWP permit modification or termination;
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any activity controlled by the VWP permit; and
6. A determination that the permitted activity has ceased and that the compensatory mitigation for unavoidable adverse impacts has been successfully completed.

#### **O. Civil and Criminal Liability**

Nothing in this VWP permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

#### **P. Oil and Hazardous Substance Liability**

Nothing in this VWP permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

#### **Q. Unauthorized Discharge of Pollutants**

Except in compliance with this VWP permit, it shall be unlawful for the permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;
2. Excavate in a wetland;

3. Otherwise alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, to animal or aquatic life, to the uses of such waters for domestic or industrial consumption, for recreation, or for other uses;
4. On or after October 1, 2001 conduct the following activities in a wetland:
  - a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
  - b. Filling or dumping;
  - c. Permanent flooding or impounding;
  - d. New activities that cause significant alteration or degradation of existing wetland acreage or functions.

### **Mandatory Non-essential Water Use Restrictions**

The following non-essential water uses will be prohibited during periods when the 14-day rolling average flow, based on the stream flow measured by the Rapidan River at Culpeper gage, falls to 33 cubic feet per second (cfs) or less. Please note the exceptions that follow each prohibited use, which the permittee may or may not allow. Water use restrictions shall not apply to the agricultural production of food or fiber, the maintenance of livestock including poultry, nor the commercial production of plant materials, provided that best management practices are applied to assure the minimum amount of water is utilized.

#### **Unrestricted irrigation of lawns is prohibited.**

- Newly sodded and seeded areas may be irrigated to establish cover on bare ground at the minimum rate necessary for no more than a period of 60 days. Irrigation rates may not exceed one inch of applied water in any 7-day period.
- Gardens, bedding plants, trees, shrubs and other landscape materials may be watered with hand held containers, hand held hoses equipped with an automatic shutoff device, sprinklers or other automated watering devices at the minimum rate necessary but in no case more frequently than twice per week. Irrigation should not occur during the heat of the day.
- All allowed lawn irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.
- Irrigation systems may be tested after installation, routine maintenance or repair for no more than ten minutes per zone.

#### **Unrestricted irrigation of athletic fields is prohibited.**

- Athletic fields may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. at a rate not to exceed one inch per application or more than a total of one inch in multiple applications during any ten-day period. All irrigation water must fall on playing surfaces with no outlying areas receiving irrigation water directly from irrigation heads.
- Localized dry areas that show signs of drought stress and wilt (curled leaves, foot-printing, purpling) may be syringed by the application of water for a cumulative time not to exceed fifteen minutes during any twenty four hour period. Syringing may be accomplished with an automated irrigation system or with a hand held hose equipped with an automatic shutoff device at the minimum rate necessary.
- Athletic fields may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. during necessary overseeding, sprigging or resodding operations at the minimum rate necessary for a period that does not exceed 60 days. Irrigation rates during this restoration period may not exceed one inch of applied water in any seven-day period. Syringing is permitted during signs of drought stress and wilt (curled leaves, foot-printing, purpling).
- All allowed athletic field irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.

- Irrigation is prohibited on athletic fields that are not scheduled for use within the next 120-day period.
- Water may be used for the daily maintenance of pitching mounds, home plate areas and base areas with the use of hand held containers or hand held hoses equipped with an automatic shutoff device at the minimum rate necessary.
- Skinned infield areas may utilize water to control dust and improve playing surface conditions utilizing hand held containers or hand held hoses equipped with an automatic shutoff device at the minimum rate necessary no earlier than two hours prior to official game time.

**Washing paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts, and patios is prohibited.**

- Driveways and roadways may be pre-washed in preparation for recoating and sealing.
- Tennis courts composed of clay or similar materials may be wetted by means of a hand-held hose equipped with an automatic shutoff device at the minimum rate necessary for maintenance. Automatic wetting systems may be used between the hours of 9:00 p.m. and 10:00 a.m. at the minimum rate necessary.
- Public eating and drinking areas may be washed using the minimum amount of water required to assure sanitation and public health.
- Water may be used at the minimum rate necessary to maintain effective dust control during the construction of highways and roads.

**Use of water for washing or cleaning of mobile equipment including automobiles, trucks, trailers and boats is prohibited.**

- Mobile equipment may be washed using hand held containers or hand held hoses equipped with automatic shutoff devices provided that no mobile equipment is washed more than once per calendar month and the minimum amount of water is utilized.
- Construction, emergency or public transportation vehicles may be washed as necessary to preserve the proper functioning and safe operation of the vehicle.
- Mobile equipment may be washed at car washes that utilize reclaimed water as part of the wash process or reduce water consumption by at least 10% when compared to a similar period when water use restrictions were not in effect.
- Automobile dealers may wash cars that are in inventory no more than once per week utilizing hand held containers and hoses equipped with automatic shutoff devices, automated equipment that utilizes reclaimed water as part of the wash process, or automated equipment where water consumption is reduced by at least 10% when compared to a similar period when water use restrictions were not in effect.
- Automobile rental agencies may wash cars no more than once per week utilizing hand held containers and hoses equipped with automatic shutoff devices, automated equipment that utilizes reclaimed water as part of the wash process, or automated equipment where water consumption is reduced by at

least 10% when compared to a similar period when water use restrictions were not in effect.

- Marine engines may be flushed with water for a period that does not exceed 5 minutes after each use.

**Use of water for the operation of ornamental fountains, artificial waterfalls, misting machines, and reflecting pools is prohibited.**

- Fountains and other means of aeration necessary to support aquatic life are permitted.

**Use of water to fill and top off outdoor swimming pools is prohibited.**

- Newly built or repaired pools may be filled to protect their structural integrity.
- Outdoor pools operated by commercial ventures, community associations, recreation associations, and similar institutions open to the public may be refilled as long as:
  - Levels are maintained at mid-skimmer depth or lower,
  - Any visible leaks are immediately repaired,
  - Backwashing occurs only when necessary to assure proper filter operation,
  - Deck areas are washed no more than once per calendar month (except where chemical spills or other health hazards occur),
  - All water features (other than slides) that increase losses due to evaporation are eliminated, and
  - Slides are turned off when the pool is not in operation.
- Swimming pools operated by health care facilities used in relation to patient care and rehabilitation may be filled or topped off.
- Indoor pools may be filled or topped off.
- Residential swimming pools may be filled only to protect structural integrity, public welfare, safety and health and may not be filled to allow the continued operation of such pools.

**Water may be served in restaurants, clubs, or eating-places only at the request of customers.**