



LUMMI ISLAND SCENIC ESTATES COMMUNITY CLUB INC.

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LISE Water System Management Goals and Policies

Lummi Island Scenic Estates Community Club (LISECC) is rapidly increasing its daily water usage. To avoid the risk of water outage from a system shutdown, and to comply with Washington State water usage regulations, the Board is taking the following actions.

I. LISECC must comply with the State of Washington's new water conservation law.

The Washington Administrative Code of the State of Washington (WAC 246-290) was adopted in 2006 and became effective on January 22, 2007. The law directs the Department of Health to adopt a Water Use Efficiency rule to use water efficiently in exchange for certainty and flexibility in the exercise of water rights. The Section 830 of the code states that

- (1) The elected governing board or governing body of the public water system shall establish water use efficiency goals within...two years of the effective date of this rule for systems serving less than one thousand total connections.
- (2) Water use efficiency goals must be designated to enhance the efficient use of water by the water system's consumers.

The entire WAC 246-290-830 code is available on the Internet at <http://apps.leg.wa.gov/wac/default.aspx?cite=246-290-830>. The rule applies to all water systems that are considered municipal water suppliers. Municipal water suppliers include community water systems with 15 or more residential connections and non-community water systems that use water in a residential manner. The rule requires that municipal water suppliers use water efficiently and demonstrate that they are doing so. To this end, LISECC must:

1. Establish water distribution system leakage goals.
2. Establish water saving goals.
3. Develop a water use efficiency program.
4. Report annually on progress toward meeting goals and using water efficiently.
5. Install service meters for both production (sourced) and service (connection).

II. LISE Water Usage Goals and Conservation Program

- A. **The LISECC Water System goal** is to reduce leak rates by 5% per year, and to maintain rates of leakage under 7% of the daily usage rate. To achieve this goal, LISECC will monitor and document daily water usage. The operations manager will identify excessive or unaccounted for water usage.

When excessive or unaccounted water usage occurs, appropriate leak detection strategies will be initiated. To find the source of excessive or unaccounted water usage, the operations manager will monitor all water shutoffs and conduct street audits, utilizing the geo phone and meter readings to detect and repair leaks or to stop excessive usage.

- B. **The LISECC Members' water usage goal** is to attain residential water usage at a average of 120 gallons per day per residence. This level of water usage will allow a sustained daily water usage rate of approximately 20,000 gallons or 25% of our daily operating capacity. This goal allows LISECC to meet requirements for new residents.

To achieve this water conservation goal, LISECC homeowners must utilize efficient water-use practices, including:

- a. Hand-watering with nozzles that automatically shut off can save thousands of gallons per year. Unmonitored watering of gardens often gets forgotten and leads to extensive water runoff and waste. One residence recently left an unrestricted hose pouring water on a garden without supervision for several days.
- b. Check for leaks and turn off your water after use. Broken garden hoses are the most common source of LISE water leaks.
- c. Water only when needed. Water only in the morning and evening to avoid evaporation. Limiting watering time to a few minutes improves water absorption and prevents excessive water runoff.
- d. Water-smart landscaping can save 55 gallons per square foot per year.
- e. Check all water pipes for leaks and repair immediately. A 1/32" hole in a pipe wastes 6,300 gallons each week.
- f. Use brooms, squeegees and wet/dry vacs to clean surfaces before washing with water; do not use hoses as brooms.
- g. Installing low-flow faucets and showerheads can reduce indoor water usage by more than 50%.
- h. Installing high-efficiency washing machines can save 5,000 gallons each year, and will extend the life of your septic system.

- i. Installation of inline water heaters or recirculating water systems can save 30 gallons of water per day by not having to wait for the water to get warm or hot.
 - j. Shifting heavy water usage to weekdays will reduce the risk of water outages. Typical weekend water usage increases 50%, thereby increasing water shutdown risks during summer months. Excessive water usage during times of draught, including outdoor watering, must be limited to non-peak water usage days.
- C. **LISECC's Water Management goals** are to manage daily water usage rates; to update water use plans; to develop appropriate water management rules and regulations; and to provide water management education.

A. **Daily Water Usage Capacity is Limited.** At this time, LISECC's two 100,000-gallon water tanks have an actual capacity of 92,000 gallons each, due to inlet pipes being one foot above the tank floors and the tanks and being fill to capacity. In addition, LISECC's operational capacity is limited to 84,000 gallons per day. This capacity is limited by current pump capacity of 67 gallons per minute for 1260 minutes and only 21 hours per day available for pumping, since we must back flush the system for one hour after eight hours of processing time.

LISECC's water system rotates daily usage between its two water tanks: one tank delivers our current day's water supply while the second tank is being refilled and treated for the next day's usage. The prior day's water usage is measured as the tank is refilled. While low usage in the winter season seldom exceeds 20% of our daily capacity, our summer season has surpassed 60% percent (August 10, 2007) of our daily operating capacity. In August 2008, water usage rates surpassed 55% of our daily capacity. A draught, water line break, or excessive water waste can rapidly threaten the shut down of the water system. In addition, when the system operates over 25% of capacity, the Board must authorize overtime pay for water processing that is not budgeted.

B. **Communicating LISECC's Water Shortage Status.** LISECC's warning system for water shortages is posted on the corner of Beach Ave. and Island Drive. LISECC uses four levels of notification to describe its water shortage status:

Normal: This level is typical during the low-use winter season.

Conserve: This level is typical during the high-use summer season.

Restricted: This level occurs during periods of draught, line breakage, or excessive use and requires a ban on all outdoor watering.

Out: This communicates a shutdown of the water system and a possible three to seven day water outage.

For most of the year LISECC has a **normal level** of water availability. During summer months (June 15 through September 15), the **conserve level** is typically required due to increased water usage rates and reduced rainfall. The **restricted level** occurs when we experience draughts or extreme water usage in order to protect the sustainability of the water supply. If LISECC's water tank runs dry, LISECC is **out** of water for at least three days, since it takes time to sanitize, recharge the system, and obtain State inspection of the system.

C. **Water Conservation Practices.** Water conservation is required for each level of water availability as shown in the following chart.

- a. **Normal Levels.** Under the **normal** level, LISECC residents need to use normal conservation practices. Install low-flow water faucets and showerheads. Make sure your next washer is water efficient. Use water-smart landscaping in your yard. Beyond that, only water when needed. Check the ground by hand or with a meter to determine if it is time to water. Sprinklers can be used, but should not be watering driveways and other waste areas. Sprinklers should never be left on one area for more than 20 minutes. It is always preferred to use handheld nozzles to ensure that water runoff is minimized. It is preferred to water several times for short periods than to let water run for long periods of time. Water should always be turned off after use to protect against bursting hoses and extreme water waste. Repair leaks immediately. Don't hose off your walk if you can sweep it.

Conservation Practice	Water Conservation Level of LISE's Water System			
	Normal	Conserve	Restricted	Out
Sprinklers allowed	X			
Hand-watering only with nozzles	X	X		
Turn off your water after use	X	X		
Water only when needed	X	X		
Water-smart landscaping	X	X	X	
Repair leaks immediately	X	X	X	
Sweep with brooms rather than water	X	X	X	
Install low-flow faucets and showerheads	X	X	X	
Use high efficiency washing machines	X	X	X	
Limit outdoor watering to odd/even dates		X		
Limit outdoor water usage to 30 minutes per week.		X		
Ban outdoor water usage.			X	
No water available				X

D. **C**

- b. **Conserve Level.** Under the **conserve** level, sprinklers are banned, but hand held watering with the use of nozzles is allowed. Normal

conservation practices should be continued, but outdoor watering is limited to watering schedules based on the last number of your street address. Residents with odd numbered street addresses are being asked to limit watering to Wednesdays, Fridays and Sundays. Residents with even numbered street addresses can water on Tuesdays, Thursdays and Saturdays. Mondays are non-watering days to allow the reservoir to recharge after the weekend.

c. Restricted Level. Under the **restricted** level, outdoor watering is banned until the risk of a water outage is over. The risk of a water shortage is highest on summer weekends between June and August or when a draught or outdoor water usage becomes excessive. Any outdoor watering is limited to the use of hand-held containers so that residents can hand water stressed shrubs or plants. No hoses can be used. This action is required to ensure against a water shutdown. There is no limitation on indoor water usage, though conservation is encouraged.

d. OUT OF WATER Level. If we run **out** of water, air gets into the water lines and the total system must be shut down, sanitized, and recharged under the supervision of Washington State inspectors. Such a shutdown is expected to require from three days to one week before water service can be restored.

To protect against any water outage, LISECC's **emergency preparedness system** will be activated one we enter the **Restricted Level**. To this end, we are asking all LISE members to provide updated email addresses and telephone numbers for emergency communication.

III. Existing LISECC Rules and Regulation.

A. LISECC currently has a number of rules and regulations relating to its water system and its operations.

a. Article 5.4.2 of LISECC's Rules and Regulations addresses water hookup requirements. It includes the following:

5.4.2.1 All lots, except dues exempt lots, are entitled to one hookup to the club-owned water system. The cost of the hookup, materials, labor and meter are to be paid for by the owner of the lot.

5.4.2.2 Single lot services shall not be made with less than ¾" pipe from main to lot line.

5.4.2.3 Dual lot services (one hookup for two lots) shall not be made with less than 1" pipe from main to lot line.

5.4.2.4 All street cuts must be replaced to their original conditions. Oil mats must be replaced with asphalt not less than 2" thick to meet County standards.

5.4.2.5 All new and replacement hookups must have a standard corporation (shutoff) at the main and have a standard stop and waste and the property line at owners' expense.

5.4.2.6 When meters are required, the club will install the meter and meter box. The owner will be billed.

5.4.2.7 No hookup will be permitted to any lot or lots upon which the club dues and assessments are not paid in full.

- b. Article 5.4.3 of LISECC's Rules and Regulations addresses existing penalties for specific violations, including:

5.4.3.1 Water may be shut off on any lot upon which the club dues and assessments are overdue. The cost of disconnection and reconnection shall be billed to the lot owner's account, which must be paid in full before water will be reconnected. Dues will be considered overdue on 1 February for the purposes of this paragraph.

5.4.3.2 The improper winterization of member's water systems which result in wasted water may result in water being shut off or disconnected and the cost of this shut off or disconnect and reconnection shall be charged to owner and must be paid in full before water service is restored.

Proposed 5.4.3.3 Excessive use of LISECC water resources which result in wasted water may result in water being shut off or disconnected and the cost of this shut off or disconnect and reconnection shall be charged to owner.

- c. Article 5.5.2. of the Rules and Regulations addresses other member responsibilities, including:

5.5.2.1. Members are obligated to know the boundaries of their property and to keep all improvements within the legal setbacks.

Proposed: 5.5.2.2. Members are to keep watercourses through their property, as well as roadway ditches in front of their property, clear and open at all times. **Access to LISECC water pipes and connections, including water meters, must be made accessible free of obstructions from access for installation, inspection, administration, and maintenance purposes.**

5.5.2.10. Flagrant or repeated violations of the Rules and Regulations set out in Part 5 of these Bylaws will result in the offending owner(s) being fined and remedial steps taken by the Board of Directors **[proposed addition] in accordance with Article 5.4.3 and 5.4.4 of these rules and regulations.** The Board of Directors also may charge for damages to Club or private property and the costs of repair or replacement required to restore said property. Fines and charges will be levied in accordance with Section 4.2.1.5.

and 4.5.1.4. of these Bylaws.

- B.** The Bylaws referred to above are included in Article 4.2.1 under regular membership and Article 4.5.1 under annual dues. The relevant cited articles state:

4.2.1.5. No owner or purchaser's membership may be canceled, forfeited of, disposed of, nor may any member withdraw, cancel, or transfer his membership except upon transfer of title to the real property to which his membership is appurtenant, as elsewhere herein provided. The Board of Directors may levy fines, assess charges, suspend memberships, deprive members of privileges and services provided by the Community Club, or exercise any other reasonable restriction, penalty, or admonishment for the violation of any of these Bylaws or the duly adopted and published Rules and Regulations. Memberships may be suspended and the member deprived of the privileges and services provided by the Community Club, only by the Board of Directors, for non-payment of dues or assessed charges, or any other violation of these Bylaws or the duly adopted and published Rules and Regulations, or for any activity which is in violation of the laws of the Federal, State or Local Governments and which the Board of Directors believes to be detrimental to the Community Club. The annual dues may not be suspended for any reason. The Board of Directors shall levy late charges and/or charge interest at the rate of 12% per annum compounded monthly beginning 30 days after each assessment or charge is levied on all accounts due the Community Club.

4.5.1.4. From time to time, as and when any such dues, assessments, charges, interest, fines, or penalties are levied, each member with respect to the land or interests therein to which his membership is appurtenant shall pay the amount of such dues, assessments, charges, interest, fines or penalties against the same to the Community Club, at its office within thirty days after the mailing of the notice of such dues, assessments, charges, interest, fines or penalties to the members. The amount of such dues, assessments, charges, interest, fines or penalties, together with all expenses, attorney fees and costs reasonably incurred in enforcing the same, shall be paid by the member and shall be a lien upon said land and the membership appurtenant thereto, superior to any and all other liens created or permitted by the owner of such land and enforceable by foreclosure proceedings in the manner provided by law for foreclosure of mortgages upon land; provided, that no proceedings for the foreclosure of any said liens, as provided in Section 4.5, shall be commenced except upon the expiration of four months from and after the date of mailing of said notice of dues, assessments, charges, interest, fines or penalties.

III. Proposed Rules and Regulations: Section 5.4.4 Water Use Restrictions

The following additions to LISECC rules and regulations are needed to address the Municipal Water Law.

A. Article 5.4.4.1 Declaration of a Water Supply Shortage

Upon declaration of a water supply shortage or other emergency conditions for LISECC by a majority of its Board of Directors, LISECC shall be authorized and empowered to impose such restrictions as necessary to conserve and maintain adequate reserves to operate its municipal water supply. The Board will determine and announce LISECC's water shortage level within 48 hours of the following conditions being met.

1. When rolling weekly average water usage rate are below 25%, there is no ongoing water shortage and the usage level is set at the **normal level**.
2. The **conserve level** will be activated when the rolling weekly average water usage reaches 25% of LISECC's average daily water supply capacity.
3. The **restricted level** will be activated when the rolling weekly average water usage rate reaches 40% of LISECC's average daily water supply capacity. Once the rolling average weekly water usage rate drops below 38%, the usage level will be returned to conserve level within 48 hours.
4. The **OUT OF WATER level** will be activated when the water system is shut down. When the system has passed inspection and approved for operation, the usage level will be returned to restricted level for one week to ensure stability of the system.

B. Article 5.4.4.2 Water Usage Restrictions. Water usage restrictions will be applied when the board determines water shortage levels as follows:

1. Once the board sets the water shortage level at **conserve**, residents will be subject to the following restrictions:
 - a. Odd/Even Day Landscape Watering: Residents with odd numbered street addresses are being asked to limit watering to Wednesdays, Fridays and Sundays. Residents with even numbered street addresses can water on Tuesdays, Thursdays and Saturdays. Mondays are non-watering days to allow the reservoir to recharge after the weekend.
 - b. Landscape irrigation shall be prohibited except for irrigation, by low volume devices only, of crops for use as food by residents at a primary residence.
 - c. The filling of swimming pools is prohibited.
 - d. Use of automated landscape sprinkler systems is prohibited.
 - e. Washing or cleaning streets, driveways, sidewalks or other impervious

areas is prohibited.

- f. Washing of cars and boats shall be restricted to odd/even days as described in paragraph a, above.
 - g. The use of water for firefighting, health, sanitation, medical purposes and other essential uses shall not be restricted. However, domestic water use conservation practices should be implemented wherever possible.
2. Once the board set the water shortage level at **restricted**, residents will be subject to the following restrictions:
 1. All outdoor watering is prohibited, other than the use of treated wastewater; or use of handheld water containers.
 2. The use of water for firefighting, health, sanitation, medical purposes and other essential uses shall not be restricted. However, domestic water use conservation practices should be implemented wherever possible.

C. Article 5.4.4.3 Public Notification of a Water Supply Levels

Notification of any intent to change restrictions in water use by LISECC membership as part of a water supply shortage shall be posted in LISECC's public locations (at the corner of Beach Ave. and Island Drive, at the Clubhouse, at the Water Works) and will be published in the Bellingham Herald or by such other means reasonably calculated to reach and inform all water users, such as the US Mail or direct communication.

D. Article 5.4.4.4 Notice and Imposition of Fines for Water-use Violations

Notice of water use violations will be submitted to LISECC's board of director's Water Committee Chair. The committee will impose a fine and request a "Fine Notice" to be delivered to the alleged violator.

1. The Fine Notice will be sent to the alleged violator via certified mail to the address on file with the LISECC.
2. The proposed fine set forth in the Fine Notice shall become final unless the alleged violator requests a Fine Hearing with the Water Committee Chair within fourteen (14) days after the issuance date of the Fine Notice. Requests for hearing must pose three dates for a meeting with the Water Committee Chair, which meeting shall be held not later than forty (40) days following the date of the Fine Notice. Such meeting can be held in person or by telephone, at the option of the alleged violator. Upon receipt of the request, the Water Committee Chair shall select one of the days proposed for the Fine Hearing and shall notify the alleged violator of the date and time.

3. Failure of the alleged violator to timely request a Fine Hearing or failure to participate in such Fine Hearing shall render the fine “due and owing” and a Fine Invoice shall be issued for payment within thirty (30) days.

First time offenses for the violation of water restrictions would include a \$150 fine plus an outdoors watering ban for a period of one week. Further offenses would include a \$500 fine plus an outdoor watering ban plus the installation of a flow restrictor.

The board will also set policy for payments of fines and water charges, and policies for emergency water shutoff actions. When the operations manager finds water lines broken on residence properties or extreme water usage, LISECC will have the authority to disconnect service. The fee for reconnection of services will be \$100.00. Payment of water related fines and service charges would be handled according to established LISECC collection practices.

2. Article 5.4.4.5 Exceptions to Restrictions

Notwithstanding the authority granted by this regulation, any order imposing restrictions in the use of water shall not apply to any person obtaining water from sources other than the public water supply, unless it can be clearly shown that the use of such water directly affects the public water supply. Written notice restricting the use of such water shall be given to the person in control of the same, and may be effective forthwith.

3. Article 5.4.4.6 Penalties

Any person failing to comply with the restrictions imposed pursuant to this regulation shall be subject to a fine of **\$100 per day for first time violations. Further violations will result in a fine of \$300 per day.** Recovered penalties shall inure to LISECC for such uses as the Board of Directors may direct. In addition to the foregoing penalties, LISECC is authorized to discontinue the furnishing of water where orders and restrictions have been violated. Such discontinuance shall be continued so long as there is evidence that the violations have not been corrected or will continue.

Households that are serial offenders may be subject to the installation of a flow restrictor. This device will be installed by LISECC at the household water meter or connection and will limit the flow to approximately 2.5 gallons per minute. The flow restrictor will substantially reduce the flow rate to the household. However, its installation will not affect household appliances (dishwashers, washing machines etc) if they are not used concurrently. Restrictors will only be installed for 30 days, but may be reinstalled if the household continues to violate water restrictions. The resident will be responsible for the cost on installing and removing of flow restrictors, at a cost of \$450 for the first offense, and \$1000 for additional offenses.

Significant fines apply to residents who tamper with the meter and flow restrictor. Such fines will not be less than \$450, plus the cost of equipment or repairs.

D. Article 5.4.4.7 Notice and Imposition of Fine

1. The Board appoints its Water Committee as the representative for LISECC to impose a fine and to hold a hearing on such fine (Fine Hearing). Notice of proposed fines for violations of the Rules may be issued by Chair to the alleged violator. The Fine Notice shall be sent via certified mail to the alleged violator at the address on file with LISECC.
2. The proposed fine set forth in the Fine Notice shall become final unless the alleged violator timely requests a Fine Hearing with the Chair of the Water Committee. Any such request must be received by LISECC within fourteen (14) days after the issuance date of the Fine Notice. The request must propose three days for a meeting with the Chair, which meeting shall be held not later than thirty (30) days following the date of the Fine Notice. Such meeting can be held in person or by telephone, at the option of the alleged violator. Upon receipt of the request for a Fine Hearing, the Chair shall select one of the days proposed for the Fine Hearing and shall notify the alleged violator of the date and time.
3. Failure of the alleged violator to timely request a Fine Hearing or failure to participate in such Fine Hearing shall render the fine “due and owing” and an invoice shall be issued for payment within fourteen (14) days (Fine Invoice).

E. Article 5.4.4.8 Appeal of Fine Invoice

- a. The alleged violator may appeal the Fine Invoice to the Board of Directors so long as a written appeal is received by LISECC within fourteen (14) days of the date of the Fine Invoice. Any appeal shall briefly describe the basis for the appeal, the witnesses to be called and the relief requested. Failure of the alleged violator to strictly comply with this provision shall constitute a waiver of the member’s right to appeal the Fine Invoice.
- b. If an appeal request is complete and timely received, the Board of Directors will schedule the appeal hearing for the next Board meeting, which is at least 10 days in advance. If the hearing cannot be held on that date or must be continued due to lack of quorum, inclement weather or any other reason, the appeal hearing shall be continued to the following Board meeting.
- c. The member may pay the Fine Invoice prior to the appeal hearing in order to avoid interest charges. If the fine is overturned at the appeal hearing, the amount paid by the member will be refunded without interest.

- d. At the appeal hearing the alleged violator will be entitled to present relevant evidence and witness testimony. All witnesses shall take an oath to tell the truth before testifying. The Board may interrogate the alleged violator and any witnesses called on behalf of the member. Sworn affidavits may also be submitted by the member, but live witness testimony shall be preferable.
- e. The Board will issue a ruling within ten (10) days of the appeal hearing. The ruling need not include findings of fact or conclusions. The Board's ruling will be final.

F. Article 5.4.4.9 Enforcement

- a. Interest will accrue at the rate of 12% per annum on any fine from the due date established in the Fine Invoice.
- b. LISECC may record a claim of lien against the lot(s) of any member who fails to timely pay a Fine Invoice, regardless of whether an appeal has been timely requested. However, no lien will be filed if the member has paid the Fine Invoice pending the appeal hearing.
- c. The claim of lien may be foreclosed in the manner of a mortgage on real property, and in such foreclosure action, LISECC shall be entitled to an award of its attorneys' fees and costs, including the cost of a report, all collection costs and foreclosure expenses.