

## **DROUGHT EMERGENCY RESTRICTIONS**

### **Landscapers, Nursery Operations, Garden Centers, Arboretums, and Public Gardens**

Regulations in 4 Pa. Code Chapter 119 detail prohibitions of nonessential water uses in drought emergency areas. The parts of 4 Pa. Code § 119.4 that apply most directly to landscapers, nursery operations, garden centers, arboretums, and public gardens are contained in: § 119.4(1), which addresses watering of grass; § 119.4(3), which addresses gardens and landscaping; and § 119.4(6), which addresses ornamental uses of water, such as fountains and waterfalls. The following definitions, which are contained in § 119.1, are useful in interpreting the aforementioned subsections:

**Arboretum:** A place where trees, shrubs, and plants are cultivated for scientific and educational purposes.

**Effective conservation:** Use of water at the minimum rate necessary for the intended purpose, in a manner that does not result in the use of water for purposes that are prohibited by this chapter, and in a manner that does not allow application or runoff of water onto areas that are prohibited by this chapter.

**Irrigation contractor:** A person who is engaged in the business of design, installation, or repair of irrigation equipment as a source of income.

**Newly seeded or sodded grass area:** A grass area from which all growth was removed or tilled under and to which new seed or sod was applied within the previous 12 months.

**Nurseries:** Facilities which are used to grow or keep plants, trees, shrubs, vines, bulbs, cuttings, grafts, flowering annual plants, aquatic plants, seeds, turf, grass, sod, or tubers for propagation, distribution, or sale.

**Professional landscaper:** A person who is engaged in the business of installing or maintaining landscape materials as a full-time job.

Section 119.4(1) bans the use of any water (including wastewater, recycled water, or brackish water) for watering grass, with the following exceptions:

1. Water may be used by anyone to establish and maintain newly seeded and sodded grass areas if applied between the hours of 5:00 PM and 9:00 AM; it must be applied by means of a bucket, can, or hand-held hose equipped with an automatic shut-off nozzle. Water may be applied between the hours of 7:00 PM and 11:00 PM by any other means designed and operated to ensure effective conservation of the water.
2. Water may be used by a professional landscaper to establish newly seeded and sodded grass areas during regular working hours by any means designed and operated to ensure effective conservation of the water.
3. Water may be applied for the purpose of grub control only once during the effective period of the drought emergency.
4. Professional landscapers or irrigation contractors may use water to test newly installed or repaired irrigation equipment. The use may not exceed 15 minutes per irrigation zone. This exception also applies to athletic fields and golf courses.
5. Water may be used, in a manner that ensures effective conservation, to implement revegetation following earthmoving, where revegetation is required under an erosion and sediment control plan adopted under state law or regulation. Revegetation use must comply with applicable best management practices for revegetation prescribed by the department and county conservation districts.
6. In all cases, water should be used at the minimum rate necessary.

Section 119.4(3) bans the use of fresh water, but not wastewater, recycled water, or brackish water, for irrigation and watering of outdoor gardens, landscaped areas, trees, shrubs, and other outdoor plants; however, the following exceptions do allow fresh water to be used:

1. By anyone, for irrigation for the production of food and fiber and the maintenance of livestock and poultry. This includes home vegetable gardens.
2. By anyone, by means of a hand-held container or hand-held hose equipped with an automatic shutoff nozzle, or by means of an irrigation system that is designed and operated to: restrict the timing or total volume of water; restrict the application to specific plantings; and ensure effective conservation. In all cases, the water may only be applied between the hours of 5:00 PM and 9:00 AM. Sources of water other than fresh water must be used where available.
3. By nurseries to maintain stock, by a means that ensures effective conservation, only to the extent sources of water other than fresh water are not available or feasible to use.
4. By public gardens of national, state, or regional significance or arboretums to preserve specimens, by a means that ensures effective conservation, to the extent that sources of water other than fresh water are not available or feasible to use.
5. By a professional landscaper or irrigation contractor during working hours, by a means that ensures effective conservation.
6. In all cases, water should be used at the minimum rate necessary.

Section 119.4(6) bans the use of any water for ornamental purposes, including fountains, artificial waterfalls, and reflecting pools, except:

1. Fountains or waterfalls may be operated to perform the primary and necessary aeration function for a pond that supports fish life.
2. Water may be used to top off ornamental water gardens or fish ponds to the minimum extent necessary to maintain fish and aquatic life.

**NOTE:** *Local water supply agencies and municipalities may impose more stringent requirements if local conditions dictate.*

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