

MODEL DROUGHT CONTINGENCY PLAN

Prepared by Upper Trinity Regional Water District
for its Members and Customers

May 2009

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Drought Contingency Plan for [Name of Entity]

SECTION 1

Introduction and Objectives

The purpose of this Drought Contingency Plan (the "Plan") is to provide for drought contingency measures for [Name of Entity] as required by the Texas Commission on Environmental Quality ("TCEQ") and the Upper Trinity Regional Water District ("UTRWD"). Such contingency measures may be needed during drought conditions, during an emergency and when water use approaches the system supply, or the capacity of treatment and delivery facilities. Examples of drought or emergency conditions include low levels of water supply lakes, unusually high water demands, unforeseen equipment / system failure or contamination of the water supply source.

[Name of Entity] uses two sources of water: ground water and treated surface water supplied by the UTRWD. The total combined amount from these two sources is normally sufficient to provide water for residential and commercial customers and to maintain adequate reserve quantities and pressure from storage facilities to meet emergency and firefighting demands.

The overall objective of this Plan is:

- To help assure reliability of water service to customers;
- To conserve the available water supply in times of drought and emergency;
- To maintain adequate water supplies for domestic use, sanitation, and fire protection;
- To protect and preserve public health, welfare, and safety;
- To minimize the adverse impacts of water supply shortages, and
- To minimize the adverse impacts of emergency conditions affecting water supply.

This Plan has been developed in coordination with UTRWD, and contains provisions and responses that are intended to be uniformly applied among UTRWD Customers. [Name of Entity] will review and evaluate this Plan periodically (at least every five years) to keep it up to date for [Name of Entity] service area, population, water supply, transmission system - - and, for compliance with UTRWD requirements. A copy of the Plan must be submitted to TCEQ and UTRWD, and to the Texas Water Development Board, if applicable.

SECTION 2

Applicable Rules of Texas Commission On Environmental Quality

TCEQ rules governing development of drought contingency plans for municipal uses by Public Water Suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, and Rule 288.20 of the Texas Administrative Code, as amended. A copy of these rules is contained in Appendix A. The rules define a drought contingency plan as "A strategy or a combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies".

Minimum Drought Contingency Plan Requirements

The minimum requirements contained in the Texas Administrative Code for drought contingency plans are covered in this Plan as follows:

<u>Rule</u>	<u>Subject</u>	<u>Section</u>
288.20(a)(1)(A)	Informing the Public & Providing Opportunity For Input	Section 3
288.20(a)(1)(B)	Provisions for Continuing Public Education & Information	Section 4
288.20(a)(1)(C)	Coordination with the Regional Water Planning Group	Section 10
288.20(a)(1)(D)	Criteria for Initiation Monitoring & Termination of Stages	Section 7
288.20(a)(1)(E)	Drought and Emergency Response Stages	Section 7
288.20(a)(1)(F)	Targets to be Achieved During Drought	Section 7
288.20(a)(1)(G)	Water Supply & Demand Mgm't Measures for Each Stage	Section 7
288.20(a)(1)(H)	Procedures for Initiation & Termination of Drought Stages	Section 7
288.20(a)(1)(I)	Procedures for Granting Variances	Section 8
288.20(a)(1)(J)	Procedures for Enforcement of Mandatory Restrictions	Section 9
288.20(a)(2)	Drought Plans for Privately-owned Utilities	Section 12
288.20(a)(3)	Consultation with Wholesale Suppliers	Section 7
288.20(b)	Notification of Implementation of Mandatory Measures	Section 7
288.20(c)	Review & Update of Plan	Section 11

SECTION 3

Public Involvement

[Name of Entity] will provide opportunity for public input in the development of this Plan by the following means:

- Providing written notice of the draft Plan and the opportunity for the public to comment by newspaper or posted notice prior to adoption.
- Making the draft Plan available on the [Name of Entity] web site (if available).
- Providing a copy of the draft Plan to anyone requesting a copy.
- Holding a public meeting at a time and location convenient to the public and providing written notice to the public concerning the draft Plan and meeting.

SECTION 4

Provisions for Continuing Public Education and Information

After the Plan has been adopted, [Name of Entity] will provide public information about the Plan at least annually by any of the following means:

- Prepare bulletins / newsletters describing the Plan; and, make said bulletins / newsletters available in utility bills, public facilities or other appropriate places;
- Make the Plan and its requirements available on the [Name of Entity] web site (if available);

- Include information regarding water conservation on the [Name of Entity] web site (if available), and as part of its bulletins / newsletters, public service announcements and media reports; and,
- Notify local organizations, schools, and civic groups that [Name of Entity] staff members are available to make presentations on the Plan (usually in conjunction with presentations on water conservation programs).

When provisions of the Plan are activated or when a drought response stage changes, [Name of Entity] will notify local media of the relevant issues, the appropriate drought response stage, and the specific actions required of the public. When mandatory provisions of the Plan are implemented, TCEQ shall be notified within five (5) business days. The information will also be publicized on the [Name of Entity] web site (if available). Billing inserts may also be used as appropriate means of disseminating information to the public.

SECTION 5

Authorization

The [City Manager, General Manager, Mayor], or official designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety and welfare, and to comply with applicable regulations or contractual requirements. Except as otherwise provided in the Plan, the [City Manager, General Manager, Mayor], or official designee, shall have the authority to initiate, to enforce and to terminate the measures provided herein for a drought or other water supply emergency. (The authority to implement and enforce the Drought Contingency Plan is established in Ordinance No. ____ or Resolution No. ____).

SECTION 6

Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by [Name of Entity]. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

SECTION 7

Drought Contingency Plan - - Emergency Response Stages

7.1 Initiation of Drought Response

A copy of the ordinance or resolution officially adopting this Plan is included as Appendix B. The [City Manager, General Manager, Mayor] or official designee may order the implementation of a drought response stage or water emergency when one or more of the trigger conditions for that stage is met as provided in this Plan. The following actions will be taken when a drought response stage is initiated:

- The public will be notified through local media, the [Name of Entity] web site (if available), and other appropriate methods as described in Section 4 above;

- Unless otherwise implemented by UTRWD, [Name of Entity] will notify UTRWD by telephone with a follow-up letter, e-mail, or fax to confirm implementation of any drought response stage and to provide relevant details; and
- **When any mandatory provisions of the Plan are implemented, [Name of Entity] will notify the Executive Director of the TCEQ within five (5) business days.**

When specific drought response stages are announced by UTRWD, [Name of Entity] and other entities receiving water from UTRWD are required to implement the appropriate measures. For other trigger conditions not announced by UTRWD, the [City Manager, General Manager, Mayor] or official designee may implement contingency measures based on local conditions affecting [Name of Entity]; or for good cause may decide not to order the implementation of a drought response stage or water emergency even though one or more trigger criteria for the stages are met. Various factors can be taken into account when making a decision about such stages, including circumstances unique to [Name of Entity], the time of the year, weather conditions, the anticipation of replenished water supplies, use of an alternate water resource, or the anticipation that additional facilities will become available on a timely basis to meet needs. The reason for such decision should be documented for the record.

7.2 Termination of a Drought Response Stages

The [City Manager, General Manager, Mayor] or official designee may order the termination of a drought response stage or water emergency when the conditions for termination are met as provided herein. The following actions will be taken when a drought response stage is terminated:

- The public will be notified through local media, the [Name of Entity] web site (if available), and other appropriate methods as described in Section 4 above;
- UTRWD will be notified by telephone with a follow-up letter, e-mail, or fax to confirm the particular drought response stage has been terminated, and
- **When any mandatory provisions of the Plan are terminated, [Name of Entity] will notify the Executive Director of the TCEQ within five (5) business days.**

The [City Manager, General Manager, Mayor] or official designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. Various factors could influence such a decision about whether to end a specific stage, including circumstances unique to [Name of Entity], the time of the year, weather conditions, conditions within the local water distribution system or anticipation of other relevant factors that warrant continuation of measures for the drought stage. The reason for such decision should be documented for the record.

7.3 Drought and Emergency Response Stages

A. Stage 1 – Water Wise

Requirements for Initiation

The following are key conditions, any one of which may trigger this stage:

- UTRWD has announced Stage 1 – Water Wise; or
- Water demand has reached or exceeded 85% of delivery capacity for four consecutive days; or
- Water demand is **approaching** a level that will cause a reduced delivery capacity for all or part of the distribution system, as determined by [Name of Entity]; or
- The water supply system has a **significant limitation** due to failure of or damage to important water system components.

Goal

With voluntary action by [Name of Entity] and its customers, reduce the stress on triggering conditions and achieve a 1% reduction in total water use, as measured in gallons per capita per day (GPCD); and, increase public awareness about the need to conserve and save water.

Voluntary Water Use Restrictions for Reducing Demand

Under this stage, customers shall be requested to *voluntarily* conserve water and to comply with restrictions on certain non-essential water use as provided below. Specific measures to be implemented during the stage will be determined by the [City Manager, General Manager, Mayor] or official designee. The [City Manager, General Manager, Mayor] or official designee may also take other actions not listed, if deemed necessary.

- Encourage reduction in frequency of all landscape irrigation.
- Reduce the frequency of washing or rinsing of vehicles; and, recommend use of bucket/container, hand-held hose with positive shut-off valve or commercial car wash.
- Request customers to reduce the frequency of draining and refilling swimming pools.
- Ask customers to avoid waste during recreational use (water used for leisure and entertainment purposes) from faucets and hoses, or hydrants.
- Increase public information about regular guidelines for time-of-day landscape irrigation.
- Seek reduction of water use through *voluntary* day-of-week watering schedule. For example, irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems may be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses, and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other property containing multiple addresses may be identified by the lowest address number.
- Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, a bucket, or by drip irrigation or soaker hose systems.

- Supplement public education efforts about water conservation, by teaching and encouraging reduced water use practices.
- Set a good example by being alert to non-essential government water use. (Examples include vehicle washing, operation of ornamental fountains, landscape uses for parks or medians, etc.)

Termination

Stage 1 may terminate when UTRWD terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 – Water Wise no longer prevail.

B. Stage 2 – Water Watch

Requirements for Initiation

The following are key conditions, any one of which may trigger Stage 2:

- UTRWD has initiated Stage 2 – Water Watch ; or
- Water demand has reached or exceeded 90% of delivery capacity for three consecutive days; or
- Water demand **has reached** a level that is causing a reduced delivery capacity for all or part of the distribution system, as determined by [Name of Entity]; or
- The water supply system is **unable to deliver** water at **normal rates** due to failure of or damage to major water system components; or
- Natural or man-made contamination of a water supply available to [Name of Entity].

Goal

To ensure an adequate supply of water for normal domestic and commercial uses and for firefighting during a period of short-term system degradation, inadequacy, or drought. The goal for water use reduction under Stage 2 is a five percent (5%) reduction in the use that would otherwise have occurred in the absence of drought contingency measures.

Water Use Restrictions for Demand Reduction

Under this stage, customers will be requested to continue all *voluntary* measures, plus adhere to the following *mandatory* measures to conserve water and to comply with restrictions on certain non-essential water uses as provided below. Specific measures to be implemented during this stage will be determined by the [City Manager, General Manager, Mayor,] or official designee. The [City Manager, General Manager, Mayor,] or official designee may also take other actions not listed, if deemed necessary. All requirements of Stage 1 shall remain in effect during this Stage 2, plus the following incremental or new measures:

- Prohibit recreational water use (water used for leisure and entertainment purposes) including use of faucets or hoses in such a manner that creates run-off or other wastes.

- Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. However, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- Encourage further reduction in draining and filling of swimming pools.
- Prohibit hosing off paved areas, buildings, windows or other hard surfaces. Normal window washing is okay.
- Enforce the regular guidelines for time-of-day landscape irrigation.
- Require reduction of water use through *mandatory* day-of-week watering schedule. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses; and, Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other property containing multiple addresses may be identified by the lowest address number.
- Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, a bucket, or by drip irrigation or soaker hose systems.
- Step-up the public education efforts about water conservation, teaching and encouraging reduced water use practices.
- Continue intensified leak detection and repair activities by [Name of Entity] on water pipes and mains.
- [Name of Entity] is restricted to day-of-week and time-of-day landscape watering schedule except for parks and golf courses.
- Require reduction of water use through day-of-week landscape watering schedule for parks and golf courses.
- Announce enforcement efforts and penalties for noncompliance. Enforcement to be primarily based on complaints being received.

Termination

Stage 2 may terminate when UTRWD terminates its Stage 2 condition, or when the circumstances that caused the initiation of Stage 2 no longer prevail. Upon termination of Stage 2, Stage 1 – Water Wise will remain in effect, unless otherwise announced by [Name of Entity] or UTRWD.

C. Stage 3 – Water Warning

Requirements for Initiation

The following are key conditions, any one of which may trigger Stage 3:

- UTRWD has initiated Stage 3 – Water Warning; or
- Water demand has reached or exceeded 95% of delivery capacity for two consecutive days; or
- Water demand **exceeds** the delivery capacity for all or part of the distribution system, as determined by [Name of Entity]; or
- Water supply system is **unable to deliver** water in **adequate quantities** due to failure of or damage to major water system components; or
- Interruption of one or more water supply source(s).
- Natural or man-made contamination of the water supply available to [Name of Entity].

Goal

To ensure an adequate supply of water for essential domestic and commercial uses and for firefighting during periods of sustained system degradation, inadequacy or continuing drought. The goal for water use reduction under Stage 3 is a reduction of fifteen percent (15%) in the use that would otherwise have occurred in the absence of drought contingency measures.

Water Use Restrictions for Reducing Demand

Customers shall be required to comply with the requirements and *mandatory* restrictions on non-essential and other water uses as provided below. Following is a menu of possible actions. Specific measures to be implemented during this stage will be determined by the [City Manager, General Manager, Mayor] or official designee. The [City Manager, General Manager, Mayor] or official designee may also take other actions not listed, if deemed necessary. All requirements of Stage 2 shall remain in effect during this Stage 3, plus the following incremental or new measures:

- Irrigation of landscaped areas shall be limited to one day per week (according to an announced schedule).
- Further, landscape irrigation shall be limited to the hours between 6:00 am and 10:00 am and between 6:00 pm and 12:00 midnight. Irrigation of landscape and building foundations by means of hand-held hose, a bucket, or by drip irrigation or soaker hose systems shall be limited to same hours on any day.
- All non-essential uses of water by all departments of [Name of Entity] shall be substantially restricted, and as a minimum shall comply with the restrictions applied to domestic customers.

- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the immediate premises of a commercial car wash or commercial service station, and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 am and 10:00 am and between 6:00 pm and 12:00 pm.
- The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi type pools is prohibited.
- Issuance of permits for new swimming pools, hot tubs, spas and ornamental ponds shall be suspended, and if already issued, construction may not be initiated.
- Municipal landscape watering is prohibited except for golf courses. Watering of golf course greens and tee boxes is restricted to off-peak hours (6:00 am to 10:00 am and between 6:00 pm and 12:00 midnight); watering of other golf course areas and parks is prohibited.
- Watering of nursery plant stock restricted to the designated off-peak hours applicable to residential customers.
- Consider a rate surcharge of ten percent (10%) for all water use over the adopted rates for all water use by all customers. The surcharge would apply to usage in excess of 10,000 gallons per month for all customers.
- Step-up enforcement activities by having officers or operators in the field.

Termination

Stage 3 may terminate when UTRWD terminates its Stage 3 condition, or when the circumstances that caused the initiation of Stage 3 no longer prevail. Upon termination of Stage 3, Stage 2 – Water Watch will be initiated, unless otherwise provided by [Name of Entity] or UTRWD.

D. Stage 4 – Emergency

Requirements for Initiation

The following are key conditions, any one of which may trigger Stage 4:

- UTRWD has initiated Stage 4 – Emergency; or
- Water demand has reached or exceeded the delivery capacity of the distribution system as determined by [Name of Entity]; or
- Water supply system is **unable to deliver** water due to failure or damage of major water system components; or
- Interruption of one or more water supply sources(s).

- Natural or man-made contamination of the water supply available to [Name of Entity].

Goal

To ensure an adequate supply of water for minimum domestic use, public health and safety and for firefighting during a period of severe system degradation, inadequacy or drought. The goal for water use reduction under Stage 4 is twenty-five percent (25%) in the use that would have occurred in the absence of drought contingency measures. If circumstances warrant, or as required by UTRWD, the [City Manager, General Manager, Mayor] or official designee may set a goal for further water use reduction.

Water Use Restrictions for Reducing Demand

Specific actions taken during this stage, including water allocation will be determined by [City Manager, General Manager, Mayor] or official designee. All requirements of Stages 2 and 3 shall remain in effect during Stage 4 plus the following additional measures:

During Emergency Conditions, the governing body of [Name of Entity] may modify, amend or extend any provisions of this Plan as warranted by the conditions and circumstances.

- Irrigation of landscaped areas is absolutely prohibited, except that foundations and trees may be watered for 2 hours on any day with a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited, except as necessary for health, sanitation, or safety reasons.
- No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this emergency stage shall be in effect.
- Initiate a rate surcharge of ten percent (10%) for all water use over the adopted rates for all water use by all customers. The surcharge shall apply to usage in excess of 10,000 gallons per month for all customers.

Termination

Stage 4 may terminate when UTRWD terminates its Stage 4 condition, or when the circumstances that caused the initiation of Stage 4 no longer prevail. Upon termination of Stage 4, Stage 3 – Water Watch will remain in effect unless otherwise announced by [Name of Entity] or UTRWD.

SECTION 8

Variances

The [City Manager, General Manager, Mayor] or official designee may grant temporary variances for existing water uses otherwise prohibited under this Plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance;
- Compliance with this Plan cannot be accomplished due to technical or other limitations, and
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variations may be granted or denied at the discretion of the [City Manager, General Manager, Mayor] or official designee. However, no variations shall be granted under any circumstance if [Name of Entity] is in Stage 4 – Water Emergency. All petitions for variations should be in writing and should include the following information:

- Name and address of the owner and a licensed Texas irrigator responsible for the variance;
- Purpose of water use;
- Specific provisions from which relief is requested;
- Detailed statement of the adverse effect of the provision from which relief is requested;
- Description of the relief requested including a proposed irrigation plan;
- Monthly report verifying the goal reductions;
- Period of time for which the variance is sought;
- On-call personnel with contact information for 24-hour a day repair response within one hour of notice;
- Alternative measures that will be taken to reduce water use, and
- Other pertinent information.

SECTION 9

Enforcement

Mandatory water use restrictions apply in Stages 2, 3 or 4 of the Plan. These mandatory water use restrictions will be enforced by any combination of warnings, reconnection fees, suspension of service, monetary penalties, citations, and fees as follows and authorized by the governing body:

- On the first violation, customers will be notified by a sign or door-hanger that they have violated the mandatory water use restriction;

- On the second violation, the [Name of Entity] may request the resident to disconnect its irrigation system; or, if the resident doesn't comply with said request, the [Name of Entity] may disconnect said irrigation system. In addition, [Name of Entity] may post notification of violation with reconnection fees and possible monetary penalties;
- On the third violation, the [Name of Entity] will disconnect water service and post notification of violation with reconnection fees, fines, and/or citations;
- The [Name of Entity] maintains the right, at any violation level, to disconnect irrigation systems and/or total water services to a customer with reconnection fees and possible monetary penalties authorized by action of the governing body, and
- The [City Manager, General Manager, Mayor] or official designee may implement any provision of the enforcement process of this Plan.
- Any police officer having jurisdiction may issue a citation for any violation.

SECTION 10

Coordination With The Regional Water Planning Group, UTRWD And Others

The [Name of Entity] will send a draft ordinance(s) or other resolution(s) implementing the Plan to UTRWD for review and comment. After adoption, the [Name of Entity] will forward the final ordinance(s) or other resolution(s) to UTRWD. Also, Appendix C includes a copy of a letter to be sent to the Chair of the Region C Water Planning Group along with [Name of Entity]'s Plan. In addition, copies of the adopted Plan will be sent to the Executive Director of TCEQ and the Executive Administrator of TWDB.

SECTION 11

Review And Update Of Drought Contingency Plan

As required by TCEQ rules, the [Name of Entity] will review this Plan every five years. The Plan will be updated as appropriate based on new or updated information. Should the Plan be revised during any five-year period, an amended plan must be submitted to TCEQ within 90 days of being adopted.

SECTION 12

Drought Contingency Plans For Privately – Owned Water Utilities

Any privately – owned or independent water utilities that are located within the service area of [Name of Entity] shall prepare a Drought Contingency Plan in accordance with TCEQ requirements contained in the TAC, Title 30, Part 1, Chapter 288, Subchapter B, and Rule 288.20, as amended and incorporate such plan into their tariff.

APPENDIX A

TCEQ Minimum Requirements for a Drought Contingency Plan
(Title 30, Part 1, Chapter 288, Subchapter B, and Rule 228.20 of TAC)

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TITLE 30

ENVIRONMENTAL QUALITY

PART 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 288

WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS,
GUIDELINES AND REQUIREMENTS

SUBCHAPTER B

DROUGHT CONTINGENCY PLANS

RULE §288.20

**Drought Contingency Plans for Municipal Uses by Public Water
Suppliers**

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

(i) reduction in available water supply up to a repeat of the drought of record;

(ii) water production or distribution system limitations;

(iii) supply source contamination; or

(iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the

executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

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APPENDIX B

Ordinance or Resolution from Governing Body Adopting Drought Contingency Plan

ORDINANCE # 2009 - ____

**AN ORDINANCE ADOPTING THE [NAME OF ENTITY]'S WATER
CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN;
PROVIDING A PENALTY CLAUSE AND PROVIDING A
SERVERABILITY CLAUSE.**

WHEREAS, the [Name of Entity] recognizes that the amount of water available to its customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require a Water Conservation Plan and a Drought Contingency Plan (the "Plans"); and

WHEREAS, the drought contingency plan provides measures that may be needed during drought conditions, during an emergency and or when water uses approaches the system supply that help reduce water usage and temporarily reduce demand placed on the [Name of Entity]'s water system; and

WHEREAS, the water conservation plan establishes certain rules and policies for the orderly and efficient management of water supplies to reduce consumption, reduce waste and improve water use efficiency.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF [NAME OF ENTITY]
THAT:**

SECTION 1. The Water Conservation Plan and the Drought Contingency Plan of the [Name of Entity] attached hereto and made a part hereof are hereby adopted as the official policy of the [Name of Entity].

SECTION 2. Any person violating or failing to comply with any provision of this Ordinance shall be fined upon conviction, not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000). Each day in which one or more of the provisions of this ordinance is violated shall constitute a separate offense.

SECTION 3. The terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this ordinance.

PASSED AND APPROVED BY THE GOVERNING BODY OF [NAME OF ENTITY], THIS
_____ DAY OF _____ 2009.

Mayor / President

Attest: _____
Secretary

APPENDIX C

Letter to Chairman of Region C Water Planning Group

APPENDIX C

Letter to Chairman of Region C Water Planning Group

[Date]

Mr. Jim Parks
Chairman, Region C Water Planning Group
North Texas Municipal Water District
P.O. Box 2408
Wylie, TX 75098

Subject: Water Conservation and Drought Contingency Plans

Dear Mr. Parks:

Enclosed please find a copy of the [Name of Entity]'s Water Conservation and Drought Contingency Plans (the "Plans"). I am submitting a copy of these Plans to the Region C Water Planning Group in accordance with the Texas Water Development Board and the Texas Commission on Environmental Quality rules. The governing body of the [Name of Entity] adopted the attached Plans on [Date], 2009.

Sincerely,

Attachments 1. Water Conservation Plan
 2. Drought Contingency Plan

C: Jason L. Pierce, Manager of Contract Services, UTRWD