

DROUGHT CONTINGENCY PLAN

Denton County Fresh Water Supply District #10

September 2013 (Revised)

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APPENDICES

Appendix A

Texas Administrative Code Rule 288.20

Drought Contingency Plan for Denton County Fresh Water Supply District No. 10

September 2013 (Revised)

SECTION 1

Introduction and Objectives

The purpose of this Drought Contingency Plan (the “Plan”) is to provide for drought contingency measures for Denton County Fresh Water Supply District No. 10 (the “District”) 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 Regional Treated Water System (“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.

Denton County Fresh Water Supply District No. 10 (the “District”) developed its original plans for drought contingency on the 16th of July 2009. This revision of the Plan has been coordinated with the suggested model drought contingency plan prepared by UTRWD for its Members and Customers, such as the District and is consistent with TCEQ’s model drought contingency plan and the latest requirements outlined below. The provisions and responses outlined in this Plan are intended to be uniformly applied among UTRWD’s Members and Customers.

The District uses the following source(s) of water: groundwater pumped plus treated surface water supplied by UTRWD. The total combined amount from these 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.

Drought is a frequent and inevitable factor in the climate of Texas. Therefore, it is vital to plan for the effect that droughts will have on the use, allocation and conservation of water in the region. Drought contingency planning is one critical element of a water supplier’s effort to reduce peak water demands and extend water supplies. The following are the central objectives of this Plan:

- Help assure reliability of water service to retail customers;
- Conserve the available water supply in times of drought and emergency;
- Maintain adequate water supplies for domestic use, sanitation and fire protection;
- Protect and preserve public health, welfare and safety;
- Minimize the adverse impacts of water supply shortages and
- Minimize the adverse impacts of emergency conditions affecting water supply.

SECTION 2

Applicable Rules of Texas Commission on Environmental Quality

TCEQ rules governing the development of drought contingency plans for Municipal Uses by Public Water Suppliers, such as The District, are contained in Title 30, Part 1, Chapter 288, Subchapter B and Rule 288.20 of the Texas Administrative Code (“TAC”). A copy of these rules is included 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 TAC for drought contingency plans are covered in this Plan as follows:

Rule	Subject	Section
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

Also included in this Plan are statements of authorization (Section 5) and application (Section 6).

SECTION 3

Public Involvement

The District previously provided opportunity for public input in the development of this Plan by the following means:

- Made the draft Plan available on the District’s website;
- Provided a copy of the draft Plan to anyone requesting a copy and
- Held a public meeting at a time and location convenient to the public and provided written notice to the public concerning the draft Plan and meeting.

SECTION 4

Provisions for Continuing Public Education and Information

The District will provide public information about the Plan at least annually, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided 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 District website;

When provisions of the Plan are activated or when a drought response stage changes, the District 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 District website. Billing inserts may also be used as appropriate means of disseminating information to the public.

SECTION 5

Authorization

The Water Conservation Coordinators, or official designees, are hereby authorized and directed, individually or as a group, 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 Water Conservation Coordinators, or official designees, individually or as a group, shall have the authority to initiate, to enforce and to terminate the measures provided herein for a drought or other water supply emergency.

The District boundaries contain three (3) separate residential developments: Savannah, Artesia, and the future development of Arrowbrooke (collectively, the "Developments"). The Developments are served by 3 (three) separate water supply subsystems, respectively (the "Subsystems"). Consequently, the Subsystems could have varying levels of supply and demand issues at any given time. Accordingly, the Water Conservation Coordinators, or official designees, individually or as a group, shall have the authority to implement different applicable provisions of this Plan to each Subsystem independently should such independent implementation be deemed necessary to protect the public health, safety and welfare, of each Development and to comply with applicable regulations or contractual requirements. When the Water Conservation Coordinators or official designees, individually or as a group, are determining the necessary Drought and Emergency Response Stage to be implemented, the "Requirements for Initiation" for each Drought and Emergency Response Stage can be considered for either each Subsystem independently or for the Subsystems combined, in which ever manner the Water Conservation Coordinators or official designees, individually or as a group, deem appropriate under the circumstances.

SECTION 6

Application

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

SECTION 7

Drought Contingency Plan - - Emergency Response Stages

The Water Conservation Coordinators, or official designees, may order the initiation or termination 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 Section. The triggering criteria described below are based on the ability of the District to deliver treated water to its customers and / or the ability of UTRWD to deliver treated water to the District. Water supply and / or demand conditions are monitored by both the District and UTRWD on a regular basis to determine when conditions warrant initiation or termination of a drought response stage.

7.1 Initiation of Drought Response Stages

The following actions will be taken when a drought response stage is initiated:

- The public will be notified through local media, the District website and other appropriate methods as described in Section 3 above;
- Unless otherwise implemented by UTRWD, the District 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, the District will notify the Executive Director of the TCEQ within five (5) business days.**

When specific drought response stages are announced by UTRWD, the District and other entities receiving water from UTRWD are required to implement the appropriate measures. For other trigger conditions not announced by UTRWD, the Water Conservation Coordinator, or official designee, may implement contingency measures based on local conditions affecting the District; 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 are taken into account when making a decision about such stages, including circumstances unique to the District, the time of 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 will be documented and communicated to UTRWD for the record.

7.2 Termination of Drought Response Stages

The following actions will be taken when a drought response stage is terminated:

- The public will be notified through local media, the District website and other appropriate methods as described in Section 3 above;

- Unless otherwise directed by UTRWD, the District will notify UTRWD 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, the District will notify the Executive Director of the TCEQ within five (5) business days.**

The Water Conservation Coordinator, 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 the District, the time of year, weather conditions, and 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 will be documented and communicated to UTRWD 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, which may be a result of:
 - The total raw water supply in water supply lakes available to UTRWD has dropped below 65% (35% depleted); or
 - Dallas Water Utilities (a source of raw water to UTRWD) has initiated Stage 1 and given notice to UTRWD; or
 - UTRWD, with concurrence of the Board of Directors, finds that conditions warrant the declaration of Stage 1; or
- Water demand has reached or exceeded [80%] 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 the District or
- The water supply system has a **significant limitation** due to failure of or damage to important water system components.

Goal

Stage 1 is intended to raise public awareness of potential drought and water emergency problems. The goal for water use reduction under Stage 1 is one percent (1%) of total daily water use that otherwise would have occurred in the absence of drought contingency measures.

Water Use Restrictions for Reducing Demand

Under this stage, customers will be requested to conserve water through mandatory and voluntary measures, 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 District's Water

Conservation Coordinator, or official designee. The Water Conservation Coordinator, or official designee, may also take other actions not listed, if deemed necessary.

- Require reduction of water use through maximum 2-days-per-week landscape irrigation schedule. This provision as identified in the District's Water Conservation Plan is mandatory under this Water Wise stage for automatic irrigation systems and hose-end sprinklers. Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, drip irrigation or soaker hose systems.
- Require reduction of water use through time-of-day landscape irrigation schedule. This provision as identified in the District's Water Conservation Plan is mandatory under this Water Wise stage. No outdoor watering with automatic irrigation systems and hose-end sprinklers can occur from 10:00 a.m. to 6:00 p.m. Customers with street addresses ending in even numbers (0, 2, 4, 6, 8) may irrigate on Sunday and Thursday. Customers with street addresses ending in odd numbers (1, 3, 5, 7, 9) may irrigate on Saturday and Wednesday. Any property 1) owned by the applicable Homeowner's Association or 2) deemed a common area or open space of the District may irrigate on Tuesday and Friday. Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, drip irrigation or soaker hose systems.
- Encourage reduction in 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.
- Encourage reduction in frequency of draining and refilling swimming pools.
- Encourage retail customers to avoid waste during recreational use (water used for leisure and entertainment purposes) from faucets, hoses or hydrants.
- Increase public education efforts on ways to reduce water use.
- Review internal operational conditions and capabilities by the District] and intensify efforts on leak detection and repair.
- Be alert to internal non-essential water use by the District (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 this stage:

- UTRWD has initiated Stage 2 – Water Watch, which may be a result of:
 - The total raw water supply in water supply lakes available to UTRWD has dropped below 55% (45% depleted); or
 - Dallas Water Utilities has initiated Stage 2 and given notice to UTRWD; or

- UTRWD, with concurrence of the Board of Directors, finds that conditions warrant the declaration of Stage 2; or
- Water demand has reached or exceeded [85%] 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 the District; 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
- A **significant deterioration** in the quality of a water supply, being affected by a natural or man-made source.

Goal

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 Reducing Demand

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 Water Conservation Coordinator, or official designee. The Water Conservation Coordinator, 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:

- Require reduction of water use through time-of-day landscape irrigation schedule. Customers with street addresses ending in even numbers (0, 2, 4, 6, 8) may irrigate on Sunday and Thursday. Customers with street addresses ending in odd numbers (1, 3, 5, 7, 9) may irrigate on Saturday and Wednesday. Any property 1) owned by the applicable Homeowner's Association or 2) deemed a common area or open space of the District may irrigate on Tuesday and Friday. Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, drip irrigation or soaker hose systems.
- Require reduction of water use through time-of-day landscape irrigation schedule. No outdoor watering can occur from 10:00 a.m. to 6:00 p.m. Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, drip irrigation or soaker hose systems.
- Prohibit recreational water use (water used for leisure and entertainment purposes) including use of faucets or hoses in such a manner that creates runoff or other wastes.
- Restrict washing any motor vehicle, motorbike, boat, etc. to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle, except on the premises of a commercial car wash.

- Prohibit hosing off paved areas, buildings, windows or other hard surfaces. Normal window washing is okay.
- Encourage further reduction in draining and filling of swimming pools.
- Further accelerate public education efforts on ways to reduce water use.
- Reduce internal water use by the District.
- Encourage retail customers to wait until the current drought or water emergency situation has passed before establishing new landscaping.
- Initiate engineering studies to evaluate alternatives to mitigate drought conditions should conditions worsen.
- The District 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 the District 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, which may be a result of:
 - The total raw water supply in water supply lakes available to UTRWD has dropped below 45% (55% depleted); or
 - Dallas Water Utilities has initiated Stage 3 and given notice to UTRWD; or
 - UTRWD, with concurrence of the Board of Directors, finds that conditions warrant the declaration of Stage 3; or
- Water demand has reached or exceeded [90%] 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 the District ; 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 source that **threatens water availability**.

Goal

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 will comply with the requirements and mandatory restrictions on non-essential and other water uses as provided below. Specific measures to be implemented during this stage will be determined by the Water Conservation Coordinator, or official designee. The Water Conservation Coordinator, or official designee, may also take other actions not listed, if deemed necessary. All requirements of Stage 1 and Stage 2 shall remain in effect during this Stage 3, plus the following incremental or new measures:

- Require reduction of water use through maximum 1-day-per-week landscape irrigation schedule. Irrigation by means of automatic irrigation systems and hose-end sprinklers can occur between 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 12:00 midnight. Customers with street addresses ending in even numbers (0, 2, 4, 6, 8) may irrigate on Sunday. Customers with street addresses ending in odd numbers (1, 3, 5, 7, 9) may irrigate on Saturday. Any property 1) owned by the applicable Homeowner's Association or 2) deemed a common area or open space of the District may irrigate on Tuesday. Irrigation of landscaped areas and building foundations is permitted between 6:00 p.m. and 6:00 a.m. if it is by means of a hand-held hose, drip irrigation or soaker hose systems.
- Restrict vehicle washing to commercial car wash facilities. Such vehicle washing shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 12:00 midnight.
- Prohibit the filling, refilling or adding of water to swimming pools, wading pools, hot tubs, spas and ornamental ponds.
- Prohibit non-essential internal water use by the District.
- Restrict watering of nursery plant stock to the designated off-peak hours applicable to residential customers.
- Implement a rate surcharge on retail usage.
- Step-up enforcement activities.
- Implement utilization of alternative water sources if available.

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 announced by the District 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, which may be a result of:
 - The total raw water supply in water supply lakes available to UTRWD has dropped below 30% (70% depleted); or
 - Dallas Water Utilities has initiated Stage 4 and given notice to UTRWD; or
 - UTRWD, with concurrence of the Board of Directors, finds that conditions warrant the declaration of Stage 4; or
- Water demand has reached or exceeded [98%] of delivery capacity for one day; or
- Water supply system is **unable to deliver** adequate quantities of water due to failure or damage of major water system components; or
- **Interruption** of one or more water supply sources(s) or
- Natural or man-made **contamination** of the water supply available to the District.

Goal

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 Water Conservation Coordinator, 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, according to the actual circumstances, will be determined by Water Conservation Coordinator, or official designee. All requirements of Stages 1, 2 and 3 shall remain in effect during Stage 4 plus the following additional measures:

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

- Prohibit irrigation of landscaped areas. Foundations and trees may be watered for 2 hours per day with hand-held hose, bucket or drip irrigation / soaker hose.
- Prohibit vehicle washing except as necessary for health, sanitation or safety reasons.
- Prohibit non-essential internal water use by the District.
- Increase the rate surcharge applicable to retail customers.

- Implement utilization of alternative water sources if available.

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 the District or UTRWD.

SECTION 8

Variances

The Water Conservation Coordinator, 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.
- Newly installed or replaced lawns for single family lots will be granted a 30-day exemption from compliance with this Plan. The lot owner or builder seeking the 30-day exemption is required to notify the Water Conservation Coordinator in writing of the date the owner/builder requests that the 30-day exemption begin. Failure to notify the Water Conservation Coordinator of the request for exemption could result in a violation under this Plan.

Variations may be granted or denied at the discretion of the Water Conservation Coordinator, or official designee. However, no variances shall be granted under any circumstance if the District is in Stage 4 – Water Emergency. All petitions for variances 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 are imposed in Stages 1, 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 District may request the customer to disconnect its irrigation system; or, if the customer doesn't comply with said request, the District may disconnect said irrigation system. In addition, the customer shall be assessed fines in the following amounts: 1) residents shall be subject to a fine \$75.00, and 2) any developer, builder, Homeowner's Association, or other commercial entity shall be subject to a fine of \$500.00. Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation subject to an additional fine in the same amount. In addition, the District may post notification of violation with reconnection fees.
- On the third violation, the District will disconnect water service and post notification of violation with reconnection fees. The customer shall again be assessed a fine in the following amounts: 1) residents shall be subject to a fine \$75.00, and 2) any developer, builder, Homeowner's Association, or other commercial entity shall be subject to a fine of \$500.00. Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation subject to an additional fine in the same amount.
- The District 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 Water Conservation Coordinator 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 Regional Water Planning Group, UTRWD and Others

The District has coordinated with the Region C Water Planning Group and UTRWD to ensure consistency with the approved regional water plan and UTRWD's drought contingency plan. The District sent a copy of the draft ordinance(s) or resolution(s) implementing the Plan to UTRWD for review and approval. After adoption, the District sent the final ordinance(s) or resolution(s) and the Plan to UTRWD.

SECTION 11

Review and Update of Drought Contingency Plan

As required by TCEQ rules, the District will review and update this Plan every five years. The Plan will be updated as appropriate based on new or updated information, such as the adoption or revision of the regional water plan, or based on new or updated information related to the District's service area, population, water supply, transmission system - - and, for compliance with UTRWD requirements. The next revision of the drought contingency plan must be prepared, adopted and submitted to TCEQ's Executive Director not later than May 1, 2014. Any revised Plan must be submitted to TCEQ within 90 days of adoption by the community water system.

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 the District 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, and incorporate such plan into their tariff.

Appendix A

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.