

The Texas Natural Resource Conservation Commission (TNRCC or commission) proposes amendments to §§288.1-288.6, 288.20-288.22, and 288.30, Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULES

The purpose of the proposed amendments is to clarify the rules and incorporate recent legislative changes. Additional changes have been proposed to improve readability, clarify the intent of the rules, and to incorporate minor style changes for consistency with the required *Texas Register* format.

SECTION BY SECTION ANALYSIS

The definition of Wholesale Public Water Supplier in §288.1, Definitions, is proposed to be amended to clarify that individuals and entities, who merely convey water for which they do not own the water right, are not wholesale public water suppliers. This change is needed to make clear that it is the owner of the conveyed water who may have to develop either a water conservation plan or a drought contingency plan because of other provisions of this chapter or because of other rules.

Proposed amendments to §288.2(b) would clarify that a water conservation plan is to be prepared consistent with Texas Water Development Board requirements under 31 TAC §363.15, concerning Required Water Conservation Plan.

Proposed amendments to §288.3(4) would add information concerning accounting for water loss to what must be included in a water conservation plan.

Proposed amendments to §288.4 improve the readability of the subsection and update the name of the Natural Resource Conservation Service.

Proposed amendments to §288.5(1)(F) delete the word “wholesale” before the words “water supply contract” to eliminate redundancy.

Proposed amendments to §288.5(1)(G) would clarify that reservoir systems operations plans can recognize multiple objectives, rather than just the maximization of water supply. The commission understands that in developing an operations plan for reservoirs, trade-offs among several goals, such as maximization of supply, cost of production, and water quality must be considered. The commission’s intent in this provision is that in a plan for coordinated operations of reservoirs, optimization of water supplies be considered as a significant goal, along with other goals of the system.

Proposed amendments to §288.6 clarify that the subsection applies only to the subchapter.

Proposed amendments to §288.20(a) and §288.22(a) renumber and combine several subsections.

Proposed amendments to §288.20(a)(1)(F) would eliminate the requirement that municipal-use drought contingency plans have an assessment of water management strategies to be used when flows are at 75% and 50% of normal. Texas Water Code (TWC), §11.1272 requires the commission to develop rules for drought contingency plans for wholesale and retail water suppliers and irrigation districts.

That statute also requires that the plans must be consistent with the appropriate approved regional water plan. Senate Bill (SB) 1, 75th Legislature, 1997, specifically required regional plans to have water

management strategies to be used when flows are at 75% and 50% of normal. In order to meet the legislative directive that the local drought contingency plans be consistent with the regional plans, the current rules for the local drought contingency plans include the requirement for water management strategies for those flow conditions. However, SB 657, 76th Legislature, 1999, eliminated the requirement that regional water plans have water management strategies for when flows are 75% and 50% of normal. Accordingly, the commission is proposing the elimination of this requirement so that local drought contingency plans will be consistent with the appropriate approved regional water plan as required by TWC, §11.1272. However, the rules still require the water plans to address the drought of record.

Proposed amendments to §288.20(b) clarify the subsection by adding “wholesale or retail” before “water supplier.”

RULE REVIEW

Concurrently, the commission proposes the review of Chapter 288, in accordance with Texas Government Code, §2001.039, and the General Appropriations Act, Article IX, §9-10.13, 76th Legislature, 1999. The proposed notice of review can be found in the Review of Agency Rules section of this issue of the *Texas Register*.

FISCAL NOTE

Jeff Grymkoski, Director, Strategic Planning and Appropriations, has determined that for the first five-year period the sections as proposed are in effect, there will be no significant fiscal implications as a result of administering and enforcing these sections for state or local government. The proposed

amendments would make the rules for developing local drought contingency plans consistent with the provisions of SB 657, 76th Legislature, 1999 (an Act relating to the development of water management strategies for periods of drought).

Specifically, the proposed rules would eliminate the requirement that local drought contingency plans address management strategies for when flows are 75% and 50% of normal. The rules, however, retain the requirement that water planning strategies must address the drought of record.

It is anticipated that units of local governments who supply wholesale and retail public water and irrigation districts would experience some administrative savings due to the elimination of the requirement to develop water management strategies for flows that are 75% and 50% of normal. However, these savings are not anticipated to be significant.

PUBLIC BENEFIT

Mr. Grymkoski has also determined that for the first five years the proposed sections are in effect, the anticipated public benefit anticipated as a result of enforcement of, and compliance with, these amendments will be decreased cost to prepare local drought contingency plans and clarified and simplified rules.

SMALL BUSINESS OR MICRO-BUSINESS ANALYSES

The only small businesses or micro-businesses affected by the proposed rules are investor-owned utilities, who may experience some cost savings due to the elimination of the requirement to develop water management strategies for use when flows are 75% and 50% of normal.

TAKINGS IMPACT ASSESSMENT

The commission has prepared a takings impact assessment for the amendments under Texas Government Code, §2007.043. The following is a summary of that assessment. The specific purpose of the proposed amendments is to clarify the definition of wholesale public water supplier; to clarify that reservoir systems operations plans must include the maximization of water supplies as one of the significant goals of the plan; and to parallel the requirements of drought contingency plans as directed by changes to TWC, §11.1272 by eliminating of the requirements that drought contingency plans for municipal uses have water management strategies to be used when flows are at 75% and 50% of normal. The rules will substantially advance these specific purposes and promulgation and enforcement of these rules will not significantly burden private real property because private real property is not affected by these rules.

DRAFT REGULATORY IMPACT ANALYSIS

The commission has reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225 and has determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of “major environmental rule.” The proposed amendments are to eliminate a requirement in existing rules, and to clarify the intent of existing rules, not to protect the environment or reduce the risks to human health from environmental exposure. The proposed rules will have only a minimal impact so that there will be no material effect on the items listed in the definition. In addition, the proposed rules do not meet any of the four applicability requirements listed in §2001.0225(a) in that the water conservation and drought contingency plan rules are specifically required by Texas Water Code, §11.1271 and §11.1272; the proposed amendments do not exceed any express requirements of state law; and the proposed amendments do not involve any

delegation agreements or contracts.

COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW

The commission has reviewed the proposed rulemaking and found that the rules are neither identified in Texas Coastal Coordination Act Implementation Rules, 31 TAC §505.11, relating to Actions and Rules Subject to the Coastal Management Program (CMP), nor will they affect any action or authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11. Therefore, the proposed rules are not subject to the CMP.

SUBMITTAL OF COMMENTS

No public hearing is scheduled regarding the proposed rules, unless one is requested. Comments regarding the proposal should reference Rule Log No. 99037-288-WT and may be submitted to Lisa Martin, TNRCC Office of Environmental Policy, Analysis, and Assessment, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments must be received by 5:00, p.m., January 3, 2000. For further information or questions concerning this proposal, please contact Todd Chenoweth, Policy and Regulations Division, (512) 239-4483, or Ray Pizarro, Policy and Regulations Division, (512) 239-2588.

STATUTORY AUTHORITY

The amendments are proposed under TWC, §5.103, which provides the commission with the authority to adopt and enforce rules necessary to carry out its powers and duties under the laws of this state; §5.120, which requires the commission to administer the law so as to promote the judicious use and maximum conservation of water; and §11.1271, which requires the commission by rule to require

submission of certain water conservation plans, and §11.1272, which requires the commission by rule to require submission of certain drought contingency plans.

The proposed amendments implement TWC, §§5.120, 11.1271 and 11.1272.

SUBCHAPTER A : WATER CONSERVATION PLANS

§§288.1-288.6

§288.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Conservation** - Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

(2) **Drought contingency plan** - A strategy or combination of strategies for temporary supply [management] and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. A drought contingency plan may be a separate document identified as such or may be contained within another water management document(s).

(3)-(4) (No change.)

(5) **Irrigation water use efficiency** - The percentage of that amount of irrigation water which is beneficially used by agriculture crops or other vegetation relative to the amount of water diverted from the source(s) of supply. Beneficial uses of water for irrigation purposes include, but are

not limited to, evapotranspiration needs for vegetative maintenance and growth, [and] salinity management, and leaching requirements associated with irrigation.

(6)-(10) (No change.)

(11) **Regional Water Planning Group** - A group established by the Texas Water Development Board to prepare a regional water plan under [pursuant to] Texas Water Code, §16.053.

(12) **Retail Public Water Supplier** - An individual or entity that for compensation supplies water to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants [as an incident of that employee service or tenancy] when that water is not resold to or used by others.

(13)-(14) (No change.)

(15) **Wholesale Public Water Supplier** - an individual or entity that for compensation supplies water to another for resale to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants as an incident of that employee service or tenancy when that water is not resold to or used by others, or an individual or entity that conveys water to another individual or entity, but does not own the right to this water which is conveyed, whether or not for a delivery fee.

§288.2. Water Conservation Plans for Municipal Uses by Public Water Suppliers.

(a) A water conservation plan for municipal water use by public water suppliers shall provide information, where applicable, in response to the following.

(1) Minimum requirements. All water conservation plans for municipal uses by public drinking water suppliers shall include the following elements:

(A)-(H) (No change.)

(I) a means of implementation and enforcement which shall be evidenced by:

(i) (No change.)

(ii) a description of the authority by which the water supplier will implement and enforce the conservation plan; and [.]

(J) (No change.)

(2) Additional content requirements. Water conservation plans for municipal uses by public drinking water suppliers serving a current population of 5,000 or more and/or a projected population of 5,000 or more within the next ten years subsequent to the effective date of the plan shall include the following elements:

(A) (No change.)

(B) a record management system to record water pumped, water deliveries, water sales, and water losses which allows for the desegregation of water sales and uses into the following user classes:

(i)-(iii) (No change.)

(iv) industrial; and [.]

(C) (No change.)

(3) Additional conservation strategies. Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements in paragraphs (1) and (2) of this subsection [above], if they are necessary to achieve the stated water conservation goals of the plan. The commission may require that any of the following strategies be implemented by the water supplier if the commission determines that the strategy is necessary to achieve the goals of the water conservation plan:

(A)-(H) (No change.)

(b) A water conservation plan prepared in accordance with 31 TAC §363.15 (relating to Required Water Conservation Plan) [rules] of the Texas Water Development Board and substantially

meeting the requirements of this section and other applicable commission rules may be submitted to meet application requirements pursuant to a memorandum of understanding between the commission and the Texas Water Development Board.

§288.3. Water Conservation Plans for Industrial or Mining Use.

A water conservation plan for industrial or mining uses of water shall provide information, where applicable, in response to each of the following elements:

(1)-(3) (No change.)

(4) leak-detection, repair, and accounting for water loss in the water distribution system [water loss accounting for water transmission, delivery, and distribution system];

(5)-(6) (No change.)

§288.4. Water Conservation Plans for Irrigation Use.

(a) A water conservation plan for irrigation uses of water shall provide information [, where applicable,] in response to [each of] the following applicable subsections.

(1) For an individual user:

(A)-(B) (No change.)

(C) a description of the device(s) and/or methods within an accuracy of plus or minus 5.0% [5%], to be used in order to measure and account for the amount of water diverted from the source of supply;

(D)-(F) (No change.)

(G) scheduling the timing and/or measuring the amount of water applied[,] (for example, soil moisture monitoring);

(H)-(J) (No change.)

(2) For a system providing irrigation water to more than one user:

(A) a system inventory for the supplier's:

(i) (No change.)

(ii) management practices, including the supplier's operating rules and regulations, water pricing policy, and a description of practices and/or devices used to account for water deliveries; and

(iii) (No change.)

(B) specification of water conservation goals, including maximum allowable losses for the storage and distribution system;

(C)-(H) (No change.)

(I) any other water conservation practice, method, or technique which the supplier shows to be appropriate for achieving conservation; and

(J) (No change.)

(b) A water conservation plan prepared in accordance with the rules of the Natural Resource [Soil] Conservation Service, the State Soil and Water Conservation Board, or other federal or state agency and substantially meeting the requirements of this section and other applicable commission rules may be submitted to meet application requirements pursuant to a memorandum of understanding between the commission and that agency.

§288.5. Water Conservation Plans for Wholesale Water Suppliers.

A water conservation plan for a wholesale water supplier shall provide information, where applicable, in response to each of the following paragraphs.

(1) Minimum requirements. All water conservation plans for wholesale water suppliers shall include the following elements:

(A)-(E) (No change.)

(F) a requirement in every [wholesale] water supply contract entered into or renewed after official adoption of the water conservation plan, and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of this chapter. If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with applicable provisions of this chapter;

(G) a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin. The reservoir systems operations plans shall include optimization of water supplies as one of the significant goals of the plan [in order to optimize available water supplies];

(H) a means for implementation and enforcement, which shall be evidenced by: a copy of the ordinance, rule, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and a description of the authority by which the water supplier will implement and enforce the conservation plan; and

(I) (No change.)

(2) Additional conservation strategies. Any combination of the following strategies shall be selected by the water wholesaler, in addition to the minimum requirements of paragraph (1) of this section [above], if they are necessary in order to achieve the stated water conservation goals of the plan. The commission may require by commission order that any of the following strategies be implemented by the water supplier if the commission determines that the strategies are necessary in order for the goals of the water conservation plan to be achieved:

(A)-(D) (No change.)

§288.6. Water Conservation Plans for Any Other Purpose or Use.

A water conservation plan for any other purpose or use not covered in this subchapter [chapter] shall provide information where applicable about those practices, techniques, and technologies that will be used to reduce the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water.

SUBCHAPTER B : DROUGHT CONTINGENCY PLANS

§§288.20-288.22

STATUTORY AUTHORITY

The amendments are proposed under Texas Water Code, §5.103, which provides the commission with the authority to adopt and enforce rules necessary to carry out its powers and duties under the laws of this state; §5.120, which requires the commission to administer the law so as to promote the judicious use and maximum conservation of water; and §11.1272, which requires the commission by rule to require submission of certain drought contingency plans.

The proposed amendments implement Texas Water Code, §5.120 and §11.1272.

§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, shall provide information in response to each of the following_ [:]

(1) Minimum requirements. Drought contingency plans shall include the following minimum elements_ [:]

(A) [Public involvement.] Preparation of the plan shall include provisions [Provision shall be made] to actively inform the public and affirmatively provide opportunity for public input [into the preparation of the plan]. 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) [Public Education.] Provisions [Provision] shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) [Coordination with Regional Water Planning Groups.] The drought contingency plan must document coordination with the Regional Water Planning Groups for the service area of the retail public water supplier [in order] to insure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan shall 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)-(iv) (No change.)

(F) 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.).

[(F) an assessment of water management strategies to be used when flows are at 75 percent of normal and when flows are at 50 percent of normal;]

[(G) 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.

[(G) a description of the information to be monitored by the water supplier and the procedures to be followed for the initiation or termination of drought response stages;]

[(H) procedures for notification of the public of the initiation or termination of drought response stages;]

[(I) 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) [(J)] The drought contingency plan must include procedures for granting variances to the plan_ [; and]

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

(2)-(3) (No change.)

(b) A wholesale or retail [The] 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.

§288.21. Drought Contingency Plans for Irrigation Use.

(a) A drought contingency plan for an irrigation use, where applicable, shall provide information in response to each of the following_ [:]

(1) Minimum requirements. Drought contingency plans for irrigation water suppliers shall include policies and procedures for the equitable and efficient allocation of water on a pro rata basis during times of shortage in accordance with Texas Water Code_ §11.039. Such plans shall include the following elements as a minimum_ [:]

(A) [User involvement.] Preparation of the plan shall include provisions [Provision shall be made] to actively inform and to affirmatively provide opportunity for users of water from the irrigation system to provide input into the preparation of the plan and to remain informed of the plan. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the water users and providing written notice to the water users concerning the proposed plan and meeting.

(B) [Coordination with Regional Water Planning Groups.] The drought contingency plan must document coordination with the Regional Water Planning Groups [in order] to insure consistency with the appropriate approved regional water plans.

(C) The drought contingency plan shall include water supply criteria and other considerations for determining when to initiate or terminate water allocation procedures, accompanied

by an explanation of the rationale or basis for such triggering criteria_ [;]

(D) The drought contingency plan shall include methods for determining the allocation of irrigation supplies to individual users_ [;]

(E) The drought contingency plan shall include a description of the information to be monitored by the water supplier and the procedures to be followed for the initiation or termination of water allocation policies_ [;]

(F) The drought contingency plan shall include procedures for use accounting during the implementation of water allocation policies_ [;]

(G) The drought contingency plan shall include policies and procedures, if any, for the transfer of water allocations among individual users within the water supply system or to users outside the water supply system_ [; and]

(H) The drought contingency plan shall include procedures for the enforcement of water allocation policies_ including specification of penalties for violations of such policies and for wasteful or excessive use of water.

(2)-(3) (No change.)

(b) (No change.)

§288.22. Drought Contingency Plans for Wholesale Water Suppliers.

(a) A drought contingency plan for a wholesale water supplier shall include the following minimum elements_ [;]

(1) [Public involvement.] Preparation of the plan shall include provisions [Provision shall be made] to actively inform the public and to affirmatively provide opportunity for user input in the preparation of the plan and for informing wholesale customers about the plan. 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.

(2) [Coordination with Regional Water Planning Groups.] The drought contingency plan must document coordination with the Regional Water Planning Groups for the service area of the wholesale public water supplier [in order] to insure consistency with the appropriate approved regional water plans.

(3) The drought contingency plan shall 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_ [;]

(4) The drought contingency plan shall include a minimum of three drought or emergency response stages providing for the implementation of measures in response to water supply conditions during a repeat of the drought-of-record_ [;]

(5) The drought contingency plan shall include [a description of the information to be monitored by the water supplier and] the procedures to be followed for the initiation or termination of drought response stages, including [;]

[(6)] procedures for notification of wholesale customers regarding the initiation or termination of drought response stages. [;]

(6) [(7)] The drought contingency plan shall 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:

(A) pro rata curtailment of water deliveries to or diversions by wholesale water customers as provided in Texas Water Code, §11.039; and

(B) utilization of alternative water sources 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.). [;]

(7) [(8)] The drought contingency plan shall include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

~~(8)~~ [(9)] The drought contingency plan shall include procedures for granting variances to the plan. [; and]

~~(9)~~ [(10)] The drought contingency plan shall include procedures for the enforcement of any mandatory water use restrictions, including specification of penalties (e.g., liquidated damages, water rate surcharges, discontinuation of service) for violations of such restrictions.

(b)-(c) (No change.)

SUBCHAPTER C : REQUIRED SUBMITTALS

§288.30

STATUTORY AUTHORITY

The amendment is proposed under Texas Water Code, §5.103, which provides the commission with the authority to adopt and enforce rules necessary to carry out its powers and duties under the laws of this state; §5.120, which requires the commission to administer the law so as to promote the judicious use and maximum conservation of water; §11.1271, which requires the commission by rule to require submission of certain water conservation plans, and §11.1272, which requires the commission by rule to require submission of certain drought contingency conservation plans.

The proposed amendment implements Texas Water Code, §§5.120, 11.1271, and 11.1272.

§288.30. Required Submittals.

In addition to the water conservation and drought contingency plans required to be submitted with an application under §295.9 of this title (relating to Water Conservation and Drought Contingency Plans), water conservation and drought contingency plans are required as follows. [:]

(1) Water conservation plans. The holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 1,000 acre-feet a year or more for municipal, industrial, and other non-irrigation uses shall develop, submit, and implement a water conservation plan meeting the requirements of Subchapter A of this chapter (relating to Water

Conservation Plans [Chapter]. The water conservation plan shall be submitted to the executive director not later than September 1, [,] 1999. The requirement for a water conservation plan under this rule shall not result in the need for an amendment to an existing permit, certified filing, or certificate of adjudication.

(2) Water conservation plans. The holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 10,000 acre-feet a year or more for irrigation uses shall develop, submit, and implement a water conservation plan meeting the requirements of Subchapter A of this chapter [Chapter]. The water conservation plan shall be submitted to the executive director not later than September 1, 1999. The requirement for a water conservation plan under this rule shall not result in the need for an amendment to an existing permit, certified filing, or certificate of adjudication.

(3) Drought contingency plans for retail public water suppliers. Retail public water suppliers shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter (relating to Drought Contingency Plans) [Chapter] to the executive director after adoption by its governing body. The retail public water system shall provide a copy of the plan to the Regional Water Planning Group for each region within which the water system operates. These drought contingency plans shall be submitted as follows. [:]

(A) For retail public water suppliers providing water service to 3,300 or more connections, the drought contingency plan shall be submitted to the executive director not later than September 1, 1999. Thereafter, any revised plans shall be submitted to the executive director within 90

days of adoption by the community water system. Any new retail public water suppliers providing water service to 3,300 or more connections shall prepare and adopt a drought contingency plan [plans] within 180 days of commencement of operation, and submit the plan to the executive director within 90 days of adoption. [; and]

(B) (No change.)

(4) Drought contingency plans for wholesale public water suppliers. Wholesale public water suppliers shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter [Chapter] to the executive director not later than September 1, 1999, after adoption of the drought contingency plan by the governing body of the water supplier. Thereafter, any new or revised plans shall be submitted to the executive director within 90 days of adoption by the governing body of the wholesale public water supplier. Wholesale public water suppliers shall also provide a copy of the drought contingency plan to the Regional Water Planning Group for each region within which the wholesale water supplier operates.

(5) Drought contingency plans for irrigation districts. Irrigation districts shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter [Chapter] to the executive director not later than September 1, 1999, after adoption by the governing body of the irrigation district. Thereafter, any new or revised plans shall be submitted to the executive director within 90 days of adoption by the governing body of the irrigation district. Irrigation districts shall also provide a copy of the plan to the Regional Water Planning Group for each region within which the irrigation district operates.

(6) Other submissions. A water conservation plan or drought contingency plan required to be submitted with an application in accordance with §295.9 of this title (relating to Water Conservation and Drought Contingency Plans) shall also be subject to review and approval by the commission.

(7) Existing permits. The holder of an existing permit, certified filing, or certificate of adjudication shall not be subject to enforcement actions nor shall the permit, certified filing, or certificate of adjudication be subject to cancellation, either in part or in whole, based on the non-attainment of goals contained within a water conservation plan submitted with an application in accordance with §295.9 of this title or by the holder of an existing permit, certified filing, or certificate of adjudication in accordance with the requirements of this section.