



Texas Commission on Environmental Quality

Water Availability Division

MC-160, P.O. Box 13087 Austin, Texas 78711-3087

Telephone (512) 239-4691, FAX (512) 239-2214

Drought Contingency Plan for a Wholesale Public Water Supplier

This form is provided as a model of a drought contingency plan for a wholesale public water supplier. If you need assistance in completing this form or in developing your plan, please contact the Conservation Staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

Drought Contingency Plans must be formally adopted by the governing body of the water provider and documentation of adoption must be submitted with the plan. For example, adoption by a city council as an ordinance or by resolution of the entity's board of directors adopting the plan as administrative rules.

Name: _____

Address: _____

Telephone Number: () _____ Fax: () _____

Water Right No.(s): _____

Regional Water Planning Group: _____

Form Completed by: _____

Title: _____

Person responsible for implementation: _____ Phone: () _____

Signature: _____ Date: / / _____

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the _____ (*name of your water supplier*) adopts the following Drought Contingency Plan (the Plan).

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by _____ (*name of your water supplier*) by means of _____ (*describe methods used to inform the public and wholesale customers about the preparation of the plan and opportunities for input; for example, scheduling and proving public notice of a public meeting to accept input on the Plan*).

Section III: Wholesale Water Customer Education

The _____ (*name of your water supplier*) will periodically provide wholesale water customers with information about the Plan, 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 means of _____ (*example: describe methods to be used to provide customers with information about the Plan; for example, providing a copy of the Plan or periodically including information about the Plan with invoices for water sales*).

Section IV: Coordination with Regional Water Planning Groups

The water service area of the _____ (*name of your water supplier*) is located within the _____ (*name of regional water planning area or areas*) and the _____ (*name of your water supplier*) has provided a copy of the Plan to the _____ (*name of your regional water planning group or groups*).

Section V: Authorization

The _____ (*designated official; for example, the general manager or executive director*), or his/her 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. The _____ or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all customers utilizing water provided by the _____ (*name of your water supplier*). The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Criteria for Initiation and Termination of Drought Response Stages

The _____ (*designated official*), or his/her designee, shall monitor water supply and/or demand conditions on a (*example: weekly, monthly*) basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on:

(*provide a brief description of the rationale for the triggering criteria; for example, triggering criteria are based on a statistical analysis of the vulnerability of the water source under drought of record conditions*).

Utilization of alternative water sources and/or alternative delivery mechanisms:

Alternative water source(s) for _____ (*name of utility*) is/are:

(*Examples: Other well(s), Inter-connection with other system, Temporary use of a non-municipal water supply, Purchased water, Use of reclaimed water for non-potable purposes, etc.*).

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation - The _____ (name of your water supplier) will recognize that a mild water shortage condition exists when _____ (describe triggering criteria, see examples below).

Below are examples of the types of triggering criteria that might be used in a wholesale water supplier's drought contingency plan. The wholesale water supplier may devise other triggering criteria and an appropriate number of stages tailored to its system; however, the plan must contain a minimum of three drought stages. One or a combination of such criteria may be defined for each drought response stage:

Example 1: Water in storage in the _____ (name of reservoir) is equal to or less than _____ (acre-feet and/or percentage of storage capacity).

Example 2: When the combined storage in the _____ (name of reservoirs) is equal to or less than _____ (acre-feet and/or percentage of storage capacity).

Example 3: Flows as measured by the U.S. Geological Survey gage on the _____ (name of river) near _____, Texas reaches _____ cubic feet per second (cfs).

Example 4: When total daily water demand equals or exceeds _____ million gallons for _____ consecutive days or _____ million gallons on a single day.

Example 5: When total daily water demand equals or exceeds _____ percent of the safe operating capacity of _____ million gallons per day for _____ consecutive days or _____ percent on a single day.

Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of _____ (example: 30) consecutive days. The _____ (name of water supplier) will notify its wholesale customers and the media of the termination of Stage 1.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation - The _____ (name of your water supplier) will recognize that a moderate water shortage condition exists when _____ (describe triggering criteria).

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of _____ (example: 30) consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative. The _____ (name of your water supplier) will notify its wholesale customers and the media of the termination of Stage 2.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Requirements for initiation - The _____ (name of your water supplier) will recognize that a severe water shortage condition exists when _____ (describe triggering criteria; see examples in Stage 1).

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of _____ (example: 30) consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria,

becomes operative. The _____ (*name of your water supplier*) will notify its wholesale customers and the media of the termination of Stage 3.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirements for initiation - The _____ (*name of your water supplier*) will recognize that an emergency water shortage condition exists when _____ (*describe triggering criteria; see examples below*).

Example 1. *Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or*

Example 2. *Natural or man-made contamination of the water supply source(s).*

Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of _____ (*example: 30*) consecutive days. The _____ (*name of your water supplier*) will notify its wholesale customers and the media of the termination of Stage 4.

Section VIII: Drought Response Stages

The _____ (*designated official*), or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VII, shall determine that mild, moderate, severe, or critical water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Stage 1 Response -- MILD Water Shortage Conditions

Target: Achieve a voluntary _____ percent reduction in _____ (*example: total water use, daily water demand, etc.*).

Best Management Practices for Supply Management:

*Describe additional measures, if any, to be implemented directly by _____ (*designated official*), or his/her designee(s), to manage limited water supplies and/or reduce water demand. Examples include modifying reservoir operations procedures, interconnection with another water system, and use of reclaimed water for nonpotable purposes.*

Water Use Restrictions for Reducing Demand:

(a) The _____ (*designated official*), or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (*example: implement Stage 1 or appropriate stage of the customer's drought contingency plan*).

(b) The _____ (*designated official*), or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 2 Response -- MODERATE Water Shortage Conditions

Target: Achieve a _____ percent reduction in _____ (*example: total water use, daily water demand, etc.*).

Best Management Practices for Supply Management:

Describe additional measures, if any, to be implemented directly by _____ (designated official), or his/her designee(s), to manage limited water supplies and/or reduce water demand. Examples include modifying reservoir operations procedures, interconnection with another water system, and use of reclaimed water for non-potable purposes.

Water Use Restrictions for Reducing Demand:

(a) The _____ (designated official), or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (example: implement Stage 2 or appropriate stage of the customer’s drought contingency plan).

(b) The _____ (designated official), or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

(c) The _____ (designated official), or his/her designee(s), will further prepare for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer.

(d) The _____ (designated official), or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 3 Response -- SEVERE Water Shortage Conditions

Target: Achieve a _____ percent reduction in _____ (example: total water use, daily water demand, etc.).

Best Management Practices for Supply Management:

Describe additional measures, if any, to be implemented directly by _____ (designated official), or his/her designee(s), to manage limited water supplies and/or reduce water demand. Examples include modifying reservoir operations procedures, interconnection with another water system, and use of reclaimed water for non-potable purposes.

Water Use Restrictions for Reducing Demand:

(a) The _____ (designated official), or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (example: implement Stage 3 or appropriate stage of the customer’s drought contingency plan).

(b) The _____ (designated official), or his/her designee(s), will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer.

(c) The _____ (designated official), or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 4 Response -- EMERGENCY Water Shortage Conditions

Whenever emergency water shortage conditions exist as defined in Section VII of the Plan, the _____ (*designated official*) shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (*example: notification of the public to reduce water use until service is restored*).
3. If appropriate, notify city, county, and/or state emergency response officials for assistance.
4. Undertake necessary actions, including repairs and/or clean-up as needed.
5. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

Section IX: Pro Rata Curtailment

In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 - Severe Water Shortage Conditions have been met, the _____ (*designated official*) is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039.

Section X: Contract Provisions

The _____ (*name of your water supplier*) will 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.

Section XI: Enforcement

Example of surcharge:

During any period when either mandatory water use restrictions or pro rata allocation of available water supplies are in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

_____ times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation from _____ percent through _____ percent above the monthly allocation.

Examples of fines and/or discontinuation of service:

Mandatory water use restrictions or pro rata allocation of available water supplies may be imposed during drought stages and emergency water management actions. These water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be notified by written notice that they have violated the mandatory water use restriction.
- If the first violation has not been corrected after ten (10) days from the written notice, _____ (*name of your water supplier*) may assess a fine up to \$_____ per violation.
- _____ (*name of your water supplier*) may install a flow restricting device in

the line to limit the amount of water which will pass through the meter in a 24-hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed fifty dollars (\$50.00);

- _____ (*name of your water supplier*) maintains the right, at any violation or action level, to disconnect irrigation systems and/or suspend water services to a customer for public safety issues with reconnection fees and possible citations.
- Subsequent violations of the plan shall result in increased fines or upon the occurrence of _____ violations, after notice, the discontinuation of services. Services discontinued under this provision shall be restored only upon payment of a reconnection fee and any other costs incurred by the utility in discontinuing service.

Section XII: Variances

The _____ (*designated official*), or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the _____ (*designated official*) within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the _____ (*governing body*), and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the _____ (*governing body*) shall be subject to the following conditions, unless waived or modified by the _____ (*governing body*) or its designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section XIII: Severability

It is hereby declared to be the intention of the _____ (*governing body of your water supplier*) that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect

any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the _____ (*governing body of your water supplier*) without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.