

TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk
Texas Commission on Environmental Quality

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Jenna Rollins, Project Manager
Water Rights Permitting Team

DATE: March 11, 2022

SUBJECT: City of Laredo
ADJ 3997
CN600131908, RN101530608
Application No. 23-3997CC to Sever a Portion of Certificate of
Adjudication No. 23-802 and Combine it with and Amend
Certificate of Adjudication No. 23-3997
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Webb County

The application and fees were received on February 24, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on March 11, 2022. Notice is not required pursuant to Title 30 Texas Administrative Code § 303.42.

All fees have been paid and the application is sufficient for filing.

Jenna L. Rollins

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required YES NO

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 11, 2022

VIA E-MAIL

Mr. Glenn Jarvis, Attorney
Law Offices of Glenn Jarvis
1801 S. 2nd St. Ste. 550
McAllen, Texas 78503-1353

RE: City of Laredo
ADJ 3997
CN600131908, RN101530608
Application No. 23-3997CC to Sever a Portion of Certificate of Adjudication No. 23-802
and Combine it with and Amend Certificate of Adjudication No. 23-3997
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Webb County

Dear Mr. Jarvis:

This acknowledges receipt, on February 24, 2022, of the referenced application, and fees in the amount of \$212.50 (Receipt No. M212718, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on March 11, 2022. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning the application, please contact me via email at jenna.rollins@tceq.texas.gov or by phone at 512-239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna L. Rollins".

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page. 5.

APPLICANT(S): The City of Laredo, Texas

Indicate whether the following items are included in your application by writing either Y (for yes) or N (for no) next to each item (all items are not required for every application).

Y/N

- Administrative Information Report**
- Additional Co-Applicant Information
- Additional Co-Applicant Signature Pages
- Written Evidence of Signature Authority
- Technical Information Report**
- USGS Map (or equivalent)
- Map Showing Project Details
- Original Photographs
- Water Availability Analysis
- Worksheet 1.0**
- Recorded Deeds for Irrigated Land
- Consent For Irrigation Land
- Worksheet 1.1**
- Addendum to Worksheet 1.1
- Worksheet 1.2**
- Addendum to Worksheet 1.2
- Worksheet 2.0**
- Additional W.S 2.0 for Each Reservoir
- Dam Safety Documents
- Notice(s) to Governing Bodies
- Recorded Deeds for Inundated Land
- Consent For Inundation Land

Y/N

- Worksheet 3.0**
- Additional W.S 3.0 for each Point
- Recorded Deeds for Diversion Points
- Consent For Diversion Access
- Worksheet 4.0**
- TPDES Permit(s)
- WWTP Discharge Data
- 24-hour Pump Test
- Groundwater Well Permit
- Signed Water Supply Contract
- Worksheet 4.1**
- Worksheet 5.0**
- Addendum to Worksheet 5.0
- Worksheet 6.0**
- Water Conservation Plan(s)
- Drought Contingency Plan(s)
- Documentation of Adoption
- Worksheet 7.0**
- Accounting Plan
- Worksheet 8.0**
- Fees

For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____

ADMINISTRATIVE INFORMATION REPORT

The following information is required for all new applications and amendments.

***** Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4691.**

1. TYPE OF APPLICATION (Instructions, Page. 6)

Indicate, by marking X, next to the following authorizations you are seeking.

New Appropriation of State Water

Amendment to a Water Right *

Bed and Banks

****If you are seeking an amendment to an existing water rights authorization, you must be the owner of record of the authorization. If the name of the Applicant in Section 2, does not match the name of the current owner(s) of record for the permit or certificate or if any of the co-owners is not included as an applicant in this amendment request, your application could be returned. If you or a co-applicant are a new owner, but ownership is not reflected in the records of the TCEQ, submit a change of ownership request (Form TCEQ-10204) prior to submitting the application for an amendment. See Instructions page. 6. Please note that an amendment application may be returned, and the Applicant may resubmit once the change of ownership is complete.***

Please summarize the authorizations or amendments you are seeking in the space below or attach a narrative description entitled "Summary of Request."

Applicant is located within Region M Planning Group. This Application is consistent

with the State and Region M Regional Water Plan, which supports the transfer of

municipal use rights where needed to meet current and future needs.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants 1
(Include a copy of this section for each Co-Applicant, if any)

What is the Full Legal Name of the individual or entity (applicant) applying for this permit?

The City of Laredo, Texas

(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?
You may search for your CN on the TCEQ website at

<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : **600131908** (leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: **Rosario C. Cabello**

Title: **Deputy City Manager**

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? **NO**

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: **The City of Laredo, Texas**

Mailing Address: **5816 Daugherty Avenue**

City: **Laredo**

State: **TX**

ZIP Code: **78041**

Indicate an X next to the type of Applicant:

- | | |
|---------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Sole Proprietorship-D.B.A. |
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation |
| <input type="checkbox"/> Trust | <input type="checkbox"/> Estate |
| <input type="checkbox"/> Federal Government | <input type="checkbox"/> State Government |
| <input type="checkbox"/> County Government | <input checked="" type="checkbox"/> City Government |
| <input type="checkbox"/> Other Government | <input type="checkbox"/> Other _____ |

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: _____ SOS Charter (filing) Number: _____

3. APPLICATION CONTACT INFORMATION (Instructions, Page. 9)

If the TCEQ needs additional information during the review of the application, who should be contacted? Applicant may submit their own contact information if Applicant wishes to be the point of contact.

First and Last Name: **Glenn Jarvis**

Title: **Attorney**

Organization Name: **Law Offices of Glenn Jarvis**

Mailing Address: **1801 S. 2nd St., Ste. 550**

City: **McAllen**

State: **TX**

ZIP Code: **78503**

Phone No.: **956-682-2660**

Extension:

Fax No.: **956-618-2660**

E-mail Address: 

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4691, prior to submitting your application.

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No NO**

If **yes**, provide the following information:

Account number:

Amount past due:

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? **Yes / No NO**

If **yes**, please provide the following information:

Enforcement order number:

Amount past due:

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No NO**

c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5).

Applicant has submitted all required TWDB surveys of groundwater and surface water? **Yes / No**

See copy of most recent Report attached as Attachment C.

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

Rosario C. Cabello Deputy City Manager - The City of Laredo, Texas
(Typed or printed name) (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

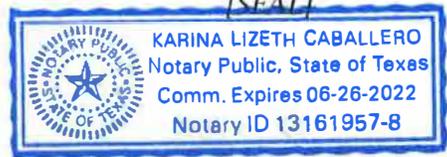
I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: Rosario C. Cabello Date: 1/25/22
pink (Use blue ink) Robert A. Eads Rosario C. Cabello

Subscribed and Sworn to before me by the said Rosario C. Cabello
on this 25th day of January, 2022.
My commission expires on the 26th day of June, 2022.

Karina J. Caballero
Notary Public

Attest: [Signature]
Jose A. Valdez, Jr. City Secretary



Webb
County, Texas

If the Application includes Co-Applicants, each Applicant and Co-Applicant must submit an original, separate signature page



TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4691 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N **NO** (If yes, date : _____).

1. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)

State Water is: *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC § 11.021.*

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N **NO**
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N **NO** (If yes, indicate the Certificate or Permit number: _____)

If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? **N/A** Y / N

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N **NO** (If yes, indicate the Term Certificate or Permit number: **N/A** _____)

If Applicant answered yes to (a), (b) or (c), the following worksheets and documents are required:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir requested in the application)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 5.0 - Environmental Information Worksheet**
- **Worksheet 6.0 - Water Conservation Information Worksheet**
- **Worksheet 7.0 - Accounting Plan Information Worksheet**
- **Worksheet 8.0 - Calculation of Fees**
- **Fees calculated on Worksheet 8.0 - see instructions Page. 34.**
- **Maps - See instructions Page. 15.**
- **Photographs - See instructions Page. 30.**

Additionally, if Applicant wishes to submit an alternate source of water for the project/authorization, see Section 3, Page 3 for Bed and Banks Authorizations (Alternate sources may include groundwater, imported water, contract water or other sources).

Additional Documents and Worksheets may be required (see within).

2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12)

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. ***If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. See instructions page. 6.***

Water Right (Certificate or Permit) number you are requesting to amend: Certificate 23-3997

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? **Y / N Y** (if yes, complete chart below):

List of water rights to sever	Combine into this ONE water right
Certificate 23-802A	Certificate 23-3997

a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? **Y / N NO**

If yes, application is a new appropriation for the increased amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? **Y / N NO**

If yes, application is a new appropriation for the entire amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? **Y / N YES**

If yes, submit:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet Attached**
- **Worksheet 1.2 - Notice: “Marshall Criteria” N/A**

d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? **Y / N YES**

If yes, submit: Worksheet 3.0 - Diversion Point Information Worksheet (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)

e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? **Y / N NO**

If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir) N/A

f. Other - Applicant requests to change any provision of an authorization not mentioned above? **Y / N NO** *If yes, call the Water Availability Division at (512) 239-4691 to discuss.*

Additionally, all amendments require:

- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page.34 Attached**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

4. General Information, Response Required for all Water Right Applications (Instructions, Page 15)

- a. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled “Addendum Regarding the State and Regional Water Plans”:

Applicant is located within Region M Planning Group. This Application is consistent

with the State and Region M Regional Water Plan, which supports the transfer of

municipal use rights where needed to meet current and future needs.

- b. Did the Applicant perform its own Water Availability Analysis? Y / N **N/A**

If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.

- C. Does the application include required Maps? (Instructions **Page. 15**) Y / N **N/A**

2. Amendments - Purpose or Place of Use (Instructions, Page. 12)

- a. Complete this section for each requested amendment changing, adding, or removing Purpose(s) or Place(s) of Use, complete the following:

Quantity (acre- feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
900	municipal		Hidalgo County	Webb County

**If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."*

***If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."*

Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i) Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
 - ii) Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.
A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.
- Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.***
- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
 - d. See Worksheet 1.2, Marshall Criteria, and submit if required.
 - e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps). See Summary of Request Attachment A

1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
 - 1. _____ Diversion Point No.
 - 2. _____ Upstream Limit of Diversion Reach No.
 - 3. _____ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second) or _____ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N N**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches _____ cfs or _____ gpm*
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N N**

*** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Existing (See Attachment A)
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / N N/A**

If yes, the drainage area is _____ sq. miles.
(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): See Attachment A
- b. Zip Code: _____
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude _____°N, Longitude _____°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.

Instructions, Page 31.

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4691, or e-mail wras@tceq.texas.gov. The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

1. Water Conservation Plans

- a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture - including irrigation, wholesale):

1. Request for a new appropriation or use of State Water.
2. Request to amend water right to increase appropriation of State Water.
3. Request to amend water right to extend a term.
4. Request to amend water right to change a place of use. **YES**
**does not apply to a request to expand irrigation acreage to adjacent tracts.*
5. Request to amend water right to change the purpose of use.
**applicant need only address new uses.*
6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water
**including return flows, contract water, or other State Water.*

- b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:

1. Municipal Use. See 30 TAC § 288.2. **
2. Industrial or Mining Use. See 30 TAC § 288.3.
3. Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. Wholesale Water Suppliers. See 30 TAC § 288.5. **

If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? **Y / N YES See Attachment D

- c. Water conservation plans submitted with an application must also include data and information which: supports applicant's proposed use with consideration of the plan's water conservation goals; evaluates conservation as an alternative to the proposed

appropriation; and evaluates any other feasible alternative to new water development.
See 30 TAC § 288.7.

Applicant has included this information in each applicable plan? Y / N **YES**

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 2. Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc.* See 30 TAC § 288.30) Y / N **YES**

See Attachment D.

WORKSHEET 8.0 CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. **Instructions, Page. 34**

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100 OR Sever and Combine: \$100 x <u>2</u> of water rights to combine	200.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 212.50

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		\$100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$

SUMMARY OF REQUEST

RE: APPLICATION TO SEVER RIGHTS FROM CERTIFICATE OF ADJUDICATION NO. 23-802 AND TO COMBINE THESE RIGHTS WITH CERTIFICATE OF ADJUDICATION NO. 23-3997, AS AMENDED, RIO GRANDE

1. **THE CITY OF LAREDO**, a municipal corporation of Webb County, Texas, (hereafter called **APPLICANT**), hereby requests the Commission to change the point of diversion and place of use of the right to divert up to a maximum of **900 acre feet** of water per annum from the Rio Grande for municipal use purposes allocated on a municipal use priority basis being water rights evidenced by **Certificate of Adjudication No. 23-802**, as amended, Certificate of Adjudication No. 23-802A (the ACertificate@), and as grounds for this Application, Applicant would state as follows:
2. **HIDALGO COUNTY IRRIGATION DISTRICT NO. 16**, has conveyed to Applicant the right to divert **900 acre feet** per annum for municipal use purposes on a municipal priority basis being a portion of those municipal use rights evidenced by Certificate of Adjudication No. 23-802, as amended, Certificate of Adjudication No. 23-802A.
3. The existing purpose of use of the Water Rights is for municipal use purposes. Applicant will utilize the allocated water under the Water Rights for municipal purposes, and therefore, no change in purpose of use is hereby requested.
4. The existing place of use of the Water Rights of Applicant is in Hidalgo County, Texas.
5. The proposed new place of use of the Water Rights of Applicant is within the service area of Applicant in Webb County, Texas, as it presently exists, or as it is hereafter changed.
6. The diversion point of the Water Rights is requested to be changed to the diversion points of

Attachment A

Applicant associated with and described in Certificate of Adjudication No. 23-3997, as amended, and are well known to the Rio Grande Watermaster and shown in the Commission's records, and described as follows:

- A. Laredo/Columbia Water Treatment Plant located on the left, or north, bank of the Rio Grande at Latitude 27.702979° N, Longitude 99.748102° W, approximately 20 miles northwest of Laredo in Webb County, Texas with a maximum diversion rate of 1.56 cfs (700 gpm).
- B. Del Mar Raw Water Intake located on the left, or east bank of the Rio Grande at Latitude 27.564431° N, Longitude 99.511006° W, also bearing N 39° E, 400 feet from the southwest corner of the Toribio Rodrigues Porcion No. 24, Abstract No. 268, approximately 4 miles northwest of the Webb County Courthouse in Laredo, Texas with a maximum diversion rate of 8.24 cfs (3700 gpm).
- C. Jefferson Water Plant located on the left, or east bank of the Rio Grande at Latitude 27.523414° N, Longitude 99.524233° W, also bearing S 07° 45' W, 12,700 feet from the northwest corner of the Laredo Town Tract Survey, Abstract No. 239, approximately 1 : miles northwest of the Webb County Courthouse in Laredo, Texas with a maximum diversion rate of 81.33 cfs (36,500 gpm).
- D. El Pico Water Treatment Plant located at Latitude 27.635573° N, Longitude 99.592214° W, also bearing N 15° 12' 19" W 155.14 feet from the southwest corner of the El Pico Water Treatment Plant Plat - Lot 2, block 1, situated in Porcion No. 13, Volume 155, pages 428-484, Abstract No. 51, approximately 11.7 miles northwest of Laredo in Webb County, Texas with a maximum diversion rate of 30.947 cfs (13,889 gpm).

7. Applicant requests that the Commission issue an Order severing the Water Rights, evidenced by the Certificate and combine the Water Rights with Applicant=s other water rights under Certificate of Adjudication No. 23-3997, as amended, and that such Order be made a part of the Commission files pertaining to the Certificate.

8. Applicant states that the change of point of diversion, and place of use, as requested herein, does not contemplate an increased appropriation of water or rate of diversion which would harm any

Attachment A

other existing water right holders on the Rio Grande below Amistad and Falcon Reservoirs; and will not prejudice any other water right holder on the Rio Grande below Amistad Reservoir.

9. Applicant's Tax Identification No. is: **Tax I.D.: 74-6001573**

10. Applicant requests that the Commission approve this Application and issue an Order severing the Water Rights from the Certificate and an Amendment to Certificate of Adjudication No. 23-3997 and such other appropriate orders as are necessary changing the point of diversion and place of use of the Water Rights as above requested, and to combine the Water Rights with other water rights of Applicant under Certificate of Adjudication No. 23-3997, as amended, and for such other relief to which Applicant is entitled.

llc\laredo\hid16\Attach a

RESOLUTION 2021 – R-182

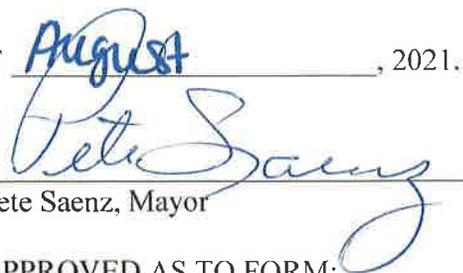
AUTHORIZING THE CITY MANAGER TO SIGN A WATER RIGHTS SALES AGREEMENT, ATTACHED HERETO AS EXHIBIT A, BETWEEN THE CITY OF LAREDO AND HIDALGO COUNTY IRRIGATION DISTRICT NO. 16, IN WHICH THE CITY IS AGREEING, SUBJECT TO NOTICE REQUIRED BY SECTION 49.504, TEXAS WATER CODE, TO PURCHASE THE RIGHT TO DIVERT AND USE 900 ACRE FEET PER ANNUM OF MUNICIPAL USE WATER RIGHTS ALLOCATED WITH MUNICIPAL USE PRIORITY OF ALLOCATION TO THE RIO GRANDE AT [REDACTED] PER AC./FT., FOR A PURCHASE PRICE OF [REDACTED] PLUS TRANSACTIONAL EXPENSES; AND FURTHER AUTHORIZING THE CITY MANAGER TO SIGN AND FILE NECESSARY APPLICATION(S) WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ON BEHALF OF THE CITY REQUESTING THAT SAID WATER RIGHTS BE SEVERED FROM CERTIFICATE OF ADJUDICATION NO. 23-802, AS AMENDED, OF THE SELLER AND COMBINED WITH CERTIFICATE OF ADJUDICATION NO. 23-3997, AS AMENDED, OF THE CITY AND THAT THE POINT(S) OF DIVERSION, AND PLACE OF USE OF SAID WATER RIGHTS BE CHANGED AS REQUIRED BY THE CITY. FUNDING IS AVAILABLE IN THE WATER AVAILABILITY FUND.

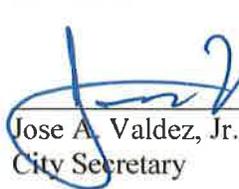
WHEREAS, the City is in need of additional water rights to the Rio Grande to meet the City's water requirements; and

WHEREAS, the City Council finds that the purchase and acquisition of these water rights is in the best interest of the City.

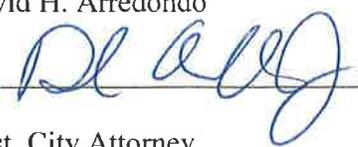
NOW, THEREFORE, BE IT RESOLVED, that the City of Laredo City Council does hereby authorize the City Manager to sign the Water Rights Sales Agreement, attached hereto as Exhibit A, between the City of Laredo and Hidalgo County Irrigation District No. 16, in which the City is agreeing to purchase the right to divert and use 900 acre feet per annum for municipal use with municipal use priority of allocation water rights to the Rio Grande River at [REDACTED] per ac./ft., for a purchase price of [REDACTED] plus transactional expenses, subject to notice required by Section 49.504, Texas Water Code; and further authorizing the City Manager, upon consummation of the said Water Rights Sales Agreement, to sign and file necessary application(s) with the Texas Commission on Environmental Quality on behalf of the City requesting that said water rights be severed from Certificate of Adjudication No. 23-802, as amended, of the seller and combined with Certificate of Adjudication No. 23-3997, as amended, of the City and that the point of diversion, and place of use of said water rights be changed as required by the City.

PASSED AND APPROVED THIS 16 DAY OF August, 2021.


Pete Saenz, Mayor

ATTEST:

Jose A. Valdez, Jr.
City Secretary



APPROVED AS TO FORM:
David H. Arredondo
By: 
Asst. City Attorney



City Council-New Icons

Meeting Date: 08/16/2021

Initiated By: Riazul Mia, Assistant City Manager

Staff Source: Arturo Garcia, Jr., P.E.

SUBJECT

Dynamic and Sustainable



2021-R-182 Authorizing the City Manager to sign a water rights sales agreement, attached hereto as Exhibit A, between the City of Laredo and Hidalgo County Irrigation District No. 16, in which the city is agreeing, subject to notice required by Section 49.504, Texas Water Code, to purchase the right to divert and use 900-acre feet per annum of municipal use water rights allocated with municipal use priority of allocation to the Rio Grande at [REDACTED] per ac./ft., for a purchase price of [REDACTED], plus transactional expenses; and further authorizing the City Manager to sign and file necessary application(s) with the Texas Commission on Environmental Quality on behalf of the city requesting that said water rights be severed from the certificate of adjudication no. 23-802, as amended, of the seller and combined with certificate of adjudication no. 23-3997, as amended, of the city and that the point(s) of diversion, and place of use of said water rights be changed as required by the city. Funding is available in the Water Availability Fund and is contingent upon approval of the amended Fiscal Year 2021 Budget for the Water Availability Fund.

PREVIOUS COUNCIL ACTION

None.

BACKGROUND

The agreement covers the purchase of the right to divert and use 900 acre feet of water from the Rio Grande on an annual basis and is allocated on a municipal priority basis. It is subject to the 90-day Notice provisions of Subchapter O, Chapter 49, of the Texas Water Code, which gives an option to other municipal supplies in the Valley the right to purchase the rights on the same terms and conditions. This is similar to other water rights transactions, which the City has had with other Water Districts in the Valley.

COMMITTEE RECOMMENDATION

None.

STAFF RECOMMENDATION

Recommend approval.

Fiscal Impact

Fiscal Year: 2021
Budgeted Y/N?: Y
Source of Funds: Water Rights
Account #: 55741805359102
Change Order: Exceeds 25% Y/N:

FINANCIAL IMPACT:

██████████ for water rights; ██████████ Escrow Deposit; transactional expenses of legal fees of ██████████, plus out of pocket expenses incurred in the transaction

Attachments

DOC080621.PDF

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

CONTACT INFORMATION

Name of Utility: City of Laredo

Public Water Supply Identification Number (PWS ID): TX2400001

Certificate of Convenience and Necessity (CCN) Number: 11226

Surface Water Right ID Number: 627-A, 952-E, 2698-A, 2761-D, 2774-A, 2777-B, 3997-BT

Wastewater ID Number: 20485

Contact: First Name: Marla Last Name: Castaneda

Title: Water Conservation Planner

Address: 5816 Daugherty City: Laredo State: TX

Zip Code: 78044 Zip+4: _____ Email: [REDACTED]

Telephone Number: 9567212007 Date: 5/1/2019

Is this person the designated Conservation Coordinator? Yes No

Regional Water Planning Group: M

Groundwater Conservation District: _____

Our records indicate that you:

- Received financial assistance of \$500,000 or more from TWDB
- Have 3,300 or more retail connections
- Have a surface water right with TCEQ

A. Population and Service Area Data

1. Current service area size in square miles: 91

Attached file(s):

File Name	File Description
MWS_AVAILABILITY_04122019.pdf	City of Laredo Service Area Map



UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Water Service
2018	260,654	0	260,654
2017	257,156	0	257,156
2016	255,473	0	255,473
2015	252,309	0	252,309
2014	248,142	0	248,142

3. Projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Water Service
2020	276,183	0	276,183
2030	298,364	0	298,364
2040	308,758	0	308,758
2050	308,573	0	308,573
2060	0	0	0

4. Described source(s)/method(s) for estimating current and projected populations.

Texas Demographic Center - Texas Population Projection Estimates

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. System Input

System input data for the previous five years.

Total System Input = Self-supplied + Imported – Exported

Year	Water Produced in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2018	12,462,261,616	0	13,969,600	12,448,292,016	131
2017	12,862,713,684	0	15,573,700	12,847,139,984	137
2016	12,647,321,212	0	19,237,200	12,628,084,012	135
2015	12,116,959,596	0	17,175,100	12,099,784,496	131
2014	12,169,965,657	0	0	12,169,965,657	134
Historic Average	12,451,844,353	0	13,191,120	12,438,653,233	134

C. Water Supply System

1. Designed daily capacity of system in gallons 85,000,000
2. Storage Capacity
 - 2a. Elevated storage in gallons: 11,000,000
 - 2b. Ground storage in gallons: 31,400,000

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Projected Demands

1. The estimated water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demand (gallons)
2020	276,183	13,205,690,145
2021	278,650	13,323,649,750
2022	281,094	13,440,509,610
2023	283,490	13,555,122,165
2024	285,847	13,667,774,305
2025	288,157	13,778,226,955
2026	290,403	13,885,619,445
2027	292,535	13,987,561,025
2028	294,598	14,086,203,370
2029	296,543	14,179,203,545

2. Description of source data and how projected water demands were determined.

Projected Population: Texas Demographic Center - Texas Population Estimates

Projected water demand was calculated using the baseline (2018) GPCD as follows:
 $131 \text{ GPCD} * \text{Population} * 365 \text{ days}$

E. High Volume Customers

1. The annual water use for the five highest volume

RETAIL customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
United ISD	Institutional	90,740,600	Treated
Laredo Medical Center	Institutional	70,962,400	Treated
Texas A & M University	Institutional	64,472,300	Treated
Laredo Community College	Institutional	32,473,400	Treated
New Webb County Jaim	Agricultural	25,544,400	Treated

2. The annual water use for the five highest volume

WHOLESALE customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
Webb County Water Dispenser	Municipal	13,969,600	Treated

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

F. Utility Data Comment Section

Additional comments about utility data.

Section II: System Data

A. Retail Water Supplier Connections

1. List of active retail connections by major water use category.

Water Use Category Type	Total Retail Connections (Active + Inactive)	Percent of Total Connections
Residential - Single Family	64,065	76.15 %
Residential - Multi-Family	13,361	15.88 %
Industrial	2	0.00 %
Commercial	6,698	7.96 %
Institutional	0	0.00 %
Agricultural	0	0.00 %
Total	84,126	100.00 %

2. Net number of new retail connections by water use category for the previous five years.

Year	Net Number of New Retail Connections						Total
	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	
2018	994	369		82			1,445
2017	1,102			68			1,170
2016	1,203			4			1,207
2015	554		2	96			652
2014	1,266	263	0	112			1,641

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. Accounting Data

The previous five years' gallons of RETAIL water provided in each major water use category.

Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2018	6,724,000,000	0	12,601,600	4,087,428,800	0	0	10,824,030,400
2017	7,104,000,000	0	9,068,700	4,164,919,200	0	0	11,277,987,900
2016	6,826,000,000	0	17,048,300	3,958,714,500	0	0	10,801,762,800
2015	6,543,000,000	0	7,029,400	3,700,959,300	0	0	10,250,988,700
2014	6,752,000,000	0	0	3,823,000,000	0	0	10,575,000,000

C. Residential Water Use

The previous five years residential GPCD for single family and multi-family units.

Year	Total Residential GPCD
2018	71
2017	76
2016	73
2015	71
2014	75
Historic Average	73

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Annual and Seasonal Water Use

1. The previous five years' gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Water				
	2018	2017	2016	2015	2014
January	853,957,000	892,328,000	894,022,000	782,683,000	544,529,000
February	775,713,000	852,242,000	927,730,000	749,404,000	475,961,000
March	966,455,000	923,534,000	945,103,000	798,385,000	583,150,000
April	976,218,000	981,885,000	975,648,000	854,925,000	646,094,000
May	1,119,486,000	1,082,461,000	1,030,920,000	955,914,000	913,301,000
June	1,247,021,000	1,118,550,000	1,163,303,000	1,010,354,000	1,131,497,000
July	1,120,405,000	1,241,865,000	1,355,747,000	1,224,455,000	1,224,887,000
August	1,470,903,000	1,267,567,000	1,216,879,000	1,389,956,000	1,221,787,000
September	1,041,103,000	1,132,853,000	1,091,334,000	1,217,890,000	997,948,000
October	940,467,000	979,155,000	1,092,211,000	1,122,393,000	1,026,742,000
November	918,069,000	930,355,000	963,963,000	962,147,000	853,571,000
December	907,842,000	816,783,000	863,988,000	927,287,000	819,166,000
Total	12,337,639,000	12,219,578,000	12,520,848,000	11,995,793,000	10,438,633,000

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. The previous five years' gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Water				
	2018	2017	2016	2015	2014
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
Total					

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
2018	3,838,329,000	12,337,639,000
2017	3,627,982,000	12,219,578,000
2016	3,735,929,000	12,520,848,000
2015	3,624,765,000	11,995,793,000
2014	3,578,171,000	10,438,633,000
Average in Gallons	3,681,035,200.00	11,902,498,200.00

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

E. Water Loss

Water Loss data for the previous five years.

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2018	1,257,440,692	13	10.10 %
2017	1,281,934,794	14	9.98 %
2016	1,472,515,644	16	11.66 %
2015	1,303,067,717	14	10.77 %
2014	1,521,815,079	17	12.50 %
Average	1,367,354,785	15	11.00 %

F. Peak Day Use

Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2018	33,801,750	41720967	1.2343
2017	33,478,295	39434586	1.1779
2016	34,303,693	40607923	1.1838
2015	32,865,186	39399619	1.1988
2014	28,598,994	38893163	1.3599

G. Summary of Historic Water Use

Water Use Category	Historic Average	Percent of Connections	Percent of Water Use
Residential - Single Family	6,789,800,000	76.15 %	63.18 %
Residential - Multi-Family	0	15.88 %	0.00 %
Industrial	9,149,600	0.00 %	0.09 %
Commercial	3,947,004,360	7.96 %	36.73 %
Institutional	0	0.00 %	0.00 %
Agricultural	0	0.00 %	0.00 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

H. System Data Comment Section

Section III: Wastewater System Data

A. Wastewater System Data

1. Design capacity of wastewater treatment plant(s) in gallons per day: 29

2. List of active wastewater connections by major water use category.

Water Use Category	Metered	Unmetered	Total Connections	Percent of Total Connections
Municipal	60,462		60,462	89.01 %
Industrial			0	0.00 %
Commercial	7,441	25	7,466	10.99 %
Institutional			0	0.00 %
Agricultural			0	0.00 %
Total	67,903	25	67,928	100.00 %

3. Percentage of water serviced by the wastewater system: 63.00 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

4. Number of gallons of wastewater that was treated by the utility for the previous five years.

Month	Total Gallons of Treated Water				
	2018	2017	2016	2015	2014
January	568,601,000	581,258,000	565,578,000	601,739,810	564,091,090
February	525,666,200	500,998,000	567,533,000	530,412,540	508,838,500
March	599,613,520	566,772,000	639,258,000	635,021,090	565,123,500
April	521,173,560	545,077,000	600,611,000	651,613,450	551,393,910
May	558,291,290	583,596,000	631,273,000	688,515,930	586,745,740
June	541,936,710	566,624,000	632,988,000	619,897,010	570,351,490
July	555,820,090	577,714,000	631,335,000	571,718,738	573,320,560
August	575,979,710	598,770,000	623,264,000	560,424,580	594,551,060
September	647,169,640	644,097,000	595,347,000	555,531,370	613,546,000
October	627,138,000	616,448,300	586,508,000	583,317,000	608,695,610
November	541,063,000	568,893,170	574,523,000	559,559,000	574,957,260
December	566,207,000	593,839,330	590,809,000	552,052,000	592,357,740
Total	6,828,659,720	6,944,086,800	7,239,027,000	7,109,802,518	6,903,972,460

5. Could treated wastewater be substituted for potable water?

Yes
 No

B. Reuse Data

1. Data by type of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site Irrigation	17,206,104
Plant wash down	17,206,104
Chlorination/de-chlorination	
Industrial	
Landscape irrigation (park,golf courses)	0
Agricultural	
Discharge to surface water	0
Evaporation Pond	0
Other	
Total	34,412,208

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

C. Wastewater System Data Comment

Additional comments and files to support or explain wastewater system data listed below.

AN ORDINANCE NO 2019-O-139

Amending Chapter 31 (utilities), Article III, division 1, Section 31-16, Article III, Division 4 by deleting sections 31-141.15-31-41.88 and creating Article V (water conservation and contingency plan) sections 31-195 through 31-242. Amending sections 31-195 through 31-242. Amending sections 31-195, 31-197, 31-197, 31-200 through 31-205, 31-208, 31-212, 31-213, 31-214, 31-215, 31-217, 31-220, 31-221, 31-228, 31-236, 31-238, 31-240. Adding section 31-210 and removing section 31-219. Providing for severability and publication date.

WHEREAS, a reliable supply of potable and irrigation water is essential to the public health, safety and economy of the City of Laredo; and,

WHEREAS, the City of Laredo water supply is a limited resource that needs to be protected and managed for the present and future uses; and,

WHEREAS, the adoption and enforcement of a water conservation plan and a drought contingency plan is required by the Texas Commission of Environmental Quality (TCEQ) to be updated and amended every five (5) years to meet standards and ensure a reliable and sustainable supply of water for the residents and to minimize the effects of drought and shortage;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1. The City of Laredo Code of Ordinances Chapter 31 (Utilities), Article II, Division 1, Section 31-16, Article III, Division 4 by deleting sections 31-141.15-31-141.88 and creating Article V (Water conservation and drought contingency plan) sections 31-195 through 31-242 is hereby amended as follows:

ARTICLE V– WATER CONSERVATION AND DROUGHT CONTINGENCY PLANS

Sec. 31-195. - Purpose of the water conservation plan for city utilities.

- (a) The purpose of this plan is to promote the protection and proper utilization of Laredo's water resources to ensure an uninterrupted supply of water sufficient to satisfy essential needs.
- (b) This water conservation plan and the drought contingency plan as a combined ordinance officially named the water conservation and drought contingency ordinance is established in accordance with Texas Administrative Code Title 30, Chapter 288.

Sec. 31-196. - Interpretation of the water conservation plan.

- (a) The provisions of this water conservation plan shall be interpreted and applied as the minimum requirements for water conservation in the city and shall control over all other landscape and water management requirements in any other ordinance in the City Code of Ordinances, if applicable.
- (b) This plan is not intended to interfere with, abrogate or annul any restrictive covenants or other agreements between individual parties. When there is a conflict between the requirements of this plan and any restrictive covenants, agreements or other requirements imposed on the property, the more stringent requirement shall apply.
- (c) Where any provision of federal or state law conflicts with any provision of this plan, the most stringent provision shall apply unless otherwise regulated by law.
- (d) The provisions of this plan shall not be interpreted as part of or in lieu of the city's drought contingency plan.

Sec. 31-197. - Definitions in the water conservation plan.

Refer to Sec. 31-16 for Water Conservation Plan definitions.

Sec 31-198 - Reserved

Sec. 31-199. - Specific and quantified water conservation goals.

In an effort to reduce long-term capital expenditures, the City of Laredo instituted a water conservation program in February 2006 to implement water conservation regulations citywide in accordance with the rules of the Texas Water Development Board and the Texas Commission on Environmental Quality. The City of Laredo will continue to implement additional activities and programs, as deemed necessary, in order to meet or exceed the specific and quantified water conservation goals listed below:

- (1) Maintain unaccounted-for water at ten (10) percent until year 2024 and reduce to less than ten (10) percent by 2029 through improved water use accounting system, leak detection, and leak repairs.
- (2) Maintain the gallons per capita per day (GPCD) consumption at one hundred thirty (130) GPCD.
- (3) Increase the beneficial reuse of effluent from the city's wastewater treatment facilities.
- (4) Continue to use increasing block rates for water and wastewater services to discourage excessive water usage.
- (5) Continue to implement the meter testing, repair, and replacement program, as well as leak detection efforts, in order to assist reducing the unaccounted-for water to less than ten (10) percent.
- (6) Continue to meet or exceed all Texas Commission on Environmental Quality (TCEQ) and Environmental Protection Agency (EPA) requirements.

These goals are consistent with commonly accepted water industry standards as required by the 30 Texas Administrative Code § 288.2, entitled "Water Conservation Plans for Municipal Uses by Public Water Suppliers" and the Texas Water Development Board.

See addendum for 5 and 10 year goals for Total, Residential and Water Loss GPCD

Sec. 31-200. - Water conservation program.

The City of Laredo's water conservation program is designed to provide practices, techniques, and technologies that help reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, and increase the recycling and reuse of water for the ultimate purpose of making available a water supply for future or alternative uses. The program is comprised of a water conservation planner and water conservation inspectors, who are responsible to implement water

conservation requirements and enforce all regulations established in the water conservation and drought contingency plans, also known as the water conservation and drought contingency ordinance.

Sec. 31-201. - Accurate metering devices.

Raw water diverted from the Rio Grande is metered, as well as the treated water that is sent to the booster pumping stations for distribution throughout the City of Laredo. Each meter has an accuracy within the range of plus or minus 5.0 percent. The meters must be calibrated at least annually by qualified personnel in order to maintain the required meter accuracy. Meters must be replaced or repaired, as deemed necessary.

Sec. 31-202. - Universal metering.

Metering all water services is an effective way of improving and maintaining control of the water system operations and for providing the basis of an efficient and equitable cost recovery. Metering provides a database for system performance monitoring, for planning future facilities, and for assessing the effects of water conservation measures. Metering also improves accountability for both water deliveries and unaccounted-for water losses.

A standard universal metering system is used to monitor the quantity of water that is delivered to each residential and commercial customer. Water delivered to public facilities is not an exception. Each public facility has a water meter. Water that is used for public services such as street cleaning/sweeping, graffiti removal, or firefighting training will need to use a temporary fire hydrant meter when using water from a fire hydrant to account for the total amount of water that is utilized. The water meters are read by the utility's meter readers and recorded on the city's system once per month, with billings made monthly to residential and commercial customers.

Effective August 2013, the City of Laredo Utilities Department began replacing or retrofitting current water meters with automated meters in addition to installing advanced metering infrastructure (AMI) in an effort to create efficiency, reliability, and use the latest technology. The meter replacement project was completed in 2016.

Sec. 31-203. - Unaccounted-for water use measures.

Unaccounted-for water, which includes authorized but unmetered uses of water such as firefighting and flushing of a waterline, is the difference between the treated water leaving the water treatment plants and the water delivered to the customers through a meter. There are several categories of unaccounted-for water, which include, but are not limited to:

- (1) Loss of water due to inaccuracies in older meters;
- (2) Loss of water due to water main breaks in the distribution system;
- (3) Loss of water due to waterline leaks in the distribution system;
- (4) Loss of water due to illegal connections and theft of water.

The City of Laredo Utilities Department will continue to use its sonic water leak detection equipment, as often as possible, when conducting periodic visual inspections along the distribution lines to detect water leaks.

Fire hydrant meters can only be installed, repaired, or replaced by utilities department staff. No person shall be allowed to open or close a fire hydrant or fire hydrant meter without having a training and certificate from the utilities department for having completed a mandatory training. The City of Laredo Fire Department is exempt from this mandatory training only during emergency firefighting operations and when conducting firefighting trainings at the fire training facility located at Pinto Valle. The fire department is not authorized to use water from any other fire hydrant throughout the City of Laredo for firefighting trainings or for washing of any units and/or fire protection equipment. Washing of any city units and/or fire protection equipment must be done at each corresponding fire station using water from the facility's water meter. Water from a fire hydrant shall not be used by any city department without a fire hydrant meter to maintain the streets of Laredo, such as: sweeping, removal of vectors, removal of graffiti, and other. Utilities staff are also prohibited from using water from a fire hydrant for any water-related operation

without a fire hydrant meter installed. This mandatory training will be free of charge and must be requested in writing addressed to the City of Laredo Utilities Department Director.

The utilities department customer service division developed a process to detect and prevent illegal connections. (refer to illegal connections Ordinance No. 2018-O-026 and as amended). When an illegal connection is identified, staff take pictures, remove the illegal connection and confiscate the illegal device used as a connection, send correspondence to the property owner, document the file, and impose a hefty illegal connection fee. Water conservation inspectors also assist by issuing a citation for theft of water services and for having an illegal connection and also file a police report against the alleged violator. The Laredo Police Department then proceeds with an investigation, which may lead to prosecution.

In order to reduce the loss of water due to the inaccuracies of older meters, the utilities department implemented the use of an automatic meter reading (AMR) system in August 2013. . The new AMR system replacement was completed in 2016 and has helped reduce the human-error factor in the reading of meters and has ultimately decreased the rate of unaccounted-for water. In order to maintain an effective metering accountability, periodic meter testing will be necessary, especially when meters are found to perform outside of the accepted parameters for accuracy.

In order to further assist in determining the amount and source(s) of water loss, the City of Laredo Utilities Department conducted a five-year comprehensive Water Audit and Meter Management Evaluation in 2016. The audit indicated the city has seen an improvement in Non-Revenue Water (NRW) since the 2006 water audit. Cost-effective measures for reducing water loss are recommended in the audit.

Sec. 31-204. - Public education and awareness program.

Public education and awareness is an essential component of the water conservation program. Various strategies are used to communicate the need for and benefits of water conservation and to provide useful consumer-oriented information about water conservation practices and technologies to utility customers.

The water conservation program currently implements Public awareness and educational activities within the community by conducting presentations, participating in events, preparing publications of water related flyers, advertisements, and other public relations messages.

Sec. 31-205. - Water rate and sewer rate structure.

The City of Laredo has a water rate increase plan as specified in Sec. 31-138 Water Rates. This water rate increase plan is a strategy placed in effect to discourage excessive use of water.

In addition to an escalating water rate structure, the City of Laredo adopted a sewer rate increase plan as specified in Sec. 31-92 Rates and Charges. This escalating water rate structure is a strategy placed in effect to discourage excessive use of water. The more water that is used, the higher that the sewer rate will be.

Sec. 31-206. - Reservoir systems operation plan.

The City of Laredo does not own a reservoir; therefore, a reservoir systems operation plan is not applicable to the city. The City of Laredo, however, shares the waters of the Rio Grande River, which serves as a natural boundary along the borders of Laredo, Texas, and Nuevo Laredo, Tamaulipas. The Amistad and Falcon Reservoirs are naturally connected to the Rio Grande River; therefore, the City of Laredo has a drought contingency plan in effect to help optimize the available water supplies of the Rio Grande River. (Refer to drought contingency plan.)

Sec. 31-207. - Implementation and enforcement of the water conservation plan.

The City of Laredo Utilities Director has the primary responsibility for implementing and enforcing this water conservation plan through the water conservation program. All water conservation orders described on this plan shall be enforced by the utility's water conservation inspectors and other utility personnel designated by the utilities director, such as code enforcement inspectors, code-certified personnel from other city departments, police officers, and the municipal court, as appropriate.

Any employee of the City of Laredo Utilities Department designated by the utilities director and police department or code-certified employees from another city department may issue a warning or citation to a person that he or she reasonably believes to be in violation of this water conservation plan. The alleged violator shall receive two (2) written warnings before receiving the first citation. The two (2) written warnings may be for violation of any section, or combination of sections, found on this water conservation plan. The citation, which shall be issued on the third offense and thereafter, shall be prepared in triplicate form and must contain the name and address of the alleged violator, if known, the offense charged, and shall direct him or her to appear at the City of Laredo Municipal Court on the date shown on the citation, which date shall be not less than five (5) days or more than ten (10) days from the date that the citation was issued. The citation must be issued to the alleged violator, an agent, manager, or employee of the violator, or to a person of age eighteen (18) years or older who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall be served with a copy of the citation, and a copy must be submitted to the water conservation program for data entry and recordkeeping. Any pictures taken as proof of violation shall also be submitted to the water conservation program with a copy of the citation. The original document(s) must be delivered to the City of Laredo Municipal Court for stamping and processing. The alleged violator shall appear at the City of Laredo Municipal Court to enter a plea of guilty or not guilty for the violation of this water conservation plan. If the alleged violator fails to appear in court, a warrant for his or her arrest may be issued by the City of Laredo Municipal Court. A summons to appear in court may also be issued in lieu of an arrest warrant. Cases involving a violation of the water conservation plan shall be expedited and given preferential setting at the City of Laredo Municipal Court before all other cases.

Sec. 31-208. - Penalties for violation of the water conservation plan.

After receiving two (2) written warnings for any section or combination of sections, a person who violates this water conservation plan shall be issued a citation and may be guilty of a class C misdemeanor. Upon citation and conviction, any person violating this provisions shall be subject to punishment as provided in Sec 31-132. All payments shall be made payable to the City of Laredo Municipal Court, as set forth in the City Code of Ordinances and approved and adopted by the city council.

Note: A previous violation shall not be considered if a period of one (1) year has elapsed since the violation was first incurred or the property is acquired by a new owner or tenant.

In the event that a citation is issued erroneously and submitted to the Laredo Municipal Court, the citation shall be voided by the person issuing the citation only with a written approval from the utilities director.

Sec. 31-209. - Coordination with regional water planning groups.

The service area of the City of Laredo is located within the Rio Grande Regional Planning Group, known as the Rio Grande Region (M). The City of Laredo had previously provided a copy of the existing Water Conservation and Drought Contingency Ordinance to this group as an effort to maintain a close coordination with the Rio Grande Region (M). Copies of any amendment to this ordinance(s) will continue to be provided to the Rio Grande Region (M) in order to maintain a close communication with them in regards to water conservation efforts implemented in the City of Laredo community or drought emergency triggers affecting the Rio Grande River along the Laredo border.

Sec. 31-210 Plan Review and Update

The City of Laredo Utilities Department shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The City of Laredo Utilities Department shall review and update the next revision of its water conservation plan not later than May 1, 2024, and every five years after that date to coincide with the regional water planning group. The revised plan must also include an implementation report.

Sec. 31-211. - Leak detection, repair, and water loss accounting.

Meter readers, water conservation inspectors, distribution crews, and other utility staff assist with detecting leaks caused by irrigation systems, meters, backflow devices, fire hydrants, waterlines, fire protection lines, and wastewater lines. When leaks are identified, the utility's emergency call center is notified to dispatch a serviceman from the responsible division to the location of the leak. The responsible division will do the necessary repairs to eliminate the leak or replace the faulty meter, fire hydrant, water line, or wastewater line, if necessary. If a meter, an irrigation system, or backflow device is found to be leaking on the private side, the property owner will be notified and issued a written warning for failure to repair a controllable leak. Failure to repair the private leak, after the second warning, will constitute a citation and incur the penalties established in this plan.

The utilities department plan uses a sonic water leak detection device to locate water leaks. The utilities department plans to implement a long-term water main replacement and upgrade program in an effort to reduce the number of waterline leaks and breaks. Based on a fifty-year life cycle, water lines will be replaced per year.

Water loss accounting to control water loss from water waste and unaccounted-for water are part of the utilities department's routine operations. The standard universal metering system, used by the utilities department, helps reduce the amount of unaccounted-for water. Meter readers, water conservation inspectors, and other utilities department staff assist by identifying and reporting any signs of illegal connections so that they are addressed as promptly as possible by the responsible division. Those who are found to be illegally connected to the city's water system face disconnection of water service, penalties, and convictions, as deemed necessary. Waterline leaks or breaks are reported to the utilities department by the public, 3-1-1 staff, or other city personnel and they are documented on NavilLine, a computerized system that helps document and track the status of any work order issued to the utilities department. Then distribution division crews respond quickly to repair or replace the waterlines and provide the proper information to complete the computerized reports. These strategies provide the ability to generate a more accurate estimate of the actual water losses and also help evaluate costs and benefits associated with leak detection, repair, and/or replacement of main waterlines.

Sec. 31-212. - Record management system.

The utility owns and operates two water treatment plants. Staff maintain daily reports, which document the total plant flows and daily average water demands measured in million gallons of water per day.

Water sales are reported by the utility's customer service division on a daily basis as new water customers pay for the connection of a new regular or irrigation meter. A customer information system is used to control the water delivered to each customer on a monthly basis according to the meter reading dates. The customer service division is responsible for maintaining the customer billing accounts current. In addition, the customer service division processes applications for temporary fire hydrant meters and installs temporary meters for contractors who need to use water from a fire hydrant for construction purposes. The temporary meter registers the amount of water released through the fire hydrant, and the water used is then paid for by the contractor. The utilities department customer service division recently underwent a new billing system by changing the format from postcard to full page. The new format includes the consumption used by the customer in addition to a bar graph that demonstrates a one-year history of water usage displayed on a monthly total. Plus, the new format allows for important text messages to be included on the full page document to ensure that all customers receive the important message intended.

Water sales are also reported by the utility's engineering division as it bills contractors or developers for the total amount of water used to flush the water lines, conduct pressure tests, and conduct bacteriological tests for their development.

This record management system used by the utility records the water pumped, water delivered, water sales, and water losses for all water customers at all times.

Sec. 31-213. - Conservation-oriented water rates and water rate structures.

The utility instituted an increasing water block rate schedule in April 2006, for a period of thirty-one (31) years, as approved by city council, categorizing a water rate structure for each of the following block

tiers: residential, multi-family, residential irrigation, commercial, commercial irrigation, and commercial hydrant. As the water consumption increases, the water rate also increases, thereby, discouraging the use of excessive water use serving as an indirect conservation-oriented water rate structure. The water rate increase plan is as specified in Sec. 31-138 Water Rates. The sewer rate increase plan is as specified in Sec. 31-92 Rates and Charges.

Sec. 31-214. - Water-conserving plumbing fixtures.

Under the Texas Health and Safety Code, Section 372.002, "Water Saving Performance Standards," water-conserving plumbing fixtures are required by all local municipalities in the State of Texas for new structures and existing structures undergoing substantial modification or addition.

Water conserving fixtures are required by the City of Laredo as per the 2012 edition of the International Plumbing Code as adopted and referenced in Section 25-3.

Sec. 31-215. - Reuse and recycling of wastewater.

Wastewater is water that has already been used, such as water from sinks, showers, bathtubs, toilets, washing machines, and dishwashers. Many businesses, industries, and even storm runoff contributes to these waste products. However, most of this wastewater can be reused and recycled as a way to conserve water.

- (1) *Wastewater reuse program:* The City of Laredo Utilities Department has a wastewater reuse program, in which effluent is used at the wastewater treatment plant for many beneficial purposes. Effluent, which is treated wastewater that meets the requirements of the Texas Commission on Environmental Quality and is suitable for a beneficial use, is used by the utility for washdowns, dust control, cleaning of equipment, tank washing, and for site irrigation including the Laredo Country Club Golf Course and the Casa Blanca State Park Golf Course. Other assessments shall be made to determine the feasibility of reusing effluent to irrigate city parks and athletic fields.
- (2) *Vehicle wash facilities:* Water recycling systems shall be installed at any type of vehicle wash facility that is new or that is undergoing renovations. From and after the effective date of this division, vehicle wash facilities shall reuse at least fifty (50) percent of water from previous rinses or use less than fifty (50) gallons of water per vehicle being washed.

Documentation shall be submitted to the City of Laredo Utilities Department certifying the water recycling system meets the requirement.
- (3) *Bleeder lines from evaporative systems:* New and replacement bleeder lines from evaporative systems shall not be larger than one-eighth (1/8) inch diameter inside. Lines shall be directed to discharge the effluent outdoors to irrigate landscaping or other vegetation, if possible, except where this would be impractical or unfeasible as determined by the utilities director.
- (4) *Single-pass cooling or heating systems:* The use of water for nonresidential single-pass cooling or heating systems is strictly prohibited, unless the water is reused and recycled for other purposes such as irrigating landscaping or other vegetation. These efforts will help wastewater to be recycled and reused throughout the city.

Sec. 31-216 - Pressure control and reduction.

Pressure is the force that determines how much water can pass through a faucet, valve, pipe, or hole at any given time. Pressure reduction valves are used to adjust the pressure. If a faucet can have a flow rate ranging from 3.0 to 5.6 gallons per minute at one hundred fifty (150) pounds per square inch (psi), it is evident that pressure control and reduction is of utmost importance. Reducing the pressure causes less water to flow through the opened valve or faucet in a given time. Pressure reduction also saves water by reducing the mechanical stress placed on plumbing fixtures and appliances, and more importantly by reducing the stress placed on the distribution system, which usually leads to waterline breaks. Pressure reduction valves shall be installed where the system pressures exceed eighty (80) psi.

Sec. 31-217. - Landscape requirements.

From and after the effective date of this division, all new construction will be recommended to offer a Xeriscape option. An approved low water plant list for Laredo which lists all plants, shrubs, vines, groundcovers, perennials, ornamental grasses, trees, and turf grasses suitable for Laredo is available through the water conservation program as Exhibit A on the City of Laredo Utilities Department website.

Recommendation for existing public facilities: It is strongly recommended that all landscaping on existing public schools, municipal, county, state, and federal buildings, including public libraries and public parks, be converted to Xeriscape within ten (10) years from the effective date of this division.

Sec. 31-218. - Landscape and outdoor water management.

Under this division, customers will be allowed to use water outdoors any day at any time; unless a more stringent drought triggering stage from the drought contingency ordinance is declared.

The following are outdoor water management requirements:

- (a) Hand-watering using a handheld hose with a positive shut-off nozzle shall be permitted any day at any time. Leaving a water hose unattended is strictly prohibited.
- (b) Vehicle washing shall be permitted on Saturdays and Sundays any time during the day using a bucket and handheld hose with a positive shut-off nozzle. Using a leaking faucet or a leaking water hose is strictly prohibited.
- (c) Every outdoor faucet in residential, commercial, or public facility shall have a hose bibb vacuum breaker installed in order to prevent water contamination to the facility and the city's water system. Effective January 2014, all hose bibb vacuum breakers shall be lead free.
- (d) Washing sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas shall only be permitted if a high pressure washer not to exceed 4.5 gallons per minute is used. Washing a street is strictly prohibited, unless it is done by a city department to eliminate a public hazard.

The provisions of the water conservation plan shall not be interpreted as part of or in lieu of the city's drought contingency plan. During a more stringent drought triggering stage, the outdoor water use conditions from the drought contingency plan shall supersede this division. (Refer to drought contingency ordinance.)

Sec. 31-219 – Reserved

Sec. 31-220. - Other water management strategies.

- (a) *Vehicle wash fundraisers:* Vehicle washing for fundraising purposes by schools, non-profit organizations, or charity organizations shall require a one-day permit from the City of Laredo Utilities Department. An application for a one-day permit must be obtained from the water conservation program. A complete application shall be submitted to the water conservation program at least five (5) days before the day of the event. A fee of ten dollars (\$10.00) shall be charged for each permit, and funds are to be deposited into a "Utilities Department fund" in the city's annual budget. Funds from the "Utilities Department fund" shall be used for programs related to water conservation, which include, but are not limited to, educational programs, free giveaway programs, and other water conservation programs for the community. Payments shall be made by check or money order and made payable to the City of Laredo Utilities Department. Upon receiving payment of ten dollars (\$10.00) for each car washing fundraising activity, the water conservation program will issue a one-day permit (not to exceed five (5) hours), approved by the utilities director, with instructions on water conservation strategies, and one (1) hose bibb vacuum breaker to be placed on the outdoor faucet at the location of the event to help protect the city's water system from any possible contamination. The school or non-profit organization shall be responsible to purchase additional hose bibb vacuum breakers from any local hardware store when using more than one (1) outdoor faucet at the same location.
- (b) *Mobile vehicle washing:* Mobile vehicle washing, which provides on-site services, will not be permitted, unless an eco-friendly vehicle washing system is used that features a super fine mist of 1.6 gallons of water per minute or less. Only dry mobile-washing, which is a waterless way of washing a vehicle, shall be permitted any day at any time.

Sec. 31-221. - Performance measurement tools.

In an effort to monitor the effectiveness and efficiency of the existing water conservation and drought contingency ordinance, a water conservation database is used to document the number of watering violations throughout the city. The database can generate reports by type of violation, address of violation, date of violation, and by inspector name. The alleged violators receive water conservation pamphlets that help educate the customer and prevent the violation from reoccurring.

The utility's water treatment plants also generate reports that show the water consumption on a daily, weekly, or monthly basis, which help make comparisons as needed. This report is a type of performance measurement tool that helps monitor the raw water intake and water treated at the water treatment plants and the delivery of potable water to the distribution system.

Additional performance measures will be implemented to monitor the effectiveness and efficiency of this division, as deemed necessary.

Sec. 31-222. - Citizen participation.

All citizens are encouraged to participate in water conservation and to report any violation of this division to the City of Laredo Utilities Department—Main Office at (956) 721-2000, the Water Conservation Program at (956) 721-2020, or the 311 Call Center at 3-1-1.

Sec. 31-223. - Exempted parties.

Owners of water wells, owners of water rights, and effluent users are exempt from the provisions of this division, except that they are prohibited from allowing water to spray or run off in any street, gutter, ditch, or drain, or to any adjacent property.

Customers using effluent for irrigation or other purposes shall have an approved written agreement from the City of Laredo Utilities Department.

Sec. 31-224. - Variances.

The utilities director has the authority to approve a variance for irrigation of new landscaping and irrigation of athletic fields, on a case-by-case [basis].

Secs. 31-225 – Sec. 31-235. - Reserved.

Sec. 31-236. - Drought contingency plan for city utilities.

- (a) *Declaration of purpose and objective.* The purpose of the city's drought contingency plan is to establish procedures for identifying and responding to a water supply emergency. The overall objective is to minimize any risks to public health and safety, preserve essential public services, and minimize any adverse impacts of a water supply emergency on the residents and economic well-being of the city. Every five (5) years, unless it is necessary earlier, this drought contingency plan will be reviewed and updated to ensure that the City of Laredo Utilities Department maintains the necessary established procedures for identifying and responding to any water supply emergency.
- (b) *Public involvement.* The City of Laredo will periodically provide the public 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 public events, press releases, bill inserts and news. In addition, the City Utilities Advisory Commission, made up from persons appointed by the mayor and council members, was created and discusses, as needed, ways to improve the implementation of the existing plan and to provide improved ways of reducing water consumption levels. A quarterly report from the commissions meetings will be made available to the public. At this time, any additional amendments made to the drought contingency plan may include similar strategies in an effort to promote more public involvement and feedback.
- (c) *Public education.* The city public utilities director or designee will maintain in a current condition, information about the city's water supplies, including water levels of the Amistad Reservoir, and shall provide this information to the mayor and city council, as appropriate. When the capacity of the Amistad Reservoir, emergency conditions exist, or the water treatment demand reach trigger levels, as specified in the stages of the drought contingency plan, the full range of information, goals, demand reduction measures, and penalties for each respective stage, as stated in the plan, will be communicated to the city's water customers. At that time, the drought contingency plan's mandatory stages will be declared depending on the severity of the conditions. The means of communication will be by public announcements in newspapers, radio, television and printed bulletins which will be posted at Laredo City Hall and, when warranted, will be either mailed or hand delivered to water customers. In addition, a message about the activation of the drought contingency plan will be included on the water bills, City of Laredo website, and staff from the utilities emergency call center and the 3-1-1 program will be provided detailed information to notify callers and improve customer service. Interviews, including a press conference, with all media sources will be made available by the City of Laredo Utilities Department in both languages, English and Spanish.
- (d) *Coordination with regional water planning groups.* The service area of the City of Laredo is located within the Rio Grande Regional Planning Group, known as the Rio Grande Region (M). The City of Laredo had previously provided a copy of the existing water conservation and drought contingency ordinance to this group as an effort to maintain a close coordination with the Rio Grande Region (M). Copies of any amendment to this division will continue to be provided to the Rio Grande Region (M) Group in order to maintain a close communication with them in regards to water conservation efforts implemented for the City of Laredo community or drought emergency triggers affecting the Rio Grande River along the Laredo border.
- (e) *Authorization.* The mayor or the city manager is authorized to implement each stage of the drought contingency plan as the respective trigger levels are reached. The order to implement or terminate each respective stage shall be made by public announcement and shall be published at least one (1) time in a newspaper of general circulation in the city.
- (f) *Application.* The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city. The terms "person" and "customer" as used in the plan includes individuals, corporations, partnerships, associations, and all other legal entities.
- (g) *Definitions:* Refer to Sec. 31-16 for Drought Contingency Plan Definitions

Sec. 31-237. - Triggering criteria for initiation and termination of drought response stages.

Because of the stresses that sustained high peak water demands will place on the city's water system, the trigger conditions for the city drought contingency plan are based on excessive demand, as indicated in table 1. The water treatment plant (WTP) capacity described on table 1 is a combined total of 65 MGD for the Jefferson Water Treatment Plant and 20 MGD for the El Pico Water Treatment Plant.

TABLE 1 - WATER DEMAND TRIGGER CONDITIONS			
EXISTING WTP CAPACITY OF 85 MGD			
Water Use in Gallons Per Day	Duration - Consecutive Days	Classification	Stage
If water usage falls within the following ranges:			
Plant Capacity Total Flow of 85 MGD Less than 85% Equals less than 72.25 MGD	5 days	Mild Drought Conditions	Stage 1 - Voluntary
Plant Capacity Total Flow of 85 MGD 85% Equals 72.25 MGD	3 days	Moderate Drought Conditions	Stage 2 - Mandatory
Plant Capacity Total Flow of 85 MGD 90% Equals 76.5 MGD	1 day	Severe Drought Conditions	Stage 3 - Mandatory
Plant Capacity Total Flow of 85 MGD 95% Equals 80.75 MGD	1 day	Emergency Drought Conditions	Stage 4 - Mandatory

In addition to the established trigger conditions based on water demand, the city has adopted the "regional" trigger conditions based upon the percent capacity of U.S. Waters contained within the Amistad Reservoir.

RECOMMENDED WATER LEVELS FOR IMPLEMENTATION OF VARIOUS DROUGHT CONTINGENCY PHASES

Minimum level of U.S. water storage in Amistad Reservoir at which phases/stages of municipal drought contingency plans will be implemented on a regional basis.

Phase—Voluntary conservation trigger. When the level of U.S. water stored in Amistad Reservoir reaches fifty-one (51) or one and sixty-six hundredths (1.66) million acre-feet (MAF), voluntary stage of conservation may be put into effect. This phase consists of voluntary water conservation action to be taken by the general public, governmental agencies and all water users of waters from the Rio Grande River below Amistad Dam on the Rio Grande. Customers of the municipal water systems in the region shall be requested to voluntarily conserve and limit the use of water.

Phase—Mandatory conservation trigger. When the levels of U.S. water stored in Amistad Reservoir reaches twenty-five (25) or eight hundred thirty-four thousand six hundred (834,600) acre-feet, mandatory conservation may be declared. This phase consists of mandatory restrictions of the use of water and imposing of penalties and sanctions for violations of set restrictions.

Phase—Water curtailment trigger. When the level of U.S. water stored in Amistad Reservoir reaches fifteen (15) or five hundred four thousand six hundred (504,600) acre-feet, this phase may be implemented. This phase reduces the maximum amounts of monthly water usage for residential and non-residential customers and imposes surcharges, irrigation meter cut-offs, and other sanctions for violations. In addition to the established trigger conditions based on water demand or reservoir levels, the

mayor, or designee, will have the authority to declare an emergency water demand condition of mild, moderate or severe under the following conditions:

- (1) System-related problems, such as equipment failures and line breaks; and
- (2) Other conditions that may affect or otherwise limit the city's ability to meet the demand for water for a forty-eight-hour period.

Sec. 31-238. - Drought response stages.

Stage 1—Voluntary.

- (1) *Triggering level.* Amistad conservation level is fifty-one (51) percent or WTP capacity is less than eighty-five (85) percent for five (5) consecutive days.
- (2) *Cumulative reduction goal.* Five (5) percent.

Voluntary conservation alert. Customers of the city's utility system during Stage 1 are requested to voluntarily limit the amount of water used to that amount absolutely necessary for health, business, and irrigation. Notice of such request shall be given by the city manager and/or mayor through appropriate circular, television, radio and newspaper media at the mayor's discretion.

The following uses of water are defined as waste of water and are absolutely prohibited:

- (1) Allowing irrigation water to run off into a gutter, ditch or drain including the street or adjacent property;
- (2) Failure to repair a controllable leak from a faucet, hose, sprinkler, backflow preventer, or meter.

Stage 2—Mandatory.

Mandatory compliance—Water shortage advisory.

- (1) *Triggering level.* Amistad conservation level is twenty-five (25) percent or WTP capacity is eighty-five (85) percent for three (3) consecutive days.
- (2) *Cumulative reduction goal.* Ten (10) percent.

During Stage 2, the following restrictions shall apply to all persons. Notice of such order shall be given by the city manager and/or mayor through appropriate circular, television, radio and newspaper media at the mayor's discretion. All elements of Stage 1 shall remain in effect except that:

- a. Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs and other plants is prohibited except during designated hours which shall be before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to water between designated hours on Mondays, Wednesdays, and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, and 9) are only allowed to water between designated hours on Tuesdays, Thursdays, and Saturdays. In order to allow all water storage tanks to refill, watering on Sundays is strictly prohibited.

Irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at any time if:

1. A continuously attended hand-held hose is used; or
2. A drip irrigation system is used. (Soaker hoses are not drip irrigation systems.)

Exception: Commercial nurseries commercial sod farmers and similarly situated establishments are exempt from Stage 2 irrigation restrictions, but will be requested to curtail all nonessential water use.

- b. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited except on designated hours before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to wash mobile equipment between designated hours on Mondays, Wednesdays, and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, and 9) are only allowed to wash mobile equipment between designated hours on Tuesdays, Thursdays, and Saturdays. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. In order to allow all water storage tanks to refill, washing mobile equipment on Sundays is strictly prohibited.

Exception: Washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from this division if the health, safety and welfare of the public are contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.

- c. The refilling or adding of water to residential swimming and/or wading pools is prohibited except on designated hours before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to use water for this purpose between designated hours on Mondays, Wednesdays, and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water for this purpose between designated hours on Tuesdays, Thursdays and Saturdays. In order to allow all water storage tanks to refill, the refilling or adding of water to residential swimming and/or wading pools on Sundays is strictly prohibited.
- d. The operation of any ornamental fountain or other structure making similar use of water is prohibited except for those fountains or structures with a recycling system.
- e. The use of water for irrigation for parks, plazas, and squares is prohibited except on designated hours before 8:00 a.m. and after 8:00 p.m. of the designated days. The irrigation of golf course fairway is absolutely prohibited. Utilizing wastewater effluent or well water is exempted from the provisions of this division.

f. Essential and utility use.

Essential use.

1. Firefighting. No restrictions.
2. Medical use by health care facilities. No restrictions.

Water utility use.

1. Reduction of average system pressure to fifty (50) psi is recommended.
2. Leak detection and system repairs are recommended.
3. Stabilizing and equalizing system pressure is recommended.
4. Sewer line flushing: reduction is recommended.
5. Fire hydrant flushing: reduction is recommended.
6. Power production use: reduction of water use for power production is recommended.

g. The following uses of water are defined as waste of water and are absolutely prohibited:

1. Allowing irrigation water to run off into a gutter, ditch, drain, sidewalk, or street;
2. Failure to repair a controllable leak;
3. Washing sidewalks, streets, driveways, parking area, tennis courts, or other paved areas, except to alleviate immediate fire hazards.

- h. Irrigation using hose-end sprinklers or automatic sprinkler systems for athletic fields is prohibited except during designated hours which shall be before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to water between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, and 9) are only allowed to water between designated hours on Tuesdays, Thursdays and Saturdays. Irrigation using hand-held hoses or drip irrigation systems is exempt. In order to allow all water storage tanks to refill, irrigating an athletic field using hose-end sprinklers or automatic sprinkler systems on Sundays is strictly prohibited.

Stage 3—Mandatory.

- (1) *Triggering level.* Amistad conservation level is twenty (20) percent or WTP capacity is ninety (90) percent for one (1) day.
- (2) *Cumulative reduction goal.* Thirty (30) percent.

Mandatory compliance—Water shortage alert. During Stage 3 the following restrictions shall apply to all persons. All elements of Stage 2 shall remain in effect in Stage 3 except that:

- a. Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs and other plants is prohibited except during designated hours which shall be before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to water between designated hours on Wednesdays of each week. Customers with an address ending in an odd number (1, 3, 5, 7, and 9) are only allowed to water between designated hours on Saturdays of each week.

Irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at any time if:

1. A continuously attended hand-held hose is used; or
2. A drip irrigation system is used. (Soaker hoses are not drip irrigation systems.)

Exception: Commercial nurseries, commercial sod farmers, and similarly situated establishments are exempt from Stage 3 irrigation restrictions, but will be requested to curtail all nonessential water use.

- b. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited except on designated hours before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to wash mobile equipment between designated hours on Wednesdays of each week. Customers with an address ending in an odd number (1, 3, 5, 7, and 9) are only allowed to wash mobile equipment between designated hours on Saturdays of each week. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses.

Exception: Washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from this division if the health, safety and welfare of the public are contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.

- c. The refilling or adding of water to residential swimming and/or wading pools is prohibited except on designated hours before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to use water for this purpose between designated hours on Wednesdays of each week. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water for this purpose between designated hours on Saturdays of each week.

- d. The operation of any ornamental fountain or other structure making similar use of water is prohibited except for those fountains or structures with a recycling system.
- e. The use of water for irrigation for parks, plazas, and squares is prohibited except on designated hours before 8:00 a.m. and after 8:00 p.m. of the designated days. The irrigation of golf course fairway is absolutely prohibited. Utilizing wastewater effluent or well water is exempted from the provisions of this division.
- f. Essential and utility use.
 - Essential use.
 - 1. Firefighting. No restrictions.
 - 2. Medical use by health care facilities. No restrictions.
 - Water utility use.
 - 1. Reduction of average system pressure to (fifty (50) psi is recommended.
 - 2. Leak detection and system repairs are recommended.
 - 3. Stabilizing and equalizing system pressure is recommended.
 - 4. Sewer line flushing: reduction is recommended.
 - 5. Fire hydrant flushing: reduction is recommended.
 - 6. Power production use: reduction of water use for power production is recommended.
- g. The following uses of water are defined as waste of water and are absolutely prohibited:
 - 1. Allowing irrigation water to run off into a gutter, ditch, drain, sidewalk, or street;
 - 2. Failure to repair a controllable leak;
 - 3. Washing sidewalks, streets, driveways, parking area, tennis courts, or other paved areas, except to alleviate immediate fire hazards.
- h. Irrigation using hose-end sprinklers or automatic sprinkler systems for athletic fields is prohibited except during designated hours which shall be before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to water between designated hours on Wednesdays. Customers with an address ending in an odd number (1, 3, 5, 7, and 9) are only allowed to water between designated hours on Saturdays. Irrigation using hand-held hoses or drip irrigation systems is exempt.
- i. No bulk water sales shall be made from the city or water points for any purpose when such water will be transported by any tanker truck or similar type vehicle outside the City of Laredo except for domestic or residential use or for livestock as approved by the utilities director.
- j. Fire hydrant water sales shall cease. Users shall be directed to obtain effluent from the wastewater treatment plants as available. Potable water shall only be made available for direct human consumption, to maintain sanitary conditions and for livestock only with written approval from the utilities director.

Stage 4—Mandatory.

- (1) *Triggering level.* Amistad conservation level is less than twenty (20) percent or WTP capacity is ninety-five (95) percent for one (1) day.
- (2) *Cumulative reduction goal.* Thirty-five (35) percent.

Mandatory compliance—Water shortage emergency. During Stage 4 the following restrictions shall apply to all persons. All elements of Stage 3 shall remain in effect in Stage 4 except that:

- a. No applications for new, additional, either expanded or increased in-size water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved or installed except as approved by the city utilities director.
- b. All locations of water use to non-essential industrial and commercial customers shall be reduced to amounts as established by the city utilities director.
- c. The maximum monthly water use allocation for residential customers may be established with revised rate schedules and penalties by the city council upon recommendation by the city utilities director.
- d. Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs and other plants is prohibited. Irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is not permitted at any time. Commercial nurseries, commercial sod farmers, and similarly situated establishments are not exempt from Stage 4 irrigation restrictions. During Stage 4, the use of hand-held hoses or drip irrigation systems is not allowed. Zero tolerance in outdoor water usage.
- e. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited.
 Exception: Washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from this division if the health, safety and welfare of the public are contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.
- f. The refilling or adding of water to residential swimming and/or wading pools is prohibited.
- g. The operation of any ornamental fountain or other structure making similar use of water is prohibited except for those fountains or structures with a recycling system.
- h. The use of water for irrigation for parks, plazas, and squares is prohibited. The irrigation of golf course fairway is absolutely prohibited. Utilizing wastewater effluent or well water is exempted from the provisions of this division.
- i. Irrigation for athletic fields is prohibited.
- j. A water use surcharge of twenty dollars (\$20.00) shall be levied against all customers that use over fifteen thousand (15,000) gallons per month.
- k. All customers shall conserve a minimum of fifteen (15) percent of water.
- l. Any irrigation system found irrigating at any time during a Stage 4 will result in the irrigation meter to be cut off temporarily until Stage 4 is lifted or reversed to a Stage 3, Stage 2, or a Stage 1.

Sec. 31-239. - Implementation and enforcement of the drought contingency plan.

The City of Laredo Utilities Director has the primary responsibility for implementing and enforcing this drought contingency plan through the water conservation program. All water conservation orders described on this plan shall be enforced by the utility's water conservation inspectors and other utility personnel designated by the utilities director, such as code enforcement inspectors, code-certified personnel from other city departments, police officers, and the municipal court, as appropriate. Any employee of the City of Laredo Utilities Department designated by the utilities director and police department or code-certified employees from another city department may issue a warning or citation to a person that he or she reasonably believes to be in violation of this drought contingency plan.

During Stage 2, the alleged violator shall receive two (2) written warning before receiving the first citation. The two (2) written warnings may be for violation of any section, or combination of sections, found on this drought contingency plan. During Stage 3, the alleged violator shall receive only one (1) written warning before receiving the first citation. During Stage 4, the alleged violator shall receive zero

(0) written warnings before receiving the first citation. No prior written warnings shall be required prior to issuing a citation during a Stage 4.

The citation shall be prepared in triplicate form and must contain the name and address of the alleged violator, if known, the offense charged, and shall direct him or her to appear at the City of Laredo Municipal Court on the date shown on the citation, which date shall be not less than five (5) days or more than ten (10) days from the date that the citation was issued. The citation must be issued to the alleged violator, an agent, manager, or employee of the violator, or to a person of age eighteen (18) years or older who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall be served with a copy of the citation, and a copy must be submitted to the water conservation program for data entry and recordkeeping. Any pictures taken as proof of violation shall also be submitted to the water conservation program with a copy of the citation. The original document(s) must be delivered to the City of Laredo Municipal Court for stamping and processing. The alleged violator shall appear at the City of Laredo Municipal Court to enter a plea of guilty or not guilty for the violation of this drought contingency plan. If the alleged violator fails to appear in court, a warrant for his or her arrest may be issued by the City of Laredo Municipal Court. A summons to appear in court may also be issued in lieu of an arrest warrant. Cases involving a violation of the drought contingency plan shall be expedited and given preferential setting at the City of Laredo Municipal Court before all other cases.

Note: During a Stage 4, any customer found utilizing over fifteen thousand (15,000) gallons of water per month, will receive a water use surcharge of twenty dollars (\$20.00) billed by the utilities customer service division. The fee will be added to the regular monthly payment of the account responsible for paying the water services delivered to the meter at the property in violation. In addition, any irrigation system found irrigating at any time during a Stage 4 will result in the irrigation meter to be shut off temporarily until Stage 4 is lifted or reversed to a Stage 3, Stage 2, or a Stage 1.

Sec. 31-240. - Penalties for violation of the drought contingency plan.

After receiving two (2) written warnings for any section or combination of sections during a Stage 2, one (1) written warning during a Stage 3, or zero (0) written warnings during a Stage 4, a person who violates this drought contingency plan shall be issued a citation and may be guilty of a class C misdemeanor. Upon citation and conviction, any person violating this provisions shall be subject to punishment as provided in Sec 31-132 .. All payments shall be made payable to the City of Laredo Municipal Court, as set forth in the City Code of Ordinances and approved and adopted by the city council.

Note: A previous violation shall not be considered if a period of one (1) year has elapsed since the violation was first incurred or the property is acquired by a new owner or tenant. In the event that a citation is issued erroneously and submitted to the Laredo Municipal Court, the citation shall be voided by the person issuing the citation only with a written approval from the utilities director.

Sec. 31-241. - Variances.

The city manager, or his/her designee, including the utilities director, may in writing, grant temporary variance for existing water uses otherwise prohibited under this plan when it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one (1) or more of the following conditions are met:

- (1) 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.
- (2) Alternative methods can be implemented and will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this division shall file a written petition for a variance with the city utilities department within five (5) days after Stage 2, Stage 3, or Stage 4 has been declared. All petitions for variances shall be reviewed by the city manager, or his/her designee, including the utilities director, and shall include the following:

- (1) Name, address, and contact information of the petitioner(s).
- (2) Purpose of water use in detail.

- (3) Specific provision(s) of the plan from which the petitioner is requesting relief.
- (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this division.
- (5) Description of the relief requested.
- (6) Period of time for which the variance is sought.
- (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.
- (8) Other pertinent information.

Variances granted by the city utilities department shall be subject to the following conditions, unless waived or modified by the city manager or his/her designee:

- (1) 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 variances shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

Any petitioner requesting a variance will agree to follow certain watering conditions, as described in the approved variance, and violation of such conditions will result in a water waste fine without prior written warning(s).

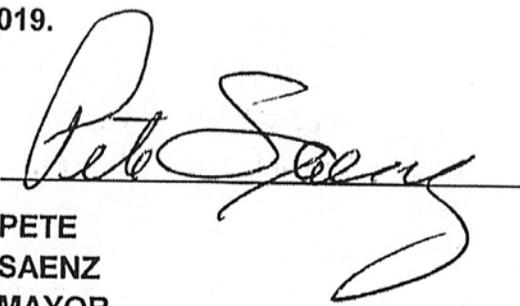
Sec. 31-242. - Exempted parties.

Owners of water wells, owners of water rights, and effluent users are exempt from the provisions of this division, except that they are prohibited from allowing water to spray or run off in any street, gutter, ditch, or drain, or to any adjacent property.

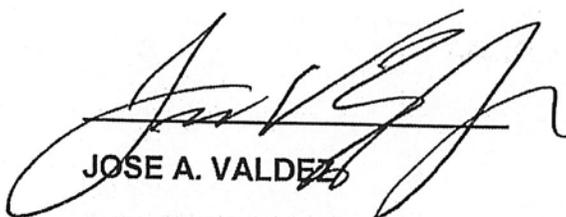
Customers using effluent for irrigation or other purposes shall have an approved written agreement from the City of Laredo Utilities Department.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE
MAYOR ON THIS

THE 19 DAY OF August, 2019.

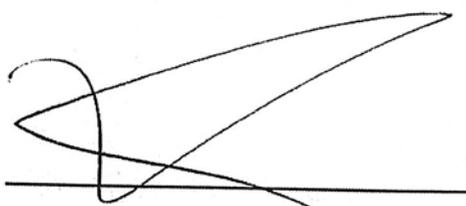

PETE
SAENZ
MAYOR

ATTEST:


JOSE A. VALDEZ
CITY SECRETARY



APPROVED AS TO FORM:


KRISTINA LAUREL HALE
CITY ATTORNEY

Final Reading of Ordinances 41.

City Council-Regular

Meeting Date: 08/19/2019

Initiated By: Robert A. Eads, Co-Interim City Manager

Staff Source: Riazul I. Mia, P.E., CFM - Utilities Director

SUBJECT

2019-O-139 Amending Chapter 31 (Utilities), Article II, division 1, Section 31-16, Article III, Division 4 by deleting sections 31-141.15-31-141.88 and creating Article V (Water conservation and drought contingency plan) sections 31-195 through 31-242. Amending sections 31-195, 31-197, 31-199, 31-200 through 31-205, 31-208, 31-212, 31-213, 31-214, 31-215, 31-217, 31-220, , 31-221, 31-228, 31-236, 31-238, 31-240. Adding section 31-210 and removing section 31-219. Providing for severability and publication date.

VENDOR INFORMATION FOR COMMITTEE AGENDA

NONE

PREVIOUS COUNCIL ACTION

On April 21, 2014, the final reading of Ordinance 2014-O-048 was approved by City Council.

On August 05, 2019, the City Council Introduced the Ordinance to amend the Water Conservation and Drought Contingency Plans.

BACKGROUND

The Texas Commission on Environmental Quality requires an update to all municipal water conservation and drought contingency plans every five years, in which this amendment is due by August 1, 2019. The Texas Water Development Board requires a copy of all municipal water conservation and drought contingency plans in order to qualify for further funding. As result, the City of Laredo Utilities Department developed a water conservation plan and drought contingency plan to be adopted as a combined ordinance officially named the Water Conservation and Drought Contingency Ordinance. Implementation of this ordinance will help reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, and increase the recycling and reuse of water for the ultimate purpose of making a water supply available for future or alternative uses. In addition, implementation of this ordinance will help establish procedures for identifying and responding to a water supply emergency minimizing any risks to public health and safety, preserving essential public services, and minimizing any adverse impacts of a water supply emergency on the residents and economic well-being of the city.

COMMITTEE RECOMMENDATION

Utilities Advisory Committee approved the proposed changes.

STAFF RECOMMENDATION

Amendment of Ordinance

Fiscal Impact

Fiscal Year: 2019

Budgeted Y/N?: N/A

Source of Funds: N/A

Account #: N/A

Change Order: Exceeds 25% Y/N: N

FINANCIAL IMPACT:

No financial impact.

Attachments

Water Conservation and Drought Contingency Plans

(over)

Sec. 31-236. - Drought contingency plan for city utilities.

- (a) *Declaration of purpose and objective.* The purpose of the city's drought contingency plan is to establish procedures for identifying and responding to a water supply emergency. The overall objective is to minimize any risks to public health and safety, preserve essential public services, and minimize any adverse impacts of a water supply emergency on the residents and economic well-being of the city. Every five (5) years, unless it is necessary earlier, this drought contingency plan will be reviewed and updated to ensure that the City of Laredo Utilities Department maintains the necessary established procedures for identifying and responding to any water supply emergency.
- (b) *Public involvement.* The City of Laredo will periodically provide the public 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 public events, press releases, bill inserts and news. In addition, the City Utilities Advisory Commission, made up from persons appointed by the mayor and council members, was created and discusses, as needed, ways to improve the implementation of the existing plan and to provide improved ways of reducing water consumption levels. A quarterly report from the commissions meetings will be made available to the public. At this time, any additional amendments made to the drought contingency plan may include similar strategies in an effort to promote more public involvement and feedback.
- (c) *Public education.* The city public utilities director or designee will maintain in a current condition, information about the city's water supplies, including water levels of the Amistad Reservoir, and shall provide this information to the mayor and city council, as appropriate. When the capacity of the Amistad Reservoir, emergency conditions exist, or the water treatment demand reach trigger levels, as specified in the stages of the drought contingency plan, the full range of information, goals, demand reduction measures, and penalties for each respective stage, as stated in the plan, will be communicated to the city's water customers. At that time, the drought contingency plan's mandatory stages will be declared depending on the severity of the conditions. The means of communication will be by public announcements in newspapers, radio, television and printed bulletins which will be posted at Laredo City Hall and, when warranted, will be either mailed or hand delivered to water customers. In addition, a message about the activation of the drought contingency plan will be included on the water bills, City of Laredo website, and staff from the utilities emergency call center and the 3-1-1 program will be provided detailed information to notify callers and improve customer service. Interviews, including a press conference, with all media sources will be made available by the City of Laredo Utilities Department in both languages, English and Spanish.
- (d) *Coordination with regional water planning groups.* The service area of the City of Laredo is located within the Rio Grande Regional Planning Group, known as the Rio Grande Region (M). The City of Laredo had previously provided a copy of the existing water conservation and drought contingency ordinance to this group as an effort to maintain a close coordination with the Rio Grande Region (M). Copies of any amendment to this division will continue to be provided to the Rio Grande Region (M) Group in order to maintain a close communication with them in regards to water conservation efforts implemented for the City of Laredo community or drought emergency triggers affecting the Rio Grande River along the Laredo border.
- (e) *Authorization.* The mayor or the city manager is authorized to implement each stage of the drought contingency plan as the respective trigger levels are reached. The order to implement or terminate each respective stage shall be made by public announcement and shall be published at least one (1) time in a newspaper of general circulation in the city.
- (f) *Application.* The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city. The terms "person" and "customer" as used in the plan includes individuals, corporations, partnerships, associations, and all other legal entities.
- (g) *Definitions:* Refer to Sec. 31-16 for Drought Contingency Plan Definitions

Sec. 31-237. - Triggering criteria for initiation and termination of drought response stages.

Because of the stresses that sustained high peak water demands will place on the city's water system, the trigger conditions for the city drought contingency plan are based on excessive demand, as indicated in table 1. The water treatment plant (WTP) capacity described on table 1 is a combined total of 65 MGD for the Jefferson Water Treatment Plant and 20 MGD for the El Pico Water Treatment Plant.

TABLE 1 - WATER DEMAND TRIGGER CONDITIONS			
EXISTING WTP CAPACITY OF 85 MGD			
Water Use in Gallons Per Day	Duration - Consecutive Days	Classification	Stage
If water usage falls within the following ranges:			
Plant Capacity Total Flow of 85 MGD Less than 85% Equals less than 72.25 MGD	5 days	Mild Drought Conditions	Stage 1 - Voluntary
Plant Capacity Total Flow of 85 MGD 85% Equals 72.25 MGD	3 days	Moderate Drought Conditions	Stage 2 - Mandatory
Plant Capacity Total Flow of 85 MGD 90% Equals 76.5 MGD	1 day	Severe Drought Conditions	Stage 3 - Mandatory
Plant Capacity Total Flow of 85 MGD 95% Equals 80.75 MGD	1 day	Emergency Drought Conditions	Stage 4 - Mandatory

In addition to the established trigger conditions based on water demand, the city has adopted the "regional" trigger conditions based upon the percent capacity of U.S. Waters contained within the Amistad Reservoir.

RECOMMENDED WATER LEVELS FOR IMPLEMENTATION OF VARIOUS DROUGHT CONTINGENCY PHASES

Minimum level of U.S. water storage in Amistad Reservoir at which phases/stages of municipal drought contingency plans will be implemented on a regional basis.

Phase—Voluntary conservation trigger. When the level of U.S. water stored in Amistad Reservoir reaches fifty-one (51) or one and sixty-six hundredths (1.66) million acre-feet (MAF), voluntary stage of conservation may be put into effect. This phase consists of voluntary water conservation action to be taken by the general public, governmental agencies and all water users of waters from the Rio Grande River below Amistad Dam on the Rio Grande. Customers of the municipal water systems in the region shall be requested to voluntarily conserve and limit the use of water.

Phase—Mandatory conservation trigger. When the levels of U.S. water stored in Amistad Reservoir reaches twenty-five (25) or eight hundred thirty-four thousand six hundred (834,600) acre-feet, mandatory conservation may be declared. This phase consists of mandatory restrictions of the use of water and imposing of penalties and sanctions for violations of set restrictions.

Phase—Water curtailment trigger. When the level of U.S. water stored in Amistad Reservoir reaches fifteen (15) or five hundred four thousand six hundred (504,600) acre-feet, this phase may be implemented. This phase reduces the maximum amounts of monthly water usage for residential and non-residential customers and imposes surcharges, irrigation meter cut-offs, and other sanctions for violations. In addition to the established trigger conditions based on water demand or reservoir levels, the

mayor, or designee, will have the authority to declare an emergency water demand condition of mild, moderate or severe under the following conditions:

- (1) System-related problems, such as equipment failures and line breaks; and
- (2) Other conditions that may affect or otherwise limit the city's ability to meet the demand for water for a forty-eight-hour period.

Sec. 31-238. - Drought response stages.

Stage 1—Voluntary.

- (1) *Triggering level.* Amistad conservation level is fifty-one (51) percent or WTP capacity is less than eighty-five (85) percent for five (5) consecutive days.
- (2) *Cumulative reduction goal.* Five (5) percent.

Voluntary conservation alert. Customers of the city's utility system during Stage 1 are requested to voluntarily limit the amount of water used to that amount absolutely necessary for health, business, and irrigation. Notice of such request shall be given by the city manager and/or mayor through appropriate circular, television, radio and newspaper media at the mayor's discretion.

The following uses of water are defined as waste of water and are absolutely prohibited:

- (1) Allowing irrigation water to run off into a gutter, ditch or drain including the street or adjacent property;
- (2) Failure to repair a controllable leak from a faucet, hose, sprinkler, backflow preventer, or meter.

Stage 2—Mandatory.

Mandatory compliance—Water shortage advisory.

- (1) *Triggering level.* Amistad conservation level is twenty-five (25) percent or WTP capacity is eighty-five (85) percent for three (3) consecutive days.
- (2) *Cumulative reduction goal.* Ten (10) percent.

During Stage 2, the following restrictions shall apply to all persons. Notice of such order shall be given by the city manager and/or mayor through appropriate circular, television, radio and newspaper media at the mayor's discretion. All elements of Stage 1 shall remain in effect except that:

- a. Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs and other plants is prohibited except during designated hours which shall be before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to water between designated hours on Mondays, Wednesdays, and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, and 9) are only allowed to water between designated hours on Tuesdays, Thursdays, and Saturdays. In order to allow all water storage tanks to refill, watering on Sundays is strictly prohibited.

Irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at any time if:

1. A continuously attended hand-held hose is used; or
2. A drip irrigation system is used. (Soaker hoses are not drip irrigation systems.)

Exception: Commercial nurseries commercial sod farmers and similarly situated establishments are exempt from Stage 2 irrigation restrictions, but will be requested to curtail all nonessential water use.

- b. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited except on designated hours before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to wash mobile equipment between designated hours on Mondays, Wednesdays, and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, and 9) are only allowed to wash mobile equipment between designated hours on Tuesdays, Thursdays, and Saturdays. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. In order to allow all water storage tanks to refill, washing mobile equipment on Sundays is strictly prohibited.

Exception: Washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from this division if the health, safety and welfare of the public are contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.

- c. The refilling or adding of water to residential swimming and/or wading pools is prohibited except on designated hours before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to use water for this purpose between designated hours on Mondays, Wednesdays, and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water for this purpose between designated hours on Tuesdays, Thursdays and Saturdays. In order to allow all water storage tanks to refill, the refilling or adding of water to residential swimming and/or wading pools on Sundays is strictly prohibited.
- d. The operation of any ornamental fountain or other structure making similar use of water is prohibited except for those fountains or structures with a recycling system.
- e. The use of water for irrigation for parks, plazas, and squares is prohibited except on designated hours before 8:00 a.m. and after 8:00 p.m. of the designated days. The irrigation of golf course fairway is absolutely prohibited. Utilizing wastewater effluent or well water is exempted from the provisions of this division.

f. Essential and utility use.

Essential use.

1. Firefighting. No restrictions.
2. Medical use by health care facilities. No restrictions.

Water utility use.

1. Reduction of average system pressure to fifty (50) psi is recommended.
2. Leak detection and system repairs are recommended.
3. Stabilizing and equalizing system pressure is recommended.
4. Sewer line flushing: reduction is recommended.
5. Fire hydrant flushing: reduction is recommended.
6. Power production use: reduction of water use for power production is recommended.

g. The following uses of water are defined as waste of water and are absolutely prohibited:

1. Allowing irrigation water to run off into a gutter, ditch, drain, sidewalk, or street;
2. Failure to repair a controllable leak;
3. Washing sidewalks, streets, driveways, parking area, tennis courts, or other paved areas, except to alleviate immediate fire hazards.

- h. Irrigation using hose-end sprinklers or automatic sprinkler systems for athletic fields is prohibited except during designated hours which shall be before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to water between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, and 9) are only allowed to water between designated hours on Tuesdays, Thursdays and Saturdays. Irrigation using hand-held hoses or drip irrigation systems is exempt. In order to allow all water storage tanks to refill, irrigating an athletic field using hose-end sprinklers or automatic sprinkler systems on Sundays is strictly prohibited.

Stage 3—Mandatory.

- (1) *Triggering level.* Amistad conservation level is twenty (20) percent or WTP capacity is ninety (90) percent for one (1) day.
- (2) *Cumulative reduction goal.* Thirty (30) percent.

Mandatory compliance—Water shortage alert. During Stage 3 the following restrictions shall apply to all persons. All elements of Stage 2 shall remain in effect in Stage 3 except that:

- a. Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs and other plants is prohibited except during designated hours which shall be before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to water between designated hours on Wednesdays of each week. Customers with an address ending in an odd number (1, 3, 5, 7, and 9) are only allowed to water between designated hours on Saturdays of each week.

Irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at any time if:

- 1. A continuously attended hand-held hose is used, or
- 2. A drip irrigation system is used. (Soaker hoses are not drip irrigation systems.)

Exception: Commercial nurseries, commercial sod farmers, and similarly situated establishments are exempt from Stage 3 irrigation restrictions, but will be requested to curtail all nonessential water use.

- b. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited except on designated hours before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to wash mobile equipment between designated hours on Wednesdays of each week. Customers with an address ending in an odd number (1, 3, 5, 7, and 9) are only allowed to wash mobile equipment between designated hours on Saturdays of each week. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses.

Exception: Washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from this division if the health, safety and welfare of the public are contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.

- c. The refilling or adding of water to residential swimming and/or wading pools is prohibited except on designated hours before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to use water for this purpose between designated hours on Wednesdays of each week. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water for this purpose between designated hours on Saturdays of each week.

- d. The operation of any ornamental fountain or other structure making similar use of water is prohibited except for those fountains or structures with a recycling system.
- e. The use of water for irrigation for parks, plazas, and squares is prohibited except on designated hours before 8:00 a.m. and after 8:00 p.m. of the designated days. The irrigation of golf course fairway is absolutely prohibited. Utilizing wastewater effluent or well water is exempted from the provisions of this division.
- f. Essential and utility use.
 - Essential use.
 - 1. Firefighting. No restrictions.
 - 2. Medical use by health care facilities. No restrictions.
 - Water utility use.
 - 1. Reduction of average system pressure to (fifty (50) psi is recommended.
 - 2. Leak detection and system repairs are recommended.
 - 3. Stabilizing and equalizing system pressure is recommended.
 - 4. Sewer line flushing: reduction is recommended.
 - 5. Fire hydrant flushing: reduction is recommended.
 - 6. Power production use: reduction of water use for power production is recommended.
- g. The following uses of water are defined as waste of water and are absolutely prohibited:
 - 1. Allowing irrigation water to run off into a gutter, ditch, drain, sidewalk, or street;
 - 2. Failure to repair a controllable leak;
 - 3. Washing sidewalks, streets, driveways, parking area, tennis courts, or other paved areas, except to alleviate immediate fire hazards.
- h. Irrigation using hose-end sprinklers or automatic sprinkler systems for athletic fields is prohibited except during designated hours which shall be before 8:00 a.m. and after 8:00 p.m. of the designated days. Customers with an address ending in an even number (0, 2, 4, 6, and 8) are only allowed to water between designated hours on Wednesdays. Customers with an address ending in an odd number (1, 3, 5, 7, and 9) are only allowed to water between designated hours on Saturdays. Irrigation using hand-held hoses or drip irrigation systems is exempt.
- i. No bulk water sales shall be made from the city or water points for any purpose when such water will be transported by any tanker truck or similar type vehicle outside the City of Laredo except for domestic or residential use or for livestock as approved by the utilities director.
- j. Fire hydrant water sales shall cease. Users shall be directed to obtain effluent from the wastewater treatment plants as available. Potable water shall only be made available for direct human consumption, to maintain sanitary conditions and for livestock only with written approval from the utilities director.

Stage 4—Mandatory.

- (1) *Triggering level.* Amistad conservation level is less than twenty (20) percent or WTP capacity is ninety-five (95) percent for one (1) day.
- (2) *Cumulative reduction goal.* Thirty-five (35) percent.

Mandatory compliance—Water shortage emergency. During Stage 4 the following restrictions shall apply to all persons. All elements of Stage 3 shall remain in effect in Stage 4 except that:

- a. No applications for new, additional, either expanded or increased in-size water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved or installed except as approved by the city utilities director.
- b. All locations of water use to non-essential industrial and commercial customers shall be reduced to amounts as established by the city utilities director.
- c. The maximum monthly water use allocation for residential customers may be established with revised rate schedules and penalties by the city council upon recommendation by the city utilities director.
- d. Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs and other plants is prohibited. Irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is not permitted at any time. Commercial nurseries, commercial sod farmers, and similarly situated establishments are not exempt from Stage 4 irrigation restrictions. During Stage 4, the use of hand-held hoses or drip irrigation systems is not allowed. Zero tolerance in outdoor water usage.
- e. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited.
 Exception: Washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from this division if the health, safety and welfare of the public are contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.
- f. The refilling or adding of water to residential swimming and/or wading pools is prohibited.
- g. The operation of any ornamental fountain or other structure making similar use of water is prohibited except for those fountains or structures with a recycling system.
- h. The use of water for irrigation for parks, plazas, and squares is prohibited. The irrigation of golf course fairway is absolutely prohibited. Utilizing wastewater effluent or well water is exempted from the provisions of this division.
- i. Irrigation for athletic fields is prohibited.
- j. A water use surcharge of twenty dollars (\$20.00) shall be levied against all customers that use over fifteen thousand (15,000) gallons per month.
- k. All customers shall conserve a minimum of fifteen (15) percent of water.
- l. Any irrigation system found irrigating at any time during a Stage 4 will result in the irrigation meter to be cut off temporarily until Stage 4 is lifted or reversed to a Stage 3, Stage 2, or a Stage 1.

Sec. 31-239. - Implementation and enforcement of the drought contingency plan.

The City of Laredo Utilities Director has the primary responsibility for implementing and enforcing this drought contingency plan through the water conservation program. All water conservation orders described on this plan shall be enforced by the utility's water conservation inspectors and other utility personnel designated by the utilities director, such as code enforcement inspectors, code-certified personnel from other city departments, police officers, and the municipal court, as appropriate. Any employee of the City of Laredo Utilities Department designated by the utilities director and police department or code-certified employees from another city department may issue a warning or citation to a person that he or she reasonably believes to be in violation of this drought contingency plan.

During Stage 2, the alleged violator shall receive two (2) written warnings before receiving the first citation. The two (2) written warnings may be for violation of any section, or combination of sections, found on this drought contingency plan. During Stage 3, the alleged violator shall receive only one (1) written warning before receiving the first citation. During Stage 4, the alleged violator shall receive zero

(0) written warnings before receiving the first citation. No prior written warnings shall be required prior to issuing a citation during a Stage 4.

The citation shall be prepared in triplicate form and must contain the name and address of the alleged violator, if known, the offense charged, and shall direct him or her to appear at the City of Laredo Municipal Court on the date shown on the citation, which date shall be not less than five (5) days or more than ten (10) days from the date that the citation was issued. The citation must be issued to the alleged violator, an agent, manager, or employee of the violator, or to a person of age eighteen (18) years or older who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall be served with a copy of the citation, and a copy must be submitted to the water conservation program for data entry and recordkeeping. Any pictures taken as proof of violation shall also be submitted to the water conservation program with a copy of the citation. The original document(s) must be delivered to the City of Laredo Municipal Court for stamping and processing. The alleged violator shall appear at the City of Laredo Municipal Court to enter a plea of guilty or not guilty for the violation of this drought contingency plan. If the alleged violator fails to appear in court, a warrant for his or her arrest may be issued by the City of Laredo Municipal Court. A summons to appear in court may also be issued in lieu of an arrest warrant. Cases involving a violation of the drought contingency plan shall be expedited and given preferential setting at the City of Laredo Municipal Court before all other cases.

Note: During a Stage 4, any customer found utilizing over fifteen thousand (15,000) gallons of water per month, will receive a water use surcharge of twenty dollars (\$20.00) billed by the utilities customer service division. The fee will be added to the regular monthly payment of the account responsible for paying the water services delivered to the meter at the property in violation. In addition, any irrigation system found irrigating at any time during a Stage 4 will result in the irrigation meter to be shut off temporarily until Stage 4 is lifted or reversed to a Stage 3, Stage 2, or a Stage 1.

Sec. 31-240. - Penalties for violation of the drought contingency plan.

After receiving two (2) written warnings for any section or combination of sections during a Stage 2, one (1) written warning during a Stage 3, or zero (0) written warnings during a Stage 4, a person who violates this drought contingency plan shall be issued a citation and may be guilty of a class C misdemeanor. Upon citation and conviction, any person violating this provisions shall be subject to punishment as provided in Sec 31-132 .. All payments shall be made payable to the City of Laredo Municipal Court, as set forth in the City Code of Ordinances and approved and adopted by the city council.

Note: A previous violation shall not be considered if a period of one (1) year has elapsed since the violation was first incurred or the property is acquired by a new owner or tenant. In the event that a citation is issued erroneously and submitted to the Laredo Municipal Court, the citation shall be voided by the person issuing the citation only with a written approval from the utilities director.

Sec. 31-241. - Variances.

The city manager, or his/her designee, including the utilities director, may in writing, grant temporary variance for existing water uses otherwise prohibited under this plan when it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one (1) or more of the following conditions are met:

- (1) 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.
- (2) Alternative methods can be implemented and will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this division shall file a written petition for a variance with the city utilities department within five (5) days after Stage 2, Stage 3, or Stage 4 has been declared. All petitions for variances shall be reviewed by the city manager, or his/her designee, including the utilities director, and shall include the following:

- (1) Name, address, and contact information of the petitioner(s).
- (2) Purpose of water use in detail.

- (3) Specific provision(s) of the plan from which the petitioner is requesting relief.
- (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this division.
- (5) Description of the relief requested.
- (6) Period of time for which the variance is sought.
- (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.
- (8) Other pertinent information.

Variances granted by the city utilities department shall be subject to the following conditions, unless waived or modified by the city manager or his/her designee:

- (1) 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 variances shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

Any petitioner requesting a variance will agree to follow certain watering conditions, as described in the approved variance, and violation of such conditions will result in a water waste fine without prior written warning(s).

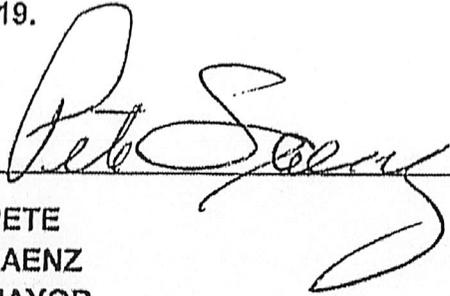
Sec. 31-242. - Exempted parties.

Owners of water wells, owners of water rights, and effluent users are exempt from the provisions of this division, except that they are prohibited from allowing water to spray or run off in any street, gutter, ditch, or drain, or to any adjacent property.

Customers using effluent for irrigation or other purposes shall have an approved written agreement from the City of Laredo Utilities Department.

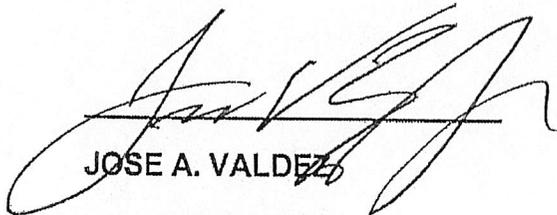
PASSED BY THE CITY COUNCIL AND APPROVED BY THE
MAYOR ON THIS

THE 19 DAY OF August, 2019.



PETE
SAENZ
MAYOR

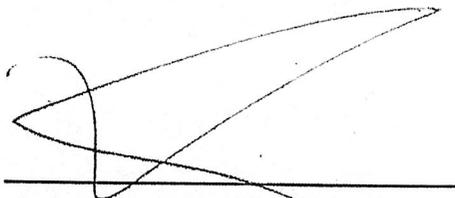
ATTEST:



JOSE A. VALDEZ
CITY SECRETARY



APPROVED AS TO FORM:



KRISTINA LAUREL HALE
CITY ATTORNEY