



Drought Contingency Plan for a Wholesale Public Water Supplier

Texas Commission on Environmental Quality

Instructions: The following form is a model of a drought contingency plan for a wholesale public water supplier. Not all items may apply to your system=s situation. This form is supplied for your convenience, but you are not required to use this form to submit your plan to the TCEQ. Submit completed plans to: Water Supply Division MC 160, TCEQ, P.O. Box 13087, Austin TX 78711-3087.

City of Gordon

(Name of Utility)

Box 277, Gordon, Texas 76453

(Address, City, Zip Code)

10279

(CCN#)

1820007

(PWS #s)

August 20, 2009

(Date)

Section I: Declaration of Policy, Purpose, and Intent

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

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by the City of Gordon by means of public meeting at the regularly scheduled City Council Meeting on _____, 2009. This meeting was posted according to Texas Public Meeting laws. Additionally, notice was sent to the City's wholesale customers.

Section III: Wholesale Water Customer Education

The City of Gordon will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing a copy of the Plan to the wholesale customers and periodic notices included with water bills.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the City of Gordon is located within Region G and the City of Gordon has provided a copy of the Plan to the Region C Planning Group

Section V: Authorization

The Mayor, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Mayor, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City of Gordon. The terms Aperson@ and Acustomer@ as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

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

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

The triggering criteria described below are based on the estimated yield of Lake C.B. Long and past experience during drought periods. The City owns and operates Lake C.B. Long. Triggering criteria will be initiated and implemented by the City of Gordon.

(a) Stage 1 – Drought Watch

Requirements for initiation B Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, when:

1. **Water storage in Lake C.B. Long is equal to or less than 40% of its active water supply capacity as determined by the City Public Works Department.**
2. **When reasonable estimates of current annual demands, coupled with inflows and evaporation representative of the drought of record, indicate that the amount of water supply in storage could be reduced during the next succeeding 12 month period to 30 percent or less of its total active water supply capacity.**

Requirements for termination _ Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. The City will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of the implementation of Stage 1 of the Plan.

(b) Stage 2 – Drought Warning

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VII of the Plan when:

1. **Water storage in Lake C.B. Long is equal to or less than 30% of its active water supply capacity as determined by the City Public Works Department.**
2. **When reasonable estimates of current annual demands, coupled with inflows and evaporation representative of the drought of record, indicate that the amount of water supply in storage could be reduced during the next succeeding 12 month period to 30 percent or less of its total active water supply capacity.**

Requirements for termination – Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of Stage 1 of the Plan.

(c) Stage 3 – Drought Emergency

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when:

1. **Water storage in Lake C.B. Long is equal to or less than 25% of its active water supply capacity or when the remaining capacity is less than one year’s estimated demand as determined by the City Public Works Department.**

Requirements for termination – Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City will notify its wholesale customers and the media of the termination of Stage 3 in the same manner as the notification of Stage 1 of the Plan.

Section IX: Drought Response Stages

The Mayor, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a Stage 1, 2 or 3 condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

Stage 1 – Drought Watch

Target -Achieve a voluntary 10% reduction in daily water demand.

Supply Management Measures for Retail Customers:

- 1. The Mayor, or his or her designee(s), will contact the wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate Stage 1 of customers drought contingency plan.**
- 2. The Mayor, or his or her designee(s), will provide weekly report to news media with information regarding current supply and /or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.**

Supply Management Measures for Wholesale Customers:

- (a) The Mayor, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage 1 of the customer's drought contingency plan).
- (b) The Mayor, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 2 – Drought Warning

Supply Management Measures for Retail Customers:

- 1. Continue implementation of all relevant actions in preceding phase.**

2. **Car washing, window washing, and pavement washing shall be prohibited except when a bucket is used.**
3. **A mandatory lawn watering schedule shall be implemented, so that customers will be required to limit outside watering to alternate days based on residents address as determined by City and not exceed once a week. A schedule should be published in all area newspapers and broadcast on local radio and television. Watering shall be limited to the hours of 6-10 a.m. and 8-10 p.m.**
4. **Shrubs and newly established lawn grasses may be watered with a hand held hose with a sprayer limiting nozzle discharge to 2.0 gpm.**
5. **The following public water uses, not essential for public health or safety, are prohibited:**
 - **Street Washing**
 - **Water hydrant flushing**
 - **Filling pools**
 - **Golf course watering**
6. **City shall begin investigating alternative sources of water supply.**

Supply Management Measures for Wholesale Customers:

- (a) The Mayor, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of curtailment of water diversions and/or deliveries based on water use types.
- (b) The Mayor, or his/her designee(s), will request wholesale customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage 2 of the customer's drought contingency plan).
- (c) The Mayor, or his/her designee(s), will initiate preparations for the implementation of a surcharge on water use based on a breakdown of customers by type, as described in Section VII of the plan. This information shall be provided by the wholesale customers.
- (d) The Mayor, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions and consumer information on water conservation measures and practices.

Stage 3 – Drought Emergency

Supply Management Measures for Retail Customers:

1. **Prohibit all outdoor use.**

2. RESIDENTIAL CUSTOMERS

Limited to 8,000 gallons per month

Surcharges will apply as follows:

- **8,000 to 9,000 gallons rate plus \$25**
 - **9,000 to 10,000 gallons rate plus \$50**
 - **10,000 to 11,000 gallons rate plus \$75**
 - **Over 11,000 gallons rate plus \$100 per additional 1,000 gallons**
- **The above charges are cumulative – example: 11,000 gallons would cost the normal rate plus \$150**

3. COMMERCIAL CUSTOMERS

Limited to 75% of their annual monthly use

Surcharges will apply according to the following schedule:

- **75 to 80 percent of monthly average at twice the rate per gallon**
- **80 to 85 percent of monthly average at 3 times the normal rate per gallon**
- **85 to 1000 percent of monthly average at 4 times the normal rate per gallon**
- **Over 100% of monthly average will be controlled by cut-off**

4. WHOLESALE CUSTOMERS

Wholesale customers will be asked to reduce water consumption to 75 percent of their annual monthly average.

A surcharge will be added on the following basis:

- **75 to 80 percent of average monthly consumption will be charged at twice the standard rate.**
- **80 to 85 percent of average monthly consumption will be charged at three times the standard rate per thousand gallons.**
- **Usage will be closely monitored and the wholesale customer will be notified if excess use is apparent.**
- **When 85 percent of monthly average is exceeded, the City and wholesaler will meet in emergency session and formulate a plan to resolve the problem.**

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by Mayor, or his/her designee, in accordance with provisions of the Plan.**
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than seventy-five dollars (\$75.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at fifty dollars (\$50.00), and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the Mayor that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.**
- (c) Any person, including a person classified as a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property with the parents control shall constitute a rebuttal presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.**
- (d) Any employee of the City, police officer, or other City employee designated by the Mayor, may issue a citation to a person he/she reasonably believes to be in violation of the Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of the Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.**

Section XI: Variances

The Mayor, or his/her designee, may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan if 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 or more of the following conditions are met:

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

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, or his/her designee and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) 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 Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) 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.
- (h) Other pertinent information.

Variances granted by the City shall be subject to the following conditions, unless waived or modified by the Mayor or his/her designee:

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

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

Section XII: Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Resolution are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City Council without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

If you have any questions on how to fill out this form or about the Drought Contingency program, please contact us at 254-693-5676 .

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.