

DROUGHT CONTINGENCY PLAN

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 005-056

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS
AMENDING THE CODE OF ORDINANCES OF THE
TOWN BY AMENDING CHAPTER

WHEREAS, the Town of Addison, Texas (the "City") desires to amend the City's drought contingency plan, contained in Article V of the Chapter 34 of the City's Code of Ordinances in order to comply with new rules adopted by the Texas Commission on Environmental Quality.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Amendment. Chapter 34 (Environment), Article V (Drought Contingency Plan) of the Code of Ordinances (the "Code") of the Town of Addison, Texas (the "City") is amended by amending Section 34-173 and Section 34-177 thereof as set forth in Exhibit A attached hereto and incorporated herein for all purposes, and all other chapters, articles, sections, subsections, paragraphs, sentences, phrases and words of the Code are not amended but are hereby ratified and affirmed.

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 3. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed such remaining portion of this Ordinance despite such invalidity, which remaining portion shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this 25th day of October, 2005.



Joe Chow, Mayor

ATTEST:

By: C MORAN
Carmen Moran, City Secretary

APPROVED AS TO FORM:


By: Keneth C. Dippel
Ken Dippel, City Attorney
by 

EXHIBIT A

Amendments to Chapter 34, Article V, Code of Ordinances

Section 34-173 of the Code of Ordinances is amended to read as follows:

Section 34-173. Coordination with regional water planning groups.

The service area of the city is located within Texas Commission on Environmental Quality ("TCEQ") Region C and the Town of Addison, Texas has provided a copy of this plan to the TCEQ, City of Dallas, and State Planning Region.

Section 34-177 of the Code of Ordinances is amended to read as follows:

Section 34-177. Triggering criteria for initiation and termination of drought response stages.

The city purchases 100 percent of its potable water from the City of Dallas. Therefore, the emergency water management triggering measures will be the same as those of the City of Dallas. Also, triggering criteria may be initiated as a result of short term deficiencies and or emergencies specific to the Town of Addison.

Following are the triggering criteria for initiation and termination of drought response stages:

Stage 1: Water Awareness

Triggering criteria: Total raw water supply in connected lakes drops below 55 percent of total conservation storage, demand exceeds 90 percent of deliverable capacity for three consecutive days, or short term deficiencies in distribution system limit supply capability.

Below are examples of the types of triggering criteria that might be used in a drought contingency plan. One or a combination of such criteria may be defined for each drought response stage:

Example 1: When, pursuant to requirements specified in the city wholesale water purchase contract with the City of Dallas, notification is received requesting initiation of Stage 1 of the drought contingency plan.

Example 2: Continually falling treated water reservoir levels which do not refill above 50 percent overnight (e.g., based on an evaluation of minimum treated water storage required to avoid system outage).

Goal for Use Reduction and Action Available under Stage 1, Water Awareness.

Stage 1, Awareness, is intended to raise public awareness of potential drought problems. There is no goal for reduction of water use. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary:

- The city manager or designee requests voluntary reductions in water use.
- Prohibit residential or commercial lawn watering and car washing between the hours of 9 a.m. and 8 p.m.
- Accelerate public information efforts to teach and encourage reduced water use.
- Staff will begin a review of the problems which initiated the Stage 1 actions.
- Intensify efforts on leak detection and repair.
- Notify major water users and work with them to achieve voluntary water use reduction.
- Reduce city government use of water for street washing, vehicle washing, operation of ornamental fountains and all other nonessential use.
- Request a reduction in landscape watering by city government

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 1 have been alleviated. If Stage 1 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that these measures are no longer required.

Stage 2: Water Watch

Triggering criteria: Total raw water supply in connected lakes drops below 50 percent of total conservation storage or demand exceeds 95 percent of deliverable capacity for two consecutive days. Stage 2 actions will not ordinarily be taken until Stage 1 actions have first been implemented.

Goals for Reduction and Actions Available under Stage 2, Water Watch

The goal for water use reduction under stage 2, Water Watch, is a ten percent reduction in the use that would have occurred in the absence of drought contingency measures. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Continue public information efforts regarding water supply conditions and conservation efforts.
- Begin mandatory water use restrictions as follows:
 - Prohibit hosing off of paved areas, buildings or windows; operation of swimming pool draining followed by refilling, washing or rinsing vehicles by hose; using water in such a manner as to allow runoff or other water wastes.

Exceptions: Vehicles may be washed or rinsed with a hose at commercial car washes; vehicles may be washed at any location with a bucket or other container.

- Limit landscape watering at each service address to once every five days based on the last digit of the address per the schedule below.

TABLE INSET:

| Last Digit of Address | Allowed Water Dates |
|-----------------------|-----------------------------------|
| 0 and 5 | 5th, 10th, 15th, 20th, 25th, 30th |
| 1 and 6 | 1st, 6th, 11th, 16th, 21st, 26th |
| 2 and 7 | 2nd, 7th, 12th, 17th, 22nd, 27th |
| 3 and 8 | 3rd, 8th, 13th, 18th, 23rd, 28th |
| 4 and 9 | 4th, 9th, 14th, 19th, 24th, 29th |

No watering will be allowed on the 31st. Apartments, office building complexes or other property containing multiple addresses will be identified by the lowest address number.

Where there are no numbers, a number will be assigned by the director. These restrictions also apply to government facilities.

Exceptions: Foundations, azaleas, and new plantings (first year) of trees and shrubs may be watered with a hand-held or soaker hose on any day for up to two hours; nurseries may water plant stock only without restrictions; public gardens may water without restriction.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 2 have been alleviated. If Stage 2 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 2 actions.

Stage 3: Water Warning

Triggering criteria: Total raw water supply in connected lakes drops below 35 percent of total conservation storage or demand exceeds 95 percent of deliverable capacity for five consecutive days. Stage 3 actions will not ordinarily be taken until Stage 2 actions have first been implemented.

Goals for Reduction and Actions Available under Stage 3, Water Warning.

The goal for water use reduction under stage 3, Water Warning, is a twenty percent reduction in the use that would have occurred in the absence of drought contingency measures. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Implement and recommend engineering alternatives.
- Continue implementation of all restrictions from previous stages.
- Foundations, shrubs, and trees may be watered with soaker or hand-held hose on the same five-day rotational basis and landscapes for up to two hours.
- Public gardens may water only between the hours of 9 p.m. and 9 a.m.
- Nurseries may water plant stock only between the hours of 9 p.m. and 9 a.m.
- Prohibit operations of ornamental fountains.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 3 have been alleviated. If Stage 3 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 3 actions.

Stage 4: Water Emergency

Triggering criteria: Total raw water supply in connected lakes drops below 20 percent of total conservation storage or demand exceeds 100 percent of deliverable capacity for two consecutive days. Stage 4 actions will not ordinarily be taken until Stage 3 actions have first been implemented.

Goals for Reduction and Actions Available under Stage 4, Water Emergency:

The goal for water use reduction under stage 4, Water Emergency, is a twenty-five percent reduction in the use that would have occurred in the absence of drought contingency measures. If circumstances warrant or if required by Dallas Water Utilities ("DWU"), City Manager or the official designee can set a goal for a greater water use reduction.

The City Manager or the official designee must implement any action(s) required by DWU. In addition, the City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The supplier must notify TCEQ within five business days if these measures are implemented:

- Continue implementation of all restrictions from previous stages.
- Prohibit all commercial and residential landscape watering with the following exceptions:
 - Nurseries' plant stock may be watered between the hours of 9 p.m. and 9 a.m. once every five days based on the last digit of their address per the schedule in Stage 2.
 - Public gardens may water between the hours of 9 p.m. and 9 a.m. once every five days based on the last digit of their address per the schedule in Stage 2.
 - Foundations may be watered for a two hour period between the hours of 9 p.m. and 9 a.m. with a soaker or hand-held hose on the five-day rotational basis prescribed for landscape watering in Stage 2.
- Any and all washing of vehicles is prohibited.
- All commercial water users may be required to reduce water consumption by a percentage determined by the director.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 4 have been alleviated. If Stage 4 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 4 actions.

Stage 5: Emergency Water Shortage

- (a) System outage due to major water system components.

Triggering criteria: A system outage to one of the town's two water pump stations, which are located at each end of town. In the event of such outage, the second pump station will be used. In addition, the Town of Addison has four City of Dallas emergency stand-by meters connected to the town's distribution system that can be used to supplement the town's supply after notification to the City of Dallas.

Goals for Reduction and Actions Available under Stage 5, Emergency Water Shortage:

The goal for water use reduction under stage 5, Emergency Water Shortage, is a reduction to prevent public health emergencies that would have occurred in the absence of drought contingency measures. If circumstances warrant or if required by Dallas Water Utilities ("DWU"), City Manager or the official designee can set a goal for a greater water use reduction.

The City Manager or the official designee must implement any action(s) required by DWU. In addition, the City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on member cities and customers. The supplier must notify TCEQ within five business days if these measures are implemented:

- Initiate or continue implementation of all restrictions from previous stages as directed by the city manager or his designee.
- Prohibit all commercial and residential landscape watering. All commercial water users will be required to reduce water consumption by a percentage determined by the city manager or his designee.

- (b) Supply source contamination special precautions.

Triggering criteria: Water system contamination caused by low distribution pressures (below 20 psi), repeated unacceptable microbiological samples, or failure to maintain adequate chlorine residuals. In the event of such contamination, the affected area shall be isolated from the distribution system immediately and special precautions shall be taken in accordance with Subsection (q), "Special Precautions," of Section 290.46, "Minimum Acceptable Operating Practices for Public Drinking Water Systems," of

Subchapter D, "Rules and Regulations for Public Water Systems," of Chapter 290, "Public Drinking Water," of Part 1, "Texas Commission on Environmental Quality," of Title 30, "Environmental Quality," of the Texas Administrative Code, in its current form and as it may hereafter be amended.

Water customers in the affected area shall be notified immediately with a "Boil Water Notice" and a letter explaining the situation and containing recommendations to the water customer regarding the use of bottled water. The "Flow chart" contained in Appendix H of Section 290.47, "Appendices," of Subchapter D, "Rules and Regulations for Public Water Systems," of Chapter 290, "Public Drinking Water," of Part 1, "Texas Commission on Environmental Quality," of Title 30, "Environmental Quality," of the Texas Administrative Code, in its current form and as it may hereafter be amended, shall be used to evaluate the response measures necessary to correct the condition.

Actions available (applied to all affected customers).

- Hand deliver boil water notice to all water customers affected.
- Prohibit all water usage for human consumption for 24 to 36 hours, as determined by the city manager or his designee.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 5 have been alleviated. If Stage 5 is initiated because of water supply contamination, all initiated actions will remain in effect until the city manager or his designee determines that conditions exist which will allow removal of Stage 5 actions.

DATE SUBMITTED: October 18, 2005
FOR COUNCIL MEETING: October 18, 2005

Council Agenda Item #

SUMMARY:

This item is for the amendment of Chapter 34, "Drought Contingency Plan," of the Code of Ordinances of the City by amending Article V, Sections 34-171 through 34-179, to meet newly established guidelines and requirements of the Texas Commission on Environmental Quality.

FINANCIAL IMPACT:

Not applicable

BACKGROUND:

The Texas Commission on Environmental Quality (TCEQ) adopted revisions, effective October 7, 2004, to Title 30, Texas Administrative Code (TAC), Chapter 288-Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements. These revisions included the need for public water systems that provide service to 3,300 or more water connections to submit a revised Drought Contingency Plan to the TCEQ. The revised plan must encompass specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. Staff prepared a revised Drought Contingency Plan that is more comprehensive than the existing format and incorporated the new criteria of the TCEQ. Adoption of the new plan through an ordinance amendment and subsequent forwarding of the approved documents to the TCEQ is necessary to complete the process.

RECOMMENDATION:

Staff recommends that Council authorize the adoption of an amendment to Chapter 34, "Drought Contingency Plan," of the Code of Ordinances of the Town by amending Article V, Sections 34-171 through 34-179, to meet new guidelines and requirements of the Texas Commission on Environmental Quality.

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

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Section 4. Effective Date. This Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this ____ day of _____, 2005.

Joe Chow, Mayor

ATTEST:

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. _____

By: _____
Carmen Moran, City Secretary

APPROVED AS TO FORM:

By: _____
Ken Dippel, City Attorney

EXHIBIT A

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Below are examples of the types of triggering criteria that might be used in a drought contingency plan. One or a combination of such criteria may be defined for each drought response stage:

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Example 2: Continually falling treated water reservoir levels which do not refill above 50 percent overnight (e.g., based on an evaluation of minimum treated water storage required to avoid system outage).

Goal for Use Reduction and Action Available under Stage 1, Awareness Actions available (applied to all customers as necessary).

Stage 1, Awareness, is intended to raise public awareness of potential drought problems. There is no goal for reduction of water use. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary:

- The city manager or designee requests voluntary reductions in water use.
- Prohibit residential or commercial lawn watering and car washing between the hours of 9 a.m. and 8 p.m.
- Accelerate public information efforts to teach and encourage reduced water use.
- Staff will begin a review of the problems which initiated the Stage 1 actions.
- Intensify efforts on leak detection and repair.
- Notify major water users and work with them to achieve voluntary water use reduction.
- Reduce/Prohibit city government use of water for street washing, vehicle washing, operation of ornamental fountains and all other nonessential use.
- Request a reduction in landscape watering by city government

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 1 have been alleviated. If Stage 1 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that these measures are no longer required.

Stage 2: Water Watch

Triggering criteria: Total raw water supply in connected lakes drops below 50 percent of total conservation storage or demand exceeds 95 percent of deliverable capacity for two consecutive days. Stage 2 actions will not ordinarily be taken until Stage 1 actions have first been implemented.

Goals for Reduction and Actions Available under Stage 2, Water Watch Actions available (applied to all customers, as necessary).

The goal for water use reduction under stage 2, Water Watch, is a ten percent reduction in the use that would have occurred in the absence of drought contingency measures. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary.

- Continue public information efforts regarding water supply conditions and conservation efforts.
- Begin mandatory water use restrictions as follows:
 - Prohibit hosing off of paved areas, buildings or windows; operation of ~~ornamental fountains~~, swimming pool draining followed by refilling, washing or rinsing vehicles by hose; using water in such a manner as to allow runoff or other water wastes.

Exceptions: Vehicles may be washed or rinsed with a hose at commercial car washes; vehicles may be washed at any location with a bucket or other container.

- Limit landscape watering at each service address to once every five days based on the last digit of the address per the schedule below.

TABLE INSET:

| Last Digit of Address | Allowed Water Dates |
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| 3 and 8 | 3rd, 8th, 13th, 18th, 23rd, 28th |
| 4 and 9 | 4th, 9th, 14th, 19th, 24th, 29th |

No watering will be allowed on the 31st. Apartments, office building complexes or other property containing multiple addresses will be identified by the lowest address number.

Where there are no numbers, a number will be assigned by the director. These restrictions also apply to government facilities.

Exceptions: Foundations, azaleas, and new plantings (first year) of trees and shrubs may be watered with a hand-held or soaker hose on any day for up to two hours; nurseries

may water plant stock only without restrictions; public gardens may water without restriction.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 2 have been alleviated. If Stage 2 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 2 actions.

Stage 3: Water Warning

Triggering criteria: Total raw water supply in connected lakes drops below 35 percent of total conservation storage or demand exceeds 95 percent of deliverable capacity for five consecutive days. Stage 3 actions will not ordinarily be taken until Stage 2 actions have first been implemented.

Goals for Reduction and Actions Available under Stage 3, Water Warning
available (applied to all customers, as necessary):

The goal for water use reduction under stage 3, Water Warning, is a twenty percent reduction in the use that would have occurred in the absence of drought contingency measures. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Implement and recommend recommended engineering alternatives.
- Continue implementation of all restrictions from previous stages.
- ~~Prohibit residential or commercial lawn watering and car washing between the hours of 9 a.m. and 9 p.m.~~
- Foundations, shrubs, and trees may be watered with soaker or hand-held hose on the same five-day rotational basis and landscapes for up to two hours.
- Public gardens may water only between the hours of 9 p.m. and 9 a.m.
- Nurseries may water plant stock only between the hours of 9 p.m. and 9 a.m.
- Prohibit operations of ornamental fountains.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 3 have been alleviated. If Stage 3 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 3 actions.

Stage 4: Water Emergency

Triggering criteria: Total raw water supply in connected lakes drops below 20 percent of total conservation storage or demand exceeds 100 percent of deliverable capacity for two consecutive days. Stage 4 actions will not ordinarily be taken until Stage 3 actions have first been implemented.

Goals for Reduction and Actions Available under Stage 4, Water Emergency~~Actions available (applied to all customers, as necessary):~~

The goal for water use reduction under stage 4, Water Emergency, is a twenty-five percent reduction in the use that would have occurred in the absence of drought contingency measures. If circumstances warrant or if required by Dallas Water Utilities ("DWU"), City Manager or the official designee can set a goal for a greater water use reduction.

The City Manager or the official designee must implement any action(s) required by DWU. In addition, the City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The supplier must notify TCEQ within five business days if these measures are implemented:

- Continue implementation of all restrictions from previous stages.
- Prohibit all commercial and residential landscape watering ~~including golf courses~~ with the following exceptions:
 - Nurseries' plant stock may be watered between the hours of 9 p.m. and 9 a.m. once every five days based on the last digit of their address per the schedule in Stage 2.
 - Public gardens may water between the hours of 9 p.m. and 9 a.m. once every five days based on the last digit of their address per the schedule in Stage 2.
 - Foundations may be watered for a two hour period between the hours of 9 p.m. and 9 a.m. with a soaker or hand-held hose on the five-day rotational basis prescribed for landscape watering in Stage 2.

- Any and all washing of vehicles is prohibited.
- All commercial water users may be required to reduce water consumption by a percentage determined by the director.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 4 have been alleviated. If Stage 4 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 4 actions.

Stage 5: Emergency Water Shortage

- (a) System outage due to major water system components.

Triggering criteria: A system outage to one of the town's two water pump stations, which are located at each end of town. In the event of such outage, the second pump station will be used. In addition, the Town of Addison has four City of Dallas emergency stand-by meters connected to the town's distribution system that can be used to supplement the town's supply after notification to the City of Dallas.

Goals for Reduction and Actions Available under Stage 5, Emergency Water Shortage
~~Actions available (applied to all customers).~~

The goal for water use reduction under stage 5, Emergency Water Shortage, is a reduction to prevent public health emergencies that would have occurred in the absence of drought contingency measures. If circumstances warrant or if required by Dallas Water Utilities ("DWU"), City Manager or the official designee can set a goal for a greater water use reduction.

The City Manager or the official designee must implement any action(s) required by DWU. In addition, the City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on member cities and customers. The supplier must notify TCEQ within five business days if these measures are implemented:

- Initiate or continue implementation of all restrictions from previous stages as directed by the city manager or his designee.
- Prohibit all commercial and residential landscape watering. All commercial water users will be required to reduce water consumption by a percentage determined by the city manager or his designee.

(b) Supply source contamination special precautions.

Triggering criteria: Water system contamination caused by low distribution pressures (below 20 psi), repeated unacceptable microbiological samples, or failure to maintain adequate chlorine residuals. In the event of such contamination, the affected area shall be isolated from the distribution system immediately and special precautions shall be taken in accordance with Subsection (q), "Special Precautions," of Section 290.46, "Minimum Acceptable Operating Practices for Public Drinking Water Systems," of Subchapter D, "Rules and Regulations for Public Water Systems," of Chapter 290, "Public Drinking Water," of Part 1, "Texas Commission on Environmental Quality~~Natural Resource Conservation Commission~~," of Title 30, "Environmental Quality," of the Texas Administrative Code, in its current form and as it may hereafter be amended.

Water customers in the affected area shall be notified immediately with a "Boil Water Notice" and a letter explaining the situation and containing recommendations to the water customer regarding the use of bottled water. The "Flow chart" contained in Appendix H of Section 290.47, "Appendices," of Subchapter D, "Rules and Regulations for Public Water Systems," of Chapter 290, "Public Drinking Water," of Part 1, "Texas Commission on Environmental Quality~~Natural Resource Conservation Commission~~," of Title 30, "Environmental Quality," of the Texas Administrative Code, in its current form and as it may hereafter be amended, shall be used to evaluate the response measures necessary to correct the condition.

Actions available (applied to all affected customers).

- Hand deliver boil water notice to all water customers affected.
- Prohibit all water usage for human consumption for 24 to 36 hours, as determined by the city manager or his designee.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 5 have been alleviated. If Stage 5 is initiated because of water supply contamination, all initiated actions will remain in effect until the city manager or his designee determines that conditions exist which will allow removal of Stage 5 actions.

ARTICLE V. DROUGHT CONTINGENCY PLAN

Sec. 34-171. Non-essential water uses.

Water uses regulated or prohibited under this article (hereinafter referred to as the "Drought Contingency Plan" or the "Plan") are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in section 34-179 of this plan.

(Ord. No. 099-030, § 1, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-172. Public education and notification.

(a) The city, by and through its department of public works, shall 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.

(b) When drought contingency measures appear to be necessary, the public will be notified through available news media, and additional information on water conservation methods will be distributed. In the event that a trigger condition is reached, the public will be kept fully informed of the status of the drought condition through all available media.

(c) When a trigger condition has been reached and the City of Dallas Water Utilities Department informs the town that drought contingency measures may be necessary, the city manager or duly appointed representative will order the initiation of a public notification process. The public notification process will include, but is not limited to the following:

(1) A notice of drought condition will be posted at town hall, the post office, recreation center, major supermarkets, and shopping centers.

(2) The notice will be circulated to local newspapers and radio stations via public service announcement. Information regarding the contingency measures for the drought condition will be mailed to all water customers by means of utility bill inserts and posted on the town's web page.

(Ord. No. 099-030, § 2, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-173. Coordination with regional water planning groups.

The service area of the city is located within Texas ~~Natural Resource Conservation Commission ("TNRCC")~~ on Environmental Quality ("TCEQ") Region C and the Town of Addison, Texas has provided a copy of this plan to the ~~TNRCC~~ TCEQ, City of Dallas, and State Planning Region.

(Ord. No. 099-030, § 3, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-174. Authorization.

The city manager, or his/her designee, is hereby authorized and directed to implement the applicable provisions of the plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The city manager 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.

(Ord. No. 099-030, § 4, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-175. Application.

The provisions of this plan shall apply to all persons, customers, and property using water provided by the city. The terms "person" and "customer" as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities.

(Ord. No. 099-030, § 5, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-176. Definitions.

For the purposes of this plan, the following definitions shall apply:

Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use means water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels, and motels, restaurants, and office buildings.

Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer means any person, company, or organization using water supplied by the city.

Domestic water use means water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address means street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use means water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

(8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(9) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address means street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

(Ord. No. 099-030, § 6, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-177. Triggering criteria for initiation and termination of drought response stages. The city purchases 100 percent of its potable water from the City of Dallas. Therefore, the emergency water management triggering measures will be the same as those of the City of Dallas. Also, triggering criteria may be initiated as a result of short term deficiencies and or emergencies specific to the Town of Addison. Following are the triggering criteria for initiation and termination of drought response stages:

Stage 1: Water Awareness

Triggering criteria: Total raw water supply in connected lakes drops below 55 percent of total conservation storage, demand exceeds 90 percent of deliverable capacity for three consecutive days, or short term deficiencies in distribution system limit supply capability. Below are examples of the types of triggering criteria that might be used in a drought contingency plan. One or a combination of such criteria may be defined for each drought response stage:

Example 1: When, pursuant to requirements specified in the city wholesale water purchase contract with the City of Dallas, notification is received requesting initiation of Stage 1 of the drought contingency plan.

Example 2: Continually falling treated water reservoir levels which do not refill above 50 percent overnight (e.g., based on an evaluation of minimum treated water storage required to avoid system outage).

~~Actions available (applied to all customers as necessary).~~

Goal for Use Reduction and Action Available under Stage 1, Awareness.

Stage 1, Awareness, is intended to raise public awareness of potential drought problems. There is no goal for reduction of water use. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary.

- The city manager or designee requests voluntary reductions in water use.
- Prohibit residential or commercial lawn watering and car washing between the hours of 9 a.m. and 8 p.m.
- Accelerate public information efforts to teach and encourage reduced water use.
- Staff will begin a review of the problems which initiated the Stage 1 actions.
- Intensify efforts on leak detection and repair.
- Notify major water users and work with them to achieve voluntary water use reduction.
- ~~Prohibit~~Reduce city government use of water for street washing, vehicle washing, operation of ornamental fountains and all other nonessential use.

- Request a reduction in landscape watering by city government.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 1 have been alleviated. If Stage 1 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that these measures are no longer required.

Stage 2: Water Watch

Triggering criteria: Total raw water supply in connected lakes drops below 50 percent of total conservation storage or demand exceeds 95 percent of deliverable capacity for two consecutive days. Stage 2 actions will not ordinarily be taken until Stage 1 actions have first been implemented.

Actions available (applied to all customers, as necessary):

Goals for Reduction and Actions Available under Stage 2, Water Watch

The goal for water use reduction under stage 2, Water Watch, is a ten percent reduction in the use that would have occurred in the absence of drought contingency measures. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Continue public information efforts regarding water supply conditions and conservation efforts.
 - Begin mandatory water use restrictions as follows:
 - Prohibit hosing off of paved areas, buildings or windows; operation of ornamental fountains; swimming pool draining followed by refilling, washing or rinsing vehicles by hose; using water in such a manner as to allow runoff or other water wastes.
- Exceptions:* Vehicles may be washed or rinsed with a hose at commercial car washes; vehicles may be washed at any location with a bucket or other container.
- Limit landscape watering at each service address to once every five days based on the last digit of the address per the schedule below.

TABLE INSET:

| Last Digit of Address | Allowed Water Dates |
|-----------------------|-----------------------------------|
| 0 and 5 | 5th, 10th, 15th, 20th, 25th, 30th |
| 1 and 6 | 1st, 6th, 11th, 16th, 21st, 26th |
| 2 and 7 | 2nd, 7th, 12th, 17th, 22nd, 27th |
| 3 and 8 | 3rd, 8th, 13th, 18th, 23rd, 28th |
| 4 and 9 | 4th, 9th, 14th, 19th, 24th, 29th |

No watering will be allowed on the 31st. Apartments, office building complexes or other property containing multiple addresses will be identified by the lowest address number. Where there are no numbers, a number will be assigned by the director. These restrictions also apply to government facilities.

Exceptions: Foundations, azaleas, and new plantings (first year) of trees and shrubs may be watered with a hand-held or soaker hose on any day for up to two hours; nurseries may water plant stock only without restrictions; public gardens may water without restriction.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 2 have been alleviated. If Stage 2 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 2 actions.

Stage 3: Water Warning

Triggering criteria: Total raw water supply in connected lakes drops below 35 percent of total conservation storage or demand exceeds 95 percent of deliverable capacity for five consecutive days. Stage 3 actions will not ordinarily be taken until Stage 2 actions have first been implemented.

Actions available (applied to all customers, as necessary):

Goals for Reduction and Actions Available under Stage 3, Water Warning

The goal for water use reduction under stage 3, Water Warning, is a twenty percent reduction in the use that would have occurred in the absence of drought contingency measures. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Implement and recommended engineering alternatives.
- Continue implementation of all restrictions from previous stages.
- ~~Prohibit residential or commercial lawn watering and car washing between the hours of 9 a.m. and 9 p.m.~~
- Foundations, shrubs, and trees may be watered with soaker or hand-held hose on the same five-day rotational basis and landscapes for up to two hours.
- Public gardens may water only between the hours of 9 p.m. and 9 a.m.
- Nurseries may water plant stock only between the hours of 9 p.m. and 9 a.m.
- Prohibit operations of ornamental fountains.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 3 have been alleviated. If Stage 3 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in

which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 3 actions.

Stage 4: Water Emergency

Triggering criteria: Total raw water supply in connected lakes drops below 20 percent of total conservation storage or demand exceeds 100 percent of deliverable capacity for two consecutive days. Stage 4 actions will not ordinarily be taken until Stage 3 actions have first been implemented.

Actions available (applied to all customers, as necessary):

Goals for Reduction and Actions Available under Stage 4, Water Emergency

The goal for water use reduction under stage 4, Water Emergency, is a twenty-five percent reduction in the use that would have occurred in the absence of drought contingency measures. If circumstances warrant or if required by Dallas Water Utilities ("DWU"), City Manager or the official designee can set a goal for a greater water use reduction.

The City Manager or the official designee must implement any action(s) required by DWU. In addition, the City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The supplier must notify TCEQ within five business days if these measures are implemented.

- Continue implementation of all restrictions from previous stages.
- Prohibit all commercial and residential landscape watering ~~including golf courses with the following exceptions:~~
- Nurseries' plant stock may be watered between the hours of 9 p.m. and 9 a.m. once every five days based on the last digit of their address per the schedule in Stage 2.
- Public gardens may water between the hours of 9 p.m. and 9 a.m. once every five days based on the last digit of their address per the schedule in Stage 2.
- Foundations may be watered for a two hour period between the hours of 9 p.m. and 9 a.m. with a soaker or hand-held hose on the five-day rotational basis prescribed for landscape watering in Stage 2.
- Any and all washing of vehicles is prohibited.
- All commercial water users may be required to reduce water consumption by a percentage determined by the director.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 4 have been alleviated. If Stage 4 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 4 actions.

Stage 5: Emergency Water Shortage

(a) System outage due to major water system components.

Triggering criteria: A system outage to one of the town's two water pump stations, which are located at each end of town. In the event of such outage, the second pump station will be used. In addition, the Town of Addison has four City of Dallas emergency stand-by meters connected to the town's distribution system that can be used to supplement the town's supply after notification to the City of Dallas.

Actions available (applied to all customers):

Goals for Reduction and Actions Available under Stage 5, Emergency Water Shortage

The goal for water use reduction under stage 5, Emergency Water Shortage, is a reduction to prevent public health emergencies that would have occurred in the absence of drought contingency measures. If circumstances warrant or if required by Dallas Water Utilities ("DWU"), City Manager or the official designee can set a goal for a greater water use reduction.

The City Manager or the official designee must implement any action(s) required by DWU. In addition, the City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on member cities and customers. The supplier must notify TCEQ within five business days if these measures are implemented.

- Initiate or continue implementation of all restrictions from previous stages as directed by the city manager or his designee.
- Prohibit all commercial and residential landscape watering. All commercial water users will be required to reduce water consumption by a percentage determined by the city manager or his designee.

(b) Supply source contamination special precautions.

Triggering criteria: Water system contamination caused by low distribution pressures (below 20 psi), repeated unacceptable microbiological samples, or failure to maintain adequate chlorine residuals. In the event of such contamination, the affected area shall be isolated from the distribution system immediately and special precautions shall be taken in accordance with Subsection (q), "Special Precautions," of Section 290.46, "Minimum Acceptable Operating Practices for Public Drinking Water Systems," of Subchapter D, "Rules and Regulations for Public Water Systems," of Chapter 290, "Public Drinking Water," of Part 1, "~~Texas Natural Resource Conservation Commission on Environmental Quality~~," of Title 30, "Environmental Quality," of the Texas Administrative Code, in its current form and as it may hereafter be amended.

Water customers in the affected area shall be notified immediately with a "Boil Water Notice" and a letter explaining the situation and containing recommendations to the water customer regarding the use of bottled water. The "Flow chart" contained in Appendix H of Section 290.47, "Appendices," of Subchapter D, "Rules and Regulations for Public Water Systems," of Chapter 290, "Public Drinking Water, of Part 1, "Texas Natural

Resource Conservation Commission on Environmental Quality," of Title 30, "Environmental Quality," of the Texas Administrative Code, in its current form and as it may hereafter be amended, shall be used to evaluate the response measures necessary to correct the condition.

Actions available (applied to all affected customers).

- Hand deliver boil water notice to all water customers affected.
- Prohibit all water usage for human consumption for 24 to 36 hours, as determined by the city manager or his designee.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 5 have been alleviated. If Stage 5 is initiated because of water supply contamination, all initiated actions will remain in effect until the city manager or his designee determines that conditions exist which will allow removal of Stage 5 actions. (Ord. No. 099-030, § 7, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-178. Variances.

(a) *Temporary variances.* The city manager (designated official), or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such a 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:

- (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 which will achieve the same level of reduction in water use.

(b) *Exemptions.* Persons requesting an exemption from the provisions of this article shall file a petition for a 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 city manager, or his/her designee, and shall include the following:

- (1) Name and address of the petitioner(s).
- (2) Purpose of water use.
- (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 article.
- (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 as may be required by the city manager or his designee.

(c) *Special conditions.* Variances granted by the city manager or his designee shall be subject to the following conditions, unless waived or modified by the city manager (designated official) or his/her designee:

- Variances granted shall include a timetable for compliance.

- 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 the plan occurring prior to the issuance of the variance.

(Ord. No. 099-030, § 8, 8-24-9; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-179. Penalty.

It shall be unlawful for any person to violate any provision of this article, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than \$2,000.00, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. No. 099-030, § 11, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 28, 2005

Failure to Submit Required Drought Contingency Plan

This is a second reminder that effective on October 7, 2004, the Texas Commission on Environmental Quality (TCEQ) adopted revisions to Title 30, Texas Administrative Code (TAC), Chapter 288 - Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements.

Title 30 TAC Chapter 288.30(5)(A) states: **Retail public water suppliers providing water service to 3,300 or more connections shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter to the executive director.**

A retail public water supplier providing service to 3,300 or more connections must submit a drought contingency plan to include **specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought** to the TCEQ by May 1, 2005.

The TCEQ records indicate that your system provides water service to 3,300 or more connections; however, we did not receive your drought contingency plan by the May 1, 2005 deadline. Please submit a drought contingency plan for municipal uses by public water suppliers to meet the Chapter 288 requirements as soon as possible. The TCEQ has prepared a model drought contingency plan for retail public water suppliers. The model plan and Title 30 TAC Chapter 288 are available on our website at www.tceq.state.tx.us. The plan should be mailed to the Texas Commission on Environmental Quality, Resource Protection Team, P.O. Box 13087 MC-160, Austin, TX 78711-3087.

Please be aware that failure to respond to this request is a violation of Title 30 TAC Chapter 288. If you submit the required information in a timely manner, we will not pursue further action for the alleged violation at this time. However, please note that if you fail to adequately respond, the TCEQ will consider exercising the enforcement powers granted by the Texas Legislature to carry out its mission to protect human health and the environment.

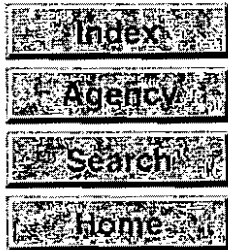
The TCEQ recognizes that the great majority of the regulated community wants to comply with environmental laws. The TCEQ looks forward to working with you to resolve this matter. Should you have any questions, please contact the water conservation staff of the Resource Protection Team at (512) 239-4691.

Mail Code 160



Texas Natural Resource Conservation Commission

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Drought Contingency Plans

- [Drought Contingency](#)
- [New Requirements and Submittal Deadline- May 1, 2005](#)
- [Investor-Owned Utilities](#)
- [What Contingency Plans Should Include](#)
- [Model Drought Contingency Plans](#)

See Also:

[Drought Information](#)

[Utility Concerns About The Drought](#)

[Water Conservation](#)

[Xeriscaping \(Drought-Tolerant Landscaping\)](#)

Drought Contingency

Drought is a frequent and inevitable factor in the climate of Texas. Therefore, it is vital to plan for the effect that droughts will have on the use, allocation and conservation of water in the state.

Water utilities throughout Texas have enacted a variety of measures to reduce peak demands and to extend their water supplies. In some areas of the state, neighboring systems are coordinating their drought response measures.

Because of the range of conditions that affected the more than 4,000 water utilities throughout the state in 1997, the Texas Legislature directed the TCEQ to adopt rules establishing common drought plan requirements for water suppliers. As a result, the TCEQ requires all wholesale public water suppliers, retail public water suppliers serving 3,300 connections or more, and irrigation districts to submit drought contingency plans.

The TCEQ requires retail public water suppliers serving less than 3,300 connections to prepare and adopt a drought contingency plan and to make the plan available upon request.

New Requirements and Submittal Deadline

The amended Title 30, Texas Administrative Code, Chapter 288 became effective on October 7, 2004. The revised Chapter 288 Rules require adopted drought contingency plans to be submitted to the TCEQ no later than May 1, 2005. Thereafter, the next revision of the drought contingency plans for retail public water suppliers serving 3,300 or more connections, wholesale public water suppliers, and irrigation districts must be submitted no later than May 1, 2009, and every five years thereafter to coincide with the regional water planning group process. Any new or revised plans must be submitted to the TCEQ within 90 days

of adoption by the governing body of the entity.

For all retail public water suppliers serving less than 3,300 connections, the drought contingency plans must be prepared and adopted no later than May 1, 2005, and shall be available for inspection upon request.

Those drought contingency plans that are required to be submitted to the TCEQ should be mailed to the Resource Protection Team at the following address:

Texas Commission on Environmental Quality, Resource Protection Team, P.O. Box 13087, MC-160, Austin, Texas, 78711-3087.

Investor-Owned Utilities

Privately-owned water suppliers, called investor-owned utilities (IOUs), are required to complete a drought contingency plan and amend the plan into their tariff. IOUs must submit a letter requesting a tariff amendment with the drought contingency plan to the TCEQ by May 1, 2005.

What Contingency Plans Should Include

Each drought contingency plan for a retail water utility should include:

- Specific, quantified targets for water use reductions (New Requirement)
- Drought response stages
- Triggers to begin and end each stage
- Supply management measures
- Demand management measures
- Descriptions of drought indicators
- Notification procedures
- Enforcement procedures
- Procedures for granting exceptions
- Public input to the plan
- Ongoing public education
 - Adoption of plan
 - Coordination with regional water planning group

Texas Administrative Code Title 30, Chapter 288, Subchapter B

Model Drought Contingency Plans

The TCEQ has prepared model drought contingency plans for wholesale and retail public water suppliers, water supply corporations, and IOUs. If you use the model plan, adapting it to fit your customer base and your

water system, you'll be sure to meet the TCEQ's minimum requirements. You can receive a print copy of the model plan by calling 512/239-4691, or by e-mail to wras@tceq.state.tx.us. (Help with [Downloading Files](#).)

- Handbook for Drought Contingency Planning for Retail Public Water Suppliers (RG-424). [WordPerfect](#) or [PDF](#) - The handbook includes a model plan for retail public water suppliers (TCEQ-20191) [WordPerfect](#) or [PDF](#).
- Handbook for Drought Contingency Planning for Wholesale Public Water Suppliers (RG-426) [WordPerfect](#) or [PDF](#) -The handbook includes a model plan for wholesale public water suppliers (TCEQ-20193) [WordPerfect](#) or [PDF](#)
- Handbook for Drought Contingency Planning for Irrigation Districts (TCEQ-20192). [WordPerfect](#) or [PDF](#) -The handbook includes a model plan for irrigation districts.
- Model Drought Contingency Plan for the Investor Owned Utility (TCEQ-20189). [WordPerfect](#) or [PDF](#) - The example is a model plan for Investor Owned Utilities.
- Model Drought Contingency Plan for the Water Supply Corporation (TCEQ-20187). [WordPerfect](#) or [PDF](#) - The example is a model plan for Water Supply Corporations.

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TITLE 30

ENVIRONMENTAL QUALITY

PART 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 288

WATER CONSERVATION PLANS, DROUGHT
CONTINGENCY PLANS, GUIDELINES AND
REQUIREMENTS

SUBCHAPTER A

WATER CONSERVATION PLANS

RULE §288.2

**Water Conservation Plans for Municipal Uses by Public
Water Suppliers**

(a) A water conservation plan for municipal water use by public water suppliers must provide information in response to the following. If the plan does not provide information for each requirement, the public water supplier shall include in the plan an explanation of why the requirement is not applicable.

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

(A) a utility profile including, but not limited to, information regarding population and customer data, water use data, water supply system data, and wastewater system data;

(B) until May 1, 2005, specification of conservation goals including, but not limited to, municipal per capita water use goals, the basis for the development of such goals, and a time frame for achieving the specified goals;

(C) beginning May 1, 2005, specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use, in gallons per capita per day. The goals established by a public water supplier under this subparagraph are not enforceable;

(D) metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply;

(E) a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement;

(F) measures to determine and control unaccounted-for uses of water (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections; abandoned services; etc.);

(G) a program of continuing public education and information regarding water conservation;

(H) a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water;

(I) a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies; and

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

(i) a copy of the ordinance, resolution, or tariff indicating official adoption of the water conservation plan by the water supplier; and

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

(K) documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.

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

(A) a program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system in order to control unaccounted-for uses of water;

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

(i) residential;

(ii) commercial;

(iii) public and institutional; and

(iv) industrial;

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

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

(A) conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;

(B) adoption of ordinances, plumbing codes, and/or rules requiring water-conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;

(C) a program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;

(D) reuse and/or recycling of wastewater and/or graywater;

(E) a program for pressure control and/or reduction in the distribution system and/or for customer connections;

(F) a program and/or ordinance(s) for landscape water management;

(G) a method for monitoring the effectiveness and efficiency of the water conservation plan; and

(H) any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

(b) A water conservation plan prepared in accordance with 31 TAC §363.15 (relating to Required Water Conservation Plan) of the Texas Water Development Board and substantially meeting the requirements of this section and other applicable commission rules may be submitted to meet application requirements in accordance with a memorandum of understanding between the commission and the Texas Water Development Board.

(c) Beginning May 1, 2005, a public water supplier for municipal use 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 public water supplier for municipal use shall review and update the next revision of its water conservation plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group.

Source Note: The provisions of this §288.2 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

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TITLE 30

ENVIRONMENTAL QUALITY

PART 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 288

WATER CONSERVATION PLANS, DROUGHT
CONTINGENCY PLANS, GUIDELINES AND
REQUIREMENTS

SUBCHAPTER B

DROUGHT CONTINGENCY PLANS

RULE §288.20

**Drought Contingency Plans for Municipal Uses by Public
Water Suppliers**

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

(i) reduction in available water supply up to a repeat of the drought of record;

(ii) water production or distribution system limitations;

(iii) supply source contamination; or

(iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

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

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

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TITLE 30**ENVIRONMENTAL QUALITY****PART 1****TEXAS COMMISSION ON ENVIRONMENTAL QUALITY****CHAPTER 288****WATER CONSERVATION PLANS, DROUGHT
CONTINGENCY PLANS, GUIDELINES AND
REQUIREMENTS****SUBCHAPTER C****REQUIRED SUBMITTALS****RULE §288.30****Required Submittals**

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

(1) Water conservation plans for municipal, industrial, and other non-irrigation uses. The holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 1,000 acre-feet a year or more for municipal, industrial, and other non-irrigation uses shall develop, submit, and implement a water conservation plan meeting the requirements of Subchapter A of this chapter (relating to Water Conservation Plans). The water conservation plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the next revision of the water conservation plan for municipal, industrial, and other non-irrigation uses must be submitted not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director within 90 days of adoption. The revised plans must include implementation reports. The requirement for a water conservation plan under this section must not result in the need for an amendment to an existing permit, certified filing, or certificate of adjudication.

(2) Implementation report for municipal, industrial, and other non-irrigation uses. The implementation report must include:

- (A) the list of dates and descriptions of the conservation measures implemented;
- (B) data about whether or not targets in the plans are being met;
- (C) the actual amount of water saved; and
- (D) if the targets are not being met, an explanation as to why any of the targets are not being met, including any progress on that particular target.

(3) Water conservation plans for irrigation uses. The holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 10,000 acre-feet a year or more for irrigation uses shall develop, submit, and implement a water conservation plan meeting the requirements of Subchapter A of this chapter. The water conservation plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the next revision of the water conservation plan for irrigation uses must be submitted not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director within 90 days of adoption. The revised plans must include implementation reports. The requirement for a water conservation plan under this section must not result in the need for

an amendment to an existing permit, certified filing, or certificate of adjudication.

(4) Implementation report for irrigation uses. The implementation report must include:

(A) the list of dates and descriptions of the conservation measures implemented;

(B) data about whether or not targets in the plans are being met;

(C) the actual amount of water saved; and

(D) if the targets are not being met, an explanation as to why any of the targets are not being met, including any progress on that particular target.

(5) Drought contingency plans for retail public water suppliers. Retail public water suppliers shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter (relating to Drought Contingency Plans) to the executive director after adoption by its governing body. The retail public water system shall provide a copy of the plan to the regional water planning group for each region within which the water system operates. These drought contingency plans must be submitted as follows.

(A) For retail public water suppliers providing water service to 3,300 or more connections, the drought contingency plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the retail public water suppliers providing water service to 3,300 or more connections shall submit the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director within 90 days of adoption by the community water system. Any new retail public water suppliers providing water service to 3,300 or more connections shall prepare and adopt a drought contingency plan within 180 days of commencement of operation, and submit the plan to the executive director within 90 days of adoption.

(B) For all the retail public water suppliers, the drought contingency plan must be prepared and adopted not later than May 1, 2005 and must be available for inspection by the executive director upon request. Thereafter, the retail public water suppliers shall prepare and adopt the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any new retail public water supplier providing water service to less than 3,300 connections shall prepare and adopt a drought contingency plan within 180 days of commencement of operation, and shall make the plan available for inspection by the executive director upon request.

(6) Drought contingency plans for wholesale public water suppliers. Wholesale public water suppliers shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter to the executive director not later than May 1, 2005, after adoption of the drought contingency plan by the governing body of the water supplier. Thereafter, the wholesale public water suppliers shall submit the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any new or revised plans must be submitted to the executive director within 90 days of adoption by the governing body of the wholesale public water supplier. Wholesale public water suppliers shall also provide a copy of the drought contingency plan to the regional water planning group for each region within which the wholesale water supplier operates.

(7) Drought contingency plans for irrigation districts. Irrigation districts shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter to the executive director not

later than May 1, 2005, after adoption by the governing body of the irrigation district. Thereafter, the irrigation districts shall submit the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any new or revised plans must be submitted to the executive director within 90 days of adoption by the governing body of the irrigation district. Irrigation districts shall also provide a copy of the plan to the regional water planning group for each region within which the irrigation district operates.

(8) Other submissions. A water conservation plan or drought contingency plan required to be submitted with an application in accordance with §295.9 of this title must also be subject to review and approval by the commission.

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

Source Note: The provisions of this §288.30 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

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Steve Chutchian

To: Jerry Davis
Subject: Drought Contingency Plan

Jerry:

I talked to Nancy about the Drought Contingency Plan and received concurrence to send the draft copy of the revised plan to Ms. Wang of the TCEQ. You indicated last week that you could prepare a simple cover letter to send her and include the draft plan as an attachment. We have to get it to her by Wednesday, August 31st. Can you contact me tomorrow, Wed. the 24th., and let me know if this is ok, or do I need to help in any way. Thanks.

Steve C.

Steve Chutchian

To: Nancy Cline
Cc: Jerry Davis
Subject: Drought Contingency Plan

Nancy:

I talked with an individual in the Drought Contingency Plan office of the TCEQ regarding our plan. She stated that the correspondence the Town received, dated June 28, 2005, contains the latest information, and she included the following:

- The DRAFT plan that we have prepared should be emailed to the TCEQ, c/o Ms. Kristen Wang, at kwang@TCEQ.State.Tx.Us, prior to the August 31, 2005.
- Ms. Wang will log in the draft at her office, and mark the Town of Addison as being in compliance with the State's requirements for submittal.
- The Town is not required to hold any formal public meetings. However, she suggests that the Town do some type of public awareness program over time to inform the public.
- The Town will be allowed to formally approve the Drought Contingency Plan, by ordinance, at a subsequent Council meeting this fall.
- Upon approval by the Council, the Town must forward the final Drought Contingency Plan to Ms. Wang for filing.

We have approximately 2 weeks to get this draft emailed to Ms. Wang. Upon your direction, Jerry or I can proceed to complete this first step. Thanks.

Steve C.

CHAPTER 34

ARTICLE V. DROUGHT CONTINGENCY PLAN

Sec. 34-171. Non-essential water uses.

Water uses regulated or prohibited under this article (hereinafter referred to as the "Drought Contingency Plan" or the "Plan") are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in section 34-179 of this plan.

(Ord. No. 099-030, § 1, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-172. Public education and notification.

(a) The city, by and through its department of public works, shall 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.

(b) When drought contingency measures appear to be necessary, the public will be notified through available news media, and additional information on water conservation methods will be distributed. In the event that a trigger condition is reached, the public will be kept fully informed of the status of the drought condition through all available media.

(c) When a trigger condition has been reached and the City of Dallas Water Utilities Department informs the town that drought contingency measures may be necessary, the city manager or duly appointed representative will order the initiation of a public notification process. The public notification process will include, but is not limited to the following:

Notification

(1) A notice of drought condition will be posted at town hall, the post office, recreation center, major supermarkets, and shopping centers.

(2) The notice will be circulated to local newspapers and radio stations via public service announcement. Information regarding the contingency measures for the drought condition will be mailed to all water customers by means of utility bill inserts and posted on the town's web page.

(Ord. No. 099-030, § 2, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-173. Coordination with regional water planning groups.

AS COMMISSIONER OF ENVIRONMENTAL QUALITY (TCEQ)

The service area of the city is located within Texas Natural Resource Conservation Commission ("TNRCC") Region G and the Town of Addison, Texas has provided a copy of this plan to the TNRCC, City of Dallas, and State Planning Region.

(Ord. No. 099-030, § 3, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-174. Authorization.

The city manager, or his/her designee, is hereby authorized and directed to implement

the applicable provisions of the plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The city manager 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.

(Ord. No. 099-030, § 4, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-175. Application.

The provisions of this plan shall apply to all persons, customers, and property using water provided by the city. The terms "person" and "customer" as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities.

(Ord. No. 099-030, § 5, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-176. Definitions.

For the purposes of this plan, the following definitions shall apply:

Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use means water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels, and motels, restaurants, and office buildings.

Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer means any person, company, or organization using water supplied by the city.

Domestic water use means water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address means street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use means water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than

immediate fire protection;

(5) Flushing gutters or permitting water to run or accumulate in any gutter or street;

(6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;

(7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

(8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(9) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address means street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

(Ord. No. 099-030, § 6, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-177. Triggering criteria for initiation and termination of drought response stages.

The city purchases 100 percent of its potable water from the City of Dallas. Therefore, the emergency water management triggering measures will be the same as those of the City of Dallas. Also, triggering criteria may be initiated as a result of short term deficiencies and or emergencies specific to the Town of Addison.

Following are the triggering criteria for initiation and termination of drought response stages:

Stage 1: Water Awareness

Triggering criteria: Total raw water supply in connected lakes drops below 55 percent of total conservation storage, demand exceeds 90 percent of deliverable capacity for three consecutive days, or short term deficiencies in distribution system limit supply capability.

Below are examples of the types of triggering criteria that might be used in a drought contingency plan. One or a combination of such criteria may be defined for each drought response stage:

Example 1: When, pursuant to requirements specified in the city wholesale water purchase contract with the City of Dallas, notification is received requesting initiation of Stage 1 of the drought contingency plan.

Example 2: Continually falling treated water reservoir levels which do not refill above 50 percent overnight (e.g., based on an evaluation of minimum treated water storage required to avoid system outage).

* ~~Actions available (applied to all customers as necessary)~~

- The city manager or designee requests voluntary reductions in water use.
- Accelerate public information efforts to teach and encourage reduced water use.
- Staff will begin a review of the problems which initiated the Stage 1 actions.
- Notify major water users and work with them to achieve voluntary water use reduction.
- Prohibit city government use of water for street washing, vehicle washing, operation of

→ Reduce

ornamental fountains and all other nonessential use. *special Events?*

- Request a reduction in landscape watering by city government.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 1 have been alleviated. If Stage 1 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that these measures are no longer required.

• INTENSIFY EFFORTS ON LEAK DETECTION & REPAIR

Stage 2: Water Watch

Triggering criteria: Total raw water supply in connected lakes drops below 50 percent of total conservation storage or demand exceeds 95 percent of deliverable capacity for two consecutive days. Stage 2 actions will not ordinarily be taken until Stage 1 actions have first been implemented.

~~*** Actions available (applied to all customers, as necessary).~~

- Continue public information efforts regarding water supply conditions and conservation efforts.
- Begin mandatory water use restrictions as follows:
 - Prohibit hosing off of paved areas, buildings or windows; ~~operation of ornamental fountains~~, swimming pool draining followed by refilling, washing or rinsing vehicles by hose; using water in such a manner as to allow runoff or other water wastes.

Exceptions: Vehicles may be washed or rinsed with a hose at commercial car washes; vehicles may be washed at any location with a bucket or other container.

- Limit landscape watering at each service address to once every five days based on the last digit of the address per the schedule below.

TABLE INSET:

| Last Digit of Address | Allowed Water Dates |
|-----------------------|-----------------------------------|
| 0 and 5 | 5th, 10th, 15th, 20th, 25th, 30th |
| 1 and 6 | 1st, 6th, 11th, 16th, 21st, 26th |
| 2 and 7 | 2nd, 7th, 12th, 17th, 22nd, 27th |
| 3 and 8 | 3rd, 8th, 13th, 18th, 23rd, 28th |
| 4 and 9 | 4th, 9th, 14th, 19th, 24th, 29th |

No watering will be allowed on the 31st. Apartments, office building complexes or other property containing multiple addresses will be identified by the lowest address number.

Where there are no numbers, a number will be assigned by the director. These restrictions also apply to government facilities.

Exceptions: Foundations, azaleas, and new plantings (first year) of trees and shrubs may be watered with a hand-held or soaker hose on any day for up to two hours; nurseries may water plant stock only without restrictions; public gardens may water without restriction.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 2 have been alleviated. If Stage 2 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 2 actions.

Stage 3: Water Warning

Triggering criteria: Total raw water supply in connected lakes drops below 35 percent of total conservation storage or demand exceeds 95 percent of deliverable capacity for five consecutive days. Stage 3 actions will not ordinarily be taken until Stage 2 actions have first been implemented.

~~*** Actions available (applied to all customers, as necessary).~~

- ~~• Implement recommended engineering alternatives.~~
- Continue implementation of all restrictions from previous stages.

move to
STAGE 1

• Prohibit residential or commercial lawn watering and car washing between the hours of 8 a.m. and 9 p.m.

• Foundations, shrubs, and trees may be watered with soaker or hand-held hose on the same five-day rotational basis and landscapes for up to two hours.

• Public gardens may water only between the hours of 9 p.m. and 9 a.m.

• Nurseries may water plant stock only between the hours of 9 p.m. and 9 a.m.

~~PROHIBIT OPERATION OF ORNAMENTAL FOUNTAINS~~
~~PROHIBIT ESTABLISHMENT OF NEW LANDSCAPING.~~

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 3 have been alleviated. If Stage 3 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 3 actions.

Stage 4: Water Emergency

Triggering criteria: Total raw water supply in connected lakes drops below 20 percent of total conservation storage or demand exceeds 100 percent of deliverable capacity for two consecutive days. Stage 4 actions will not ordinarily be taken until Stage 3 actions have first been implemented.

~~*** Actions available (applied to all customers, as necessary).~~

- Continue implementation of all restrictions from previous stages.
- Prohibit all commercial and residential landscape watering including golf courses with the following exceptions:
 - Nurseries' plant stock may be watered between the hours of 9 p.m. and 9 a.m. once every five days based on the last digit of their address per the schedule in Stage 2.
 - Public gardens may water between the hours of 9 p.m. and 9 a.m. once every five days based on the last digit of their address per the schedule in Stage 2.
 - Foundations may be watered for a two hour period between the hours of 9 p.m. and 9

a.m. with a soaker or hand-held hose on the five-day rotational basis prescribed for landscape watering in Stage 2.

- Any and all washing of vehicles is prohibited.
- All commercial water users ^{will} ~~may~~ be required to reduce water consumption by ~~a percentage determined by the director.~~ 25%

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 4 have been alleviated. If Stage 4 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 4 actions.

Stage 5: Emergency Water Shortage

- (a) System outage due to major water system components.

Triggering criteria: A system outage to one of the town's two water pump stations, which are located at each end of town. In the event of such outage, the second pump station will be used. In addition, the Town of Addison has four City of Dallas emergency stand-by meters connected to the town's distribution system that can be used to supplement the town's supply after notification to the City of Dallas.

Actions available (applied to all customers). ~~GOALS FOR~~

- Initiate or continue implementation of all restrictions from previous stages as directed by the city manager or his designee.
- Prohibit all commercial and residential landscape watering. All commercial water users will be required to reduce water consumption by a percentage determined by the city manager or his designee.

- (b) Supply source contamination special precautions.

Triggering criteria: Water system contamination caused by low distribution pressures (below 20 psi), repeated unacceptable microbiological samples, or failure to maintain adequate chlorine residuals. In the event of such contamination, the affected area shall be isolated from the distribution system immediately and special precautions shall be taken in accordance with Subsection (q), "Special Precautions," of Section 290.46, "Minimum Acceptable Operating Practices for Public Drinking Water Systems," of Subchapter D, "Rules and Regulations for Public Water Systems," of Chapter 290, "Public Drinking Water," of Part 1, "Texas Natural Resource Conservation Commission," of Title 30, "Environmental Quality," of the Texas Administrative Code, in its current form and as it may hereafter be amended.

Water customers in the affected area shall be notified immediately with a "Boil Water Notice" and a letter explaining the situation and containing recommendations to the water customer regarding the use of bottled water. The "Flow chart" contained in Appendix H of Section 290.47, "Appendices," of Subchapter D, "Rules and Regulations for Public Water Systems," of Chapter 290, "Public Drinking Water," of Part 1, "Texas Natural Resource Conservation Commission," of Title 30, "Environmental Quality," of the Texas Administrative Code, in its current form and as it may hereafter be amended, shall be used to evaluate the response measures necessary to correct the condition.

Actions available (applied to all affected customers).

- Hand deliver boil water notice to all water customers affected.

- Prohibit all water usage for human consumption for 24 to 36 hours, as determined by the city manager or his designee.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 5 have been alleviated. If Stage 5 is initiated because of water supply contamination, all initiated actions will remain in effect until the city manager or his designee determines that conditions exist which will allow removal of Stage 5 actions.

(Ord. No. 099-030, § 7, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-178. Variances.

(a) *Temporary variances.* The city manager (designated official), or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such a 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:

- (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 which will achieve the same level of reduction in water use.

(b) *Exemptions.* Persons requesting an exemption from the provisions of this article shall file a petition for a 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 city manager, or his/her designee, and shall include the following:

- (1) Name and address of the petitioner(s).
- (2) Purpose of water use.
- (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 article.
- (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 as may be required by the city manager or his designee.

(c) *Special conditions.* Variances granted by the city manager or his designee shall be subject to the following conditions, unless waived or modified by the city manager (designated official) or his/her designee:

- Variances granted shall include a timetable for compliance.

- 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 the plan occurring prior to the issuance of the variance.

(Ord. No. 099-030, § 8, 8-24-9; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-179. Penalty.

It shall be unlawful for any person to violate any provision of this article, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than \$2,000.00, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. No. 099-030, § 11, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 28, 2005

Failure to Submit Required Drought Contingency Plan

This is a second reminder that effective on October 7, 2004, the Texas Commission on Environmental Quality (TCEQ) adopted revisions to Title 30, Texas Administrative Code (TAC), Chapter 288 - Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements.

Title 30 TAC Chapter 288.30(5)(A) states: **Retail public water suppliers providing water service to 3,300 or more connections shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter to the executive director.**

A retail public water supplier providing service to 3,300 or more connections must submit a drought contingency plan to include **specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought** to the TCEQ by May 1, 2005.

The TCEQ records indicate that your system provides water service to 3,300 or more connections; however, we did not receive your drought contingency plan by the May 1, 2005 deadline. Please submit a drought contingency plan for municipal uses by public water suppliers to meet the Chapter 288 requirements as soon as possible. The TCEQ has prepared a model drought contingency plan for retail public water suppliers. The model plan and Title 30 TAC Chapter 288 are available on our website at www.tceq.state.tx.us. The plan should be mailed to the Texas Commission on Environmental Quality, Resource Protection Team, P.O. Box 13087 MC-160, Austin, TX 78711-3087.

Please be aware that failure to respond to this request is a violation of Title 30 TAC Chapter 288. If you submit the required information in a timely manner, we will not pursue further action for the alleged violation at this time. However, please note that if you fail to adequately respond, the TCEQ will consider exercising the enforcement powers granted by the Texas Legislature to carry out its mission to protect human health and the environment.

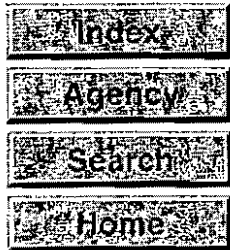
The TCEQ recognizes that the great majority of the regulated community wants to comply with environmental laws. The TCEQ looks forward to working with you to resolve this matter. Should you have any questions, please contact the water conservation staff of the Resource Protection Team at (512) 239-4691.

Mail Code 160



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Drought Contingency Plans

- [Drought Contingency](#)
- [New Requirements and Submittal Deadline- May 1, 2005](#)
- [Investor-Owned Utilities](#)
- [What Contingency Plans Should Include](#)
- [Model Drought Contingency Plans](#)

See Also:

[Drought Information](#)

[Utility Concerns About The Drought](#)

[Water Conservation](#)

[Xeriscaping \(Drought-Tolerant Landscaping\)](#)

Drought Contingency

Drought is a frequent and inevitable factor in the climate of Texas. Therefore, it is vital to plan for the effect that droughts will have on the use, allocation and conservation of water in the state.

Water utilities throughout Texas have enacted a variety of measures to reduce peak demands and to extend their water supplies. In some areas of the state, neighboring systems are coordinating their drought response measures.

Because of the range of conditions that affected the more than 4,000 water utilities throughout the state in 1997, the Texas Legislature directed the TCEQ to adopt rules establishing common drought plan requirements for water suppliers. As a result, the TCEQ requires all wholesale public water suppliers, retail public water suppliers serving 3,300 connections or more, and irrigation districts to submit drought contingency plans.

The TCEQ requires retail public water suppliers serving less than 3,300 connections to prepare and adopt a drought contingency plan and to make the plan available upon request.

New Requirements and Submittal Deadline

The amended Title 30, Texas Administrative Code, Chapter 288 became effective on October 7, 2004. The revised Chapter 288 Rules require adopted drought contingency plans to be submitted to the TCEQ no later than May 1, 2005. Thereafter, the next revision of the drought contingency plans for retail public water suppliers serving 3,300 or more connections, wholesale public water suppliers, and irrigation districts must be submitted no later than May 1, 2009, and every five years thereafter to coincide with the regional water planning group process. Any new or revised plans must be submitted to the TCEQ within 90 days

of adoption by the governing body of the entity.

For all retail public water suppliers serving less than 3,300 connections, the drought contingency plans must be prepared and adopted no later than May 1, 2005, and shall be available for inspection upon request.

Those drought contingency plans that are required to be submitted to the TCEQ should be mailed to the Resource Protection Team at the following address:

Texas Commission on Environmental Quality, Resource Protection Team, P.O. Box 13087, MC-160, Austin, Texas, 78711-3087.

Investor-Owned Utilities

Privately-owned water suppliers, called investor-owned utilities (IOUs), are required to complete a drought contingency plan and amend the plan into their tariff. IOUs must submit a letter requesting a tariff amendment with the drought contingency plan to the TCEQ by May 1, 2005.

What Contingency Plans Should Include

Each drought contingency plan for a retail water utility should include:

- Specific, quantified targets for water use reductions (New Requirement)
- Drought response stages
- Triggers to begin and end each stage
- Supply management measures
- Demand management measures
- Descriptions of drought indicators
- Notification procedures
- Enforcement procedures
- Procedures for granting exceptions
- Public input to the plan
- Ongoing public education
- Adoption of plan
- Coordination with regional water planning group

Texas Administrative Code Title 30, Chapter 288, Subchapter B

Model Drought Contingency Plans

The TCEQ has prepared model drought contingency plans for wholesale and retail public water suppliers, water supply corporations, and IOUs. If you use the model plan, adapting it to fit your customer base and your

water system, you'll be sure to meet the TCEQ's minimum requirements. You can receive a print copy of the model plan by calling 512/239-4691, or by e-mail to wras@tceq.state.tx.us. (Help with [Downloading Files](#).)

- Handbook for Drought Contingency Planning for Retail Public Water Suppliers (RG-424). [WordPerfect](#) or [PDF](#) - The handbook includes a model plan for retail public water suppliers (TCEQ-20191) [WordPerfect](#) or [PDF](#).
- Handbook for Drought Contingency Planning for Wholesale Public Water Suppliers (RG-426) [WordPerfect](#) or [PDF](#) -The handbook includes a model plan for wholesale public water suppliers (TCEQ-20193) [WordPerfect](#) or [PDF](#)
- Handbook for Drought Contingency Planning for Irrigation Districts (TCEQ-20192). [WordPerfect](#) or [PDF](#) -The handbook includes a model plan for irrigation districts.
- Model Drought Contingency Plan for the Investor Owned Utility (TCEQ-20189). [WordPerfect](#) or [PDF](#) - The example is a model plan for Investor Owned Utilities.
- Model Drought Contingency Plan for the Water Supply Corporation (TCEQ-20187). [WordPerfect](#) or [PDF](#) - The example is a model plan for Water Supply Corporations.

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TITLE 30

ENVIRONMENTAL QUALITY

PART 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 288WATER CONSERVATION PLANS, DROUGHT
CONTINGENCY PLANS, GUIDELINES AND
REQUIREMENTS**SUBCHAPTER A**

WATER CONSERVATION PLANS

RULE §288.2**Water Conservation Plans for Municipal Uses by Public
Water Suppliers**

(a) A water conservation plan for municipal water use by public water suppliers must provide information in response to the following. If the plan does not provide information for each requirement, the public water supplier shall include in the plan an explanation of why the requirement is not applicable.

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

(A) a utility profile including, but not limited to, information regarding population and customer data, water use data, water supply system data, and wastewater system data;

(B) until May 1, 2005, specification of conservation goals including, but not limited to, municipal per capita water use goals, the basis for the development of such goals, and a time frame for achieving the specified goals;

(C) beginning May 1, 2005, specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use, in gallons per capita per day. The goals established by a public water supplier under this subparagraph are not enforceable;

(D) metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply;

(E) a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement;

(F) measures to determine and control unaccounted-for uses of water (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections; abandoned services; etc.);

(G) a program of continuing public education and information regarding water conservation;

(H) a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water;

(I) a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies; and

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

(i) a copy of the ordinance, resolution, or tariff indicating official adoption of the water conservation plan by the water supplier; and

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

(K) documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.

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

(A) a program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system in order to control unaccounted-for uses of water;

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

(i) residential;

(ii) commercial;

(iii) public and institutional; and

(iv) industrial;

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

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

(A) conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;

(B) adoption of ordinances, plumbing codes, and/or rules requiring water-conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;

(C) a program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;

(D) reuse and/or recycling of wastewater and/or graywater;

(E) a program for pressure control and/or reduction in the distribution system and/or for customer connections;

(F) a program and/or ordinance(s) for landscape water management;

(G) a method for monitoring the effectiveness and efficiency of the water conservation plan; and

(H) any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

(b) A water conservation plan prepared in accordance with 31 TAC §363.15 (relating to Required Water Conservation Plan) of the Texas Water Development Board and substantially meeting the requirements of this section and other applicable commission rules may be submitted to meet application requirements in accordance with a memorandum of understanding between the commission and the Texas Water Development Board.

(c) Beginning May 1, 2005, a public water supplier for municipal use 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 public water supplier for municipal use shall review and update the next revision of its water conservation plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group.

Source Note: The provisions of this §288.2 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

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TITLE 30

ENVIRONMENTAL QUALITY

PART 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 288

WATER CONSERVATION PLANS, DROUGHT
CONTINGENCY PLANS, GUIDELINES AND
REQUIREMENTS

SUBCHAPTER B

DROUGHT CONTINGENCY PLANS

RULE §288.20

**Drought Contingency Plans for Municipal Uses by Public
Water Suppliers**

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

(i) reduction in available water supply up to a repeat of the drought of record;

(ii) water production or distribution system limitations;

(iii) supply source contamination; or

(iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

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

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

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Memorandum

To: Nextel Users
From: Mark Acevedo
Subject: Text Messaging
Date: June 30, 2005

During the past month we have been conducting a series of tests of text messaging on our Nextel devices in conjunction with Nextel. Nextel was able to find some translation errors on their end and correct them. The last test we conducted last week confirmed 100% delivery from our CAD and MS Outlook systems. At this time we feel confident that our text messaging delivery is sound and good to use.

A few persons within the Town still carry both a pager and a Nextel device. We will leave it up to each department to decide whether or not they will retain the pagers for special alerts and messaging.

If you experience any missed messages in the future, contact Beverly Gaume, xt 2800, immediately

Mark

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TITLE 30

ENVIRONMENTAL QUALITY

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CHAPTER 288

WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS

SUBCHAPTER C

REQUIRED SUBMITTALS

RULE §288.30

Required Submittals

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

(1) Water conservation plans for municipal, industrial, and other non-irrigation uses. The holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 1,000 acre-feet a year or more for municipal, industrial, and other non-irrigation uses shall develop, submit, and implement a water conservation plan meeting the requirements of Subchapter A of this chapter (relating to Water Conservation Plans). The water conservation plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the next revision of the water conservation plan for municipal, industrial, and other non-irrigation uses must be submitted not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director within 90 days of adoption. The revised plans must include implementation reports. The requirement for a water conservation plan under this section must not result in the need for an amendment to an existing permit, certified filing, or certificate of adjudication.

(2) Implementation report for municipal, industrial, and other non-irrigation uses. The implementation report must include:

(A) the list of dates and descriptions of the conservation measures implemented;

(B) data about whether or not targets in the plans are being met;

(C) the actual amount of water saved; and

(D) if the targets are not being met, an explanation as to why any of the targets are not being met, including any progress on that particular target.

(3) Water conservation plans for irrigation uses. The holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 10,000 acre-feet a year or more for irrigation uses shall develop, submit, and implement a water conservation plan meeting the requirements of Subchapter A of this chapter. The water conservation plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the next revision of the water conservation plan for irrigation uses must be submitted not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director within 90 days of adoption. The revised plans must include implementation reports. The requirement for a water conservation plan under this section must not result in the need for

an amendment to an existing permit, certified filing, or certificate of adjudication.

(4) Implementation report for irrigation uses. The implementation report must include:

(A) the list of dates and descriptions of the conservation measures implemented;

(B) data about whether or not targets in the plans are being met;

(C) the actual amount of water saved; and

(D) if the targets are not being met, an explanation as to why any of the targets are not being met, including any progress on that particular target.

(5) Drought contingency plans for retail public water suppliers. Retail public water suppliers shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter (relating to Drought Contingency Plans) to the executive director after adoption by its governing body. The retail public water system shall provide a copy of the plan to the regional water planning group for each region within which the water system operates. These drought contingency plans must be submitted as follows.

(A) For retail public water suppliers providing water service to 3,300 or more connections, the drought contingency plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the retail public water suppliers providing water service to 3,300 or more connections shall submit the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director within 90 days of adoption by the community water system. Any new retail public water suppliers providing water service to 3,300 or more connections shall prepare and adopt a drought contingency plan within 180 days of commencement of operation, and submit the plan to the executive director within 90 days of adoption.

(B) For all the retail public water suppliers, the drought contingency plan must be prepared and adopted not later than May 1, 2005 and must be available for inspection by the executive director upon request. Thereafter, the retail public water suppliers shall prepare and adopt the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any new retail public water supplier providing water service to less than 3,300 connections shall prepare and adopt a drought contingency plan within 180 days of commencement of operation, and shall make the plan available for inspection by the executive director upon request.

(6) Drought contingency plans for wholesale public water suppliers. Wholesale public water suppliers shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter to the executive director not later than May 1, 2005, after adoption of the drought contingency plan by the governing body of the water supplier. Thereafter, the wholesale public water suppliers shall submit the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any new or revised plans must be submitted to the executive director within 90 days of adoption by the governing body of the wholesale public water supplier. Wholesale public water suppliers shall also provide a copy of the drought contingency plan to the regional water planning group for each region within which the wholesale water supplier operates.

(7) Drought contingency plans for irrigation districts. Irrigation districts shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter to the executive director not

later than May 1, 2005, after adoption by the governing body of the irrigation district. Thereafter, the irrigation districts shall submit the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any new or revised plans must be submitted to the executive director within 90 days of adoption by the governing body of the irrigation district. Irrigation districts shall also provide a copy of the plan to the regional water planning group for each region within which the irrigation district operates.

(8) Other submissions. A water conservation plan or drought contingency plan required to be submitted with an application in accordance with §295.9 of this title must also be subject to review and approval by the commission.

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

Source Note: The provisions of this §288.30 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

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EXHIBIT A

City of Frisco Drought Contingency Plan

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Drought Contingency Plan for the

City of Frisco

May 2005

I. INTRODUCTION AND OBJECTIVES

This document is a drought contingency plan intended for adoption by North Texas Municipal Water District (NTMWD) member cities and customers. This plan addresses all of the current TCEQ requirements for a drought contingency plan.

The purpose of this drought contingency plan is as follows:

- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To protect and preserve public health, welfare, and safety
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions.

The North Texas Municipal Water District (NTMWD) supplies treated water to its member cities and customers. This plan was developed by NTMWD in consultation with its member cities. In order to adopt this plan, each NTMWD member city and customer will need to adopt ordinance(s) or regulation(s) implementing the plan, including the determination of fines and enforcement procedures. The plan calls for member cities and customers to adopt drought stages initiated by NTMWD during a drought. Member cities and customer may also adopt more stringent drought stages than NTMWD if conditions warrant.

¹ Superscripted numbers match references listed in Appendix A.

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies ¹.”

Minimum Requirements

TCEQ’s minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 3.1
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 3.2
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 3.7
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Drought Stages – Section 3.3
- 288.20(a)(1)(E) – Drought and Emergency Response Stages – Section 3.4
- 288.20(a)(1)(F) – Water Supply and Demand Management Measures for Each Stage – Section 3.4
- 288.20(a)(1)(G) – Procedures for Initiation and Termination of Drought Stages – Section 3.3
- 288.20(a)(1)(H) - Procedures for Granting Variances – Section 3.5
- 288.20(a)(1)(I) - Procedures for Enforcement of Mandatory Restrictions – Section 3.6
- 288.20(a)(3) – Consultation with Wholesale Supplier – Sections 1, 3.3, and 3.4
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 3.3
- 288.20(c) – Review and Update of Plan – Section 3.8

3. DROUGHT CONTINGENCY PLAN

3.1 Provisions to Inform the Public and Opportunity for Public Input

Member cities and customers will provide opportunity for public input in the development of this drought contingency plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper, posted notice, and notice on the supplier's web site (if available).
- Making the plan available on the Frisco web site.
- Providing the plan to anyone requesting a copy.
- Holding a public meeting.

3.2 Provisions for Continuing Public Education and Information

Member cities and customers will inform and educate the public about the drought contingency plan by the following means:

- Preparing a bulletin describing the plan and making it available at city hall and other appropriate locations.
- Making the plan available to the public through the Frisco web site.
- Including information about the drought contingency plan on the Frisco web site.
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the drought contingency plan (usually in conjunction with presentations on water conservation programs).

At any time that the drought contingency plan is activated or the drought stage changes, member cities and customers will notify local media of the issues, the drought response stage, and the specific actions required of the public. The information will also be publicized on the Frisco web site. Billing inserts can also be used as appropriate.

3.3 Initiation and Termination of Drought Response Stages

Initiation of a Drought Response Stage

The City Manager or the official designee may order the implementation of a drought response stage or water emergency when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought stage is initiated:

- The public will be notified through local media and the Frisco web site as described in Section 3.2.
- Wholesale customers and the NTMWD will be notified by telephone with a follow-up letter, e-mail, or fax.

- If any mandatory provisions of the drought contingency plan are activated, member cities and customers will notify the Executive Director of the TCEQ within 5 business days.

Drought stages imposed by NTMWD action must be initiated by member cities and customers. For other trigger conditions, the City Manager or the official designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

Termination of a Drought Stage

The City Manager or the official designee may order the termination of a drought response stage or water emergency when the conditions for termination are met or at their discretion. The following actions will be taken when a drought stage is terminated:

- The public will be notified through local media and the Frisco web site as described in Section 3.2.
- Wholesale customers and the NTMWD will be notified by telephone with a follow-up letter, e-mail, or fax.
- If any mandatory provisions of the drought contingency plan that have been activated are terminated, member cities and customers will notify the Executive Director of the TCEQ within 5 business days.

The City Manager or the official designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

3.4 Drought and Emergency Response Stages

Stage 1, Mild (Voluntary)

Initiation and Termination Conditions for Stage 1, Mild

- The NTMWD has initiated Stage 1, Mild, which may also be initiated by one or more of the following:
 - The water level in Lake Lavon has fallen below elevation 484.0 msl (8 feet below the top of conservation storage).
 - NTMWD demand exceeds 90% of the amount that can be delivered to customers for seven consecutive days.

- Water demand for all or part of NTMWD's delivery system approaches delivery capacity because delivery capacity is inadequate.
- NTMWD supply source becomes contaminated.
- NTMWD water supply system is unable to deliver water due to the failure or damage of major water system components.
- Water use is approaching the limit of the permitted supply.
- City of Frisco maximum daily flow exceeds 2.5 times the average daily flow from the preceding months of January, February, and March for seven consecutive days.
- City of Frisco water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- City of Frisco supply source becomes contaminated.
- City of Frisco water supply system is unable to deliver water due to the failure or damage of major water system components.
- City of Frisco individual plan may be implemented if other criteria dictate.

Stage 1 would terminate when NTMWD terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 no longer prevail.

Goal for Use Reduction and Actions Available under Stage 1, ~~and~~

* Stage 1, ~~and~~, is intended to raise public awareness of potential drought problems. There is no goal for reduction of water use. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Request voluntary reductions in water use by the public and by wholesale customers.
- Increase public education efforts on ways to reduce water use.
- Review the problems that caused the initiation of Stage 1.
- Notify major water users and work with them to achieve voluntary water use reductions.
- Intensify efforts on leak detection and repair.
- Reduce non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Reduce city government water use for landscape irrigation.
- Notify wholesale customers of actions being taken and request implementation of similar procedures.

Stage 2, Moderate (Voluntary/Mandatory Upgrade)**Initiation and Termination Conditions for Stage 2, Moderate**

- The NTMWD has initiated Stage 2, Moderate, which may be initiated by one or more of the following:
 - The water level in Lake Lavon has fallen below elevation 481.0 msl (11 feet below the top of conservation storage).
 - NTMWD demand exceeds 95% of the amount that can be delivered to customers for five consecutive days.
 - NTMWD demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
 - NTMWD supply source becomes contaminated.
 - NTMWD water supply system is unable to deliver water due to the failure or damage of major water system components.
 - Water use is approaching the limit of the permitted supply.
- City of Frisco maximum daily flow exceeds 3.0 times the average daily flow from the preceding months of January, February, and March for five consecutive days for voluntary restrictions and fifteen consecutive days for mandatory restrictions.
- City of Frisco demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
- City of Frisco supply source becomes contaminated.
- City of Frisco water supply system is unable to deliver water due to the failure or damage of major water system components.
- City of Frisco individual plan may be implemented if other criteria dictate.

Stage 2 can terminate when NTMWD terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail.

Goal for Use Reduction and Actions Available under Stage 2, ~~Moderate~~

*** * *** The goal for water use reduction under Stage 2, ~~Moderate~~, is a ten percent reduction in the use that would have occurred in the absence of drought contingency measures. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Continue or initiate any actions available under Stage 1.
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Further accelerate public education efforts on voluntary ways to reduce water use, which may be upgraded to mandatory restrictions.

- Notify all City of Frisco water users of the following water use schedule for all landscape and outdoor water usage:

| <u>Last Digit of Address</u> | <u>Allowed Landscape Water Days</u> |
|---|--|
| Retail, Businesses, Industrial and Commercial Customers | Monday and Thursday |
| Schools, Places of Worship, Parks, Designated Open Space, Medians/ROW, and other Non-Residential Users | Monday and Thursday |
| Residential Only 0,2,4,6,8 (Includes Duplexes, Town homes and Apartments) | Tuesday and Saturday |
| Residential Only 1,3,5,7,9 (Includes Duplexes, Town homes and Apartments) | Wednesday and Sunday |
| Storage Tank Recovery | Friday |

* A 30-day exemption is allowed for new landscaping. Soaker hoses for foundation maintenance are exempt

- Halt non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.

Stage 3, Severe (Mandatory)

Initiation and Termination Conditions for Stage 3, Severe

- The NTMWD has initiated Stage 3, Severe, which may also be initiated by one or more of the following:
 - The water level in Lake Lavon has fallen below elevation 478.0 msl (14 feet below the top of conservation storage).
 - NTMWD demand exceeds 98% of the amount that can be delivered to customers for three consecutive days.
 - NTMWD demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.

- NTMWD supply source becomes contaminated.
- NTMWD water supply system is unable to deliver water due to the failure or damage of major water system components.
- Water use is approaching the limit of the permitted supply.
- City of Frisco maximum daily flow exceeds 3.5 times the average daily flow from the preceding months of January, February, and March for three consecutive days.
- City of Frisco demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- City of Frisco supply source becomes contaminated.
- City of Frisco water supply system is unable to deliver water due to the failure or damage of major water system components.
- City of Frisco individual plan may be implemented if other criteria dictate.

Stage 3 can terminate when NTMWD terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

Goals for Use Reduction and Actions Available under Stage 3, ~~Severe~~

*** The goal for water use reduction under Stage 3, ~~Severe~~, is a reduction of twenty percent in the use that would have occurred in the absence of drought contingency measures. If circumstances warrant or if required by NTMWD, the City Manager or the official designee can set a goal for a greater water use reduction. *DALLAS WATER UTILITIES*

The City Manager or the official designee must implement any action(s) required by North Texas Municipal Water District. In addition, the City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The supplier must notify TCEQ within five business days if these measures are implemented:

- Continue or initiate any actions available under Stages 1 and 2.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ – Initiate mandatory water use restrictions as follows:**
 - Prohibit hosing of paved areas, buildings, or windows.
 - Prohibit operation of ornamental fountains.
 - Prohibit washing or rinsing of vehicles by hose.
 - Prohibit using water in such a manner as to allow runoff or other waste.
- **Requires Notification to TCEQ – Limit landscape watering at each service address to once every seven days based on the last digit of the address. (Exceptions: Foundations, azaleas, new plantings (first year) of trees and shrubs may be watered for up to 2 hours on any day by a hand-held hose or a soaker**

hose. (Restrictions do not apply to locations using treated wastewater effluent for irrigation.)

The City of Frisco mandatory seven day watering schedule is as follows:

| Last Digit of Address | Allowed Landscape Water Days |
|--|-------------------------------------|
| Retail, Businesses, Industrial And Commercial Customers | Monday |
| Residential Only 0,2,4,6,8 (Includes Duplexes, Town homes and Apartments) | Tuesday |
| Residential Only 1,3,5,7,9 (Includes Duplexes, Town homes and Apartments) | Wednesday |
| Schools, Places of Worship, Parks, Designated Open Space, Medians/ROW and other Non-Residential Users | Thursday |
| Storage Tank Recovery | Friday, Saturday and Sunday |

* Soaker hoses for foundation maintenance are exempt

- **Requires Notification to TCEQ – Prohibit draining and filling of existing pools and filling of new pools. (Pools may add water to replace losses during normal use.)**
- **Requires Notification to TCEQ – Prohibit establishment of new landscaping.**
- **Initiate a rate surcharge of up to 10% for all water use over 4,000 gallons per month.**
- **Discontinue city government water use for landscape irrigation, except as needed to prevent foundation damage, keep golf course greens and tee boxes alive, and preserve new plantings.**
- **Notify wholesale customers of actions being taken and request them to implement similar procedures.**
- **If NTMWD has imposed a reduction in water available to member cities and customers, impose the same percent reduction on wholesale customers.**

Stage 4, Emergency (Mandatory)

Initiation and Termination Conditions for Stage 4, Emergency

- The NTMWD has initiated Stage 4, Emergency, which may also be initiated by one or more of the following:
 - The water level in Lake Lavon has fallen below elevation 475.0 mal (17 feet below the top of conservation storage).
 - NTMWD demand exceeds the amount that can be delivered to customers.
 - NTMWD demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
 - NTMWD supply source becomes contaminated.
 - NTMWD water supply system is unable to deliver water due to the failure or damage of major water system components.
 - Water use is approaching the limit of the permitted supply.
- City of Frisco demand exceeds the amount that can be delivered to customers.
- City of Frisco demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- City of Frisco supply source becomes contaminated.
- City of Frisco water supply system is unable to deliver water due to the failure or damage of major water system components.
- City of Frisco individual plan may be implemented if other criteria dictate.

Stage 4 can terminate when NTMWD terminates its Stage 4 condition or when the circumstances that caused the initiation of Stage 4 no longer prevail.

Goals for Use Reduction and Actions Available under Stage 4, Emergency

of 25/0

The goal for water use reduction under Stage 4, Emergency, is a reduction to prevent public health emergencies that would have occurred in the absence of drought contingency measures. If circumstances warrant or required by NTMWD, the City Manager or the official designee can set a goal for further water use reduction.

PERMITS WATER UTILITIES

XXXXX

The City Manager or the official designee must implement any action(s) required by North Texas Municipal Water District. In addition, the City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on member cities and customers. The supplier must notify TCEQ within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1, 2, and 3.
- Implement viable alternative water supply strategies.

- **Requires Notification to TCEQ** – Prohibit any and all outdoor/landscaping water usage until the emergency has subsided. This applies to all metered water users utilizing the City’s public water supply and encompasses all residential (single or multiple dwellings), commercial (car washes, nurseries, businesses, industries), recreational (public/private golf courses, parks, athletic fields), religious, health care public/private schools and municipal entities. This restriction also applies to new landscaping and soaker hoses.
- **Requires Notification to TCEQ** – Require all commercial water users to reduce water use by a percentage established by the City Manager or the official designee.
- **Use of water for municipal purposes shall be limited only to those activities necessary to maintain the public health, safety, and welfare.**
- **Use of water from fire hydrants is prohibited except for fire fighting and related activities.**
- **Initiate a rate surcharge of up to 25% over normal rates for all water use over 4,000 gallons per month.**
- **Notify wholesale customers of actions being taken and request them to implement similar procedures.**
- **If NTMWD has imposed a reduction in water available to member cities and customers, impose the same percent reduction on wholesale customers.**

3.5 Procedures for Granting Variances to the Plan

The City Manager or the official designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan if one or more of the following conditions are met:

- **Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.**
- **Compliance with this plan cannot be accomplished due to technical or other limitations.**
- **Alternative methods that achieve the same level of reduction in water use can be implemented.**

Variances shall be granted or denied at the discretion of the City Manager or the official designee. All petitions for variances should be in writing and should include the following information:

- **Name and address of the petitioners**
- **Purpose of water use**
- **Specific provisions from which relief is requested**
- **Detailed statement of the adverse effect of the provision from which relief is requested**

- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

3.6 Procedures for Enforcing Mandatory Water Use Restrictions

Mandatory water use restrictions may be imposed in Stage 3 and Stage 4 drought stages. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be warned they have violated the mandatory water use restriction.
- On the second and subsequent violations, citations may be issued to customers, with minimum and maximum fines established by ordinance.
- After three violations have occurred, the City of Frisco may disconnect water service to the customer.
- The City of Frisco maintains the right, at any violation level, to disconnect water service to a customer.

3.7 Coordination with the Regional Water Planning Group and NTMWD

Appendix C includes a copy of a letter sent to the Chair of the Region C water planning group with this water conservation and drought contingency plan.

The City of Frisco will send a draft of its ordinance(s) or other regulation(s) implementing this plan to NTMWD for their review and comment. The City of Frisco will also send the final ordinance(s) or other regulation(s) to NTMWD.

3.8 Review and Update of Drought Contingency Plan

As required by TCEQ rules, the City of Frisco will review this drought contingency plan every five years. The plan will be updated as appropriate based on new or updated information.

APPENDIX A
LIST OF REFERENCES

Appendix A
List of References

- (1) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, Rules 288.1 and Subchapter B, Rule 288.20, downloaded from <http://www.tnrcc.state.tx.us/oprd/rules/pdflib/288a.pdf>, November 2003.
- (2) Freese and Nichols, Inc.: *North Texas Municipal Water District Water Conservation and Drought Management Plan*, prepared for the North Texas Municipal Water District, Fort Worth, November 2003.

The following conservation and drought contingency plans and related documents were reviewed in the development of this plan. References marked with a * were used heavily in the development of this plan.

- (3) City of Austin Water Conservation Division: "City of Austin Water Drought Contingency Plan, Developed to Meet Senate Bill 1 Regulatory Requirements," Austin, August 1999.
- (4) City of Austin Water Conservation Division: "City of Austin Water Conservation Plan, Developed to Meet Senate Bill 1 Regulatory Requirements," Austin, August 1999.
- (5) Upper Trinity Regional Water District: "Water Conservation Plan and Emergency Water Demand Management Plan," adopted by the Board of Directors, Lewisville, August 5, 1999.
- (6) Upper Trinity Regional Water District: "Water Conservation Plan and Emergency Water Demand Management Plan (2002 Amended)," adopted by the Board of Directors, Lewisville, February 2002.
- (7) *City of Dallas Water Utilities Department: "City of Dallas Water Management Plan," adopted by the City Council, Dallas, September 1999.
- (8) Updates to City of Dallas Water Management Plan found at <http://www.dallascityhall.com> in September 2003.
- (9) *City of Dallas Water Utilities Department: "City of Dallas Water Conservation Plan," adopted by the City Council, Dallas, September 1999.
- (10) *City of Fort Worth: "Water Conservation plan for the City of Fort Worth," Fort Worth, August 1999.
- (11) Updates to the City of Fort Worth water conservation plan found at <http://ci.fort-worth.tx.us> in September 2003.
- (12) *City of Fort Worth: "Emergency Water Management Plan for the City of Fort Worth," Fort Worth, August 19, 2003.

- (13) HDR Engineering, Inc.: "Water Conservation and Emergency Demand Management Plan," prepared for the Tarrant Regional Water District, Austin, February 2000.
- (14) Freese and Nichols, Inc.: "Water Conservation and Drought Contingency Plan," prepared for Brown County Water Improvement District No. 1, Fort Worth, August 1999.
- (15) Freese and Nichols, Inc.: "Water Conservation and Drought Contingency Plan," prepared for the Sabine River Authority of Texas, Fort Worth, September 1994.
- (16) HDR Engineering, Inc.: "Water Conservation and Emergency Demand Management Plan," prepared for the Tarrant Regional Water District, Austin, June 1998.
- (17) HDR Engineering, Inc.: "Water Conservation Plan for the City of Corpus Christi," adopted by the City of Corpus Christi City Council, August 24, 1999.
- (18) City of Houston's water conservation plan downloaded September 2003 from <http://www.cityofhouston.gov>
- (19) City of Houston: "Ordinance N. 2001-753, Amending Chapter 47 of the Code of Ordinances Relating to Water Emergencies," Houston, August 2001.
- (20) City of Houston: "Ordinance No. 98-764, Relating to Water Conservation," Houston, September 1998.
- (21) City of Houston: "Water Conservation Plan," 1998.
- (22) City of Houston: "Water Emergency Response Plan," Houston, July 15, 1998.
- (23) City of Lubbock: "Water Conservation Plan," ordinance number 10177 adopted by the City Council in August 1999.
- (24) City of El Paso Water Conservation Ordinance downloaded August 14, 2003 from <http://www.epwu.org/ordinance.html>
- (25) San Antonio Water System: "Water Conservation and Reuse Plan," San Antonio, November 1998 with June 2002 updates.
- (26) North Texas Municipal Water District: "District Policy No. 24 Water Conservation Plan Containing Drought Contingency Plan," adopted August 1999.
- (27) GDS Associates, Inc.: "Water Conservation Study," prepared for the Texas Water Development Board, Fort Worth, 2002.
- (28) A & N Technical Services, Inc.: "BMP Costs & Savings Study: A Guide to Data and Methods for Cost-Effectiveness Analysis of Urban Water Conservation Best Management Practices," prepared for The California Urban Water Conservation Council, Santa Monica, California, July 2000.
- (29) *City of Dallas: "City of Dallas Ordinances, Chapter 49, Section 21.1," Dallas, October 1, 2001.

APPENDIX B

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES
ON DROUGHT CONTINGENCY PLANS**

demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

- (i) curtailment of non-essential water uses; and
 - (ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).
- (G) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.
- (H) The drought contingency plan must include procedures for granting variances to the plan.
- (I) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.
- (2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and shall incorporate such plan into their tariff.
- (3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.
- (b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.
- (c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544

ARTICLE V. DROUGHT CONTINGENCY PLAN

Sec. 34-171. Non-essential water uses.

Water uses regulated or prohibited under this article (hereinafter referred to as the "Drought Contingency Plan" or the "Plan") are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in section 34-179 of this plan.

(Ord. No. 099-030, § 1, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-172. Public education and notification.

(a) The city, by and through its department of public works, shall 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.

(b) When drought contingency measures appear to be necessary, the public will be notified through available news media, and additional information on water conservation methods will be distributed. In the event that a trigger condition is reached, the public will be kept fully informed of the status of the drought condition through all available media.

(c) When a trigger condition has been reached and the City of Dallas Water Utilities Department informs the town that drought contingency measures may be necessary, the city manager or duly appointed representative will order the initiation of a public notification process. The public notification process will include, but is not limited to the following:

Notification

(1) A notice of drought condition will be posted at town hall, the post office, recreation center, major supermarkets, and shopping centers.

(2) The notice will be circulated to local newspapers and radio stations via public service announcement. Information regarding the contingency measures for the drought condition will be mailed to all water customers by means of utility bill inserts and posted on the town's web page.

(Ord. No. 099-030, § 2, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-173. Coordination with regional water planning groups. (TCEQ)

The service area of the city is located within Texas Natural Resource Conservation Commission ("TNRCC") Region C and the Town of Addison, Texas has provided a copy of this plan to the TNRCC, City of Dallas, and State Planning Region.

(Ord. No. 099-030, § 3, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-174. Authorization.

The city manager, or his/her designee, is hereby authorized and directed to implement

the applicable provisions of the plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The city manager 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.

(Ord. No. 099-030, § 4, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-175. Application.

The provisions of this plan shall apply to all persons, customers, and property using water provided by the city. The terms "person" and "customer" as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities.

(Ord. No. 099-030, § 5, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-176. Definitions.

For the purposes of this plan, the following definitions shall apply:

Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use means water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels, and motels, restaurants, and office buildings.

Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer means any person, company, or organization using water supplied by the city.

Domestic water use means water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address means street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use means water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than

immediate fire protection;

(5) Flushing gutters or permitting water to run or accumulate in any gutter or street;

(6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;

(7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

(8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(9) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address means street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

(Ord. No. 099-030, § 6, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-177. Triggering criteria for initiation and termination of drought response stages.

The city purchases 100 percent of its potable water from the City of Dallas. Therefore, the emergency water management triggering measures will be the same as those of the City of Dallas. Also, triggering criteria may be initiated as a result of short term deficiencies and or emergencies specific to the Town of Addison.

Following are the triggering criteria for initiation and termination of drought response stages:

Stage 1: Water Awareness

Triggering criteria: Total raw water supply in connected lakes drops below 55 percent of total conservation storage, demand exceeds 90 percent of deliverable capacity for three consecutive days, or short term deficiencies in distribution system limit supply capability.

Below are examples of the types of triggering criteria that might be used in a drought contingency plan. One or a combination of such criteria may be defined for each drought response stage:

Example 1: When, pursuant to requirements specified in the city wholesale water purchase contract with the City of Dallas, notification is received requesting initiation of Stage 1 of the drought contingency plan.

Example 2: Continually falling treated water reservoir levels which do not refill above 50 percent overnight (e.g., based on an evaluation of minimum treated water storage required to avoid system outage).

Actions available (applied to all customers as necessary).

- The city manager or designee requests voluntary reductions in water use.
- Accelerate public information efforts to teach and encourage reduced water use.
- Staff will begin a review of the problems which initiated the Stage 1 actions.
- Notify major water users and work with them to achieve voluntary water use reduction.
- Prohibit city government use of water for street washing, vehicle washing, operation of

ornamental fountains and all other nonessential use. *Special Events?*

- Request a reduction in landscape watering by city government.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 1 have been alleviated. If Stage 1 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that these measures are no longer required.

Stage 2: Water Watch

Triggering criteria: Total raw water supply in connected lakes drops below 50 percent of total conservation storage or demand exceeds 95 percent of deliverable capacity for two consecutive days. Stage 2 actions will not ordinarily be taken until Stage 1 actions have first been implemented.

Actions available (applied to all customers, as necessary).

- Continue public information efforts regarding water supply conditions and conservation efforts.
- Begin mandatory water use restrictions as follows:
- Prohibit hosing off of paved areas, buildings or windows; operation of ornamental fountains, swimming pool draining followed by refilling, washing or rinsing vehicles by hose; using water in such a manner as to allow runoff or other water wastes.

Exceptions: Vehicles may be washed or rinsed with a hose at commercial car washes; vehicles may be washed at any location with a bucket or other container.

- Limit landscape watering at each service address to once every five days based on the last digit of the address per the schedule below.

TABLE INSET:

| Last Digit of Address | Allowed Water Dates |
|-----------------------|-----------------------------------|
| 0 and 5 | 5th, 10th, 15th, 20th, 25th, 30th |
| 1 and 6 | 1st, 6th, 11th, 16th, 21st, 26th |
| 2 and 7 | 2nd, 7th, 12th, 17th, 22nd, 27th |
| 3 and 8 | 3rd, 8th, 13th, 18th, 23rd, 28th |
| 4 and 9 | 4th, 9th, 14th, 19th, 24th, 29th |

No watering will be allowed on the 31st. Apartments, office building complexes or other property containing multiple addresses will be identified by the lowest address number.

Where there are no numbers, a number will be assigned by the director. These restrictions also apply to government facilities.

Exceptions: Foundations, azaleas, and new plantings (first year) of trees and shrubs may be watered with a hand-held or soaker hose on any day for up to two hours; nurseries may water plant stock only without restrictions; public gardens may water without restriction.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 2 have been alleviated. If Stage 2 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 2 actions.

Stage 3: Water Warning

Triggering criteria: Total raw water supply in connected lakes drops below 35 percent of total conservation storage or demand exceeds 95 percent of deliverable capacity for five consecutive days. Stage 3 actions will not ordinarily be taken until Stage 2 actions have first been implemented.

Actions available (applied to all customers, as necessary).

- Implement recommended engineering alternatives.
- Continue implementation of all restrictions from previous stages.
- Prohibit residential or commercial lawn watering and car washing between the hours of 9 a.m. and 9 p.m.
- Foundations, shrubs, and trees may be watered with soaker or hand-held hose on the same five-day rotational basis and landscapes for up to two hours.
- Public gardens may water only between the hours of 9 p.m. and 9 a.m.
- Nurseries may water plant stock only between the hours of 9 p.m. and 9 a.m.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 3 have been alleviated. If Stage 3 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 3 actions.

Stage 4: Water Emergency

Triggering criteria: Total raw water supply in connected lakes drops below 20 percent of total conservation storage or demand exceeds 100 percent of deliverable capacity for two consecutive days. Stage 4 actions will not ordinarily be taken until Stage 3 actions have first been implemented.

Actions available (applied to all customers, as necessary).

- Continue implementation of all restrictions from previous stages.
- Prohibit all commercial and residential landscape watering including golf courses with the following exceptions:
 - Nurseries' plant stock may be watered between the hours of 9 p.m. and 9 a.m. once every five days based on the last digit of their address per the schedule in Stage 2.
 - Public gardens may water between the hours of 9 p.m. and 9 a.m. once every five days based on the last digit of their address per the schedule in Stage 2.
 - Foundations may be watered for a two hour period between the hours of 9 p.m. and 9

a.m. with a soaker or hand-held hose on the five-day rotational basis prescribed for landscape watering in Stage 2.

- Any and all washing of vehicles is prohibited.
- All commercial water users may be required to reduce water consumption by a percentage determined by the director.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 4 have been alleviated. If Stage 4 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 4 actions.

Stage 5: Emergency Water Shortage

- (a) System outage due to major water system components.

Triggering criteria: A system outage to one of the town's two water pump stations, which are located at each end of town. In the event of such outage, the second pump station will be used. In addition, the Town of Addison has four City of Dallas emergency stand-by meters connected to the town's distribution system that can be used to supplement the town's supply after notification to the City of Dallas.

Actions available (applied to all customers).

- Initiate or continue implementation of all restrictions from previous stages as directed by the city manager or his designee.
- Prohibit all commercial and residential landscape watering. All commercial water users will be required to reduce water consumption by a percentage determined by the city manager or his designee.

- (b) Supply source contamination special precautions.

Triggering criteria: Water system contamination caused by low distribution pressures (below 20 psi), repeated unacceptable microbiological samples, or failure to maintain adequate chlorine residuals. In the event of such contamination, the affected area shall be isolated from the distribution system immediately and special precautions shall be taken in accordance with Subsection (g), "Special Precautions," of Section 290.46, "Minimum Acceptable Operating Practices for Public Drinking Water Systems," of Subchapter D, "Rules and Regulations for Public Water Systems," of Chapter 290, "Public Drinking Water," of Part 1, "Texas Natural Resource Conservation Commission," of Title 30; "Environmental Quality," of the Texas Administrative Code, in its current form and as it may hereafter be amended.

Water customers in the affected area shall be notified immediately with a "Boil Water Notice" and a letter explaining the situation and containing recommendations to the water customer regarding the use of bottled water. The "Flow chart" contained in Appendix H of Section 290.47, "Appendices," of Subchapter D, "Rules and Regulations for Public Water Systems," of Chapter 290, "Public Drinking Water," of Part 1, "Texas Natural Resource Conservation Commission," of Title 30, "Environmental Quality," of the Texas Administrative Code, in its current form and as it may hereafter be amended, shall be used to evaluate the response measures necessary to correct the condition.

Actions available (applied to all affected customers).

- Hand deliver boil water notice to all water customers affected.

- Prohibit all water usage for human consumption for 24 to 36 hours, as determined by the city manager or his designee.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 5 have been alleviated. If Stage 5 is initiated because of water supply contamination, all initiated actions will remain in effect until the city manager or his designee determines that conditions exist which will allow removal of Stage 5 actions.

(Ord. No. 099-030, § 7, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-178. Variances.

(a) *Temporary variances.* The city manager (designated official), or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such a 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:

- (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 which will achieve the same level of reduction in water use.

(b) *Exemptions.* Persons requesting an exemption from the provisions of this article shall file a petition for a 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 city manager, or his/her designee, and shall include the following:

- (1) Name and address of the petitioner(s).
- (2) Purpose of water use.
- (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 article.
- (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 as may be required by the city manager or his designee.

(c) *Special conditions.* Variances granted by the city manager or his designee shall be subject to the following conditions, unless waived or modified by the city manager (designated official) or his/her designee:

- Variances granted shall include a timetable for compliance.

- 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 the plan occurring prior to the issuance of the variance.

(Ord. No. 099-030, § 8, 8-24-9; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

Sec. 34-179. Penalty.

It shall be unlawful for any person to violate any provision of this article, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than \$2,000.00, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. No. 099-030, § 11, 8-24-99; Ord. No. 001-021, § 2(Exh. A), 6-26-01)

SECTION 1

DROUGHT CONTINGENCY PLAN

1.0 Introduction

In the summer of 1998, the City of Irving was significantly impacted by high water usage and implemented portions of its existing Emergency Water Management Plan. The City was able to increase its purchase of treated water from Dallas Water Utilities (DWU) from 58.2 to 66.2 million gallons per day. Irving continued to pay for this increase until June 2003, when it began using the Lake Chapman water supply. While sufficient water supply was available from DWU during the summer of 1998, the City experienced pressure and delivery problems in its own distribution system. The following steps to reduce water use were initiated:

Residents were discouraged from planting new sod.

Residents were allowed to top off swimming pools, but not to empty, clean and fill pools.

Watering days and restricted watering hours were adopted.

This application of the existing Emergency Water Management Plan helped the City recover from the drought conditions during the summer of 1998. Citizen support was generally high for the water use restrictions that were imposed. The 1998 drought underscored the critical importance of having a contingency plan to deal with droughts or other emergency conditions, which can impact the Irving water system.

In 1997, the Texas Legislature passed Senate Bill 1 to require most public water suppliers to prepare a Drought Contingency Plan. The Texas Natural Resource Conservation Commission, now the Texas Commission on Environmental Quality (TCEQ), amended its rules (Title 30, Texas Administrative Code, Chapter 288) regarding Drought Contingency Plans to reflect the Senate Bill 1 requirements. Irving was required to prepare/update its Water Management Plan to meet these statutory requirements, and submit the plan by September 1, 1999.

Irving has again updated its existing Emergency Water Management Plan (Drought Contingency Plan and Water Conservation Plan) to meet new statutory requirements, and submit the plan to the

Requirements for Termination. Stage 1 of the Plan will be automatically rescinded on September 30 of each year, unless one or more of the triggering conditions listed above have ceased to exist for a period of three (3) consecutive days.

Goal. Achieve a voluntary reduction in water use.

Voluntary Water Use Restrictions. Under Stage 1, customers shall be requested to voluntarily conserve water and voluntarily adhere to the following water use restrictions:

- (a) City government will schedule landscape watering so that a particular facility location will be watered no more than two days per week.
- (b) City government will eliminate street washing (except when used water can be captured for reuse).
- (c) City government will reduce vehicle washing, except when the water can be captured for reuse, or if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing (such as garbage trucks and vehicles used to transport food and perishables).
- (d) Other governmental agencies within the City's service area will be asked to comply with the voluntary water use restrictions under a, b and c, above.
- (e) Review operations of ornamental fountains and any other non-essential use of water and try to minimize loss or excess use.
- (f) Recommend that landscaped areas be irrigated on a twice per week schedule (as discussed under Stage 2) and that such irrigation not occur between the hours of 7 a.m. and 7 p.m.
- (g) Recommend irrigation of landscaped areas by means of hand-held garden hose, soaker hose, bucket, or drip irrigation system.
- (h) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Actions to Be Taken by City of Irving:

- (a) Irving Water Utility staff will communicate as necessary with DWU to initiate joint water management programs.
- (b) Irving Water Utility staff will work with major water users to voluntarily reduce water use.
- (c) Irving Water Utility staff will conduct public information programs to educate its customers, enlist their support of voluntary water use restrictions, and to remind customers that the summer water surcharge rate structure is in effect.

8.2 Stage 2 – Water Warning

Requirements for Initiation. Stage 2 may be implemented when one or more of the following conditions occur:

- Condition 1: Pursuant to requirements specified in the wholesale treated water purchase contract, notification is received from DWU requesting initiation of Stage 2 of the Plan.
- Condition 2: Water use exceeds one hundred percent (100%) of the combined current maximum wholesale flow rate contracted from DWU and Irving Lake Chapman water supply for five consecutive days.
- Condition 3: Short-term deficiencies in the City's distribution system limit supply capabilities, such as system outage due to the failure or damage of major water system components.
- Condition 4: Inability to maintain or replenish adequate volumes of water in storage to provide for public health and safety.
- Condition 5: Supply source becomes contaminated.

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 three (3) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative unless also rescinded.

Goal. Reduce the average daily water demand below 100 percent of the combined maximum wholesale flow rate contracted from DWU and from Irving Lake Chapman water supply.

Water Use Restrictions. All restrictions/requirements of Stage 1 shall remain in effect during Stage 2. Under threat of penalty for violation, the following water use restrictions shall apply during Stage 2:

- (a) Landscape watering will be limited to **twice per week**, based on the last digit of the service address. Addresses with even numbers will be restricted to watering on Tuesdays and Saturdays only. Addresses with odd numbers will be restricted to watering on Wednesdays and Sundays only. Landscape watering will not be permitted on Mondays, Thursdays, or Fridays.

Properties having multiple addresses will be identified by the lowest address number. If no address exists, the Director or his/her designee will assign one.

Foundations and new plantings may only be watered using a hand-held garden hose, soaker hose, bucket, or drip irrigation system for up to two (2) hours on any day. Nurseries may water plant stock only without restrictions. Public gardens may water without restrictions.

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited, except on the designated landscape watering days. 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. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial

service station. Such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- (c) Use of water for the draining and refill of any indoor or outdoor swimming pool or jacuzzi-type pool is **prohibited**, except for water used to refill pools which have undergone repair or are newly constructed.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is **prohibited**, except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to fire fighting related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the Irving Water Utilities.
- (f) Golf courses may water greens and tee boxes without restrictions. Irrigation of golf course fairways and other areas must comply with the twice per week rotation schedule specified for landscape watering.

- (g) The following uses of water are defined as non-essential and are **prohibited**:
 1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection or in preparation for painting;

3. Use of water for dust control;
4. Flushing gutters or permitting water to run or accumulate in any gutter or street;
5. Failure to repair controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Actions to be Taken by City of Irving.

- (a) The City will initiate public information alerts using both print and electronic media.
- (b) The City will work with civic groups, neighborhood associations, summer youth programs, and the like to encourage water conservation.

8.3 Stage 3 – Water Emergency

Requirements for Initiation. Stage 3 may be implemented when one or more of the following conditions occur:

- Condition 1: Pursuant to requirements specified in the wholesale water purchase contract, notification is received from DWU requesting initiation of Stage 3 of the Plan.
- Condition 2: Short-term deficiencies in the City's distribution system limit supply capabilities, such as system outage due to the failure or damage of major water system components.
- Condition 3: Inability to maintain or replenish adequate volumes of water in storage to provide for public health and safety.
- Condition 4: Supply source becomes contaminated.

Requirements for Termination. Stage 3 may be rescinded when the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 3, the restrictions imposed under Stage 2 or Stage 1 become operative unless also rescinded.

Goal. Reduce the average daily water use below 100 percent of the combined maximum wholesale flow rate contracted with DWU and from Irving Lake Chapman water supply.

Water Use Restrictions. All requirements of Stage 1 and 2 shall remain in effect during Stage 3. Under threat of penalty for violation, upon the following water use restrictions shall apply during Stage 3:

- (a) Landscape watering and residential car washing will be **prohibited** between the hours of 7 a.m. and 7 p.m. and is limited to the twice per week schedule discussed under Stage 2.
- (b) Foundations and new plantings may only be watered with a hand-held garden hose, soaker hose, bucket, or drip irrigation system for up to two (2) hours and is limited to the twice per week schedule discussed under Stage 2.
- (c) Nurseries may water plant stock only between the hours of 7 a.m. and 7 p.m.
- (d) Public gardens will be **prohibited** from watering between the hours of 7 a.m. and 7 p.m.
- (e) Golf courses will be **prohibited** from watering greens and tee boxes between the hours of 7 a.m. and 7 p.m. and must comply with the twice per week schedule for watering fairways and other areas.

8.4 Stage 4 - Water Crisis

Requirements for Initiation. Stage 4 may be implemented when one or more of the following conditions occur:

- Condition 1: Pursuant to requirements specified in the wholesale treated water purchase contract, notification is received from DWU requesting initiation of Stage 4 of the Plan.
- Condition 2: Short-term deficiencies in the City's distribution system limit supply capabilities, such as system outage due to the failure or damage of major water system components.
- Condition 3: Inability to maintain or replenish adequate volumes of water in storage to provide for public health and safety.
- Condition 4: Supply source becomes contaminated.

Requirements for Termination. Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 4, the restrictions imposed under Stage 3, Stage 2 or Stage 1 become operative unless also rescinded.

Goal. Reduce average daily water demand to below one hundred percent (100%) of the current combined maximum wholesale flow rate contracted with DWU and from Irving Lake Chapman water supply.

Water Use Restrictions. All requirements of Stage 1, 2 and 3 shall remain in effect during Stage 4. Under threat of penalty for violation, the following water use restrictions shall apply under Stage 4:

- (a) All landscape watering is **prohibited**, with the following exceptions:

Nursery plant stock may be watered only between the hours of 7 a.m. and 7 p.m. and is limited to the twice per week schedule discussed under Stage 2.

Foundations may be watered with a hand-held hose or soaker hose for up to two hours and is limited to the twice per week schedule discussed under Stage 2.

- (b) The use of water for construction purposes under special permit is **prohibited**.
- (c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not in the immediate interest of public health, safety, and welfare is **prohibited**.
- (d) The filling, refilling, or adding of water to swimming pools and jacuzzi-type pools is **prohibited**.
- (e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is **prohibited**, except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

8.5 Stage 5 - Emergency Water Shortage Condition

Requirements for Initiation. Stage 5 may be implemented when the Director determines that a water supply emergency exists, based on or more of the following conditions:

- Condition 1: Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- Condition 2: Natural or man-made contamination of the water supply source(s).