

SECTION H.

DROUGHT CONTINGENCY PLAN FOR RETAIL WATER CUSTOMERS

(Adopted by Ord. 2003-004, Dec. 16, 2003; amended and republished by Ord. 2011-003, Aug. 16, 2011).

1. **Declaration of Policy, Purpose, and Intent.** In order to conserve the available water supply and protect the integrity of its water district facilities, with particular regard for domestic water use, sanitation, and fire protection and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Rockett Special Utility District ("Rockett SUD" or the "District") hereby adopts the following regulations and restrictions on the delivery and consumption of water by retail customers of the District.

2. **Public Involvement.** Rockett SUD provided opportunities for the public and wholesale water customers to provide input into the preparation of this Drought Contingency Plan (the "Plan") by means of complaints and issues presented to District staff over the previous drought situations.

3. **Water Customer Education.** Rockett SUD will periodically provide wholesale water customers with information about the Plan including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing a copy of the Drought Contingency Plan, provide brochures on water conservation and methods to conserve water.

4. **Coordination with Regional Water Planning Groups.** The water service area of the Rockett SUD is located within the Region C Water Planning area and the District has provided a copy of this Plan to the North Texas Municipal Water District.

5. **Authorization.** The General Manager of the District, including any person designated by the General Manager to act on the General Manager's behalf under this plan, is hereby authorized and directed to implement the applicable provisions of this Plan upon determining that such implementation is necessary to protect public health, safety, and welfare. The General Manager shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. Any reference to the General manager in this Plan includes

6. **Application.** The provisions of this Plan shall apply to all persons, customers and property utilizing water provided by the Rockett SUD. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The first two contingency plan stages in this Plan (Mild and Moderate) reflect voluntary conservation actions. The remaining two stages (Severe and Emergency) impose mandatory and increasingly restrictive limits on water usage.

7. **Criteria for Initiation and Termination of Drought Response Stages.** The General Manager shall monitor water supply and demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The triggering criteria described below are based on previous experience and statistical data acquired over the last 40 years. Rockett SUD has had a Plan in the past, but contracts have contained specific language for conservation and usage reduction for its customers when conditions warrant the need to do so. Rockett SUD water suppliers have made steps to improve and increase the amount of water available to the District.

Stage 1 Triggers - MILD Water Shortage Conditions.

Requirements for Initiation: Rockett SUD will recognize that a mild water shortage condition exists when total daily water demands equals or exceeds 80% of the safe operating capacity of 10 million gallons per day for 3 consecutive days.

Requirements for Termination: Stage 1 of the Plan may be terminated when all of the conditions listed as triggering events cease to exist for a period of 30 consecutive days. Rockett SUD will notify its customers of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 2 Triggers - MODERATE Water Shortage Conditions

Requirements for Initiation: Rockett SUD will recognize that moderate water shortage condition exists when the total daily water demands equals or exceeds 90% of the safe operating capacity of 11 million gallons per day for 3 consecutive days.

Requirements for Termination: Stage 2 of the Plan may be terminated when all of the conditions listed as triggering events cease to exist for a period of 30 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. Rockett SUD will notify customers of the termination of Stage 2 restrictions in the same manner as the notification of initiation of Stage 2 of the Plan.

Stage 3 Triggers - SEVERE Water Shortage Conditions

Requirements for Initiation: Rockett SUD will recognize that a severe water shortage condition exist, when the total daily water demands equals or exceeds 100% of the safe operating capacity of 12 million gallons per day for 3 consecutive days.

Requirements for Termination: Stage 3 of the Plan may be terminated when all of the conditions listed as triggering events cease to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. Rockett SUD will notify customers of the termination of Stage 3 restrictions in the same manner as the notification of initiation of Stage 3 of the Plan.

Stage 4 Triggers - EMERGENCY Water Shortage Conditions

Requirements for Initiation: Rockett SUD will recognize that an emergency water shortage condition exist when a major water line breaks, pump or system failures occur which causes unprecedented loss or capacity to provide water service or natural or man-made contamination of District a water supply sources occurs.

Requirements for Termination: Stage 4 of the Plan may be terminated when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Rockett SUD will notify customers of the termination of Stage 4 restrictions in the same manner as the notification of initiation of Stage 4 of the Plan

8. **Drought Response Stages.** The General Manager will monitor water supply and demand conditions and, in accordance with the triggering criteria stated in Section 7 of this Plan, to determine when mild, moderate, or severe water shortage conditions exist or that a emergency condition exist and will implement the following actions:

Stage 1 Response - MILD Water Shortage Conditions.

Target: Achieve a 20% reduction in total water use.

Best Management Practices for Supply Management: Inform the public to look for ways to voluntarily reduce water use. Notify wholesale, commercial and other nonstandard customers of the situation and request voluntary water use reductions.

Water Use Restrictions for Reducing Demand:

- (a) The General Manager may contact wholesale customers to discuss the water supply and demand conditions and will request that wholesale water customers of the District initiate voluntary measures to reduce water use by implementing Stage1 of their customer's drought contingency plans.

Stage 2 Response - MODERATE Water Shortage Conditions.

Target: Achieve a 20% reduction in total water loss.

Best Management Practices for Supply Management: Continue voluntary usage under Stage 1 response. For all service addresses ending with an even number, the suggested schedule for outside watering is Mondays and Thursdays between the hours of 6:00 p.m. and 10:00 a.m. For all service addresses ending with an odd number, the suggested schedule for outside watering is Tuesdays and Fridays between the hours of 6:00 p.m. and 10:00 a.m. The General Manager may suggest other forms of reduction in water usage deemed unessential for public health or safety.

Water Use Restrictions for Reducing Demand:

- (a) The General Manager may initiate weekly contact with wholesale water customers to discuss water supply and demand conditions and the possibility of pro rata curtailment of water diversions and/or delivery.
- (b) The General Manager may request wholesale water customers to initiate mandatory measures to reduce unessential water use and to implement Stage 2 of their drought contingency plans.
- (c) The General Manager may make preparations to implement pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each large-volume and wholesale customer of the District, according to the procedures specified in Section 9 of this Plan.

Stage 3 Response - SEVERE Water Shortage Conditions.

Target: Achieve a 20% reduction in total water loss.

Best Management Practices for Supply Management: All unessential water uses will be completely prohibited. Only water usage required for public health or safety is permitted.

Water Use Restrictions for Reducing Demand:

- (a) The General Manager will contact large-volume and wholesale customers as necessary to discuss water supply and demand conditions and will require wholesale water customers to initiate mandatory water restrictions by implementing Stage 3 of their drought contingency plans.
- (b) The General Manager will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section 9 of the Plan.

Stage 4 Response - EMERGENCY Water Shortage Conditions.

Upon determining that emergency water shortage conditions exist as defined in Section 7 of this Plan, the General Manager shall:

- (a) Assess the severity of the problem and identify the actions needed and time required to solve the problem.
- (b) Notify the utility director, general manager or other responsible official of each wholesale water customer by telephone or in person and to discuss and require appropriate actions according to the circumstances. Inform public to reduce water use until service is restored.
- (c) If appropriate, contact municipal, county or state emergency response officials to request assistance.
- (d) Undertake necessary actions including repairs and/or clean-up as needed.
- (f) Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

9. **Pro Rata Water Allocation.** In the event that the triggering criteria specified in Section 7 of the Plan for Stage 3 - Severe Water Shortage Conditions have been met, the General Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code § 11.039.

10. **Enforcement.** A violation of any provision of this Plan shall carry a penalty of forfeiture of Security Deposit (\$100.00) for each violation under Stage 2, Stage 3, and Stage 4 for retail customers. During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or delivery:

- (a) Two (2) times the normal water charge per thousand gallons in excess of the monthly allocation up to five percent (5%) increase.
- (b) Three (3) times the normal water charge per thousand gallons in excess of the monthly allocation from five percent (5%) through ten percent (10%) above monthly allocation.
- (c) Four (4) times the normal water charge per thousand gallons in excess of the monthly allocation from ten percent (10%) through fifteen percent (15%) above monthly allocation.
- (d) Five (5) times the normal water charge per thousand gallons in excess of the monthly allocation from fifteen percent (15%) and above the monthly allocation.

11. Variances.

(a) The General Manager may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare or safety, and provided that 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 achieve the same level of reduction in water use.

(b) Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the General Manager within five (5) days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Board of Directors, and shall include the following:

(1) Name and address of the petitioner(s).

(2) Detailed statement with supporting data and information as to how the prorata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damages or harm will occur to petitioner or others if petitioner complies with this Resolution.

(3) Description of the relief requested.

(4) Period of time for which the variance is sought.

(5) Alternative measures the petitioner is taking or purpose to take to meet the intent of this Plan and the compliance date.

(6) Other pertinent information required by the General Manager.

(c) Variances to this Plan granted by the General Manager shall be subject to the following conditions, unless waived or modified by the General Manager in writing:

(1) Variances granted shall include a timetable for compliance.

(2) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

12. **Severability.** It is hereby declared to be the intention of the Board of Directors that the sections, paragraphs, sentences, clauses and provisions of this Plan are severable and, if any section, paragraph, sentence, clause or provision of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses and provisions of this Plan.