

SECTION H.
DROUGHT CONTINGENCY AND
EMERGENCY WATER DEMAND MANAGEMENT PLAN
FOR
SOUTHEAST WATER SUPPLY CORPORATION
November 16, 2004

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Southeast Water Supply Corporation hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance/or resolution.

Water uses regulated or prohibited under this Drought Contingency Plan (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 XI of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by Southeast Water Supply Corporation by means of our annual meetings and/or public meetings

Section III: Public Education

The Southeast Water Supply Corporation will periodically provide the public with information about the Plan, including information about the conditions under which each stage of 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 monthly meetings and /or bill inserts. This information will be provided by means of utility bill inserts and newspaper articles.

Section IV: Coordination with Regional Water Planning Groups

The service area of the Southeast Water Supply Corporation is located within the Houston Regional Water Planning Group (H) and Southeast Water Supply Corporation has provided a copy of this Plan to this Group and the Mid-East Texas Groundwater Conservation District.

(1)

Section V: Authorization

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

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the Southeast Water Supply. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

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

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

Commercial and institutional water use: 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: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss of waste or 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: any person, company, or organization using water supplied by Southeast Water Supply Corporation.

Domestic water use: 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: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

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

Landscape irrigation use: 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 right-of-way or medians.

Non-essential water use: water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:

- a. irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- b. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- c. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d. use of water to wash down buildings or structures for purposes other than immediate fire protection;
- e. flushing gutters or permitting water to run or accumulate in any gutter or streets;
- f. use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- g. use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- h. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- i. use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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

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

The General Manager or her/his designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on the knowledge of the systems capacity limits.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, when one or more of the following conditions exist:

- A. Water consumption has reached 80% of water storage capacity for three (3) consecutive days.
- B. When a specific capacity of the wells is equal to 80% of the wells original specific capacity.
- C. Continually falling treated water storage levels do not refill 100% overnight.
- D. When the distribution system cannot maintain 35 psi pressure because of high water demand.

Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when one or more of the following conditions exist:

- A. When the water consumption has reached 90% of water storage capacity for three (3) consecutive days.
- B. When the specific capacity of the wells is greater than 90% of the wells original specific capacity.
- C. Continually falling treated water storage levels do not refill above 90% overnight.
- D. When the distribution system cannot maintain 35 psi pressure because of high water demand.

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.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when one or more of the following conditions exist:

- A. When the water consumption has reached 100% of water storage capacity for three (3) consecutive days
- B. When the specific capacity of the wells is equal 100% of the wells original specific capacity.
- C. Continually falling treated water storage levels do not refill above 80% overnight.
- D. When the distribution system cannot maintain 35 psi pressure because of high water demand.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers – EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 4 of this Plan when the General Manager, or his/her designee, determines that a water supply emergency exists based on:

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

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Section IX: Drought Response Stages

The General Manager, or her/his designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The General Manager or her/his designee shall notify the public by means of
Publication in a newspaper of general circulation.
Direct mail to each customer
Public service announcements.

Additional Notification:

The General Manager or her/his designee shall notify directly, or cause to be notified directly, the following individuals and entities:

Board of Directors of SEWSC
TCEQ (when mandatory restrictions are imposed)
Fire Chief
County Judge
Commissioner Precincts 1 and 4
Mid-East Texas Groundwater Conservation District
Parks and Public Facilities Managers
Major water users

Stage 1 Response – MILD Water Shortage Conditions

Management Measures:

- a. Limited reduction or discontinued flushing of water main.
- b. Encourage reduction of water use through notices on bills or website

Voluntary Water Use Restrictions for Reducing Demand:

- a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0,2,4,6, or 8) and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1,3,5,7, or 9).
- b. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response – MODERATE Water Shortage Conditions

Management Measures:

- a. Measured reduction or discontinue flushing of water main.
- b. Encourage reduction of water use through notice on bills or website

Water Use Restrictions: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 6:00 a.m. and between 8:00 p.m. and 12 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. 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.
- c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight until 6:00 a.m. and between 8 p.m. and 12:00 midnight.
- 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 re-circulation system.
- e. The following uses of water are defined as non-essential and are prohibited:
 1. Wash down of any sidewalks, walkways, driveways, parking lots, other hard-surfaced areas;
 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 3. Use of water for dust control;

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

Stage 3 Response – SEVERE Watering Shortage Conditions

Management Measurers:

- a. Discontinue flushing of water mains.
- b. Encourage reduction of water use through notices on bills or web site.

Water Use Restrictions: All requirements of Stage 2 shall remain in effect during Stage 3 except:

- a. Irrigation of landscaped areas shall be limited to designated water days between the hours of 12:00 midnight and 6:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler systems only. The use of hose-end sprinklers is prohibited at all times.
- b. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage will be in effect.

Stage 4 Response – EMERGENCY Water Shortage Conditions

Management Measures:

- a. Reduce or discontinued flushing of all water mains.
- b. Encourage reduction of water use through notices on bills and website

Water Use Restrictions: All requirements of Stage 3 shall remain in effect during Stage 4 except:

- a. Irrigation of landscaped areas shall be absolutely prohibited.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, air-Plane, or other vehicle is absolutely prohibited.

SECTION X – Penalties for Violations

- a. **FIRST Violation** – the Corporation will assess a penalty of \$25.00. The customer/member will be notified by a written notice of their specific violation and their need to comply with the tariff rules. The notice will show the amount of penalty* to be assessed and inform the customer that failure to pay the penalty will result in termination of service. Reconnection will require payment of the penalty and a charge for the service call to restore service. The notice will also inform the customer that additional violations will trigger more severe penalties and may result in termination of service regardless of whether the customer pays the penalties.
- b. **SECOND Violation** – The Corporation will assess a penalty* of \$50.00. the notice of second violation will show the amount of penalty to be assessed and will inform the customer that failure to pay the penalty will result in termination of service to be restored only upon payment of penalty and service call to restore service. The notice will also inform the customer that additional violations will trigger more severe penalties and may result I termination of service regardless of whether the customer pays the penalties.
- c. **SUBSEQUENT Violation** - the Corporation will assess any additional penalty* of \$75.00 for violations continuing after the Second Violation. The notice of subsequent violation will show the amount of the penalty to be assessed and will inform the violator that failure to pay the penalty will result in termination of service to be restored only upon payment of penalty and service call to restore service. The notice will also inform the customer that he Corporation may also install a flow restricting device in the customer’s meter service to limit the amount of water that will pass through the meter in a 24 house period. The costs of this procedure will be for the actual work and equipment and shall be paid by the customer. Removal of this device will be considered Meter Tampering and will result in disconnection of service without further notice. The notice of subsequent violation will also inform the customer that additional penalties will be assessed for additional violations; and in addition to penalties, that water service will be terminated for a period of three (3) days regardless of whether the customer pays the penalties for the additional violations.
- d. **TERMINATION** – for each continuing violation, the Corporation will assess an additional penalty of \$100.00. Service will also be terminated for a period of three (3) days. The notice of termination will show the date on which water service will be terminated and the date on which service will be restored, unless the customer has failed to pay delinquent penalties, assessments or charges. Service will remain off until any delinquent penalty or other assessment is fully paid including a charge for the service call to restore service.

These provisions apply to all customers of the Corporation.

NOTE: PENALTY* - A WSC is allowed to charge a reasonable penalty to customers that fail to comply with the water use restriction procedures in accordance with 30 TAC 291.41 (j) if:

- (1) the penalty is clearly stated in the tariff;
- (2) the penalty is reasonable and does not exceed six (6) times the minimum monthly bill stated in the water supply corporation's current tariff; and
- (3) the water supply corporation has deposited the penalty in a separate account dedicated to enhancing water supply for the benefit of all the water supply corporation's customers.

Section XI: Exemptions or Waivers:

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

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

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

- a) Name and address of the petitioner(s).
- b) Purpose of water use.
- c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with the Ordinance.
- e) Description of the relief requested.
- f) Period of time for which the variance is sought.
- g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- h) Other pertinent information.

Variations granted by the SEWSC shall be subject to the following conditions, unless waived or modified by the Board of Directors or his/her designee:

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

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