

DROUGHT CONTINGENCY PLAN

FOR

SOUTH RAINS SPECIAL UTILITY DISTRICT

121 N. DUNBAR LANE
P.O. BOX 95
EMORY, TX 75440

CCN #10487

PWS #1900009

April 8, 2019

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, and sanitation, 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, South Rains Special Utility District (SRSUD)hereby adopts the following regulations and restrictions on the delivery and consumption of water through a 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 scheduling and providing public notices in the Rains County Leader, the local newspaper.

Section III. Public Education

SRSUD will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. Drought plan information will be provided by holding public meetings, issuing press release and including information with utility bills, plus posting information on our website.

Section IV. Coordination with Regional Water Planning Groups

The service area of SRSUD is located within Regional Water Planning Group (RWPG) Region D, and SRSUD has provided a copy of this Plan to the RWPG.

Section V. Authorization

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

Section VI. Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by SRSUD. 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 purpose of this Plan, the following definitions shall apply:

Aesthetic Water Use: water used for ornamental purposes such as fountains, reflecting pools, and water gardens.

Commercial and Institutional Water Use: water use that 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 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 use.

Customers: any person, company, or organization using water supplied by SRSUD. Can be either a CUSTOMER OF THE DISTRICT or a Renter.

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

Even Number Address: street addresses ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial Water Use: the use of water in processes designed to convert materials of lower value into forms have 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 rights-of-way and medians.

Non-Essential Water Use: water uses that are not 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 purposed other than immediate fire protection;
- (e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) Use of water to full, 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 Number Address: street addresses ending in 1, 3, 5, 7, or 9.

Section VIII. Criteria for Initiation & Termination of Drought Response Stages

The General Manager, or his/her designee, shall monitor water supply conditions with our water supplier on a regular 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 information supplied to us by the City of Emory

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements For Initiation: Our water supplier will advise us when a mild shortage exists based on:

- (1) Water in storage in Lake Tawakoni is equal to or less than 728,300 acre-feet or at an elevation of 433 msl or,
- (2) When total daily water demand equals or exceeds 1.45 million galls Raw Water for 30 consecutive days or 1.7 million gallons on a single day.
- (3) When total daily water demand equals or exceeds 60 percent of the safe operating capacity of 2.419 million gallons per day Raw Water for 30 consecutive days or 75 percent on a single day.

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 period of 10 consecutive days.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements For Initiation: Our water supplier will advise us when a moderate shortage exists based on:

- (1) Water in storage in Lake Tawakoni is equal to or less than 705,400 acre-feet or at an elevation of 432 msl or.
- (2) When total daily water demand equals or exceeds 1.7 million gallons for 30 consecutive days or 1.93 million gallons on a single day; or,
- (3) When total daily water demand equals or exceeds 70 percent of the safe operating capacity of 2.419 million gallons per day for 30 consecutive days or 90 percent on a single day.

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 10 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements For Initiation: Our water supplier will advise us when a severe shortage exists based on:

- (1) Water in storage in Lake Tawakoni is equal to or less than 663,200 acre-feet or at an elevation of 431 msl; or,

- (2) When total daily water demand equals or exceeds 1.93 million gallons for 30 consecutive days or 2.177 million gallons on a single day; or,
- (3) When total daily water demand equals or exceeds 80 percent of the safe operating capacity of 2.419 million gallons per day for 30 consecutive days or 85 percent on a single day.

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 10 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers – EMERGENCY Water Shortage Conditions

Requirements For Initiation: Our water supplier will advise us when a critical shortage exists based on:

- (1) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service.
- (2) Natural or man-made contamination of the water supply source(s); or
- (3) Water in storage in Lake Tawakoni is equal to or less than 632,400 acre-feet or at an elevation of 430 msl; or
- (4) When total daily water demand equals or exceeds 2.177 million gallons for 30 consecutive days or 2.419 million gallons on a single day; or,
- (5) When total daily water demand equals or exceeds 90 percent of the safe operating capacity of 2.419 million gallons per day for 30 consecutive days or 100 percent on a single day.

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 10 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Section IX: Drought Response Stages

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

Notification of the Public: The General Manager, or his/her designee shall notify the public by means of direct mail to the customers of the district, publication in the Rains County Leader, and by notification on the District's website.

Additional Notification: In addition to the public notification, TCEQ will be notified as required.

Stage 1 Response – MILD Water Shortage Conditions

Target: Achieve a voluntary 10 percent reduction in daily total water use.

Voluntary Water Use Restrictions for Reducing Demand:

- a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays & Thursdays for customer with a street address ending in an even number (0, 2, 4, 6, or 8), and Saturdays & Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9), and to irrigate landscapes only between the hours of midnight and 10:00 am and 8:00 pm to midnight on designated watering days.
- b) All operations of South Rains Special Utility District shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- c) 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

Target: Achieve a 30 percent reduction in daily total water use.

Water Use Restrictions for Reducing Demand:

- a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays & Thursdays for customers with a street address ending in an even number and Saturdays & Wednesdays for customers with a street address ending in an odd number, and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 am and between 8:00 pm and 12:00 midnight on designated watering days.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is prohibited except on designated water days on hours set forth in a) above.
- c) Use of water to fill, refill, or add to any indoor or outdoor swimming pool, wading pool, or Jacuzzi-type pool is prohibited except on designated watering days & hours above.
- d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
- e) Water will not be used for wash down of any sidewalk, driveway, parking lot, or other hard surface area; washing down buildings except for fire protection; use of water for dust control; and flushing of gutters.

Stage 3 Response – SEVERE Water Shortage Conditions

Target: Achieve a 50 percent reduction in daily total water use.

Water Use Restrictions for Reducing Demand:

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

- a) Irrigation of landscaped areas shall be limited to designated watering day between the hours of 12:00 midnight and 10:00 am and between 8:00 pm 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 during this stage.

Stage 4 Response – EMERGENCY Water Shortage Conditions

Water Use Restriction for Reducing Demand:

All requirement of Stages 2 & 3 shall remain in effect during Stage 4 except:

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

Section X: Water Allocation

In the event that water shortage conditions threaten public health, safety, and welfare, SRSUD is hereby authorized to allocate water according to the following water allocation plan:

SINGLE FAMILY RESIDENTIAL CUSTOMERS

The allocation to residential customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000

3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

"Household" means the residential premises served by the customer's meter. "Persons per Household" includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies SRSUD of a greater number of persons per household on a form prescribed by the General Manager. The General Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it will be the customer's responsibility to go to the SRSUD office to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the General Manager. When the number of persons per household increased so as to place the customer in a different allocation category, the customer may notify SRSUD on such form and the change will be implemented in the practicable billing period. If the number of persons in a household is reduced, the customer shall notify SRSUD in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the General Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify SRSUD of a reduction in the number of persons in a household shall be fined not less than \$100.00.

Residential water customers shall pay the following surcharges:

- \$1.00 for the first 1,000 gallons over allocation.
- \$1.50 for the second 1,000 gallons over allocation.
- \$2.00 for the third 1,000 gallons over allocation.
- \$3.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

COMMERCIAL CUSTOMERS

A monthly water allocation shall be established by General Manager for each non-residential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% of the customer's usage for the corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, _____ percent of whose monthly usage is less than _____ gallons, shall be allocated _____ gallons. The General Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact SRSUD to determine the allocation. Upon request of the customer or at the initiative of the General Manager, the allocation may be reduced or increased if, (1)the designated period does not accurately reflect the customer's normal water usage, (2)one non-residential customer agrees to transfer part of its allocation to another non-residential customer, or (3)other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Board of Directors of SRSUD.

Non-Residential commercial customers shall pay the following surcharges:

Customers whose allocation is 3,000 gallon through 6,000 gallons per month:

- \$2.00 per thousand gallons for the first 1,000 gallons over allocation.

- \$3.00 per thousand gallons for the second 1,000 gallons over allocation.
- \$4.30 per thousand gallons for the third 1,000 gallons over allocation.
- \$5.30 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 6,000 gallons per month or more:

- 2 times the block rate for each 1,000 gallons in excess of the allocation up through 5% above allocation.
- 3 times the block rate for each 1,000 gallons from 5% through 10% above allocation.
- 4 times the block rate for each 1,000 gallons from 10% through 15% above allocation.
- 5 times the block rate for each 1,000 gallons more than 15% above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

INDUSTRIAL CUSTOMERS

A monthly water allocation shall be established by the General Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 80% of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no bill billing history exists. The General Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact SRSUD to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the General Manager, the allocation may be reduced or increased, (1)if the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period, (2)the customer has added or is in the process of adding significant additional processing capacity, (3)the customer has shutdown or significantly reduced the production of a major processing unit, (4)the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5)the customer agrees to transfer part of its allocation to another industrial customer, or (6)if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Board of Directors of SRSUD.

Industrial customers shall pay the following surcharges:

Surcharges will be the same as those shown above for Non-Residential Commercial customers, along with all provisions shown.

Section XI: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from SRSUD for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the General Manager, or his/her designee, in accordance with provision of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than One Hundred dollars (\$100.00) and not more than Five Hundred dollars (\$500.00).

Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan the General Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$50.00, and any other costs incurred by SRSUD in discontinuing service. In addition, suitable assurance must be given to the General Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

- (c) Any person, including a person classified as a water customer of SRSUD, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a refutable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show he/she did not commit the violation. Parents shall be presumed to be responsible for violation of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a refutable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonable know of the violation.
- (d) Any employee of SRSUD, police officer, or other employee designated by the General Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Plan. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases will be expedited and given preferential setting in court before all other cases.

Section XII: Variances

The General Manager, 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 variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

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

Persons requesting an exemption from the provision of this Plan shall file a petition for variance with SRSUD within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the General Manager, 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 petition is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan.
- (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 petition 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 South Rains Special Utility District Board of Directors shall be subject to the following conditions, unless waived or modified by the Board or its 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.

Section XIII: Severability

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

Passed and approved on this 8 day of April, 2019 by the Board of Directors of South Rains Special Utility District, Emory, TX.

APPROVED:



Jeff Christian, President of the Board of Directors

ATTEST:



sec/treasurer

Sherri McCall, Secretary/Treasurer

