



**SJW TX, INC. dba.  
CANYON LAKE WATER SERVICE COMPANY  
SERVICE AREA CCN #10692**

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**Plan for Drought Contingency and Emergency Conditions  
PWS ID 2270049 (Deer Creek Water)**

February 2019

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# **Plan for Drought Contingency And Emergency Conditions**

## **1.0 Declaration of Policy, Purpose, and Intent**

The Lower Colorado River Authority (LCRA) provides contracts to customers for water supply. In cases of extreme drought, periods of abnormally high usage, system contamination, or extended reduction in ability to supply water due to equipment failure, LCRA may require water customers to institute temporary restrictions to limit non-essential water usage. This Drought Contingency Plan (Plan) is designed to protect the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation and fire protection during the periods or other water supply emergencies.

Water uses managed under this Plan are considered to be non-essential and continuation of such uses during times of water shortage or other emergency conditions are deemed to constitute water waste.

The plan will be reviewed and updated as needed to meet both TCEQ, LCRA and WTCPUA drought contingency plan rules.

## **2.0 Authorization**

The designated manager or official of Deer Creek Water 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 designated manager or official of Deer Creek Water shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. This authorization was designated as part of the plan's approval by the Deer Creek Water Governing Board (*See Appendix B*).

## **3.0 Public Education**

The designated manager or official of Deer Creek Water will periodically provide its employees, members, and the general public with information about this Plan, including the importance of the Plan, information about the conditions under which each stage of the Plan is to be initiated, processes used to reduce water use, and impending or current drought conditions.

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## **4.0 Coordination with Regional Planning Groups**

Deer Creek Water will provide a copy of this Plan to the Lower Colorado Regional Planning Group (Region K).

## **5.0 Notice Requirements**

Deer Creek Water shall notify the Public Drinking Water Section Drought Team of the Texas Commission on Environmental Quality (TCEQ) and LCRA General Manager in writing within five (5) business days of the implementation of any mandatory provisions of the Drought Contingency Plan.

## **6.0 Year-Round Water Use Restrictions**

The following restrictions apply to the Deer Creek Water system on a year-round basis, regardless of water supply or water treatment plant production conditions. According to the restrictions, a customer must not:

- 1) Fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
- 2) Operate an irrigation system:
  - with a broken head;
  - with a head that is out of adjustment and/or the arc of the spray head is over a street or parking area; or
  - with a head that is fogging or misting because of excessive water pressure.
  - Between the hours of 10 a.m. and 7 p.m.
- 3) During irrigation and any other outdoor water use allow water to run off a property resulting in ponding or streaming over impervious surfaces such as sidewalks, driveways, and streets.
- 4) Irrigate outdoors using an in-ground irrigation system or hose-end sprinkler more than twice per week or outside scheduled days and times as indicated in Appendix A.

### **6.1 Fire Hydrants**

In all stages of drought, the use of water from fire hydrants shall be prohibited for landscape irrigation, filling pools, operating fountains, car washing. Water should be transported only for the purposes of firefighting or providing minimal water needed for indoor use where auxiliary sources are inadequate and activities necessary to maintain public health, safety and welfare, or for construction use. Transport of water other than for firefighting requires a variance and a meter.

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## 6.2 Hotels/motels

The owner or operator of a hotel, motel short term rental or other establishment that offers or provides lodging or rental accommodations for compensation are encouraged to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers and maintain in each applicable guest room, suite, or property informational signage to communicate information relating to this requirement and to offer the opportunity for guest participation

## 6.3 Pools

Draining and re-filling is permitted only onto pervious surfaces or onto a surface where water will be

transmitted directly to a pervious surface, and only if:

- i. Draining excess water from pool due to rain in order to lower water to maintenance level;
  - ii. Repairing, maintaining or replacing pool components that have become hazardous; or
  - iii. Repair of a pool leak.
- b. Public/community swimming pools are allowed to fill or replenish water in order to maintain safe levels of water quality for human contact and for maintenance as outlined above.

## 6.4 Athletic fields

Watering should follow a no more than twice per week schedule per irrigated area unless the athletic fields are used for organized sports practice, competition, or exhibition events when irrigation outside of the standard weekly schedule is necessary to protect the health and safety of the players, staff, or officials present for the athletic event.

All ornamental landscape areas around facilities with athletic fields shall follow general landscape irrigation restrictions.

## 6.5 Irrigation of Landscaped Areas:

The following year-round irrigation schedule is the standard for Deer Creek Water in accordance with terms outlined in the Deer Creek Water Conservation Plan. ALL WATERING must be done either between the hours of 7:00 to 10:00 a.m. or between the hours of 7:00 to 10:00 p.m. on the assigned days.

<b>Customer Designation</b>	<b>Assigned Day</b>
Addresses ending in odd numbers	Wednesday and Saturday
Addresses ending in even numbers	Thursday and Sunday
Commercial Customers	Tuesdays and Friday
Watering done by a hand-held hose with a positive shut off device, five gallons or less bucket/watering can, or drip irrigation/soaker hose systems can be done any day.	

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Watering in recreational areas (including public parks) must follow a no more than twice per week schedule for each irrigated area based on the primary address of the location. A variance can be obtained if watering cannot be completed within the designated schedule.

Variances may be available at the discretion of Deer Creek Water based on demand and supply trends for the system. This includes variances for new landscapes, though Deer Creek Water strongly recommends against landscape installations between the months of May and August. New landscapes may be installed and re-vegetation seeding performed under these specific criteria:

- i. A completed variance form for new landscapes has been submitted to the Deer Creek Water and has been approved prior to the installation of the landscape, or re-vegetation seed application;
- ii. Irrigation of the new landscape follows the schedule identified in the new landscape variance and the irrigation system will be designed to minimize water waste;
- iii. Areas being re-vegetated for soil stabilization must also comply with the (i) and (ii) specific criteria above. Alternative options to re-vegetation such as mulch may be available in times of low water supply. Specific information regarding options is available in the LCRA Highland Lakes Watershed Ordinance Technical Manual;
- iv. No more than 50% of the irrigated landscaped area at commercial and residential sites is turf, and all turf should be water conserving natural turf; the same is encouraged, but not required for recreational areas.
- v. Only drought tolerant or native plants are installed;
- vi. Any automatic irrigation systems have rain sensors or drip irrigation with an automatic timer is installed in all beds;
- vii. Variances for new landscapes may be issued for a period of no more than 30 days from the day of issuance. A variance is not an exemption from compliance with any permanent water use restrictions in this Plan.

Variances are not given in Stage 2 or more extreme drought stages, unless they are needed to protect human health and safety as stated in Section 9 of this Plan.

## **6.6 Restaurants:**

Restaurants, bars, and other commercial food or beverage establishments are encouraged not to provide drinking water to customers unless a specific request is made by the customer for drinking water.

## **6.7 Golf Courses**

Golf courses receiving any amount of treated water from a Deer Creek Water utility must either develop a drought contingency plan that meets the minimum water reduction target set for each of the Drought Stages, or adopt the LCRA sample golf course drought contingency plan.

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## 6.8 Wholesale Treated Customers

All Deer Creek Water wholesale customers are required to develop and formally adopt drought contingency plans for their own systems in accordance with Title 30 Texas Administrative Code Sections 288.20 and 288.22. The water supply triggers and target reduction goals must be consistent with the LCRA DCP. In addition, the measures in the plans must be at least as stringent as the drought response measures required by Deer Creek Water for its retail customers. Wholesale treated water customers must include in their wholesale water supply contracts the requirement that each successive wholesale customer develop and formally adopt a drought contingency plan, consistent with the LCRA DCP. Deer Creek Water's interactions with wholesale customers are further stated below.

## 7.0 Drought Response Measures

The designated manager or official shall monitor water supply and demand conditions on a regular basis to determine when initiation and termination of each drought response stage stated in this Plan. Water supply conditions will be determined by the source of supply, system capacity, weather conditions, and other pertinent variables that contribute to drought conditions. Water demand will be measured by the peak daily demands on the system and other discernable demand trends.

Public notification of the initiation or termination of drought response stages shall occur via several means such as: bill inserts, e-mail and automated telephone calls, signs posted at entry points to the service area or a combination of these and other methods. At the same time and by the same means customers will be notified of any stage-associated use restrictions.

### Water Waste

**The following non-essential uses of water are prohibited at all times during periods in which any restrictions have gone into effect:**

- a. Washing sidewalks, walkways, driveways, parking lots, street, tennis courts, and other impervious surfaces is prohibited except for immediate health and safety;
  - b. Use of water to wash buildings, houses or structures with a pressure washer is restricted to equipment that is fitted with a water recycling unit and a spray nozzle using no more than 3.5 gallons of water per minute and employing a working trigger shut-off with a protective weep mechanism. Use of water to wash buildings with a hand-held hose with a positive shut-off nozzle is allowed;
  - c. Use of water for controlling dust is prohibited, unless there is a demonstrated need to do so for reasons of public health and safety, or as part of an approved construction plan.
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## 7.1 Stage 1 – Mild Drought Conditions

### 7.1.i. Initiating and Terminating Drought Stage 1

**Initiation:** Customers shall adhere to the Stage 1 Drought Response Measures when one or a combination of such triggering criteria occurs:

1. Treatment Capacity: When total daily water demand equals or exceeds 80 percent of the total operating system treatment capacity of WTCPUA water treatment plants for three consecutive days, or 85 percent on a single day;
2. Water Supply: Combined storage of Lakes Travis and Buchanan reaches 1.4 million acre-feet in accordance with the LCRA Drought Contingency Plan for Firm Water Customers (DCP).

**Termination** may occur when:

1. Treatment Capacity: The water treatment plant capacity condition listed above as a triggering event for Stage 1 has ceased to exist for five consecutive days; or
2. Water Supply: LCRA announces that curtailment of water supplies to firm water customers is no longer required.

### 7.1.ii. Response Measures and Target Reductions

1. Water Supply Reduction Target: Achieve a 5% reduction in water use.
2. System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three days or 85% for one day.
3. Stage 1 Response Measures: All requirements of year-round rules are also in effect during Stage 1, with the following modifications and additions:

#### A. Supply Management Measures:

Deer Creek Water will review system operations and identify ways to improve system efficiency and accountability, including fixing leaks, replacing old meters, and recycling line flush water, where appropriate.

#### B. Demand Management Measures:

Deer Creek Water will actively communicate drought-related issues to all customers, including the current and projected water supply conditions, water supply restrictions and the need to conserve; and will apply all of the Stage 1 water-use restrictions listed below to Deer Creek Water utility owned facilities, properties, and customers. All year-round requirements shall

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remain in effect during Stage 1, with the following modifications and additions:

### Events

Events involving the use of water such as: car washes, festivals, parties, water slides, and other activities involving the use of water are permitted, if the water being used drains to a recirculating device, or onto a pervious surface to prevent water waste. A charity car wash may not be conducted unless it occurs at a commercial vehicle washing facility.

### Wholesale Customers

Deer Creek Water will contact wholesale treated water customers to discuss supply and demand conditions. Deer Creek Water will provide a limited supply of consumer information and materials on water conservation measures and practices to wholesale customers.

## 7.2 Stage 2 Drought – Moderate Drought Conditions

### 7.2.i Initiating and Terminating Drought Stage 2

**Initiation:** Customers shall be requested to adhere to the Stage 2 Drought Response Measures when one or a combination of such triggering criteria occurs:

1. Treatment Capacity: For surface water systems, when total daily water demand equals or exceeds 93 percent of the total operating system treatment capacity for three consecutive days, or 95 percent on a single day; or
2. Water Supply: Combined storage of Lakes Travis and Buchanan reaches 900,000 acre-feet in accordance with the LCRA DCP.

**Termination** may occur when:

1. Treatment Capacity: The water treatment plant capacity condition listed above as a triggering event for Stage 2 has ceased to exist for five consecutive days; or
2. Water Supply: LCRA announces that voluntary compliance to implement a utility's mandatory water restrictions are no longer needed in accordance with the LCRA DCP.

*Upon termination of Stage 2, Stage 1 becomes operative.*

### 7.2.ii Response Measures and Target Reductions

1. System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three days or 85% for one day.
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2. Water Supply Reduction Target: Achieve a 10-20% reduction in water use.
3. Stage 2 Response Measures: All requirements from year-round rules through Stage 1 are also in effect during Stage 2, with the following modifications and additions:

A. Supply Management Measures:

Deer Creek Water will only perform water main and line flushing as is necessary for public health and safety. Deer Creek Water will reduce system water loss by measures such as fixing leaks, replacing old meters, recycling line flush water, and exploring options for reuse in recreational and public areas, as appropriate for the utility system and within the bounds of public health and safety.

B. Demand Management Measures:

Deer Creek Water will actively communicate drought-related issues to all customers, including the current and projected water supply conditions, water supply restrictions and the need to conserve; and will apply all of the Stage 2 water-use restrictions listed below to Deer Creek Water utility owned facilities, properties, and customers. All requirements of Stage 1 shall remain in effect during Stage 2, with the following modifications and additions:

Vehicle Washing:

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer, or airplane is prohibited except on designated watering days between the hours of midnight and 10 a.m. and between 7 p.m. and midnight. Such activity shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. Runoff shall be directed to pervious surfaces and not be permitted to run onto streets and sidewalks.

A vehicle may be washed any time at a commercial car wash facility or commercial service station. Further, this activity is exempt from these regulations if the health, safety, and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

Ponds

Ponds used for aesthetic, amenity, and/or storm water purposes may maintain water levels only necessary to preserve the integrity of the liner and operating system. Deer Creek Water may request specific design documentation regarding a pond and the intended purpose.

Irrigation

All irrigation of landscaped areas, ornamental or otherwise, with hose-end sprinklers or in-ground irrigation systems shall be limited to a no more than a ONCE weekly watering schedule as follows. **ALL WATERING** must be done either between the hours of 7:00 to 10:00 a.m. or between the hours of 7:00 to 10:00 p.m. on the assigned days.

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<b>Customer Designation</b>	<b>Assigned Day</b>
Addresses ending in odd numbers	Saturday
Addresses ending in even numbers	Thursday
Commercial Customers	Tuesdays
Watering done by a hand-held hose with a positive shut off device, five gallons or less bucket/watering can, or drip irrigation/soaker hose systems can be done any day.	

### Wholesale Customers

Deer Creek Water will keep wholesale treated water customers informed about demand and current and projected water supply conditions. Deer Creek Water will initiate discussions with wholesale treated water customers about potential curtailment and the implementation of mandatory measures to reduce all non-essential water uses.

## 7.3 Stage 3 Drought – Severe Conditions

### 7.3.i Initiating and Terminating Drought Stage

**Initiation:** Customers shall be requested to adhere to the Stage 3 Drought Response Measures when one or a combination of such triggering criteria occurs:

1. Treatment Capacity: For surface water systems, when total daily water demand equals or exceeds 95 percent of the total operating system treatment capacity for three consecutive days, or 97 percent on a single day; or
2. Water Supply: Combined storage of Lakes Travis and Buchanan reaches 600,000 acre-feet in accordance with the LCRA DCP or the LCRA Board declares a drought worse than the Drought of Record or other water supply emergency and orders the mandatory curtailment of firm water supplies.

**Termination** may occur when:

1. Treatment Capacity: The water treatment plant capacity condition listed above as a triggering event for Stage 3 has ceased to exist for five consecutive days; or
2. Water Supply: LCRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with the LCRA DCP.

*Upon termination of Stage 3, Stage 2 becomes operative.*

### 7.3.ii Response Measures and Target Reductions

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1. System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three days or 85% for one day.
2. Water Supply Reduction Target: Achieve a minimum 20% reduction in water use.
3. Stage 3 Response Measures: All requirements from year-round rules through Stage 2 are also in effect during Stage 3, with the following modifications and additions:

#### A. Supply Management Measures:

In addition to measures implemented in the preceding stages of the plan, Deer Creek Water will explore additional emergency water supply options. Deer Creek Water will engage in proactive leak detection and will continue mitigating water loss through the means stated in previous Supply Management Measure sections.

#### B. Demand Management Measures:

Deer Creek Water will actively communicate drought-related issues to all customers, including the current and projected water supply conditions, water supply restrictions and the need to conserve; and will apply all of the Stage 2 water-use restrictions listed below to Deer Creek Water utility owned facilities, properties, and customers. All requirements of Stage 2 shall remain in effect during Stage 3, with the following modifications and additions:

#### Pools

Installation of swimming pools is prohibited except when equipped with an automatic pool cover. Public/community swimming pools may be exempt from this prohibition to maintain safe levels of water quality for human contact.

#### Outside Water Features

Operation of outside water features except features used for aeration necessary to sustain aquatic life or maintain water quality is prohibited. Operation of residential aesthetic or recreational devices, such as water slides, is prohibited. Splash pad type fountains must be recirculating and should have an automatic timer shut-off feature when not in use unless public health and safety is compromised by installing a shut-off feature.

#### Ponds

Ponds used for aesthetic, amenity, and/or storm water purposes may maintain water levels only necessary to preserve the integrity of the liner and operating system and meet the LCRA Highland Lakes Ordinance or other applicable non-point source pollution regulation. Deer Creek Water may request specific design documentation regarding a pond and the intended purpose.

#### Events

Events involving the use of water such as: car washes; festivals; parties; water slides; and other activities involving the use of water are prohibited.

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### Recreational areas (includes municipal parks and common areas)

Watering of recreational areas should be prioritized by frequency of use and safety needs. Unnecessary foot traffic should be discouraged. Watering using an auxiliary source such as recycled water is exempt from these restrictions.

### Athletic fields

Owners/operators of athletic fields must obtain a variance for irrigation of athletic fields if irrigation falls outside of the normal watering schedule. Fields should only be irrigated that are being actively used for organized sports practice, competition, or exhibition events when the irrigation is necessary to protect the health and safety of the players, staff, or officials present for the athletic event. All ornamental landscape areas around facilities with athletic fields shall follow general landscape irrigation restrictions.

### Pressure Washing

Pressure washing is prohibited, but pressure washing variances may be granted by Deer Creek Water for health and safety purposes only. Pressure washing equipment must be fitted with a spray nozzle that does not use more than 3.5 gallons of water per minute and has a trigger shut-off. Variances must be obtained in advance of use.

### Irrigation of Landscaped Areas:

All irrigation of landscaped areas, ornamental or otherwise, must be done with drip irrigation, soaker hose, five gallons or less bucket/watering can or and shall be limited to a no more than a ONCE weekly watering schedule as follows. ALL WATERING must be done either between the hours of 7:00 to 10:00 a.m. or between the hours of 7:00 to 10:00 p.m. on the assigned days.

<b>Customer Designation</b>	<b>Assigned Day</b>
Addresses ending in odd numbers	Saturday
Addresses ending in even numbers	Thursday
Commercial Customers	Tuesdays

### Fire Hydrants

Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare only.

### Wholesale Customers

Deer Creek Water will contact its wholesale treated water customers to initiate mandatory measures to control water demand and to ensure capacity for emergency response requirements. Mandatory measures will include the curtailment of nonessential water uses in accordance with the wholesale treated water customer's own drought contingency plan.

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In addition, if the Stage 3 triggering criteria is based on a water supply shortage, LCRA will initiate the curtailment of water provided to wholesale treated water customers on a pro rata basis. The wholesale treated water customer's monthly allocation of water shall be based on a percentage of the customer's baseline water use. The percentage will be determined by the LCRA Chief Operations Officer and may be adjusted as conditions warrant.

## **7.4 Stage 4 Drought – Critical Conditions**

### 7.4.i Initiating and Terminating Drought Stage

**Initiation:** Customers shall be requested to adhere to the Stage 4 Drought Response Measures when one or a combination of such triggering criteria occurs:

Water Supply: The LCRA Board declares a prolonged drought worse than the Drought of Record or other water supply emergency and orders the mandatory curtailment of firm water supplies at a level more severe than in Stage 3.

**Termination** may occur when:

Water Supply: LCRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with the LCRA DCP.

*Upon termination of Stage 4, Stage 3 becomes operative.*

### 7.4.ii Response Measures and Target Reductions

1. System Capacity Reduction Target: As determined by the LCRA Board.
2. Water Supply Reduction Target: Achieve a minimum 25% reduction in water use.
3. Stage 4 Response Measures: All requirements from year-round rules through Stage 3 are also in effect during Stage 4, with the following modifications and additions:

#### **A. Supply Management Measures:**

Deer Creek Water will continue to proactively pursue actions states in previous Supply Management Measure sections.

#### **B. Demand Management Measures:**

Deer Creek Water will actively communicate drought-related issues to all customers, including the current and projected water supply conditions, water supply restrictions and the need to conserve; and will apply all of the Stage 3 water-use restrictions listed below to Deer Creek Water utility owned facilities, properties, and customers. All requirements of Stage 3 shall remain in effect during Stage 4, with the following modifications and additions:

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### Irrigation of Landscaped Areas:

All retail customers are required to reduce nonessential water uses during an emergency.

1. Irrigation of ornamental landscaped areas with hose end sprinklers and automatic irrigation, except drip irrigation, is prohibited.
2. Irrigation of new landscapes is prohibited.

### Water Features

Use of water to operate outside water features, including fountains, outdoor misting systems, and splash pads is prohibited.

### Vehicle Washing

Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited, except as required for public health and safety purposes. Commercial car washing facilities may operate for health and safety purposes only except facilities which recycle water.

### Pools

The filling or replenishing of water to single-family residential swimming pools is only allowed if the pool is covered with a pool cover when not in use. Public/community swimming pools are allowed to fill or replenish water in order to maintain safe levels of water quality for human contact.

### New Connections & Infrastructure

No applications for new, additional, expanded, or larger water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

### Wholesale Customers

All requirements of Stage 3 shall remain in effect during Stage 4. Additional measures may be added as needed.

## 7.5 Stage 5 Drought – Emergency Conditions

### 7.5.i Initiating and Terminating Drought Stage

**Initiation:** Customers shall be requested to adhere to the Stage 4 Drought Response Measures when one or a combination of such triggering criteria occurs:

Water Supply: The LCRA Board declares a prolonged drought worse than the Drought of Record or other water supply emergency and orders the mandatory curtailment of firm water supplies at a level more severe than in Stage 4.

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**Termination** may occur when:

Water Supply: LCRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with the LCRA DCP.

*Upon termination of Stage 5, Stage 4 becomes operative.*

#### 7.5.ii Response Measures and Target Reductions

1. System Capacity Reduction Target: As determined by the LCRA Board.
2. Water Supply Reduction Target: As determined by the LCRA Board.
3. Stage 5 Response Measures: All requirements from year-round rules through Stage 4 are also in effect during Stage 5, with the following modifications and additions:

#### Irrigation of Landscaped Areas

Irrigation of landscaped areas is prohibited.

#### Wholesale Customers

All requirements of Stage 4 shall remain in effect during Stage 5. Additional measures may be added as needed.

## **8.0 Emergency Conditions**

### **8.1 Targets for Water-Use Reductions**

**Initiation:** Customers shall be requested to adhere to the Stage 4 Drought Response Measures when one or a combination of such triggering criteria occurs:

#### Water Supply:

1. Major water line breaks, loss of distribution pressure, insufficient treatment plant conditions exist, or pump system failures that cause substantial loss in its ability to provide water service; or
2. Natural or man-made contamination of the water supply source; or
3. Any other emergency water supply or demand conditions that the LCRA general manager or the LCRA Board determines that either constitutes a water supply emergency.

**Termination** may occur when:

Water Supply:

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1. Major water line breaks, loss of distribution pressure, insufficient treatment plant conditions exist, or pump system failures that cause substantial loss in its ability to provide water service have ceased to exist for five consecutive days and there is not determinable threat to human health or safety; or
1. Natural or man-made contamination of the water supply source has ceased to exist for five consecutive days and there is not determinable threat to human health or safety; or
2. LCRA announces that any other emergency water supply or demand conditions have been resolved.

Targets for System Capacity Reduction and Water Supply Reduction will be determined by Deer Creek, LCRA, and/or WTCPUA dependent on the unique and individual emergency circumstances. Response measures will also be dependent on the emergency and may include any of the responses used as Drought Response and/or other means.

## **9.0 Enforcement**

### **9.1 Enforcement Provisions**

*See Appendix A – Enforcement Provisions for Water Supply Corporations and Investor-Owned Utilities*

### **9.2 Variances**

(1) Deer Creek Water staff may grant variances:

- A. Temporary watering schedule variances are allowed for new landscapes that use drought resistant landscaping or water conserving natural turf. Temporary watering schedule variances are also allowed for revegetation of disturbed areas due to construction, or if required by local, state or federal regulations. Temporary watering schedule variances shall include the following limitations:
  - i. A 14-day temporary watering schedule must be applied for and issued before the irrigation may begin. With a variance automatic irrigation or hose end sprinklers are allowed daily during the normal watering hours of 7:00 p.m. to 10:00 a.m. between the hours of 10 a.m. and 7 p.m.
  - ii. On Day 15 customers must return back to the Condition- Appropriate watering schedule
  - iii. Hand watering is allowed anytime with a hose equipped with a positive shut off-nozzle unless prohibited in advanced stages of drought or in an emergency condition, as stated above.

- iv. Variances may not be retroactive and will have a stated timeframe when issued.
  - (2) The general manager, or his designee, may grant in writing temporary variances for existing water uses otherwise prohibited under this plan if it is determined that failure to do so would cause an emergency adversely affecting the public health, sanitation, or fire protection, and if one or more of the following conditions are met:
    - A. Compliance with this plan cannot be accomplished during the duration of the time the plan is in effect; or
    - B. Alternative methods can be implemented that will achieve the same level of reduction in water use.
  - (3) Persons requesting a variance from the provisions of this plan shall file a petition for variance with Deer Creek Water any time the plan or a particular drought response stage is in effect. The general manager or his designee will review petitions for variances. The petitions shall include the following:
    - Name and address of the petitioner
    - Purpose of water use
    - Specific provision of the plan from which the petitioner is requesting relief.
    - Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm the petitioner or others will sustain if petitioner complies with this plan
    - Description of the relief requested
    - Period of time for which the variance is sought
    - 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
    - Other pertinent information
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## **Appendices**

### **Appendix A – Enforcement Provisions for Investor-Owned Utilities**

#### **Enforcement for Retail Customers**

The following enforcement provisions shall be incorporated into the tariff, subject to approval by the TCEQ, and shall apply to all Deer Creek Water retail water customers:

- (1) No person shall knowingly or intentionally allow the use of water from a Deer Creek Water utility system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of the Deer Creek Water Plan for Drought Contingency and Emergency Conditions, or in an amount in excess of that permitted by the drought response stage in effect at the time.
- (2) Any person who violates this plan shall be subject to the following surcharges and conditions of service:
  - A. Following the first documented violation, the violator shall be given a notice specifying the type of violation and the date and time it was observed and warning as to restrictions on service that may result from additional violations. Restrictions include the placement of a flow restrictor at the customer's meter and rejection of applications for landscape variances.
  - B. Following the second documented violation, the violator shall be sent by certified mail a notice of violation and a flow restrictor may be placed at the customer's meter at the discretion of Deer Creek Water in light of the current drought or emergency condition and the extent of the violation(s).
  - C. Following the third documented violation, the violator shall be sent by certified mail a notice informing them a flow restrictor will be placed at their meter.
  - D. Following the fourth documented violation, Deer Creek Water may, upon due notice to the customer, discontinue water service to the premises where such violations occur. Disconnect and reconnect fees in the amount of \$25 apply.
- (3) Each day that one or more of the provisions in this plan is violated shall constitute a separate violation. Any person, including one classified as a water customer of Deer Creek Water, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such person, however, shall have the right to show that he did not commit the violation.

#### **Enforcement for Wholesale Customers**

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Wholesale treated water customers shall provide Deer Creek Water with an order, ordinance, or resolution to demonstrate adequate enforcement provisions for the wholesale customer's own drought contingency plan.

**Legal Authority applicable to Water Supply Corporations and Investor-Owned Utilities in Regard to Drought Contingency Plan Enforcement**

*Please note that the following list is not intended to be exhaustive and the rules listed below may not apply to all Water Supply Corporations and Investor-Owned Utilities. Citations below may change following the publication date of this Drought Contingency Plan Model. Each Water Supply Corporation and Investor-Owned Utility is encouraged to consult with legal counsel in regard to enforcement of drought contingency plans and specific enforcement authority available.*

- 30 Texas Administrative Code sec. 288.20
- 30 Texas Administrative Code sec. 288.22
- 30 Texas Administrative Code sec. 291.21
- 30 Texas Administrative Code sec. 291.322

**Appendix B – Board Resolution to Implement and Approve Drought Contingency Plans**

(See Next Page)

**RESOLUTIONS ADOPTED BY THE  
BOARD OF DIRECTORS OF SJWTX, INC.**

**“WHEREAS**, SJWTX, Inc. (the “Corporation”), recognizes that the amount of water available to its customers is limited;

**WHEREAS**, the Corporation recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the Corporation cannot guarantee an uninterrupted water supply for all purposes at all times;

**WHEREAS**, pursuant to Chapters 11 and 13 of the Texas Water Code (the “Water Code”), public water systems such as those owned by the Corporation are required to adopt policies necessary to accomplish the preservation and conservation of water resources and respond to drought conditions;

**WHEREAS**, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission” or “TCEQ”) require that the Corporation adopt updated Water Conservation Plans and updated Drought Management Plans every five years;

**WHEREAS**, the Corporation completed the acquisition of the Deer Creek portion of its water system (“Deer Creek”) in July 2018 (the “Acquisition”);

**WHEREAS**, Deer Creek had an existing Water Conservation Plan and an existing Plan for Drought Contingency and Emergency Conditions (the “Drought Management Plan”) prior to the Acquisition and such plans are required to be updated under the Water Code and TCEQ regulations;

**WHEREAS**, it is appropriate to tailor the Deer Creek Water Conservation Plan and Drought Management Plan to the water supply and service capacity within the Corporation’s Deer Creek water service area as that system is uniquely different from the other water service areas of the Corporation;

**WHEREAS**, the Corporation has multiple and distinct public water systems with uniquely different water supply and service capacities, some of which require their own Water Conservation Plan and Drought Management Plan;

**WHEREAS**, the Corporation has determined that it is in the best interest of the public to adopt the Water Conservation Plan and Drought Management Plan pertaining to its Deer Creek water service area substantially in the forms attached hereto as Attachments A and B, respectively, to be effective in the Deer Creek water service area as updates to the Corporation’s current such plans pertaining to such water service area; and

**WHEREAS**, the Board of Directors of the Corporation desires to adopt such Water Conservation Plan and Drought Management Plan as official Corporation policy for the conservation of water pertaining to the Deer Creek water service area.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors hereby approves and adopts the Water Conservation Plan and Drought Management Plan pertaining to the Deer Creek water service area (the “Plans”), substantially in the forms attached hereto as Attachments A and B, respectively, to be effective in the Deer Creek water service area, as updates to the Corporation’s current such plans in such water service area. The Corporation is hereby directed to implement the requirements and procedures set forth in the adopted Plans and in future updates to the Plans;

**FURTHER RESOLVED**, that the provisions of the Plans shall be enforced by the Corporation to the maximum extent allowed by law, TCEQ regulations and the Corporation’s Tariff;

**FURTHER RESOLVED**, that the Chief Executive Officer, President or their designee is hereby directed to file a copy of the Water Conservation Plan and these resolutions with the Commission in accordance with Title 30 Chapter 288 of the Texas Administrative Code;

**FURTHER RESOLVED**, that all actions heretofore taken by the directors, officers and representatives of the Corporation and the execution of all applications, requests, letters, agreements, confirmations, certificates, notices, statements, consents, instruments, documents or papers in connection with the Plans be, and each hereby is, ratified, approved and confirmed;

**FURTHER RESOLVED**, that the Chief Executive Officer, Chief Financial Officer, President, and Secretary of the Corporation (each a “Proper Officer” and collectively, the “Proper Officers”) be, and each hereby is, authorized, empowered and directed, in the name and on behalf of the Corporation, to take or cause to be taken all such further action and to sign, make, execute, acknowledge or verify, deliver and record or file any and all such agreements, confirmations, certificates, notices, statements, consents, instruments, documents or papers, as in each case such officer may, in his sole discretion, deem necessary or desirable in order to carry out the intent and to accomplish the purposes of the foregoing resolutions;

**FURTHER RESOLVED**, that the Proper Officers be, and each hereby is, authorized, empowered and directed, in the name and on behalf of the Corporation, to certify and furnish copies as may be necessary of this and foregoing resolutions and statements as to the incumbency of the Proper Officers of the Corporation and under the corporate seal, if requested, and any person receiving such a certified copy or statement is and shall be authorized to rely upon the contents thereof;



**FURTHER RESOLVED**, that the Proper Officers be, and each of them hereby is, authorized in the name and on behalf of this Corporation, and directed to make all such arrangements, to do and perform all such acts and things, to pay any and all expenses and fees, and to execute and deliver all such instruments, documents and agreements as he or they may deem necessary or appropriate in order fully to effectuate the purposes of each and all of the foregoing resolutions; and

**FURTHER RESOLVED**, that each of the actions of the Proper Officers previously taken in connection with the actions authorized in the foregoing resolutions is hereby approved, ratified and confirmed as the act and deed of this Corporation.”

The undersigned, on behalf of SJWTX, Inc., a Texas corporation, certifies that the foregoing is a true and complete copy of certain resolutions duly adopted by the Board of Directors of SJWTX, Inc. by unanimous written consent on May 1, 2019. The resolutions have not been amended, revoked or rescinded and are in full force and effect, and constitute all of the resolutions of SJWTX, Inc. now in effect relating to the subject matter thereof.

Date: May 3, 2019

SJWTX, INC.

By:

  
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Suzy Papazian, Corporate Secretary