



The Texas Water Company DBA SJWTX, inc.
CCN #10692

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

Approved by the TCEQ July 2013

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1. Introduction

The Drought Contingency Plan (“the Plan”) dictates the implementation of water use restrictions designed to achieve immediate reductions in water use; such reductions are needed to manage and mitigate against drought and/or emergency conditions. Such conditions may occur as a result of demand- or supply-side challenges. The degree of restriction imposed correlates to the severity of the triggering condition.

2. Purpose

The purpose of the Plan is to identify clear strategies for maintaining safe and reliable water supply for the Texas Water Company’s (TWC) communities in the face of drought and/or other emergency conditions. The Plan is structured to meet or exceed requirements for continuous and adequate service during drought and/or emergency conditions as established by the Texas Commission on Environmental Quality (TCEQ).

3. Application

The provisions of this Plan shall apply to all customers utilizing water provided by the Deer Creek public water system (ID 2270049). The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, wholesale, and all other legal entities.

4. Definitions

I. Retail

A single family residential, any person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency to which drinking water is provided with services by any retail public utility.

II. Bulk Water

A volume of water intended for potable uses which is stored and transported in a portable tank or vessel. The physical transport of drinking water, by a vehicle having a permanently mounted or detachable water tank (e.g., tanker truck or “water buffalo”), from an approved source of supply for the purpose of human consumption. The transport vehicle may have pumps, hoses, and other equipment for distribution of drinking water. Bulk water customers, who are also considered wholesalers under the TCEQ rules, may also be subject to Wholesale Customer requirements.

III. Wholesale

A specific contractual agreement between an individual and/or entity that for compensation supplies water to another for resale to the public for human consumption. Every wholesale water contract entered into or renewed after adoption of the Plan, including contract extensions, that in

case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039. Wholesale customers are required to adopt and follow a state-approved Drought Contingency Plan. 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 TWC 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. In the absence of a state-approved Drought Contingency Plan, wholesale customers must follow TWC's Plan.

IV. Pro Rata Water Allocation

In accordance with Texas Water Code Section 11.039, the President, General Manager, or their designee is hereby authorized to initiate allocation of water supplies on a pro rata basis.

5. Implementation

The President or their designee has the authority to implement the Plan. Implementation will be in accordance with the stages of drought or emergency conditions as outlined in the Plan and in conjunction with the Drought Contingency Plans of the Lower Colorado River Authority ("LCRA") and West Travis County Public Utility Association ("WTCPUA").

The Vice President of Operations will monitor usage patterns, water supply, and weather conditions in order to identify when a triggering condition occurs and to make recommendations to the President regarding Plan implementation.

Once the triggering criteria occurs, TWC will implement the corresponding restrictions stated in this Plan. The initiation of a Stage may be delayed if there is a reasonable possibility the water system performance will not be compromised by the condition. Notice to the retail and wholesale customers will be provided when entering a Stage. This notification will be sent out in one or more of the following forms: e-mail, mail (included in bill), media (social media, local newspaper, radio, television), and telephone.

Notice will include the following information:

- a) The date rationing shall begin.
- b) The Stage Level of rationing to be employed.
- c) Penalty for violations of the rationing program.
- d) Identification of the affected area.

Stages will be terminated based on sustained improvements in the triggering criteria as stated below. The Vice President of Operations may suspend or modify the restriction based on their sound professional judgment in finding that the triggering criteria that resulted in entering a Stage no longer exists and it is deemed unlikely the same or a different triggering criterion would occur

immediately after suspension or modification. Written notice of the changes in the restrictions shall be provided to retail and wholesale customers, media, etc. Upon termination of a Drought Stage, the preceding Stage becomes operative.

The drought and emergency conditions, as they exist, will dictate the stage of the Plan to be implemented. Though drought and emergency conditions covered by this Plan are defined below, TWC may elect to enter a Stage or impose additional restrictions for reasons not expressly stated in this Plan if, after consulting with regulatory agencies and/or regional utilities and reviewing the US Drought Monitor and other key data, it is determined that entering a Stage is necessary to support the health and quality of regional resources, and regional messaging about conserving water during droughts.

6. Public Involvement

TWC provided opportunity for the public to provide input into the preparation of the Drought Contingency Plan on the TWC website, www.txwaterco.com. The website described the reasons and methodology for the development of the Drought Contingency Plan, a copy of the draft plan, the period for public comment and input on plan development and contact information to deliver comments and request additional information.

7. Public Awareness

TWC staff will develop public awareness notices, bill stuffers, and other methods of communication that will provide on-going education to the community regarding the importance of conservation. The Plan will be submitted to the Lower Colorado Regional Planning Group (Region K), the LCRA, and WTCPUA for review and comment. The Plan will be reviewed and evaluated on a regular basis of every five years unless conditions call for more frequent amendments.

8. Notice Requirements

TWC shall notify 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.

9. Demand Management Program

I. Year-Round Rules

Year-round rules exist for certain uses that can be better managed regardless of the presence of drought conditions. Those rules are categorized below. In addition, TWC has a prohibition on

Water Waste, independent of any Stage or condition. For purposes of this Plan, Water Waste means:

Any intentional, known, or negligent act that results in or causes a non-beneficial use of water. This includes, but is not limited to: non-emergency landscape watering outside designated watering times; failure to repair a controllable leak; water runoff or overspray onto impervious surfaces from a sprinkler, irrigation system, or hose; landscape watering during or shortly after a rain; any use that violates or contradicts restrictions imposed under the conditions stated in this Plan.

Fire Hydrants

In all stages of drought, the use of water from fire hydrants shall be prohibited for landscape irrigation, filling pools, operating fountains, and 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 water meter.

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.

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:

- a) Draining excess water from pool due to rain in order to lower water to maintenance level;
- b) Repairing, maintaining or replacing pool components that have become hazardous; or
- c) Repair of a pool leak.

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.

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.

General Landscape Watering:

Unless supplanted by Drought or Emergency State conditions, landscape watering done by automatic, in-ground, or sprinkler systems is limited to two days per week according to the street address as follows:

- ◆ If the last digit of the address ends in:
0, 2, 4, 6 or 8, the irrigation days are Thursday and Sunday.
- ◆ If the last digit of the address ends in:
1, 3, 5, 7 or 9, the irrigation days are Wednesday and Saturday.
- ◆ If the location is a commercial site or amenity site, irrigation days are Tuesday and Friday.
- ◆ Hand watering, or watering by soaker hose, bucket, and drip irrigation is allowed any day of the week.
- ◆ All landscape watering should occur between 7:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m., unless otherwise stated by TWC as needed.

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.

Golf Courses

Golf courses must develop a drought contingency plan that meets the minimum water reduction target set for each of the Drought Stages.

II. Stage 1 – Mild Drought Conditions

9.II.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 ~~90~~85 percent on a single day;
2. Water Supply: Combined storage of Lakes Travis and Buchanan drops below 1.14 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 an extended period; or
2. Water Supply: ~~Combined storage of Lakes Travis and Buchanan increases to 1.2 million acre-feet in accordance with the LCRA DCP for Firm Water Customers.~~

9.II.ii. Response Measures and Target Reductions

1. Water Supply Reduction Target: Achieve a ~~10~~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.~~2. 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:

The TWC 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:

The TWC 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 TWC utility owned facilities, properties, and customers. All year-round requirements shall 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

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

III. Stage 2 – Moderate Drought Conditions

9.III.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: When total daily water demand equals or exceeds ~~85~~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 drops below 900,000 acre-feet, or on March 1 or July 1, the combined storage in Lakes Buchanan and Travis is below 1.1 million acre-feet and the cumulative prior three months of inflows total is less than the 25th percentile of historic inflows for the three-month periods.

Termination may occur when:

1. Treatment Capacity: The water treatment plant capacity condition listed above as a triggering event for Stage 2 has ceased for an extended period; or
2. Water Supply: Combined storage of Lakes Travis and Buchanan increases to 1.1 million acre-feet in accordance with the LCRA DCP for Firm Water Customers.

Upon termination of Stage 2, Stage 1 becomes operative.

9.III.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.~~

~~2.1. Water Supply Reduction Target: Achieve a ~~10-20~~% reduction in water use.~~

~~3.2. 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:

The TWC will only perform water main and line flushing as is necessary for public health and safety. The TWC 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:

The TWC 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 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. The TWC 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 is reduced to once a week according to the following and may be subject to additional time-of-day and durational restrictions:

- ◆ If the last digit of the address ends in:
0, 2, 4, 6 or 8, the irrigation day is Thursday.
- ◆ If the last digit of the address ends in:
1, 3, 5, 7 or 9, the irrigation day is Saturday.
- ◆ If the location is a commercial site or amenity site, the irrigation day is Tuesday.
- ◆ Hand watering, or watering by soaker hose, bucket, and drip irrigation is allowed any day of the week.
- ◆ All landscape watering should occur between 7:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m., unless otherwise stated by TWC as needed.

Wholesale Customers

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

IV. Stage 3 – Severe Conditions

9.IV.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: When total daily water demand equals or exceeds ~~90~~⁹⁵ percent of the total operating system treatment capacity for three consecutive days, or ~~100~~⁹⁷ percent on a single day; or
2. Water Supply: Combined storage of Lakes Travis and Buchanan drops below ~~750~~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 for five an extended period; or
2. Water Supply: Combined storage of Lakes Travis and Buchanan increases to 825,000 acre-feet in accordance with the LCRA DCP for Firm Water Customers.

Upon termination of Stage 3, Stage 2 becomes operative.

9.IV.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.
2. Water Supply Reduction Target: Achieve a minimum ~~25~~50% 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, The TWC will explore additional emergency water supply options. The TWC 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:

The TWC 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 TWC 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. The TWC 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.

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 TWC 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 landscape watering for residential and commercial properties irrigation with a sprinkler or irrigation system is reduced to one a week beginning the week that is designated by TWC after Stage 3 conditions have been declared according to the following schedule, and may be subject to additional time-of-day and durational restrictions:

- ◆ If the last digit of the address ends in:

0, 2, 4, 6 or 8, the irrigation day is Thursday.

- ◆ If the last digit of the address ends in:
1, 3, 5, 7 or 9, the irrigation day is Saturday.
- ◆ If the location is a commercial site or amenity site, the irrigation day is Tuesday.
- ◆ Hand watering, or watering by soaker hose, bucket, and drip irrigation is allowed any day of the week.
- ◆ All landscape watering should occur between 7:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m., unless otherwise stated by TWC as needed.

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

The TWC 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.

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.

V. Stage 4 Drought – Critical Conditions

9.V.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 combined storage in Lake Buchanan and Travis drops below 600,000 acre-feet, and the LCRA Board declares a Drought Worse than the Drought of Record.

Termination may occur when:

Water Supply: Combined storage of Lakes Travis and Buchanan increases to 1.4 million acre-feet in accordance with the LCRA DCP for Firm Water Customers.

Upon termination of Stage 4, Stage 3 becomes operative.

9.V.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 ~~30~~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:

The TWC will continue to proactively pursue actions states in previous Supply Management Measure sections.

B. Demand Management Measures:

The TWC 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 TWC utility owned facilities, properties, and customers. All requirements of Stage 3 shall remain in effect during Stage 4, with the following modifications and additions:

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 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.

Wholesale Customers

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

10. Emergency Conditions

10.I 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:

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 TWC, 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.

11. Enforcement Provisions

11.I Retail

TWC will send notice for the first two violations and may send additional notices for violations thereafter. TWC may, at its discretion, install a flow restrictor in the customer's service line for the second or subsequent violations. Flow restrictors may also be installed at retail customer sites that have a pattern of repeated and/or continued violations of this Plan. Customers are responsible for the actual cost of removal and installation up to \$100.00.

11.II Wholesale and Bulk Water Customers

These provisions apply to all wholesale and bulk water customers of TWC. During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

- ◆ 150 percent of the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation up through 10 percent above the monthly allocation.
- ◆ 200 percent of the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation more than 10 percent about the monthly allocation.
- ◆ The above surcharges shall be cumulative.

12. Exemptions or Waivers

12.I Retail

TWC may grant exemptions or waivers for individuals that can demonstrate just cause for outside or other uses of water other than those permitted by this Rationing Program. Some examples may include no other source of water for livestock, for business purposes, for other planned construction or improvements already in progress at the time notice is given, etc. Such exemptions are granted at the discretion of TWC. Landscape variances may be available in limited circumstances and where certain criteria are met. To be considered for a variance request, retail customers must have a current backflow device inspection and a completed customer service

inspection. Variances allow daily watering between the hours of 7:00 – 10:00 am or 7:00 – 10:00 pm for up to two weeks. The variance application can be found on our website.

12.II Wholesale and Bulk Water Customers

The President, or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and 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 provisions of this Plan shall file a petition for variance with the General Manager within 5 business days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by TWC. Petitions shall include the following:

- a) Name and address of the petitioner(s).
- b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- c) Description of the relief requested.
- d) Period of time for which the variance is sought.
- e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- f) Other pertinent information.

Variances granted by the TWC shall be subject to the following conditions, unless waived or modified by the TWC:

- a) Variances granted shall include a timetable for compliance.

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

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

Enforcement Provisions

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

11.II—Variances

- (1) ~~The TWC may grant variiances:~~

~~A. Temporary watering schedule variiances are allowed for new landscapes that use drought resistant landscaping or water conserving natural turf. Temporary watering schedule variiances are also allowed for revegetation of disturbed areas due to construction, or if required by local, state or federal regulations. Temporary watering schedule variiances 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. Variiances may not be retroactive and will have a stated timeframe when issued.~~

- (2) ~~The general manager, or his designee, may grant in writing temporary variiances 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 TWC 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~~

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 TWC retail water customers in the Deer Creek Water System:~~

- ~~(1) No person shall knowingly or intentionally allow the use of water 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.~~
- ~~(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 TWC 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, TWC 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 TWC, 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

~~Wholesale treated water customers shall provide TWC 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~~

Appendix A – Board Resolution to Implement and Approve Drought Contingency Plans

(See Next Page)