

# Maxwell Water Supply Corporation

(A Member of Canyon Regional Water Authority)

## DROUGHT CONTINGENCY PLAN

### **Section I: Introduction**

Maxwell Water Supply Corporation (MWSC) was incorporated in June of 1970. The Corporation is a non-profit corporation organized under Article 1434A of the Revised Civil Statutes of Texas of 1925, as amended, and supplemented by the Texas Non-Profit Corporation Act, Article 1.01, et seq., as amended, and Chapter 67 of the Texas Water Code. MWSC was formed for the purpose of furnishing a water supply for general farm use and domestic purposes to individuals residing in the rural community of Maxwell, Texas, and the surrounding rural areas. MWSC holds a Certificate of Convenience and Necessity, number 10293, to provide water utility service within its designated service area.

MWSC is a member of Canyon Regional Water Authority, CRWA, and as such the CRWA Water Conservation Plan and Drought Contingency Plan (DCP) applies to MWSC. MWSC has adopted the use of the "Triggering Conditions" from CRWA, as detailed in Section IX.

### **Section II: Declaration of Policy, Purpose, and Intent**

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

Water uses regulated or prohibited under this Drought Contingency Plan are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XII of this Plan.

### **Section III: Public Involvement**

Opportunity for the public to provide input into the preparation of the Plan is provided by MWSC by means of scheduling and providing public notice of a public meeting to accept input on the DCP.

### **Section IV: Public Education**

MWSC will periodically provide the public with information about the DCP, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press releases, utility bill inserts and signs.

### **Section V: Coordination with Regional Water Planning Groups**

MWSC's service area is located within the SOUTH CENTRAL TEXAS REGIONAL Water Planning Area-Region "L". MWSC has provided a copy of this Plan to the SOUTH CENTRAL TEXAS REGIONAL WATER PLANNING GROUP.

**Section VI: Authorization**

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

**Section VII: Application**

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

**Section VIII: Definitions**

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

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

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques; and technologies that reduce the consumption of water, reduce the loss 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 uses.

Customer: any person, company, or organization using water supplied by MWSC.

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

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

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

Landscape irrigation use: the use of water 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 neither essential nor required for the protection of public, health, safety, and welfare, including:

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

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

#### **Section IX: Triggering Criteria for Initiation and Termination of Drought Response Stages**

The General Manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the DCP. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation, the MWSC website, and signs posted in public places.

MWSC, as a member entity of Canyon Regional Water Authority, shall follow the trigger condition for the drought stages for areas served by the Edwards, related aquifers and Surface Water Systems as identified on Page 5 of the August 2005 Canyon Regional Water Authority Drought Management Plan, as amended. Said trigger conditions and stages are described below.

#### **Trigger Conditions and Water Conservation Measures for Areas Served by the Edwards and Related Aquifers**

##### **Stage 1 - Mild Water Shortage Conditions**

###### **(1) Trigger Conditions**

Water level in Index Well AY-68-37-203 (j-17) in Bexar County declines to 650 feet,

###### **(2) Requirements for Termination**

Stage 1 of the Plan may be rescinded when the triggering condition cease to exist for a period of 5 consecutive days.

**Stage 2 - Moderate Water Shortage Conditions**

(1) **Trigger Conditions**

Water level in Index Well AY-68-3'7-203 (J-17) in Bexar County declines 640 feet.

(2) **Requirements for Termination**

Stage 2 of the Plan may be rescinded when the triggering condition cease to exist for a period of 5 consecutive days.

**Stage 3 - Severe Water Shortage Conditions**

(1) **Trigger Conditions**

Water level in Index Well AY-68-37-203 (J-17) in Bexar County declines to 630 feet.

(2) **Requirements for Termination**

Stage 3 of the Plan may be rescinded when the triggering condition cease to exist for a period of 5 consecutive days.

**Stage 4 - Emergency Water Shortage Conditions**

(1) **Requirements for Initiation**

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

- (a) Major water line breaks, or pump or system failures occur, loss of a storage tank, which cause unprecedented loss of capability to provide water service; or
- (b) Natural or man-made contamination of the water supplies, including floods or other natural disasters.

(2) **Requirements for Termination**

Stage 4 of the Plan may be rescinded when all of the triggering conditions have ceased to exist for a period of 5 consecutive days.

**Trigger Conditions and Drought Contingency Measures for Areas Served by Surface Water Systems**

(1) **Trigger Conditions**

(a) Mild Water Shortage Conditions

Requirements for initiation - GBRA will recognize that a mild water shortage condition exists when:

Water in storage in Canyon Reservoir is equal to or less than elevation **895 feet mean sea level (msl)** (274,800 acre-feet or approximately 72.5% full).

Requirements for termination - Stage I of the Plan may be rescinded when Canyon Reservoir returns to elevation 895 feet msl or greater for a period of 30 consecutive days. GBRA will notify its wholesale customers and the media of the termination of Stage I in the same manner as the notification of initiation of Stage 1 of the Plan.

(b) Moderate Water Shortage Conditions

Requirements for initiation - GBRA will recognize that a moderate water shortage condition exists when:

Water in storage in Canyon Reservoir is equal to or less than **890 feet mean sea level (msl)** (242,872 acre-feet or approximately 64% full).

Requirements for termination - Stage 2 of the Plan may be rescinded when Canyon Reservoir returns to elevation 890 feet msl or greater for a period of 30 consecutive days. Upon termination of Stage 2, Stage I becomes operative. GBRA will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 2 of the Plan.

(c) Severe Water Shortage Conditions

Requirements for initiation - GBRA will recognize that a severe water shortage condition exists when:

Water in storage in Canyon Reservoir is equal to or less than **885 feet mean sea level (msl)** (213,386 acre-feet or approximately 56% full).

Requirements for termination - Stage 3 of the Plan may be rescinded when Canyon Reservoir returns to elevation 885 feet msl or greater for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. GBRA will notify its wholesale customers and the media of the termination of Stage 3 in the same manner as the notification of initiation of Stage 3 of the Plan.

(d) Emergency Water Shortage Conditions

Requirements for initiation - GBRA will recognize that an emergency water shortage condition exists when:

1. Mechanical 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).
3. A drought of greater severity than the Drought of Record occurs,

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 30 consecutive days. GBRA will notify its wholesale customers and the media of the termination of Stage 4.

**(2) Information and Education**

Once trigger conditions and emergency measures have been approached, the public will be informed of the conditions, and measures to be taken. The process for notifying the public includes:

- (a) Posting the Notice of Drought Conditions at City Halls, County Courthouses, Post Offices, Public Libraries, Senior Citizens Centers, and Major Supermarkets.
- (b) General Circulation to newspapers.
- (c) Notifying local radio and television stations.

**(3) Termination Notification**

Termination of the drought measures will take place when the trigger conditions which initiated the drought measures have subsided, and an emergency situation no longer exists. The public will be informed of the termination of the drought measures in the same manner that they were informed of the initiation of the drought measures through the officials in charge.

**Section X: Drought Stages Responses Measures**

The General Manager or designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section IX of the Plan, shall determine that a mild, moderate, severe or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

**Stage 1 - Mild Water Shortage Conditions**

**Goal:** Achieve a voluntary 5 percent reduction in total water use.

**Supply Management Measures:** MWSC shall reduce or discontinue flushing of water mains as far as is practical and prudent.

**Water Use Restrictions:**

1. Landscape watering with an irrigation system or sprinklers permitted only one day/week. Based on last digit of street address, the following schedule applies:
  - 0,1 - Monday
  - 2,3 - Tuesday
  - 4,5 - Wednesday
  - 6,7 - Thursday
  - 8,9 - Friday
2. Watering with a hand-held hose, soaker hose or drip irrigation is permitted.
3. Charity car washes permitted at commercial car washes that use recycled water or are certified as a conservation car wash.
4. Washing impervious cover such as parking lot, driveway, street or sidewalk prohibited.
5. Restaurants may serve water only upon request.
6. Pools must be covered at least 25% when not in use.
7. Vehicle washing at home permitted only during designated days and times.
8. Golf courses - 10% reduction in replacement of daily evapotranspiration (ET) rate or 1.8 times the base usage irrigation between hours of 8:00 p.m. and 10 a.m.
9. Installation of new landscapes permitted only if more than 50% is drought tolerant turf and if proper horticultural practices are used. Variances may be granted.
10. Athletic fields - watering permitted only between midnight and 9 a.m. for health and safety reasons, unless conservation plan approved by Maxwell.

**Stage 2 - Moderate Water Shortage Conditions**

**Goal:** Achieve a 10 percent reduction in total water use.

**Supply Management Measures:** Continuing steps in Stages 1, MWSC will closely monitor the system for leaks and provide rapid repairs.

**Water Use Restrictions:**

1. All restrictions from Stage 1 are still in effect.
2. Landscape watering with an irrigation system or sprinkler permitted on one day/week on same schedule as Stage I during the hours of 3 a.m. to 8 a.m. and 8 p.m. to 10 p.m.

3. Watering with a hand-held hose, soaker hose or drip irrigation is permitted to maintain trees, shrubs and other ornamental plants on any day between 3 a.m. to 8 a.m. and 8 p.m. to 10 p.m.
4. Filling all new and existing swimming pools is prohibited. Draining permitted onto pervious surface and only if necessary to repair leaks or remove excess water in order to have water level to maintenance level.
5. Golf courses - 30% reduction in replacement of ET rate or 20% reduction if a participant in ISP or not more than 1.4 times base usage. 40% reduction of ET rate or not more than 1.4 times base usage if not participant irrigation between 8 p.m. and 10 a.m. only.
6. Pools must be covered at least 50% when not in use.
7. Installation of non-drought turf is prohibited.
8. Public playing fields - watering permitted only between midnight and 9:00 a.m. to extent necessary to protect health and safety, unless conservation plan approved by MWSC.

### **Stage 3 - Severe Water Shortage Conditions**

**Goal:** Achieve a 15 percent reduction in daily water demand.

**Supply Management Measures:** Continuing steps in Stages 1, 2 & 3 MWSC will patrol the system for any waste of water and will issue citations as required. Reduce system pressures where feasible.

#### **Water Use Restrictions:**

1. All restrictions from Stage 1 & 2 are still in effect.
2. Landscape watering with an irrigation system or sprinkler is prohibited.
3. Watering with a hand-held hose, soaker hose or drip irrigation is permitted to maintain trees, shrubs and other ornamental plants only one day/week between 3 a.m. to 8 a.m. and 8 p.m. to 10 p.m. Based on last digit of street address, the following schedule applies:
  - 0,1 - Monday
  - 2,3 - Tuesday
  - 4,5 - Wednesday
  - 6,7 - Thursday
  - 8,9 - Friday
4. Filling all new and existing swimming pools is prohibited. Draining permitted onto pervious surface and only if necessary to repair leaks or remove excess water in order to have water level to maintenance level.
5. Golf courses - 40% reduction in replacement of ET rate or 30% reduction if a participant in ISP or not more than 1.2 times base usage. 40% reduction of ET rate



or not more than 1.2 times base usage if not participant irrigation between 8 p.m. and 10 a.m. only.

6. Pools must be covered at least 75% when not in use.
7. Installation of non-drought turf is prohibited.
8. Public playing fields - watering permitted only between midnight and 7:00 a.m. to extent necessary to protect health and safety, unless conservation plan approved by MWSC.

#### **Stage 4 - Emergency Water Shortage Conditions**

**Goal:** Return System to Non-Emergency Conditions as soon as possible

**Supply Management Measures:** Continuing steps in Stages 1, 2, & 3, the supplier will reduce the system operating pressure.

**Water Use Restrictions:**

All restrictions in Stage I, II, and III remain applicable and emergency conditions exits. The MWSC Board shall meet within 48 hours of the initiation of stage N to consider and adopt rules restricting non-discretionary and discretionary uses and to prevent danger to the public health, safety or welfare posed by said emergency conditions.

#### **Section XI: Water Rationing**

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

A customer's monthly allocation for water shall be based on a system-wide ratio multiplied times customer's winter average water use. MWSC's Board of Directors will set the system wide ratio by resolution as conditions warrant.

MWSC Board of Directors will also set a surcharge rate for excessive water use by resolution as conditions warrant.

The General Manager, or designee, shall provide notice by mail to each customer informing them of their water use allocations and shall notify the news media and the Executive Director of Texas Commission on Environmental Quality upon initiation of pro rata water allocation.

#### **Section XII: Enforcement and Penalties**

Pursuant to 30 TAC 288.20(a)(1)(K), the following penalties and procedures apply to the enforcement of any mandatory water use restrictions. These are:

First Violation: Written warning provided to the person or entity in violation of this Plan.

Second Violation: A fine will be assessed in the amount equal to the average monthly bill for the prior year of the person or entity charged with the violation.

Third Violation: A fine will be assessed in an amount equal to twice the average monthly bill for the prior year of the person or entity charged with the violation.

Fourth Violation: Service will be disconnected. Service will resume only after payment of all fees required to resume service after disconnection as defined in MWSC's Tariff and all fines assessed pursuant to this Plan.

### **Section XIII: Variances**

The General Manager, or designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this DCP if it 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 provisions of this Plan shall file a petition for variance with MWSC 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 designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with 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 petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variations granted by MWSC shall be subject to the following conditions, unless waived or modified by the General Manager or 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 variation shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variation.

**Section XIV: Severability**

It is hereby declared to be the intention of the Board of Directors of MWSC that the sections, paragraphs, sentences, clauses, and phrases of this 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 Board of Directors of MWSC without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.