

**River Acres Water Supply Corporation**  
**Drought Contingency Plan**

**Drought Contingency Plan**  
**For a Retail Public Water Supplier**

|                                           |                                                         |        |                |
|-------------------------------------------|---------------------------------------------------------|--------|----------------|
| Name:                                     | River Acres Water Supply Corporation                    |        |                |
| Address:                                  | 15602 Northwest Blvd., Suit H, Robstown, Texas<br>78380 |        |                |
| Telephone Number:                         | (361) 387-2614                                          | Fax:   |                |
| Water Right No.(s):                       | 11084                                                   |        |                |
| Regional Water Planning<br>Group:         | N                                                       |        |                |
| Form Completed by:                        | Brenda Zimmerman                                        |        |                |
| Title:                                    | Office Manager                                          |        |                |
| Person responsible for<br>implementation: | Kaylee Reed                                             | Phone: | (361) 387-2614 |
| Signature:                                |                                                         | Date:  | 1/12/2021      |

## **Drought Contingency Plan.**

### **Introduction**

This document is the Drought Contingency Plan (DCP) for the River Acres Water ("RAWS"). This DCP was created so that RAWS can cut back demand when supplies are low so the residents have enough water to make it through a drought. This DCP clearly explains the triggers initiated by a drought and the steps to be taken during each stage of a drought. This DCP only takes effect when there are drought conditions. The DCP has been prepared in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.20 for Municipal Uses by Public Water Suppliers

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

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

Water uses regulated or prohibited under this Drought Contingency Plan (DCP) 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 this DCP.

**The Corporation obtains its water from the Nueces County Water Control and Improvement District No. 3 and is therefore contractually obligated to adhere to drought provisions set forth by that entity.**

### **Section II Public Involvement**

A public meeting to receive comments on the DCP was held at the RAWS Board of Directors Regular Meeting on January 12, 2021. The DCP was adopted by the Board of Directors on January 12, 2021.

### **Section III Public Education**

RAWS will periodically provide the public with information about the DCP, including information about the conditions under which each stage of the DCP is to be initiated or terminated, and the drought response measures to be implemented in each stage. This information will be provided by utility bill inserts, notices in the Corpus Christi Caller-Times, and notice on the RAW's website. (<https://rawscorp.com>).

### **Section IV Coordination with Regional Water Planning Groups**

The service area of RAWS is located within the Coastal Bend Regional Water Planning Area (Region N) and RAWS has provided a copy of this DCP to Region N in care of the Nueces River Authority.

### **Section V Authorization**

The RAWS Office Manager, or designee, is hereby authorized and directed to implement the applicable provisions of the DCP upon determination that such implementation is necessary to protect public health, safety, and welfare. The RAWS Office Manager, or designee, shall have the authority to initiate or

terminate drought or other water supply emergency responses as described in this DCP. The Office Manager shall notify the members of the Board of Directors before implementing any measures.

## **Section VI      Application**

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

## **Section VII      Definitions**

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

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

**Commercial and institutional water use:** water use which is integral to the operations of commercial, 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 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 RAWs and paying a retail water bill.

**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.

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

**Institutional water use:** the use of water by an establishment dedicated to public service, such as a school, university, church, hospital, nursing home, prison, or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

**Landscape irrigation use:** water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, and medians.

**Non-essential water use:** water uses that are not essential or not required for the protection of public, health, safety, and welfare, including:

- irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this DCP;
- use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle;
- use of water to wash down any impervious cover including sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- use of water to wash down buildings or structures for purposes other than immediate fire protection or health reasons;
- flushing gutters or permitting water to run or accumulate in any gutter or street;
- use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- use of water in an aesthetic feature including fountain or pond except where necessary to support aquatic life;
- failure to repair a

controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak; and • use of water from hydrants for construction purposes or any other purposes other than fire-fighting or flushing needed to maintain chlorination levels and protect public health.

Reservoir Capacity: the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi, as measured in percentage of the full combined volume.

Wholesale customers: any public or private utility that has a contract with RAWS to receive raw or treated water supplies and authority (through contracts) to resell this water to other users.

## **Section VIII Criteria for Initiation and Termination of Drought Response Stages**

The Office 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, that is, when the specified “triggers” are reached. As the Nueces County Water Control and Improvement District No. 3 deems initiation necessary RAWS will follow accordingly.

The triggering criterion to be monitored for determining reservoir system response stages is the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi, based on the TCEQ 2001 Agreed Order (amended April 17, 2001) relating to inflows into Nueces Bay and Estuary.

### **Stage 1 Triggers – Mild Water Shortage Watch**

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses when the combined storage level declines to below 40 percent.

Requirement for termination

Stage 1 of the DCP may be rescinded when the combined storage level increases above 50 percent.

### **Stage 2 Triggers – Moderate Water Shortage Condition**

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 of this DCP when the combined storage levels decline to below 30 percent.

Requirement for termination

Stage 2 of the DCP may be rescinded when the combined storage level increases above 40 percent for a period. Upon termination of Stage 2, Stage 1 becomes operative.

### **Stage 3 Triggers – Critical Water Shortage Condition**

Condition Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of the DCP when the combined storage levels decline to below 20 percent.

Requirement for termination

Stage 3 of the DCP may be rescinded when the combined storage level increases above 30 percent. Upon termination of Stage 3, Stage 2 becomes operative.

#### **Stage 4 Triggers – Emergency Water Shortage Condition**

Requirements for initiation

Customers shall be required to comply with requirements and restrictions for Stage 4 of this DCP when the Office Manager, or designee, determines that a water supply emergency exists based on: • A major water line breaks, or pump or system failures occur, which causes unprecedented loss of capability to provide water service; or • Water production or distribution system limitations; or • Natural or man-made contamination of the water supply source occurs.

Requirement for termination

The emergency water shortage condition may be rescinded when the Office Manager, or designee, deems appropriate.

#### **Section IX: Reservoir System Stages Response Notification**

The Nueces County Water Control and Improvement District No. 3 shall monitor water supply and/or demand conditions on a weekly basis and shall determine mild, moderate, severe, critical and emergency water shortage condition exists and RAWS shall implement the following notification procedures.

##### **Notification of the Public:**

The Office Manager, or designee, shall notify the public for every change in draught stage status by any or all of the following:

RAWS website (<https://rawscorp.com>)

Publication in the Corpus Christi Caller-Times

Notice on the monthly billing

Signs posted in public places

The Office Manager, or designee, shall, at a minimum, notify directly, or cause to be notified directly, the following individuals and entities for every change in drought stage status:

The Board of Directors

City and/or County Emergency Management Coordinator

County Judge and Commissioners

Major water users, (such as industries) if any

Critical water users (like hospitals) if any

Texas Commission on Environmental Quality (TCEQ) – note - TCEQ Executive Director MUST be informed within five (5) business days of mandatory water use restrictions being imposed.

#### **Section X Reservoir System, Best Management Practices per Stage**

A summary of water use reduction targets for each reservoir system stage response is presented in the following table. Further discussion on best management practices and implementation practices

associated with each stage of response is included below. During Stages 2, 3, and 4, requests for exceptions may be presented to the Executive Director of Utilities or designee.

| Reservoir System Stage Response | CCR/LCC Combined Reservoir Storage Level | Target Demand Reduction Levels |
|---------------------------------|------------------------------------------|--------------------------------|
| Stage 1- Mild                   | <40%                                     | 10%                            |
| Stage 2 – Moderate              | <30%                                     | 20%                            |
| Stage 3 – Critical              | <20%                                     | 30%                            |
| Stage 4 – Emergency             | Not Applicable                           | 50%                            |

### **Stage 1 Response – MILD Water Shortage Watch**

Target: During Stage 1, achieve a 10% reduction in daily treated water demand relative to treated water demand with the water use restrictions below.

#### Best Management Practices for Supply Management:

Under Stage 1, RAWs will: • Use more repair crews if necessary to allow for a quicker response time for water-line leak repair; and • RAWs, or its designees crews will begin monitoring customers' compliance with Stage 1 restrictions during the course of their daily rounds; • RAWs will use metering technology to track and eliminate leaks.

#### Water Use Restrictions for Demand Reduction

Under threat of penalty for violation, the following water use restrictions shall apply to all persons during Stage 1:

- a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to **once per week**. The watering schedule will be determined by the Office Manager or designee. Customers will be made aware of their designated watering day. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device. Exceptions for this restriction may be permitted, upon review and approval by the Office Manager or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system.
- b) Use of water from hydrants shall be limited to fire-fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the RAWs.
- c) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. However, if the golf course utilizes treated effluent

or a water source other than that provided through RAWs infrastructure, the facility shall not be subject to these regulations.

- d) The use of water to maintain integrity of building foundations is limited to designated watering days and is only permitted by use of hand-held hose or drip irrigation.

### **Stage 2 Response – MODERATE Water Shortage Conditions**

Target: During Stage 2, achieve a 20% reduction in total daily treated water demand relative to treated water demand with the water use restrictions below.

#### Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 1, RAWs will also do the following during Stage 2: • Eliminate the flushing of water mains unless required for decontamination and/or public safety; and • Review customers' water usage for compliance based on the previous month's water use and notify violators verbally or in writing as the situation dictates.

#### Water Use Restrictions for Demand Reduction:

All requirements of Stage 1 shall remain in effect during Stage 2 except as modified below:

- a) Irrigation of landscaped areas shall be limited to once every other week. The watering schedule will be determined by the Office Manager or designee. Customers will be made aware of their designated watering day. However, irrigation of landscaped areas is permitted on any day if it is by means of a handheld hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device. Exceptions for this restriction may be permitted, upon review and approval by the Office Manager or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system.
- b) The watering of golf course fairways with potable water is prohibited. The watering of greens and tees are limited to once every other week unless the golf course utilizes treated effluent or a water source other than that provided through RAWs infrastructure or done by means of hand-held hoses, handheld buckets, or drip irrigation.

### **Stage 3 Response – CRITICAL Water Shortage Conditions**

Target: During Stage 3, achieve a 30% or greater reduction in daily treated water demand relative to treated water demand with the water use restrictions below.

#### Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 2, RAWs will also do the following during Stage 3:

Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.

#### Water Use Restrictions for Demand Reduction:

All requirements of Stage 1 and 2 shall remain in effect during Stage 3 except as modified below:

- a) Irrigation of landscaped areas shall be **prohibited at all times**.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle not occurring on the premises of a commercial car wash stations and not in the immediate interest of public health, safety, and welfare is prohibited.
- c) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools, and water parks (unless non-city, alternative source) is prohibited.
- d) The use of water to maintain the integrity of a building foundation is still permitted on the designated Stage 2 watering day and shall be done by hand or drip irrigation method.
- e) All fountains shall only operate to circulate water in order to maintain equipment.

Optional Measures: During Stage 3, the following measures are optional water use restrictions that may be implemented by the Office Manager, or designee, with Board of Directors approval, as conditions warrant: a) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this reservoir system response stage shall be in effect.

#### **Stage 4 Response – EMERGENCY Water Shortage Conditions**

Target: During Stage 4, achieve a 50% or greater reduction in daily treated water demand relative to treated water demand with the below water use restrictions. Surcharges and reduced allocations are enforceable during Stage 4 water shortage conditions.

#### Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 3, RAWs will also do the following: • Call the 10 largest water customers in the area affected by the emergency condition, and if necessary, use runners in key areas to begin spreading the message of a major outage.

#### Water Use Restrictions for Demand Reduction:

During Stage 4, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:

- a) Irrigation of landscaped areas is absolutely prohibited.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.
- c) Associated uses of water not related to business process which are discretionary, such as equipment washing, shall be deferred until the Stage 5 emergency has been terminated.

## **Section XI: Water Allocation**

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

### **SINGLE FAMILY RESIDENTIAL CUSTOMERS**

“Household” means the residential premises served by the customer’s meter. “Persons per household” include only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies RAWs of a greater number of persons per household on a form prescribed by the Office Manager. The Office Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to RAWs offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the Office Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the RAWs on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the RAWs in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the Office Manager shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify RAWs of a reduction in the number of persons in a household shall be fined not less than \$150.00. A monthly base amount of 3,000 gallons shall be established as a trigger point for each customer. Water consumption up to and including this amount will not include a drought surcharge. Above the 3,000 gallon consumption trigger point, with the Board of Directors approval, a reservoir system surcharge will be applied, explained in the chart below.

Residential water customers shall pay the following surcharges:

- Stage 1: No Surcharge
- Stage 2: Optional, water rate may be 1.5 times published rate/1000 gallons
- Stage 3: Water rate will be 2 times published rate for all classes/1000 gallons
- Stage 4: Water rate will be at 3 times published rate for all classes/1000 gallons

### **MASTER-METERED MULTI-FAMILY RESIDENTIAL CUSTOMERS**

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, condominiums, mobile homes) shall be allocated 3,000 gallons per month for each dwelling unit. It shall be assumed that such a customer’s meter serves two dwelling units unless the customer notifies RAWs of a greater number on a form prescribed by the Office Manager. The Office Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to RAWs offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service

on the form prescribed by the Office Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the RAWS in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the Office Manager shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify RAWS of a reduction in the number of persons in a household shall be fined not less than \$150.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

Residential water customers shall pay the following surcharges:

- Stage 1: No Surcharge
- Stage 2: Optional, water rate may be 1.5 times published rate/1000 gallons
- Stage 3: Water rate will be 2 times published rate for all classes/1000 gallons
- Stage 4: Water rate will be at 3 times published rate for all classes/1000 gallons

#### COMMERCIAL CUSTOMERS

A monthly water allocation shall be established by the Office Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 90% percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 90% percent of whose monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons. The Office Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact RAWS to determine the allocation. Upon request of the customer or at the initiative of the Office Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Water Allocation and Review Committee.

Nonresidential commercial customers shall pay the following surcharges:

- Stage 1: No Surcharge
- Stage 2: Optional, water rate may be 1.5 times published rate/1000 gallons
- Stage 3: Water rate will be 2 times published rate for all classes/1000 gallons
- Stage 4: Water rate will be at 3 times published rate for all classes/1000 gallons

Commercial water customers shall pay the following surcharges:

- Stage 1: No Surcharge
- Stage 2: Optional, water rate may be 1.5 times published rate/1000 gallons
- Stage 3: Water rate will be 2 times published rate for all classes/1000 gallons
- Stage 4: Water rate will be at 3 times published rate for all classes/1000 gallons

#### INDUSTRIAL CUSTOMERS WHO USE LESS THAN 100,000 GALLONS

A monthly water usage allocation shall be established by the Office Manager or designee for each industrial customer, which uses less than 100,000 gallons of water for processing (e.g., a construction meter).

Method of establishing allocation.

When the combined reservoir capacity is less than 20% of total capacity (Stage 3), the industrial customer allocation shall be 90 percent of the customer's usage for the corresponding month's billing period during the previous 12 months prior to the implementation of Stage 1.

If the customer's billing history is shorter than 12 months, the monthly allocation shall be 1/12 of 90% of the customer's maximum annual contracted amount until 12 months of billing history are established. However, if the industrial customer does not have a water contract and does not have at least 12 months of billing history, then the new industrial customer will provide data regarding expected water use and District will determine allocation based on 90% of expected use to determine initial allocation until 12 months of billing history are established.

The Office Manager shall give his best effort to see that notice of each industrial customer's allocation is mailed to such customer.

If, however, the customer does not receive such notice, it shall be the customer's responsibility to contact the RAWs Billing Office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.

Upon request of the customer or at the initiative of the Office Manager, the allocation may be reduced or increased, if, (1) the designated period does not accurately reflect the customer's normal water usage because customer had shut down a major processing unit for overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) The customer has shut down or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

Industrial Customers who use less than 100,000 gallons shall pay the following surcharges:

- Stage 1: No Surcharge
- Stage 2: Optional, water rate may be 1.5 times published rate/1000 gallons

Stage 3: Water rate will be 2 times published rate for all classes/1000 gallons

Stage 4: Water rate will be at 3 times published rate for all classes/1000 gallons

#### INDUSTRIAL CUSTOMERS WHO USE MORE THAN 100,000 GALLONS

A monthly water usage allocation shall be established by the Office Manager or designee for each industrial customer, which uses water for processing (e.g., an industrial customer).

Method of establishing allocation.

When the combined reservoir capacity of Choke Canyon Reservoir and Lake Corpus Christi is less than thirty (30) percent of total capacity (Stage 2), the industrial customer allocation shall be eighty (80) percent of the customer's usage for the corresponding month's billing period during the previous twelve (12) months prior to the implementation of Stage 1 condition.

If the customer's billing history is shorter than twelve (12) months, the monthly allocation shall be one-twelfth of eighty (80) percent of the customer's maximum annual contracted amount until twelve (12) months of billing history are established. However, if the industrial customer does not have a water contract and does not have at least twelve (12) months of billing history, then the new industrial customer will provide data regarding expected water use and RAWs will determine allocation based on eighty (80) percent of expected use to determine initial allocation until twelve (12) months of billing history are established.

The Office Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer.

If, however, the industrial customer does not receive such notice, it shall be the customer's responsibility to contact the RAWs billing office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.

Upon request of the industrial customer or at the initiative of the Office Manager, the allocation may be reduced or increased by the Office Manager, if, (1) the designated period does not accurately reflect the customer's normal water usage because customer had to shut down a major processing unit for overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shut down or significantly reduced the production of a major processing unit, or (4) the customer has previously implemented significant permanent water conservation measures.

Industrial customers who use more than 100,000 gallons shall pay for the following surcharges:

Stage 1: No Surcharge

Stage 2: Optional, water rate may be 1.5 times published rate/1000 gallons

Stage 3: Water rate will be 2 times published rate for all classes/1000 gallons

Stage 4: Water rate will be at 3 times published rate for all classes/1000 gallons

## **Section XII: Enforcement**

No person shall knowingly or intentionally allow the use of water from RAWs for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this DCP, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by Office Manager. Any person that violates requirements set forth by this DCP shall be subjected to the following penalties:

### **Water Restriction Violations:**

- 1st Offense: Written Notice
- 2nd Offense: Disconnect service with a \$150.00 reconnect fee
- 3rd Offense: Disconnect service with a \$300.00 reconnect fee
- 4th Offense: Disconnect service with a \$500.00 reconnect fee
- 5th Offense: Disconnect service with no reconnect (customer may file an appeal to the Water Allocation and Review Committee)

Any person whose name is on file with the utilities billing office as the customer on the water account for the property where the violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on said premises shall constitute prima facie evidence that the customer committed the violation, but said customer shall have the right to show that he did not commit the violation.

## **Section XIII: Variances**

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

- (a) Compliance with this DCP 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 Resolution shall file a petition for variance with RAWs within 5 days after the DCP or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Office Manager, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the DCP 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 Resolution.
- (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.

#### **XIV: Adoption of Plan**

On January 12, 2021, the Drought Contingency Plan was discussed at a public meeting of the Board of Directors. The Board Meeting agenda was posted along with other items as part of the normal dissemination of the Board Meeting agenda. At this time the Board of Directors adopted the Drought Contingency Plan. Office Manager, Kaylee Reed was named enforcement agent. Office Manager, Brenda Zimmerman will be responsible for the annual reporting of the utility profile in accordance to TWDB and TCEQ.