
TRI-COUNTY SPECIAL UTILITY DISTRICT

DROUGHT CONTINGENCY PLAN

ADOPTED March 11, 2024

**TRI-COUNTY SPECIAL UTILITY DISTRICT
RESOLUTION ADOPTING DROUGHT CONTINGENCY PLAN**

WHEREAS, The Tri-County Special Utility District, 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, safety, and minimize the adverse impacts of water supply shortage or other water supply emergency conditions,

NOW THEREFORE BE IT RESOLVED, that the Tri-County Special Utility District does adopt a Drought Contingency Plan, March 11, 2024.

That it is hereby officially found and determined that the Board of Directors meeting at which this resolution is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED this the 11th day of March, 2024.



Basil Margiotta, President

3-11-2024

Date

ATTEST:



Tim O'Neil, Vice-President

3-11-2024

Date

**DROUGHT CONTINGENCY PLAN
FOR
TRI-COUNTY SPECIAL UTILITY DISTRICT
March 11, 2024**

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, 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, Tri-County Special Utility District (Tri-County SUD) hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are hereby limited according to the provisions outlined herein.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by Tri-County SUD by means of open public meeting of the Tri-County SUD Board of Directors.

Tri-County SUD will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated with the drought response measures to be implemented in each stage. This information may be provided by means of customer newsletters, or other similar means, to the water customers of Tri-County SUD.

Section III: Wholesale Water Customer Education

Tri-County SUD will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be mailed directly to each wholesale water customers initially and periodically for all draft and final revisions.

Section IV: Coordination with Regional Water Planning Groups

The service area of Tri-County SUD is located within the Region G Planning area and Tri-County SUD has provided a copy of this Plan to the Region G Planning Group c/o Brazos River Authority, P.O. Box 7555, Waco, Texas 76714.

Section V: Authorization

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

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by Tri-County SUD. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. Tri-County SUD shall be exempt from application of this plan when necessary to protect health, safety, and welfare, as determined by the Board of Directors of Tri-County SUD, or their designee.

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 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 Tri-County SUD.

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

Non-essential water use: water uses that are 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 Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered addresses: street addresses ending in 1, 3, 5, 7, or 9.

Section VIII: Triggering Criteria for Initiation and Termination of Drought Response Stages

The Board of Directors of Tri-County SUD, or their designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages may be by means of notice published in local newspaper and/or public service announcements via television or radio.

The triggering criteria described below are based on analysis of the system emphasizing the importance of water supply to each plant.

(a) Stage 1 - Mild Water Shortage Conditions

Requirements for initiation - Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII - Definitions, when any one plant on the system reaches a demand equal to or greater than 75% of the total production (or refill) capacity for 3 consecutive days.

Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Public notification of termination shall not be necessary.

(b) Stage 2 - Moderate Water Shortage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restriction on certain non-essential water uses provided in Section VII of this Plan when any one plant on the system reaches a demand equal to or greater than 100% of the total production (or refill) capacity of such plants, for 3 consecutive days.

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. Public notification of termination of this stage shall be issued by the Board of Directors of The Tri-County SUD, or their designee.

(c) Stage 3 - Severe Water Shortage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VII of this Plan when any one plant on the system reaches a demand equal to or greater than 115% of the total production (or refill) capacity of such plants for 3 consecutive days.

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. Public notification of termination of this stage shall be issued by the Board of Directors of the Tri-County SUD, or their designee.

(d) Stage 4 - Critical Water Shortage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VII of this Plan when any one plant on the system reaches a demand equal to or greater than 118% of the total production (or refill) capacity of such plants for 3 consecutive days.

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 7 consecutive days. Upon

termination of Stage 4, Stage 3 becomes operative. Public notification of termination of this stage shall be issued by the Board of Directors of the Tri-County SUD, or their designee.

(e) Stage 5 - Emergency Water Shortage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions of Section VII of this Plan when the Board of Directors of the Tri-County SUD, or their designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; **or**
2. Natural or man-made contamination of the water supply source (s).

Requirements for termination - Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist. Public notification of termination of this stage shall be issued by the Board of Directors of the Tri-County SUD, or their designee.

Utilization of alternative water sources - In the event of Stage 5 - Emergency Water Shortage Conditions are initiated, for any prolonged period of time, the Tri-County SUD, or their designee, will attempt to provide water for minimal domestic use by having water trucked into the system in approved tank trucks and/or providing bottled water.

Section IX: Drought Response Stages

The Board of Directors of the Tri-County SUD, or their designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the provisions outlined in Section VIII.

Stage 1 - Mild Water Shortage Conditions

Goal: Achieve a voluntary 20 percent reduction in total consumption.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 - Moderate Water Shortage Conditions

Goal: Achieve a 25 percent reduction in total consumption and move to Stage 1.

Supply Management Guidelines: No flushing of water lines.

Water Use Restrictions - Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays, Tuesdays, and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Mondays, Wednesdays, and Saturdays for customers with a street address ending in an odd number (1, 3, 5, 7, 9). Irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the Tri-County SUD, the facility shall not be subject to these regulations in the use of such other water source.
- (f) Non-essential water uses as previously defined are prohibited.

Stage 3 - Severe Water Shortage Conditions

Goal: Achieve a 15 percent reduction in total consumption and move to Stage 2.

Supply Management Guidelines: No flushing of water lines.

Water Use Restrictions - All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to Stage 2 designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. This use of hose-end sprinklers is prohibited at all times.
- (b) The watering of golf course greens, tees and fairways is prohibited unless the golf course utilizes a water source other than that provided by Tri-County Special Utility District.
- (c) The use of water for construction purposes from designated fire hydrants or flush valves is to be discontinued.

Stage 4 - Critical Water Shortage Conditions

Goal: Achieve a 3 percent reduction in total consumption and move to Stage 3.

Supply Management Guidelines: No water line flushing.

Water Use Restrictions: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, 8) and Saturdays and Wednesdays for customers with a street address ending in an odd number (1, 3, 5, 7, 9) between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand held buckets, or drip irrigation only. The use of hose-end sprinklers and automatic sprinkler systems is prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.

- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

Stage 5 - Emergency Water Shortage Conditions

Goal: Achieve a 50 percent reduction in total consumption.

Supply Management Guidelines: No water line flushing.

Water Use Restrictions - All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

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

SECTION X: Pro Rata Water Allocation - Wholesale Water Customers

In the event that the triggering criteria specified in Section VIII of the Plan, the Board of Directors of the Tri-County SUD, or their designee is hereby authorized to initiate allocation of pro rata curtailment of water deliveries to or diversions by wholesale water customers as provided in the Texas Water Code, Section 11.039.

The following provision shall be included in every wholesale water contract entered into, or renewed after adoption of the Plan, including contract extensions:

In cases of shortage of water resulting from drought, the water to be distributed shall be divided in accordance with the Texas Water Code, Section 11.039.

Section XI: Enforcement

(a) No person shall allow the use of water from Tri-County SUD for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Board of Directors of the Tri-County SUD, or their designee, in accordance with provisions of this Plan.

(b) The Board of Directors of the Tri-County SUD may institute temporary rate schedules to enforce the drought response stages as follows:

Stage 2 - 25% increase in the price per 1,000 gallons used above the minimum monthly bill.

Stage 3 - 50% increase in the price per 1,000 gallons used above the minimum monthly bill.

Stage 4 - 75% increase in the price per 1,000 gallons used above the minimum monthly bill.

Stage 5 - Any usage above the pro rata allocation shall be grounds for termination of service.

(c) During any period when pro rata allocation of available water supplies is in effect, wholesale customers will be strictly limited to the pro rata allocation amounts. Service will be discontinued when pro rata allocations have been reached.

Section XII: Variances

The Board of Directors of the Tri-County SUD, or their designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, safety or fire protection of 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 the Secretary of Tri-County SUD within 5 days after the Plan or particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Board of Directors of the Tri-County SUD, or their 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 Tri-County SUD shall be subject to the following conditions, unless waived or modified by the Board of Directors or their designee:

- (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.
- (c) Variances granted may be revoked by the Board of Directors of Tri-County Special Utility District, or their designee, at any time and without cause.

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

Section XIII: Severability

It is hereby declared to be the intention of Tri-County SUD 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 Tri-County SUD without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.