

Coke County Water Supply Corporation
10390 West State Hwy 158
Robert Lee, Texas 76945
(325) 453-2078 phone/fax ccwsc@wcc.net

DROUGHT CONTINGENCY PLAN
PWS# TX0410017

ORDINANCE NO. 1248

AN ORDINANCE OF THE CITY OF ROBERT LEE, TEXAS, AMENDING ORDINANCE #1210 – EXHIBIT A – WITH A REVISED AND UPDATED WATER CONSERVATION & DROUGHT PLAN FOR COKE COUNTY WATER SUPPLY CORPORATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FINE, NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS. (\$500.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is necessary to update the Drought Contingency Plan for Coke County Water Supply Corporation to add a provision for wholesale water contracts in accordance with the Texas Water Code 11.039, and to meet the requirements as set forth by the Texas Commission on Environment Quality, Title 30, Texas Administrative Code, Chapter 288; and,

WHEREAS, Coke County Water Supply Corporation recognizes the amount of water available to the city and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, The Board of Directors for Coke County Water Supply Corporation believes it is in the best interest of Coke County Water Supply Corporation to adopt such a program, NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF DIRECTORS FOR COKE COUNTY WATER SUPPLY CORPORATION:

SECTION 1: Approval of the Plans. The Board of Directors hereby approves and adopts as the CCWSC's Drought Contingency & Water Conservation Plan attached here to be included in full as a part of the Ordinance as if recited herein. Coke County Water Supply Corporation commits to implement the program according to the procedures set forth in the adopted plan.

SECTION 2: Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to unconstitutional illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 3: The Board of Directors of CCWSC, or the designated representative, shall have the authority to institute and terminate the excess water use charge pursuant to the terms and conditions in the Plans.

SECTION 4: The Board of Directors, or designated representative, is the designated official for implementation of drought restrictions when the trigger conditions as delineated in the Plans are reached.

SECTION 5: Any person, firm or corporation violating any provisions of the Water Conservation and Drought Contingency Plan and/or the mandatory water use restrictions which have been formally initiated by the Board of Directors of CCWSC and contained in the Plans as adopted hereby shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Robert Lee, Texas, shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6: This ordinance shall take effect immediately from and after its passage and the publication in the official newspaper of Coke County Water Supply Corporation.

PASSED AND APPROVED this 13th day of September, 2018.

Coke County Water Supply:

Blake Pitcock, President of CCWSC

ATTEST:

Kelly A. Baker
Office Manager CCWSC

**DROUGHT CONTINGENCY PLAN
COKE COUNTY WATER SUPPLY CORPORATION
A WHOLESALE PUBLIC WATER SUPPLIER**

Coke County Water Supply Corporation
10390 Hwy 158 West, Robert Lee, Texas 76945

PWS# TX0410017

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to 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, the Coke County Water Supply Corporation adopts the following Drought Contingency Plan (the Plan).

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by the Board of Directors by means of public notice of a public meeting to approve the plan.

Section III: Wholesale & Retail Water Customer Education

Coke County Water Supply Corporation will periodically provide wholesale and retail water customers with information about the Plan, including information about the conditions under which each stage. This information will be provided by means of publication in a newspaper of general circulation or by newsletter to each customer.

Section IV: Coordination with Regional Water Planning Groups

The water service area of CCWSC is located within the Region F Water Planning Group, the Colorado River Municipal District, and the Upper Colorado River Authority. A copy of the Revised Drought Contingency Plan has been provided to the Region F Water Planning Group.

Section V: Authorization

The President of the Board of Directors of CCWSC, or his/her 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 Water Operator, or his/her 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 customers utilizing water provided by CCWSC. The terms person and customer as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Coke County Water Supply Corporation will include a provision in every wholesale water contract entered into or renewed after adoption of the Plan, including contract extensions, that in case of shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code 11.039.

Section VII: Criteria for Initiation and Termination of Drought Response Stages

The Water Operator, or his/her 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 Plan.

Customer notification of the initiation or termination of drought response stages will be provided, in most cases, by means of publication in a local newspaper seventy-two (72) hours before CCWSC actually starts the program. The notice shall contain the following information:

1. The date rationing shall begin
2. The date rationing shall end
3. The stage of rationing to be employed
4. A copy of this rationing authority
5. Affected area to be rationed

In extreme emergency conditions, such as a natural disaster, equipment failure, etc., the rationing may go into effect immediately. Customers will be notified by phone, door flyers, emergency broadcasts, or other suitable means of condition and stage rationing.

The triggering criteria described below are based on statistical analysis of the vulnerability of the City's water source, the City of Bronte.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation CCWSC will recognize that a mild water shortage condition exists when (1) the total daily water demand equals or exceeds a 50% of the safe operating capacity of .5 million gallons per day for 7 consecutive days. (2) The City of Bronte and/or The City of Robert Lee has mild water shortage conditions have occurred based on their adopted Drought Contingency Policy.¹ Customers shall be required to comply with the requirements and restrictions on certain water uses, defined in Section VIII.

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 30 consecutive days. Coke County Water Supply Corporation will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the plan.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation CCWSC will recognize that a moderate water shortage condition exists when (1) the total daily water demand equals or exceeds 60% of the safe capacity of .5 million gallons per day for 7 consecutive days. (2) The City of Bronte and/or The City of Robert Lee has moderate water shortage conditions have occurred based on their adopted Drought Contingency Policy.¹ Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section VIII.

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 30 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. Coke County Water Supply Corporation will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of Stage 1 of the Plan.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation CCWSC will recognize that a severe water shortage condition exists when (1) the total daily water demand equals or exceeds 70% of the safe operating capacity of .5 million gallons per day for 7 consecutive days. (2) The City of Bronte and/or The City of Robert Lee has severe water shortage conditions have occurred based on their adopted Drought Contingency Policy. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section VIII.

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 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. CCWSC 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 3 of the Plan.

Stage 4 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation Coke County Water Supply Corporation will recognize that an emergency water shortage condition exists when (1) major water line breaks, pump 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). This may occur within the boundaries of the CCWSC system or that of a wholesale provider. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section VII.

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. CCWSC will notify its wholesale customers and the media of the termination of Stage 4.

Section VIII: Drought Response Stages

The Water Operator, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VII, and shall be implement the following responses as appropriate to the water shortage or water emergency being experienced:

Stage 1 Response—Mild Water Shortage Conditions

Target: Achieve a voluntary 10% reduction in the daily water demand.

Best Management Practices for Supply Management: Voluntary water use restrictions.

Water Use Restrictions for Reducing Demand: The Water Operator, or his/her designee(s), shall implement Stage 1 of this Plan and will contact wholesale water customers to discuss water supply and/or demand conditions and will request that water customers initiate voluntary conservation measures and to minimize or discontinue water use for nonessential purpose to reduce water use.

(1) Wholesale customers may be requested to voluntarily limit the use of water for outdoor purposes such as lawns, gardens, car washing, etc., and adhere to one or more of the following outdoor watering schedules:

- a. Customers with even-numbered house addresses may water only on Monday and Thursday.
- b. Customers with odd-numbered house addresses may water only on Tuesday and Friday.
- c. All other customers such as schools, hospitals, housing authority, and all customers shall water only on Wednesday and Saturday.
- d. Outdoor Watering shall occur only between the hours of 6:00 a.m. to 12:00 noon, and 6:00 p.m. to 10:00 p.m.
- e. Notify major commercial water users of the situation and request voluntary water use reductions.

(2) Water for livestock is exempt.

Stage 2 Response—Moderate Water Shortage Conditions

Target: Achieve a 30% percent reduction in the daily water demand.

Best Management Practices for Supply Management: Mandatory limitation on outdoor water use.

Water Use Restrictions for Reducing Demand: The Water Operator, or his/her designee(s), will implement Stage 2 of this Plan and request wholesale water customers to initiate mandatory measures to reduce non-essential water use.

(1) Customers will be asked to adhere to mandatory limitation of the use of water for outdoor purposes such as lawns, gardens, car washing, etc., to the following outdoor watering schedule:

- a. Customers with even-numbered house addresses may water only on Monday and Thursday.
- b. Customers with odd-numbered house addresses may water only on Tuesday and Friday.
- c. All other customers such as schools, hospitals, housing authority, shall water only on Wednesday and Saturday.
- d. Outdoor Watering shall occur only between the hours of 6:00 a.m. to 12:00 noon, and 6:00 p.m. to 10:00 p.m.
- e. Notify major commercial water users of the situation and request voluntary water use reductions.

(2) Water for livestock is exempt.

Stage 4 Response—Emergency Water Shortage Conditions

Whenever emergency water shortage conditions exist as defined in Section VII of the Plan, the Water Operator shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
3. If appropriate, notify city, county, and/or state emergency response officials for assistance.

4. Undertake necessary actions, including repairs and/or clean-up as needed.
5. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

Section IX: Pro Rata Water Allocation

In the event that the triggering criteria specified in Section VII of the Plan of Stage 3 Severe Water Shortage Conditions have been met, the Water Operator is hereby authorized initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039.

Section X: Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay a surcharge of five times the normal water charge per thousand gallon of water diversions and/or deliveries in excess of the monthly allocation up through 5% above the monthly allocation. The surcharge shall be cumulative. Violations of any section of the Drought Contingency Plan may cause a complaint to be filed in the Robert Lee Municipal Court.

Section XI: Variances

Coke County Water Supply Corporation, 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 conditions 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 Mayor or City Secretary's Office within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Board of Directors of CCWSC, and 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 affect 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 Board of Directors shall be subject to the following conditions, unless waived or modified by the Board of Directors or its 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.

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

Section XII: Severability

It is hereby declared to be the intention of the Board of Directors 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 judgement or decree of any court of competent jurisdiction, such unconstitutionally 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 Coke County Water Supply Corporation without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

ⁱ See The City of Bronte and/or The City of Robert Lee Drought Contingency Plan