



Section H
DROUGHT CONTINGENCY PLAN
439 Water Supply Corporation
November 15, 2023

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, the 439 Water Supply Corporation 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 condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the Board of Directors of 439 Water Supply Corporation by scheduling and providing public notice of a public meeting to accept input of the Plan.

Section III: Public Education

The 439 Water Supply Corporation 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 and the drought response measures to be implemented in each stage. This information will be provided by means of press release to local newspapers, radio, or television stations, mailed, hand delivered, 439 website or through bill inserts.

Section IV: Coordination with Regional Water Planning Groups

The service area of the 439 Water Supply Corporation is located within the Brazos G Regional Water Planning Group and a copy of this Plan has been provided to the Brazos G Regional Water Planning Group.

Section V: Authorization

The Director of Operations, 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 Director of Operations 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 persons, customers, and property utilizing water provided by the 439 Water Supply Corporation. The terms “person” and “customer” as used in the Plan 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 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 439 Water Supply Corporation.

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: 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 not 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 address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

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

The Director of Operations or his/her 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, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on monitoring daily and monthly operating reports, water supply from water supplier or storage tank levels and/or rainfall as needed to determine when trigger conditions are reached.

Stage 1 Triggers -- 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; Annually, beginning on May 1 through September 30 and may be implemented when one or more of the following exist throughout the year:

1. When water consumption has reached 80 percent of daily maximum supply for five (5) consecutive days.
2. When water supply is reduced to a level that is only 20 percent greater than the average consumption for the previous month.
3. When there is an extended period (at least eight weeks) of low rainfall and daily use has risen 20 percent above the use for the same period during the previous year.
4. When, pursuant to requirements specified in the 439 Water Supply Corporation wholesale water purchase contract with Bell County Water Control and Improvement District No. 1, notification is received requesting initiation of Stage 1 of the Drought Contingency Plan.

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 5 consecutive days and or receives information from WCID #1 has rescinded.

Stage 2 Triggers -- MODERATE 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 IX of this Plan when:

1. When water consumption has reached 85 percent of the amount available for five (5) consecutive days.
2. When the water level in any of the water storage tanks cannot be replenished for three (3) consecutive days.
3. When, pursuant to requirements specified in the 439 Water Supply Corporation wholesale water purchase contract with Bell County Water Control and Improvement District No. 1, notification is received requesting initiation of Stage 2 of the Drought Contingency Plan.

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 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers -- SEVERE Water Shortage ConditionsRequirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when:

1. When water consumption of 95 percent or more of the maximum available for three (3) consecutive days.
2. When the declaration of a state of disaster due to drought conditions in a county or counties served by the Corporation.
3. When, pursuant to requirements specified in the 439 Water Supply Corporation wholesale water purchase contract with Bell County Water Control and Improvement District No. 1, notification is received requesting initiation of Stage 3 of the Drought Contingency Plan.

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 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers -- EMERGENCY Water Shortage ConditionsRequirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 4 of this Plan when the Director of Operations, or his/her designee, determines that a water supply emergency exists based on:

1. When failure of a major component of the system or an event, which reduces the minimum residual pressure in the system below 20 psi for a period of 24 hours or longer.
2. When water consumption of 100 percent of the maximum available and the water storage levels in the system drop during one 24-hour period.
3. When natural or man-made contamination of the water supply source.

4. When, pursuant to requirements specified in the 439 Water Supply Corporation wholesale water purchase contract with Bell County Water Control and Improvement District No. 1, notification is received requesting initiation of Stage 4 of the Drought Contingency Plan.
5. When other unforeseen events, which could cause imminent health or safety risks to the public.

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 3 consecutive days.

Section IX: Drought Response Stages

The Director of Operations, or his/her 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 this Plan, shall determine that a mild, moderate, severe, or critical condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The Director of Operations or his/her designee shall notify the public by means of one or more of the following:

1. Publication in a newspaper of general circulation.
2. Public service announcements on radio and/or television stations.
3. Direct mail to each customer.
4. Hand delivery to each customer.
5. Posting on Corporation's website.
6. Electronic notice sent to each customer.

Additional Notification:

The Director of Operations or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

1. 439 Water Supply Corporation Board of Directors
2. Texas Commission on Environmental Quality
3. Major and/or Critical water users

Stage 1 Response -- MILD Water Shortage Conditions

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

Supply Management Measures:

439 Water Supply will reduce or discontinue flushing of water mains and encourage customers to conserve water through notices on bills.

Voluntary Water Use Restrictions:

- a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- b) All operations of the 439 Water Supply Corporation shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
- c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response -- MODERATE Water Shortage Conditions

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

Supply Management Measures:

439 Water Supply will reduce or discontinue flushing of water mains and encourage customers to conserve water through notices on bills. If necessary, a flow restriction device will be installed at the meter.

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 and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and 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 rises. 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 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 from hydrants shall be limited to firefighting, 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 439 Water Supply Corporation.
- f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the 439 Water Supply Corporation, the facility shall not be subject to these regulations.
- g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- h) The following uses of water are defined as non-essential and are prohibited:
 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 3. use of water for dust control;
 4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response -- SEVERE Water Shortage Conditions

Goal: Achieve a 15 percent reduction in total water use.

Supply Management Measures:

439 Water Supply Corporation will discontinue flushing of water mains. If necessary, a flow restriction device will be installed at the meter.

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 designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- b. Use of water to wash any motor vehicle, motor bike, 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 p.m. and between 6:00 p.m. and 10:00 p.m.

- c. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- d. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi type pools is prohibited.
- e. 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.
- f. 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 drought response stage or a higher-numbered stag shall be in effect.

Stage 4 Response -- EMERGENCY Water Shortage Conditions

Goal: Achieve a 30 percent reduction in total water use.

Supply Management Measures:

439 Water Supply Corporation will discontinue flushing of water mains. If necessary a flow restriction device will be installed at the meter.

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

(a) No person shall knowingly or intentionally allow the use of water from the 439 Water Supply Corporation 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 Director of Operations, or his/her designee, in accordance with provisions of this Plan.

(b) The penalties for violations are as follows:

First Violation – a written notice of their specific violation will be issued to the

customer / member.

Second Violation – The 439 Water Supply Corporation may install a flow restricting device in the customers service line to limit the amount of water that will pass through the meter in a 24-hour period. The cost of this shall be the actual cost to do the work and shall be paid by the customer.

Subsequent Violations – The 439 Water Supply Corporation may terminate service for up to seven (7) days and charge for the service call to restore service.

(d) Any employee of the 439 Water Supply Corporations, elected member of the Board of Directors or other employee designated by the Director of Operations, may issue a written notice to a person he/she reasonably believes to be in violation of this Plan. The written notice shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence.

Section XI: Variances

The Board of Directors of 439 Water Supply Corporation, or his/her 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, 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 Ordinance shall file a petition for variance with the 439 Water Supply Corporation within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Board of Directors of 439 Water Supply Corporation, 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 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 Ordinance.
- (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 the 439 Water Supply Corporation shall be subject to the following conditions, unless waived or modified by the Board of Directors of 439 Water Supply Corporation or his/her 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 variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

This Drought Contingency Plan was revised by the Board of Directors on November 15, 2023

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Glen Grandy President of BOD
439 Water Supply Corporation