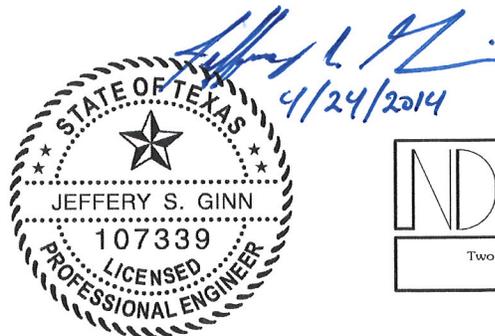




TOWN OF HIGHLAND PARK

DROUGHT CONTINGENCY PLAN

ADOPTED: APRIL 28, 2014



PREPARED BY:



TABLE OF CONTENTS

1. INTRODUCTION AND OBJECTIVES.....	2
2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES	3
3. DROUGHT CONTINGENCY PLAN	4
3.1 Provisions to Inform the Public and Opportunity for Public Input	4
3.2 Provisions for Continuing Public Education and Information.....	4
3.3 Application.....	4
3.4 Definitions.....	5
3.5 Initiation and Termination of Drought Response Stages and Emergencies	6
3.6 Drought and Emergency Response Stages	8
Stage I – Water Shortage Possibility	8
Stage II – Water Shortage Watch.....	9
Stage III – Water Shortage Warning	11
Stage IV –Water Shortage Emergency	13
3.8 Procedures for Enforcing Mandatory Water Use Restrictions.....	15
3.9 Coordination with the Regional Water Planning Group.....	15
3.10 Review, Update and Submittal of Drought Contingency Plan	15

APPENDICES

APPENDIX A	List of References
APPENDIX B	Texas Commission on Environmental Quality Rules on Drought Contingency Plans
APPENDIX C	Notification Letter to The Texas Commission on Environmental Quality
APPENDIX D	Adoption of Drought Contingency Plan

Drought Contingency Plan for

The Town of Highland Park

April 2014

1. INTRODUCTION AND OBJECTIVES

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 Town of Highland Park (the Town) hereby adopts the following regulations and restrictions on the delivery and consumption of water by ordinance.

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 deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 3.8 of this Plan and the ordinance adopting this Plan.

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The Texas Commission on Environmental Quality (TCEQ) rules governing development of drought contingency plans for municipal uses by public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code (30 TAC §288.20), effective October 7, 2004. Required submittals for retail public water suppliers are found in 30 TAC §288.30(5). A complete copy of these rules is included in Appendix B. The TCEQ defines a drought contingency plan as:

A strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. A drought contingency plan may be a separate document identified as such or may be contained within another water management document(s). 30 TAC §288.1(5)

Minimum Requirements

TCEQ’s minimum requirements for drought contingency plans are addressed in the following sections of this report:

TCEQ Rule	Location in Plan	Description
288.20(a)(1)(A)	Section 3.1	“Provisions to Inform the Public and Provide Opportunity for Public Input”
288.20(a)(1)(B)	Section 3.2	“Provisions for Continuing Public Education and Information”
288.20(a)(1)(C)	Section 3.9	“Coordination with the Regional Water Planning Group”
288.20(a)(1)(D)	Section 3.5	“Procedures for Initiation and Termination of Drought Stages”
288.20(a)(1)(E)	Section 3.6	“Drought and Emergency Response Stages”
288.20(a)(1)(F)	Section 3.6	Quantified Targets for Water Use Reductions During Periods of Water Shortage and Drought
288.20(a)(1)(G)	Section 3.6	Water Supply and Demand Management Measures for Each Stage
288.20(a)(1)(H)	Section 3.5	“Initiation and Termination of Drought Response Stages and Emergencies”
288.20(a)(1)(I)	Section 3.7	“Procedures for Granting Variances to the Plan”
288.20(a)(1)(J)	Section 3.8	“Procedures for Enforcing Mandatory Water Use Restrictions”
288.20(a)(3)	Section 3.5, 3.6	“Consultation with Wholesale Supplier”
288.20(b)	Section 3.5, 3.6	“Notification of Implementation of Mandatory Measures”
288.20(c)	Section 3.10	“Review and Update of Plan”
288.30(5)	Section 3.10	“Submittal of Plan”

3. DROUGHT CONTINGENCY PLAN

3.1 Provisions to Inform the Public and Opportunity for Public Input

The Town will provide opportunity for public input in the development of the Drought Contingency Plan (the Plan) by the following means:

- Provided written notice of the proposed Plan and the opportunity to comment on the Plan by newspaper, posted notice and notice on the Town's web site
- Made the draft Plan available on the Town's web site.
- Provided the draft Plan to anyone requesting a copy.
- Held a public meeting.

3.2 Provisions for Continuing Public Education and Information

The Town will provide continuing public education information about the Drought Contingency Plan, initiation or termination of drought and emergency response stages, or actions required by the public by the following means:

- Post a bulletin describing the Plan and making it available at Town Hall and other appropriate locations.
- Make the Plan available to the public through the Town's web site.
- Notify local organizations, schools, and civic groups that staffs are available to make presentations on the Drought Contingency Plan (usually in conjunction with presentations on water conservation programs).
- Notify water customers through billing inserts.
- At any time that the Drought Contingency Plan is activated or the drought stage changes, the Town will notify local media of the issues, the drought or emergency response stage, and the specific actions required of the public. The information will also be publicized on the Town's web site.
- Town of Highland Park Web Site: www.hptx.org

3.3 Application

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

3.4 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, reflection pools, and water gardens.

Commercial and institutional water use: water use which is integral to 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 the Town of Highland Park.

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 or box 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 fire fighting.

Odd number address: street addresses or box numbers ending in 1, 3, 5, 7, or 9.

3.5 Initiation and Termination of Drought Response Stages and Emergencies

The Dallas County Park Cities Municipal Utilities District (the District) provides treated water supply to the Town and may initiate a drought response stage or water emergency that will affect the Town. The Town may also experience conditions independent of the District that trigger a drought response stage or water emergency. This section addresses the actions to be followed by both the District and the Town when either entity initiates or terminates a drought response stage or water emergency.

Initiation of a Drought Response Stage or Water Emergency

At such time that the District initiates a specific drought response stage or water emergency, the Town Administrator, or official designee, is required to order the implementation of the water use reduction measures associated with that specific drought stage as described in Section 3.6. The following actions will be taken when the District initiates a specific drought stage:

- The District will notify the Town of the drought stage or water emergency by telephone with a follow-up letter, email or fax.
- The Town will initiate the appropriate drought response stage or water emergency and will notify the public through local media and the Town's web site as described in Section 3.2.
- The District and the Town will notify the Executive Director of the TCEQ within 5 business days if any mandatory provisions are activated. A form letter for this notification is included in Appendix C, or the Town will utilize the TCEQ Online Reporting Form at:

http://www.tceq.texas.gov/drinkingwater/homeland_security/security_pws/pws-drought-contingency-plan-reporting-form/

- As part of a regional effort, the District and the Town will institute Stage 1 and Stage 2 of its plan when the City of Dallas implements Stage 1 and Stage 2 of their plan or when the District's water supply is 35% (for Stage 1) or 45% (for Stage 2) depleted, whichever comes first.

If the Town initiates a drought response stage or water emergency independent of the District, the Town Administrator, upon the direction of the Town Council, will order the implementation of the water use reduction measures associated with that specific drought response stage or water emergency as described in Section 3.6. The following actions will be taken when the Town initiates a specific response drought stage or water emergency:

- The Town will notify the District of the drought response stage or water emergency by telephone with a follow-up letter, email or fax.
- The Town will notify the public of the drought response stage or water emergency through local media and the Town's web site as described in Section 3.2.
- The Town will notify the Executive Director of the TCEQ within 5 business days if any mandatory provisions are activated. A form letter for this notification is included in Appendix C, or the Town will utilize the TCEQ Online Reporting Form at:

http://www.tceq.texas.gov/drinkingwater/homeland_security/security_pws/pws-drought-contingency-plan-reporting-form/

- The Town Administrator, upon the direction of the Town Council, may decide not to order the implementation of a drought response stage or water emergency even though one or more of the Town's trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision shall be documented and maintained by the Town.

Termination of a Drought Response Stage or Water Emergency

The District may order the termination of a District initiated drought response stage or water emergency when the conditions for termination are met or at its discretion. The following actions will be taken when the District terminates a drought or emergency stage:

- The District will notify the Town by telephone with a follow-up letter, email or fax.
- The District and the Town will notify the Executive Director of the TCEQ within 5 business days if any mandatory provisions are terminated. A form letter for this notification is included as Appendix C.

The Town may order the termination of a Town initiated drought response stage or water emergency when the conditions for termination are met or at its discretion. The following actions will be taken when the Town terminates a drought or emergency stage:

- The Town will notify the District by telephone with a follow-up letter, email or fax.
- The Town will notify the public through local media and the Town’s web site as described in Section 3.2.
- The Town will notify the Executive Director of the TCEQ within 5 business days if any mandatory provisions are terminated. A form letter for this notification is included as Appendix C.
- The Town Administrator, upon the direction of the Town Council, may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision shall be documented and maintained by the Town.

3.6 Drought and Emergency Response Stages

Stage I – Water Shortage Possibility

Initiation and Termination Conditions for Stage I

The Town will initiate Stage I when one or more of the following occur:

- The Town’s water use is approaching the limit of its contracted supply.
- The Town’s demand exceeds 90% of its delivery capacity for seven consecutive days.
- The Town’s water demand for any portion of the delivery system approaches the delivery capacity.
- The Town’s supply source or delivery system becomes contaminated.
- The Town’s water supply system is unable to deliver water due to the failure or damage of major water system components.
- The District has initiated Stage I. This may occur with one or more of the following:
 - The District’s water supply in Grapevine Lake becomes 35% depleted.
 - Grapevine Reservoir becomes contaminated.
 - The District’s demand exceeds 90% of its delivery capacity for seven consecutive days.

- The District's water supply system is unable to deliver water to its customers due to the failure or damage of major water system components.
- Any other condition that would cause the District to initiate Stage I.

Stage I can terminate when the circumstances that caused the initiation of Stage I no longer prevail.

Goal for Use Reduction and Actions Available under Stage I

Stage I is intended to raise public awareness of potential drought problems. The goal for water use under Stage I is a voluntary reduction of 2% of the use that would have occurred in the absence of drought contingency measures. The Town Administrator, upon the direction of the Town Council, may implement all or part of the elements of Stage I listed below:

- Reduction in water use for all municipal operations.
- Request voluntary reductions in water use by the public.
- Increase public education efforts on ways to reduce water use.
- Notify major water users and work with them to achieve voluntary water use reductions.
- Town staff will begin a review of the problems that initiated action of Stage I.
- Intensify efforts on leak detection and repair.
- Ask the public to follow voluntary landscape irrigation schedules.

Stage II – Water Shortage Watch

Initiation and Termination Conditions for Stage II

The Town will initiate Stage II when one or more of the following occur:

- The Town's water use is approaching the limit of its contracted supply.
- The Town's demand exceeds 95% of its delivery capacity for seven consecutive days.
- The Town's water demand for any portion of the delivery system approaches the delivery capacity.
- The Town's supply source or delivery system becomes contaminated.
- The Town's water supply system is unable to deliver water due to the failure or damage of major water system components.

- The District has initiated Stage II. This may occur with one or more of the following:
 - The District's water supply in Grapevine Lake becomes 45% depleted.
 - Grapevine Reservoir becomes contaminated.
 - The District's demand exceeds 95% of its delivery capacity for five consecutive days.
 - The District's water system is unable to deliver water to its customers due to the failure or damage of major water system components.
 - Any other condition that would cause the District to initiate Stage II.

All elements of Stage I shall remain in effect during Stage II.

Stage II can terminate when circumstances that caused the initiation of Stage II no longer prevail.

Goal for Use Reduction and Actions Available under Stage II

The Town Administrator, upon the direction of the Town Council, may implement all or part of the elements of Stage II. The goal for water use under Stage II is a 5% reduction of the use that would have occurred in the absence of drought contingency measures.

Upon implementation by the Town Administrator or official designee, and publication of notice, the Town will impose mandatory water reduction requirements on customers. The Town must notify the TCEQ within five business days if the following measures are implemented:

- Town Administrator or official designee, announce the beginning of mandatory water reduction.
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- The Town will be responsible for reducing the amount of water used for street cleaning, vehicle washing, aesthetic water use, landscape irrigation, routine fire hydrant flushing, and all other non-essential use.
- The washing of automobiles, trucks, trailers, boats, airplanes, and any other type of mobile equipment is prohibited; except that individuals may wash their private automobiles or boats if they use a bucket, pail or normal size receptacle. Service stations shall wash their customers' automobiles with a bucket, pail or receptacle not larger than five (5) gallons capacity. However, an individual or service station, after such washing, shall be permitted to rinse the car or boat off with a hose, using only a reasonable amount of water. Commercial or automatic car wash establishments shall use minimum practical water settings.

- The permitting or maintaining of defective plumbing in a home, business establishment or any location where water is used on the premises is prohibited. The waste of any water by reason of defective plumbing as mentioned above, shall include the existence of out-of-control water closets, underground leaks, defective faucets and taps. The permitting of water to flow constantly through a tap, hydrant, valve, or any device connected to the Town distribution system, shall be considered as a wasting of water.
- The use of fire hydrants for any purpose other than fire fighting is prohibited; except that the Town Administrator, or official designee, may permit the use of metered fire hydrant water by the Town or by commercial operators using jet rodding equipment to clear and clean sanitary and storm sewers and for use in street sweeping emergency situations only.
- Water used for aesthetic purposes is prohibited, unless water is reused or recirculated.
- The use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or any other hard-surfaced areas, or building exteriors and interiors, trailers, and motor homes, except in the interest of public health, is prohibited.
- The use of water for dust control is prohibited.
- Any use of water for the purposes or in a manner prohibited in this condition shall be deemed to be a waste of water.

Stage III – Water Shortage Warning

Initiation and Termination Conditions for Stage III

The Town will initiate Stage III when one or more of the following occur:

- The Town’s water use is approaching the limit of its contracted supply.
- The Town’s demand exceeds 98% of its delivery capacity for seven consecutive days.
- The Town’s water demand for any portion of the delivery system approaches the delivery capacity.
- The Town’s supply source or delivery system becomes contaminated.
- The Town’s water supply system is unable to deliver water due to the failure or damage of major water system components.
- The District has initiated Stage III. This may occur with one or more of the following:
 - The District’s water supply in Grapevine Lake becomes 55% depleted.
 - Grapevine reservoir has been contaminated.

- The District's demand exceeds 98% of its delivery capacity for three consecutive days.
- The District's water supply system is unable to deliver water to its customers due to the failure or damage of major water system components.
- The District's water use is approaching the limit of the permitted supply.
- Any other condition that would cause The District to initiate Stage III.

All elements of Stage II shall remain in effect during Stage III.

Stage III can terminate when the circumstances that caused the initiation of Stage III no longer prevail.

Goals for Use Reduction and Actions Available under Stage III

The Town Administrator, upon the direction of the Town Council, may implement all or part of the elements of Stage III. The goal for water use under Stage III is a 10% reduction of the use that would have occurred in the absence of drought contingency measures.

Upon implementation by the Town Administrator, upon the direction of the Town Council, and publication of notice, the Town will impose mandatory water reduction requirements on customers. The Town must notify the TCEQ within five business days if the following measures are implemented:

- Prohibit all aesthetic water use.
- Prohibit washing or rinsing of all mobile equipment by hose.
- Limit landscape and lawn watering at each service address to twice a week, based on the last digit of the address. Residences with street addresses ending in even numbers are allowed to water on Sundays and Thursdays. Residences with street addresses ending in odd numbers are allowed to water on Saturdays and Wednesdays. (Exceptions: Foundations and new plantings (first year) of trees and shrubs may be watered for up to two hours on any day by a hand-held hose equipped with a positive shutoff valve, soaker hose, or a hand-held bucket or water can).
- The use of water for non-essential purposes is prohibited. The only exception is water use necessary to insure the integrity of structural improvements and prevent health-related issues.
- Prohibit the establishment of new landscaping and/or the use of water for new planting and landscaping.
- Discontinue Town government water use for landscape irrigation, except as needed to prevent foundation damage.

- Implement pro rata curtailment of water usage to commercial customers.
- Initiate a rate surcharge of 30% for all water use over 12,000 gallons per month.

Stage IV –Water Shortage Emergency

Initiation and Termination Conditions for Stage IV

The Town will initiate Stage IV when one or more of the following occurs:

- The Town’s demand exceeds the amount that can be delivered to customers.
- The Town’s water demand for any portion of the delivery system seriously exceeds delivery capacity.
- The Town’s supply source or delivery system becomes contaminated.
- The Town’s water supply system is unable to deliver water due to the failure or damage of major water system components.
- The District has initiated Stage IV. This may occur with one or more of the following:
 - The District’s water supply in Grapevine Lake becomes 70% depleted.
 - Grapevine reservoir has been contaminated.
 - The District’s demand exceeds its delivery capacity.
 - The District’s water supply system is unable to deliver water to its customers due to the failure or damage of major water system components.
 - The District’s water use is approaching the limit of the permitted supply.
 - Any other condition that would cause the District to initiate Stage IV.

All elements of Stage III shall remain in effect during Stage IV.

Stage IV can terminate when the circumstances that caused the initiation of Stage IV no longer prevail.

Goals for Use Reduction and Actions Available under Stage IV

The Town Administrator, upon the direction of the Town Council, will implement all of the elements of Stage IV. The goal for water use under Stage IV is a 25% reduction of the use that would have occurred in the absence of drought contingency. If circumstances warrant or are required by the District, the Town Administrator, upon the direction of the Town Council, can

set a goal for a greater water use reduction. The Town Administrator, upon the direction of the Town Council, must implement any action(s) required by the District.

Upon implementation by the Town Administrator, upon the direction of the Town Council, and publication of notice, the Town will impose mandatory water reduction requirements on customers. The Town must notify the TCEQ within five business days when the following measures are implemented.

- Implement viable alternative water supply strategies.
- All outdoor use by residential, commercial, and industrial customers is prohibited.
- All allocations of water use to commercial customers shall be in the amount as established after consultation with the Town Administrator, upon the direction of the Town Council.
- The maximum monthly usage for a residential customer shall be established with a revised rate schedule, and a 60% surcharge for all water usage over 12,000 gallons per month.
- The Town Administrator, upon the direction of the Town Council, shall take those actions deemed necessary to meet the conditions resulting from the emergency.

3.7 Procedures for Granting Variances to the Plan

The Town Administrator, upon the direction of the Town Council, may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause a condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the Town Administrator, upon the direction of the Town Council. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioners.
- Purpose of water use.
- Specific provisions from which relief is requested.

- Detailed statement of the adverse effect of the provision from which relief is requested.
- Description of the relief requested.
- Period of time for which the variance is sought.
- Alternative measures that will be taken to reduce water use.
- Other pertinent information.

3.8 Procedures for Enforcing Mandatory Water Use Restrictions

During any period when mandatory water use restrictions are in effect, customers shall pay the following surcharges on excess water delivery:

- On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.
- On the second and subsequent violations, customers may be punished with a fine of not less than \$500 and the Town may install a flow restrictor in the line to limit the amount of water that may pass through the meter in a 24-hour period.
- After three violations have occurred, the Town may cut off water service to the customer.
- Appendix D contains the ordinance adopting this Drought Contingency Plan and enforcement provision.

3.9 Coordination with the Regional Water Planning Group

The Town of Highland Park is located within the Region C Water-Planning Group. The Town has provided a copy of this Drought Contingency Plan to the Region C Water Planning Group.

3.10 Review, Update and Submittal of Drought Contingency Plan

As required by TCEQ rules, the Town will review the Plan every five (5) years, beginning May 1, 2009. The Plan will be updated as appropriate based on new or updated information. In addition, The Plan will be submitted as approved or revised to the executive director and to the Region C Water Planning Group within 90 days of adoption by the Town. Appendix F contains the Town Ordinance adopting this Drought Contingency Plan.

APPENDIX A
LIST OF REFERENCES

APPENDIX A

LIST OF REFERENCES

- (1) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, Rule 288.1, downloaded from: <http://www.tceq.state.tx.us/rules/indxpdf.html#288>, Effective December 6, 2012.
- (2) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B, Rule 288.20, downloaded from: <http://www.tceq.state.tx.us/rules/indxpdf.html#288>, Effective October 7, 2004.
- (3) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter C, Rule 288.30, downloaded from: <http://www.tceq.state.tx.us/rules/indxpdf.html#288>, Effective January 10, 2008.
- (4) Nathan D. Maier Consulting Engineers, Inc.: *Town of Highland Park Drought Contingency Plan, April 2009*, prepared for the Town of Highland Park.
- (5) Alan Plummer Associates, Inc.: *Town of Highland Park Drought Contingency Plan, April 2005*, prepared for the Town of Highland Park.
- (6) City of Dallas Water Utilities Conservation Division: *Water Conservation and Drought Contingency Plan Updates, Briefing Materials for February 19, 2014 City Council Meeting*.
- (7) Texas Commission on Environmental Quality: *Handbook for Drought Contingency Planning for Retail Public Water Suppliers, April 2005*.
- (8) Texas Commission on Environmental Quality: TCEQ-20191: *Drought Contingency Plan for a Retail Public Water Supplier, May 2005*.

APPENDIX B

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
RULES ON DROUGHT CONTINGENCY PLANS**

SUBCHAPTER B: DROUGHT CONTINGENCY PLANS

§288.20 - 288.22

Effective October 7, 2004

§288.20. Drought Contingency Plans for Municipal Uses by Public Water Suppliers.

- (a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.
- (1) Minimum requirements. Drought contingency plans must include the following minimum elements.
- (A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.
- (B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.
- (C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.
- (D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.
- (E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:
- (i) reduction in available water supply up to a repeat of the drought of record;
 - (ii) water production or distribution system limitations;
 - (iii) supply source contamination; or
 - (iv) system outage due to the failure or damage of major water system components (e.g., pumps).
- (F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity

preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

- (G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:
 - (i) curtailment of non-essential water uses; and
 - (ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).
 - (H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.
 - (I) The drought contingency plan must include procedures for granting variances to the plan.
 - (J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.
- (2) Privately owned water utilities. Privately owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.
- (3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.
- (b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.
 - (c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Adopted September 15, 2004

Effective October 7, 2004

SUBCHAPTER C: REQUIRED SUBMITTALS

§288.30

Effective January 10, 2008

§288.30. Required Submittals.

In addition to the water conservation and drought contingency plans required to be submitted with an application under §295.9 of this title (relating to Water Conservation and Drought Contingency Plans), water conservation and drought contingency plans are required as follows.

- (1) Water conservation plans for municipal, industrial, and other non-irrigation uses. The holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 1,000 acre-feet a year or more for municipal, industrial, and other non-irrigation uses shall develop, submit, and implement a water conservation plan meeting the requirements of Subchapter A of this chapter (relating to Water Conservation Plans). The water conservation plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the next revision of the water conservation plan for municipal, industrial, and other non-irrigation uses must be submitted not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director within 90 days of adoption. The revised plans must include implementation reports. The requirement for a water conservation plan under this section must not result in the need for an amendment to an existing permit, certified filing, or certificate of adjudication.
- (2) Implementation report for municipal, industrial, and other non-irrigation uses. The implementation report must include:
 - (A) the list of dates and descriptions of the conservation measures implemented;
 - (B) data about whether or not targets in the plans are being met;
 - (C) the actual amount of water saved; and
 - (D) if the targets are not being met, an explanation as to why any of the targets are not being met, including any progress on that particular target.
- (3) Water conservation plans for irrigation uses. The holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 10,000 acre-feet a year or more for irrigation uses shall develop, submit, and implement a water conservation plan meeting the requirements of Subchapter A of this chapter. The water conservation plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the next revision of the water conservation plan for irrigation uses must be submitted not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director

within 90 days of adoption. The revised plans must include implementation reports. The requirement for a water conservation plan under this section must not result in the need for an amendment to an existing permit, certified filing, or certificate of adjudication.

- (4) Implementation report for irrigation uses. The implementation report must include:
 - (A) the list of dates and descriptions of the conservation measures implemented;
 - (B) data about whether or not targets in the plans are being met;
 - (C) the actual amount of water saved; and
 - (D) if the targets are not being met, an explanation as to why any of the targets are not being met, including any progress on that particular target.
- (5) Drought contingency plans for retail public water suppliers. Retail public water suppliers shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter (relating to Drought Contingency Plans) to the executive director after adoption by its governing body. The retail public water system shall provide a copy of the plan to the regional water planning group for each region within which the water system operates. These drought contingency plans must be submitted as follows.
 - (A) For retail public water suppliers providing water service to 3,300 or more connections, the drought contingency plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the retail public water suppliers providing water service to 3,300 or more connections shall submit the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director within 90 days of adoption by the community water system. Any new retail public water suppliers providing water service to 3,300 or more connections shall prepare and adopt a drought contingency plan within 180 days of commencement of operation, and submit the plan to the executive director within 90 days of adoption.
 - (B) For all the retail public water suppliers, the drought contingency plan must be prepared and adopted not later than May 1, 2005 and must be available for inspection by the executive director upon request. Thereafter, the retail public water suppliers shall prepare and adopt the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any new retail public water supplier providing water service to less than 3,300 connections shall prepare and adopt a drought contingency plan within 180 days of commencement of operation, and shall make the plan available for inspection by the executive director upon request.
- (6) Drought contingency plans for wholesale public water suppliers. Wholesale public water suppliers shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter to the executive director not later than May 1, 2005, after adoption of the drought contingency plan by the governing body of the water supplier. Thereafter, the wholesale public water suppliers shall submit the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning

group. Any new or revised plans must be submitted to the executive director within 90 days of adoption by the governing body of the wholesale public water supplier. Wholesale public water suppliers shall also provide a copy of the drought contingency plan to the regional water planning group for each region within which the wholesale water supplier operates.

- (7) Drought contingency plans for irrigation districts. Irrigation districts shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter to the executive director not later than May 1, 2005, after adoption by the governing body of the irrigation district. Thereafter, the irrigation districts shall submit the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any new or revised plans must be submitted to the executive director within 90 days of adoption by the governing body of the irrigation district. Irrigation districts shall also provide a copy of the plan to the regional water planning group for each region within which the irrigation district operates.
- (8) Additional submissions with a water right application for state water. A water conservation plan or drought contingency plan required to be submitted with an application in accordance with §295.9 of this title must also be subject to review and approval by the commission.
- (9) Existing permits. The holder of an existing permit, certified filing, or certificate of adjudication shall not be subject to enforcement actions nor shall the permit, certified filing, or certificate of adjudication be subject to cancellation, either in part or in whole, based on the nonattainment of goals contained within a water conservation plan submitted with an application in accordance with §295.9 of this title or by the holder of an existing permit, certified filing, or certificate of adjudication in accordance with the requirements of this section.
- (10) Submissions to the executive administrator of the Texas Water Development Board.
 - (A) Water conservation plans for retail public water suppliers. For retail public water suppliers providing water service to 3,300 or more connections, a water conservation plan meeting the minimum requirements of Subchapter A of this chapter and using appropriate best management practices must be developed, implemented, and submitted to the executive administrator of the Texas Water Development Board not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive administrator within 90 days of adoption by the community water system. Any new retail public water suppliers providing water service to 3,300 or more connections shall prepare and adopt a water conservation plan within 180 days of commencement of operation, and submit the plan to the executive administrator of the Texas Water Development Board within 90 days of adoption.
 - (B) Water conservation plans. Each entity that is required to submit a water conservation plan to the commission shall submit a copy of the plan to the executive administrator of the Texas Water Development Board not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group.

- (C) Annual reports. Each entity that is required to submit a water conservation plan to the Texas Water Development Board or the commission, shall file a report not later than May 1, 2010, and annually thereafter to the executive administrator of the Texas Water Development Board on the entity's progress in implementing the plan.
- (D) Violations of the Texas Water Development Board's rules. The water conservation plans and annual reports shall comply with the minimum requirements established in the Texas Water Development Board's rules. The Texas Water Development Board shall notify the commission if the Texas Water Development Board determines that an entity has not complied with the Texas Water Development Board rules relating to the minimum requirements for water conservation plans or submission of plans or annual reports. The commission shall take appropriate enforcement action upon receipt of notice from the Texas Water Development Board.

Adopted December 19, 2007

Effective January 10, 2008

APPENDIX C

NOTIFICATION LETTER TO THE TEXAS
COMMISSION ON ENVIRONMENTAL QUALITY

EXAMPLE NOTIFICATION LETTER

March 31, 2005

Executive Director
Texas Commission on Environmental Quality
MC 109
P.O. Box 13087
Austin, TX 78711-3087

Certified Mail xxxxxxxx
Return Receipt

Re: Town of Highland Park, Chapter 288 Drought Contingency Plan Mandatory Water
Reduction Measure Notification

Dear Sir/Madam,

Pursuant to Title 30, Texas Administrative Code, Chapter 288, Subchapter B, the Town of Highland Park is hereby notifying the Commission that the following mandatory provisions of the Drought Contingency Plan shown on the attached sheet have been implemented/terminated. If you have any questions concerning this notification, please contact [name] at [phone number].

Respectfully yours,

The Town of Highland Park,

[Author of Correspondence]
[Title of Author]

[Author's Initials/Typist's Initials]

Enclosure[s (#)]

EXAMPLE
Town of Highland Park, Texas
30 TAC Chapter 288 – Drought Contingency Plan

The following drought response stages were implemented / terminated on _____(date)
(Check applicable boxes)

MEASURE	STAGE			
	I *	II	III	IV
Reduction in municipal water use				
Reduction in public water use				
Increased public awareness				
Reductions by major water users				
Increased leak detection & repair				
Landscape/lawn watering schedules				
Washing mobile equip w/buckets				
Washing buildings, paving, etc. prohibited				
Mandatory repair of defective plumbing				
No water line flushing				
Once-through fountain use prohibited				
Use of ornamental fountains prohibited				
Washing & rinsing of mobile equip prohibited				
Landscape/lawn watering twice per week				
Non-essential water in pools prohibited (private)				
Non-essential water in pools prohibited (municipal)				
Non-essential water in pools prohibited (public)				
No new landscaping/no water new landscaping				
No watering of government landscaping/lawn				
Surcharge rate of ___%				
All outdoor use by residential, commercial, and industrial customers is prohibited				
Allocation of commercial customers				
Revised residential rate schedule w/ penalty				
Other (describe)				

* All measures are voluntary.

APPENDIX D

ADOPTION OF THE DROUGHT CONTINGENCY PLAN

ORDINANCE NO. 1951

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, CHAPTER 13 UTILITIES, ARTICLE 13.04 WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN, REPLACING 13.04.001(B) ADOPTING A NEW DROUGHT CONTINGENCY PLAN FOR THE TOWN OF HIGHLAND PARK, AND THAT ESTABLISHES: (I) THE CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STATES; (II) THE RESTRICTIONS ON CERTAIN WATER USES; AND (III) THE PROCEDURES FOR THE GRANTING VARIANCES; PROVIDING A PENALTY CLAUSE AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN; PROVIDING A VALIDITY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCORPORATION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Park, Texas (“Town”), recognizes that the amount of water available to the Town and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the Town recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, in the best interest of the citizens of the Town of Highland Park, Texas, the Town Council of the Town of Highland Park (the “Town Council”) deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies; and

WHEREAS, Title 30, Chapter 288 of the Texas Administrative Code and the regulations of the Texas Commission of Environmental Quality (the “Commission”) require that the Town adopt a drought Contingency Plan that establishes minimum regulations and restrictions; and

WHEREAS, the Town Council desires to adopt the Town’s Drought Contingency Plan (the “Plan”) as the official Town policy for the management of water supplies during drought or other water supply emergencies;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That, **Section 13.04.001(b)** shall hereafter read “The 2014 Drought Contingency Plan for the Town is hereby approved and adopted by reference and a true copy of such Plan shall be retained by the Town Secretary and be available for public inspection during all business hours of the Town.”

SECTION 2. That, the Town Council does hereby find and declare that sufficient written notice of the date, hour, place, and subject of the meeting adopting this ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this ordinance and the

subject matter thereof has been discussed, considered, and formally acted upon. The Town Council further ratifies, approves, and confirms such written notice and the posting thereof.

SECTION 3. That, the Town Administrator or his designee is hereby directed to file a copy of the Plan and this ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

SECTION 4. That, the Town Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as provided by law.

SECTION 5. Penalty. That, any person, firm or corporation violating any of the provisions or terms of this ordinance, shall be subject to the penalty provisions of Section 1.01.009 of the Code of Ordinances of the Town of Highland Park, Texas, as amended and/or discontinuance of water service by the Town. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Drought Contingency Plan is a separate violation. The Town's authority to seek injunctive or other civil relief available under the law is not limited by this section.

SECTION 6. Validity. That, all ordinances of the Town of Highland Park in conflict with the provisions of this Drought Contingency Plan ordinance be, and the same are hereby superseded and all other provisions of the ordinances of the Town of Highland Park not in conflict with the provisions of this ordinance shall remain in full force and effect.

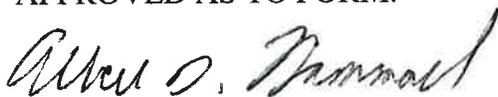
SECTION 7. Severability. That, should any paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected.

SECTION 8. Incorporation. That, this ordinance shall be deemed to be incorporated into the Code of Ordinances of the Town of Highland Park, Texas.

SECTION 9. Effective Date. That, this ordinance shall take effect immediately following its passage, approval and publication as provided by law, and it is accordingly so ordained.

PASSED AND APPROVED this 28th day of April, 2014.

APPROVED AS TO FORM:



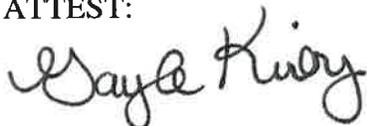
Albert D. Hammack
Town Attorney

APPROVED:



Joel T. Williams, III
Mayor

ATTEST:



Gayle Kirby
Town Secretary

I hereby certify that this is a true and exact copy of Ordinance No. 1951 approved by the Highland Park Town Council on April 28, 2014.



Gayle Kirby
Town Secretary
April 28, 2014