

Agua Special Utility District (Agua SUD)

Drought Contingency Plan

**Agua Special Utility District
3201 North Abram
Palmview, Texas 78572**

Water CCN #10559
Public Water Supply #1080022

Revised March 2014
Adopted March 2014

SECTION 1. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the District and are hereby approved and incorporated into the body of this order as if copied in their entirety.

SECTION 2. DECLARATION OF POLICY, PURPOSE, AND INTENT. In cases of extreme drought, periods of abnormally high water usage, system contamination, or extended reductions in the ability to supply water due to equipment failures, repairs, or maintenance, temporary restrictions may be instituted to limit nonessential water usage. The purpose of the District's Drought Contingency Plan and water use restrictions is to encourage customers to conserve water in order to maintain supply, storage, or pressure or to comply with the requirements of a court, governmental agency, or other authority.

SECTION 3. PUBLIC INVOLVEMENT. The opportunity for the public to provide input into the preparation of the revised Water Conservation Plan and Drought Contingency Plan was provided by providing public notice of the revised plans in The Monitor on March 17, 2014, and by posting notice of the public hearing and public meeting to consider this order on April 21, 2014, and holding the public hearing and public meeting on this order on April 24, 2014.

SECTION 4. WATER CONSERVATION PLAN. The District hereby adopts the revised Water Conservation Plan attached to this order as Exhibit 1.

SECTION 5. PUBLIC EDUCATION. The District will periodically provide the public with information about its Water Conservation Plan and its Drought Contingency Plan and will provide information regarding water use restrictions, including information about the conditions under which each stage of the drought plan is to be initiated and terminated, and the drought response measures to be implemented at each stage. Additional information regarding the drought plan will be provided as need by one or more of the following: (1) public meeting; (2) press releases; (3) website postings; or (4) utility bill inserts.

SECTION 6. COORDINATION WITH THE REGIONAL WATER PLANNING GROUP. The service area of the District is within the Regional Water Planning Group (RWPG) M (Rio Grande). The District will mail a copy of this Order to the Rio Grande RWPG.

SECTION 7. OPERATIONAL MEASURES. In order to further the District's policy to promote water conservation, the District will implement best management practices, such as visually inspecting water lines and repair leaks on a regular basis. The District, to the extent practicable, will not flush lines except for dead end mains. During critical and emergency mandatory water use restrictions, the District will limit the time period in which it flushes lines to only between the hours of 9:00 p.m. and 3:00 a.m. If necessary, the District will initiate emergency interconnections or alternative supply arrangements. The District will implement enforcement measures, including but not limited to more frequent meter readings, to ensure compliance with the water use restrictions.

SECTION 8. QUANTIFIED TARGETS FOR WATER USE REDUCTIONS. With the implementation of Stage 1 of the mandatory water use restrictions, it is the District's goal to reduce water use by five (5) percent. With implementation of Stage 2 mandatory water use restrictions, it is the District's goal to reduce water use by an additional five (5) percent. With the implementation of Stage 3 mandatory water use restrictions, it is the District's goal to reduce water use by an additional (5) percent. With the implementation of Stage 4 emergency water use restrictions, it is the District's goal to reduce water use by twenty (20) percent.

SECTION 9. NOTIFICATION OF TCEQ. The District Manager shall notify the Texas Commission on Environmental Quality (TCEQ) of the implementation of the water use restrictions as may be required by the TCEQ.

SECTION 10. AMENDMENT TO ARTICLE 10 OF THE RULES OF AGUA SPECIAL UTILITY DISTRICT. That Article 10 of the Rules of the Agua Special Utility District is hereby amended to read as follows:

ARTICLE 10: DROUGHT CONTINGENCY PLAN REGULATORY REQUIREMENTS

Sec. 10-1. Purpose.

The purpose of the District's Drought Contingency Plan is protect the District's water supply, treatment, and delivery system by encouraging and, at times, requiring the District's customers to conserve water during periods of drought, abnormal water usage, system contamination, or equipment failures, repairs or maintenance.

Sec. 10-2 Notice; Implementation and Termination of Water Use Restrictions.

a. *Notice.* The District will notify its customers and the public of the implementation or termination of each stage of the water use restrictions as soon as practicable by posting notice on the District's website, and posting one or more signs at the District's offices. The District may also provide additional notifications by informing the local media outlets, posting additional signs in public areas within the District, including notices in billings, and implementing other measures as the District Manager determines is appropriate.

b. The District Manager shall implement or terminate each stage of the water use restrictions when the respective trigger levels are met.

c. Upon the termination of each stage of water use restrictions, the District Manager shall order the implementation of the applicable water use restriction stage, depending on the trigger levels, or shall terminate mandatory water use restrictions if appropriate.

Sec. 10-3. Violations of the Drought Contingency Plan.

a. Upon the implementation of any of the mandatory stages of the drought contingency plan, each Customer shall comply with the requirements and restrictions imposed during the drought stage.

b. Failure to comply with the requirements and restrictions of any of the mandatory stages of the drought contingency plan shall result in the following civil penalties:

(1) For the first violation, the customer will be notified by written notice of their specific violation.

(2) For the second violation, after written notice of the violation, the customer shall be assessed civil fine of \$100.00.

(3) For the third violation, after written notice of the violation, the customer shall be assessed a civil fine of \$250.00.

(4) For the fourth and subsequent violations, after written notice of the violation, the customer shall be assessed a civil fine of \$500.00. The District shall also discontinue service at the meter. The District shall reconnect service if the following conditions are met: (1) seven (7) days have elapsed since the date of disconnection; (2) the Customer has paid the civil fine of \$500.00; and (3) the Customer has paid all reconnection fees.

c. The District does not waive its right to seek criminal penalties in addition to its civil remedies.

Sec. 10-4. Variances.

The District may grant any customer an exemption or variance from the drought contingency plan for good cause upon written request. The District will treat all customers equally concerning exemptions and variances, and shall not discriminate in granting exemptions and variances. No exemption or variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Sec. 10-5. Response Stages and Use Restrictions.

a. For purposes of the implementing landscape irrigation restrictions in any of the stages of the District's drought plan, the District is divided accordingly:

(1) The Green Watering Zone No. 1 includes customers south of Expressway 83 from west of Inspiration Road into Starr County.

(2) The Yellow Watering Zone No. 2 includes customers north of Expressway 83, south of 3 Mile Line from west of Inspiration Road into Starr County.

(3) The Red Watering Zone No. 3 includes customers north of 3 Mile Line, south of 8 Mile Line from West of Bentsen Palm Dr. into Starr County.

A copy of the map identifying the different zones is available for review at the District's offices or on the District's website.

b. *Voluntary Water Conservation Measures.*

(1) The District, in an effort to conserve water resources, will promote voluntary water conservation measures year-round.

(2) *Voluntary Water Use Practices.*

(A) Water customers are requested to voluntarily limit the irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems.

(B) Customers are requested, where practicable, to limit outdoor water use and landscape irrigation to:

(i) Mondays and Thursdays for water customers in Green Watering Zone No. 1;

(ii) Tuesdays and Fridays for water customers in Yellow Watering Zone No. 2; and

(iii) Wednesdays and Saturdays for water customers Red Watering Zone No. 3.

(C) Water customers are requested to voluntarily limit irrigation of landscaped areas hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days.

(D) Water customers are requested to avoid activities that waste water or that allows water to leave the customers property, such as water running down the gutter.

c. *Stage 1 - Mandatory Water Use Restrictions.*

(1) The District Manager shall implement Stage 1 mandatory water use restrictions when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is equal to or less than 40 percent storage capacity, any of the drinking water treatment plants are operating at or above 65% of their total daily capacity for 3 or more consecutive days, or the water system's pumps are operating at or above 65% of their total daily capacity for 3 or more consecutive days.

(2) Requirements for Termination: Stage 1 will end when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is greater than 40% storage capacity for a period of 60 consecutive days, or when the drinking water treatment plants or the water system's pumps are operating at less than 65% capacity for a period of three (3) consecutive days.

(3) Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers:

(A) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to:

(i) Mondays and Thursdays for water customers in Green Watering Zone No. 1;

(ii) Tuesdays and Fridays for water customers in Yellow Watering Zone No. 2; and

(iii) Wednesdays and Saturdays for water customers Red Watering Zone No. 3.

(B) 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 anytime 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.

(C) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(D) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "jacuzzi" type pool 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.

(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) Use of water from hydrants or flush valves shall be limited to maintaining the public health, safety, and welfare.

(G) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited except by hand-held hose and only on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

(4) The following uses of water are defined as nonessential and are prohibited:

(A) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(B) use of water to wash down buildings or structures for purposes other than immediate fire protection;

(C) use of water for dust control;

(D) flushing gutters or permitting water to run or accumulate in any gutter or street;

(E) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(F) any waste of water.

d. *Stage 2 – Mandatory Water Use Restrictions.*

(1) The District Manager will implement Stage 2 mandatory water use restrictions when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is equal to or less than 30 percent storage capacity, any of the drinking water treatment plants are operating at or above 75% of their total daily capacity for 3 or more consecutive days, or the water system's pumps are operating at or above 75% of their total daily capacity for 3 or more consecutive days.

(2) Requirements for Termination: Stage 2 will end when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is greater than 30% storage capacity for a period of 30 consecutive days, or when the drinking water treatment plants or the water system's pumps are operating at less than 75% capacity for a period of three (3) consecutive days.

(3) Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers:

(A) Irrigation of landscaped areas with a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or drip irrigation system shall be limited to:

Watering Zone No. 1; (i) Mondays and Thursdays for water customers in Green

Watering Zone No. 2; and (ii) Tuesdays and Fridays for water customers in Yellow

Watering Zone No. 3. (iii) Wednesdays and Saturdays for water customers Red

(B) Irrigation of landscaped areas is further limited to between the hours of 8:00 p.m. and 12:00 midnight on designated watering days. Landscape irrigation by means of hose-end sprinklers or automated sprinkler systems is prohibited at any time.

(C) 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 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(D) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "jacuzzi" type pool is prohibited except on designated watering days between the hours of 8:00 p.m. and 12:00 midnight.

(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) Use of water from hydrants or flush valves shall be limited to maintaining public health, safety, and welfare.

(G) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited unless the golf course utilizes a water source other than that of the District.

(4) The following uses of water are defined as nonessential 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;

(5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(6) any waste of water.

e. *Stage 3 - Mandatory Water Use Restrictions.*

(1) The District Manager will implement Stage 3 mandatory water use restrictions when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is equal to or less than 25 percent storage capacity, any of the drinking water treatment plants are operating at or above 85% of their total daily capacity for 3 or more consecutive days, or the water system's pumps are operating at or above 85% of their total daily capacity for 3 or more consecutive days.

(2) Requirements for Termination: Stage 3 will end when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is greater than 25% storage capacity for a period of 30 consecutive days, or when the drinking water treatment plants or the water system's pumps are operating at less than 85% capacity for a period of three (3) consecutive days.

(3) Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers:

(A) Irrigation of landscaped areas with a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or drip irrigation system shall be limited to:

No. 1; (i) Mondays for water customers in Green Watering Zone

Zone No. 2; and (ii) Wednesdays for water customers in Yellow Watering

(iii) Fridays for water customers Red Watering Zone No. 3.

(B) Irrigation of landscaped areas is further limited to between the hours of 8:00 p.m. and 12:00 midnight on designated watering days. Landscape irrigation by means of hose-end sprinklers or automated sprinkler systems is prohibited at any time.

(C) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited. 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 are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(D) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "jacuzzi" type pool 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) Use of water from hydrants or flush valves shall be limited to maintaining public health, safety, and welfare.

(G) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited unless the golf course utilizes a water source other than that of the District.

(4) The following uses of water are defined as nonessential and are prohibited:

(A) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(B) use of water to wash down buildings or structures for purposes other than immediate fire protection;

(C) use of water for dust control;

(D) flushing gutters or permitting water to run or accumulate in any gutter or street;

(E) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(F) any waste of water.

(5) No applications 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 allowed or approved.

f. *Stage 4 - Emergency Mandatory Water Use Restrictions.*

(1) The District Manager will implement Stage 4 emergency mandatory water use restrictions when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is equal to or less than 20 percent storage capacity, any of the drinking water treatment plants are operating at or above 90% of their total daily capacity for 24 consecutive hours, or the water system's pumps are operating at or above 90% of their total daily capacity for 24 consecutive hours. The District Manager may implement Stage 4 emergency mandatory water use restrictions if an immediate reduction of water use is required to protect the public health and safety and/or the integrity of the District water system.

(2) Requirements for Termination: Stage 4 will end when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is greater than 20% storage capacity for a period of 30 consecutive days, or when the drinking water treatment plants or the water system's pumps are operating at less than 90% capacity for a period of three (3) consecutive days. If the District has implemented Stage 4 of the Plan because immediate reduction in water use is required to protect public health and safety, the District may terminate Stage 4 when the threat to public health and safety no longer exists.

(3) Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers and are prohibited:

- (A) Irrigation of landscaped areas;
- (B) All outdoor use of water;
- (C) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (D) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "jacuzzi" type pool;
- (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) Use of water from hydrants or flush valves, except when necessary to maintain public health, safety, and welfare;
- (G) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited unless the golf course utilizes a water source other than that of District;

(H) Use of water to wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(I) Use of water to wash down buildings or structures for purposes other than immediate fire protection;

(J) Use of water for dust control;

(K) Flushing gutters or permitting water to run or accumulate in any gutter or street;

(L) Failing to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(M) any waste of water.

(4) No applications 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 allowed or approved.