



Texas Commission on Environmental Quality

Water Availability Division

MC-160, P.O. Box 13087 Austin, Texas 78711-3087

Telephone (512) 239-4691, FAX (512) 239-2214

Drought Contingency Plan for a Wholesale Public Water Supplier

This form is provided as a model of a drought contingency plan for a wholesale public water supplier. If you need assistance in completing this form or in developing your plan, please contact the Conservation Staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

Drought Contingency Plans must be formally adopted by the governing body of the water provider and documentation of adoption must be submitted with the plan. For example, adoption by a city council as an ordinance or by resolution of the entity's board of directors adopting the plan as administrative rules.

Name: CITY OF BALMORHEA

Address: P.O. BOX 323

Telephone Number: (432) 375-2307 Fax: (432) 375-2200

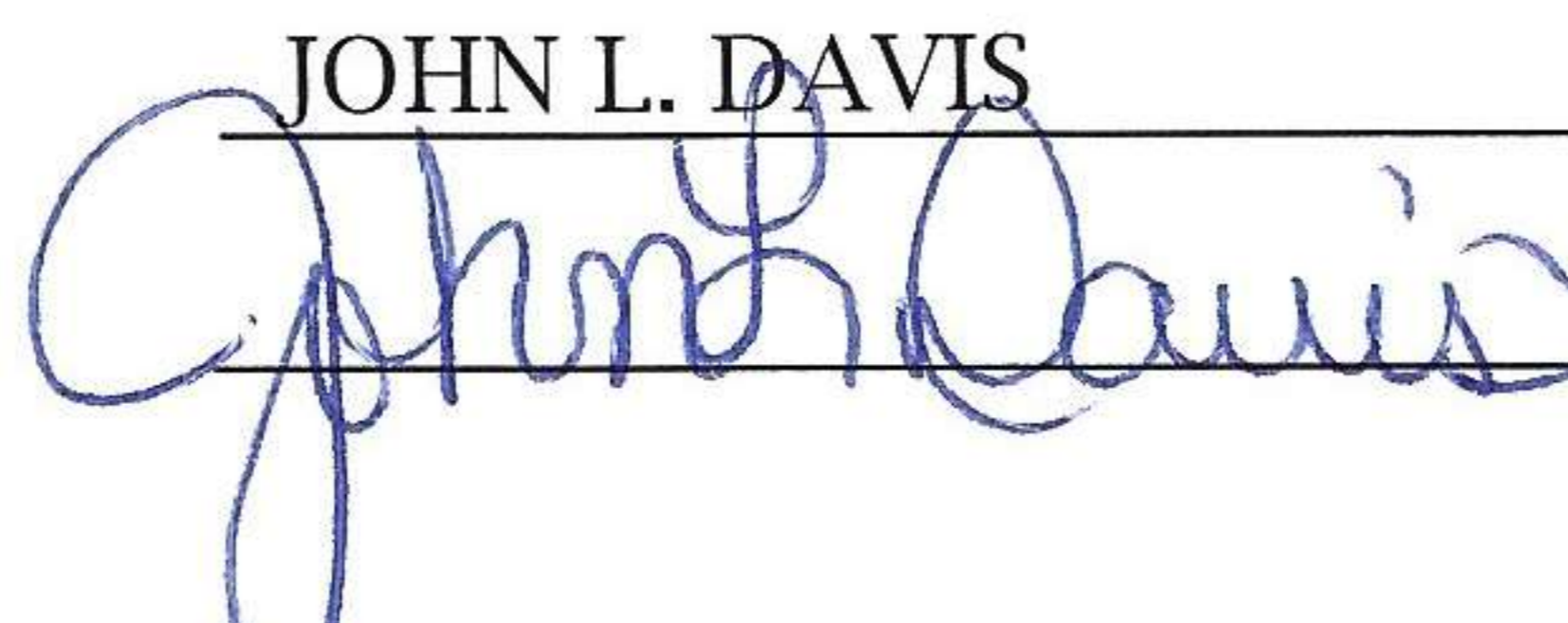
Water Right No.(s): NA

Regional Water Planning Group: REGION F

Form Completed by: SANDRA NAVARRETE

Title: CITY CLERK

Person responsible for implementation: JOHN L. DAVIS Phone: (432)375-2307

Signature:  Date: 2/10/2020

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the CITY OF BALMORHEA adopts the following Drought Contingency Plan (the Plan).

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by the CITY OF BALMORHEA by means of public notice, mail outs and citizen's participation at a regularly scheduled city council meeting of a public meeting.

Section III: Customer Education

The CITY OF BALMORHEA will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of notices on monthly invoices, semi-annual letters, city council meetings and public town hall meetings.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the CITY OF BALMORHEA is located within the Region (F) and the CITY OF BALMORHEA has provided a copy of the Plan to the Upper Colorado Region (F) Water planning Group.

Section V: Authorization

The Water Superintendent and/ or City Secretary, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Water Superintendent and/ or City Secretary or his/ her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all customers utilizing water provided by the CITY OF BALMORHEA. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

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

The Water Superintendent and City Secretary, or his/her designee, shall monitor water supply and/or demand conditions on a (*example: weekly, monthly*) basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on:
Groundwater depth of 130 feet below ground surface.

Utilization of alternative water sources and/or alternative delivery mechanisms:

Alternative water source(s) Waterworks is/are: purchased water

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation - The CITY OF BALMORHEA will recognize that a mild water shortage condition exists when the groundwater level drops below 140 feet from ground surface. The water Superintendent and/ or City Secretary will monitor water supply and conditions on a monthly basis (or more frequently if conditions warrant) and shall determine when conditions initiation or termination of each stage, that is, when specified triggers are reached. The triggering conditions described below take into consideration the vulnerability of the water source under drought of record conditions, the production, treatment, and distribution capacities of the system and customer usage upon historical patterns. Utilization of alternative water sources (cooperating with the Madera Valley WSC for an emergency interconnect) will be used with the prior approval of the Balmorhea City Council, when necessary.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation - The CITY OF BALMOHREA will recognize that a moderate water shortage condition exists when the groundwater level drops below 145 from ground surface. The water Superintendent and/ or City Secretary will monitor water supply and conditions on a monthly basis (or more frequently if conditions warrant) and shall determine when conditions initiation or termination of each stage, that is, when specified triggers reached. The triggering conditions described below take into consideration the vulnerability of the water source under drought of record conditions, the production, treatment, and distribution capacities of the system and customer usage upon historical patterns. Utilization of alternative water sources (cooperating with the Madera Valley WSC for an emergency interconnect) will be used with prior approval of the Balmorhea City Council, when necessary.

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative. The CITY OF BALMORHEA will notify its wholesale customers and the media of the termination of Stage 2.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Requirements for initiation - The CITY OF BALMORHEA will recognize that a severe water shortage condition exists when the groundwater level drops below 150 feet from ground surface. The water Superintendent and/ or City Secretary will monitor water supply and conditions on a monthly basis (or more frequently if conditions warrant) and shall determine when conditions initiation or termination of each stage, that is, when specified triggers are reached. The triggering conditions described below take into consideration the vulnerability of the water source under drought of record conditions, the production, treatment, and distribution capacities of the system and customer usage upon historical patterns. Utilization of alternative water sources (cooperating with the Madera Valley WSC for an emergency interconnect) will be used with the prior approval of the Balmorhea City Council, when necessary.

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative. The CITY OF BALMORHEA will notify its wholesale customers and the media of the termination of Stage 3.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirements for initiation - The CITY OF BALMORHEA will recognize that an emergency water shortage condition exists when major water line breaks, or the groundwater level drops below 155 feet from ground surface, which causes unprecedented loss of capacity to provide water service.

Example 1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

Example 2. Natural or man-made contamination of the water supply source(s).

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 4 consecutive days. The CITY OF BALMORHEA will notify its wholesale customers and the media of the termination of Stage 4.

Section VIII: Drought Response Stages

The Water Superintendent or City Secretary, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VII, shall determine that mild, moderate, severe, or critical water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Stage 1 Response -- MILD Water Shortage Conditions

Target: Achieve a voluntary 60 percent reduction in total water use for nonessential purposes and to practice water conservation. No notice to TCEQ is required.

Best Management Practices for Supply Management:

Describe additional measures, if any, to be implemented directly by the Water Superintendent or City Secretary, or his/her designee(s), to manage limited water supplies and/or reduce water demand. Examples include modifying reservoir operations procedures, interconnection with another water system, and use of reclaimed water for non-potable purposes.

Water Use Restrictions for Reducing Demand:

(a) The Water Superintendent or City Secretary, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (*example: implement Stage 1 or appropriate stage of the customer's drought contingency plan*).

(b) The Water Superintendent or City Secretary, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 2 Response -- MODERATE Water Shortage Conditions

Target: Achieve an 85 percent reduction in daily water demand.

Best Management Practices for Supply Management: The CITY OF BALMORHEA will close all unnecessary meters that may be wasting water or no longer in service. Customers will be notified by public announcements and billing notes. All outside water use will be prohibited.

Water Use Restrictions for Reducing Demand:

(a) The Water Superintendent or City Secretary, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (*example: implement Stage 2 or appropriate stage of the customer's drought contingency plan*).

(b) The Water Superintendent or City Secretary, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

(c) The Water Superintendent or City Secretary, or his/her designee(s), will further prepare for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer.

(d) The Water Superintendent or City Secretary, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 3 Response -- SEVERE Water Shortage Conditions

Target: Achieve a 90 percent reduction in total water usage of water.

Best Management Practices for Supply Management: The CITY OF BALMORHEA will close all unnecessary meters that may be wasting water or no longer in service. Customers will be notified by public announcements and billing notes. All outside water use will be prohibited, including livestock meters. Bulk water will be monitored/ restricted and measures will be taken for optimal conservation. Flushing will be prohibited except on main lines.

Describe additional measures, if any, to be implemented directly by Water Superintendent or City Secretary, or his/her designee(s), to manage limited water supplies and/or reduce water demand. Examples include modifying reservoir operations procedures, interconnection with another water system, and use of reclaimed water for non-potable purposes.

Water Use Restrictions for Reducing Demand:

(a) The Water Superintendent or City Secretary, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (example: implement Stage 3 or appropriate stage of the customer's drought contingency plan).

(b) The Water Superintendent or City Secretary, or his/her designee(s), will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer.

(c) The Water Superintendent or City Secretary, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 4 Response -- EMERGENCY Water Shortage Conditions

Whenever emergency water shortage conditions exist as defined in Section VII of the Plan, the Water Superintendent or City Secretary shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (*example: notification of the public to reduce water use until service is restored*).
3. If appropriate, notify city, county, and/or state emergency response officials for assistance.
4. Undertake necessary actions, including repairs and/or clean-up as needed.
5. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

Section IX: Pro Rata Curtailment

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

Section X: Contract Provisions

The CITY OF BALMORHEA will include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

Section XI: Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

Example of surcharge:

- 1.2 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation.

Section XII: Variances

The Water Superintendent or City Secretary, or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the Water Superintendent or City Secretary within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the BALMORHEA CITY COUNCIL, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the BALMORHEA CITY COUNCIL shall be subject to the following conditions, unless waived or modified by the BALMORHEA CITY COUNCIL or its designee:

- (a) Variances granted shall include a timetable for compliance.

(b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

Section XIII: Severability

It is hereby declared to be the intention of the BALMORHEA CITY COUNCIL that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the BALMORHEA CITY COUNCIL without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.