

## Resolution 2019 - 1

### Post Oak Special Utility District Drought Contingency Plan for Retail and Wholesale Customers

#### Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Post Oak Special Utility District ("Post Oak" hereafter) hereby adopts the following administrative rules and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

#### Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the Post Oak by means of public meeting with notice.

#### Section III: Public Education

Post Oak will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press releases and/or website postings.

#### Section IV: Authorization

The General Manager 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 General Manager 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 V: Application

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

#### Section VI: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

### **Stage 1 Triggers -- MILD Water Shortage Conditions**

#### Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII Definitions, when

*Pursuant to requirements specified in the Post Oak purchase contract with the City of Corsicana, notification is received requesting initiation of Stage 1 of the Drought Contingency Plan, or*

*Continually falling treated water reservoir levels which do not refill above 95 percent overnight*

#### Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days.

### **Stage 2 Triggers - MODERATE Water Shortage Conditions**

#### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when

*Pursuant to requirements specified in the Post Oak purchase contract with the City of Corsicana, notification is received requesting initiation of Stage 1 of the Drought Contingency Plan, or*

*Continually falling treated water reservoir levels which do not refill above 90 percent overnight*

#### 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 three consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative.

### **Stage 3 Triggers - SEVERE Water Shortage Conditions**

#### Requirements for initiation

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

*Pursuant to requirements specified in the Post Oak purchase contract with the City of Corsicana, notification is received requesting initiation of Stage 1 of the Drought Contingency Plan, or*

*Continually falling treated water reservoir levels which do not refill above 80 percent overnight*

*Failure of a major component of the system or an event which reduces the minimum residual pressure in the system below 20 psi for a period of 24 hours or longer*

*Other events which could cause imminent health or safety risks to the public*

#### Requirements for termination

Additional Notification:

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

Mayors or city managers of the cities of Hubbard and Coolidge

**Stage 1 Response - MILD Water Shortage Conditions**

**Target: Achieve a voluntary 10 percent reduction in total water use**

Best Management Practices for Supply Management:  
System water loss control

Voluntary Water Use Restrictions for Reducing Demand:

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

**Stage 2 Response - MODERATE Water Shortage Conditions**

**Target: Achieve a 20 percent reduction in total water use.**

Best Management Practices for Supply Management:

System water loss control

Water Use Restrictions for Demand Reduction:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at 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.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing

- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the Post Oak.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

#### **Stage 4 Response - CRITICAL Water Shortage Conditions**

**Target: Achieve a 40 percent reduction in *total water use***

**Best Management Practices for Supply Management:**

System water loss control

**Water Use Restrictions for Reducing Demand:**

All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

#### **Stage 5 Response - EMERGENCY Water Shortage Conditions**

**Target: Achieve a 50 percent reduction in *total water use***

**Best Management Practices for Supply Management:**

System water loss control

**Water Use Restrictions for Reducing Demand:**

All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

(e) Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

### **Pro Rate Curtailment**

In the event that Post Oak's water supplier initiates allocation of water supplies on a pro rata basis or the triggering criteria specified for Stage 3—Severe Water Shortage Conditions have been met, the General Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code section 11.039.

### **Contract Provisions**

The City of Corsicana or other water supplier and Post Oak with its wholesale water customers 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 section 11.039

### **Enforcement Upon Wholesale Water Customers**

Mandatory water use restrictions or pro rata allocation of available water supplies may be imposed during drought states and emergency water management actions. These water restrictions will be enforced by warnings and penalties as follows:

--On the first violation, a customer will be notified that it has violated the mandatory water use restriction.

--If the first violation has not been corrected after ten (10) days from the notice, Post Oak may assess a fine up to \$5,000.00 per violation.

--Post Oak may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24-hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed fifty dollars.

--Post Oak maintains the right, at any violation or action level, to disconnect irrigation systems and/or suspend water services to a customer for public safety issues with reconnection fees and possible citation.

--Subsequent violations of the plan shall result in increased fines per day.

### **Section X: Enforcement**

- (a) No person shall knowingly or intentionally allow the use of water from the Post Oak for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the General Manager or his/her designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than 100 dollars (\$100.00 and not more than 1,000 dollars (\$1,000.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the General Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$50.00, and any other costs incurred by the Post Oak in discontinuing service. In addition, suitable assurance must be given to the General Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

**Section XII. Surcharges and increases in rates**

If any water supplier to Post Oak levies surcharges or increased rates on Post Oak as a result of any level of water shortage or restriction, Post Oak shall pass on and assess the surcharges or increased rates to its retail and wholesale customers based on the method by which they were charged to Post Oak, on a pro rata basis.

**Section XIII. Severability**

It is hereby declared to be the intention of the Post Oak Board of Directors that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable, and if any phrase, clause, sentence, paragraph, or section of the 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 the Plan.

Duly noticed and adopted by the Post Oak Special Utility District Board of Directors in open meeting  
-----, 2019.

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Kerry Feller, President

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Attest, John Francek, Secretary