

**DROUGHT CONTINGENCY PLAN
CITY OF ATHENS
MAY 2019**

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 city hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this drought contingency plan (the plan) are considered to be nonessential and continuation of such uses during times of water shortage and other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the plan was provided by the city by means of public notice of a public meeting.

Section III: Public Education.

The city 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 state. This information will be provided by means of press releases, website postings and social media.

Section IV: Coordination with Regional Water Planning Groups.

The service area of the city is located within both the Texas Water Development Board's Region C and Region I Water Planning Groups, and the city has provided a copy of this plan to the chairmen of both the Region C and Region I Water Planning Groups.

Section V: Authorization.

The City Administrator or his/her designee is hereby authorized and directed to implement the applicable provisions of the plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Administrator or his/her designee shall have

the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

Section VI: Application.

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

Section VII: Definitions.

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

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

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

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

Customer: any person, company, or organization using water supplied by the city.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in zero (0), two (2), four (4), six (6) or eight (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.

Nonessential water use: water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan:
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;

- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in one (1), three (3), five (5), seven (7), or nine (9).

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

The City Administrator or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the plan. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation, website postings and social media.

The triggering criteria described below are based on the pumping capacities of the water treatment plant and groundwater wells, as well as past experiences with drought conditions.

A. *Stage 1 - 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 7 - Definitions, when daily usage exceeds 4.5 million gallons per day (MGD).

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 seven (7) consecutive days.

B. *Stage 2 - Moderate Water Shortage Conditions.*

Requirements for Initiation. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in Section 7 of this plan when daily

usage exceeds 4.5 MGD and the storage facilities do not refill above eighty (80) percent of full capacity 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 seven (7) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

C. Stage 3 — Severe Water Shortage Conditions.

Requirements for Initiation. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 3 of this plan when daily usage exceeds 4.5 MGD and the storage facilities do not refill above sixty-five (65) percent of full capacity overnight.

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 seven (7) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

D. Stage 4 — Critical Water Shortage Conditions.

Requirements for Initiation. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 4 of this plan when daily usage exceeds 4.5 MGD and the storage facilities do not refill above fifty (50) percent of full capacity overnight.

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 seven (7) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

E. Stage 5 — Emergency Water Shortage Conditions.

Requirements for Initiation. Customers shall be required to comply with the requirements and restrictions for Stage 5 of this plan when the City Administrator or his/her designee determines that a water supply emergency exists based on:

- (a) The occurrence of major water line breaks or pump or system failures, which cause unprecedented loss of capability to provide water service; or
- (b) Natural or man-made contamination of the water supply source(s).

Requirements for Termination. Stage 5 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days.

F. Water Rationing

Requirements for Initiation. Customers shall be required to comply with the water allocation plan prescribed in Section X of this plan and comply with the requirements and restrictions for Stage 5 of this plan when daily usage exceeds 4.5 MGD and the storage facilities do not refill above thirty-five (35) percent of full capacity overnight.

Requirements for Termination. Water rationing may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days.

Section IX: Drought Response Stages.

The City Administrator, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of the plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

A. Stage 1 - Mild Water Shortage Conditions.

Goal: Achieve a voluntary ten (10) percent reduction in daily water use.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to even numbered days for customers with a street address ending in an even number (zero (0), two (2), four (4), six (6) or eight (8)), and odd numbered days for water customers with a street address ending in an odd number (one (1), three (3), five (5), seven (7) or nine (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 operators of the city shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.

B. Stage 2 - Moderate Water Shortage Conditions

Goal: Reduce Daily Water Usage to 4.0 MGD.

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

- (a) Irrigation of landscaped areas shall be limited to even numbered days for customers with a street address ending in an even number (zero (0), two (2), four (4), six (6) or eight (8)), and odd numbered days for water customers with a street address ending in an odd number (one (1), three (3), five (5), seven (7), or nine (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. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m., and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick 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 is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways 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. However, if the golf course utilizes a water source other than that provided by the city, the facility shall not be subject to these regulations.
- (g) 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; and
5. Failure to repair a controllable leak(s) within 7 calendar period after having been given notice directing the repair of such leak(s).

Stage 3 - Severe Water Shortage Conditions.

Goal: Reduce Daily Water Usage to 4.0 MGD or Less.

Water Use Restrictions - All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to odd-even watering days between the hours of 12:00 midnight and 10:00 a.m., and between 8:00 p.m. and 12:00 midnight.
- (b) The watering of golf course tees and greens is prohibited unless the golf course utilizes a water source other than provided by the city.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (d) All restaurants are prohibited from automatically serving water to their patrons, except when requested.

C. Stage 4 - Critical Water Shortage Conditions.

Goal: Reduce Daily Water Usage to 4.0 MGD or Less.

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

- (a) Irrigation of landscaped areas shall be limited to odd-even 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 or commercial service station 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 10:00 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 applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities or any kind shall be allowed or approved.

D. Stage 5 - Emergency Water Shortage Conditions.

Goal: Reduce Daily Water Usage to 4.0 MGD or Less.

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

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Section X: Water Rationing

In the event that water shortage conditions threaten public health, safety, and welfare, the City Administrator is hereby authorized to ration water according to the following water allocation plan:

Single-Family Residential Customers: The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

"Household" means the residential premises served by the customer's meter. "Persons per household" includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the City of a greater number of persons per household on a form prescribed by the City Administrator. The City Administrator shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the city offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the City. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the city on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the city in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the City Administrator shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the city of a reduction in the number of people in a household shall be fined not less than one hundred dollars (\$100.00). Residential water customers shall pay the following surcharges:

- (a) Five dollars (\$5.00) for the first one thousand (1,000) gallons over allocation
- (b) Fifteen dollars (\$15.00) for the third one thousand (1,000) gallons over allocation.
- (c) Twenty dollars (\$20.00) for each additional one thousand (1,000) gallons over allocation.
- (d) Surcharges shall be cumulative.

Master-metered Multi-family Residential Customers. The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated six thousand (6,000) gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two (2) dwelling units unless the customer notifies the city of a greater number on a form prescribed by the City Administrator. The City Administrator shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the city offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Administrator. If the number of dwelling units served by a master meter is reduced, the customer shall notify the city in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the City Administrator shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the city of a reduction in the number of persons in a household shall be fined not less than one hundred dollars

(\$100.00). Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- (a) Five dollars (\$5.00) for one thousand (1,000) gallons over allocation up through one thousand (1,000) gallons for each dwelling unit.
- (b) Ten dollars (\$10.00), thereafter, for each additional one thousand (1,000) gallons over allocation up through a second one thousand (1,000) gallons for each dwelling unit.
- (c) Fifteen dollars (\$15.00), thereafter, for each additional one thousand (1,000) gallons over allocation up through a third one thousand (1,000) gallons for each dwelling unit.
- (d) Twenty dollars (\$20.00), thereafter, for each additional one thousand (1,000) gallons over allocation.
- (e) Surcharges shall be cumulative.

Commercial Customers. A monthly water usage allocation shall be established by the City Administrator, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The nonresidential customer's allocation shall be approximately seventy-five (75) percent of the customer's usage for corresponding month's billing period for the previous twelve (12) months. If the customer's billing history is shorter than twelve (12) months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, seventy-five (75) percent of whose monthly usage is less than fifty thousand (50,000) gallons, shall be allocated thirty-seven thousand five hundred (37,500) gallons. The City Administrator shall give his/her best effort to see that notice of each nonresidential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City Administrator to determine the allocation. Upon request of the customer or at the initiative of the City Administrator, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Administrator. Nonresidential commercial customers shall pay the following surcharges:

- (a) Customers whose allocation is thirty thousand (30,000) gallons through fifty thousand (50,000) gallons per month:
 - a. Five dollars (\$5.00) per thousand gallons for the first one thousand (1,000) gallons over allocation.
 - b. Ten dollars (\$10.00) per thousand gallons for the second one thousand (1,000) gallons over allocation.
 - c. Fifteen dollars (\$15.00) per thousand gallons for the third one thousand (1,000) gallons over allocation.

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 13, 2019

Elizabeth Borstad
City Manager
City of Athens
508 East Tyler Street
Athens, TX 75751

Subject: 2019 Submittal of updated Drought Contingency Plan

Dear Ms. Borstad:

The Texas Commission on Environmental Quality (TCEQ) acknowledges the receipt, on March 21, 2019, of City of Athens' updated Drought Contingency Plan. The TCEQ has completed its review of the above-referenced documents in accordance with TCEQ rules and the plan meets the minimum requirements as defined in Title 30 Texas Administrative Code (TAC) Chapter 288.

If the drought contingency plan is revised and adopted in between five-year submittal deadlines, the updated plan must be submitted to the TCEQ within 90 days of adoption.

Under Title 30 TAC Chapter 288, the next five-year deadline to submit updated water conservation plans, updated drought contingency plans and/or water conservation implementation reports is May 1, 2024.

If you have any questions concerning the five-year submittal process, please contact Jade Rutledge at 512-239-4559 or at jade.rutledge@tceq.texas.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Godeaux".

Jason Godeaux, Team Leader
Resource Protection Team
Water Rights Permitting and Availability Section