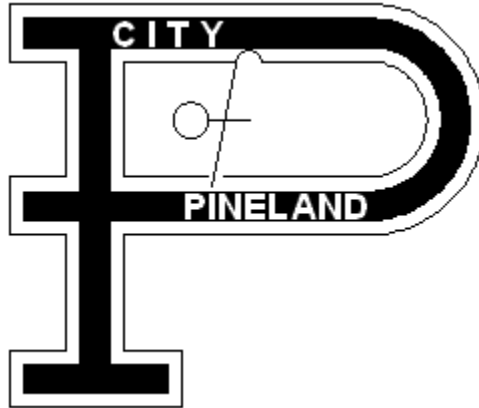


City of Pineland, Texas



P.O. Box 6
Pineland, TX 75968
Water CCN 12829
Sewer CCN 20829

Drought Contingency Plan

May, 2019



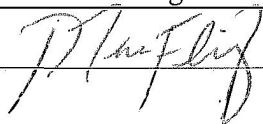
Prepared by:
KSA ENGINEERS, INC.
P.O. Box 151508
Lufkin, Texas 75915-1508
(936) 637-6061
Fax (888) 224.9418
www.ksaeng.com

DROUGHT CONTINGENCY PLAN

Table of Contents

SECTION I.	Declaration of Policy, Purpose, and Intent
SECTION II.	Public Involvement
SECTION III.	Wholesale Water Customer Education
SECTION IV.	Coordination with Regional Water Planning Groups
SECTION V.	Authorization
SECTION VI.	Application
SECTION VII.	Definitions
SECTION VIII.	Criteria for Initiation and Termination of Drought Response Stages
SECTION IX.	Drought Response Stages
SECTION X.	Pro Rata Water Allocation
SECTION XI.	Enforcement
SECTION XII.	Variances
SECTION XIII.	Severability
ATTACHMENTS	Attachment A – Resolution Adopting the Drought Contingency Plan Attachment B – Letter to TCEQ Attachment C – Letter to Region I Water Planning Group Attachment D – Service Area Map

**CITY OF PINELAND
DROUGHT CONTINGENCY PLAN**

Name:	<u>City of Pineland</u>	
Address:	<u>P.O. Box 6, Pineland, Texas 75968-0006</u>	
Telephone Number:	<u>(409) 584-2390</u>	<u>Fax: (409)</u>
Public Water Supply Number:	<u>TX2020002</u>	
Regional Water Planning Group:	<u>Region I - East Texas Regional Water Planning Group</u>	
Water CCN:	<u>12829</u>	
Sewer CCN:	<u>20829</u>	
Person responsible for plan implementation:	<u>Marc Fleming</u>	<u>Phone: (409) 584-2390</u>
Signature:		<u>Date:08/16/2019</u>

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 Pineland 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 City of Pineland by means of scheduling and providing public notice of a public meeting to accept input on the Plan during a regularly scheduled council meeting.

Section III: Wholesale Water Customer Education

The City of Pineland 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 providing access to a copy of the Plan and/ or periodically including information about the Plan with invoices for water sales.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the City of Pineland is located within the Region I - East Texas Regional Water Planning Group and the City of Pineland has provided a copy of the Plan to the Region I - East Texas Regional Water Planning Group.

Section V: Authorization

The Mayor and or City 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 Mayor and/ or the city 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 VI: Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City of Pineland. 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 of Pineland.

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 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 firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

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

The Mayor or City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a weekly 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 The triggering criteria described below are based on historical operating information and an assessment by the City of Pineland for the following conditions: when system demands exceed production or storage capability measures over a twenty-four (24) hour period and refilling the storage facilities is rendered impossible, OR when the City is notified that the water supply to be delivered to such an extent that normal use patterns will no longer be possible.

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

In the event of an emergency the City of Pineland shall contract with an alternative water source(s) for emergency water for health, safety and sanitary needs of its residential customers. This may include having bottled water available to its customers or having water brought in by water trucks.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation – The City of Pineland will recognize that a mild water shortage condition exists. Retail and wholesale customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII Definitions, when:

- a. Average daily water consumption reaches 80% of production capacity for any individual well.
- b. Consumption (80%) has existed for a period of three days.
- c. The utility will reduce the average daily water consumption by **5% or 0.010** gallons per day
- d. The utility will reduce the average GPCD by **1% or 0.296** GPCD
- e. Weather conditions are considered to be in drought classification. Predicted long, hot or dry periods will be predicted to last for more than five (5) days.

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 (3) consecutive days. The City of Pineland will notify its retail and Retail and wholesale customers and the media of the termination of Stage 1.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation – The City of Pineland will recognize that a moderate water shortage condition exists. 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:

- a. Average daily water consumption reaches 85% of production capacity for any individual well.
- b. Consumption (85%) has existed for a period of three days.
- c. The utility will reduce the average daily water consumption by **7% or 0.014** million gallons per day.
- d. The utility will reduce the average GPCD by **2% or 0.592** GPCD
- e. Weather conditions are to be considered in drought classification determination. Predicted long, hot or dry periods are to be considered in the impact analysis.

Notification to regulatory agencies shall take place at the initiation of Stage 2 through Stage 5 and is compulsory on the customers of the water system.

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 (3) 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 Pineland will notify its retail and wholesale customers and the media of the termination of Stage 2.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Requirements for initiation – The City of Pineland will recognize that a severe water shortage condition exists. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when

- a. Average daily water consumption reaches 90% of production capacity for any individual well.
- b. Consumption (90%) has existed for a period of three days.
- c. The utility will reduce the average daily water consumption by **10% or .020** million gallons per day
- d. The utility will reduce the average GPCD by **3% or 0.888** GPCD
- e. Weather conditions are to be considered in drought classification determination. Predicted long, hot or dry periods are to be considered in the impact analysis.

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 three (3) 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 Pineland will notify its Retail and wholesale customers and the media of the termination of Stage 3.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirements for initiation - The City of Pineland will recognize that a critical water shortage condition exists. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when:

- a. Average daily water consumption reaches 95% of production capacity for any individual well.
- b. Consumption (95%) has existed for a period of three days.
- c. The utility will reduce the average daily water consumption by **15% or 0.03** million gallons per day
- d. The utility will reduce the average GPCD by **4% or 1.184** GPCD
- e. Weather conditions are to be considered in drought classification determination. Predicted long, hot or dry periods are to be considered in the impact analysis.

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 three (3) consecutive days. The City of Pineland will notify its wholesale customers and the media of the termination of Stage 4.

Stage 5 Triggers -- EMERGENCY Water Shortage Conditions

Requirements for initiation - The City of Pineland recognizes that an emergency water shortage condition exists. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 5 of this Plan when:

- a. Average daily water consumption reaches 100% of production capacity.
- b. Consumption (100%) has existed for a period of three days.
- c. The utility will reduce the average daily water consumption by **20% or 0.04** million gallons per day
- d. The utility will reduce the average GPCD by **5% or 1.48** GPCD.
- e. Weather conditions are to be considered in drought classification determination. Predicted long, hot or dry periods are to be considered in the impact analysis.

or

1. Major water line breaks, loss of well or major facility, or system failures occur, which cause unprecedented loss of capability to provide water service; **or**

2. 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 three (3) consecutive days. The City of Pineland will notify its wholesale customers and the media of the termination of Stage 5.

Section IX: Drought Response Stages

The Mayor or City Manager or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VIII, 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 five percent (5%) reduction in average daily water demand. Average daily water demand to be reduced by approximately 0.010 million gallons per day and reduce the Total GPCD by one (1 %) percent.

Best Management Practices for Supply Management:

Additional measures, if any, to be implemented directly by Mayor or City Manager, or his/her designee(s), to manage limited water supplies and/or reduce water demand by modifying operations procedures, including but not limited to reducing watering on city managed landscaped areas, flushing of water mains, and other non-essential municipal uses of water.

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 the City of Pineland 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 non-essential purposes.
- (d) The Mayor or City Manager , 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.
- (e) The Mayor or City Manager, or his/her designee(s), may 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 a mandatory seven percent (7%) reduction in average daily water demand. Average daily water demand to be reduced by approximately 0.014 million gallons per day and reduce the Total GPCD by one (2 %) percent.

Best Management Practices for Supply Management:

Additional measures to be implemented directly by the Mayor or City Manager, or his/her designee(s), to manage limited water supplies and/or reduce water demand include but are not limited to modifying operations procedures, reduced or discontinued irrigation on publicly landscaped areas, flushing of mains, and other non-essential municipal uses of water and other mandatory water use restrictions as listed below

The City may limit water usage to a gallonage determined by the water plant's mechanical capability to provide continuous service in direct proportion to the loss of production/refill capability at a plant where no back-up facilities are available to remedy the shortage, prorated over all residents served by the water plant. Water restrictors may be installed for residents that exceed the limited gallonage determined by the system's mechanical capability. A flow restrictor shall be installed at a resident's expense (not to exceed actual cost or \$50.00). Tampering with the flow restrictor will result in water service termination for seven (7) days. The normal Reconnection Fee (Service Trip Fee) of the City shall apply for restoration of service. The maximum number of gallons per meter per month shall be contained in the notice to each resident.

Water Use Restrictions for Reducing Demand:

- (a) The Mayor or City Manager, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use.
- (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 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 p.m. and 12:00 midnight.
- (d) 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 p.m. and 12:00 midnight.

- (e) Use of water from hydrants shall be limited to firefighting, 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 of Pineland.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Pineland, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential 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).
- (i) The Mayor or City Manager, 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.
- (j) The Mayor or City Manager, 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 voluntary ten percent (10%) reduction in average daily water demand. Average daily water demand to be reduced by approximately 0.020 million gallons per day and reduce the Total GPCD by one (3 %) percent.

Best Management Practices for Supply Management:

Additional measures, if any, to be implemented directly by the Mayor or City Manager, or his/her designee(s), to manage limited water supplies and/or reduce water demand. Including but not limited to modifying operations procedures, reducing watering on city managed landscape, flushing of lines, and other non-essential municipal uses of water.

Water Use Restrictions for Reducing Demand:

- (a) The Mayor or City Manager, 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 by implementing Stage 3 or appropriate stage of the customer's drought contingency plan.
- (b) The City Administrator, or his/her designee(s), will initiate preparations 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 according to the procedures specified in Section VI of the Plan.
- (c) The Mayor or City Manager, 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 -- CRITICAL Water Shortage Conditions

Target: Achieve a voluntary fifteen percent (15%) reduction in average daily water demand. Average daily water demand to be reduced by approximately 0.030 million gallons per day and reduce the Total GPCD by one (4 %) percent.

Best Management Practices for Supply Management:

Additional measures, if any, to be implemented directly by the Mayor or City Manager, or his/her designee(s), to manage limited water supplies and/or reduce water demand. Including but not limited to modifying operations procedures, discontinuing irrigation on publicly managed landscape, flushing of lines, and other non-essential municipal uses of water. All outdoor water usage is prohibited; livestock may be exempted by the City. All consumption shall be limited to each resident in one of the following ways:

- (a) A fixed percentage of each resident's average use in the prior month, the percentage to be uniformly applied on a system wide basis, each resident being notified of percentage amount, OR,
- (b) A maximum number of gallons per meter per week, with notice to each resident of this number. Total percentages under item (a) or maximum number of gallons shall be calculated not to exceed 80% of the system's current production/re-fill capability.

Water Use Restrictions for Reducing Demand:

- (a) The Mayor or City Manager, 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 by implementing Stage 4 or appropriate stage of the customer's drought contingency plan.

- (b) The Mayor or City Manager, or his/her designee(s), will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer.
- (c) The Mayor or City Manager, 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 5 Response -- EMERGENCY Water Shortage Conditions

Whenever emergency water shortage conditions exist as defined in Section VIII of the Plan, the Mayor or City Manager shall:

Target: Achieve a voluntary twenty percent (20%) reduction in average daily water demand. Average daily water demand to be reduced by approximately 0.030 million gallons per day and reduce the Total GPCD by one (5 %) percent.

Water Use Restrictions for Reducing Demand. All requirements of Stages 2, 3, and 4 shall remain in effect during Stage 5:

- (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.
- (c) Use of water for any landscape sprinkler systems for irrigation, recreational use of sprinklers, outside showers (in parks) and water slides is absolutely prohibited.
- (d) Use of water for filling or draining swimming pools and flushing water systems is absolutely prohibited.
- (e) Any public water uses which are not essential for health, safety and sanitary purposes is strictly prohibited.

Businesses requiring water as a basic function of the business, such as nurseries, commercial car wash, laundromats, high pressure water cleaning, etc., will need to obtain written permission in the form of a waiver from the Mayor, City Administrator or his/ her designee for intended water use.

Whenever emergency water shortage conditions exist as defined in Section VIII of the Plan, the City Administrator 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 and/ or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems that may occur due to the mandatory reduction in water.

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 X: Pro Rata Curtailment

In the event that the triggering criteria specified in Section VIII of the Plan for Stage 4 – Critical Water Shortage Conditions have been met, the Mayor or City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039.

Section XI: Contract Provisions

The City of Pineland 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 XII: 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:

- 1.15 times the normal water charge per thousand gallons for water diversions and/or deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.
- 1.20 times the normal water charge per thousand gallons for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
- 1.25 times the normal water charge per thousand gallons for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
- 1.30 times the normal water charge per thousand gallons for water diversions and/or deliveries more than 15 percent above the monthly allocation.

The above surcharges shall be cumulative.

During any period when emergency rationing of available water supplies is in effect, municipal customers shall adhere to the following violation of emergency rationing rules:

- **First Violation** – The City may install a flow restrictor in the line to limit the amount of water that will pass through the meter in a twenty-four (24) hour period. The cost to be charged to the resident's account shall be the actual installed cost to the City, not to exceed \$50.00.
- **Subsequent Violations** – The City may terminate service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is LESS. The normal service trip fee of the City shall apply for restoration service.
 - (a) No person shall knowingly or intentionally allow the use of water from the City of Pineland 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 Mayor, City Administrator, or his/her designated person, 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 fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00). 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 Mayor, City administrator or his/her designated persons 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 City of Pineland in discontinuing service. In addition, suitable assurance must be given to the Mayor, City administrator or his/her designated persons 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.
 - (c) Any person, including a person classified as a water customer of the City of Pineland, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

- (d) Any employee of the City of Pineland, police officer, or other designated persons designated by the Mayor or City Administrator, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appearing the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XII: Variances

The Mayor or City Manager, 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 Mayor or City Manager within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the City of Pineland, 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 City of Pineland shall be subject to the following conditions, unless waived or modified by the City of Pineland Mayor or City Manager, or a 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 City of Pineland 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 Pineland City Council without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Attachments:

- A. Drought Contingency Resolution
- B. TCEQ Correspondence
- C. Region I Regional Water Planning Group Correspondence
- D. Water Service Area Map

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PINELAND,
TEXAS, ADOPTING 2019 AMENDMENT TO
DROUGHT CONTINGENCY PLAN PREVIOUSLY
AMENDED AND ADOPTED IN MAY 2014.**

WHEREAS, it is necessary that the Water Conservation Plan be amended to incorporate additional Texas Commission on Environmental Quality and Texas Water Development Board requirements as provided in Texas Administrative Code – Title 30 - §288 pertaining to Water Conservation and Drought Contingency Plans; and

WHEREAS, the City Council of the City of Pineland believes that it is in the best interest of the City of Pineland to amend its current drought contingency plan;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
PINELAND, TEXAS,**

Section 1: That the 2019 Amendment to the City of Pineland Drought Contingency Plan attached hereto and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.

Section 2: That all ordinances of the City in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3: Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional.

Section 4: This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provide.

APPROVED AND ADOPTED, This the _____ day of _____, 2019.

SIGNED:

Mayor

ATTEST:

City Secretary

August 20, 2019

Texas Commission for Environmental Quality
Attn: Resource Protection Team (MC-160)
P.O. Box 13087
Austin, Texas 78711-3087

Via Email: wcp@tceq.Texas.gov

Re: City of Pineland
Drought Contingency Plan
PWS ID No. 2020002
KSA Project No. PN.089

To whom it may concern,

Please find enclosed the updated Drought Contingency Plan required by the TCEQ for the City of Pineland, Texas. Included in this package is the Drought Contingency Plan and exhibits required. I have transmitted one (1) email copy of this document, as required, for your review.

Once the Ordinance has been adopted by the City of Pineland city council, I will forward that document to you for inclusion in the Plan.

If you would please send back an acknowledgment of receipt of the enclosed Plan for the Company's records.

If you have any comments regarding the enclosed Conservation Plan for the City of Pineland please contact me, Sigi West, Project Assistant at (903) 581-8141, Ext.1314.

Sincerely,

Siglinde West

KSA
Siglinde M. West
Project Assistant

August 20, 2019

Region I ETRWPG
C/O City of Nacogdoches
Attn: Stacy Corley
P.O. Box 635030
Nacogdoches, Texas 75963-5030

Re: City of Pineland
2019 Drought Contingency Plan
KSA Project No. PN.089

To whom it may concern,

Please find enclosed the updated Drought Contingency Plan required by the TCEQ for the City of Pineland, Texas. Included in this package is the Drought Plan and exhibits required by the regulatory agencies. I have transmitted one (1) hard copy of this document, for your review.

If you would please send back an acknowledgment of receipt of the enclosed Plan for the City's records.

If you have any comments regarding the enclosed Drought Contingency Plan for the City of Pineland please contact me, Sigi West, Project Assistant at (903) 581-8141, Ext.1314.

Sincerely,

Siglinda West

KSA
Siglinda M. West
Project Assistant

August 16, 2019

Texas Water Development Board
Water Conservation Plan Team
Attn: D. May
1700 N. Congress Ave.
P.O. Box 13231
Austin, Texas 78711-3231

Re: City of Pineland
Drought Contingency Plan (2019)
KSA Project No. PN.089

Dear Mr. May,

Please find enclosed the updated Drought Contingency Plan for the City of Pineland, Texas. Included in this package is the Drought Plan, Updated Ordinance, and attachments required by regulatory agencies. I have transmitted one (1) electronic of this document, for your review.

Once the Ordinance has been adopted by the City of Pineland I will forward that document to you for inclusion in the Plan.

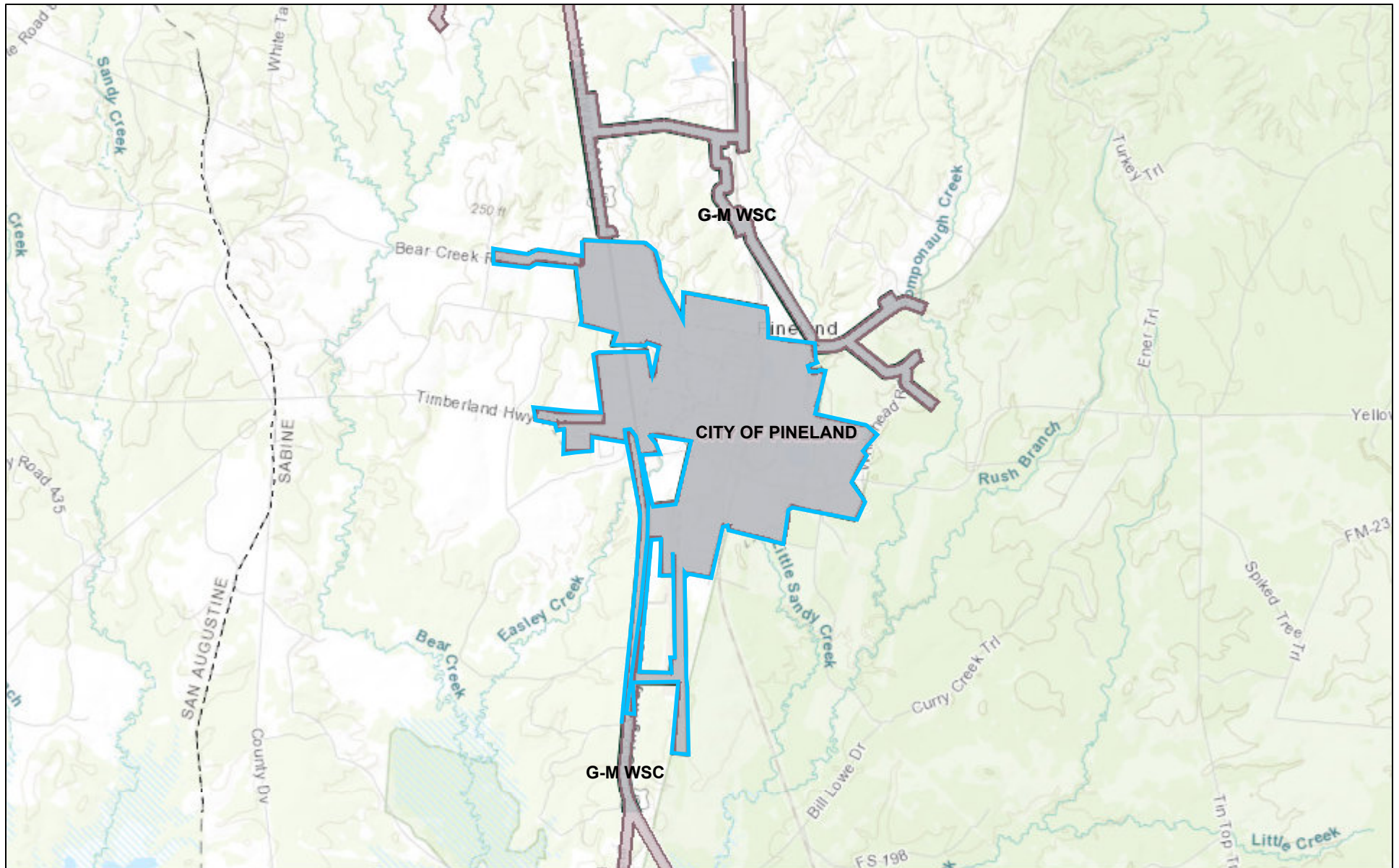
If you have any comments regarding the enclosed Drought Contingency Plan for the City of Pineland please contact me, Sigi West, Project Assistant at (903) 581-8141, Ext.1314.

Sincerely,

Siglinda West

KSA
Siglinda M. West
Project Assistant

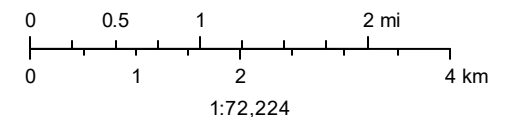
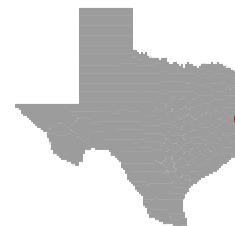
City of Pineland Water Service Boundary



Texas Water
Development Board

August 14, 2019

The data in the Texas Water Service Boundary Viewer represents the best available information provided by the Texas Water Development Board (TWDB) and third-party cooperators of the TWDB and is believed to be accurate and reliable. However, the TWDB provides information via this web site as a public service. Neither the State of Texas nor the TWDB assumes any legal liability or responsibility or makes any guarantees or warranties as to the accuracy, completeness or suitability of the information or boundaries for any particular purpose. These service boundaries and info provided in the application do not alter legal boundaries as regulated by the Public Utility Commission and the Texas Commission on Environmental Quality. This material is based upon work supported by the U.S. Geological Survey under Cooperative Agreement No. G17AC00016.



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS TEXAS WATER DEVELOPMENT BOARD