

DROUGHT CONTINGENCY PLAN

FOR

CITY OF SILSBEE

Section I

Declaration of Policy, Purpose, and Intent.

In order to conserve the available water supply and protect the integrity of the water supply system 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 impact of the water supply storage or other water supply emergency conditions, the City Of Silsbee hereby adopts the following regulations on the delivery and consumption of water.

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

Section II:

Public Involvement

Opportunity for the public to provide input into the Drought Contingency plan preparation was provided by the City of Silsbee through the customary process of passing a resolution to adopt this Plan at its regular Council meeting. The public is invited to comment at the regular Council meetings. Written notice of this agenda item is posted prior to each meeting.

Section III:

Public Education

The City of Silsbee will periodically provide the public with the 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 inserts in water bills and/or with publication in the local newspaper.

Section IV:

Coordination with the Regional Water Planning Groups

A copy of this plan will be sent to the Region I East Texas Water planning group

Section V:

Definitions

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.

Household means the residential premises served by the customer's meter.

Even number address: street addresses, box numbers, or rural route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

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

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 right-of-way and medians.

Non-essential water use: Water uses that are neither 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;
- (b) Use of water to wash any motor vehicle(s), motorbike(s), boat(s), trailer(s) or other vehicle(s);
- (c) Use of water to wash down any sidewalks, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) Use of water to wash down buildings or structures for the purpose of 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 other than fire fighting and flushing of line to maintain a potable water supply

Section VI:

Triggering Criteria for Initiation and Termination of Drought Response Stages

The Manager, or his/her designee, shall monitor water supply and/or demand conditions and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of the drought response stages shall be by means of publication in the local weekly newspaper and by inserts in the Water bills. In extreme emergencies, notification may also be made by direct mail to each customer.

The triggering criteria described below are based on Pumping Capacities, with a reference to be made in conjunction with available Generated Drought Index Numbers such as Palmer Drought Severity Index etc. Triggers were developed utilizing Pumping Capacities, and using high usage months of May through September from Years 2014 through 2018. The average daily water demand and the maximum daily use were used in the measurement for this period of time. The average daily demand during the maximum use month August 2015 was 987,435 gallons with a maximum single day of 2, 234,600 Gallons in July 2015. The City of Silsbee has a Capacity to pump 3.7 mgd with a total Tank Storage of 2.275 mgd.

(a) Stage I-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 provided in Section VII of this Plan when we exceed pumping 2,100,000 gallons for (7) seven consecutive days.

Requirements for termination – Stage 1 of this plan may be rescinded when the following conditions have been met:

1. When pumping decreases to less than 2,000,000 gallons for a period of (7)seven consecutive days

(b) Stage 2 Moderate to Severe Water Conditions;

Requirements for initiation-Customers shall be required to comply with the requirements and water use restrictions provided in Section VII for Stage 2 of this Plan, when either of the following conditions exist:

1. When pumping exceeds 2,350,000 gallons for a period of seven (7) consecutive days. Major water line breaks, pump failures, or other major system failures.

Requirements for termination – Stage 2 of this plan may be rescinded when the following conditions have been met:

1. When pumping decreases to less than 2,000,000 gallons for a period of (7) seven consecutive days, and/or
2. All major well failure, equipment failure or line breaks have been corrected and service restored.

Upon termination of Stage 2, Stage 1 becomes operative.

(b) Stage 3-Critical Water Conditions;

Requirements for initiation-customers shall be required to comply with the requirements and water use restrictions provided in Section VII for Stage 3 of this plan when either of the following conditions exist:

1. When pumping exceeds 2,650,000 gallons for a period of (7)seven consecutive days after implementing Stage 2 of this Plan, and/or
2. Major equipment or well failure, or main break.

Requirements for termination – Stage 3 of this plan may be rescinded

when both of the following conditions have been met:

1. When pumping decreases to less than 2,000,000 gallons for a period of (7) seven consecutive days, and/or
2. All major well failure, equipment failure or line breaks have been corrected and service restored.

(c) Stage 4-Emergency Water Shortage Conditions;

Requirements for initiation-customers shall be required to comply with the requirements and water use restrictions provided in Section VII for Stage 4 of this Plan. When the Manager or his/her designee, determine that a water supply emergency exists. Conditions that may result in a water supply emergency may include, but are not limited to the following:

1. When pumping exceeds 3,000,000 gallons for a period of seven (7) consecutive days after implementing Stage 3.

2. Major water line breaks, pump failures, or other major system failures; or
3. Natural or man-made contamination of a water supply source(s).

Requirements for termination-Stage 4 of this Plan may be rescinded when

all of the following applicable conditions have been met:

1. When pumping decreases to less than 2,000,000 gallons for a period of (7) seven consecutive days.
2. All major well failure, equipment failure, or line breaks have been corrected and service restored, and/or
3. Contamination of the water supply source has been corrected and water service restored.

When Stage 4 conditions were a result of either 1 or 2 above, Stage 3 becomes operative upon termination of Stage 4.

Section VII:

Drought Response Stages

The Manager, or his/her designee, shall monitor the water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VI of the Plan. This shall determine that a mild, moderate to severe, critical, or emergency condition exists and shall implement the following actions upon publications of a notice in the local weekly newspaper, and/or inserts in water bills, and/or notification by direct mail to customers, and/or any combination of these actions.

Supply Management Measures:

(a) The system will provide a list of water conservation methods to the public.

(b)The system will publish an explanation of drought stages.

(c)The utility must notify the TCEQ by telephone at (512)239-4691 or electronic mail at watermon@tceq.state.tx.us prior to implementing Stage III and must notify in writing the Public Drinking Water Section at MC - 155, P.O. Box 13087, Austin, Texas 78711-3087 within five (5)

working days of implementation including a copy of the utility's restriction notice. The utility must file a status report of its restriction program with the TCEQ at the initiation and termination of mandatory water use restrictions (i.e., Stages III and IV).

Stage 1-Mild Water Shortage Conditions

Goal:

To raise public awareness and achieve a five (5) percent reduction in the total usage to keep our usage within normal maximum demand as determined by review of calculations of past years service.

Voluntary Water Use Restriction:

- (a) Customers or persons who obtain water directly or indirectly from the system shall voluntarily limit the amount of water used from implementation of stage 1 to that amount essential for health, business, and outdoor water use.
- (b) Customers are requested to check for leaks, dripping faucets, and running toilets. Customers are also requested to utilize water conservation kits such as displacement bags, low-flow shower heads, and leak detector tablets.

Stage 2 – Moderate to Severe Water Shortage Conditions

Goal:

To raise public awareness and achieve a fifteen (15) percent reduction in the total usage to keep our usage within normal maximum demand as determined by review of calculations of past years service.

Water Use Restrictions:

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

- (a) Irrigation of landscape areas shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, 9), and irrigation of landscape 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.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. The washing, when allowed, must 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. The washing of each individual motor vehicle, motorbike, boat, trailer, airplane or other vehicle in violation of the terms and conditions of this restriction constitutes a separate violation under this article. Charity car washes are prohibited.

- (c) The addition of water to swimming, wading, or Jacuzzi-type pools is prohibited except irrigation days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

Stage 3 – Critical Water Shortage Condition

Notice to TCEQ required

Goal:

To raise public awareness and achieve a Twenty five (25) percent reduction in the total usage to keep our usage within normal maximum demand as determined by review of calculations of past years service.

Water Use Restrictions:

All requirements of Stage 2 shall remain in effect during Stage 3. Under the threat of penalty for violation, the following water use restrictions shall also apply to all persons:

- (a) Irrigation of landscape areas shall be limited to designate watering days between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler systems. The use of hose-end sprinklers is prohibited at all times.
- (b) Use of water to wash any motor vehicle, boat, trailer, airplane or other vehicle not occurring on the immediate 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 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 use of water for washing side walks, walkways, driveways, parking areas, streets, tennis courts, patios, or other hard-surfaced areas, except to alleviate immediate health, or fire hazards is prohibited.

(d) The filling, refilling, or adding of water to swimming, wading, and Jacuzzi-type pools is prohibited.

(e) The following conditions are prohibited:

1. Water leak(s), that can be repaired such as broken sprinkler heads and leaking valves or faucets.
2. Permanently installed irrigation systems with broken heads, with heads out of adjustment which allow them to spray into the street or allows leakage.
3. Water running on the property during irrigation, car washing, or any other use of water, or the accumulation of water in the street or in parking areas.

Stage 4-Emergency Water Shortage Conditions

Notice to TCEQ required

Goal:

Reduce Water use to the extent necessary to maintain water of sufficient quantity and quality to meet health and safety requirements for the public; or in the event of failure of a component of the water system, discontinue operation of the water system, or that portion of the system affected.

The City Manager will manage the City of Silsbee's Water Systems limited water supply by requiring such measures as are necessary to maintain public health and safety, including elimination of service to part or all of the water system.

Operational Measures:

The utility shall visually inspect lines and repair leaks on a daily basis. Flushing is prohibited except for dead end mains and only between the hours of 9:00 p.m. and 3:00 a.m. Emergency interconnects or alternative supply arrangements shall be initiated. All meters shall be read as often as necessary to insure compliance with this program for the benefit of all the customers.

Water Use Restrictions:

All requirements of Stage 3 shall remain in effect during Stage 4. Under threat of penalty for violation, the following water use restrictions shall also apply to all persons:

- (a) Irrigation of landscape areas is absolutely prohibited.
- (b) No new landscapes of any type may be established.
- (c) Use of water to wash any motor vehicle, motor bike, boat, trailer, airplane or any other vehicle is absolutely prohibited.

(d)The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(e)In the event that water shortage conditions threaten public health, safety, and welfare, the Manager is hereby authorized to ration water according to the following allocations plan:

Single Family Residential Customers

The allocation to residential water customers residing in a single family dwelling shall be as follows:

1. 1 or 2 persons – 4,500 gallons per month
2. 3 or 4 persons – 5,000 gallons per month
3. 5 or 6 persons – 6,000 gallons per month
4. 7 or 8 persons – 7,000 gallons per month
5. 9 or 10 persons – 8,000 gallons per month
6. 11 or more persons – 9,000 gallons per month

“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 may claim more persons per household at the time of applying for water service on the form prescribed by the Manager. 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 of Silsbee’s Water System 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 of Silsbee’s Water System in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the City Manager 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 Silsbee’s Water System of a reduction in the number of persons in a household shall be fined in accordance with the enforcement measures described in Section VIII of this plan.

Residential water customers shall pay the following surcharges:

- (a) \$4.70 for the first 1,000 gallons over allocation.
- (b) \$5.70 for the second 1,000 gallons over allocation.
- (c) \$6.70 for the third 1,000 gallons over allocation.

(d) \$7.70 for each additional 1,000 gallons over allocation.

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 (apartments, mobile homes, etc.) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Silsbee's Water System of a greater number on a form prescribed by the Manager. The Manager 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 of Silsbee's Water System office to complete and sign the form claiming more dwelling units at the time of applying for water service on the forms prescribed by the Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Silsbee's Water System office in writing within two (2) days. In prescribing the method for claiming more than two dwelling units, the Manager 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 City of Silsbee of a reduction in the number of persons in a household shall be fined in accordance with the enforcement measures described in Section VIII of this plan.

Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- (a) \$4.70 for the first 1,000 gallons over allocation per unit
- (b) \$5.70 for the second 1,000 gallons over allocation per unit
- (c) \$6.70 for the third 1,000 gallons over allocation per unit
- (d) \$7.70 per 1,000 thereafter.

Surcharges shall be cumulative.

Nonresidential Commercial Customers:

A monthly water usage allocation shall be established by the Manager, or his/her designee, for each non-residential commercial customer other than an industrial customer who used water for processing purposes. The non-residential customer's allocation shall be approximately seventy five (75) percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the average for the period for which there is a record shall be used for any monthly period for which no history exist. The Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not

receive such notice, it shall be the customers' responsibility to contact the City of Silsbee Water System office to determine the allocation. Upon request of the customer or at the initiative of the Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customers' normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates the designated allocation is inaccurate under the present conditions.

Nonresidential Commercial customers shall pay the following surcharges:

- (a) \$4.70 per thousand gallons for the first 1,000 gallons over allocation.
- (b) \$5.70 per thousand for the second 1,000 gallons over allocation.
- (c) \$6.70 per thousand for the third 1,000 gallons over allocation.
- (d) \$7.70 per thousand for each additional 1,000 gallons thereafter over allocation.

Surcharges shall be Cumulative

Industrial Customers:

A monthly water usage allocation shall be established by the Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90 percent of the customers' water usage baseline. Ninety days (90) after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to eighty five (85) percent of the customer's water usage baseline. The industrial customer's water usage baseline will be computed on the average water usage for the three month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than three (3) months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The Manager shall give his/her best effort to see that notice of each industrial 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 of Silsbee to determine the allocation, and the allocation shall be effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the Manager, the allocation may be reduced or increased,

- (1) If the designated period does not accurately reflect the customers normal usage because the customer had shut down a major processing unit, for repair or overhaul during the period,
- (2) The customer has added or is in the process of adding significant additional processing capacity,
- (3) The customer has shut down or significantly reduced the production of a major processing unit,

- (4) The customer has previously implemented significant permanent water conservation measures such that the ability to further reduce usage is limited,
- (5) The customer agrees to transfer part of its allocation to another industrial customer, or
- (6) If the objective evidence demonstrates that the designated allocation is inaccurate under its present conditions.

Industrial customers shall pay the following surcharges:

- (a) \$4.70 per thousand for the first 1,000 gallons over allocation.
- (b) \$5.70 per thousand for the second 1,000 gallons over allocation.
- (c) \$6.70 per thousand for the third 1,000 gallons over allocation.
- (d) \$7.70 per thousand for each additional 1,000 gallons thereafter.

Surcharges shall be cumulative.

SYSTEM OUTAGE or SUPPLY CONTAMINATION

Notify TCEQ Regional Office immediately.

Section VIII: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City of Silsbee 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 Manager, or his/her designee, in accordance with the 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 not less than that set by the court system. Each day that one or more of the provisions in this Plan is violated it shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the 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 reconnection charge, hereby established as \$55.00 dollars and any other cost incurred by The City of Silsbee's Water System in discontinuing service. In addition, suitable assurance must be given to the 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 district court.

- (c) Any person, including a person classified as a water customer of The City of Silsbee's Water System, 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 reputable 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 reputable 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 Silsbee, police officer, or other employee designated by the Manager, may file a complaint on a person if he/she reasonably believes to be in violation of said ruling. The complaint shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall be referred to the City Municipal Court.

Section IX

Variations:

The Manager, or his/her designee, may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan. If it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting the variance and if one or more of the following conditions are met:

- (a) Compliance with the Plan cannot be technically accomplished during the duration of the supply shortage or other conditions for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in the water usage.
- (c) Medical critical special needs and conditions as per health and TCEQ guides.

Persons requesting an exemption from the provisions of this Plan shall file a petition for a variance with the City of Silsbee's City Council within five (5) days after the Plan or a particular drought measure or response stage has been invoked. All petitions for variances shall be reviewed by the Manager or his/her designee, and shall include the following information:

- (a) Name and address of the petitioners.
- (b) Purpose of water use.

- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or hurt will occur to the petitioner or others if petitioner complies with this plan.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) All other pertinent information.

Variances granted by the City of Silsbee's City Council shall be subject to the following conditions unless waived by the Manager or his/her 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 Variances shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

Section X

Severability:

It is hereby declared to be the intention of the City of Silsbee's Water System that the sections, paragraphs, sentences, clauses, and phrases of this Plan be severable and if any phrase, clause, sentence, paragraph, or section of this plan be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, and sections of this Plan.