

Control Number: 43890



Item Number: 20

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
Legislature, Regular Session, transferred the functions  
relating to the economic regulation of water and sewer  
utilities from the TCEQ to the PUC effective  
September 1, 2014

43890  
**OBSOLETE**  
DATE 4/7/11 FILE 243

Model Drought Contingency Plan

**DROUGHT CONTINGENCY PLAN  
FOR THE  
INVESTOR OWNED UTILITY**

RECEIVED  
2014 DEC -5 PM 1:37  
PUBLIC UTILITY COMMISSION  
FILING CLERK

Texas Water Systems Inc.  
(Name of utility)

P O Box 131945, Tyler, Tx. 75713  
(Address, City, Zip Code)

12473  
(CCN#)

1070176, 2300021, 2300020, 2120034, 2300026  
(PWS #s)

Aug. 25, 2000  
(Date)

2014 DEC -5 AM 8:10

**RECEIVED**  
APR 11 2011  
TCEQ  
CENTRAL FILE ROOM

**Section 1 Declaration of Policy, Purpose, and Intent**

In cases of extreme drought, periods of abnormally high usage, system contamination, or extended reduction in ability to supply water due to equipment failure, temporary restrictions may be instituted to limit non-essential water usage. The purpose of the Drought Contingency Plan is to encourage customer conservation in order to maintain supply, storage, or pressure or to comply with the requirements of a court, government agency or other authority.

**Please note:** Water restriction is not a legitimate alternative if water system does not meet the Texas Natural Resource Conservation Commission's (TNRCC) capacity requirements under normal conditions or if the utility fails to take all immediate and necessary steps to replace or repair malfunctioning equipment.

I Glenn E. Trimble (Please print name), being the responsible official  
for Texas Water Systems Inc (Name of utility), request a minor tariff  
amendment to include the enclosed Drought Contingency Plan.

*Glenn E. Trimble* 8/25/00  
(Signature) (Date)

CCN 12473 00

**OBSOLETE**

DATE 4/7/11 FILE 12473

## Section 2 Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by:  
(check at least one of the following)

☐ *scheduling and providing public notice of a public meeting to accept input on the Plan.*

The meeting took place at:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

☐ *mailed survey with summary of results. (attach survey and results)*

☒ *bill insert inviting comment. (attach bill insert)*

~~XXXXXXX~~ Newsletters

## Section 3 Public Education

The Texas Water Systems Inc. (name of utility) will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage.

Drought plan information will be provided by:  
(check at least one of the following)

☐ *public meeting*

☐ *press releases*

☐ *utility bill inserts*

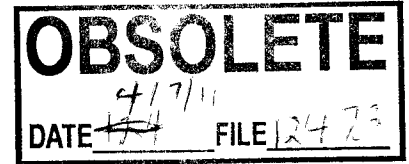
☒ *other* Newsletters

## Section 4 Coordination with Regional Water Planning Groups

The service area of the Texas Water Systems Inc. (name of your utility) is located within:

Regional Water Planning Group (RWPG) D & I

Texas Water Systems Inc (name of your utility) has mailed a copy of this Plan to the RWPG.



## Section 5 Notice Requirements

Written notice will be provided to each customer **prior to implementation or termination of each stage of the water restriction program**. Mailed notice must be given to each customer 72 hours prior to the start of water restriction. If notice is hand delivered, the utility cannot enforce the provisions of the plan for 24 hours after notice is provided. The written notice to customers will contain the following information:

1. the date restrictions will begin,
2. the circumstances that triggered the restrictions,
3. the stages of response and explanation of the restrictions to be implemented, and,
4. an explanation of the consequences for violations.

The utility must notify the TNRCC by telephone at (512) 239- 6020, or electronic mail at [watermon@tnrcc.state.tx.us](mailto:watermon@tnrcc.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 TNRCC at the initiation and termination of mandatory water use restrictions (i.e. Stages III and IV).

## Section 6 Violations

1. First violation - The customer will be notified by written notice of their specific violation.
2. Subsequent violations:
  - a. After written notice, the utility may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24 hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed \$50.00.
  - b. After written notice, the utility may discontinue service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is LESS. The normal reconnect fee of the utility will apply for restoration of service.

## Section 7 Exemptions or Variances

The utility may grant any customer an exemption or variance from the drought contingency plan for good cause **upon written request**. A customer who is refused an exemption or variance may appeal such action of the utility in writing to the Texas Natural Resource Conservation Commission. The utility will treat all customers equally concerning exemptions and variances, and shall not discriminate in granting exemptions and variances. No exemption or variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.



## Section 8 Response Stages

Unless there is an immediate and extreme reduction in water production, or other absolute necessity to declare an emergency or severe condition, the utility will initially declare Stage I restrictions. If, after a reasonable period of time, demand is not reduced enough to alleviate outages, reduce the risk of outages, or comply with restrictions required by a court, government agency or other authority, Stage II may be implemented with Stage III to follow if necessary.

### STAGE I - CUSTOMER AWARENESS

Stage 1 will begin:

**Every April 1<sup>st</sup>, the utility will mail a public announcement to its customers.**

**No notice to TNRCC required.**

Stage 1 will end:

**Every September 30<sup>th</sup>, the utility will mail a public announcement to its customers.**

**No notice to TNRCC required.**

#### Utility Measures:

This announcement will be designed to increase customer awareness of water conservation and encourage the most efficient use of water. A copy of the current public announcement on water conservation awareness shall be kept on file available for inspection by the TNRCC.

#### Voluntary Water Use Restrictions:

Water customers are requested to voluntarily limit the use of water for non-essential purposes and to practice water conservation.

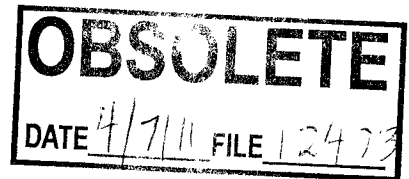
### STAGE II - VOLUNTARY WATER CONSERVATION:

**Target: Reduce daily demand as a % of pumping capacity to less than 80%**

The water utility will implement Stage 2 when any one of the selected triggers is reached:

Supply-Based Triggers (check at least one and fill in the appropriate value)

- ☒ Well level reaches 30 ft. ~~not reached~~ above pump.
- ☐ Overnight recovery rate reaches \_\_\_\_\_ ft.
- ☐ Reservoir elevation reaches \_\_\_\_\_ ft. (m.s.l.)
- ☐ Stream flow reaches \_\_\_\_\_ cfs at USGS gage # \_\_\_\_\_
- ☐ Wholesale supplier's drought Stage 2 \_\_\_\_\_
- ☐ Other \_\_\_\_\_



Demand- or Capacity-Based Triggers (check at least one and fill in the appropriate value)

- ☐ Drinking water treatment as % of capacity \_\_\_\_\_ %
- ☒ Total daily demand as % of pumping capacity 80 %
- ☐ Total daily demand as % of storage capacity \_\_\_\_\_ %
- ☐ Pump hours per day \_\_\_\_\_ hrs.
- ☐ Production or distribution limitations.
- ☐ Other \_\_\_\_\_

**Upon initiation and termination of Stage 2, the utility will mail a public announcement to its customers. No notice to TNRCC required.**

Requirements for termination

Stage 2 of the Plan may end 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 becomes operative.

Utility Measures:

Visually inspect lines and repair leaks on a daily basis. Monthly review of customer use records and follow-up on any that have unusually high usage.

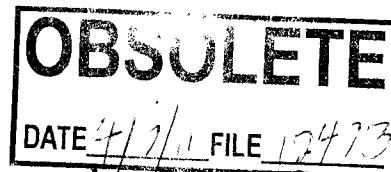
*Describe additional measures, if any, to be implemented directly by the utility to manage limited water supplies and/or reduce water demand. Examples include: reduced or discontinued flushing of water mains, activation and use of an alternative supply source(s); use of reclaimed water for non-potable purposes.*

The second water source for \_\_\_\_\_ (name of utility) is:  
(check one)

- ☐ Other well
- ☐ Inter-connection with other system
- ☐ Purchased water
- ☐ Other \_\_\_\_\_

Voluntary Water Use Restrictions:

1. Restricted Hours: Outside watering is allowed daily, but only during periods specifically described in the customer notice; between 10:00 PM and 5:00 AM for example; **OR**
2. Restricted Days/Hours: Water customers are requested to voluntarily limit the irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems. Customers are requested to limit outdoor water use to **Mondays for water customers with a street address ending with the numbers 1, 2, or 3, Wednesdays for water customers with a street address ending with the numbers 4, 5, or 6, and Fridays**



for water customers with a street address ending with the numbers 7, 8, 9, or 0. Irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

3. Other uses that waste water such as water running down the gutter.

### STAGE III - MANDATORY WATER USE RESTRICTIONS:

**Target: Reduce daily demand as a % of pumping capacity by 10%**  
The water utility will implement Stage 3 when any one of the selected triggers is reached:

#### Supply-Based Triggers (check at least one and fill in the appropriate value)

- ☒ Well level reaches 15 ft. (~~max~~) above pump.
- ☐ Overnight recovery rate reaches \_\_\_\_\_ ft.
- ☐ Reservoir elevation reaches \_\_\_\_\_ ft. (m.s.l.)
- ☐ Stream flow reaches \_\_\_\_\_ cfs at USGS gage # \_\_\_\_\_
- ☐ Wholesale supplier's drought Stage 3 \_\_\_\_\_
- ☐ Other \_\_\_\_\_

#### Demand- or Capacity-Based Triggers (check at least one and fill in the appropriate value)

- ☐ Drinking water treatment as % of capacity \_\_\_\_\_ %
- ☒ Total daily demand as % of pumping capacity 90 %
- ☐ Total daily demand as % of storage capacity \_\_\_\_\_ %
- ☐ Pump hours per day \_\_\_\_\_ hrs.
- ☐ Production or distribution limitations.
- ☐ Other \_\_\_\_\_

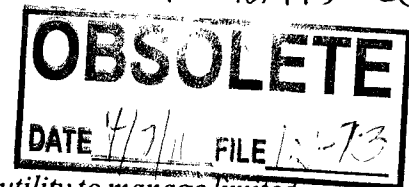
Upon initiation and termination of Stage 3, the utility will mail a public announcement to its customers. Notice to TNRCC required.

#### Requirements for termination

Stage 3 of the Plan may end 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 becomes operative.

#### Utility Measures:

Visually inspect lines and repair leaks on a regular basis. Flushing is prohibited except for dead end mains.



*Describe additional measures, if any, to be implemented directly by the utility to manage limited water supplies and/or reduce water demand. Examples include: activation and use of an alternative supply source(s); use of reclaimed water for non-potable purposes; offering low-flow fixtures and water restrictors.*

Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers.

1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems **shall be limited to Mondays for water customers with a street address ending with the numbers 1, 2, or 3, Wednesdays for water customers with a street address ending with the numbers 4, 5, or 6, and Fridays for water customers with a street address ending with the numbers 7, 8, 9, or 0.** Irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
2. 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.
3. 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.
4. 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.
5. Use of water from hydrants or flush valves shall be limited to maintaining public health, safety, and welfare.
6. Use of water for the irrigation of golf courses, parks, and green belt areas is prohibited except by hand held hose and only on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
7. The following uses of water are defined as non-essential and are prohibited:



- a. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- b. use of water to wash down buildings or structures for purposes other than immediate fire protection;
- c. use of water for dust control;
- d. flushing gutters or permitting water to run or accumulate in any gutter or street;
- e. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- f. Any waste of water.

**STAGE IV - CRITICAL WATER USE RESTRICTIONS:**

**Target:** Reduce daily demand as a % of pumping capacity by 10%  
The water utility will implement Stage 4 when any one of the selected triggers is reached:

Supply-Based Triggers (check at least one and fill in the appropriate value)

- ☒ Well level reaches 0 ft. ~~(XXXX)~~ above pump.
- ☐ Overnight recovery rate reaches \_\_\_\_\_ ft.
- ☐ Reservoir elevation reaches \_\_\_\_\_ ft. (m.s.l.)
- ☐ Stream flow reaches \_\_\_\_\_ cfs at USGS gage # \_\_\_\_\_
- ☐ Wholesale supplier's drought Stage 4 \_\_\_\_\_
- ☒ Supply contamination.
- ☐ Other \_\_\_\_\_

**OBSOLETE**  
DATE 4/1/11 FILE 12473

Demand- or Capacity-Based Triggers (check at least one and fill in the appropriate value)

- ☐ Drinking water treatment as % of capacity \_\_\_\_\_ %
- ☒ Total daily demand as % of pumping capacity 100 %
- ☐ Total daily demand as % of storage capacity \_\_\_\_\_ %
- ☐ Pump hours per day \_\_\_\_\_ hrs.
- ☐ Production or distribution limitations.
- ☒ System outage.
- ☐ Other \_\_\_\_\_

Upon initiation and termination of Stage 4, the utility will mail a public announcement to its customers. Notice to TNRCC required.

Requirements for termination :

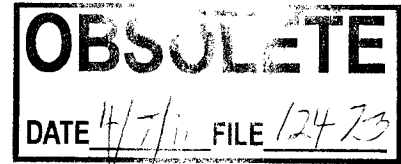
Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

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. *Describe additional measures, if any, to be implemented directly to manage limited water supplies and/or reduce water demand.*

Mandatory Water Use Restrictions: All outdoor use of water is prohibited.

1. Irrigation of landscaped areas is absolutely prohibited.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.



CCN 12473 CD

**WATER UTILITY TARIFF  
FOR**

Texas Water Systems, Inc.  
(Utility Name)

7891 U.S. Highway 271  
(Business Address)

Tyler, Texas 75708  
(City, State, Zip Code)

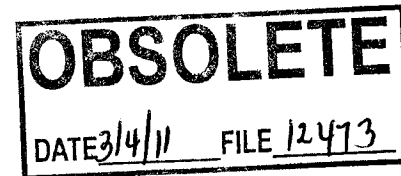
(903) 595-2128  
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

12473

This tariff is effective in the following counties:

Gregg, Henderson, Smith and Upshur



This tariff is effective in the following cities or unincorporated towns (if any):

36195-R

None

This tariff is effective in the following subdivisions and public water systems:

See attached list.

**TABLE OF CONTENTS**

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION 1.0 -- RATE SCHEDULE.....	2
SECTION 2.0 -- SERVICE RULES AND POLICIES .....	3
SECTION 3.0 -- EXTENSION POLICY .....	8
SECTION 4.0 -- DROUGHT CONTINGENCY PLAN .....	10
APPENDIX A -- SAMPLE SERVICE AGREEMENT	
APPENDIX B -- APPLICATION FOR SERVICE	

**RECEIVED**  
MAR 07 2011  
TCEQ  
CENTRAL FILE ROOM

TEXAS COMM. ON ENVIRONMENTAL QUALITY  
36195-R, CCN 12473, JANUARY 2, 2009  
APPROVED TARIFF BY ef/KA

This tariff is effective in the following subdivisions or systems:

SUBDIVISION	PWS ID NUMBER	COUNTY
Cape Tranquility	1070176	Henderson
Country Club Estates	2300021	Upshur
Friendship Community	2300020	Upshur
Garden Acres Subdivision	0920031	Gregg
Garden Valley Water System	2120081	Smith
Mount Sylvan Community	2120034	Smith
Rosewood Community	2300026	Upshur
Stallion Lake	2120104	Smith

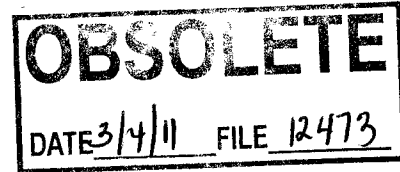
**OBSOLETE**  
DATE 3/4/11 FILE 12473

36195-R

## SECTION 1.0 -- RATE SCHEDULE

## Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Minimum Charge</u> (Includes 1,000 gallons)	<u>Gallonage Charge</u> \$2.30 per 1000 gallons over the minimum
5/8" x 3/4"	\$34.90	
3/4"	\$52.35	
1"	\$87.25	
1 1/2"	\$174.50	
2"	\$279.20	
3"	\$523.50	



FORM OF PAYMENT: The utility will accept the following forms of payment:

Cash X, Check X, Money Order X, Credit Card \_\_\_\_\_, Other (specify) \_\_\_\_\_

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT ..... 1.0%  
TCEQ RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL.

## Section 1.02 - Miscellaneous Fees

TAP FEE ..... \$800.00  
TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL 5/8" or 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Unique costs) ..... Actual Cost  
FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE OF SUBDIVISIONS OR RESIDENTIAL AREAS.

TAP FEE (Large meter) ..... Actual Cost  
TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METER SIZE INSTALLED.

METER RELOCATION FEE ..... Actual Relocation Cost, Not to Exceed Tap Fee  
THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS THAT AN EXISTING METER BE RELOCATED.

METER CONVERSION FEE ..... Actual cost to convert that meter  
THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS CHANGE OF SIZE OF AN EXISTING METER OR CHANGE IS REQUIRED BY MATERIAL CHANGE IN CUSTOMER'S SERVICE DEMAND

METER TEST FEE ..... \$25.00  
THIS FEE WHICH SHOULD REFLECT THE UTILITY'S COST MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY. THE FEE MAY NOT EXCEED \$25.

RATES LISTED ARE EFFECTIVE ONLY  
IF THIS PAGE HAS TCEQ APPROVAL STAMP

## SECTION 1.0 -- RATE SCHEDULE (Continued)

## RECONNECTION FEE

THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

- a) Non payment of bill (Maximum \$25.00) ..... \$25.00  
 b) Customer's request that service be disconnected ..... \$40.00

TRANSFER FEE ..... \$30.00

THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED

LATE CHARGE (EITHER \$5.00 OR 10% OF THE BILL) ..... \$4.00

TCEQ RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE ..... \$25.00

RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50) ..... \$50.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT ..... 1/6TH OF ESTIMATED ANNUAL BILL

## GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE:

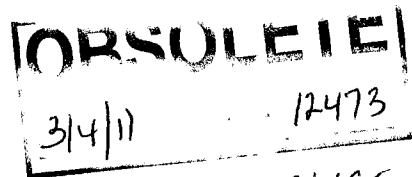
WHEN AUTHORIZED IN WRITING BY TCEQ AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [30 TAC 291.21(K)(2)]

## LINE EXTENSION AND CONSTRUCTION CHARGES:

REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

## GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE CLAUSE:

Increases in inspection fees and water testing costs imposed by state or federal law may be passed through as an adjustment to the monthly base rate charge under the terms and conditions of 30 T.A.C. 291.21(k)(2) after notice to customers and upon written approval by the TCEQ.



36195-R

RATES LISTED ARE EFFECTIVE ONLY  
 IF THIS PAGE HAS TCEQ APPROVAL STAMP