

Control Number: 44523



Item Number: 31

Addendum StartPage: 0



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PUBLIC UTILITY COMMISSION  
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**APPLICATION OF THE CITY OF  
DRIPPING SPRINGS TO AMEND ITS  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN HAYS COUNTY**

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**THE CITY OF DRIPPING SPRINGS'  
RESPONSE TO ORDER NO. 9**

COMES NOW, The City of Dripping Springs (the "City") to respond to Order No. 9 wherein the Administrative Law Judge addressed Commission Staffs request for additional time for the City of Drippings Springs to supplement its application to include a copy of the plans and/or specifications for the new system and for Commission Staff, following review of the supplement, to provide a final recommendation. The City hereby supplements its application with this Response.

**I. THE RULE**

Commission Staff's request derives from 16 Texas Admin. Code § 24.105(a)(14). This rule provides that the application should contain "a copy of" any one of the following:

- (A) the approval letter for the plans approved by the TCEQ and specifications for the system or proof that the applicant has submitted either a preliminary engineering report or plans and specification for the first phase of the system unless 30 TAC §290.39(j)(1)(D) (relating to General Provisions) applies;
- (B) other information that indicates the applicant is in compliance with §24.93 of this title (relating to Adequacy of Water Utility Service) for the system; or
- (C) a contract with a wholesale provider that meets the requirements in §24.93 of this title;

16 Texas Admin. Code § 24.105(a)(14) (emphasis added). Commission Staff requested information related to subsection (A), plans and specification. The City, however, does not need to comply with subsection (A) because it has complied with subsections (B) or (C).

31

## **II. COMPLIANCE WITH THE RULE**

Although the City need only have complied with either 16 Texas Admin. Code § 24.105(a)(14)(B) or (C), the City provided information that shows compliance with both 16 Texas Admin. Code § 24.105(a)(14)(B) and (C) by submitting a contract with a wholesale provider that meets the requirements in §24.93, and in the alternative, by submitting information that indicates the applicant is in compliance with §24.93.

### **A. CONTRACT WITH A WHOLESALE PROVIDER**

The City submitted with its original application a copy of contract with a wholesale provider that meets the requirements in §24.93. Page 9 of the City's CCN Application states "[t]he City of Dripping Springs has an agreement along with West Travis County Public Utility Agency (WTCPUA), to provide retail water service in the area of the proposed development." That wholesale water supply agreement is attached at Attachment 1 of the City's CCN application.<sup>1</sup>

The WTCPUA operates a Public Water System ("PWS") approved by the Texas Commission on Environmental Quality. Its PWS Registration Number is 2270235, and its PWS status is "Active".<sup>2</sup> See Exhibit A.

As an active PWS, the WTCPUA is required to comply with 30 Texas Admin. Code Chapter 290 (hereafter referred to as "TCEQ PWS Rules"). The TCEQ PWS Rules implement Texas Health and Safety Code ("THSC"), Chapter 341, Subchapter C, which prescribes the duties of the TCEQ relating to the regulation and control of public drinking water systems in the

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<sup>1</sup> The Lower Colorado River Authority ("LCRA") and the City negotiated and executed the Wholesale Water Supply Agreement Between Lower Colorado River Authority and The City of Dripping Springs with an effective date of March 11, 2003 (the "Agreement"). The WTCPUA assumed the rights and obligations of the LCRA set forth in the Agreement effective March 19, 2012.

<sup>2</sup> The WTCPUA's TCEQ Customer Number is CN604021980, and the West Travis County Public Water System its TCEQ Regulated Entity Number is RN102646585. See Exhibit A.

state. 30 Texas Admin. Code § 290.39(a). The statute requires that TCEQ ensure that public water systems: supply safe drinking water in adequate quantities, are financially stable and technically sound, promote use of regional and area-wide drinking water systems, and review completed plans and specifications and business plans for all contemplated public water systems. 30 Texas Admin. Code § 290.39(a). TCEQ does so through the TCEQ PWS Rules.

A PWS that complies with the TCEQ PWS Rules (such as the WTCPUA), also meets the requirements in 16 Texas Admin. Code § 24.93 (hereafter referred to as “PUC Quality of Service Rule”). There are five subsections of the PUC Quality of Service Rule. As shown below, as a PWS, the WTCPUA satisfies each of those requirements.

Subsection (1) of PUC Quality of Service Rule refers to the TCEQ PWS Rules when it describes what is necessary to comply: “[t]he water system quantity and quality requirements of the TCEQ shall be the minimum standards for determining the sufficiency of production, treatment, storage, transmission, and distribution facilities of water suppliers and the safety of the water supplied for household usage.” 16 Texas Admin. Code § 24.93(1). Compliance with the TCEQ PWS Rules, therefore, satisfies subsection (1) of the PUC Quality of Service Rule.

Subsection (2) of the PUC Quality of Service Rule is satisfied because the WTCPUA has a drought contingency plan that fulfills requirements of the Texas Administrative Code, Title 30, sections 288.2, 288.20 and 288.22, regarding water conservation and drought contingency planning for municipal water suppliers. The WTCPUA Drought Contingency Plan is attached hereto and incorporated herein as Exhibit B.

Like subsection (1), subsections (3) and (4) of the PUC Quality of Service Rule also specifically refer to the TCEQ PWS Rules as that which is necessary for compliance.

Compliance with the TCEQ PWS Rules, therefore, satisfies subsections (3) and (4) of the PUC Quality of Service Rule.

Subsection (5) of the PUC Quality of Service Rule states that “[e]very retail public utility shall maintain its facilities to protect them from contamination, ensure efficient operation, and promptly repair leaks.” Contamination is addressed throughout the TCEQ PWS Rules, but especially by compliance with Subchapters D and F of the TCEQ PWS Rules.<sup>3</sup> The PWS Rules also ensure efficient operation by specifying minimum acceptable financial, managerial, technical, and operating practices that ensure facilities are properly operated to produce and distribute safe, potable water. *See e.g.* 30 Texas Admin. Code § 290.39(b). Leaks are addressed in numerous sections of the TCEQ PWS Rules.<sup>4</sup> Compliance with the TCEQ PWS Rules, therefore, satisfies subsection (5) of the PUC Quality of Service Rule.

The Contract that the City provided in its application, therefore, satisfies 16 Texas Admin. Code § 24.105(a)(14)(C).

## **B. INDICATION OF COMPLIANCE**

Although not necessary to show because the City complies with 16 Texas Admin. Code § 24.105(a)(14)(C), the City also satisfies 16 Texas Admin. Code § 24.105(a)(14)(B). That

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<sup>3</sup> The purpose of Subchapter F of the TCEQ PWS Rules “is to assure the safety of public water supplies with respect to microbiological, chemical and radiological quality and to further efficient processing through control tests, laboratory checks, operating records and reports of public water supply systems.” 30 Texas Admin. Code § 290.101. These standards “are written to comply with the requirements of the Federal ‘Safe Drinking Water Act,’ 42 USC §300f *et seq.*, and the ‘Primary Drinking Water Regulations’ which have been promulgated by the United States Environmental Protection Agency.” 30 Texas Admin. Code § 290.101. Subchapter D of the TCEQ PWS Rules address minimum acceptable operating practices for public drinking water systems and also address water treatment and storage. 30 Texas Admin. Code Subchapter D.

<sup>4</sup> Throughout the TCEQ PWS Rules TCEQ requires direct integrity tests, which are physical tests applied to a membrane unit in order to identify and isolate integrity breaches/leaks that could result in contamination of the filtrate; In addition, §290.42(f)(1)(E) requires that bulk storage facilities and day tanks must be designed to minimize the possibility of leaks and spills; §290.42(f)(1)(F) requires that chemical transfer pumps and control systems must be designed to minimize the possibility of leaks and spills; §290.42(f)(2)(D) requires that chemical feed systems shall be designed to minimize the possibility of leaks and spills and provide protection against backpressure and siphoning; §290.44(f)(2) imposes special precautions when waterlines are laid under any flowing or intermittent stream or semi-permanent body of water such as marsh, bay, or estuary to assure that there are no leaks in the underwater line.

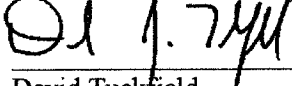
provision allows the applicant to submit information that “indicates” the applicant is in compliance with §24.93. This provision does not require a showing of compliance, but simply that the applicant “indicates” compliance. For all then reasons discussed above regarding the wholesale contract, the submission of the wholesale contract “indicates” that the applicant will comply with the PUC Quality of Service Rule. This wholesale contract shows that the City will plan, furnish, operate, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses. 16 Texas Admin. Code § 24.93.

### **III. CONCLUSION**

Based on the information provided in the original CCN application, and the supplemental information provided herein, the City has demonstrated compliance with both 16 Texas Admin. Code § 24.105(a)(14)(B) and (C). The application should be granted.

Respectfully submitted,

THE AL LAW GROUP, PLLC



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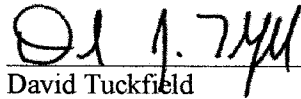
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Counsel for the City of Dripping Springs

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served on the following via facsimile in accordance with P.U.C. Proc. R. § 22.74 on this, the 8<sup>th</sup> day of April, 2016.

**For The Public Utilities Commission:**

Alexander Petak  
512-936-7377 (phone)  
512-936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
Austin, Texas 78711-3326



\_\_\_\_\_  
David Tuckfield



## **EXHIBIT A**

## Central Registry Query - Regulated Entity Information

### Regulated Entity Information

**RN Number:** RN102646585  
**Name:** WEST TRAVIS COUNTY REGIONAL WS [View Prior Names](#)  
**Primary Business:** PUBLIC WATER SUPPLY SYSTEM  
**Street Address:** No street address on file.  
**County:** TRAVIS  
**Nearest City:** BEE CAVE  
**State:** TX  
**Near ZIP Code:** 78738  
**Physical Location:** 12215 BEE CAVE ROAD AUSTIN TEXAS

### Affiliated Customers - Current

Your Search Returned **2** Current Affiliation Records (View Affiliation History)

**1-2 of 2 Records**

CN Number	Customer Name	Customer Role	Details
CN600253637	LOWER COLORADO RIVER AUTHORITY	OWNER OPERATOR	<a href="#">↔</a>
CN604021980	WEST TRAVIS COUNTY PUA	RESPONSIBLE PARTY	<a href="#">↔</a>

### Industry Type Codes

Code	Classification	Name
4941	SIC	Water Supply

### Permits, Registrations, or Other Authorizations

There are a total of **4** programs and IDs for this regulated entity. Click on a column name to change the sort order.

**1-4 of 4 Records**

Program ▲	ID Type	ID Number	ID Status
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2270235	ACTIVE
STORMWATER	PERMIT	TXR15TK12	CANCELLED
STORMWATER	PERMIT	TXR15TK70	EXPIRED
WATER LICENSING	LICENSE	2270235	ACTIVE

**EXHIBIT B**

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**WATER CONSERVATION & DROUGHT CONTINGENCY PLAN**

**for**

**WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY**

**FIRM WATER CONTRACT**

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**July, 2013**

**Amended October, 2014**

Prepared by:

**Murfee Engineering Company, Inc.  
Texas Registered Engineering Company No. F-353  
1101 Capital of Texas Hwy., South, Building D  
Austin, Texas 78746**

## TABLE OF CONTENTS

1.0 INTRODUCTION .....	2
1.1 Authorization and Implementation .....	2
1.2 Public Involvement .....	2
1.3 Application .....	2
1.4 Coordination with Regional Water Planning Groups.....	3
2.0 DEFINITIONS.....	3
3.0 WATER CONSERVATION PLAN .....	5
3.1 Service Area Characteristics and Goals.....	5
3.2 Water Conservation Goals.....	5
3.3 Water Conservation Strategies.....	6
3.3.1 Watering Schedule.....	6
3.3.2 Increasing Block Water Rates .....	6
3.3.3 Landscape Irrigation System Audits.....	7
3.3.4 Landscape Irrigation Standards .....	7
3.3.5 Conservation Landscape Best Management Practices.....	7
3.3.6 Education and Public Outreach .....	7
3.3.7 Water Loss .....	8
3.3.8 Additional Strategies.....	8
4.0 ADDITIONAL WATER CONSERVATION STRATEGIES.....	9
4.1 Water Monitoring and Records Management .....	9
4.2 Water Metering .....	9
4.3 Wholesale Water Conservation Plans.....	9
4.4 Education and Outreach .....	10
4.4.1 Water IQ Public Awareness Program.....	10
4.4.2 Texas Hill Country Landscape Option .....	10
4.4.3 Grow Green.....	10
4.4.4 WTCPUA Municipal Raw Water Conservation Program.....	11
4.4.5 Other activities.....	11
5.0 DROUGHT CONTINGENCY PLAN .....	12
5.1 Permanent Water Use Restrictions .....	12
5.2 Triggering Criteria for Initiation and Termination of Drought Response Stages....	13
5.3 Drought Response Measures.....	17
5.3.1 Targets for Water-Use Reductions .....	17
5.3.2 Retail Customers.....	17
5.3.3 Wholesale Customers .....	24
5.4 Conservation and Drought Contingency Plan Implementation.....	25
5.4.1 Public Notification.....	25
5.4.2 Enforcement for Retail Customers .....	25
5.4.3 Enforcement for Wholesale Customers.....	27
5.4.4 Variances.....	27
5.4.5 Plan Updates .....	28
5.4.6 Drought Surcharge.....	29
Appendix A – Adherence to TCEQ Chapter 288 Rules.....	30

## **1.0 INTRODUCTION**

The West Travis County Public Utility Agency (WTCPUA) has developed this Water Conservation and Drought Contingency Plan (Plan) for its treated water utility systems to manage public water resources efficiently and to plan appropriate responses to emergency and drought conditions. This Plan fulfills requirements of the Texas Administrative Code, Title 30, sections 288.2, 288.20 and 288.22, regarding water conservation and drought contingency planning for municipal water suppliers. Appendix A provides details on how the Water Conservation and Drought Contingency Plan adheres to the Texas Administrative Code for water conservation and drought contingency plan requirements. The Plan recognizes that conservation is a valuable tool in managing water and wastewater utility systems. Water conservation can extend available water supplies; reduce the risk of shortage during periods of extreme drought; reduce water and wastewater utility operating costs; improve the reliability and quality of water utility service; reduce customer costs for water service; reduce wastewater flows; improve the performance of wastewater treatment systems; enhance water quality and protect the environment.

### **1.1 Authorization and Implementation**

The WTCPUA Board of Directors is authorized and directed to implement the applicable provisions of this Plan. The WTCPUA Board of Directors has the authority to initiate and terminate drought or other water supply emergency response measures as described in this Plan.

Further, the WTCPUA Board of Directors will designate an individual to act as administrator of this Plan. The administrator will oversee the implementation of the program and will be responsible for ensuring that staff keeps adequate records for program verification. LCRA water utilities and water conservation staff will assist with implementation of programs and projects described in this Plan.

### **1.2 Public Involvement**

This Plan was adopted from the Revised 2009 Water Utilities Conservation and Drought Contingency Plan of the LCRA with minor modification. As such, all customers in the service area of the utilities were provided an opportunity for input through the LCRA adoption process. Any future revisions to this Water Conservation and Drought Contingency Plan will be made through a process that includes the opportunity for public participation.

### **1.3 Application**

This Plan applies only to treated water utility systems, both wholesale and retail, owned and operated by WTCPUA.

#### **1.4 Coordination with Regional Water Planning Groups**

The service area of the WTCPUA is located within the Lower Colorado Regional Water Planning Area and WTCPUA will provide a copy of this Plan to the Lower Colorado Regional Water Planning Group (Region K).

#### **2.0 DEFINITIONS**

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

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

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

**Customer:** any person, company, or organization using water supplied by WTCPUA.

**Domestic water use:** use of water by an individual or a household to support its domestic activity. Such use may include consumption, washing, or cooking; irrigation of lawns, family garden or orchard; consumption by animals; and recreation including fishing, swimming, and boating. If the water is diverted, it must be diverted solely through the efforts of the user. Domestic use does not include water used to support activities for which consideration is given or received or for which the product of the activity is sold.

**Industrial water use:** water used in commercial processes, including commercial fish and shellfish production and the development of power by means other than hydroelectric. This does not include agricultural use.

**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.

**Livestock water use:** water used for the open-range watering of livestock, exotic livestock, game animals or fur-bearing animals. For purposes of this definition, the terms "livestock" and "exotic livestock" are to be used as defined in § 142.001 of the Agriculture Code, and the terms "game animals" and "furbearing animals" are to be used as defined in §63.001 and §71.001, respectively, of the Parks and Wildlife Code.

**“New landscape” means:**

- a. Installed during construction of a new house, multi-family building, or commercial building;
- b. Installed as part of a governmental entity’s capital improvement project; or
- c. Alters more than one-half of the area of an existing landscape.

**Non-essential water use:** water uses that are not essential or are not required for the protection of public health, safety and welfare, such as:

- a. Irrigating landscape areas, including parks, athletic fields, and golf courses, except for as otherwise provided under this Plan;
- b. Washing any motor vehicle, motorbike, boat trailer, airplane, or other vehicle;
- c. Washing any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d. Washing 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. Filling, refilling, or adding to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- g. Filling a fountain or pond for aesthetic or scenic purposes except when necessary to support aquatic life;
- h. Failure to repair a controllable leak within a reasonable period after having been directed to do so by formal notice; and
- i. Drawing from hydrants for construction purposes or any other purposes other than fire fighting or protecting public drinking water supplies.

Use of water for livestock is not included in the definition of “non-essential water use.”

**Retail Water Customer:** an individual or entity that purchases water from an LCRA water utility for its consumption.

**Wholesale Treated Water Customer:** an individual or entity that purchases water from LCRA to sell to the public for consumption. The term does not include an individual or entity that supplies LCRA water to its employees, visitors, or tenants.



## **3.0 WATER CONSERVATION PLAN**

### **3.1 Service Area Characteristics and Goals**

The WTC Regional Water System provides water to about 5,000 commercial and residential customer accounts which represents a population of approximately 13,500. In addition, the WTC Regional Water System also provides water service for twelve wholesale water customers with an estimated population of over 10,000 for a total population served of about 23,500.

The West Travis County Regional Water System serves mostly single-family residential homes, although the number of multi-family, mixed-use, and commercial customers has grown in the past five years. The service area generally consists of residential and commercial development west of the City of Austin: in and around the City of Bee Cave, on Hamilton Pool road, and along State Highway 290 from Austin to the City of Dripping Springs.

Appendix B includes tables that provide the baseline total water use, per capita water use and water loss for systems in the West Travis County Region from 2006 through 2008. The three-year average for total gallons per capita per day water use (GPCD) was 226 which included both wholesale and retail treated water customers. Of the 226 GPCD, 38 GPCD was attributable to unbilled water (*e.g.*, losses, waterline & hydrant flushing, *etc.*), or 17 percent of total water use.

The water demands in this region nearly double during the summer months due to water for outdoor irrigation purposes. With this in mind, LCRA has focused its conservation measures on outdoor water use, and will continue to expand this effort to meet the growing need for water in this system.

### **3.2 Water Conservation Goals**

In accordance with Title 30 Texas Administrative Code, Chapter 288 rules water conservation plans must have specific, quantified goals for municipal use in gallons per capita per day (GPCD). Water conservation goals for WTC were established in 2008 using baseline data available at that time. That baseline data is shown in Appendix B. Conservation goals for the West Travis County Region have been grouped into three sections: retail water use reduction; system-wide, peak day demand reduction, and system-wide water loss reduction.

The five-year average retail treated water reduction goal is 490,000 gallons per average day savings (549 acre-feet per year) and a 10-year goal of 750,000 gallons per average day savings (840 acre-feet per year). These goals include an estimated savings of 100,000 gallons per year from the mandatory watering schedule, implemented in the summer of 2008. This projected savings represents about a 5 percent decrease in water use in 2014.

The WTCPUA five-year retail GPCD goal for the West Travis County Region is 215 GPCD, which assumes the same ratio of population to residential meter connection. The 215 GPCD goal reflects a 5 percent reduction in the retail treated GPCD, from 189 to 179, and an unbilled water reduction from 38 to 36 GPCD. The WTCPUA 10-year GPCD goal will be to maintain GPCD at or below 215 GPCD.

The 10-year goal will be reassessed during the next water conservation planning cycle. At that time, WTCPUA will benefit from access to updated Census information in calculating a GPCD for this region.

The five-year system-wide peak reduction goal is 1.3 million gallons a day (MGD), and the 10-year reduction goal is 2 MGD. This decrease in peak demand includes a 0.5 MGD estimated savings from the implementation of the mandatory watering schedule.

Finally, the water loss goals are to decrease from 17 percent to 15 percent in five years and 10 percent in 10 years.

### **3.3 Water Conservation Strategies**

The water conservation strategies to meet these goals include measures to decrease outdoor water use, which will decrease overall water use and peak day demands, and strategies to reduce system-wide water loss. Additional strategies include expanded public education and outreach efforts.

#### **3.3.1 Watering Schedule**

In May 2008, LCRA approved a plan to adopt a mandatory twice-weekly watering schedule for the West Travis County Regional Water System, to conserve water and lower daily peak demand of the water treatment plant.

This schedule assumes an application rate of one inch of water per week in two half-inch applications. According to research, one inch of water per week is sufficient to sustain most residential lawns and landscapes. However, multiple applications on yards of shallow soil depth allow for less runoff and improved soil retention.

WTCPUA will continue this program, which begins on May 1 and runs through September 30. Based on data collected during summer 2008, LCRA's watering schedule, coupled with water conservation education and increased water rates, resulted in an estimated peak day demand savings of approximately 0.5 MGD.

#### **3.3.2 Increasing Block Water Rates**

The West Travis County Regional Water System has a multi-tiered, increasing block water rate that reflects the cost drivers for the water systems and sends a water conservation price signal to customers.

Copies of the complete rates schedules for these systems are available by request.

### ***3.3.3 Landscape Irrigation System Audits***

Landscape irrigation system audits have grown in popularity throughout the West Travis County region since the program began in 2005. Each audit has resulted in an estimated average water savings of between 15 and 25 percent to the homeowner. This program has grown from just audits to basic irrigation controller resets as well, aimed at assisting customers by programming their controllers to comply with the twice-weekly watering schedule.

As the number of homes in the West Travis County Regional Water System with automatic irrigation systems continues to grow, the demand for the irrigation system audit program likely will grow as well. Irrigation audits typically are offered to residential customers with high water-use bills.

### ***3.3.4 Landscape Irrigation Standards***

In June 2008, the Texas Commission on Environmental Quality (TCEQ) adopted new water efficiency rules for the design, installation, and maintenance of landscape irrigation systems. Compliance with the rules is required of municipalities with populations of 20,000 or more, and allows water districts to adopt and enforce them.

WTCPUA will evaluate adopting and enforcing supplemental standards for the design, installation, and maintenance of landscape irrigation systems in its retail utility service area.

### ***3.3.5 Conservation Landscape Best Management Practices***

LCRA developed conservation landscape guidelines, or best management practices (BMP), which are included in new utility wholesale service agreements within the West Travis County Regional Water system. Several residential developments have incorporated the BMPs into their deed restrictions.

The guidelines that apply to commercial and residential development include specifications for installing and operating irrigation systems, minimum soil depth requirements, and limitations on the size of landscaped areas to be irrigated.

### ***3.3.6 Education and Public Outreach***

The Water IQ public awareness campaign has been an integral part of the overall effort to educate West Travis County Regional water customers about the mandatory watering schedule and provide tips on outdoor water conservation. Public outreach includes a portable Water IQ information booth, which was set up and staffed at the Hill Country Galleria on the past Fourth of July, and Water IQ billboards, which have been located strategically throughout the West Travis County service area since 2006.

WTCPUA staff also promotes the water-saving landscape programs, the Texas Hill Country Landscape Option (HCLO) and Grow Green, to builders, new homeowners, and

businesses in the West Travis County service area. LCRA provides presentations and articles about the HCLO to community groups and neighborhood newsletters. Section 3.4 provides additional information about these programs.

### ***3.3.7 Water Loss***

The West Travis County Regional Water System has experienced rapid growth. In such systems, water loss typically occurs from construction flushing and theft. In addition, additional flushing is needed to maintain water quality in dead-end lines. WTCPUA evaluates the water losses for our systems, and determines the best corrective actions to minimize those losses.

### ***3.3.8 Additional Strategies***

Additional strategies that apply to all LCRA Water Utilities are found in Section 4.0 of this plan.

## **4.0 ADDITIONAL WATER CONSERVATION STRATEGIES**

### **4.1 Water Monitoring and Records Management**

The WTCPUA water system operator maintains records of water distribution and sales through a common monitoring and billing system. The billing system provides a central location for water billing information and way to compile, present, and view water-use and billing information.

### **4.2 Water Metering**

The WTCPUA Water Contract Rules impose requirements on wholesale customers, which require all water meters to be accurate within plus or minus 5 percent of the indicated flow over the possible flow range. The meters are read on a monthly basis.

WTCPUA water utilities follow the metering and leak detection and repair requirements as stated in the LCRA Water Conservation Plan Rules. Water is metered in and out of all WTCPUA water treatment plants.

The water use of all utility customers is also metered. A regularly scheduled maintenance program of meter repair and replacement is performed in accordance with the manufacturer's recommendations. Zero consumption accounts are checked to see if water is actually being used or not recorded.

### **4.3 Wholesale Water Conservation Plans**

Wholesale treated water customers must develop a drought contingency and a water conservation plan in accordance with LCRA Water Contract Rules. The plans must include a governing board resolution, ordinance, or other official document noting that the plan has been formally adopted by the utility. Wholesale treated water customers must include in their wholesale water supply contracts the requirement that each successive wholesale customer develop and implement a water conservation and drought contingency plan.

WTCPUA provides technical assistance with the development and review of wholesale treated water customers' water conservation plans and programs. LCRA assists with the development of rules and regulations that encourage water conservation, such as adding water conservation components into landscape ordinances. Conservation education materials are available to wholesale customers for either no charge, or at a reduced rate.

WTCPUA requires drought contingency plans, which meet or exceed LCRA rules for drought contingency plans, for each of its wholesale treated water customers.

## **4.4 Education and Outreach**

### ***4.4.1 Water IQ Public Awareness Program***

The Water IQ Program uses a diverse set of tools to reach the audiences with water-saving tips and information including television, radio and print ads, billboards, electronic advertising, and community outreach with target audiences.

In 2008, the City of Austin, LCRA, and the City of Cedar Park collaborated on the Water IQ: Know Your Water campaign. The agency partners pooled their resources to fund a joint outdoor water efficiency campaign, including promotion of the twice-weekly watering schedule that is required in the West Travis County water system service area. Plans are to continue this collaborative effort in the future.

### ***4.4.2 Texas Hill Country Landscape Option***

The Texas Hill Country Landscape Option (HCLCO) is a best management practice that promotes conservation landscaping in the Hill Country portion of LCRA's water service area. The Texas Hill Country Landscape Option incorporates adequate amounts of healthy soil, the use of native and well-adapted plants, efficient irrigation system design, and information about sustainable management practices. Such landscaping can significantly reduce not only the amount of water used, but the potential use of landscape chemicals that pose a threat to water quality.

Materials have been developed that are intended to present conservation landscaping as an easy, practical alternative to conventional landscaping, and to provide guidance in sustainable landscape management. HCLCO brochures are central to a larger marketing campaign regarding water-wise landscaping targeting new homebuyers in the Hill Country. This information also complements an effort to encourage conservation landscaping through deed restrictions, particularly in the environmentally sensitive areas of the Barton Springs Edwards Aquifer.

HCLCO materials are available through real estate agents, developers, and builders. The information also is available on the LCRA Web site. Developers and builders in western Travis and northern Hays counties have marketed themselves as environmentally conscious communities through the promotion of the HCLCO.

### ***4.4.3 Grow Green***

Grow Green is a City of Austin and Texas Agrilife Extension Service (TAES) program that LCRA promotes outside the city limits of Austin. The program provides technical information to show people the benefits of using native and adapted plants in their landscapes and to design and maintain landscapes that reduce water use and runoff carrying chemicals into nearby waterways.

Nurseries and garden centers in the Highland Lakes region, western and eastern Travis County, and northern Hays County are provided with Grow Green native and adapted

landscape plant booklets and fact sheets at minimal or no cost. The booklet features information on trees, shrubs, grass, perennials, and vines native or adapted to Central Texas, and includes information about their optimum growing conditions, their water use requirements, and resistance to foraging deer and upkeep information. Fact sheets include topics such as landscape design, lawn care, lawn problems, hiring landscape professionals, toxicity comparisons of landscape products, and controlling fleas and fire ants.

#### ***4.4.4 WTCPUA Municipal Raw Water Conservation Program***

LCRA water utility systems will participate in the additional raw water conservation programs to be added during the next five years. The programs include new incentives for the end-users of water, additional regulations, and expanded education and outreach initiatives.

#### ***4.4.5 Other activities***

WTCPUA supports and assists organizations that promote and teach conservation landscaping. These organizations include local garden clubs and the Texas Agrilife Master Gardeners program. LCRA staff provides presentations and other information on water conservation topics such as conservation landscaping and rainwater harvesting to various organizations and to participants at community events in the water utility service area.

## **5.0 DROUGHT CONTINGENCY PLAN**

### **5.1 Permanent Water Use Restrictions**

The following restrictions apply to all West Travis County Public Utility Agency (WTCPUA) water utility systems on a year-round basis, regardless of water supply or water treatment plant production conditions.

According to the restrictions, a water user must not:

- (1) Fail to repair a controllable leak, including:
  - a. a broken sprinkler head,
  - b. a leaking valve,
  - c. leaking or broken pipes, or
  - d. a leaking faucet.
- (2) Operate an irrigation system with:
  - a. a broken head,
  - b. a head that is out of adjustment and the arc of the spray head is over a street or parking area, or
  - c. a head that is fogging or misting because of excessive water pressure.
- (3) During irrigation, allow water:
  - a. to run off a property and form a stream of water in a street for a distance of 50 feet or greater, or
  - b. to pool in a street or parking lot to a depth greater than one-quarter of an inch.
- (4) Irrigate outdoors using an in-ground irrigation system or hose-end sprinkler more than twice per week or outside of scheduled days and times as indicated below:

#### **Residential**

Odd number addresses: Wednesdays and Saturdays

Even number addresses: Thursdays and Sundays

Effective May 1 through September 30 each year

#### **Commercial** (including large landscapes such as HOA common areas)

Tuesdays and Fridays

Effective all year

#### **Watering Hours:**

Midnight to 10 a.m. and 7 p.m. to midnight

Effective all year



## **5.2 Triggering Criteria for Initiation and Termination of Drought Response Stages**

The Executive Manager of Water Services shall monitor water supply and demand conditions and shall determine when conditions warrant initiation and termination of each stage of the Drought Contingency Plan. Water supply conditions will be determined by the availability of the source of supply for each individual system, system capacity, and weather conditions. Demand will be measured by the peak daily demands on each system. Notification of the initiation or termination of drought response stages shall be by a variety of ways, possibly including local media, direct mail to each customer, the WTCPUA web site and signs posted at WTCPUA utility offices and other public places.

The following triggering criteria shall apply to WTCPUA water utility systems:

### **(1) Stage 1 - Mild Water Shortage Conditions (Voluntary Measures)**

**Requirements for initiation** – Customers shall be requested to conserve water voluntarily and adhere to the Stage 1 Drought Response Measures when one or a combination of such triggering criteria occurs:

- a. For surface water supply systems, when total daily water demand equals or exceeds 80 percent of:
  - i. the total design capacity of a WTCPUA water treatment plant for three consecutive days, or 85 percent on a single day; or
  - ii. the contracted peak day capacity for systems supplied by another non-WTCPUA provider; or
- b. For groundwater supply systems, when maximum daily usage equals or exceeds 70 percent of the pump's or well's rated capacity, whichever is less, for three consecutive days; or
- c. For surface water supply systems, when combined storage level of Lakes Travis and Buchanan reaches 1.4 million acre-feet in accordance with the LCRA Drought Contingency Plan for Firm Water Customers (DCP); or

**Requirements for termination** — Stage 1 of the Plan may be rescinded when:

- a. For surface water supply systems, the water treatment plant capacity condition listed above as a triggering event has ceased to exist for five consecutive days; or
- b. For groundwater supply systems, the groundwater capacity condition listed above as a triggering event has ceased to exist for five consecutive

days; or

- c. For surface water systems, LCRA announces that curtailment of water supplies to firm water customers is no longer required under the drought contingency measures of the LCRA DCP; or

**(2) Stage 2(a) / 2(b)—Moderate Water Shortage Conditions (Mandatory Measures)**

**Stage 2(a):**

**Requirements for initiation** — Customers shall be required to comply with the Stage 2(a) Drought Response Measures of this Plan when the following triggering criteria are met:

- a. For surface water supply systems, when total daily water demand equals or exceeds 93 percent of:
  - i. the total design capacity of a WTCPUA water treatment plant for three consecutive days or 95 percent on a single day; or
  - ii. the contracted peak day capacity for systems supplied by another non-WTCPUA provider; or
- b. For groundwater supply systems, when maximum daily usage equals or exceeds 85 percent of the pump's or well's rated capacity, whichever is less, for three consecutive days;
- c. When the combined storage level of Lakes Travis and Buchanan reaches 900,000 acre-feet in accordance with the LCRA DCP; or

**Requirements for termination** — Stage 2(a) of the Plan may be rescinded when:

- a. For surface water supply systems, the water treatment plant capacity condition listed above as a triggering event has ceased to exist for five consecutive days; or
- b. For groundwater supply systems, the groundwater capacity condition listed above as a triggering event has ceased to exist for five consecutive days; or
- c. For surface water system, LCRA announces that curtailment of water supplies to firm water customers is no longer required under the drought contingency measures of the LCRA DCP; or

Upon termination of Stage 2(a), Stage 1 becomes operative.

**Stage 2(b):**

**Requirements for initiation** — Customers shall be required to comply with the Stage 2(b) Drought Response Measures of this Plan when:

- a. the triggering criteria for Stage 2(a) are met, and
- b. when (i) the combined storage level of Lakes Travis and Buchanan is below 1.1 million acre-feet and (ii) TCEQ has issued an order that results in the cutoff of interruptible stored water supply to the Gulf Coast, Lakeside, and Pierce Ranch for irrigation operations.

**Requirements for termination** — Stage 2(b) of the Plan may be rescinded when either (i) the combined storage of lakes Travis and Buchanan increases to 1.1 million acre-feet or above, or (ii) interruptible stored water is supplied by LCRA to any customers in the Gulf Coast, Lakeside, or Pierce Ranch for irrigation operations.

Upon termination of Stage 2(b), Stage 2(a) becomes operative.

**(3) Stage 3 - Severe Water Shortage Conditions (Additional Mandatory Measures)**

**Requirements for initiation** — Customers shall be required to comply with Stage 3 Drought Response Measures of this Plan when severe water shortage conditions exist. WTCPUA will recognize that a severe water shortage condition exists when either of the following criteria is met:

- a. For surface water supply systems, when total daily water demand equals or exceeds 95 percent of:
  - i. the total design capacity of an LCRA water treatment plant for three consecutive days, or 97 percent on a single day; or
  - ii. the contracted peak day capacity for systems supplied by another non-LCRA provider; or
- b. For groundwater supply systems, when maximum daily usage equals or exceeds 95 percent of the pump's or well's rated capacity, whichever is less, for three consecutive days; or
- c. When the combined storage level of Lakes Travis or Buchanan reaches 600,000 acre-feet, in accordance with the LCRA DCP; or

- d. The LCRA Board determines a drought worse than the drought of record;  
or

**Requirements for termination** — Stage 3 of the Plan may be rescinded when:

- a. For surface water supply systems, the water treatment plant capacity condition listed above as a triggering event has ceased to exist for five consecutive days; or
- b. For groundwater supply systems, the groundwater capacity condition listed above as a triggering event has ceased to exist for five consecutive days; or
- c. For surface water systems, LCRA announces that curtailment of water supplies to firm water customers is no longer required under drought contingency measures of the LCRA DCP; or

Upon termination of Stage 3, Stage 2(a) or Stage 2(b) becomes operative, as applicable at that time.

#### **(4) Stage 4 - Emergency Water Conditions**

Initiation and termination of water emergencies will operate under measures listed in the LCRA Drinking Water Emergency Response Plan. A copy of this Plan is available upon request. The WTCPUA Water Services executive manager or designee will notify affected retail customers, wholesale customers, and the media of the initiation and termination of Stage 4. Examples of a water emergency include, but are not limited to, the following:

- a. Major water line breaks, loss of distribution pressure, or pump system failures that cause substantial loss in its ability to provide water service,
- b. Contamination of the water supply source,
- c. Any other emergency water supply or demand conditions that the WTCPUA Water Services executive manager, or designee, determines to constitute a water supply emergency more severe than that contemplated in the triggers contained in the LCRA Water Management Plan, or

Upon declaration of Stage 4—Emergency Water Conditions, water use restrictions outlined in Stage 4 Emergency Response Measures shall immediately apply and be in effect until lifted by WTCPUA.

### **5.3 Drought Response Measures**

The Executive Manager of Water Services shall monitor reports of water supply and demand conditions and, in accordance with the triggering criteria set forth in Section 5.2 of the WTCPUA Drought Contingency Plan, shall determine that a mild, moderate, severe, or emergency condition exists and shall implement the following measures. Drought response measures are grouped into a category for retail customers and a category for wholesale treated water customers.

#### ***5.3.1 Targets for Water-Use Reductions***

The target for all WTCPUA water utility systems required to implement their drought contingency plans based on water supply shortage will vary according to the severity and projected duration of the shortage. If the water system receives WTCPUA surface water, the system targets will follow the drought contingency plan targets adopted for the LCRA Water Management Plan.

#### ***5.3.2 Retail Customers***

##### **(1) Stage 1 - Mild Water Shortage - Voluntary Measures**

###### **Supply Management Measures:**

Affected WTCPUA water utility system will review system operations and identify ways to improve system efficiency and accountability.

###### **Demand Management Measures:**

Water Supply Reduction Target: Achieve a 5% reduction in water use.

- a. Provide consumer information and materials on water conservation measures and practices to retail customers
- b. Request that customers voluntarily comply with the water-use restrictions outlined in Stage 2 of this plan

##### **(2) Stage 2(a) / 2(b) - Moderate Water Shortage - Mandatory Measures**

###### **Stage 2(a):**

###### **Supply Management Measures:**

In addition to measures implemented in Stage 1 of the plan, the affected WTCPUA water utility system will:

- a. Apply all water-use restrictions prescribed for Stage 2 of the Plan to WTCPUA utility owned facilities and properties associated with the system for which Stage 2 has been declared.
- b. Discontinue water main and line flushing unless necessary for public health reasons; and
- c. Keep customers informed about issues regarding current and projected water supply and demand conditions.

**Demand Management Measures:**

Water Supply Reduction Target: Achieve a 10-20% reduction in water use.

Under threat of penalty as described in Section 5.4, the following water-use restrictions shall apply to all retail water customers:

**Irrigation of Landscaped Areas:**

- a. Irrigation of landscaped areas with hose-end sprinklers or in-ground irrigation systems shall be limited to a no more than a twice weekly watering schedule determined by WTCPUA and based on the nature of the current drought or water emergency.
- b. Irrigation of landscaped areas with hose-end sprinklers or in-ground irrigation systems shall be limited to a no more than a once weekly watering schedule as determined by WTCPUA and based on the nature of the current drought or water emergency and if the combined water storage volumes of Lakes Travis and Buchanan are less than or equal to 750,000 acre-feet.
- c. Outdoor watering hours will be limited to between midnight and 10 a.m. and between 7 p.m. and midnight on designated days. This prohibition does not apply to irrigation of landscaped areas if it is by means of:
  - i. Hand-held hose
  - ii. Faucet-filled bucket or water can of five gallons or less
- d. New landscapes may be installed and re-vegetation seeding performed under these specific criteria:
  - i. A completed variance form for new landscapes has been submitted to the LCRA and has been approved prior to the installation of the landscape, or re-vegetation seed application;

and

- ii. Irrigation of the new landscape, or application follows the schedule identified in the new landscape variance:
  1. once a day for the first 10 days after installation;
  2. once every other day before 10 a.m. and after 7 p.m. for days 11 through 20 after installation;
  3. once every third day before 10 a.m. and after 7 p.m.
  4. for day 21 through 30 after installation.
  
- iii. Alternatives to re-vegetation may be available in times of low water supply. Specific information regarding such alternatives is available in the LCRA Highland Lakes Watershed Ordinance Technical Manual (sec. 3.2.8).
  
- iv. Variances for new landscapes and re-vegetation will be issued for the shortest period necessary to reasonably assure the landscapes survival. A variance is not an exemption from compliance with the permanent water use restrictions under *Permanent Water Restrictions* of this plan. Variances will not be granted for seasonal "color bed" or temporary grass installation (over seeding).

**Vehicle Washing:**

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer, or airplane is prohibited except on designated watering days between the hours of midnight and 10 a.m. and between 7 p.m. and midnight. Such activity, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. A vehicle may be washed any time at a commercial car wash facility or commercial service station. Further, this activity is exempt from these regulations if the health, safety, and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

**Pools:**

- a. Filling of all new and existing swimming pools, hot tubs, wading pools, is prohibited. Replenishing to maintenance level is permitted. Draining is permitted only onto pervious surfaces or onto a surface where water will be transmitted directly to a pervious surface, and only if:
  - i. Draining excess water from pool due to rain in order to lower water to maintenance level;

- ii. Repairing, maintaining or replacing pool components that have become hazardous; or
  - iii. Repair of a pool leak.
- b. Refilling of public/community swimming pools permitted only if pool has been drained for repairs, maintenance, or replacement as outlined in items above.

#### Outside Water Features:

Operation of outside water features, such as, but not limited to, fountains or outdoor misting systems, is prohibited, except where such features are designed and consistently maintained to sustain aquatic life or maintain water quality. LCRA may require proof of such design and consistent maintenance.

#### Ponds:

Ponds used for aesthetic, amenity, and/or storm water purposes may maintain water levels only necessary to preserve the integrity of the liner and operating system. WTCPUA may require proof of specific design documentation regarding a pond and the intended purpose.

#### Golf Courses:

Golf courses receiving water from an WTCPUA utility must develop a drought contingency plan in accordance to the LCRA Drought Contingency Plan rules for firm water contracts and will implement its Stage 2 mandatory components.

Golf courses using alternative sources of water, such as reclaimed water, rainwater, or groundwater, and that supplement with LCRA raw water through the utility, will work with LCRA to develop appropriate measures to reduce the use of raw water consistent with a 10 – 20 % reduction in raw water use during Stage 2 conditions.

#### Events:

Events involving the use of water such as: car washes; festivals; parties; water slides; and other activities involving the use of water are permitted, if the water being used drains to a re-circulating device, or are used for a beneficial purpose such as watering landscaping to prevent water waste.

#### Restaurants:



All restaurants are encouraged to serve water to their patrons only upon request.

**Fire Hydrants:**

Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety and welfare. Use of water from designated fire hydrants for construction purposes may be allowed under special conditions and will require a meter; a variance application must be submitted and approved before a hydrant meter will be provided.

**Recreational Areas (Includes Parks and Athletic Fields):**

The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering must follow irrigation of landscaped areas schedule. A variance can be applied for if necessary.

**Water Waste:**

The following uses of water are prohibited at all times during periods in which restrictions have gone into effect unless a variance has been approved:

- a. Washing sidewalks, walkways, driveways, parking lots, street, tennis courts, and other impervious outdoor surfaces; except for immediate health and safety;
- b. Washing buildings, houses or structures with a pressure washer or garden hose is prohibited for aesthetic purposes but permitted for surface preparation of maintenance work to be performed.
- c. Controlling dust, unless there is a demonstrated need to do so for reasons of public health and safety, or as part of a construction plan approved by a governmental entity;
- d. Flushing gutters or allowing a substantial amount of water to run off a property and accumulate in a gutter, street, or parking lot to a depth greater than one-fourth of an inch.

### **Stage 2(b):**

#### **Supply Management Measures:**

In addition to measures implemented in Stages 1 and 2(a) of the plan, the affected WTCPUA water utility system will limit the irrigation of ornamental landscaped areas (such as lawns) with hose-end sprinklers or automatic irrigation systems other than drip irrigation to no more than once per week.

### **(3) Stage 3 - Severe Water Shortage – Additional Mandatory Measures**

#### **Supply Management Measures:**

In addition to measures implemented in the preceding stages of the plan, affected WTCPUA water utility systems will implement additional water control options to limit water to only critical use for protection of health and safety and maintenance of treatment quality.

#### **Demand Management Measures:**

**Water Supply Reduction Target:** Achieve a minimum 20% reduction in water use.

Under threat of penalty as described in Section 5.4, all retail customers are required to further reduce non-essential water uses as follows. All requirements of Stage 2 shall remain in effect during Stage 3, with the following modifications and additions:

#### **Irrigation of Landscaped Areas:**

- a. Irrigation of landscaped areas is prohibited, except with hand-held hoses, hand-held buckets, or drip irrigation. The use of hose-end sprinklers or in-ground irrigation systems are prohibited at all times during Stage 3.
- b. No new landscapes may be installed. No variances will be approved.

#### **Golf Courses:**

Golf courses receiving water from a WTCPUA utility must develop a drought contingency plan in accordance with the LCRA Drought Contingency Plan rules for firm water contracts and will implement its Stage 3 mandatory components. Golf courses using alternative sources of water, such as reclaimed water, rainwater, or groundwater, and that supplement with LCRA raw water through the utility, with work with WTCPUA to develop appropriate measures to reduce the use of raw water consistent with a 20% reduction in raw water use during

Stage 3 conditions.

**Vehicle Washing:**

Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited. A vehicle can be washed at any time at a commercial car wash facility or commercial service station. Further, this activity is exempt from these regulations if the health, safety, and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

**Pools:**

Installation of swimming pools is prohibited. The filling or replenishing of water to swimming pools, hot tubs, wading pools, and other types of pools is prohibited. Public/community swimming pools may be exempt from this prohibition to maintain safe levels of water quality for human contact. Operation of splash pad type fountains is prohibited.

**Events:**

Events involving the use of water such as: car washes, festivals; parties; water slides; and other activities involving the use of water are prohibited.

**Recreational Areas (Includes Parks and Athletic Fields):**

The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering is prohibited except with a hand-held hose.

**(4) Stage 4 - Emergency Measures**

**Water Supply Reduction Target:** As determined by the WTCPUA Board.

Under threat of penalty for violation as described in Section 5.4, customers are required to eliminate non-essential water uses during an emergency. This includes, but is not limited to the following measures:

- a. Irrigation of landscaped areas is prohibited.
- b. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited unless the golf course uses an alternative water supply source,

such as reclaimed water, rainwater, or gray water

- c. Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare only.
- d. No applications for new, additional, expanded, or larger water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

Additional measures may be added as needed.

### **5.3.3 Wholesale Customers**

All WTCPUA wholesale treated water customers are required to develop and formally adopt drought contingency plans for their own systems in accordance with Title 30 Texas Administrative Code Sections 288.20 and 288.22. The measures of this Plan must be at least as stringent as the drought response measures required by WTCPUA for its retail customers. Wholesale treated water customers must include in their wholesale water supply contracts the requirement that each successive wholesale customer develop and formally adopt a drought contingency plan.

#### **Stage 1 —Mild Water Shortage — Voluntary Measures**

WTCPUA will contact wholesale treated water customers to discuss supply and demand conditions. WTCPUA will provide a limited supply of consumer information and materials on water conservation measures and practices to wholesale customers.

#### **Stage 2(a) / 2(b) —Moderate Water Shortage — Mandatory Measures**

WTCPUA will keep wholesale treated water customers informed about demand and current and projected water supply conditions. WTCPUA will initiate discussions with wholesale treated water customers about potential curtailment and the implementation of mandatory measures to reduce all non-essential water uses.

#### **Stage 3 —Severe Water Shortage — Additional Mandatory Measures**

WTCPUA will contact its wholesale treated water customers to initiate additional mandatory measures to control water demand and to ensure capacity for emergency response requirements. Additional mandatory measures will include the curtailment of non-essential water uses in accordance with the wholesale treated water customer's own drought contingency plan.

In addition, if the Stage 3 triggering criteria is based on a water supply shortage, WTCPUA will initiate the curtailment of water provided to wholesale treated water customers on a *pro rata* basis. The wholesale treated water customer's monthly allocation of water shall be based on a percentage of the customer's baseline water use. The percentage will be determined by the Executive Manager of Water Services and maybe adjusted as conditions warrant.

#### **Stage 4 —Emergency Measures**

Additional measures may be added as necessary to ensure only essential use of water.

### **5.4 Conservation and Drought Contingency Plan Implementation**

#### **5.4.1 Public Notification**

WTCPUA will periodically provide information about the drought contingency components of this plan, including (1) the conditions under which each stage of the Plan is to be initiated or terminated, and (2) the drought response measures to be implemented at each stage. This information will be provided by various means depending on the audience, including articles in the local media and special materials mailed to customers and available at the WTCPUA utility office.

#### **5.4.2 Enforcement for Retail Customers**

The following enforcement provisions shall apply to all WTCPUA retail water customers:

- a. No person shall knowingly or intentionally allow the use of water from a WTCPUA water utility system for residential, commercial, industrial, agricultural, ornamental, 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.
- b. Except as otherwise provided in this Section 5.4.2, any person who violates this Plan shall be subject to the following surcharges and conditions of service:
  - i. Following the first documented violation, the violator shall be given a notice specifying the type of violation and the date and time it was observed.
  - ii. Following the second documented violation, the violator shall be sent by certified mail a notice of violation and shall be assessed a surcharge of \$200;
  - iii. Following the third documented violation, the violator shall be sent by certified mail a notice of violation and shall be assessed a surcharge of \$700;

- iv. Following the fourth documented violation, the WTCPUA Board of Directors or its designee 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 at \$500, and any other costs incurred by a WTCPUA water utility system in discontinuing service, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of \$500 must be given to the WTCPUA Board of Directors or its designee, that the same action shall not be repeated while the Plan is in effect. The WTCPUA Board of Directors or its designee may apply the deposit to any surcharges or penalties subsequently assessed under this Plan against a customer. Any remaining amount of such deposit, if any, shall be returned to the customer at the time of the customer's voluntary disconnection from the utility system.
- c. In the event that the WTCPUA is operating under Stage 2(b) of the Plan, any person who violates this Plan shall be subject to the following surcharges and conditions of service:
  - i. Following the first documented violation, the violator shall be given a notice specifying the type of violation and the date and time it was observed.
  - ii. Following the second documented violation, the violator shall be sent by certified mail a notice of violation and shall be assessed a surcharge of up to \$2,000;
  - iii. Following the third and any subsequently documented violation, the violator shall be sent by certified mail a notice of violation and shall be assessed a surcharge of up to \$10,000;
- d. Compliance with this Plan also may be sought through injunctive relief in district court. Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation. Any person, including one classified as a water customer of a WTCPUA water utility system, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such person, however, shall have the right to show that he did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, but any such parent may be excused if he proves that he had previously directed the child not to use the water in violation of this Plan and that

there is no reasonable expectation that parent could have known about the violation. Table 5-1 shows the progressive steps of the drought response enforcement process for retail customers.

**Table 5-1: Drought Response Retail Enforcement Process**

First documented violation	Notice of violation issued Customer is notified of actions to be taken if violations continue
Second documented violation	Issue surcharge No. 1 \$200
Third documented violation	Issue surcharge No. 2 \$700
Fourth documented violation	Cut-off service \$500 reconnection fee and \$500 deposit required

#### **5.4.3 Enforcement for Wholesale Customers**

Wholesale treated water customers shall provide LCRA with an order, ordinance, or resolution to demonstrate adequate enforcement provisions for the wholesale customer's own conservation and drought contingency plan.

In addition, wholesale treated water customers who fail to comply with the conservation and drought contingency measures in the Plan may be subject to civil penalties or any other remedies available to WTCPUA by law or under the terms of the raw water or wholesale water contracts.

**Table 5-2: Wholesale Customer Drought Response Violation Penalties**

First documented violation	Written notice of violation
Second documented violation	Penalty fee up to \$2,000
Third documented violation	Penalty fee up to \$10,000

#### **5.4.4 Variances**

- a. The WTCPUA Board of Directors or it's designee may grant variances:
  - i. From specific applications of the outdoor water schedule, providing that the variances do not increase the time allowed for watering but rather alter the schedule for watering; and,
  - ii. Allowing the use of alternative water sources that do not increase demand on potable water sources for outdoor use. Variance requests may be submitted to Water Customer Services and need not meet the requirements of subsection (b) below.
- b. WTCPUA Board of Directors or it's designee may grant in writing temporary variances for existing water uses otherwise prohibited under this Plan if it is determined that failure to do so would cause an

emergency adversely affecting the public health, sanitation, or fire protection, and if one or more of the following conditions are met:

- i. Compliance with this Plan cannot be accomplished during the duration of the time the Plan is in effect, or
  - ii. Alternative methods can be implemented that will achieve the same level of reduction in water use.
- c. Persons requesting a variance from the provisions of this Plan shall file a petition for variance with the WTCPUA Water Customer Services any time the Plan or a particular drought response stage is in effect. The Water Services executive manager, or designee, will review petitions for variances. The petitions shall include the following:
- i. Name and address of the petitioner
  - ii. Purpose of water use
  - iii. Specific provision of the Plan from which the petitioner is requesting relief.
  - iv. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm the petitioner or others will sustain if petitioner complies with this Plan
  - v. Description of the relief requested
  - vi. Period of time for which the variance is sought
  - vii. 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
  - viii. Other pertinent information
- d. Variances shall be subject to the following conditions, unless waived or modified by the WTCPUA Board of Directors or its designee:
- i. Variances granted shall include a timetable for compliance.
  - ii. Variances granted shall expire when the Plan, or its requirements, is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise excuse any violation occurring before the variance was issued.

#### ***5.4.5 Plan Updates***

The Plan will be reviewed consistent with TCEQ rules and updated based on developments in the WTCPUA water service area.



**5.4.6 Drought Surcharge**

In order to offset the impact of lost revenues resulting from extended periods of implementing water conservation/drought contingency measures and/or due to implementation of LCRA raw water supply curtailments, the Board of Directors may assess a Drought Surcharge as authorized in the WTCPUA's Tariff, as may be amended from time to time.

## **Appendix A – Adherence to TCEQ Chapter 288 Rules**

As a municipal water supplier, the minimum requirements in the Texas Administrative Code for water conservation plans for municipal uses by public water suppliers are covered in this Plan as follows:

- 288.2 (a)(1)(A) – Utility Profile – Section 2.1, 3.1
- 288.2 (a)(1)(C) – Specific, Quantified Five and Ten Year Goals – Section 2.2, 3.2
- 288.2 (a)(1)(D) – Measure and Account Water Diverted – Section 4.1, 4.2
- 288.2 (a)(1)(E) – Universal Metering – Section 4.2
- 288.2 (a)(1)(F) – Measures to Determine and Control Unaccounted-for Uses of Water – Section 4.2
- 288.2 (a)(1)(G) – Continuing Public Education and Outreach – Section 4.4
- 288.2 (a)(1)(H) – Rate Structure that is not Promotional – Section 2.3.2, 3.3.2
- 288.2 (a)(1)(I) – Reservoir Systems Operation Plan – Water Management Plan.
- 288.2 (a)(1)(J) – Means of Implementation and Enforcement – Section 1.1, 1.6
- 288.2 (a)(1)(K) – Coordination with Regional Water Planning Group(s) – Section 1.4
- 288.2 (a)(2)(A) – Program for Leak Detection, Repair and Water Loss Accounting – Section 3.3.1
- 288.2 (a)(2)(B) – Record Management System with Customer Classification – Section 4.1
- 288.2 (a)(2)(C) – Wholesale Customer Conservation Plan Requirement – Section 4.3
- 288.2 (a)(3) – Additional Conservation Strategies – Section 2.3, 4.4

As a municipal water supplier, the minimum requirements in the Texas Administrative Code for drought contingency plans for municipal uses by public water suppliers are covered in this Plan as follows:

- 288.20 (a)(1)(A) – Public Input – Section 1.2
- 288.20 (a)(1)(B) – Continuing Public Education – Section 4.4
- 288.20 (a)(1)(C) – Coordination with Regional Water Planning Group(s) – Section 1.4
- 288.20 (a)(1)(D) – Monitoring and Criteria for the Initiation and Termination of Drought Response Stages – Section 5.2
- 288.20 (a)(1)(E) – Emergency Response Stages – Section 5.3
- 288.20 (a)(1)(F) – Water Use Reduction Targets – Section 5.3
- 288.20 (a)(1)(G) – Water Supply or Water Demand Management Measures – Section 5.3
- 288.20 (a)(1)(H) – Procedures for the Initiation or Termination of Drought Stages and Public Notification – Section 5.2, 5.3, 5.4.1
- 288.20 (a)(1)(I) – Variances Procedures – Section 5.4.4
- 288.20 (a)(1)(J) – Enforcement of Mandatory Water Use Restrictions – Section 5.4.2, 5.4.3