

501 East Main Street

P. O. Box 1147


Robstown, TX 78380

DROUGHT CONTINGENCY PLAN

FOR RETAIL AND WHOLESALE CUSTOMERS

Drought Contingency Plans must be formally adopted by the governing body of the water provider and documentation of adoption must be submitted with the plan. For municipal water systems, adoption would be by the city council as an ordinance. For other types of publicly-owned water systems (example: utility districts), plan adoption would be by resolution of the entity's board of directors adopting the plan as administrative rules. For private investor-owned utilities, the drought contingency plan is to be incorporated into the utility's rate tariff. Each water supplier shall provide documentation of the formal adoption of their drought contingency plan.

Certification:

Name:	Nueces County WCID #3
Address:	501 East Main, Robstown, TX 78380
Telephone Number:	361-387-4549 Fax: 361-387-4717
Water Right No.(s):	2466-200
Regional Water Planning Group:	N
Date adopted:	May 12, 2021
Person responsible for implementation:	Marcos Alaniz
Title:	District Manager
Signature:	

Section 1: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Nueces County Water Control and Improvement District #3 (District) hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 14.0 of this Plan.

Section 2: Public Involvement

Public Involvement Opportunities for public input into the preparation of the Plan are provided at regular meetings of the Board of Directors, which are held once a month every second Tuesday at 6:00 p.m. unless otherwise specified. Public notices of the meetings are posted at the District's Administrative Building at 501 East Main, Robstown, TX. The meetings are open to the public and any member of the public may speak to the Board of Directors at these meetings.

Section 3: Public Education

The District 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. This information will be provided by means of:

- (a) Distribution of education materials. Printed information on water conservation practices is available at the District's office.
- (b) Regular articles will be published on the website as warranted by conditions that affect the District's water supply and delivery capabilities.
- (c) New customers will receive general conservation information when applying for service.

Section 4: Coordination with Regional Water Planning Groups

The water service area of the District is located within the Region "N" Water Planning Group and the District has provided a copy of its amended Drought Contingency Plan to the Region "N" Water Planning Group.

Section 5: Authorization

The District Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The District Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section 6: Application

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

Section 7: Definitions

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

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

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

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

Customer: any person, company, or organization using water supplied by Nueces County Water Control and Improvement District #3.

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

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

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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

Section 8: Criteria for Initiation and Termination of Drought Response Stages

The District Manager or his designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The following steps will be taken starting when the combined water supply in lake Corpus Christi and Choke Canyon reservoirs reach a level where water storage is 40% or less of total storage capacity. The Plan proposes to meet a water shortage situation through series of water demand reduction measures. The same triggers may be used for initiation as termination in the appropriate order.

8.1 Stage 1 Triggers -- MILD Water Shortage Conditions

Requirement for initiation:

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in Section 10 when the combined storage level decline is at 40 percent or below.

Requirements for termination:

Stage 1 of the DCP may be rescinded when the combined storage level increases above 50 percent.

8.2 Stage 2 Triggers - MODERATE Water Shortage Conditions

Requirements for initiation:

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 of this DCP when the combined storage levels decline is at 35 percent or below.

Requirements for termination:

Stage 2 of the DCP may be rescinded when the combined storage level increases above 40 percent. Upon termination of Stage 2, Stage 1 becomes operative.

8.3 Stage 3 Triggers - CRITICAL Water Shortage Conditions

Requirements for initiation:

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of the DCP when the combined storage levels decline is at 30 percent or below.

Requirements for termination:

Stage 3 of the DCP may be rescinded when the combined storage level increases above 35 percent. Upon termination of Stage 3, Stage 2 becomes operative.

8.4 Stage 4 Triggers - EMERGENCY Water Shortage Conditions

Requirements for initiation:

Customers shall be required to comply with requirements and restrictions for Stage 4 of the DCP when the District Manager, or designee, determines that a water supply emergency exists based on:

- A major water line breaks, or pump or system failures occur, which causes unprecedented loss of capability to provide water service; or
- Water production or distribution systems limitations; or
- Natural or man-made contamination of the water supply occurs.

Requirements for termination:

The emergency water shortage condition may be rescinded when the District Manager, or designee, deems appropriate.

Section 9: Reservoir System Stage Response Notification

The District Manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section 8 of this Chapter, shall determine that a mild, moderate, critical or emergency water shortage condition exists and shall implement the following notification procedures.

Notification

Notification of the Public:

The District Manager, or designee, shall notify the public for every change in drought stage status by any or all of the following:

- District's website
- Notice on the monthly billing
- Signs posted in public places

Additional Notification:

- Robstown Mayor and members of the City Council
- Fire Chief
- City and/or County Emergency Management Coordinator
- County Judge and Commissioner(s)
- Major water users
- Critical water users (such as hospitals)
- Texas Commission on Environmental Quality (TCEQ) - note TCEQ executive director MUST be informed within five (5) business days of mandatory water use restrictions being imposed.

Section 10: Reservoir System, Best Management Practices per Stage

A summary of water use reduction targets for each reservoir system stage response is presented in the following table. Further discussion on best management practices and implementation practices associated with each stage of response is included below. During Stages 2, 3, and 4, requests for exceptions may be presented to the District Manager.

Reservoir System Stage Response	Combined Reservoir Storage Level	Target Demand Reduction Levels
Stage 1 - Mild	40%	10%
Stage 2 - Moderate	35%	20%
Stage 3 - Critical	30%	30%
Stage 4 - Emergency	Not Applicable	50%

10.1 Stage 1 Response - Mild Water Shortage Watch

Target: During Stage 1, achieve a 10% reduction in daily treated water demand relative to treated water demand with the water use restrictions below. An additional surcharge will be added to each utility during Stage 1 water shortage conditions.

Best Management Practices for Supply Management:

Under Stage 1, the District will:

- Use more repair crews if necessary to allow for a quicker response time for water-line leak repair; and
- District crews begin monitoring customers' compliance with Stage 1 restrictions during the course of their daily rounds.

Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursday for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with street address ending in an odd number (1, 3, 5, 7 or 9, and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated water days.
- (b) All operations of the District shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response - MODERATE Water Shortage Conditions

Target: During Stage 2, achieve a 20% reduction in total daily treated water demand relative to treated water demand with the water use restrictions below. An additional surcharge will be added to each utility bill during Stage 2 water shortage conditions.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 1, the District will also do the following during Stage 2:

- Eliminate the flushing of water mains unless required for decontamination and/or public safety; and
- Review customer's water usage for compliance based on the previous month's water usage.

Water Use Restrictions for Demand Reduction:

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

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and 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 hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited for firefighting, related activities or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the District, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential and are prohibited:
 1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced areas;
 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 3. Use of water for dust control;
 4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 5. Failure to repair a controllable leak(s) within a reasonable period after having been notice directing the repair of such leak(s).

10.3 Stage 3 Response – CRITICAL Water Shortage Conditions

Target: During Stage 3, achieve a 30% or greater reduction in daily treated water demand relative to treated water demand with the water use restrictions below. An additional surcharge will be added to each utility bill during Stage 3 water shortage conditions.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 2, the District will also do the following during Stage 3;

- Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.

Water Use Restrictions for Demand Reduction:

All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to 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 and shall be means of hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- (b) The watering of golf courses tees is prohibited unless the golf course utilizes a water source other than that provided by the District.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

10.4 Stage 4 Response – EMERGENCY Water Shortage Conditions

Target: During Stage 4, achieve a 50% or greater reduction in daily treated water demand relative to treated water demand with the below water use restrictions. Surcharges and reduced allocations are enforceable during Stage 4 water shortage conditions, as described in Section 11 and Section 12.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 3, the District will also do the following:

- Call the 10 largest water customers in the area affected by the emergency condition, and if necessary, use runners in key areas to begin spreading the message of a major outage.

Water Use Restrictions for Demand Reduction:

During Stage 4, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.
- (c) Associated uses of water not related to business process which is discretionary, such as equipment washing, shall be deferred until the Stage 5 emergency has been terminated.

Section 11: Surcharges

Surcharges levied by the District during the different triggers listed on the current rate schedule will be in effect. Variances will be determined by the District Manager and/or the Board of Directors on a case-by-case basis.

Section 12: Wholesale Customers

In the event that the triggering criteria for Stage 4 water shortage emergency have been met, the District Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code and according to the following procedures.

The District Manager, or his/her designee, will maintain a monthly water usage baseline for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the previous five calendar year period.

A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the District's Board based on the District Manager's assessment of the severity of the water shortage condition and the need to curtail water deliveries and may be adjusted periodically by resolution of the District's Board as conditions warrant. Once pro rata allocation is in effect, water deliveries to each wholesale customer shall be limited to the allocation established for each month.

The District Manager shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Commission of Environmental Quality upon initiation of pro rata water allocation.

Upon request of the customer or the initiative of the District Manager, the allocation may be reduced or increased if objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the District's Board of Directors.

For all wholesale water contracts entered into or renewed after adoption of this Drought Contingency Plan, including contract extensions, in the event of shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, 11.039.

13.0 Variances to the Plan

The District Manager, or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by the Plan if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

District customers requesting an exemption from the provisions of this Plan shall file a petition for variance with the District Manager within 10 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the District Board, and shall include the following:

- (a) Name and service address of customer
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage and harm will occur to the petitioner or others if petitioner complies with this Plan.
- (c) Description of the relief requested
- (d) Period of time for which the variance is sought
- (e) Alternative measures the petitioner is taking or proposing to take to meet the intent of this Plan and the compliance date
- (f) Other pertinent information

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

14.0 Violations, Penalty and Enforcement

- (a) Stage 1 - Stage bracket water rates have been established with built in penalties for excessive water usage during drought conditions. As a drought becomes more severe, water costs for usage over the monthly minimum become more expensive.
- (b) Multiple violations of excessive monthly consumption may result in the discontinuation of service.

15.0 Resolution of Board of Directors

SEE APPENDICES