



City of Dallas

Drought Contingency Plan

*Adopted by Resolution of the City of Dallas
City Council on June 9, 2010*

Dallas Water Utilities
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Dallas, Texas 75201

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DROUGHT CONTINGENCY PLAN FOR THE CITY OF DALLAS WATER UTILITIES

SECTION I

Declaration of Policy, Purpose, and Intent

This Drought Contingency Plan describes the conditions that require short-term water demand management in the City of Dallas and establishes policies and procedures that offer strategies for a timely and effective response. In general, such a response would be needed when water use in the area served by Dallas Water Utilities (DWU) approaches the system's supply, treatment, or delivery capacity. Examples include drought conditions, unusually high water demands, unforeseen equipment or system failure, or contamination of a water supply source.

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 Dallas City Council adopted the following Drought Contingency Plan (the Plan) on June 9, 2010. The City Council resolution adopting the plan is presented in Appendix A.

The strategies offered in the Plan are based on current projected water availability. It should be noted that the effectiveness of the Plan is impacted by the availability and allocation of the raw water supply during drought conditions and the level of customer compliance with the strategies offered in the Plan. The raw water supply availability is dependent upon the draw by current and future users of the raw water in the reservoirs. These factors are dynamic and, if circumstances warrant, modifications to the strategies offered in the Plan may be necessary. Therefore, this plan (as approved by the City Council) gives the Director the authority to modify the strategies in the Plan as conditions warrant.

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

This Drought Contingency Plan meets Texas Commission on Environmental Quality (TCEQ) rules of development and minimum requirements for the drought contingency plans for municipal water suppliers and wholesale water suppliers contained in Texas Administrative Code (TAC) Title 30, Part 1, Chapter 288, Subchapter B, Rules 288.20 and 288.22, respectively. Refer to Appendix B for the TAC, Title 30, Chapter 288, Subchapter B.

SECTION II

Public Involvement

Opportunity for the public and the wholesale water customers to provide input into the preparation of the Plan was provided by the City of Dallas by means of:

- Providing written public notice that a drought contingency plan is being prepared.

- Notifying all wholesale customers of the proposed plan.
- Providing a copy of the draft version of this plan to any person who requested it.
- Convening a public meeting to accept input on the Plan.

The valuable contributions of the participants helped to create a Drought Contingency Plan that is fair and equitable to all of the citizens of Dallas and its wholesale customer cities.

SECTION III

Public Education

The City of Dallas will periodically provide the public and wholesale water customers with bilingual 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, but not limited to, an appropriate combination of the following items:

- Radio and television public service announcements
- Newspaper and magazine articles and announcements
- Interviews on radio and television programs
- Press releases and media alerts
- Billboards
- Water Conservation/Drought Contingency hotline
- Water Conservation/Drought Contingency Website
- Email and telephone notifications to customers
- Mailed water bill inserts
- Distribution of fact sheets, brochures, and pamphlets
- Mass mailings of notification letters
- DWU customer service representatives
- Public meetings and hearings
- Public education seminars
- Stakeholder Advisory Committee meetings
- Commercial, industrial and institutional employee education seminars

- Organized contests (e.g., poster or T-shirt design, essay writing contests, scholarship programs)
- Education and outreach from community volunteers
- Wholesale water customer education

Effective communication will be maintained with all wholesale water customers or entities through semi-annual wholesale water customer meetings and mailings.

SECTION IV

Coordination with Regional Water Planning Groups

The service area of Dallas Water Utilities is located within Region C Regional Water Planning Area, and the City of Dallas will provide a copy of this Plan to the Region C Water Planning Group. Refer to Appendix C for a copy of the transmittal letter to the Regional Planning Group.

SECTION V

Authorization

The City Manager, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. The authority to implement and enforce the Drought Contingency Plan is established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-20, EMERGENCY AUTHORITY available in Appendix D.

SECTION VI

Application

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

SECTION VII

Definitions

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

- *Aesthetic water use*: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
- *Allowed watering hours*: the hours between 12:00 midnight and 10:00 a.m. and between 6:00 p.m. and 12:00 midnight. No watering is allowed between 10:00 a.m. and 6:00 p.m.
- *Commercial and institutional water use*: water use which is integral to the operations of governmental and non-profit establishments and commercial entities such as retail establishments, hotels and motels, restaurants, and office buildings.

- *City Manager*: The City Manager for the City of Dallas.
- *Conservation*: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve 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, entity or organization using water supplied by the City of Dallas.
- *Delivery capacity*: refers to the maximum amount of water that can be delivered to customers when considering the limitation of the system components such as sources, treatment, storage, transmission, or distribution, individually and in combination with each other when operating at their designed capacity.
- *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.
- *Drought Contingency Plan*: a strategy or combination of strategies for temporary supply management and demand management responses to temporary or potentially recurring water supply shortages and other water supply emergencies. This document is the Drought Contingency Plan for the City of Dallas.
- *Even number address*: street addresses (e.g. 120 Magnolia St.) or rural postal route box numbers (e.g. RR 2 Box 9802) 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 or 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 and flushing of lines to maintain a potable water supply.
- *Non-Potable Water*: water that is not intended or suitable for drinking and has not been approved for human consumption.
 - *Untreated water customer*: any person, company, or organization buying non-potable water from DWU.
 - *Odd Numbered Address*: street addresses (e.g. 121 Magnolia St.) or rural postal route box numbers (e.g. RR 2 Box 9803) ending in 1, 3, 5, 7, or 9.
 - *Potable Water*: water that is suitable for drinking by the public.
 - *Recreational Water Use*: water used for leisure and entertainment purposes. Examples include but are not limited to swimming pools, Jacuzzi-type pools, water theme parks, wading pools and water toys.
 - *Reduced Delivery Capacity*: refers to the maximum amount of water that can be delivered to customers when considering reductions of delivery capacity based on scheduled shutdowns of infrastructure and/or unforeseen shutdowns of infrastructure, such as line breaks, equipment failure, etc.
 - *Retail Customers*: non-wholesale customers.
 - *The Director*: Department Director for the City of Dallas Water Utilities.
 - *Wholesale Water Customer*: any water supplier that receives all or a portion of its water supply from another water supplier.

SECTION VIII

Triggering Criteria and Rationale for Initiation & Termination of Drought Response Stages

The Director or his/her designee shall monitor water supply and/or demand conditions, at a minimum, on a weekly 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 Director reserves the authority to recommend that a Stage not be initiated based on time of year, weather conditions,

total water supply availability, anticipation of replenished water supplies, or anticipation that facilities will soon come on-line to increase water supply/treatment/distribution capacity.

Upon recommendation of the Director, the City Manager may upgrade or downgrade a stage when the conditions triggering that stage occur. Retail customer notification of the initiation or termination of drought response stages will be made by the Director or his/her designee, by:

- Press releases
- Public service announcements
- Publication in a newspaper of general circulation to the city within 24 hours after the public announcement

Wholesale water customer notification of the initiation or termination of drought response stages will be made by the Director or his/her designee directly by fax, mail, email or telephone, followed up by certified mail.

- Additional Notification:

The Director or his/ her designee shall notify directly, or cause to be notified directly by fax, mail, email or telephone, the following individuals and entities as appropriate to the respective drought stages:

- A. Mayor and members of the City Council
- B. City and/or County Emergency Management Coordinator(s)
- C. County Judge & Commissioner(s)
- D. State Disaster District / Department of Public Safety
- E. Executive Director of the TCEQ (required within five (5) business days of the implementation of any mandatory restrictions)
- F. Critical water users (e.g., hospitals)
- G. Parks/street superintendents & public facilities managers

A stage can be made effective for up to, but not more than, 60 days from the date of publication/notification.

The City Council may, upon the recommendation of the City Manager and the Director, extend the duration of the stage for additional time periods, not to exceed 120 days each.

The triggering criteria described below are based on the ability of the City to deliver treated water to the customers. Modeling of the reservoir system shows how supplies would be diminished during a drought equal to the drought of record. To set trigger conditions, DWU also examined water demand and the system's delivery capacity. The trigger levels were selected to provide a sufficient time delay between each stage to implement measures that correspond with the severity

of the capacity shortfall. The trigger conditions for short-term deficiencies limiting water supply capability are based on how much water supply or delivery capacity remains available relative to water demand, for all or part of the system.

➤ **Stage 1 Triggers**

A. Requirements for Initiation:

Customers shall be requested to adhere to voluntary measures and shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in Section IX of this Plan when:

- Either: (1) the total raw water supply in connected lakes (east and west); or, (2) the western lakes; or, (3) the eastern lakes has dropped below 65% (35% depleted) of DWU's share of the total conservation storage of the lakes; or
- Water demand has reached or exceeded 85% of delivery capacity for 4 consecutive days; or
- Water demand **approaches** a reduced delivery capacity for all or part of the system, as determined by DWU or
- Natural or man-made contamination of the water supply source(s) occurs.

B. Requirements for Termination:

- Stage 1 may be terminated when Stage 1 conditions no longer exist and would be unlikely to recur upon termination.

➤ **Stage 2 Triggers**

B. Requirements for Initiation:

Customers shall be requested to adhere to voluntary measures and shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in Section IX of this Plan when:

- Either: (1) the total raw water supply in connected lakes (east and west); or, (2) the western lakes; or, (3) the eastern lakes has dropped below 55% (45% depleted) of DWU's share of the total conservation storage of the lakes; or
- Water demand has reached or exceeded 90% of delivery capacity for 3 consecutive days; or
- Water demand **equals** a reduced delivery capacity for all or part of the system, as determined by DWU or
- Natural or man-made contamination of the water supply source(s) occurs.

C. Requirements for Termination

- Stage 2 may be terminated when Stage 2 conditions no longer exist and would be unlikely to recur upon termination.

➤ **Stage 3 Triggers**

A. Requirements for Initiation

Customers shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in Section IX of this Plan when:

- Either (1) the total raw water supply in connected lakes (east and west) or (2) the western lakes or (3) the eastern lakes has dropped below 45% (55% depleted) of DWU's share of the total conservation storage; or
- Water demand has reached or exceeded 95% of delivery capacity for 2 consecutive days; or
- Water demand **exceeds** a reduced delivery capacity for all or part of the system, as determined by DWU or
- Natural or man-made contamination of the water supply source(s) occurs.

D. Requirements for Termination

- Stage 3 of the Plan may be terminated when the Stage 3 conditions no longer exist and would be unlikely to recur upon termination.

➤ **Stage 4 Triggers**

A. Requirements for Initiation

Customers shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in Section IX of this Plan when:

- Either (1) the total raw water supply in connected lakes (east and west) or (2) the western lakes or (3) eastern reservoirs has dropped below 30% (70% depleted) of DWU's share of the total conservation storage; or
- Water demand has reached or exceeded 98% of delivery capacity for 1 day; or
- Water demand **seriously exceeds** a reduced delivery capacity for all or part of the system, as determined by DWU; or

- Major water line breaks, or pump or system failures occur, which cause significant loss of capability to provide treated water service; or
- Natural or man-made contamination of the water supply source(s) occurs.

B. Requirements for Termination

- Stage 4 of the Plan may be terminated when the Stage 4 conditions no longer exist and would be unlikely to recur upon termination.

SECTION IX

Drought Response Stages

The Director, or his/her designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine if conditions exist that would trigger any of the designated drought stages, and if so, shall implement the following actions:

➤ **Stage 1 Response**

Target: Achieve a 5 percent reduction in total gallons per capita per day (GPCD).

A. Water Use Restrictions for Demand Reduction:

Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the Director of DWU. The Director may also take other actions not listed, if deemed necessary.

➤ All Water Users

- A. Require reduction of water use through **mandatory** maximum 2-days-per-week landscape watering schedule and require watering only during allowed watering hours as defined in Section VII. Irrigation of landscaped areas with hose-end sprinklers, automatic irrigation systems, soaker hoses, drip irrigation systems, hand held hoses and faucet-filled buckets should be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses and limited to Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other property containing multiple addresses may be identified by the lowest address number.
- B. Encourage reduction in frequency of watering new and first year landscaping.
- C. Encourage only initial filling of ornamental fountains.
- D. Encourage reduction in frequency of washing or rinsing of vehicles and recommend use of bucket/container, hand-held hose with positive shut-off valve or commercial car wash.

- E. Encourage reduction in frequency in draining and refilling of swimming pools.
- F. Encourage reduction in frequency of recreational use including use of faucets, hoses, or hydrants.
- G. Foundations may be watered on any day of the week during the allowed watering hours as defined in Section VII. Foundations may be watered with a soaker hose or a hand-held hose equipped with a positive shutoff nozzle only.

➤ City Government

- A. Initiate public education campaign teaching and encouraging reduced water use practices.
- B. Encourage 25 percent reduction in frequency of wet street sweeping and city vehicle washing and rinsing.
- C. Intensify normal leak detection and repair activities on water pipes and mains.
- D. Encourage reduction of water use in city-owned ornamental fountains.
- E. Encourage reduction in landscape uses for parks.
- F. Require reduction of water use through day-of-week landscape watering schedule for golf courses.

➤ Commercial Customers

- A. Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
- B. Encourage reduction in landscape uses for parks.
- C. Encourage reduction in water use for landscape nursery stock.
- D. Require reduction of water use through day-of-week landscape watering schedule for golf courses.
- E. Encourage area restaurants to serve customers water by request only.
- F. Encourage hotel/motels to request multiple day patrons to reuse linens instead of changing every day.

➤ Wholesale Untreated Water Customers

- A. Reduce usage for wholesale untreated water customers per contract terms.

➤ Wholesale Water Customer

- A. Encourage implementation of like procedures by wholesale water customers.

➤ Interruptible Water Customers

- A. Reduce usage for interruptible customers per contract terms.

➤ **Stage 2 Response**

Target: Achieve a 15 percent reduction in total gallons per capita per day (GPCD).

- A. Water Use Restrictions for Demand Reduction:

Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the Director of DWU. The Director may also take other actions not listed, if deemed necessary. All requirements of Stage 1 shall remain in effect during Stage 2, and the following additional measures will be required:

➤ All Water Users

- A. Require reduction of water use through **mandatory** maximum 1-day-per-week landscape watering schedule and require watering only during allowed watering hours as defined in Section VII. Irrigation of landscaped areas with hose-end sprinklers, automatic irrigation systems, soaker hoses, drip irrigation systems, hand held hoses and faucet-filled buckets will be limited to Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses and limited to Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other property containing multiple addresses may be identified by the lowest address number.
- B. Restrict operation of ornamental fountains or ponds to initial filling except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- C. Prohibit recreational water use including use of faucets, hoses or hydrants, which uses water in such a manner as to allow run-off or other wastes.
- D. Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- E. Encourage further reduction in frequency in draining and refilling of swimming pools.
- F. Prohibit hosing off paved areas, buildings, windows or other surfaces.

➤ City Government

- A. Initiate engineering studies to evaluate alternatives to mitigate drought conditions should conditions worsen.
- B. Accelerate public education campaign teaching and encouraging reduced water use practices.
- C. Reduce frequency of wet street sweeping and city vehicle washing or rinsing by 50 percent.
- D. Prohibit flushing of new mains not immediately required to provide service.
- E. Continue intensified leak detection and repair activities on water pipes and mains.
- F. Prohibit operation of ornamental fountains by city government.
- G. City government restricted to day-of-week landscape watering schedule.
- H. Require reduction of water use through day-of-week landscape watering schedule for parks and golf courses.
- I. Increase enforcement efforts.

➤ Commercial Customers

- A. Encourage further reduction in landscape uses for nursery stock.

➤ Wholesale Water Customers

- A. Require water demand reductions in accordance with contract obligations for wholesale water customers.

➤ Wholesale Water Contracts

- A. Every offer for a new wholesale contract shall be reviewed. An assessment of the current and future water delivery capacity of DWU for the contract terms will be performed to ensure the sustainability of DWU's commitments to current customers.

➤ **Stage 3 Response**

Target: Achieve a 20 percent reduction in total gallons per capita per day (GPCD).

- A. Water Use Restrictions for Reducing Demand:

Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the Director of DWU. The Director may also take other

actions not listed, if deemed necessary. All requirements of Stages 1 and 2 shall remain in effect during Stage 3, and the following additional measures will be required:

➤ All Water Users

- A. Require reduction of water use through **mandatory** maximum 1-day-per-week landscape watering schedule by means of hand-held hoses, soaker hoses and hand-held buckets only. Watering shall only occur during allowed watering hours as defined in Section VII. **The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.** Irrigation of landscaped areas shall be limited to Thursdays for customers with street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses, and limited to Wednesdays for water customers with a street addresses ending in an odd number (1, 3, 5, 7 or 9).
- B. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only during the allowed watering hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
- C. Filling and refilling of existing and new swimming pools, wading pools, and Jacuzzi type pools is prohibited. Existing pools may add water to replace losses during normal use and to replace evaporation in order to maintain proper water quality and proper operation of the pool equipment.
- D. Permitting of new swimming pools, hot tubs, spas, ornamental ponds and fountain construction is prohibited.
- E. Foundations may be watered for a two-hour period during the allowed watering hours as defined in Section VII on the designated watering day. Foundations may be watered with soaker or hand-held hose equipped with a positive shutoff nozzle only.
- F. 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.
- G. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.
- H. A 10 percent rate increase for high water demand users (greater than 10,000 gallons per month per account) shall be initiated.

➤ City Government

- A. Wet street sweeping and city vehicle washing or rinsing is prohibited.
- B. Municipal landscape watering prohibited except golf courses (see below).
- C. Watering of golf course greens and tee boxes are restricted to the allowed watering hours as defined in Section VII; watering of other golf course areas and parks is prohibited.

➤ Commercial Customers

- A. Watering of golf course greens and tee boxes are restricted to the allowed watering hours as defined in Section VII; watering of other golf course areas and parks is prohibited unless the golf course utilizes a water source other than that provided by the City of Dallas.
- B. Watering of nursery plant stock restricted to the allowed watering hours as defined in Section VII and the designated watering day for Stage 3.

➤ Wholesale Water Contracts

- A. No new wholesale contracts shall be entertained unless there is an emergency situation. Every offer for a new wholesale contract shall be reviewed. An assessment of the current and future water delivery capacity of DWU for the contract terms will be performed to ensure the sustainability of DWU's commitments to current customers.

➤ **Stage 4 Response**

Target: Achieve a 25 percent reduction in total gallons per capita per day (GPCD).

- A. Water Use Restrictions for Reducing Demand:

Specific actions taken during any drought situation, including water allocation will be determined by the Director of DWU. All requirements of Stages 1, 2 and 3 shall remain in effect during Stage 4, and the following additional measures will be required:

- Irrigation of landscaped areas is absolutely prohibited.
- Foundations may be watered for a two-hour period during the allowed watering hours as defined in Section VII on the designated watering day for Stage 3. Foundations may be watered with soaker or hand-held hose equipped with a positive shutoff nozzle only.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

➤ **Water Allocation**

Retail Customers- During Stages 2, 3 and 4 of the Drought Contingency Plan, DWU may impose a retail water rate increase to discourage water use. All rates for usage in excess of 10,000 gallons per month (per single-family residential account), or any other usage amount above 10,000 gallons per month, as deemed appropriate by the Director, may be increased by an additional 10 percent or any other percentage deemed appropriate by the Director.

Wholesale Water Customers- In the event that the triggering criteria specified in Section VIII of the Plan for Stage 4 have been met, the Director is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with the latest revision of Texas Water Code Section 11.039, which states:

§11.039. Distribution of Water During Shortage:

- (a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.
- (b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of persons, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:
 - the amount of water to which each customer may be entitled; or
 - the amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.
- (c) Nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.

DWU may curtail water deliveries or reduce diversions in accordance with the terms and conditions of its wholesale water supply contracts. If necessary, or if specific contract provisions are not provided for, DWU may curtail water deliveries or reduce diversions in accordance with Texas Water Code Section 11.039. DWU will have authority to restrict flow to its wholesale water customers through the rate-of-flow controllers.

Pro rata water allocations, determined as a percentage reduction of the wholesale customer's water usage, will be established by the Director at the time of implementation. The total volume reduction for each wholesale customer will be calculated on a monthly basis, based on average water usage for the previous three years. The Director will establish the percentage reduction

based on an assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries, and the percentage reduction may be adjusted periodically by the Director. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale water customer will be limited to the allocation established for each month.

SECTION X

Enforcement

No person shall knowingly or intentionally allow the use of water from the City of Dallas for residential, commercial, industrial, agricultural, governmental, or any other purposes in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Director, or his/her designee, in accordance with provisions of this Plan.

Any person who violates this Plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$250 and not more than \$2,000. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of two or more distinct violations of this Plan, upon due notice to the customer, DWU may: (1) install a flow restrictor in the line to limit the amount of water that will pass through the meter in a 24-hour period; or (2) discontinue water served to the premises. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at an amount not to exceed \$135.00 (or as adjusted by City ordinance), and any other costs incurred by the Dallas Water Utilities in discontinuing service. In addition, suitable assurance must be given to the Director that the same action will not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

Any person, including a person classified as a water customer of the Dallas Water Utilities, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

Any employee of the Dallas Water Utilities, police officer, or other employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 15 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of

this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

SECTION XI

Variations

The Director, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, safety or welfare for the public or the person requesting such variance and if all of the following conditions are met:

- Granting of a variance must not cause an immediate significant reduction in the city's water supply.
- The health, safety, or welfare of other persons will not be adversely affected by granting of the variance.
- The applicant must demonstrate that the extreme hardship or need is related to the health, safety, or welfare of the person requesting it.
- 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.
- Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the Director of Dallas Water Utilities within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variations shall be reviewed by the Director, or his/her designee, and shall include the following:

- Name and address of the petitioner(s).
- Purpose of water use.
- Specific provision(s) of the Plan from which the petitioner is requesting relief.
- Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan.
- Description of the relief requested.
- Period of time for which the variance is sought.
- 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.
- Other pertinent information.

Variances granted by the City of Dallas shall be subject to the following conditions, unless waived or modified by the City of Dallas or its designee:

- Variances granted shall include a timetable for compliance.
- Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

- The Director may revoke a variance granted when the Director determines that the conditions are not being met or are no longer applicable.

SECTION XII

Wholesale Water Contracts

Every wholesale water contract, (treated and untreated water) entered into or renewed after the adoption of this Plan, including any contract extensions, will contain language notifying parties to the contract, that in a case of shortage of water resulting from a drought, the water to be distributed shall be divided in accordance with Texas Water Code Section 11.039.

SECTION XIII

Severability

It is hereby declared to be the intention of the City of Dallas that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would have been enacted by the City of Dallas without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION XIV

Review and Update of the Drought Contingency Plan

DWU will review and update the Plan by June 9, 2014, and every five years after that date. If the plan is implemented during a water shortage, data obtained during the plan implementation will be used to make any necessary modifications to the plan. Additionally, the plan will be updated as appropriate based on new or updated information regarding the system's delivery capacity.

APPENDIX A

- **Documentation of Adoption of the Drought
Contingency Plan by the Dallas City Council**

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) requires municipal and wholesale water suppliers to submit an updated Drought Contingency Plan approved by the City Council every five years; and,

WHEREAS, Section 49.20 of the Dallas City Code requires the Director of Dallas Water Utilities to promulgate and submit an Emergency Water Management Plan to the City Council for approval; and,

WHEREAS, the updates for the Drought Contingency Plan have been completed and meet all of the requirements of the TCEQ; **Now, Therefore**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the 2010 Drought Contingency Plan is hereby approved and adopted.

Section 2. That the City Manager be authorized to submit the Plan to the TCEQ as required by state law.

Section 3. That the City Manager be authorized to undertake necessary actions to implement the adopted plans.

Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

DISTRIBUTION: Water-Administration, 4AN, James Carrigan
 Office of Financial Services, 4BN, Sherrian Parham

APPROVED BY
CITY COUNCIL

JUN 09 2010

Deborah Wittman
City Secretary

APPENDIX B

- **Title 30 Chapter 288, Subchapter B of
Texas Administrative Code**

SUBCHAPTER B: DROUGHT CONTINGENCY PLANS
§§288.20 - 288.22
Effective October 7, 2004

§288.20. Drought Contingency Plans for Municipal Uses by Public Water Suppliers.

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

(i) reduction in available water supply up to a repeat of the drought of record;

(ii) water production or distribution system limitations;

(iii) supply source contamination; or

(iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

§288.21. Drought Contingency Plans for Irrigation Use.

(a) A drought contingency plan for an irrigation use, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans for irrigation water suppliers must include policies and procedures for the equitable and efficient allocation of water on a pro rata basis during times of shortage in accordance with Texas Water Code, §11.039. Such plans shall include the following elements as a minimum.

(A) Preparation of the plan shall include provisions to actively inform and to affirmatively provide opportunity for users of water from the irrigation system to provide input into the preparation of the plan and to remain informed of the plan. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the water users and providing written notice to the water users concerning the proposed plan and meeting.

(B) The drought contingency plan must document coordination with the regional water planning groups to ensure consistency with the appropriate approved regional water plans.

(C) The drought contingency plan must include water supply criteria and other considerations for determining when to initiate or terminate water allocation procedures, accompanied by an explanation of the rationale or basis for such triggering criteria.

(D) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(E) The drought contingency plan must include methods for determining the allocation of irrigation supplies to individual users.

(F) The drought contingency plan must include a description of the information to be monitored by the water supplier and the procedures to be followed for the initiation or termination of water allocation policies.

(G) The drought contingency plan must include procedures for use accounting during the implementation of water allocation policies.

(H) The drought contingency plan must include policies and procedures, if any, for the transfer of water allocations among individual users within the water supply system or to users outside the water supply system.

(1) The drought contingency plan must include procedures for the enforcement of water allocation policies, including specification of penalties for violations of such policies and for wasteful or excessive use of water.

(2) Wholesale water customers. Any irrigation water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan, appropriate provisions for responding to reductions in that water supply.

(3) Protection of public water supplies. Any irrigation water supplier that also provides or delivers water to a public water supplier(s) shall consult with that public water supplier(s) and shall include in the plan, mutually agreeable and appropriate provisions to ensure an uninterrupted supply of water necessary for essential uses relating to public health and safety. Nothing in this provision shall be construed as requiring the irrigation water supplier to transfer irrigation water supplies to non-irrigation use on a compulsory basis or without just compensation.

(b) Irrigation water users shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.

Adopted September 15, 2004

Effective October 7, 2004

§288.22. Drought Contingency Plans for Wholesale Water Suppliers.

(a) A drought contingency plan for a wholesale water supplier must include the following minimum elements.

(1) Preparation of the plan shall include provisions to actively inform the public and to affirmatively provide opportunity for user input in the preparation of the plan and for informing wholesale customers about the plan. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(2) The drought contingency plan must document coordination with the regional water planning groups for the service area of the wholesale public water supplier to ensure consistency with the appropriate approved regional water plans.

(3) The drought contingency plan must include a description of the information to be monitored by the water supplier and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(4) The drought contingency plan must include a minimum of three drought or emergency response stages providing for the implementation of measures in response to water supply conditions during a repeat of the drought-of-record.

(5) The drought contingency plan must include the procedures to be followed for the initiation or termination of drought response stages, including procedures for notification of wholesale customers regarding the initiation or termination of drought response stages.

(6) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this paragraph are not enforceable.

(7) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(A) pro rata curtailment of water deliveries to or diversions by wholesale water customers as provided in Texas Water Code, §11.039; and

(B) utilization of alternative water sources with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(8) The drought contingency plan must include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

(9) The drought contingency plan must include procedures for granting variances to the plan.

(10) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions including specification of penalties (e.g., liquidated damages, water rate surcharges, discontinuation of service) for violations of such restrictions.

(b) The wholesale public water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The wholesale public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.

Adopted September 15, 2004

Effective October 7, 2004

APPENDIX C

- **Transmittal Letter to the Regional Planning Group**



June 25, 2010

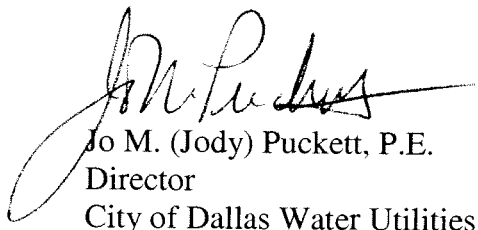
Jim Parks, Chair
Region C Planning Group
c/o North Texas Municipal Water District
P.O. Box 2408
Wiley, Texas 75098

Dear Mr. Parks:

In accordance with the Texas Administrative Code, Title 30, Chapter 288, City of Dallas Water Utilities respectfully submits the attached Water Conservation and Drought Contingency Plans as required. The plans were approved by the Dallas City Council on June 9, 2010 and will be submitted to the Texas Commission on Environmental Quality prior to June 30, 2010.

Please let me know if you have any questions regarding the attached plans.

Sincerely,



Jo M. (Jody) Puckett, P.E.
Director
City of Dallas Water Utilities

Attachments

APPENDIX D

- **Dallas City Code, Chapter 49, Water and Wastewater,
Section 49-20, EMERGENCY AUTHORITY**

SEC. 49-20. EMERGENCY AUTHORITY.

(a) Purpose and scope. The purpose of this section is to establish the city's policy in the event of shortages or delivery limitations in the city's water supply. This section applies to:

- (1) all persons and premises within the city using water from the water system;
- (2) all retail customers who live in unincorporated areas within the city's extraterritorial jurisdiction and are served by the water system; and
- (3) all wholesale service customers outside the city to the extent provided in Subsection (i).

(b) Emergency water management plan. The director shall promulgate and submit an emergency water management plan to the city council for approval, the guidelines of which should include:

- (1) the conditions under which a particular stage of emergency will be implemented or terminated; and
- (2) provisions defining specific events that will trigger an emergency.

(c) Authority. The city manager is authorized to implement measures prescribed when required by this section and by the emergency water management plan approved by the city council. The director is authorized to enforce the measures implemented and to promulgate regulations, not in conflict with this section or state and federal laws, in aid of enforcement.

(d) Implementation of emergency order. The director, upon determination that the conditions of a water emergency exist, shall advise the city manager. The city manager may order that the appropriate stage of emergency response, as detailed in the emergency water management plan, be implemented. To be effective, the order must be:

- (1) made by public announcement; and
- (2) published in a newspaper of general circulation in the city within 24 hours after the public announcement, which order becomes immediately effective upon publication.

(e) Duration of order; change; extension. The order can be made effective for up to, but not more than, 60 days from the date of publication. Upon recommendation of the director, the city manager may upgrade or downgrade the stage of emergency when the conditions triggering that stage occur. Any change in the order must be made in the same manner prescribed in Subsection (d) for implementing an emergency order. The city council may, upon the recommendation of the city manager and the director, extend the duration of the emergency order for additional time periods, not to exceed 120 days each. The city manager shall terminate the order in the manner prescribed in Subsection (d) for implementing an emergency order when the director determines that the conditions creating the emergency no longer exist.

(f) Violation of section. A person commits an offense if he knowingly makes, causes or permits a use of water contrary to the measures implemented by the city manager as prescribed in the emergency water management plan. For purposes of this subsection, it is presumed that a person has knowingly made, caused or permitted a use of water contrary to the measures implemented if the mandatory measures have been formally ordered consistent with the terms of Subsection (d) and:

- (1) the manner of use has been prohibited by the emergency water management plan;
- (2) the amount of water used exceeds that allowed by the emergency water management plan; or
- (3) the manner or amount used violates the terms and conditions of a compliance agreement made pursuant to a variance granted by the director under Subsection (g).

(g) Variances. During the times the emergency order is operative, the director may grant variances in special cases to persons demonstrating extreme hardship and need. The director may grant variances only under the following circumstances and conditions:

- (1) the applicant must sign a compliance agreement on forms provided by the director, and approved by the city attorney, agreeing to use the water only in the amount and manner permitted by the variance;
- (2) granting of a variance must not cause an immediate significant reduction in the city's water supply;
- (3) the extreme hardship or need requiring the variance must relate to the health, safety or welfare of the person requesting it; and
- (4) the health, safety and welfare of other persons must not be adversely affected by granting of the variance.

(h) Revocation of variances. The director may revoke a variance granted when he determines that:

- (1) the conditions of Subsection (g) are not being met or are no longer applicable;
- (2) the terms of the compliance agreement are being violated; or
- (3) the health, safety or welfare of other persons requires revocation.

(i) Wholesale service to customers outside the city. The director shall advise customers receiving wholesale water service from the city of actions taken under the emergency water management plan. The director may restrict service to customers outside the city as permitted under the contract and state law.

(j) Authority under other laws. Nothing in this section shall be construed to limit the authority of the mayor, the city council or the city manager to seek emergency relief under the provisions of any state or federal disaster relief act. (Ord. 19201)