

**Drought Contingency Plan
for a Wholesale Public Water Supplier**

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Water Right No.(s):	<u>2280009</u>	
Regional Water Planning Group:	<u>Region I</u>	
Form Completed by:	<u>Tod English</u>	
Title:	<u>Operator</u>	
Person responsible for implementation:	<u>Tod English/System Manager</u>	<u>Phone: (936) 638-4411</u>
Signature:	<u>Date:11/08/2024</u>	

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to 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 Pennington WSC adopts the following Drought Contingency Plan.

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by Pennington WSC by posting notice on our website and notice of time and date on monthly bills.

Section III: Wholesale Water Customer Education

The Pennington WSC will periodically provide wholesale water customers 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 posting notice on monthly bills and that the plan can be found on our on our website: www.pennwsc.com.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the Pennington WSC is located within the Region 1 and the Pennington WSC has provided a copy of the Plan to the Regional Water Planning Group.

Section V: Authorization

The system 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 operator 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 VI: Application

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

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

The system manager, or his/her designee, shall monitor water supply and/or demand conditions on a monthly basis (or more frequently if conditions warrant) and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on:

The Drought Emergency Management Committee is responsible for monitoring water supply and demand conditions on a monthly basis (or more frequently if conditions warrant) and shall determine when conditions warrant initiation or termination of each stage of the plan, that is, when the specified triggers are reached. The Committee will monitor monthly operating reports, water supply or storage tank levels and/or rainfall as needed to determine when trigger conditions are reached. The triggering conditions described below take into consideration the vulnerability of the water source under drought of record conditions; the production, treatment and distribution capacities of the system, and member usage based upon historical patterns.

Utilization of alternative water sources and/or alternative delivery mechanisms: N/A

Stage 1 Triggers -- MILD Water Shortage Conditions

Goal: Achieve a voluntary 10 percent reduction in daily water demand.

Requirements for initiation – The Pennington WSC will recognize that a mild water shortage condition exists when:

- 1. Water consumption has reached 80 percent of daily maximum supply for three (3) consecutive days.**
- 2. Water supply is reduced to a level that is only 20 percent greater than the average consumption for the previous month.**
- 3. There is an extended period (at least 8 weeks) of low rainfall and daily use has risen 20 percent above the use for the same period during the previous year.**

Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. The Pennington WSC will notify its wholesale customers and the media of the termination of Stage 1.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Goal: Achieve a voluntary 10 percent reduction in daily water demand.

Requirements for initiation - The Pennington WSC will recognize that a moderate water shortage condition exists when:

1. Water consumption has reached 90 percent of daily maximum supply for three (3) consecutive days.
2. The water level in any of the storage tanks cannot be replenished for three (3) consecutive days.

Example: The highest recorded water level drops ten (10) feet or more for three (3) consecutive days.

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative. The Pennington WSC will notify its wholesale customers and the media of the termination of Stage 2.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Goal: Achieve a voluntary 10 percent reduction in daily water demand.

Requirements for initiation - The Pennington WSC will recognize that a severe water shortage when the following conditions exists:

1. Failure of a major component of the system or an event which reduces the minimum residual pressure in the system below 20 psi for a period of 24 - hours or longer.
2. Water consumption of 95 percent or more of the maximum available for (3) three consecutive days.
3. Water consumption of 100 percent of the maximum available and the water storage levels in the system drop during one 24-hour period.
4. Natural or man-made contamination of the water supply source.
5. The declaration of a state of disaster due to drought conditions in a county or counties served by the Corporation.
6. Reduction of wholesale water supply due to drought conditions.
7. Other unforeseen events which could cause imminent health or safety risks to the public.

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative. The Pennington WSC will notify its wholesale customers and the media of the termination of Stage 3.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Goal: Achieve a voluntary 10 percent reduction in daily water demand.

Requirements for initiation - The Pennington WSC will recognize that an emergency water shortage condition exists when:

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

Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. The Pennington WSC will notify its wholesale customers and the media of the termination of Stage 4.

Section VIII: Drought Response Stages

The system manager, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VII, shall determine that mild, moderate, severe, or critical water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Stage 1 Response -- MILD Water Shortage Conditions

Target: Achieve a voluntary 10 percent reduction in daily water demand.

Water Use Restrictions for Reducing Demand:

- Alternate day, time of day, or duration restrictions for outside water usage allowed. (System will notify all customers which restriction is in effect).
- The system manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
- The system will reduce flushing operations.
- Reduction of customers' water use will be encouraged through notices on bills or website

Stage 2 Response -- MODERATE Water Shortage Conditions

Target: Achieve a 10 percent reduction in our daily water demand.

Best Management Practices for Supply Management:

- All outside water use is prohibited (except for livestock variances)

- Make public service announcements as conditions change via local media (radio, newspapers, tv, etc)

Stage 3 Response -- SEVERE Water Shortage Conditions

Target: Achieve a 10 percent reduction in daily water demand.

Best Management Practices for Supply Management:

- All outside watering prohibited.
- Water use will be restricted to a percentage of each members' prior months usage. This percentage may be adjusted as needed according to the demand on the system. Notice of this amount will be sent to each customer.
- Corporation shall continue enforcement and educational efforts.
- The system manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use.

Please refer to your water purchase contract for additional restrictions/requirements that may

There may also be additional restrictions imposed by governmental entities.

Meters may be read as often as necessary to ensure compliance with this program for the benefit of all customers.

Stage 4 Response -- EMERGENCY Water Shortage Conditions

Water use restrictions: all requirements in Stage 2 and 3 will remain in effect during Stage 4 except:

1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 2:00am and 4:00am and between 9:0pm and 10:00pm and shall be by the means of handheld hoses, hand held buckets, or drip irrigation only the use of a hose or sprinkler or a permanently installed automatic sprinkler system are prohibited at all times.
2. Use of water to wash any motor vehicle, motorbike, boat, trailers, 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 between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
3. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
5. No applications for new, additional, expanded, or increased-in-size water service facilities of any kind shall be allowed or approved.

Section IX: Pro Rata Curtailment

In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 – Severe Water Shortage Conditions have been met, the operator is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039.

Section X: Contract Provisions

The Pennington WSC will 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.

Section XI: Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

PENALTIES FOR VIOLATIONS:

1. **FIRST VIOLATION** – The customer/member will be provided written notice of their specific violation.
2. **SECOND VIOLATION** – The Corporation may install a flow restricting device in the customers’ service line to limit the amount of water that will pass through the meter in a 24 - hour period. The cost of the device and the labor to install shall be paid by the customer.
3. **SUBSEQUENT VIOLATIONS** – The Corporation may terminate service for up to 7 days and charge for the service call to restore service.

Section XII: Variances

The system manager, or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such 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.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the operator, within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Pennington WSC Board of Directors (*governing body*), and shall include the following:

- (a) Name and address of the petitioner(s).
- (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 or harm will occur to the petitioner or others if petitioner complies with this Ordinance.

- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the Pennington WSC, Board of Directors shall be subject to the following conditions, unless waived or modified by the Pennington WSC, Board of Directors or its designee:

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

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

Section XIII: Severability

It is hereby declared to be the intention of the Pennington WSC Board of Directors 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 not have been enacted by the Pennington WSC, Board of Directors without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.