



RIVERBEND RESOLUTION NO. 20170809-03

**AUTHORIZING THE APPROVAL OF A DROUGHT CONTINGENCY PLAN OF THE
RIVERBEND WATER RESOURCES DISTRICT**

WHEREAS, Riverbend Water Resources District is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59 Article XVI, Texas Constitution, existing pursuant to and having the powers set forth in Chapter 9601 of the Special District Local Laws Code of the State of Texas; and

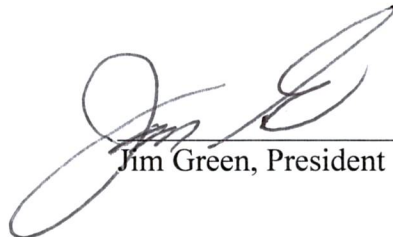
WHEREAS, Texas Commission on Environmental Quality requires certain entities to have a Drought Contingency Plan and to report annually on the implementation of its conservation plan; and

WHEREAS, Riverbend Water Resources District intends to apply for future water rights with the Texas Commission on Environmental Quality; and

WHEREAS, Riverbend Water Resources District wishes to be prepared to implement a Drought Contingency Plan in certain times of water shortage; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Riverbend Water Resources District hereby adopts this Drought Contingency Plan.

PASSED and APPROVED this 9th day of August, 2017



Jim Green, President

ATTEST:



Kelly Mitchell, Secretary

Attached: Drought Contingency Plan, dated August 9, 2017



Drought Contingency Plan

**228 A Texas Avenue
New Boston, TX. 75570**

**CCN# 13210
PWS# 0190021**

August 2, 2017

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, Riverbend Water Resources District adopts the following Drought Contingency Plan (the 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 Riverbend Water Resources District by means of direct communication with member cities and the public.

Section III: Wholesale Water Customer Education

Riverbend Water Resources District 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 providing a copy of the Plan to each customer either through monthly invoice and/or an e-mail to the customer.

Section IV: Coordination with Regional Water Planning Groups

The water service area of Riverbend Water Resources District is located within the Bowie, Red River, and Cass counties and Riverbend Water Resources District will be more than glad to provide a copy of the Plan to any customers or civilians who are interested within these counties.

Section V: Authorization

The Executive Director 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 Executive Director, 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 Riverbend Water Resources District. 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 Executive Director, or his/her designee, shall monitor water supply and/or demand conditions on a (e.g., weekly, monthly) basis 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 pumping capacities and volume of surface supply.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation – Riverbend Water Resources District will recognize that a mild water shortage condition exists when for a period of **72** consecutive hours **85%** of pumping capacity is utilized or when the volume of surface supply is less than **50%** of capacity.

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 **10** consecutive days. Riverbend Water Resources District will notify its wholesale customers and the media of the termination of Stage 1.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation –Riverbend Water Resources District will recognize that a moderate water shortage condition exists when for a period of **72** consecutive hours **90%** of pumping capacity is utilized or when the volume of surface supply is less than **40%** of capacity.

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 **10** consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. Riverbend Water Resources District will notify its wholesale customers and the media of the termination of Stage 2.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Requirements for initiation – Riverbend Water Resources District will recognize that a severe water shortage condition exists when for a period of **72** consecutive hours **95%** of pumping capacity is utilized or when the volume of surface supply is less than **25%** of capacity.

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 **10** consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. Riverbend Water Resources District will notify its wholesale customers and the media of the termination of Stage 3.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirements for initiation - Riverbend Water Resources District will recognize that an emergency water shortage condition exists when major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or 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 **10** consecutive days. Riverbend Water Resources District will notify its wholesale customers and the media of the termination of Stage 4.

Section VIII: Drought Response Stages

The Executive Director, 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, or severe 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 demand.

Best Management Practices for Supply Management:

Communication with customers to reduce daily demand.

Water Use Restrictions for Reducing Demand:

(a) The Executive Director, 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 voluntary measures to reduce water use (e.g., implement Stage 1 or appropriate stage of the customer's drought contingency plan).

(b) The Executive Director, 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.

Stage 2 Response -- MODERATE Water Shortage Conditions

Target: Achieve a 15 percent reduction in daily demand.

Best Management Practices for Supply Management:

Communicate with customers to reduce daily demand and utilize news media to inform and convince public to reduce demand. Pro-rata curtailment will be utilized.

Water Use Restrictions for Reducing Demand:

- (a) The Executive Director, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage 2 or appropriate stage of the customer's drought contingency plan).
- (b) The Executive Director, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
- (c) The Executive Director, or his/her designee(s), will further prepare for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer.
- (d) The Executive Director, 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.

Stage 3 Response -- SEVERE Water Shortage Conditions

Target: Achieve a 20 percent reduction in daily demand

Best Management Practices for Supply Management:

Communicate with customers to reduce daily demand and utilize news media to inform and convince public to reduce demand. Pro-rata curtailment will be utilized.

Water Use Restrictions for Reducing Demand:

- (a) The Executive Director, 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 (e.g., implement Stage 3 or appropriate stage of the customer's drought contingency plan).
- (b) The Executive Director, or his/her designee(s), will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer.

(c) The Executive Director, 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.

Stage 4 Response -- EMERGENCY Water Shortage Conditions

Whenever emergency water shortage conditions exist as defined in Section VII of the Plan, the Executive Director shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
3. If appropriate, notify city, county, and/or state emergency response officials for assistance.
4. Undertake necessary actions, including repairs and/or clean-up as needed.
5. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

Section IX: Pro Rata Water Allocation

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 Executive Director is hereby authorized initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039.

Section X: Contract Provisions

Riverbend Water Resources District 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

Surcharge:

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

1.5 times the normal water charge per 1000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 15 percent above the monthly allocation.

2 times the normal water charge per 1000 gallons for water diversions and/or more than 15 percent above the monthly allocation, to the extent legally permitted.

Fines and/or discontinuation of service:

Mandatory water use restrictions or pro rata allocation of available water supplies may be imposed during drought stages and emergency water management actions. These water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be notified by written notice that they have violated the mandatory water use restriction.
- If the first violation has not been corrected after ten (10) days from the written notice, Riverbend Water Resources District may assess a fine up to \$ 100 per violation.
- Riverbend Water Resources District may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24-hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed fifty dollars (\$50.00);
- Riverbend Water Resources District maintains the right, at any violation or action level, to disconnect irrigation systems and/or suspend water services to a customer for public safety issues with reconnection fees and possible citations.
- Subsequent violations of the plan shall result in increased fines or upon the occurrence of 3 violations, after notice, the discontinuation of services. Services discontinued under this provision shall be restored only upon payment of a reconnection fee and any other costs incurred by the utility in discontinuing service.

Section XII: Variances

The Executive Director, 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 Executive Director within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Riverbend Water Resources District Board of Directors, 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 Riverbend Water Resources District Board of Directors shall be subject to the following conditions, unless waived or modified by the Riverbend Water Resources District 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 Riverbend Water Resources District 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 Riverbend Water Resources District Board of Directors without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.