

Drought Contingency Plan for Windfern Forest Utility District

Section I: Declaration of Policy, Purpose, and Intent

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, Windfern Forest Utility District ("The District") hereby adopts the following regulations and restrictions on the delivery and consumption of water.

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

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the District by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

Section III: Public Education

The District will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of utility bill inserts, signs posted in the subdivision, or other method reasonably calculated to provide notice to District customers.

Section IV: Coordination with Regional Water Planning Groups

The service area of the District is located within the Texas Water Development Board (TWDB) Region H and District has provided a copy of this Plan to the TWDB Region H Regional Water Planning Group.

Section V: Authorization

The Board of Directors of the District or its 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 Board of Directors of the District or its 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 persons, customers, and property utilizing water provided by the District. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The application of the provisions of this plan regarding delivery of water to all customers (including wholesale water customers) shall remain in compliance with the requirements of Texas Water Code, Sec. 11.039. In the event of a water shortage resulting from a drought or other emergency shortage, deliveries of water shall be curtailed to all customers (including wholesale water customers) on a

pro rata basis according to the amount of water to which each customer may be entitled. Any and all wholesale water contracts entered into or renewed following adoption of this Drouth Contingency Plan, including contract extensions must include provisions that state 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 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.

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

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

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

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

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

Foundation watering: an application of water to the soils directly abutting (within 2 feet) the foundation of a building, structure.

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

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

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

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;

- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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

TCEQ: Texas Commission of Environmental Quality.

Section VIII: Triggering Criteria for Initiation and Termination of Drought Response Stages

The Board of Directors or its designee shall monitor water supply and/or demand conditions on a regular basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Notwithstanding any of the triggering criteria described herein, upon receipt of notice of declaration of a state of disaster due to drought conditions pursuant to Sections 418.014 or 418.108 of the Texas Government Code, the District shall implement the appropriate stages of this Plan. Public notification of the initiation or termination of drought response stages shall be in accordance with Subsection A.

The triggering criteria described below are based on the District's anticipated ability to provide water to its customers based on the District's historical experience of operations in drought conditions.

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

Alternative water source(s) for the District include Emergency Water Supply Interconnects with Rolling Fork Public Utility District and with West Harris County MUD No. 1.

A. Stage 1 Triggers – Abnormal Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restriction on certain water uses, defined in Section VII Definitions when the Board of Directors of the District or its designee finds that the District's water supply system is under stress because of lower-than-average annual rainfall, temperatures that are higher or lower than normal, or other circumstances, or when the District receives notice that the City of Houston has implemented Stage 1 of its Drought Contingency Plan..

Requirements for termination

Stage 1 of the Plan may be rescinded at the discretion of the Board of Directors of the District or its designee or when the abnormal conditions have been mitigated to their discretion, including termination by the City of Houston of Stage I of its Drought Contingency Plan.

B. Stage 2 Triggers – Severe Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when the City of Houston implements Stage 2 or when one or more of the following conditions described below occur:

- 1) The District's Operator reports that current water production capacity is 80% of available capacity.
- 2) Loss of approximately 20 percent of available treatment capacity; or
- 3) Water pressure readings of 45 pounds per square inch or less throughout all or material portions of the District's treated water distribution system.

Requirements for termination

Stage 2 of the plan may be rescinded when the Board of Directors of the District or its designee declares, based on the recommendation from the District Operator that the severe conditions leading to the declaration either no longer exist, have been mitigated, or have been escalated, including termination by the City of Houston of Stage 2 of its Drought Contingency Plan. Upon termination of Stage 2, Stage 1 or the Applicable drought response stage based on the triggering criteria, becomes operative.

C. Stage 3 Triggers – Extreme Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when the City of Houston enters Stage 3 or when one or more of the following conditions are met:

- 1) The District's Operator reports that current water production is 85 percent of the available capacity.
- (4) Loss of approximately 25 percent of available treatment capacity; or
- (5) Water pressure readings of 40 pounds per square inch or less throughout all or material portions of the District's treated water distribution system

Requirements for termination

Stage 3 water shortage ends when the Board of Directors of the District or its designee declares, based on the recommendation from the District Operator that the severe conditions leading to the declaration either no longer exist, have been mitigated, or have been escalated, including termination by the City of Houston of Stage 3 of its Drought Contingency Plan. Upon termination of Stage 3, Stage 2 or the Applicable drought response stage based on the triggering criteria, becomes operative.

D. Stage 4 Triggers – Exceptional Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when the City of Houston enters into Stage 4 or when one or more of the following conditions are met:

- 1) The District's Operator reports that current water production is 90 percent of the available capacity; or
- 2) Water pressure readings of 35 pounds per square inch or less throughout all or material portions of the District's treated water distribution system.

Requirements for termination

Stage 4 water shortage ends when the Board of Directors of the District or its designee declares based on the recommendations of the District Operator finds that the exceptional conditions leading to the declaration either no longer exist or have been mitigated including termination by the City of Houston of Stage 4 of its Drought Contingency Plan. Upon termination of Stage 4, Stage 3 or the Applicable drought response stage based on the triggering criteria, becomes operative.

Section IX: Drought Response Stages

Once one of the Trigger Conditions has occurred, customers will be notified that such Trigger Condition has occurred and of the Drought Response Measures (as defined below) to be taken.

The Board of Directors of the District or its designee, shall monitor water supply and/or demand conditions daily and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

A. Notification

Notification of the Public:

The Board of Directors of the District or its designee, shall notify the public including any of the following:

1. Mailing, at least 48 hours prior to the commencement of the required Drought Response Measures, a written notice to each Customer;
2. Posting of signs at the entrances to the District;
3. Posting of notices at public places in the District;
4. Placing of information on the District's website;
5. Dissemination of press releases to the local news media; and/or
6. Other means as may be appropriate.

Any notice issued shall contain (i) the date the Drought Response Measures will begin, (ii) the date the Drought Response Measures will terminate, if known, (iii) a list of Drought Response Measures to be implemented, and (iv) an explanation of penalties for violations of such Drought Response Measures.

Additional Notification:

The Board of Directors of the District or its designee shall, in its sole discretion except where required by law, notify directly, or cause to be notified directly, the following individuals or entities:

1. Texas Commission on Environmental Quality (required when mandatory restrictions imposed).
2. Fire chief(s); (ESD No.2 and No. 60, Sheldon Community Fire and Rescue).
3. Homeowners or property owners association(s);
4. Harris County Emergency Management Coordinator;
5. Critical water users (hospitals, schools, etc.).

B. Stage 1 Response – Abnormal Conditions

Target: Achieve a voluntary 5 percent reduction in daily water demand.

Voluntary Water Use Restrictions for Reducing Demand:

Unless otherwise stated in the declaration, all customers are requested to take the following voluntary water use restriction measures:

1. Check for and repair all leaks, dripping faucets, and running toilets.
2. Check for and correct excessive or uncorrected leaks that result in public water leaving the customer's property by drainage onto adjacent properties or public or private roadways or streets or gutters; power washing for health and safety reasons only is encouraged; washing of cars only at carwash facilities is encouraged.
3. Irrigate between 7:00 p.m. and 5:00 a.m. of the following day on no more than two days per week in conformity with the following schedule:
 - a. Sundays and Thursdays for single-family residential customers with even-numbered street addresses; and
 - b. Saturdays and Wednesdays for single-family residential customers with odd-numbered street addresses; and
 - c. Tuesdays and Fridays for all other customers

C. Stage 2 Response – Severe Conditions

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

Mandatory Water Use Restrictions for Demand Reduction:

During a stage 2 water shortage, unless otherwise stated in the declaration, all classes of customers are subject to mandatory restrictions of outdoor use. During a stage two water shortage, outdoor use shall be unlawful except for the following time periods as specified in the declaration:

1. Irrigate between 7:00 p.m. and 5:00 a.m. of the following day on no more than one day per week in conformity with the following schedule:
 - a. Saturdays for single-family residential customers with odd-numbered addresses.
 - b. Sundays for single-family residential customers with even-numbered addresses; and
 - c. Tuesdays for all other customers.
2. Property owners are required to repair all leaks.
3. Any outdoor water use that results in public water leaving the customer's property by drainage onto adjacent properties or public or private roadways or streets or gutters shall be prohibited. Power washing is permitted for health and safety reasons only; washing of cars is permitted only at carwash facilities.

D. Stage 3 Response – Extreme Conditions

Target: Achieve a 20 percent reduction in daily water demand.

Mandatory Water Use Restrictions for Demand Reduction:

1. **All outdoor non-essential water use** is prohibited.

E. Stage 4 Response – Exceptional Conditions

Target: Achieve a 35 percent reduction in daily water demand.

Mandatory Water Use Restrictions for Reducing Demand:

During a stage 4 water shortage, the following acts or omissions shall be unlawful:

1. All outdoor use is prohibited;
2. Use of more than 4,000 gallons of public water per month by single-family residential customers is prohibited;
3. Use of more than 4,000 gallons of public water per month (used per unit, as provided in section 47-71 of City of Houston Code of Ordinance) by multifamily residential customers is prohibited; and
4. For all customers other than residential customers, failure to reduce use of public water by 15 percent of baseline usage, or any other percentage if recommended by the District Operator and adopted by Board of Directors in the stage four water shortage declaration is prohibited.

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Board of Directors, or its designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$100 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 three or more distinct violations of this Plan, the Board of Directors or its designee shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$200, and any other costs incurred by the District in discontinuing service. In addition, suitable assurance must be given to the Board of Directors or its designee that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the District, 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.
- (d) Any employee of the District, police officer, or other employee designated by the Board of Directors or its designee, 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 5 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: Variances

The Board of Directors or its 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, sanitation, or fire protection for the public or the person requesting such variance 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 Ordinance shall file a petition for variance with the District within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Board of Directors, or its designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) 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 Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) 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.
- (h) Other pertinent information.