

**NORTH HARRIS COUNTY**  
**REGIONAL WATER AUTHORITY**

**~~2019~~ DROUGHT CONTINGENCY PLAN**

Effective Date:

November 7, 2023

Adopted: **~~April 1, 2019~~**

April 1, 2019

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## ~~2019~~ DROUGHT CONTINGENCY PLAN

### ARTICLE I. DEFINITIONS

Unless the context requires otherwise, the following terms and phrases used in this Drought Contingency Plan shall have meanings assigned below and shall include the plural as well as the singular.

1. **"Authority"** shall mean the North Harris County Regional Water Authority, a governmental agency and body politic and corporate of the State of Texas organized and operating pursuant to the provisions of Chapter 1029 (H.B. 2965), Acts of the 76<sup>th</sup> Texas Legislature 1999, as amended, to accomplish the purposes provided by Section 59, Article XVI of the Texas Constitution.

2. **"Board"** shall mean the Board of Directors of the Authority.

3. **"City"** shall mean the City of Houston, Texas.

4. **"Customer"** shall mean any person receiving water from the Authority or a Participant, including the Participant itself.

5. **"DCP"** shall mean a drought contingency plan that contains the elements required under 30 TAC § 288.20–22, as appropriate.

6. **"General Manager"** shall mean the General Manager of the Authority or its designee.

~~7. **"Ordinances"** shall mean Chapter 47, Article VII, entitled Water Shortages and Emergencies, of the City's Code of Ordinances.~~

~~8.7.~~ **"Participant"** shall mean any well owner whose well is included under the Authority's Harris-Galveston Subsidence District aggregate water well permit.

~~9.8.~~ **"Plan"** shall mean this ~~2019~~ Drought Contingency Plan.

~~10.9.~~ **"Supply"** shall mean the water available to the Authority, as may be apportioned pursuant to Texas Water Code, Section 11.039, from the City pursuant to that certain Water Supply Contract between the City and the Authority, dated December 16, 2002, as may be amended from time to time.

### ARTICLE II. GENERAL

1. Approval of the Plan.

The Board has approved and adopted this Plan and its provisions are effective immediately and will be implemented by the Authority in accordance with the terms stated herein.

## 2. Public Involvement.

The Authority has informed the public and wholesale water customers and affirmatively provided opportunity for input from the public and from wholesale water customers regarding the Plan. Such provision included notifying the public and wholesale water customers of the Authority's public meeting regarding the proposed Plan, notice of which was given pursuant to the Open Meetings Act prior to the Authority's public meeting.

## 3. ~~Education and Information.~~Communication

(A) The Authority will institute ~~a an educational communication~~ program to promote the Plan. This program may include, but is not limited to any of the following:

- (i) Publication of articles in a newspaper or newsletter of general circulation in the Authority's service area, providing information regarding the Plan; and
- (ii) Direct distributions of the Plan to all Participants.

~~(B) — Additional current public educational activities consist of (i) publishing an annual newsletter distributed to more than 150,000 homes in the Authority's service area that includes features about using water more efficiently and provides useful information on water saving techniques; (ii) holding annual workshops for elementary and intermediate science and social studies teachers in the school districts within the Authority; (iii) providing water conservation educational materials for use in grades 2–7; (iv) providing mobile teaching labs containing water conservation exhibits and displays that travel to elementary and intermediate schools within the Authority's boundaries, as well as to community events and festivals; (v) providing speakers for community, civic, and service organizations (e.g., AARP, garden clubs, YMCAs, etc.) as well as conducting public workshops on a variety of conservation topics, including coping with drought, native landscaping, and irrigation methods designed to use water more efficiently; and (vi) engaging in any community or public outreach program that will help further the Plan.~~

## 4. Coordination with Regional Water Planning Groups.

The Authority is located within the Region H Water Planning Area. The Authority, through its representatives, is in continuous contact with the Region H Water Planning Group during each five (5) year planning cycle of the Region H Water Plan. Pursuant to the Texas Administrative Code, Section 288.30(6), the Authority will submit a copy of the Plan to Region H.

## 5. Authorization.

The General Manager is authorized to implement this Plan upon determining that implementation is necessary to protect public health, safety and welfare. The General Manager has the authority to initiate or terminate the water shortage response measures described in this Plan or any other measures that the General Manager, in its sole discretion, determines to be necessary to protect public health, safety and welfare.

6. Application.

The provisions of the Plan apply to all Participants and Customers. ~~All Participants must adopt a DCP with requirements at least as stringent as the requirements of this Plan.~~ Upon the Authority implementing any stage of this Plan, each Participant shall implement at least the same stage of its DCP, but a Participant may implement any higher stage of its DCP at its own discretion.

7. Water Shortage Response Measures Cumulative.

The water shortage response measures outlined in this Plan shall be cumulative of any other steps the Authority is otherwise authorized to implement under Texas law or other rules/orders of the Authority, specifically including its Rate Order, to accomplish the purposes for which the Authority was created.

8. Severability.

It is hereby declared to be the intention of the Board 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 Board without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph or section.

9. Update Schedule.

In accordance with Texas Administrative Code § 288.30(6), the Authority will continue to review and update the Plan to coincide with each five (5) year planning cycle of the Region H Water Planning Group.

10. Submittal.

In accordance with Texas Administrative Code 288.30(6), the Authority will submit any revised versions of the Plan to the Executive Director, Texas Commission on Environmental Quality, within 90 days of adoption of a revised Plan by the Board of the Authority.

### ARTICLE III. TRIGGERS AND RESPONSE MEASURES

1. Criteria and Actions Required for Response Stages.

(A) The General Manager will monitor water supply conditions on a monthly basis and, upon the Authority delivering to Participants more than 100% of the Supply together with the occurrence one of the triggers listed below, initiate or terminate each stage of the Plan. The Authority will notify Participants of the initiation or termination of each stage by either email, mail, telephone, and/or posting notice on the Authority's website. The news media may also be informed through a press release. The Authority will notify the Executive Director of the Texas Commission on Environmental Quality within five (5) business days of implementing or

terminating any stage of this Plan requiring implementation of mandatory response measures by Participants or Customers.

(B) Upon implementation of any stage of water shortage, the Authority's operator and the Authority's Program Manager will monitor the Supply, the daily volume of water delivered by the City and any notices from the City regarding water delivery reductions or limitations. The Authority's operator and the Authority's Program Manager will also monitor the daily volume of water delivered by the Authority to each Participant and the total volume delivered to all Participants.

## 2. Stage 1 Water Shortage.

(A) Requirement for Initiation. A Stage 1 Water Shortage exists when the Authority is delivering to Participants more than 100% of the Supply for five (5) consecutive days, ~~and/or the City has declared a Stage 1 water shortage in accordance with the Ordinances.~~ The Authority will notify Participants of the initiation of a Stage 1 Water Shortage by either email, mail, telephone and/or by posting notice on the Authority's website. The news media may also be informed through a press release. The Authority's operator or the Authority's Program Manager will continue to monitor the daily volume of water delivered by the City and monitor any notices from the City regarding water delivery reductions or limitations. The Authority's operator and the Authority's Program Manager will also continue to monitor the daily volume of water delivered to each Customer and the total volume delivered to all Customers.

(B) Requirements for Termination. A Stage 1 Water Shortage terminates when ~~either~~ the Authority delivers to Participants no more than 100% of the Supply for five (5) consecutive days, ~~or the City ends its Stage 1 water shortage.~~ The Authority will inform Participants of the termination of the Stage 1 Water Shortage in the same manner as in its initiation.

(C) Goal. Achieve a five percent (5%) reduction of average total daily usage of water within the Authority.

(D) Response Measures. During a Stage 1 Water Shortage, the General Manager shall institute a water management information program. The General Manager may use U.S. mail, electronic mail, media, and other sources to disseminate information to Participants regarding implementing voluntary response measures, including, but not limited to the following:

- (i) Requesting that Customers check for and repair all leaks, dripping faucets, and running toilets, and that Customers utilize water conservation measures such as displacement bags, low-flow shower heads and leak detection tablets;
- (ii) Requesting Customers to limit irrigation to between the hours of 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 (no watering on Mondays):
  - a. Sundays and Thursdays for single family residential customers with even-numbered street addresses;

b. Saturdays and Wednesdays for single family residential customers with odd-numbered street addresses; and

c. Tuesdays and Fridays for all other customers;

(iii) Advising Customers that mandatory measures may be imposed if the water shortage period continues.

### 3. Stage 2 Water Shortage.

(A) Requirement for Initiation. A Stage 2 Water Shortage exists when the Authority is delivering to Participants more than 100% of the Supply for five (5) consecutive days ~~and/or the City has declared a Stage 2 water shortage in accordance with the Ordinances.~~ The Authority will notify Participants of the initiation of a Stage 2 Water Shortage by either email, mail, telephone and/or by posting notice on the Authority's website. The news media may also be informed through a press release. The Authority's operator or the Authority's Program Manager will continue to monitor the daily volume of water delivered by the City and monitor any notices from the City regarding water delivery reductions or limitations. The Authority's operator and the Authority's Program Manager will also continue to monitor the daily volume of water delivered to each Customer and the total volume delivered to all Customers.

(B) Requirements for Termination. A Stage 2 Water Shortage terminates when ~~either~~ the Authority delivers to Participants no more than 100% of the Supply for five (5) consecutive days ~~or the City ends its Stage 2 water shortage.~~ The Authority will inform Participants of the Stage 2 Water Shortage in the same manner as in its initiation.

(C) Goal. Achieve a 10 percent (10%) reduction of average total daily usage of water within the Authority.

(D) Response Measures.

(i) The measure(s) established for a Stage 1 Water Shortage shall continue to be implemented, except as modified below; and

(ii) During a Stage 2 water shortage, Customers are required to:

a. Repair detectible water leaks within 72 hours of discovery; and

b. Limit outdoor irrigation ~~to between~~ ~~to~~ the hours of 7:00 p.m. and 5:00 a.m. of the following day on no more than two (2) days per week, but possibly one day per week as determined by the Authority, in conformity with the following schedule (no watering on Mondays):

1) Sundays and/or Thursdays for single family residential customers with even-numbered street addresses;

2) Saturdays and/or Wednesdays for single family residential customers with odd-numbered street addresses; and



3) Tuesdays and/or Fridays for all other customers.

4. Stage 3 Water Shortage.

(A) Requirement for Initiation. A Stage 3 Water Shortage exists when the Authority is delivering to Participants more than 100% of the Supply for five (5) consecutive days, ~~and/or the City has declared a Stage 3 water shortage in accordance with the Ordinances.~~ The Authority will notify Participants of the initiation of a Stage 3 Water Shortage by either email, mail, telephone and/or by posting notice on the Authority's website. The news media may also be informed through a press release. The Authority's operator or the Authority's Program Manager will continue to monitor the daily volume of water delivered by the City and monitor any notices from the City regarding water delivery reductions or limitations. The Authority's operator and the Authority's Program Manager will also continue to monitor the daily volume of water delivered to each Customer and the total volume delivered to all Customers.

(B) Requirements for Termination. A Stage 3 Water Shortage terminates when ~~either~~ the Authority delivers to Participants no more than 100% of the Supply for five (5) consecutive days, ~~or the City ends its Stage 3 water shortage.~~ The Authority will inform Participants of the Stage 3 Water Shortage in the same manner as in its initiation.

(C) Goal. Achieve a 15 percent (15%) reduction of average total daily usage of water within the Authority.

(D) Response Measures.

- (i) The measure(s) established for a Stage 1 Water Shortage and a Stage 2 Water Shortage shall continue to be implemented, except that use of water for all outdoor purposes including irrigation, ornamental, decorative, or scenic purposes such as fountains, reflecting pools, and water gardens, shall be prohibited; and
- (ii) The Authority's operator or the Authority's Program Manager will initiate weekly contact with Participants receiving water from the Authority to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water supplies if water shortage conditions worsen.

5. Stage 4 Water Shortage.

(A) Requirement for Initiation. A Stage 4 Water Shortage exists when the Authority is delivering to Participants more than 100% of the Supply for five (5) consecutive days, ~~and/or the City has declared a Stage 4 water shortage in accordance with the Ordinances.~~ The Authority will notify Participants of the initiation of a Stage 4 Water Shortage by either email, mail, telephone and/or by posting notice on the Authority's website. The news media may also be informed through a press release. The Authority's operator or the Authority's Program Manager will continue to monitor the daily volume of water delivered by the City and monitor any notices from the City regarding water delivery reductions or limitations. The Authority's operator and the Authority's Program Manager will also continue to monitor the daily volume of water delivered to each Customer and the total volume delivered to all Customers.



(B) Requirements for Termination. A Stage 4 Water Shortage terminates when ~~either~~ the Authority delivers to Participants no more than 100% of the Supply for five (5) consecutive days, ~~or the City ends its Stage 4 water shortage.~~ The Authority will inform Participants of the Stage 4 Water Shortage in the same manner as in its initiation.

(C) Goal. Achieve a 20 percent (20%) reduction of average total daily usage of water within the Authority.

(D) Response Measures.

- (i) The measures established for a Stage 1 Water Shortage, a Stage 2 Water Shortage and a Stage 3 Water Shortage shall continue to be implemented; and
- (ii) The Authority may initiate allocation of water supplies to its Participants contractually entitled to receive water from the Authority on a pro rata basis, in accordance with Texas Water Code, Section 11.039.

6. Emergency Water Shortage.

(A) Requirement for Initiation. An Emergency Water Shortage exists when the Authority is unable to provide 100% of the Supply to Participants because of a failure in or damage to the Authority's water system. The Authority will notify Participants of the initiation of an Emergency Water Shortage by either email, mail, telephone and/or by posting notice on the Authority's website. The news media may also be informed through a press release.

(B) Requirements for Termination. An Emergency Water Shortage terminates when the condition giving rise to its initiation no longer exist. The Authority will inform Participants of the termination of the Emergency Water Shortage in the same manner as in its initiation.

(C) Goal. Reduce delivery of water as appropriate to address the emergency condition.

(D) Response Measures.

- (i) When an Emergency Water Shortage exists, the Authority will issue situation reports to Participants as frequently as the emergency condition dictates. The General Manager may call emergency meetings to discuss with Participants major operational changes if it finds such action necessary during the progress of the Emergency Water Shortage. The Authority will advise Participants of the emergency condition every business day on the Authority website; and
- (ii) The Authority may implement any water shortage response measures, whether or not such measures are contained within other parts of this Plan, including without limitation, prohibiting water use for ornamental, decorative, or scenic purposes and/or allocating water supplies to Participants contractually entitled to receive water from the Authority on a pro rata basis, in accordance with Texas Water Code, Section 11.039.

- (iii) Every wholesale water contract entered into or renewed by the Authority, including contract extensions, will include a provision that in the 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.

#### **ARTICLE IV. ENFORCEMENT AND VARIANCES**

##### **1. Enforcement.**

All of the terms, conditions and duties imposed under this Plan shall constitute rules of the Authority. As such, any failure to comply with this Plan shall be a violation of the Authority's rules and shall be subject to enforcement in the same manner as provided in the Authority's Rate Order for violations thereof.

##### **2. Variances.**

(A) The General Manager may, in writing, grant a temporary variance to this Plan if the General Manager determines, in its sole discretion, that failure to grant a variance will cause an emergency condition adversely affecting the public health, welfare, or safety and one or more of the following conditions are met:

- (i) Compliance with this Plan cannot be accomplished during the duration of the water supply shortage for which the Plan is in effect; or
- (ii) Alternative methods can be implemented to achieve the same level of reduction in water use and such reduction can be demonstrated.

(B) An entity requesting an exemption from the provisions of this Plan shall file a petition for variance with the General Manager within 14 days after the applicable stage of this Plan has been invoked. All petitions for variances shall be reviewed by the General Manager, and shall include the following:

- (i) Name and address of the petitioner(s);
- (ii) Detailed statement with supporting data and information as to how the implementation of this Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan;
- (iii) Description of the relief requested;
- (iv) Period of time for which the variance is sought;
- (v) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date; and

(vi) Other pertinent information.

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

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