

DRAFT POLICY REGARDING DROUGHT CONTINGENCY MEASURES

Policy Objective

The primary objective of all policies is to support the San Jacinto River Authority Groundwater Reduction Plan (SJRA GRP) Program and to benefit all SJRA GRP Participants. The objective of this drought contingency measures policy is to establish and promote strategies for the SJRA GRP Participants to reduce peak water demands and to extend the water supplies.

Introduction

Drought is a frequent and inevitable factor in the climate of Montgomery County. Therefore it is vital to plan for the effect that drought will have on the use, allocation and conservation of water. The Texas Commission on Environmental Quality (TCEQ) requires retail water suppliers to prepare and adopt a drought contingency plan.

The goals of this Policy are to reduce peak water demands and extend water supplies. The potential results of a successfully implemented policy are reduced peak water demands and extending water supplies during drought conditions benefitting the SJRA and the SJRA GRP Participants. The key to any drought contingency plan is to identify drought conditions as early as possible and to begin reduction of water use immediately to minimize the impacts of the drought on water supplies, particularly surface water in Lake Conroe and groundwater in the Gulf Coast Aquifer.

Policy Elements

1. Prepare a Drought Contingency study to identify potential reductions in peak water demand and develop drought contingency strategies and goals for reduction in peak water demand and extension of water supplies during drought conditions.
2. Develop a standard Drought Contingency Plan (DCP) for the SJRA GRP Program that all SJRA GRP Participants can use as a guide. This standard plan will at a minimum include the following:
 - a. Specific, quantified targets for water use reductions.
 - b. Drought response stages.
 - c. Triggers to begin and end each stage.
 - d. Supply management measures.
 - e. Demand management measures.
 - f. Description of drought indicators.
 - g. Notification procedures.
 - h. Procedures for granting exceptions.

- i. Public input to the plan.
 - j. Ongoing public education.
 - k. Adoption of plan.
3. Collect, read, review and understand existing drought contingency plans from all SJRA GRP Participants that currently have one in place. Assist the SJRA GRP Participants that do not currently have one in place to adopt and enforce a drought contingency plan meeting the applicable minimum requirements of the SJRA and the TCEQ (30 T.A.C. Subchapter B; Drought Contingency Plans §§ 288.20-288.22, or any successor rules) as specified in the SJRA GRP Contract.
4. Implement a program requiring each SJRA GRP Participant to demonstrate compliance with the established drought contingency goals. The program should evaluate/establish penalties for not meeting the DCP goals.

The applicable portions of the SJRA GRP Contract Section 3.05 are reproduced below and included for reference only.

Section 3.05: Water Conservation; Drought Contingency. Participant agrees to adopt and enforce a water conservation plan meeting the applicable minimum requirements of the Conservation District and the TCEQ (30 T.A.C. 95 288.1-288.7, or any successor rules), as well as a drought contingency plan meeting the applicable minimum requirements of the Conservation District and the TCEQ (30 T.A.C. §§ 288.20-288.22, or any successor rules). Participant may, but shall not be obligated, to include provisions in such plans that exceed or are more stringent than the minimum requirements described in the preceding sentence. Such plans must be completed and filed with the SJRA GRP Administrator at such times as may be reasonably required by the SJRA GRP Administrator, without regard to whether Participant will connect to the Project. In addition, after review by the Review Committee, the SJRA may require Participant to adopt and enforce minimum requirements adopted by the SJRA for such water conservation plans and drought contingency plans but only if: (i) such minimum requirements apply on an equal and uniform basis to all Participants and to all entities located in whole or in part in Montgomery County to which the SJRA supplies wholesale groundwater or Water; and (ii) the SJRA has the legal right to impose such minimum requirements on all such entities to which the SJRA supplies wholesale groundwater or Water.

End of the applicable portions of the SJRA GRP Contract Section 3.05.

SUBCHAPTER B: DROUGHT CONTINGENCY PLANS

30 TAC §§288.20-288.22

STATUTORY AUTHORITY

The amendments are adopted under Texas Water Code, §5.103, which provides the commission with the authority to adopt and enforce rules necessary to carry out its powers and duties under the laws of this state; §5.120, which requires the commission to administer the law so as to promote the judicious use and maximum conservation of water; and §11.1272, which requires the commission by rule to require submission of certain drought contingency plans.

§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, shall provide information in response to each of the following.

(1) Minimum requirements. Drought contingency plans shall 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 insure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan shall 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 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.).

(G) 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.

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

(I) The drought contingency plan must include procedures for the enforcement of any 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 shall 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, shall provide information in response to each of the following.

(1) Minimum requirements. Drought contingency plans for irrigation water suppliers shall 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 insure consistency with the appropriate approved regional water plans.

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

(E) The drought contingency plan shall 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.

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

(G) The drought contingency plan shall 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.

(H) The drought contingency plan shall 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.

§288.22. Drought Contingency Plans for Wholesale Water Suppliers.

(a) A drought contingency plan for a wholesale water supplier shall 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 insure consistency with the appropriate approved regional water plans.

(3) The drought contingency plan shall 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 shall 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 shall 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 shall 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.).

(7) The drought contingency plan shall 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.

(8) The drought contingency plan shall include procedures for granting variances to the plan.

(9) The drought contingency plan shall 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.

SUBCHAPTER C: REQUIRED SUBMITTALS

30 TAC §288.30

STATUTORY AUTHORITY

The amendment is adopted under Texas Water Code, §5.103, which provides the commission the authority to adopt and enforce rules necessary to carry out its powers and duties under the laws of this state; §5.120, which requires the commission to administer the law so as to promote the judicious use and maximum conservation of water; §11.1271, which requires the commission by rule to require