

FORNEY LAKE WATER SUPPLY CORPORATION

**DROUGHT
CONTINGENCY
PLAN**

Prepared for

Texas Commission on Environmental Quality

Revised May 2, 2006

By

FORNEY LAKE WATER SUPPLY CORPORATION
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Drought Contingency Plan
For
Forney Lake Water Supply Corporation

January 2000
Revised May 2, 2006
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Section I: Declaration of Policy, Purpose, and Intent

In order 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, Forney Lake Water Supply Corporation hereby adopts the following regulations and restrictions on the delivery and consumption of water. Water usage regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such usage during times of water shortage or other emergency water supply conditions 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

The provisions of this plan shall apply to all Forney Lake Water Supply Corporation retail and wholesale customers. The term "water users" as used in the Plan includes retail and wholesale customers and all other legal entities that have contracted with Forney Lake Water Supply Corporation for water service. Opportunity for the public and water users to provide input into the preparation of the Plan was provided by Forney Lake Water Supply Corporation by mean of scheduling and holding a public meeting.

Section III: Public Education

Forney Lake Water Supply Corporation will periodically provide the public with information about the Plan, including information about the conditions under which each state 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 press releases and/or utility bills.

Section IV: Coordination with Regional Water Planning Groups

The service area of Forney Lake Water Supply Corporation is located within Region C Water Planning Area and Forney Lake Water Supply Corporation has provided a copy of this Plan to the Region C Water Planning Area Agency – North Texas Municipal Water District.

Section V: Authorization

Forney Lake Water Supply Corporation 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. Forney Lake Water Supply Corporation 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 persons, customers, and property utilizing water provided by Forney Lake Water Supply Corporation. The terms "person" and "customer" as used in the Plan include individuals, cities, other water districts, corporations, partnerships, associations, and all other legal entities.

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, city, other water districts, or organization using water supplied by Forney Lake Water Supply Corporation.

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

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, athletic fields, 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 to 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.

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

Forney Lake Water Supply Corporation Board of Directors shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation and signs posted in public places.

The triggering criteria described below are based on the ability of the wholesale water supplier to Forney Lake Water Supply Corporation, MTMWD, not being able to furnish all of the water that Forney Lake Water Supply Corporation needs or that there is an operational/pumping capacity problem at Forney Lake Water Supply Corporation.

(a) Stage 1 – Mild Water Shortage Conditions

Requirements for initiation – Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, when:

- (1) When, pursuant to requirements specified in the Forney Lake Water Supply Corporation wholesale water purchase contract with NTMWD, notification is received requesting initiation of Mild Drought Contingency Operation or
- (2) When total daily water demand equals or exceeds 2.0 million gallons for 3 consecutive days or 2.1 million gallons on a single day (based on the “safe” operating capacity of water supply facilities).

Requirement 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 7 consecutive days and/or the Forney Lake Board of Directors deems it necessary to continue with Plan.

(b) Stage 2 – Moderate Water Shortage Conditions

Requirements for Initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water use provided in Section VII of this Plan when:

- (1) Pursuant to requirements specified in the Forney Lake Water Supply wholesale water purchase contract with NTMWD, notification is received requesting initiation of Moderate Drought Contingency Operation or
- (2) When total daily water demand equals or exceeds 2.1 million gallons for 3 consecutive days or 2.2 million gallons on a single day (based on the “safe” operating capacity of water supply facilities).

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 7 consecutive days and/or the Forney Lake Board of Directors deems it necessary to continue the Plan. Upon termination of Stage2, Stage 1 becomes operative.

(c) Stage 3 – Severe Water Shortage Conditions

Requirements for Initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water used for Stage 3 of this Plan when:

- (1) Pursuant to requirements specified in the Forney Lake Water Supply Corporation wholesale water purchase contract with NTMWD, notification is received requesting initiation of Severe Drought Contingency Operation or
- (2) When total daily water demand equals or exceeds 2.3 million gallons for 3 consecutive days (based on the “safe” operating capacity of water supply facilities).

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 7 consecutive days and/or the Forney Lake Board of Directors deems it necessary to continue with Plan. Upon termination of Stage 3, Stage 2 becomes operative.

(d) Stage 4 – Emergency Water Shortage Conditions

Requirements for Initiation – Customers shall be required to comply with the requirements and restrictions for Stage 4 of this Plan when the Forney Lake Water Supply Corporation Board of Directors, or his/her designee, determines that a water supply emergency exists based on:

- (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); or
- (3) Natural disaster, massive power outage; or
- (4) NTWMD notifies Forney Lake Water Supply Corporation requesting initiation of Critical Emergency Condition of the Drought Contingency Plan.

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 7 consecutive days and/or the Forney Lake Board of Directors deems it necessary to continue the Plan. Upon termination of Stage 4, Stage 3 becomes operative.

(e) Water Rationing

Requirements for Initiation – The Forney Lake Water Supply Board of Directors or his/her designee will convene an emergency management team to deal with the water emergency and determine any appropriate water rationing response to the water emergency.

Section IX: Drought Response Stages – Retail

The Forney Lake Water Supply Board of Directors, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a mild, moderate, severe, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper or general circulation:

Stage 1 – Mild Water Shortage Conditions

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

Supply Manage Measures:

Forney Lake Water Supply Corporation will reduce flushing of water mains and decrease the use of fire hydrant meter use.

Voluntary Water Use Restrictions

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to the designated alphabetical schedule as determined by the customer’s last name as follows:

A-D	Monday
E-H	Tuesday
I-M	Wednesday
N-S	Thursday
T-Z	Friday

- (b) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 – Moderate Water Shortage Conditions

Goal: Achieve a 15 percent reduction in daily water demand.

Supply Management Measures:

Forney Lake Water Supply corporation will reduce flushing of water mains and suspend use of fire hydrant meter usage and require schools in area to reduce irrigation use on athletic fields.

Water Use Restrictions:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to the designated alphabetical schedule as determined by the customer's last name as follows:

A-D	Monday
E-H	Tuesday
I-M	Wednesday
N-S	Thursday
T-Z	Friday

However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

- (b) Use water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days. Such washing when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Further, such washing may be exempted for these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add top any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days.
- (d) 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 re-circulation system.
- (e) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare.
- (f) The following uses of water are defined as non-essential and are prohibited:
- (1) Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (2) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (3) Use of water for dust control;
 - (4) Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - (5) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 – Severe Water Shortage Conditions

Goal: Achieve a 20 percent reduction in daily water demand

Supply Management Measures:

Forney Lake water Supply shall reduce flushing of water lines, discontinue irrigation of public and private landscaped areas, and no commercial use from fire hydrants.

Water Use Restrictions: All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 p.m. and 10:00 a.m. and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle shall occur only between the hours of 9:00 a.m. and 12:00 p.m.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (d) All restaurants are prohibited from serving water to its patrons except when requested.
- (e) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (f) No applications for new, additional, expanded, or increase-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.
- (g) No watering

Stage 4 – Emergency Water Shortage Conditions

Goal: Prohibit all uses of public water supply, except in emergency cases until further notice that emergency conditions have been resolved

Water Use Restrictions: All requirements of Stage 2 and Stage 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (c) Water use is only in emergency cases.

Section X: Means of Implementation and Enforcement – Retail

- (1) This Forney Lake Water Supply Corporation Drought Contingency Plan is adopted in an effort to clarify the conditions during a drought, which may necessitate special Water System operations, and to initiate the rapid implementation of drought operations and a closer coordination of Forney Lake Water Supply Corporation and water users required during a drought.
- (2) The Forney Lake Water Supply Board of Directors or his/her designee may, in writing, grant a temporary variance to the water 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 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.
 - (c) Water users requesting an exemption from the provisions of this Plan shall file a petition for variance with Forney Lake Water Supply Corporation within 5 days after the Plan has been invoked. All petitions for variances shall be reviewed by the Forney Lake Water Supply Board of Directors or his/her designee, and shall include the following:
 - (1) Name and address of the petitioner(s).

- (2) Detailed statement with supporting date and information as to how the requirements 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 Plan.
 - (3) Description of the relief requested.
 - (4) Period of time for which the variance is sought.
 - (5) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and compliance date.
 - (6) Other pertinent information.
- (d) Variances granted by Forney Lake Water Supply Corporation shall be subject to the following conditions:
- (1) Variance granted shall include a timetable for compliance
 - (2) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet requirements.
- (e) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

(3) Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from Forney Lake Water Supply Corporation 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 Forney Lake Water Supply Board of Directors, or his/her designee, in accordance with provisions of this Plan.
- (b) Any person who violates this plan will be subject to the following provisions:
 - (1) First time offenders will be a verbal warning and explanation why the Plan was implemented.
 - (2) Second time offenders will be another verbal warning with a letter signed by the violator that states violator was confronted about usage and that a water constrictor will be placed on meter if violation happens again.
 - (3) Third time offenders will have a constrictor installed on violator's meter and violator will be warned that if violation continues water service will be discontinued for a period of 3 days.
- (c) Any person, including a person classified as a water customer of Forney Lake Water Supply Corporation, 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 rebuttal 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 violation of their minor children and proof that a violation committed by a child occurred on the property within the parent's control shall constitute a rebuttal 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 the Plan and that the parent could not have reasonably known of the violation.
- (d) When our daily maximum allowance of water is exceeded during drought periods, our supplier increases the purchase price, thus Forney Lake customers shall pay the following surcharges on excess water deliveries:

The following rates will apply:

0 – 30,000	\$ 2.60 per 1,000 gallons
30,000 – 100,000	\$25.00 per 1,000 gallons

100,000 gallons and over

\$50.00 per 1,000 gallons

Section XI: Drought Response Stages – Wholesale

Forney Lake Water Supply Board of Directors or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VII of the Plan, shall determine that a mild, moderate, severe, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

Stage 1 – Mild Water Shortage Conditions

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

Forney Lake Water Supply will notify the wholesale water user of the start of Drought Condition Operations under the Forney Lake Water Supply Drought Contingency Plan, so that they may implement their own individual Retail Water Supplier Drought Contingency Plan.

Stage 2 – Moderate Water Shortage Conditions

Goal: Achieve a 15 percent reduction in daily water demand.

- (1) All previous, relevant operating conditions, including public water use restrictions where appropriate, will remain in force unless revised by the following operating procedures. Forney Lake Water Supply shall establish pro rata allocations on all wholesale water users by reducing water available at each delivery point by a uniform percentage based on the current Annual Maximum Demand for each entity. If a wholesale water user's billing history is less than one year, the average for the period for which there is a record shall be used. Once pro rata allocations are in effect, water deliveries to each water user shall be limited to the allocation. Forney Lake Water Supply, or his/her designee, shall provide notice by certified mail to each affected wholesale water user informing them of their individual maximum water usage allocation within three working days of Forney Lake Water Supply board of Directors' approval and shall notify the news media and the Executive Director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.
- (2) Forney Lake Water Supply water users will be advised to continue all relevant actions from the previous stages including appropriate public water use restrictions and to implement the next stage of their own individual Retail Water Supplier Drought Contingency Plan.

Stage 3 – Severe Water Shortage Conditions

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

- (1) Forney Lake Water Supply wholesale water users will be advised to continue all relevant actions from the previous stages including public water use restrictions and to implement the next stage of their own individual Retail Water Supplier Drought Contingency Plan.
- (2) All requirements of Stage 1 and Stage 2 shall remain in effect during Stage 3.

Stage 4 – Emergency Water Shortage Conditions

Goal: Prohibit all uses of public water supply except in emergency cases until further notice that emergency conditions have been resolved.

Forney Lake Water Supply and the affected wholesale water user will coordinate actions necessary to prohibit all uses of the public water supply, except in emergency cases, until further notice that critical conditions have been resolved.

Section XII: Means of Implementation and Enforcement – Wholesale

- (1) Forney Lake Water Supply Drought Contingency Plan is adopted in an effort to clarify the conditions during a drought which may necessitate special Water System operations and to initiate the rapid implementation of drought operations and the closer coordination of Forney Lake Water Supply's and water users' operations required during a drought.
- (2) During any period when pro rata allocations of available water supplies is in effect, water users shall be limited to their allotted flow by restriction of the rate of flow at the delivery point. Forney Lake Water Supply will monitor the total cumulative flows during the month to be sure that the pro rata allocations are fairly and uniformly applied.
- (3) Forney Lake Water Supply or his/her designee may, in writing, grant a temporary variance to the pro rata water allocation policies provided by the 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.
 - (c) Water users requesting an exemption from the provisions of the Plan shall file a petition for variance with Forney Lake Water Supply within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Forney Lake Water Supply Board of Directors or his/her designee, and shall include the following:
 - (1) Name and address of the petitioner(s).
 - (2) Detained 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 Plan.
 - (3) Description of the relief requested.
 - (4) Period of time for which the variance is sought.
 - (5) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and compliance date.
 - (6) Other pertinent information.
 - (d) Variances granted by Forney Lake Water Supply shall be subject to the following conditions.
 - (1) Variances granted shall include a timetable for compliance.
 - (2) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet requirements.
 - (e) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.
- (4) Forney Lake Water Supply water users are encouraged to review their water system operations and to adopt a contingency plan, or a plan, which includes special considerations for their local situation, in the event Forney Lake Water Supply declares a drought condition.

Section XIII: Severity

It is hereby declared to be the intention of Forney Lake Water Supply that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severe and, if any phrase, clause, sentence,

paragraph, or section of this Plan shall be declared unconstitutional by 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 Forney Lake Water Supply without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

This policy passed and approved by the Forney Lake Water Supply Board of Directors in a regular meeting on the 7th day of March, 2000.

Signed – Benny Abernathy

Benny Abernathy, President
Forney Lake Water Supply Corporation