

# **WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT**

## **DROUGHT AND WATER EMERGENCY CONTINGENCY PLAN**

**2014 5-YEAR UPDATE**



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**TABLE OF CONTENTS**

1. Declaration of Policy Purpose and Intent
2. Public Involvement
3. Wholesale Water Customer and Education
4. Coordination with Brazos G Regional Water Planning Group
5. Authorization
6. Application
7. Initiation and Termination of Drought Response Stages
8. Drought/Emergency Stages and Criteria and District Responses
9. Pro Rata Water Allocation
10. Enforcement
11. Variances
12. Plan Review and Update
13. Severability
14. Drought Conditions and Response Table

## **DROUGHT AND WATER EMERGENCY CONTINGENCY PLAN FOR THE WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT**

### **1. Declaration of Policy, Purpose and Intent**

In order to conserve its available water supply and/or to protect the integrity of its 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 to minimize the adverse impacts of water supply shortages or other water supply emergency conditions, the West Central Texas Municipal Water District (the "District") hereby adopts the following Drought and Water Emergency Contingency Plan (the "Plan"). Such adoption is evidenced by the Board's resolution, provided as Appendix C.

### **2. Public Involvement**

Pursuant to 30 Texas Administrative Code § 288.22(a)(1), opportunity for the public and the District's water customers to provide input into the preparation of this Plan was provided by the District giving notice of, and by convening and conducting, a public meeting to receive input from the general public and the District's water customers regarding the terms and provisions of this Plan. The public hearing for this update was held on February 5, 2014 in conjunction with the regular meeting of the Board of Directors. Notice of the public hearing was advertised in the local newspaper and posted on the District's web site. Copies of the Plan were made available at the District's headquarters in Abilene and available for download from the District's website.

### **3. Wholesale Water Customer Education**

The District provides wholesale water customers of the District with information about this Plan, including information about the conditions under which each stage of the Plan shall be initiated or terminate and the drought response measures to be implemented by the District in each stage. Information regarding the District's Plan will be provided to its water customers by written notice to each customer of the adoption and existence of the Plan, by furnishing each water customer, upon request, a copy of the Plan, and by periodically informing customers about the existence of the Plan and any changes thereto.

### **4. Coordination with Brazos G Regional Water Planning Group**

The water service area of the District is located within the Brazos G Regional Water Planning Area designated by the Texas Water Development Board. Pursuant to 30 Texas Administrative Code § 288.22(a)(2), the District has provided a copy of the Plan to the Brazos G Regional Water Planning Group. See Appendix D of the Water Conservation Plan.

### **5. Authorization**

The General Manager or his designee is hereby authorized and directed to implement the applicable provisions of this Plan upon a determination that such implementation is necessary to protect public health, safety or welfare. The General Manager or his designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

**6. Application**

The provisions of this Plan shall apply to all customers utilizing water provided by the District, including the Member Cities of the District and other customers of the District. The terms "person" and "customer" as used in the Plan include municipalities, individuals, corporations, partnerships, associations and all other legal entities.

**7. Criteria for Initiation and Termination of Drought Response Stages**

As required in 30 Texas Administrative Code § 288.22(a)(3), the General Manager or his designee shall monitor all water availability and demand conditions affecting the District's sole water supply source, Hubbard Creek Reservoir, on a monthly or more frequent basis and shall determine when conditions warrant initiation or termination of each stage of this Plan. Customer notification of the initiation or termination of drought response stages will be made to the designated representative of each Member City by mail and/or telephone. All other customers will be notified by mail. The news media in each of the Member Cities of the District shall also be informed. Pursuant to 30 Texas Administrative Code § 288.22(b), the General Manager or his designee will notify TCEQ within five (5) business days of the implementation or rescinding of any mandatory provisions of the Plan.

**8. Drought/Emergency Stages and Criteria and District Responses**

Attached hereto as Table 1, and incorporated in this Plan for all purposes as if fully and completely set forth herein, are the drought condition and other emergency criteria and stages adopted by the District, pursuant to 30 Texas Administrative Code § 288.22(a)(4)-(7), which identify and designate four (4) drought stages. Based upon an analysis prepared for the District by the District's consulting engineers, historic drought records, the existing pumping and pipeline facilities and capacities of the District's water distribution system, the District's contractual obligations to its water customers, and in particular, the District's contractual obligations to its Member Cities, have been determined by the Directors of the District to be the most appropriate triggering criteria for the drought stages reflected in Table 1. The "No Drought" and four drought stages are based solely upon the surface elevation of Hubbard Creek Reservoir. The District will coordinate with Member Cities during "Stage 3" and "Stage 4" drought response stages to utilize Member Cities' alternative water sources, with prior approval of TCEQ, as appropriate. The final category ("Emergency") addresses those situations or circumstances where the District's ability to provide raw water to some or all of its water customers has been interrupted or impaired as a result of so-called "system failures", such as equipment malfunctions, pipeline breaks, electrical power interruption or restrictions, acts of God (wind, hail, tornado, etc.) and similar circumstances where, on a temporary or short-term basis, the District cannot deliver water to some or all of its customers as required by the terms of their respective contracts.

**9. Pro Rata Water Allocation**

The District provides raw water to the Member Cities of Abilene, Albany, Anson and Breckenridge for their municipal uses. The District does not treat water nor does it provide water through a retail

water supply system. Water allocations are determined by the terms and conditions of the original Water Supply Contract signed in 1959, as amended in 1985 and 2004. Amendment 2 provides for percentage reductions in the City of Abilene's allocation based on Drought Stage and the elevation of Hubbard Creek Reservoir. By contract the allocation for cities of Albany, Anson and Breckenridge are not reduced based on Drought Stage.

Agricultural customers along the District's pipelines are subject to pro rata reductions in accordance with Texas Water Code Section 11.039. Paragraph 9 of the Water Service Contract for Pipeline Customers states that "District reserves the right at any time, and from time to time, to limit the daily, monthly or annual quantity of water which Customer may take from Customer's tap; provided, that any such restriction or reduction in the amount of water available to Customer shall be applied in like manner, and on a pro rata basis, to other rural Customer of District similarly affected.

**10. Enforcement**

During any period when pro rata allocation of available water supplies is in effect, water customers (other than Member Cities of the District) found to be in violation of water use restrictions shall be liable for disconnection or otherwise be prohibited from taking or using water from the tap/meter.

**11. Variances**

Pursuant to 30 Texas Administrative Code § 288.22(a)(9), the General Manager or his designee may, in writing, grant a temporary variance to the pro rata allocation if the General Manager (or his designee) determines that a failure to grant such variance will cause an emergency condition adversely affecting the public health welfare or safety and one or more of the following conditions are met:

- A. Compliance with this Plan cannot be technically accomplished throughout the duration of the current water supply shortage or other condition for which the Plan is in effect; or
- B. Alternate methods can be implemented which will achieve the same level of water use reduction.
- C. Persons or entities requesting an exemption from the provisions of this Plan shall file a petition for variance with the General Manager within five (5) days after a pro rata allocation has been implemented by the Board of Directors. All petitions for variances shall be reviewed by the Board of Directors and shall include the following:
  - (1) Name and address of the petitioner (whether one or more).
  - (2) 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 the 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 the proposed compliance date (if any).

(6) Other pertinent information.

D. Variances granted by the Board of Directors shall be subject to the following conditions, unless waived or modified by the Board or its designee:

(1) Variances granted shall include a timetable for compliance.

(2) Variances granted shall expire when the Plan is no longer in effect or, earlier, if the petitioner fails to satisfy any requirements imposed by the Board as a condition to granting the variance.

E. No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

F. The Board of Directors may grant a variance to the water allocation plan adopted by the District for its Member Cities under Section 9, Paragraph E upon the petition by a member city under this Section 11.

## **12. Plan Review and Update**

Pursuant to 30 Texas Administrative Code § 288.22(c), the District will review and update this Drought and Water Emergency Plan, as appropriate, based on new or updated information, such as the adoption or revision of the regional water plan. As a minimum the Plan will be updated every five (5) years.

## **13. Severability**

It is hereby declared to be the intention of the Board of Directors of the District that the sections, paragraphs, sentences, clauses and phrases of this Plan are severable. In the event that any phrase, clause, sentence, paragraph or section of this Plan shall be declared unconstitutional, illegal or unenforceable by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, illegality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Plan, since the same would not have been enacted by the Board of Directors of the District without the incorporation into this Plan of any such unconstitutional, illegal or unenforceable phrase, clause, sentence, paragraph or section.

**Table 1: West Central Texas Municipal Water District - Hubbard Creek Reservoir (HCR) Drought Conditions**

| Condition  | HCR elevation<br>(Ft. Above msl) | HCR Content<br>(acre-feet) | Actions to be Taken  | Member City<br>Water Allocation <sup>2</sup>  |
|------------|----------------------------------|----------------------------|--|---|
| No Drought | Above 1170.01                    | 318,067<br>to<br>157,226   | <ul style="list-style-type: none"> <li>a. Maintain public awareness.</li> <li>b. Promote voluntary conservation.</li> </ul>  | Abilene <25,500 ac-ft/yr<br>Albany <2,800 ac-ft/yr<br>Anson <3,000 ac-ft/yr<br>Breckenridge <3,600 ac-ft/yr             |
| Stage 1    | 1170.00 to<br>1155.01            | 157,128<br>51,918          | <ul style="list-style-type: none"> <li>a. Begin public drought awareness communication.</li> <li>b. Continue to promote voluntary conservation.</li> <li>c. Inform users as to minimum probable time interval before drought may reach next stage.</li> </ul>  | Abilene <20,400 ac-ft/yr<br>Albany <2,800 ac-ft/yr<br>Anson <3,000 ac-ft/yr<br>Breckenridge <3,600 ac-ft/yr             |
| Stage 2    | 1155.00 to<br>1153.01            | 51,871<br>43,125           | <ul style="list-style-type: none"> <li>a. Continue public communication.</li> <li>b. Continue to promote voluntary conservation.</li> <li>c. Inform users as to minimum probable time interval before drought may reach next stage.</li> <li>d. Encourage customer cities to restrict outdoor water uses.</li> <li>e. Encourage lakeshore users to restrict outdoor water uses.</li> <li>f. Restrict mining and irrigation use, as needed.</li> </ul>  | Abilene <15,300 ac-ft/yr<br>Albany <2,800 ac-ft/yr<br>Anson <3,000 ac-ft/yr<br>Breckenridge <3,600 ac-ft/yr             |
| Stage 3    | 1153.00 to<br>1150.01            | 43,083<br>31,641           | <ul style="list-style-type: none"> <li>a. Continue public communication</li> <li>b. Inform users as to minimum probable time interval before drought may reach next stage.</li> <li>c. Ask customer cities to adopt mandatory restrictions on all non-essential water uses.</li> <li>d. Issue lakeshore users' restrictions on all outdoor water uses.</li> <li>e. Consider alternatives to customary water supply pumping procedures at HCR.</li> <li>f. Negotiate for storage reductions (if needed) in other system reservoirs to approximately the same percent content as in HCR.</li> <li>g. Restrict or halt mining and irrigation use, as needed.</li> </ul> | Abilene <10,200 ac-ft/yr<br>Albany <2,800 ac-ft/yr<br>Anson <3,000 ac-ft/yr<br>Breckenridge <3,600 ac-ft/yr             |
| Stage 4    | 1150.00 and<br>below             | ≤31,606                    | <ul style="list-style-type: none"> <li>a. Continue public communication</li> <li>b. Hold town meetings to inform the public and receive public input</li> <li>c. Ask customer cities to stop all non-essential water use.</li> <li>d. Mandate lakeshore users stop all outdoor water uses.</li> <li>e. Adopt rationing allocations for customer cities, as needed.</li> <li>f. Restrict or halt mining and irrigation use, as needed.</li> <li>g. Monitor the probable duration of critical drought conditions based on past hydrologic records.</li> </ul>  | Abilene <sup>1</sup> <5,100 ac-ft/yr<br>Albany <2,800 ac-ft/yr<br>Anson <3,000 ac-ft/yr<br>Breckenridge <3,600 ac-ft/yr |
| Emergency  | Any<br>Elevation                 | Any<br>Content             | Emergency condition is initiated by General Manager when a system component failure, contamination, or other event threatens WCTMWD's ability to deliver adequate supplies. <ul style="list-style-type: none"> <li>a. Communicate with the public.</li> <li>b. Communicate with Member Cities and other users.</li> <li>c. Take other steps, as needed.</li> </ul>   | Abilene 0 mgd<br>Albany 0 mgd<br>Anson 0 mgd<br>Breckenridge 0 mgd  |

<sup>1</sup> Abilene's Target Water Use is zero (0) ac-ft/yr below HCR elevation 1148.00

<sup>2</sup> Per Amendment 2 2003