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# Introduction

The purpose of this drought contingency plan (the Plan) for Gulf Coast Water Authority (GCWA) is as follows:

* To conserve the available water supply in times of drought and emergency,
* To maintain supplies for domestic water use, industrial use, sanitation, and fire protection,
* To protect and preserve public health, welfare, and safety,
* To minimize the adverse impacts of water supply shortages,
* To minimize the adverse impacts of emergency water supply conditions, and
* To satisfy the requirements set forth by TCEQ and other agencies.

A drought is defined as an extended period of time when an area receives insufficient amounts of rainfall to replenish the water supply, causing water supply shortages. In the absence of drought response measures, water demands tend to increase during a drought due to the need for additional outdoor irrigation. The severity of a drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies.

# TCEQ Requirements for Drought Contingency Plans

This Plan is consistent with Texas Commission on Environmental Quality (TCEQ) guidelines and requirements for the development of drought contingency plans by wholesale water suppliers, contained in Title 30, Part 1, Chapter 288, Subchapter B, Rules 288.20–288.22 of the Texas Administrative Code. These rules are included in *Appendix A*.

# Public Involvement

Opportunity for the public and GCWA’s water customers to provide input into the preparation of the Plan was provided by GCWA through the following measures:

* Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper, posted notice, and notice on GCWA’s website,
* Making the draft plan available on GCWA’s web site,
* Providing the draft plan to anyone requesting a copy, and
* Holding a public meeting.

# Water Customer Education

After the Plan is adopted, GCWA will continue to inform and educate the public about the Plan through the following measures:

* Preparing a bulletin describing the Plan and making it available at appropriate locations,
* Making the Plan available to the public through the web site,
* Including information about the Plan on the web site, and
* Notifying local organizations, schools, and civic groups that GCWA staff are available to make presentations on the Plan (usually in conjunction with presentations on water conservation programs).

# Authorization of Drought Response

The GCWA General Manager or his/her designee (the GM), 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 GM shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

# Application of Drought Response Measures

The provisions of this Plan shall apply to all of GCWA’s water supply customers. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, municipalities, political subdivisions, and all other legal entities.

The following actions will be taken when a drought stage is initiated:

* The affected public will be notified through local media,
* GCWA’s customers who are potentially affected by a drought or emergency (the Affected Customers) will be notified by e-mail with a follow-up letter or fax that provides details of the reasons for initiation of the drought contingency stage, and
* If any mandatory provisions of the Plan are activated, GCWA will notify the Executive Director of the TCEQ within 5 business days.

The GM may decide not to order the implementation of a drought contingency response stage even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs.

# Criteria and Actions Required for Drought OR EMERGENCY Response Stages for Affected Customers

This section describes the criteria for and actions required for drought response stages for only Affected Customers based on the concepts of system demand and deliverable capacity, as defined below:

* **Affected Customers**: customers that are impacted by a particular shortage of deliverable capacity compared to system demand.
* **System demand**: demand on the system at a critical point where downstream customers can be affected by a reduction or total loss of service.
* **Deliverable capacity**: the ability to convey water at a given point in the system as limited by river conditions, diversion capacity, conveyance capacity, treatment capacity, etc.

Affected Customers include the customers that have take points downstream of the circumstances that are triggering a drought or emergency response. For instance, GCWA’s canal customers may be affected by events impacting river pump stations or canal conveyance to the point of diversion by the customer. Similarly, GCWA treated water customers may be impacted by events concerning the river pump stations and canal conveyances, but also storage in GCWA reservoir, and operation of water treatment and distribution infrastructure. The concept of Affected Customers is intended to limit the scope of drought response to only those customers directly impacted by a significant event, whether it be related to river conditions, pump station capacity, or conveyance and other infrastructure. A summary of the drought stages can be found in *Appendix B*.

## Stage 1 Response (Mild Water Shortage)

A Stage 1 Response for Affected Customers can be triggered when:

* The GM finds that conditions warrant the declaration of a Stage 1 Response or
* System demand exceeds 85% of deliverable capacity for three consecutive days.

A Stage 1 Response may be terminated when the circumstances that triggered the initiation of Stage 1 no longer prevail for seven consecutive days, or at the GM’s discretion.

The goal for water use under Stage 1 is a 5% reduction of the use that would have occurred in the absence of drought contingency measures. The GM may order the implementation of any of the following actions deemed necessary:

* Notify all Affected Customers that a Stage 1 drought condition exists,
* Require all Affected Customers to initiate Stage 1 or other appropriate stage in their drought contingency plan,
* Request voluntary reductions in water use by Affected Customers, or
* Increase public awareness of drought condition and measures to reduce demand.

If a Stage 1 drought condition is declared, TCEQ will be notified within five days of initiation and termination.

## Stage 2 Response (Moderate Water Shortage)

A Stage 2 Response for Affected Customers can be triggered when:

* The GM finds that conditions warrant the declaration of a Stage 2 Response or
* System demand exceeds 90% of deliverable capacity for three consecutive days.

A Stage 2 Response may be terminated when the circumstances that caused the initiation of Stage 2 no longer prevail for seven consecutive days, or at the GM’s discretion.

The goal for water use reduction under a Stage 2 Response is a 10% reduction of the use that would have occurred in the absence of drought contingency response measures. If the circumstances warrant, the GM can set a goal for greater water use reduction.

The GM may order the implementation of any of the actions listed below as deemed necessary. The Stage 2 Response measures are as follows:

* Continue or initiate any actions available under Stage 1,
* Notify all Affected Customers that a Stage 2 drought condition exists,
* Require Affected Customers to initiate Stage 2 or other appropriate stage in their drought contingency plan,
* Meet with Affected Customers to determine water use on a weekly basis, identify Affected Customers exceeding 95% of their contract amount, and advise them to reduce their usage,
* Cease issuance of new short-term or interruptible contracts with the exception of emergency conditions
* Terminate existing interruptible contracts, or
* **Requires TCEQ Notification:** Impose mandatory reductions in water use by Affected Customers.

If a Stage 2 drought condition is declared, TCEQ will be notified within five days of initiation and termination.

## Stage 3 Response (Severe Water Shortage)

A Stage 3 Response for Affected Customers can be triggered when:

* The GM finds that conditions warrant the declaration of a Stage 3 Response or
* System demand exceeds 95% of deliverable capacity for three consecutive days.

A Stage 3 Response may be terminated when the circumstances that caused the initiation of Stage 3 no longer prevail for seven consecutive days, or at the GM’s discretion.

The goal for water use reduction under a Stage 3 Response is a 20% reduction in the use that would have occurred in the absence of drought contingency measures. If the circumstances warrant, the GM can set a goal for greater water use reduction.

The GM may order the implementation of any of the actions listed below as deemed necessary. The Stage 3 Response measures are as follows:

* Continue or initiate any actions available under Stages 1 and 2,
* Notify all Affected Customers that a Stage 3 drought condition exists,
* Require Affected Customers to initiate Stage 3 or other appropriate stage in their drought contingency plan,
* Continue to coordinate with Affected Customers to determine water use on a daily basis, identify Affected Customers exceeding 85% of their contract amount, and advise them to reduce their usage,
* Encourage Affected Customers to engage alternative sources of supply where feasible, or
* **Requires TCEQ Notification:** Impose mandatory water rationing under TWC §11.039 to reduce demand below the Stage 3 trigger point.

If a Stage 3 drought condition is declared, TCEQ will be notified within five days of initiation and termination.

## Water Emergency Response (Emergency Water Shortage)

A Water Emergency Response for Affected Customers can be triggered when the GM finds that conditions warrant the declaration of a Water Emergency Response because:

* A major system failure leading to loss of water service occurs; or
* The water supply becomes contaminated and unusable; or
* Other emergency conditions exist as determined by the GM.

A Water Emergency Response may be terminated when the circumstances that caused the initiation of the Water Emergency Response no longer prevail for twenty-four hours, or at the GM’s discretion.

The goal for water use reduction under a Water Emergency Response is subject to the scope of the emergency. The GM may order the implementation of any of the actions listed below as deemed necessary. The Water Emergency Response measures are as follows:

* Continue or initiate any actions available under Stage 1, 2, and 3,
* Notify all Affected Customers that an emergency condition exists and meet with Affected Customers as appropriate to inform them of the specific nature of the emergency condition,
* Require Affected Customers to initiate the emergency or other appropriate stage in their drought contingency plan, or
* **Requires TCEQ Notification:** Impose mandatory water rationing under TWC §11.039 to reduce demand to the appropriate level as determined by the GM.

If an emergency condition is declared, TCEQ will be notified within five days of initiation and termination.

# Water Allocation

In the event that the triggering criteria specified herein has been met, the GM is hereby authorized to initiate allocation of water supplies on a pro rata basis among all the Affected Customers according to the amount to which each Affected Customer may be entitled so that preference is given to none and all Affected Customers suffer alike, in accordance with Texas Water Code, §11.039.

# Enforcement

Any mandatory reduction to deliveries from GCWA to Affected Customers shall be distributed as required by Texas Water Code §11.039 (§11.039) and Section 8 above. In addition, every wholesale water supply contract entered into or renewed after adoption of this Plan, including contract extensions, shall include a provision that water will be distributed in accordance with §11.039 in case of a water shortage.

# Variances

The GM may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan to an Affected Customer if one or more of the following conditions are met:

* Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the Affected Customer requesting the variance,
* Compliance with this Plan cannot be accomplished due to technical, legal, or other limitations, or
* Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the GM. All petitions for variances should be in writing and should include the following information:

* Name and address of the petitioner(s),
* Purpose of water use,
* Specific provisions from which relief is requested,
* Detailed statement of the adverse effect of the provisions from which relief is requested,
* Description of the relief requested,
* Period of time for which the variance is sought,
* Alternative measures that will be taken to reduce water use, and
* Other pertinent information.

# Severability

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

# Implementation

This plan was adopted by Gulf Coast Water Authority via a resolution passed by the Board of Directors on September 20, 2012. A copy of this resolution may be found in *Appendix C* of this document.

## Coordination with Regional Water Planning Groups

The service area of GCWA is located within Region H as defined by the Texas Water Development Board. GCWA has provided a copy of this drought contingency plan to Region H, along with the letter shown in *Appendix D*.

## Review and Update of Drought Contingency Plan

As required by TCEQ rules, GCWA will review and update this plan, as appropriate based on an assessment of any other new or updated information. GCWA will review and update the Plan no later than September 20, 2017, and every five years after that date to satisfy TCEQ requirements.

Exhibit 1

Overall System Map

Appendix A

Texas Commission on Environmental Quality Rules on Drought Contingency Plans

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| **[TITLE 30](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=2&ti=30)** | ENVIRONMENTAL QUALITY |
| **[PART 1](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=3&ti=30&pt=1)** | TEXAS COMMISSION ON ENVIRONMENTAL QUALITY |
| **[CHAPTER 288](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288)** | WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS |
| **[SUBCHAPTER B](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288&sch=A&rl=Y)** | DROUGHT CONTINGENCY PLANS |
| **RULE §288.20** | **Drought Contingency Plans for Municipal Uses by Public Water Suppliers** |

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| (a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.  (1) Minimum requirements. Drought contingency plans must 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 ensure consistency with the appropriate approved regional water plans.    (D) The drought contingency plan must 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 specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.    (G) 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.).    (H) 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.    (I) The drought contingency plan must include procedures for granting variances to the plan.    (J) The drought contingency plan must include procedures for the enforcement of 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 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. |
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| **Source Note:**The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384 |

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| [**TITLE 30**](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=2&ti=30) | ENVIRONMENTAL QUALITY |
| [**PART 1**](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=3&ti=30&pt=1) | TEXAS COMMISSION ON ENVIRONMENTAL QUALITY |
| [**CHAPTER 288**](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288) | WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS |
| [**SUBCHAPTER B**](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288&sch=A&rl=Y) | DROUGHT CONTINGENCY PLANS |
| **RULE §288.21** | **Drought Contingency Plans for Irrigation Use** |

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| (a) A drought contingency plan for an irrigation use, where applicable, must include the following minimum elements.  (1) Minimum requirements. Drought contingency plans for irrigation water suppliers must 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 ensure consistency with the appropriate approved regional water plans.    (C) The drought contingency plan must 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 must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.    (E) The drought contingency plan must include methods for determining the allocation of irrigation supplies to individual users.    (F) The drought contingency plan must 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.    (G) The drought contingency plan must include procedures for use accounting during the implementation of water allocation policies.    (H) The drought contingency plan must 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.    (I) The drought contingency plan must 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. |
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| **Source Note:**The provisions of this §288.21 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384 |

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| [**TITLE 30**](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=2&ti=30) | ENVIRONMENTAL QUALITY |
| [**PART 1**](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=3&ti=30&pt=1) | TEXAS COMMISSION ON ENVIRONMENTAL QUALITY |
| [**CHAPTER 288**](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288) | WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS |
| [**SUBCHAPTER B**](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288&sch=A&rl=Y) | DROUGHT CONTINGENCY PLANS |
| **RULE §288.22** | **Drought Contingency Plans for Wholesale Water Suppliers** |

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| (a) A drought contingency plan for a wholesale water supplier must 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 ensure consistency with the appropriate approved regional water plans.  (3) The drought contingency plan must 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 must 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 must 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 must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this paragraph are not enforceable.  (7) 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:    (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.).  (8) The drought contingency plan must 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.  (9) The drought contingency plan must include procedures for granting variances to the plan.  (10) The drought contingency plan must 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. |
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| **Source Note:**The provisions of this §288.22 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384 |

Appendix B

Quick Reference Guide

Appendix C

Resolution Adopting Drought Contingency Plan

Appendix D

Letter to Region H Water Planning Group