



Mountain City, Texas

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Region K Water Planning Group

**DROUGHT CONTINGENCY PLAN
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Appendix A City of Mountain City Resolution and Ordinance

CITY OF MOUNTAIN CITY, TEXAS Drought Contingency Plan

1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

1.1 Drought Contingency Plan

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code.

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, the City of Mountain City hereby adopts the following regulations and restrictions on the delivery and consumption of water.

2. DROUGHT CONTINGENCY PLAN

2.1 Introduction

The purpose of this drought contingency plan is as follows:

- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water 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.

2.2 State Requirements for Drought Contingency Plans

This drought contingency plan is consistent with Texas Commission on Environmental Quality (TCEQ) guidelines and requirements for the development of drought contingency plans by public drinking water suppliers, contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code.

2.3 Provisions to Inform the Public and Opportunity for Public Input

The City of Mountain City provided opportunity for public input in the development of this drought contingency plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by posted notice, e-mail notification of plan draft, and notice on City of Mountain City's web site, www.mountaincitytx.com
- Making the draft plan available on the City of Mountain City's web site, www.mountaincitytx.com
- Providing the draft plan to anyone requesting a copy.
- Holding a public meeting at the City of Mountain City Hall.

2.4 Provisions for Continuing Public Education and Information

The City of Mountain City will inform and educate the public about its drought contingency plan by the following means:

- Preparing a notice describing the plan and making it available at City hall and other appropriate locations.
- Making the plan available to the public through the City of Mountain City web site at www.mountaincitytx.com/
- Including information about the drought contingency plan on the City of Mountain City web site, www.mountaincitytx.com/
- Notifying local organizations, schools, and civic groups that utility staff members are available to make presentations on the drought contingency plan (usually in conjunction with presentations on water conservation programs).
- Make available Texas Smartscape, www.txsmartscape.com/ and TWDB Drought Related Information <https://waterdatafortexas.org/drought/drought-monitor>, web links are provided on City of Mountain City website via this plan.
- At any time that the drought contingency plan is activated, or the drought stage changes, the City of Mountain City will notify local media of the issues, the drought response stage, and the specific actions required of the public. The information will also be publicized on the City of Mountain City email system and web site, www.mountaincitytx.com/
- Billing inserts will also be used as appropriate.

2.5 Coordination with Regional Water Planning Groups

The service area of the City of Mountain City is located within the Region K Water Planning Area, and the City of Mountain City has provided a copy of this Plan to the Region K Water Planning Group.

2.6 Authorization

The mayor 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. The Mayor 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.

2.7 Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Mountain City. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

2.8 Review and Update of Drought Contingency Plan

As required by TCEQ rules, the City of Mountain City will review this drought contingency plan every five years, beginning in 2023. The plan will be updated as appropriate based on new or updated information. As the plan is reviewed and subsequently updated, a copy of the revised Drought Contingency Plan will be submitted to the TCEQ and the RKPWG for their records.

2.9 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.

Automated sprinklers and misters: *sprinklers and misters that can be preset to turn on and off at specific times.*

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: *person, company, or organization named on the Mountain City Water Utility account.*

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

Household: *residential premises served by the customer's meter.*

Individuals per household: *individuals currently physically residing at the residence and expected to reside there for the entire billing period.*

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, 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 any new 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 a 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 firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

2.10 Initiation and Termination of Drought Response Stages

2.10.1 Initiation of Drought Response Stages

The Mayor or his/her official designee may order the implementation of a drought response stage or water emergency when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought stage is initiated:

- The public will be notified through local media.
- If any mandatory provisions of the drought contingency plan are activated, the City of Mountain City will notify the Executive Director of the TCEQ within five business days.

For other trigger conditions, the Mayor or his/her designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors that 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.

2.10.2 Termination of Drought Response Stages

The Mayor or official designee may order the termination of a drought response stage or water emergency when the conditions for termination are met or at his/her discretion. The following actions will be taken when a drought stage is terminated:

- The public will be notified through local media.
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- When any mandatory provisions of the drought contingency plan that have been activated are terminated, the City of Mountain City will notify the Executive Director of the TCEQ within five business days.

The Mayor or his/her designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. Factors that could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage.

2.11 Drought and Emergency Response Stages

The City of Mountain City maintains a User Drought Contingency Plan (UDCP) for compliance with the Barton Springs Edwards Aquifer Conservation District (BSEACD). The triggers and responses below are to coincide and compliment the drought related responses provided by the BSEACD.

2.11.1 Stage 1, Mild

2.11.1.1 Triggering and Termination Conditions for Stage 1, Voluntary

- Annually, beginning on May 1 through September 30.

Stage 1 will be terminated on September 30.

2.11.1.2 Goal for Use Reductions and Actions Available Under Stage 1, Voluntary

The goal for water use reduction under Stage 1, Mild, is a ten (10) percent reduction of the use that would have occurred in the absence of drought contingency measures. The purpose of actions under Stage 1, Voluntary is to raise public awareness of potential drought problems.

The Mayor or his/her designee can order the implementation of any of the actions listed below, as deemed necessary:

- Request voluntary reductions in water use by customers.
- Increase public education efforts on ways to reduce water use.
- Notify major water users and work with them to achieve voluntary water use reductions.
- Intensify efforts on leak detection and repair.
- Ask the public to follow voluntary landscape watering schedules.

2.11.2 Stage 2, Alarm

2.11.2.1 Triggering Conditions for Stage 2, Alarm

The Permittee will recognize that Stage II Alarm Drought exists upon receiving notification from the BSEACD that the District has declared the aquifer to be in a Stage II Alarm Drought; the permittee will activate the Stage II Alarm Drought measures of its UDCP.

2.11.2.2 Goal for Use Reduction and Actions Available Under Stage 2, Alarm

The goal for water use reduction under Stage 2, Critical, is a 20 percent reduction of the use that would have occurred in the absence of drought contingency measures.

The Mayor or his/her designee can order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on retail customers. The City of Mountain City staff must notify TCEQ within five business days if these measures are implemented.

- Reduce non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.).
- Line Flushing will be between the hours of 10 am and 1 pm.
- Reduce city government water use for landscape irrigation.
- Continue or initiate any actions available under Stage 1.
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- Include drought stage on water bills with reminders to conserve.
- Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Mountain City.

Requires Notification to TCEQ – Initiate mandatory water use restrictions as follows. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- Limit landscape watering at each service address dependent upon the watering method used:
 - Automated sprinklers and misters - Between the hours of 4 am to 10 am
 - Non-automated sprinklers and misters – Between the hours of 8 pm and 10 am
 - Hand-held hose, watering can, and bucket – Between the hours of 8 pm and 10 am
 - Drip irrigation and soaker hoses – Between the hours of 6 pm and 12 pm
- Reduce draining and filling of existing pools and prohibit filling of new pools. (Pools may add water to replace losses during normal use.)
- **The City of Mountain City shall issue written warnings for 1st occurrence of waste to residential customers who demonstrate waste, BSEACD UDCP violations, excessive monthly consumption or proscribed use (greater than 30,000 gallons/month.**
- **Initiate a 10% rate surcharge for all water use over 30,000 gallons per connection per month.**

Stage 2 of the Plan may be rescinded upon receiving notification from the BSEACD that the District has declared No-Drought or has declared a different drought stage.

2.11.3 Stage 3, Critical

2.11.3.1 Triggering Conditions for Stage 3, Critical

The Permittee will recognize that Stage III Critical Drought exists upon receiving notification from the BSEACD that the District has declared the aquifer to be in a Stage III Critical Drought; the permittee will activate the Stage III Critical Drought measures of its UDCP.

2.11.3.2 Goal for Use Reduction and Actions Available Under Stage 3, Critical

The goal for water use reduction under Stage 3, Critical, is a reduction of 30 percent of the use that would have occurred in the absence of drought contingency measures. If the circumstances warrant, the Mayor or his/her designee can set a goal for greater water use reduction.

The Mayor or his/her designee can order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on retail customers. The City of Mountain City staff must notify TCEQ within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1 and 2.
- Implement viable alternative water supply strategies.
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Halt non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Further accelerate public education efforts on ways to reduce water use.

Requires Notification to TCEQ – Initiate mandatory water use restrictions as follows Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- Prohibit hosing of paved areas, buildings, or windows.
- Prohibit operation of ornamental fountains.
- Prohibit washing or rinsing of vehicles.
- Prohibit using water in such a manner as to allow runoff or other waste.
- Prohibit landscape watering: including automatic irrigation and mister systems shall be turned off.
- Limit landscape watering at each service address dependent upon the watering method used:
 - Hand-held hose, watering can, and bucket – Between the hours of 8 pm and 10 am
 - Drip irrigation and soaker hoses – Between the hours of 6 pm and 12 pm
- Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare only. No special permits.

- **The City of Mountain City shall issue written warnings for 1st occurrence of waste to residential customers who demonstrate waste, BSEACD UDCP violations, excessive monthly consumption or proscribed use (greater than 18,000 gallons/month.**
- **Initiate a 10% rate surcharge for all water use over 18,000 gallons per connection per month.**

The Permittee will recognize that Stage III Critical Drought may be rescinded upon receiving notification from the BSEACD that the District has declared No-Drought or has declared a different drought stage.

2.11.4 Stage 4, Emergency

2.11.4.1 Triggering Conditions for Stage 4, Emergency

The Permittee will recognize that Stage V Emergency Response Period exists upon receiving notification from the BSEACD that the District has declared the aquifer to be in a Stage V Emergency Response Period; the permittee will activate the Stage V Emergency Response Period measures of its UDCP.

Other Conditions that shall warrant Stage 4 Activation can include but is not limited to:

- Supply source becomes contaminated.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.

2.11.4.2 Goal for Use Reduction and Actions Available Under Stage 4, Emergency

The goal for water use reduction under Stage 4, Emergency, is 40% reduction in water use and maintenance of potable water supply. If the circumstances warrant, the Mayor or his/her designee can set a goal for greater water use reduction.

The Mayor or his/her designee can order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on retail customers. The City of Mountain City staff must notify TCEQ within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1 through 3.
- Implement viable alternative water supply strategies.
- Further accelerate public education efforts on ways to reduce water use.
- Discontinue City government water use for landscape irrigation.
- Halt non-essential City government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Initiate engineering studies to evaluate alternatives should conditions worsen.

Requires Notification to TCEQ –

Initiate the following mandatory water use restrictions in addition to measures already listed in Stages 1 -3:

- No outside watering of any kind
- Prohibit draining and filling of existing pools and filling of new pools.
- Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare only.
- **The City of Mountain City shall issue written warnings for 1st occurrence of waste to residential customers who demonstrate waste, BSEACD UDCP violations, excessive monthly consumption or proscribed use (greater than 10,000 gallons/month.**
- **Initiate a 10% rate surcharge for all water use over 10,000 gallons per connection per month.**

Stage IV Emergency Drought will be rescinded upon receiving notification from the BSEACD that the district has declared no drought or has declared a different drought stage.

Requires Notification to TCEQ - Emergency Rationing

In the event that water shortage conditions threaten public health, safety, and welfare, to the point that Stage 4 – Emergency is declared, then the Mayor is hereby authorized to ration water according to the following water allocation plan.

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as limited to **7,000 gallons per month** (assumes 3 persons per home) per connection according to the TCEQ recommended limits for curtailment.

TCEQ provides the following table for use curtailment

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

If a connection has more than three persons, it will be the responsibility of the homeowner to report the number of persons in the household via phone or e-mail to mtncitywater@gmail.com. This information must be provided within two weeks of the announcement of a Stage 4 drought. If the number of individuals per household changes during a Stage 4 drought, the customer has two weeks to notify the city.

Residential water customers shall pay \$5.00 per 1,000 gallons for all water used over the allocation. Should excessive use over the allocation threaten the City's water system, the City has the option to install a flow restrictor to enforce the allocation.

Stage IV Emergency Rationing Drought will be rescinded upon receiving notification from the BSEACD that the district has declared no drought or has declared a different drought stage.

Commercial Customers

A monthly water usage allocation shall be established by the Mayor, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. Such allocation shall not be less than 6,000 gallons. Upon request of the customer or at the initiative of the Mayor, the allocation may be reduced or increased if,

- (1) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or
- (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Planning and Zoning/Utility Board of the City of Mountain City. Customers billed from a master meter under this provision shall pay \$10.00 per 1,000 gallons for all water used over the allocation. Should excessive use over the allocation threaten the City's water system, the City has the option to install a flow restrictor to enforce the allocation.

2.12 Procedure for Granting Variances to the Plan

The Mayor or his/her designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan if one or more of the following conditions is met:

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

Variations shall be granted or denied at the discretion of the City of Mountain City staff or his/her designee. All petitions for variations 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 provision 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
- Other pertinent information

2.13 Procedure for Enforcement of Mandatory Restrictions

No person shall knowingly or intentionally allow the use of water from the City of Mountain City for residential, commercial, 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 Mayor, or his/her designee, in accordance with provisions of this Plan.

If a customer exceeds the amount allocated for the current drought stage, the city will notify the customer that he or she has exceeded the amount allocated for the drought stage and the corresponding surcharge will be applied to his or her monthly bill.

If the customer exceeds the amount allocated for the current drought stage again, the customer will be notified that he or she has exceeded the amount allocated for the drought stage and the corresponding surcharge will be applied to his or her monthly bill. The notification will also include the per offense fine that will be applied to his or her monthly bill.

Fines per offense are as follows:

(3) Instances exceeded monthly allotment during year	(4) Fine
(5) 2	(6) \$20
(7) 3	(8) \$40
(9) 4	(10) \$80
(11) 5	(12) \$160
(13) 6	(14) \$320

At three instances of exceeding the monthly allotment the city will install a flow restrictor in the line to limit the amount of water that passes through the meter in a 24-hour period. Customer will be assessed the cost of the flow restrictor and its installation. Flow restriction under such circumstances will be restored upon payment of all amounts due, including surcharges, fines, and reconnection charge. In addition, suitable assurance must be given to the Mayor that the same action shall not be repeated while the Plan is in effect.

If violations continue, the City of Mountain City may cut off water service to the customer. Services discontinued under such circumstances shall be restored only upon payment of an approved re-connection charge. In addition, suitable assurance must be given to the Mayor that the same action shall not be repeated while the Plan is in effect.

Appendix A City of Mountain City Resolution and Ordinance