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# **CORIX UTILITIES (TEXAS) DROUGHT CONTINGENCY PLAN**

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Approved July 23, 2015:

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Corix Utilities (Texas)

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Building a World of  
Sustainable Communities

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## 1 INTRODUCTION

Corix Utilities (Texas) has developed this Drought Contingency Plan for its public drinking water systems to manage public water resources efficiently and to plan appropriate responses to emergency and drought conditions. This plan fulfills the requirements of the Texas Administrative Code, Title 30, Chapter 288, regarding drought contingency planning for public drinking water suppliers. **Appendix A** provides basic drought contingency plan terms used in this plan.

The plan recognizes that conservation is a valuable tool in managing water and wastewater utility systems. Water conservation can extend available water supplies and reduce the risk of shortage during periods of extreme drought.

### 1.1 AUTHORIZATION AND IMPLEMENTATION

The General Manager of Corix Utilities (Texas) is authorized and directed to implement the applicable provisions of this plan. The General Manager has the authority to initiate and terminate drought or other water supply emergency response measures as described in this plan.

### 1.2 APPLICATION

This plan applies only to treated water utility systems, both wholesale and retail. As of May 1, 2015 Corix Utilities (Texas) owns 11 such water utility systems. These systems are divided into two regions, The Hill Country Region (which consists of the Lometa Regional Water System and the systems located around the Highland Lakes), and the Southeast Region. The following is a list of the public drinking water systems within each region.

<b>Hill Country Region</b>	
<b>Utility</b>	<b>Service Area Description</b>
Lake Buchanan	Communities of the southwestern side of Lake Buchanan in eastern Llano County
Lometa	City of Lometa as well as portions of Lampasas, Mills, San Saba, and Burnet Counties.
Paradise Point	Paradise Point community located on the northwestern side of Lake Buchanan in eastern Llano County.
Quail Creek	Quail Creek Subdivision located in southern Burnet County on State Hwy 71 between Austin and Marble Falls.
Ridge Harbor	Ridge Harbor community on Lake Travis in southeastern Burnet County
Sandy Harbor	Sandy Harbor community on the southern shores of Lake LBJ in southeastern Llano County, north of Marble Falls
Smithwick Mills	Smithwick Mills community along the northwest shores of Lake Travis in Burnet County
Spicewood Beach	Located on the upper reaches of Lake Travis north of State Hwy 71, serves the communities of Spicewood Beach, Lakeside Beach, Eagle Bluff, and Lake Oaks.
<b>Southeast Region</b>	
<b>Utility</b>	<b>Service Area Description</b>
Alleyton	Alleyton community located east of the City of Columbus in Colorado County
Matagorda Dunes Subdivision	Serves the Matagorda Bay Nature Learning Center and Park and the adjacent residential community located on Matagorda Bay Island in Matagorda County
Northeast Washington County	Serves the rural community located in Washington County, North of the City of Brenham

### 1.3 COORDINATION WITH REGIONAL WATER PLANNING GROUPS

Most of Corix Utilities (Texas) water utility systems are located in the Lower Colorado River basin, within the Region K planning area. The Lometa Water System is located in Lampasas County and the Northeast Washington County Water System is located in Washington County, both of these systems are within the Region G planning area.

### 1.4 PLAN ORGANIZATION

The areas served by Corix Utilities (Texas) are diverse, ranging from rural to suburban. The populations served varies from weekenders to full-time residents and commercial customers. Drought response priorities vary from system to system because of their varying demands and populations. Drought restrictions may be harder to implement in an area which depends on treated water to supplement stock ponds for cattle than one that requires reduction in use of water for irrigation of lawns.

## 2 CORIX UTILITIES DROUGHT CONTINGENCY PLAN

### 2.1 PERMANENT WATER USE RESTRICTIONS

The following restrictions apply to all Corix Utilities (Texas) water utility systems on a year-round basis, regardless of water supply or water treatment plant production conditions. According to the restrictions, a water user must not:

- (1) Fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
- (2) Operate an irrigation system with:
  - (a) A broken head;
  - (b) A head that is out of adjustment and the arc of the spray head is over a street or parking area; or
  - (c) A head that is fogging or misting because of excessive water pressure; or
- (3) During irrigation allow water:
  - (a) To run off property and form a stream of water in a street, or
  - (b) To pool in a street or parking lot.

Corix Utilities (Texas) encourages all of its customers to be good stewards of the water they use regardless of drought status.

### 2.2 Triggering Criteria for Initiation and Termination of Drought Response Stages

The Area Supervisors of Corix Utilities (Texas) shall monitor water supply and demand conditions on a daily basis and shall determine when conditions warrant initiation and termination of each stage of the Corix Utilities (Texas) Drought Contingency Plan. The Area Supervisors shall present the information to the Water Operations Manager, who will seek approval from the Corix Utilities (Texas) General Manager to implement the appropriate stage of the Drought Contingency Plan. Water supply conditions will be determined by the availability of the source of supply for each individual system, system capacity, and weather conditions. Demand will be measured by the peak daily demands on each system. Triggers for various stages can be pulled more quickly based on any additional information received.

Public notification of the initiation or termination of drought response stages shall be by direct mail to each customer and/or signs posted at public places (ex. entrance to the community) and on the Corix website ([www.corix.com](http://www.corix.com)).

The following triggering criteria shall apply to Corix Utilities (Texas) water utility systems:

### **Stage 1 – Mild Water Shortage Conditions (Voluntary Measures)**

**Requirements for initiation** – Customers shall be requested to conserve water voluntarily and adhere to the Stage 1 Drought Response Measures when one or a combination of such triggering criteria occurs:

- (a) For surface water systems, when total daily water demand equals or exceeds 80 percent of the total design capacity of the Corix water treatment plant for three consecutive days, or 85 percent on a single day under normal operating conditions; or
- (b) For groundwater systems, when maximum daily usage equals or exceeds 70 percent of the pump's rated capacity for three consecutive days; or
- (c) When combined storage level of lakes Travis and Buchanan reaches 1.4 million acre-feet in accordance with the LCRA Drought Contingency Plan for Firm Water Customers. There is also a water use reduction target of 5 percent; or
- (d) When any other triggering criteria for individual systems, as listed in Table 2-1 are present.

**Requirements for termination – Stage 1 of the plan may be rescinded when:**

- (a) The water treatment plant capacity condition listed above as a triggering event has ceased to exist for five consecutive days; or
- (b) The groundwater pumpage amounts have fallen below the 70 percent threshold, and remained below that level for five consecutive days; or
- (c) LCRA announces that voluntary restrictions by its firm raw water customers are no longer needed under the drought contingency measures of the LCRA Water Management Plan; or
- (d) Any other triggering criteria as outlined in Table 2-1 for individual systems no longer applies or has ceased to exist.

### **Stage 2 – Moderate Water Shortage Conditions (Mandatory Measures)**

**Requirements for initiation** – Customers shall be required to comply with the Stage 2 Drought Response Measures of this plan when the following triggering criteria are met:

- (a) When total daily water demand equals or exceeds 90 percent of the total design capacity of the Corix water treatment plant for three consecutive days or 95 percent on a single day under normal operating conditions; or
- (b) For groundwater systems, when maximum daily usage equals or exceeds 85 percent of the pump's rated capacity for three consecutive days;
- (c) When the combined storage level of lakes Travis and Buchanan reaches 900,000 acre-feet in accordance with the LCRA Drought Contingency Plan for Firm Water Customers. There is also a water use reduction target of 10 percent ; or

- (d) When any other additional trigger criteria for individual systems, as listed in Table 2-1, have been reached.

**Requirements for termination – Stage 2 of the Plan may be rescinded when:**

- (a) The water treatment plant capacity condition listed above as a triggering event has ceased to exist for five consecutive days; or
- (b) The groundwater pumpage amounts have fallen below the 85 percent threshold, and remained below that level for five consecutive days; or
- (c) LCRA announces that a utility's mandatory water restrictions are no longer needed according to the drought contingency measures of the LCRA Water Management Plan; or
- (d) Any other triggering criteria, as outlined in Table 2-1, for individual systems no longer applies or has ceased to exist.

Upon termination of Stage 2, Stage 1 becomes operative.

**Stage 3 – Severe Water Shortage Conditions (Emergency Measures)**

**Requirements for initiation** – Customers shall be required to comply with Stage 3 Drought Response Measures of this plan when severe water shortage conditions exist. Corix will recognize that a severe water shortage condition exists when any of the following criteria is met:

- (a) When total daily water demand equals or exceeds 95 percent of the total design capacity of a Corix water treatment plant for three consecutive days, or 97 percent on a single day under normal operating conditions; or
- (b) For groundwater systems, when maximum daily usage equals or exceeds 95 percent of the pump's rated capacity for three consecutive days; or
- (c) When the combined storage level of lakes Travis and Buchanan reaches 600,000 acre-feet in accordance with the LCRA Drought Contingency Plan for Firm Water Customers. There is also a water use reduction target of 20 percent; or
- (d) When any other additional trigger criteria for individual systems, as listed in Table 2-1, are achieved.

**Requirements for termination – Stage 3 of the Plan may be rescinded when:**

- (a) The water treatment plant capacity condition listed above as a triggering event has ceased to exist for five consecutive days; or
- (b) The groundwater pumpage levels have fallen below the 95 percent threshold and remained below that level for five consecutive days; or
- (c) LCRA announces that mandatory water restrictions are no longer needed under drought contingency measures of the LCRA Water Management Plan; or
- (d) Any other triggering criteria, as outlined in Table 2-1, for individual systems no longer applies or has ceased to exist.

Upon termination of Stage 3, Stage 2 becomes operative.

**Stage 4 – Emergency Water Conditions**

Initiation and termination of water emergencies will operate under measures listed in the Corix Emergency Response Plan. Corix will notify affected retail customers, wholesale customers, and the media of the implementation of Stage 4. Examples of a water emergency include, but are not limited to, the following:

- (a) Major water line breaks, loss of distribution pressure, or pump system failures that cause substantial loss in its ability to provide water service; or
- (b) Natural or man-made contamination of the water supply source; or
- (c) Any other emergency water supply or demand issue the Corix Utilities (Texas) General Manager determines to warrant the declaration of Stage 4; or
- (d) Any other emergency water supply or demand conditions that LCRA determines to constitute a water supply emergency more severe than that contemplated in the triggers contained in the LCRA Water Management Plan, including a drought more severe than the drought of record. Water use reduction targets shall be determined by LCRA for its Firm Water Customers.

**Table 2-1 Corix Water Utility Systems with Supplemental Trigger and Drought Response Measures**

System	Supplemental Information
Lake Buchanan	Water supply triggers: Stage 1: Follow LCRA Water Management Plan Stage 2: Follow LCRA Water Management Plan Stage 3: Lake Buchanan elevation 965 msl Stage 4: Follow LCRA Water Management Plan
Lometa	Water supply triggers: Stage 1: Lometa Reservoir elevation 1389 msl for 7 consecutive days Stage 2: Lometa Reservoir elevation 1387 msl for 7 consecutive days Stage 3: Lometa Reservoir elevation 1385 msl Stage 4: Lometa Reservoir elevation 1383 msl
Paradise Point	Water supply triggers: Stage 1: Lake Buchanan elevation 995 msl Stage 2: Lake Buchanan elevation 990 msl Stage 3: Lake Buchanan elevation 985 msl Stage 4: Lake Buchanan elevation 980 msl
Ridge Harbor	Water supply triggers: Stage 1: Follow LCRA Water Management Plan Stage 2: Follow LCRA Water Management Plan Stage 3: Lake Travis elevation 627 msl Stage 4: Follow LCRA Water Management Plan

Smithwick Mills	Water supply triggers: Stage 1: Lake Travis elevation 655 Stage 2: Lake Travis elevation 645 Stage 3: Follow LCRA Water Management Plan Stage 4: Follow LCRA Water Management Plan
Sandy Harbor	Receives treated water from the City of Horseshoe Bay and will comply with their Drought Contingency Plan.
Spicewood Beach	Water supply triggers: Stage 1: Follow LCRA Water Management Plan Stage 2: Follow LCRA Water Management Plan Stage 3: Lake Travis elevation 627 msl Stage 4: Follow LCRA Water Management Plan

### 2.3 DROUGHT RESPONSE MEASURES

The Water Operations Manager of Corix Utilities (Texas) shall monitor reports of water supply and demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 2.2 of the Corix Utilities (Texas) Drought Contingency Plan, shall determine that a mild, moderate, or severe, or emergency condition exists and, upon approval of the Corix Utilities (Texas) General Manager, shall implement the following measures upon publication of notice in the local media, by letters to the customers, and/or by Corix’s automated phone notification system.

#### 2.3.1 Targets for Water Use Reductions

The target for all Corix Utilities (Texas) water utility systems required to implement their drought contingency plans based on capacity criteria is limiting daily water demand to 80% of water treatment or pumping capacity.

The target for all Corix Utilities (Texas) water utility systems required to implement their drought contingency plans based on water supply shortage will vary according to the severity and projected duration of the shortage. If the water system operates under the LCRA Water Management Plan, the system targets will follow the drought contingency plan targets adopted for the LCRA Water Management Plan. Groundwater triggers for water supply will be set as needed for individual systems.

#### 2.3.2 Retail Customers

##### Stage 1 – Mild Water Shortage – Voluntary Measures

**Supply Management Measures:**

Affected Corix Utilities (Texas) water systems will review system operations and identify ways to improve system efficiency and accountability.

**Demand Management Measures:**

- (a) Apply all water-use restrictions prescribed for Stage 2 of the plan to Corix Utilities (Texas) utility owned facilities and properties;
- (b) Provide consumer information on water conservation measures and practices to retail customers; and



- (c) Request that customers voluntarily comply with the water-use restrictions outlined in Stage 2 of this plan.

## **Stage 2 – Moderate Water Shortage – Mandatory Measures**

### **Supply Management Measures:**

In addition to measures implemented in Stage 1 of the plan, the affected Corix Utilities (Texas) water utility system will:

- (a) Water all utility owned landscaped areas only by means of a handheld hose or drip irrigation system; and
- (b) Keep customers and the news media informed about issues regarding current and projected water supply and demand conditions.

### **Demand Management Measures:**

Under threat of penalty, the following water use restrictions shall apply to all retail water customers:

- (a) Irrigation of landscaped areas with hose end sprinklers or irrigation systems shall be limited to a weekly watering schedule that will be determined by Corix based on the nature of the current drought or water emergency.
  - (1) If outdoor watering is limited to twice weekly, customers with odd number addresses shall water on Monday and Thursdays and customers with even number addresses shall water on Tuesdays and Fridays.
  - (2) If outdoor watering is limited to once weekly, customers with odd number addresses shall water on Monday and customers with even number addresses shall water on Thursdays.
- (b) Outdoor watering hours will be limited to midnight and 10:00 am and between 7 pm and midnight on designated days. This prohibition does not apply to irrigation of landscaped areas if it is by means of:
  - (1) A hand-held hose
  - (2) A faucet filled bucket or watering can of five gallons or less; or
  - (3) A drip irrigation system.
- (c) New landscapes may be installed under these specific criteria:
  - (1) A completed variance form for new landscapes has been submitted to Corix Utilities (Texas) and has been approved prior to the installation of the landscape; and
  - (2) irrigation of the new landscape follows the schedule identified in the new landscape variance:
    - (a) Once a day for the first 10 days after installation;
    - (b) Once every other day before 10 am and after 7 pm for days 11 through 20 after installation;
    - (c) Once every third day before 10 am and after 7 pm for days 21 through 30 after installation.

*Note: A variance for new landscapes may be issued for no more than 30 days from the day of issuance. Any variance is not an exemption from compliance with the permanent water*

*use restrictions under section 2.1 of this plan.*

- (d) Use of water to wash any motor vehicle, such as a car, truck, boat, trailer, or airplane is prohibited except on designated watering days. Such activity, when allowed, shall be done with a hand held bucket or a hand held hose equipped with a positive shutoff nozzle. A vehicle can be washed at any time at a commercial car wash or commercial service station. Further, this activity may be exempted from these regulations if the health, safety, and welfare of the public are served by washing the vehicle, such as a garbage truck or one used to transport food and perishables.
- (e) Use of water to fill any indoor or outdoor swimming pools or Jacuzzi type pools greater than 1000 gallons shall require notification to Corix Utilities (Texas) for approval to proceed and to receive any special instructions. Approvals will be made in writing.
- (f) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except when necessary to support aquatic life or when such fountains or ponds are equipped with a recirculation system.
- (g) Use of water from hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare. Use of water from designated fire hydrants for construction purposes or by bulk water companies may be allowed under special approval from the Corix Utilities (Texas) General Manager who will specify the system and site where water may be used for these purposes.
- (h) Irrigation of golf course fairways and rough areas is prohibited except on a day designated for outdoor watering between the hours of midnight and 10:00 am and between 7 pm and midnight. Irrigation of a golf course green or tee is allowed every other day if a plan is filed and approved by Corix. These restrictions do not apply if the golf course uses an alternative, such as reclaimed water, rainwater, or graywater, as its only irrigation source.
- (i) All restaurants are encouraged to serve water to their patrons only upon request.
- (j) The following non-essential uses of water are prohibited at all times during periods in which restrictions have gone into effect:
  - (1) Washing sidewalks, walkways, driveways, parking lots, tennis courts, and other hard surfaced areas;
  - (2) Washing buildings or structures for purposes other than immediate fire protection;
  - (3) Controlling dust, unless there is a demonstrated need to do so for reasons of public health and safety;
  - (4) Flushing gutters or allowing potable water to run off a property and accumulate in a gutter, street, or parking lot; and
  - (5) Failing to repair a controllable leak, including but not limited to broken irrigation or sprinkler head, leaking valve, or leaking faucet, within a reasonable period after having been given notice directing the repair of such leak.

### **Stage 3 – Severe Water Shortage**

#### **Supply Management Measures:**

Under threat of penalty, all retail customers are required to further reduce non-essential water uses as follows. All requirements of Stage 2 shall remain in effect during Stage 3, with the following modifications

and additions:

- (a) Irrigation of landscaped areas is prohibited, except hand held hoses, hand held buckets, or drip irrigation. The use of hose end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times during Stage 3.
- (b) No new landscapes may be installed.
- (c) These restrictions do not apply to a golf course if the course uses an alternative water supply as its only irrigation source, such as reclaimed water, rainwater, or graywater.
- (d) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or any other vehicle is prohibited.
- (e) The filling, refilling, or adding of water to swimming pools, wading pools, and other Jacuzzi-type pools is prohibited.
- (f) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except when necessary to support aquatic life.
- (g) No applications for new, additional, expanded, or larger water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved. Exceptions can be made under special circumstances such as health issues or financial issues. These exceptions must be approved by the Corix Utilities (Texas) General Manager.

#### **Stage 4 – Emergency Measures**

Under threat of penalty for violation, all retail customers are required to reduce non-essential water uses during an emergency. All requirements of Stages 1 – 3 are also in effect during Stage 4, with the following modifications and additions:

- (a) Irrigation of landscaped areas is prohibited.
- (b) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited unless the golf course uses an alternative water supply source, such as reclaimed water, rainwater, or graywater.
- (c) Use of water for construction purposes and for bulk water haulers, from designated fire hydrants under special permit is to be discontinued.

Additional measures may be added as needed.

#### **2.3.3 Wholesale Customers**

All Corix Utilities (Texas) wholesale treated water customers are required to develop and formally adopt drought contingency plans for their own systems in accordance with Title 30 Texas Administrative Code Sections 288.20 and 288.22. The measures of this plan must be at least as stringent as the drought response measures required by Corix Utilities (Texas) for its retail customers. Wholesale treated water customers must include in their wholesale water supply contracts the requirement that each successive wholesale customer develop and formally adopt a drought contingency plan.

**Stage 1 – Mild Water Shortage – Voluntary Measures**

Corix Utilities (Texas) will contact wholesale treated water customers to discuss supply and demand conditions.

**Stage 2 – Moderate Water Shortage – Mandatory Measures**

Corix Utilities (Texas) will keep wholesale treated water customers and the news media informed about demand and current and projected water supply conditions. Corix Utilities (Texas) will initiate discussions with wholesale treated water customers about potential curtailment and the implementation of mandatory measures to reduce all non-essential water uses.

**Stage 3 – Severe Water Shortage**

Corix Utilities (Texas) will contact its wholesale treated water customers to initiate mandatory measures to control water demand and to ensure capacity for emergency response requirements. Mandatory measures will include the curtailment of non-essential water uses in accordance with the wholesale treated water customer's own drought contingency plan.

In addition, if Stage 3 triggering criteria is based on a water supply shortage, Corix Utilities (Texas) will initiate the curtailment of water provided to wholesale treated water customers on a pro rata basis. The wholesale treated water customer's monthly allocation of water shall be based on a percentage of the customer's baseline water use. The percentage will be determined by the Corix Utilities (Texas) General Manager and may be adjusted as conditions warrant.

**Stage 4 Emergency Measures**

All requirements of Stage 3 shall remain in effect during Stage 4. Additional measures may be added as needed.

**2.4 DROUGHT CONTINGENCY PLAN IMPLEMENTATION****2.4.1 Public Notification**

Corix Utilities (Texas) will periodically provide information about the drought contingency components of this plan, including (1) the conditions under which each stage of the plan is to be initiated or terminated, and (2) the drought response measures to be implemented at each stage. This information will be provided by various means depending on the audience, including articles in local media and special materials mailed to customers.

**2.4.2 Enforcement for Retail Customers**

The following enforcement provisions shall apply to all Corix Utilities (Texas) retail water customers:

- (1) No person shall knowingly or intentionally allow the use of water from a Corix Utilities (Texas) water utility system 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.
- (2) Any person who violates this plan shall be subject to the following surcharges and conditions of service:

- (a) The first documented violation will result in the violator being given notice specifying the type of violation and the date and time it was observed and surcharges and restrictions on service that may result from additional violations;
- (b) The second documented violation will result in the violator being sent by certified mail, a notice of violation, and shall be assessed a surcharge of \$200.00;
- (c) The third documented violation will result in the violator being sent by certified mail, a notice of violation, and shall be assessed a surcharge of \$700.00;
- (d) Following the fourth documented violation, Corix Utilities (Texas) General Manager or his designee, shall upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$500.00, and any other costs incurred by a Corix Utilities (Texas) water utility system in discontinuing service, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of \$500.00 must be given to Corix Utilities (Texas), that the same action shall not be repeated while the plan is in effect. The general manger, or his designee, may apply the deposit to any surcharges or penalties subsequently assessed under this plan against a customer. The deposit, if any, shall be returned to the customer at the time of the customer's voluntary disconnection from the utility system minus any outstanding payments or penalties.

- (3) Compliance with this plan also may be sought through injunctive relief in district court.
- (4) Each day that one or more of the provisions in this plan is violated shall constitute a separate violation. Any person, including one classified as a water customer of a Corix Utilities (Texas) water utility system, in apparent control of the property where a violation occurs or originated, shall have the right to show that he did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, but any such parent may be excused if he proves that he had previously directed the child not to use the water in violation of this plan and that there is no reasonable expectation that the parent could have known about the violation.

**2.4.3 Enforcement for Wholesale Customers**

Wholesale treated water customers shall provide Corix Utilities (Texas) with an order, ordinance, or resolution to demonstrate adequate enforcement provisions for the wholesale customer's own drought contingency plan.

In addition, wholesale treated water customers who fail to comply with the drought contingency measures in the plan may be subject to civil penalties or any other remedies available to Corix Utilities (Texas) by law or under the terms of the wholesale water contracts.

**Penalties for Corix Utilities (Texas) wholesale treated water customers:**

First documented violation:	<u>Written notice of violation</u>
Second documented violation:	<u>Penalty fee up to \$2,000.00</u>
Third documented violation:	<u>Penalty fee up to \$10,000.00</u>
Fourth documented violation:	<u>Penalty fee no less than \$10,000.00 and up to \$20,000.00</u>

All documented violations will require corrective action by the wholesale treated water customer and the penalty may increase by \$5,000.00 for each additional violation following the fourth documented violation.

#### 2.4.4 Variances

The Corix Utilities (Texas) General Manager, or his designee, may grant in writing temporary variances for existing water uses otherwise prohibited under this plan if it is determined that failure to do so would cause an emergency adversely affecting the public health, sanitation, or fire protection, and if one or more of the following conditions are met:

- (1) Compliance with this plan cannot be accomplished with current plant technology during the duration of the time the plan is in effect, or
- (2) Alternative methods can be implemented that will achieve the same level of reduction in water use.

Persons requesting a variance from the provisions of this plan shall file a petition for variance with Corix Utilities (Texas) water utility system any time the plan or a particular drought response stage is in effect. The general manager, or his designee, will review petitions for variances. The petitions shall include the following:

- (1) Name and address of the petitioner
- (2) Purpose of water use
- (3) Specific provisions of the plan from which the petitioner is requesting relief
- (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm the petitioner or others will sustain if the petitioner complies with this plan
- (5) Description of the relief requested
- (6) Period of time for which the variance is sought
- (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date
- (8) Other pertinent information

Variances granted by Corix Utilities (Texas) water utility system shall be subject to the following conditions, unless waived or modified by the general manager, or his designee:

- (1) Variances granted shall include a timetable for compliance
- (2) Variances granted shall expire when the plan, or its requirements, is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise excuse any violation occurring before the variance was issued.

#### 2.4.5 Plan Updates

The plan will be reviewed consistent with TCEQ rules and updated based on developments in LCRA's Water Management Plan and changes in TCEQ requirements. The Texas Commission on Environmental Quality (TCEQ) and the Lower Colorado River Authority (LCRA) shall be notified when Corix's Drought Contingency Plan is updated.

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## APPENDIX A – DEFINITIONS

For the purposes of this plan, the following definitions shall apply:

**Aesthetic water use** – water use for ornamental or decorative features such as fountains, reflecting pools, and water gardens.

**Conservation** – those practices, techniques, and technologies that reduce water consumption; reduce the loss or waste of water; improve the efficiency in water use; and increase the recycling and reuse of water so that supply is conserved and made available for future use.

**Customer** – any person, company, or organization using water supplied by a Corix Utilities (Texas) water utility system.

**Domestic water use** – use of water by an individual or a household to support its domestic activity. Such use may include consumption, washing, or cooking; irrigation of lawns, family garden, or orchard; consumption by animals; and recreation including fishing, swimming, and boating. If water is diverted, it must be diverted solely through the efforts of the user. Domestic use does not include water used to support activities for which consideration is given or received or for which the product of the activity is sold.

**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.

**Livestock water use** – water used for the open range watering of livestock, exotic livestock, game animals or fur bearing animals. For purposes of this definition, the terms “livestock” and “exotic livestock” are to be used as defined in §63.001 and §71.001, respectively, of the Parks and Wildlife Code.

**Lower Colorado River Authority (LCRA)** – Established by the Texas Legislature in 1934 and responsible for managing the lower Colorado River.

**New landscape** – landscape (a) installed during construction of a new house, multi-family building, or commercial building; (b) installed as part of a governmental entity’s capital improvement project; or (c) alters more than one-half of the area of an existing landscape.

**Non-essential water use** – water uses that are not essential or are not required for the protection of public health, safety, and welfare, such as:

- a) Irrigating landscaped areas, including parks, athletic fields, and golf courses, except as for otherwise provided under this plan;
- b) Washing any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle;
- c) Washing any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced areas;
- d) Washing 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) Filling, refilling, or adding to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- g) Filling a fountain or pond for aesthetic or scenic purposes except when necessary to support aquatic life;

- h) Failure to repair a controllable leak within a reasonable period after having been directed to do so by formal notice; and
- i) Drawing from hydrants for construction or bulk water hauling purposes or any other purposes other than firefighting or protecting public drinking water supplies.

Use of water for livestock is not included in the definition of “non-essential water use.”

**Retail water customer** – an individual or entity that purchases water from a Corix Utilities (Texas) water utility for consumption.

**Wholesale treated water customer** – an individual or entity that purchases water from Corix Utilities (Texas) to sell to the public for consumption. The term does not include an individual or entity that supplies water to Corix Utilities (Texas) employees, visitors, or tenants.