

**DROUGHT CONTINGENCY PLAN
FOR
BURLESON COUNTY MUNICIPAL UTILITY DISTRICT NO. 1**

May 19, 2015

SECTION I: DECLARATION OF POLICY, PURPOSE, AND INTENT

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, Burleson County Municipal Utility District No. 1 hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan.

SECTION II: PUBLIC INVOLVEMENT

Opportunity for the public to provide input into the preparation of the Plan was provided by Burleson County Municipal Utility District No. 1 by means of public notice of a Board of Directors Meeting to be held May 19th, 2015 at the office of Burleson County Municipal Utility District No. 1 located at 200 Shadow Oak Lane in Birch Creek Forest Subdivision.

SECTION III: PUBLIC EDUCATION

Burleson County Municipal Utility District No. 1 will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of public hearings.

SECTION IV: COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service of Burleson County Municipal Utility District No. 1 is located within the Brazos Region (G) and Burleson County Municipal Utility District No. 1 has provided a copy of this Plan to the Brazos River Authority, P.O. Box 7555, Waco, TX 76714, (254)776-1441.

SECTION V: AUTHORIZATION

The Board of Directors of Burleson County Municipal Utility District No. 1 and/or their designee(s) 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 Board of Directors of Burleson County Municipal Utility District No. 1 and/or their designee(s), shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

SECTION VI: APPLICATION

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by Burleson County Municipal Utility District No. 1. The terms “persons” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

SECTION VII: DEFINITIONS

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

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

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

Customer: any person, company, or organization using water supplied by Burleson County Municipal Utility District No. 1.

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.

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, except otherwise provided under the Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair 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 fire fighting.

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

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

The Board of Directors and/or their designee(s) shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on annual engineering reports and TCEQ requirements for acceptable storage and well capacities.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, when the ability of the District’s water treatment and delivery system to deliver treated water at adequate pressures has been reduced below levels acceptable to the Board of Directors. These conditions may be caused by but are not limited to:

- A) A prolonged period of extremely hot and/or dry weather;

- B) Failure of any one or more components of the water treatment and delivery system;
- C) A lowering of the groundwater table at the location of District wells; or
- D) Other causes as determined by the Board of Directors; by example but not limited to, excessive water usage.

Requirements for termination

Stage 1 of the Plan may be rescinded at such time as the water treatment and delivery system's ability to deliver treated water at adequate pressures and quantities has returned to levels considered acceptable by the Board of Directors.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in Section IX of this Plan when the ability of the District's water treatment and delivery system to deliver treated water at adequate pressures has been reduced below levels acceptable to the Board of Directors. These conditions may also be caused by any of the items enumerated in Stage 1.

Requirements for termination

Stage 2 of the Plan may be rescinded at such time as the water treatment and delivery system's ability to deliver treated water at adequate pressures and quantities has returned to levels considered acceptable by the Board of Directors. Upon termination of Stage 2, Stage 1 becomes operative if so moved by the Board of Directors.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 3 of this Plan when the ability of the District's water treatment and delivery system to deliver treated water at adequate pressures has been reduced below levels acceptable to the Board of Directors. These conditions may also be caused by any of the items enumerated in Stage 1.

Requirements for termination

Stage 3 of the Plan may be rescinded at such time as the water treatment and delivery system's ability to deliver treated water at adequate pressures and quantities has returned to levels considered acceptable by the Board of Directors. Upon termination of Stage 3, Stage 2 becomes operative if so moved by the Board of Directors.

Stage 4 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 4 of this Plan when the ability of the District's water

treatment and delivery system to deliver treated water at adequate pressures has been reduced below levels acceptable to the Board of Directors.

Requirements for termination

Stage 4 of the Plan may be rescinded at such time as the water treatment and delivery system's ability to deliver treated water at adequate pressures and quantities has returned to levels considered acceptable by the Board of Directors. Upon termination of Stage 4, Stage 3 becomes operative if so moved by the Board of Directors.

Stage 5 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the Board of Directors or their designee(s), determines that a water supply emergency exists based on:

- A) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- B) Natural or man-made contamination of the water supply sources(s),

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period acceptable by the Board of Directors.

Section IX: Drought Response Stages

The Board of Directors and/or their designee(s), shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public

The Board of Directors and their designee(s) shall notify the public by means of signs posted in public places and/or telephone calls to local residents.

Additional Notification

The Board of Directors and/or their designee(s) shall notify directly, or cause to be notified directly the Fire Chief(s) of the local Volunteer Fire Department.

Stage 1 Response – MILD Water Shortage Conditions

Target: Achieve a voluntary 10% reduction in total water use.

Voluntary Water Use Restrictions

- a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9), and to irrigate landscapes only between the hours of 6:00 a.m. to 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- b) All operations of Burleson County Municipal Utility District No. 1 shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response – MODERATE Water Shortage Conditions

Target: Achieve a voluntary 30% reduction in total water use.

Water Use Restrictions

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

- a) Irrigation of landscaped areas with hose-end sprinklers or automatic systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises.
- c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight.
- d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

- e) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from Burleson County Municipal Utility District No. 1.
- f) The following uses of water are defined as non-essential and are prohibited:
 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 3. use of water for dust control;
 4. flushing gutters or permitting water to run or accumulate in any gutter or street;
and
 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response – SEVERE Water Shortage Conditions

Target: Achieve a voluntary 50% reduction in total water use.

Water Use Restrictions

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

- a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers is prohibited at all times.
- b) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response – CRITICAL Water Shortage Conditions

Target: Achieve a voluntary 70% reduction in total water use

Water Use Restrictions

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

- a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers

or permanently installed automatic sprinkler systems are prohibited at all times.

- b) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response – EMERGENCY Water Shortage Conditions

Target: Achieve a voluntary 90% reduction in total water use.

Water Use Restrictions

All requirements of Stage 2, 3 and 4 shall remain in effect during Stage 5 except:

- a) Irrigation of landscaped areas is absolutely prohibited.

Section X: Enforcement

- a) No person shall knowingly or intentionally allow the use of water from Burleson County Municipal Utility No. 1 for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Board of Directors, or their designee(s), in accordance with provisions of this Plan.
- b) Any person who violates this Plan is guilty of a misdemeanor. Violators shall be notified of a violation by hand delivery of a citation or by affixing the citation to the front door or main entrance of the place of violation. Such citations may be issued by the Board of Directors or their designee(s). In addition, suitable assurance must be given to the Board of Directors that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- c) In the event that a District water customer is found by the Board of Directors to have violated the preceding regulations on two (2) occasions during any single critical water usage period or water emergency period, service may be discontinued after reasonable notice, and shall not be initiated or restored until non-compliance is discontinued and payment of a \$100.00 reconnect fee in good funds is received.
- d) Violators shall reimburse the District for any and all expenses incurred by the District, including reasonable Attorney's fees, in enforcing the terms of this order. The penalties and remedies provided for in this order shall in

no way limit liability for violations of these regulations, and are in addition to any and all other remedies available, both legal and equitable.

Section XI: Variances

The Board of Directors, or their designee(s), may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- a) Compliance with the Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with Burleson County Municipal Utility District No. 1 within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Board of Directors, or their designee(s), and shall include the following:

- a) Name, address and telephone number of the petitioner(s).
- b) Purpose of water use.
- c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- d) Detailed statement as to how the specific provision(s) of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- e) Description of the relief requested.
- f) Period of time for which the variance is sought.
- g) 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.
- h) Other pertinent information.

Variances granted by Burleson County Municipal Utility District No. 1 shall be subject to the following conditions, unless waived or modified by the Board of Directors or their designee(s):

- a) Variances granted shall include a timetable for compliance.
- b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

Section XII: Wholesale Water Customer Education

The Burleson County Municipal Utility District No. 1 will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing a copy of the Plan by mail.

Section XIII: Pro Rata Water Allocation

In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 – Severe Water Shortage Conditions have been met, the Board of Directors is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas water Code, Section 11.039.

Section XIV: Contract Provisions

The Burleson County Municipal Utility District No. 1 will 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, Section 11.039.

**RESOLUTION FOR ADOPTION OF A
DROUGHT CONTINGENCY PLAN**

RESOLUTION NO. 002

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BURLESON COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 ADOPTING A DROUGHT CONTINGENCY PLAN.

WHEREAS, the Board recognizes that the amount of water to Burleson County Municipal Utility District No. 1 and water utility customers is limited and subject to depletion during period of extended drought;

WHEREAS, the Board recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 12.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the customers of Burleson County Municipal Utility District No. 1, the Board deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BURLESON COUNTY MUNICIPAL UTILITY DISTRICT NO. 1:

SECTION 1. That the Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of Burleson County Municipal Utility District No. 1.

SECTION 2. That the Board of Directors and their designee(s) is hereby directed to implement, administer, and enforce the Drought Contingency Plan.

SECTION 3. That this resolution shall take effect immediately upon its passage.

DULY PASSED BY THE BOARD OF DIRECTORS OF BURLESON COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 ON THIS 19th day of MAY, 2015.


President, Board of Directors

ATTESTED TO:


Vice-President, Board of Directors