

SECTION H.
RETAIL DROUGHT CONTINGENCY
AND
EMERGENCY WATER DEMAND MANAGEMENT PLAN

1. ***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, the East Rio Hondo Water Supply Corporation (ERHWSC) 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 condition are deemed to constitute a waste of water.
2. ***Public Involvement.*** Opportunity for the public to provide input into the preparation of the initial Plan was provided by the ERHWSC by means of providing public notice of a public meeting held on October 17, 2005, to accept input on the Plan. Additional public input opportunity was provided for during amendments presented at public meetings on July 10, 2006, May 14, 2007, August 11, 2008, March 11, 2013, November 9, 2020, February 8, 2021, July 18, 2022, September 12, 2022, February 12, 2024, June 10, 2024, and February 9, 2026.
3. ***Public Education.*** Upon initial ERHWSC Board approval of the plan, ERHWSC provided all customers written notification that the plan is completed. The notification addressed the water supply and financial impacts the plan would have upon the customers, and informed the customers of its availability upon request. The ERHWSC will periodically provide the public with information about the Plan, including any modifications and 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 a mailing to each customer, statements on billing postcards, public announcements via radio and television, the ERHWSC website, and/or posting of conservation stages in public areas such as local U.S. Post Offices and the ERHWSC main office.
4. ***Coordination with Regional Water Planning Group.*** The service area of the ERHWSC is located within the Rio Grande Regional Water Planning Group (Region M) and ERHWSC has provided a copy of this Plan to the Rio Grande Valley Development Council and the Rio Grande Valley Regional Water Planning Group (Region M).
5. ***Authorization.*** The ERHWSC General Manager, 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 ERHWSC General Manager 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.
6. ***Application.*** The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the ERHWSC. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

7. ***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, schools, 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, member, or organization using water supplied by ERHWSC.

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.

Industrial water use -- the use of water in processes designed to convert materials of lower value into forms having greater usability and value. At this time ERWSC has no Industrial use customers. If in the future ERHWSC does begin to serve industrial use customers, ERHWSC will, within ninety days, submit amendments to this Water Conservation Plan and the ERHWSC Drought Contingency Plan to cover industrial use.

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 neither essential nor required for the protection of public, health, safety, and welfare, including:

- a. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- b. use of water to wash down buildings or structures for purposes other than immediate fire protection;
- c. flushing street gutters or permitting water to run or accumulate in any gutter or street;
- d. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

8. ***Triggering Criteria for Initiation and Termination of Drought Response Stages.*** The ERHWSC General Manager, or his/her designee, shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of direct mail to each customer, signs posted in public places, radio and television public announcements, email, and/or the ERHWSC website. Emergency water shortage conditions will be publicized via television and/or radio, the ERHWSC website, and the methods noted above as needed. The triggering criteria described below are based on an analysis of the vulnerability of the water source under previous drought conditions.

a. Stage 1 - Moderate Water Shortage Conditions

(1) 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 (a) the Falcon and Amistad Reservoirs reach 30% of capacity as determined by the Texas Commission on Environmental Quality (TCEQ).

(b) Cameron County Irrigation District Number 2 (CCID2) or other irrigation district suppliers provide notice to ERHWSC that they will disallow farm irrigation water use within 60-90 days.

(2) Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days.

b. Stage 2 - Severe Water Shortage Conditions

(1) Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 of this Plan when, (a) Cameron County Irrigation District Number 2 (CCID2) or other ERHWSC irrigation district suppliers disallow farm irrigation water use. (b) distribution system pressures fall below 35 psi requirements due to system demand for two consecutive days, or (c) ERHWSC consumer demand exceeds 85% of ERHWSC system capacity for 15 days out of any consecutive 30-day period.

(2) Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

d. Stage 3 - Emergency Water Shortage Conditions

(1) Requirements for initiation - Customers shall be required to comply with the requirements and restrictions for Stage 3 of this Plan when the ERHWSC General Manager, or his/her designee, determines that a water supply emergency exists based on: (a) major water line breaks, or pump or system failures occur, which cause loss of capability to provide water service; (b) natural or man-made contamination of the water supply source(s); or (c) rapidly occurring low-pressure conditions (less than 20 psi) due to any reason.

(2) Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist. Upon termination of Stage 3, the General Manager will determine which Stage will follow.

e. Water Rationing

(1) Requirements for initiation - Customers shall be required to comply with the requirements and restrictions for Stages 2 and 3 of this Plan when these stages are declared to exist by the ERHWSC General Manager.

(2) Requirements for termination - Water use Best Management Practices (restrictions) may be rescinded when all of the conditions listed as triggering events for Stage 2 have ceased to exist for 30 consecutive days.

9. ***Drought Response Stages and Best Management Practices.*** The ERHWSC General Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 8 of the Plan, shall determine that a moderate, severe, or emergency condition exists and shall implement the following actions upon either direct mailing to ERHWSC members, posting at the ERHWSC main office, radio and television public announcements, and/or the ERHWSC website. The ERHWSC General Manager will notify via telephone the TCEQ, major water users, and critical water users (i.e. medical clinics) as determined as necessary. The TCEQ must be notified in writing within five business days of the implementation of any mandatory provisions of the Plan. Rate structure changes in Stages 2 & 3 will apply to billing following completion of the first full-service month after notification.

a. Stage 1 - Moderate Water Shortage Conditions

- (1) Target: Achieve a voluntary reduction in daily water demand.
- (2) Supply Best Management Practices: ERHWSC will manage limited water resources with the following measures:
 - (a) Recycle backwash water to the headworks of the surface water treatment plant or reservoir after decanting the settled water away from the settled sludge. This process eliminates the loss of the backwash water to evaporation or disposal. Minimize loss of brackish groundwater at NCRWTP for dilution and flushing purposes.
 - (b) Flushing of water mains will be conducted when customer complaints of taste and odor are reported, and to meet regulatory requirements of TCEQ.
 - (c) ERHWSC will be active in providing public education through public displays, ERHWSC website, mailings and/or water conservation education in local school districts.
 - (d) ERHWSC will proactively pursue alternative water sources to the Rio Grande River (such as brackish groundwater desalination) to avoid push-water system losses in the event of CCID2's planned or actual cessation of delivery of irrigation water to farmers.
- (3) Voluntary Water Use Best Management Practices:
 - (a) Water customers are requested to voluntarily minimize the irrigation of landscaped areas and lawns;
 - (b) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

b. Stage 2 – Severe Water Shortage Conditions

- (1) Target: Achieve a 10% average reduction in daily water demand.
- (2) Supply Best Management Practices: All Supply Best Management Practices noted in Stage 1 above.
- (3) Water Use Best Management Practices: Under threat of penalty for violation, the following water use Best Management Practices (restrictions) shall apply to all persons:
 - (a) Irrigation of landscaped or lawn areas with hose-end sprinklers or automatic or manual irrigation systems shall be limited to the hours of 12:00 midnight until 8:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can, or drip irrigation system.
 - (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is allowed when done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses.
 - (c) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
 - (d) Use of water from flush valves shall be limited to firefighting, related activities, or other activities necessary to maintain water quality, public health, safety, regulatory compliance, and welfare, except that use of water from designated flush valves for construction purposes may be allowed with meter service from the ERHWSC.
 - (e) Non-essential water uses should be eliminated.

(4) Water Rate Structure:

(a) The Water Rate Structure for meters shall be as follows:

- \$5.00 per 1,000 gallons for any gallonage between 1 and 5,000 gallons;
- \$6.25 per 1,000 gallons for any gallonage between 5,001 and 15,000 gallons;
- \$8.25 per 1,000 gallons for any gallonage between 15,001 and 30,000 gallons;
- \$9.25 per 1,000 gallons for any gallonage 30,001 gallons or more.

(5) Water Rights Surcharge: In the event that TCEQ requires Cameron County Irrigation District #2 (CCID#2), or other irrigation district water suppliers to ERHWSC, to calculate push water volume in order to supply ERHWSC with raw water, and ERHWSC must purchase push water from other sources, then ERHWSC will pass the cost of the push water equally onto the Membership on a per service unit basis, based upon the number of service units in existence at the time of the assessment.

d. Stage 3 – Emergency Water Shortage Conditions

(1) Target: Minimize all water use to maintain system pressure above 20 psi as required for public health, safety, and welfare, until system repairs or source water contamination is eliminated.

(2) Supply Best Management Practices:

- (a) Interconnections with other water utility systems will be utilized to the maximum extent possible. These interconnections include Harlingen Waterworks System, Olmito Water Supply Corporation, and the City of Los Fresnos. It is possible to make additional emergency connections with the City of Los Fresnos and Southmost Regional Water Authority if conditions require such action.
- (b) Emergency supplies for repair of water lines of all sizes and valves in the distribution system and water plants are maintained in stock for use.
- (c) Back-up raw water, chemical feed, and high service pumps are maintained in running condition at the water plants at all times. Monthly maintenance is conducted on all other equipment as recommended in the owner's manual. Emergency generators are installed at surface water treatment plants to provide backup power supply in the event of loss of power from Magic Valley Electric Cooperative.
- (d) ERHWSC will attempt to notify all major water users of emergency conditions and request water usage to be minimized.
- (e) ERHWSC will continually pursue alternative water sources to the delivery of Rio Grande River water by CCID2, due to the lingering threat of push-water scenarios. Alternate supplies can include regional or local brackish groundwater desalination projects.

(3) Water Use Best Management Practices: All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.

(4) **Water Rate Structure:** The water rate structure under Stage 3 will not change from the previously existing stage, since this stage is for short-term emergencies only.

10. Enforcement.

a. **Violations** –Members found to be in violation of Stage 2 or 3 of this Plan will be notified by the ERHWSC General Manager or his designee in writing. The written notice will contain the specific violation, date and time the violation was recorded, and will put the customer on notice that any subsequent violation will result in their meter being shut off and padlocked. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at seventy-five dollars (\$75.00) and any other costs incurred by the ERHWSC in discontinuing service. In addition, the customer, whose water service is disconnected after two separate offenses, must give suitable assurance to ERHWSC that the same action shall not be repeated while the Plan is in effect. After water service is disconnected for two distinct violations, any further distinct violations will result in water service being disconnected immediately. The ERHWSC will reestablish water service after a one hundred and fifty dollars (\$150) reconnection charge is paid, the customer's account is cleared of all debts owed to ERHWSC, and the ERHWSC determines that the violations will not reoccur.

b. Any member of ERHWSC that owns property where a violation occurs or originates shall be presumed to be the violator. Members shall be presumed to be responsible for violations by their minor children, tenants, guests, children, or family members.

11. Variances. The ERHWSC General Manager, or his/her designee, 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 this 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.

c. Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the ERHWSC within 15 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the ERHWSC General Manager or his/her designee, and shall include the following:

(1) Name and address of the petitioner(s).

(2) Purpose of water use.

(3) Specific provision(s) 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 will occur to the petitioner or others if 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.

d. Variances granted by the ERHWSC shall be subject to the following conditions, unless waived or modified by the ERHWSC General Manager or his/her designee:

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

(2) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

12. ***Severability.*** It is hereby declared to be the intention of the ERHWSC Board of Directors that the sections, paragraphs, sentences, clauses, and phrases of this Section 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 the ERHWSC Board of Directors without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.