

RESOLUTION REVIEWING DROUGHT CONTINGENCY PLAN
AND MAKING ANY DESIRABLE CHANGES THERETO

WHEREAS, the Board of Director of Harris County Municipal Utility District No. 136 (the "Government Entity") adopted a Drought Contingency Plan on April 13, 2005; and


WHEREAS, the Board of Directors (the "Board") now wishes to adopt a revised Drought Contingency Plan in compliance with the Texas Commission on Environmental Quality (TCEQ) requirements;

NOW, THEREFORE, BE IT RESOLVED by the Board that:


1. The Board hereby adopts the revised Drought Contingency Plan attached hereto.

DATED THIS 11 day of April, 2019.

HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 136

By: 
Name: _____
Title: President

ATTEST:

By: 
Name: Adam Rodriguez
Title: Secretary



Drought Contingency Plan
Harris County Municipal Utility District No. 136

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, Harris County Municipal Utility District 136 (the "District") 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 which subjects the offender(s) to penalties as defined in the Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the District by means of a public postings of notice for the public meetings in which the Plan was discussed and adopted, distributing a community newsletter, and the use of social media.

Section III: Public Education

The District 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 community newsletter articles, water bill inserts, and distributing informative pamphlets.

Section IV: Coordination with Regional Water Planning Groups

The service area of the District is located within the West Harris County Regional Water Authority (the "Authority"). The Authority has provided a copy of this Plan to the Harris-Galveston Subsidence District.

Section V: Authorization

The President of the Board 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 President 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.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the District. The terms "person" 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:

“Conservation” shall mean 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” shall mean any person, company, or organization using water supplied by the District.

“Non-Essential Water Use” shall mean 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, 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.

Section VIII: Basis for Triggers and Utilization of Alternative Water Sources

The President of the Board or his/her designee shall monitor water supply and/or demand conditions on a periodic 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 herein are based on generally accepted drought indexes, governmental mandates, and regional water authority guidelines.

Alternative water sources are the District’s water well, the District’s inter-connection with Harris County Municipal Utility District No. 183, and the Barker Cypress Municipal Utility District.

Section IX: Triggers

For the purpose of this Plan, the District hereby adopts the trigger conditions set forth below (the “Trigger Conditions”), which are based on an analysis of the availability of water sources under drought conditions. These Trigger Conditions are for the purpose of responding to, but not limited to, the following situations: (a) reduction in available water supply up to a drought of record; (b) water production or distribution system limitations, both in-district and the Authority; (c) supply source contamination; (d)

water system outage due to the failure or damage of major water system components (e.g., pumps); or (e) inter-connect limitations, failures or mechanical or component problems.

Stage I – MILD WATER SHORTAGE.

The Trigger Conditions for Stage I shall be, at the discretion of the President of the Board, or his/her designee, the average daily water plant production for five consecutive days is 75% (972,000 gpd as of the date hereof) of maximum daily plant production capacity, as determined by the District's operator and engineer by monitoring the District's water production information and any other appropriate information or factors, including water supply from the Authority and whether the Keetch-Byram Drought Index exceeds 400, and/or the U.S. Drought Monitor classification is D0 (Abnormally Dry).

Requirements for termination: Stage I of the Plan may be rescinded at the discretion of the President of the Board, or his/her designee, when Trigger Conditions have ceased to exist for a period of five consecutive days.

Stage II – MODERATE DROUGHT.

The Trigger Conditions for Stage II shall be, at the discretion of the President of the Board, or his/her designee, the average daily water plant production for five consecutive days is 80% (1,036,800 gpd as of the date hereof) of maximum daily plant production capacity, as determined by the District's operator and engineer by monitoring the District's water production information and any other appropriate information or factors, including water supply from the Authority and whether the Keetch-Byram Drought Index exceeds 600, and/or the U.S. Drought Monitor classification is D1 (Moderate Drought).

Requirements for termination: Stage II of the Plan may be rescinded at the discretion of the President of the Board, or his/her designee, when Trigger Conditions have ceased to exist for a period of five consecutive days.

Stage III – SEVERE DROUGHT.

The Trigger Conditions for Stage III shall be, at the discretion of the President of the Board, or his/her designee, the average daily water plant production for five consecutive days is 85% (1,101,600 gpd as of the date hereof) of maximum daily plant production capacity, as determined by the District's operator and engineer by monitoring the District's water production information and any other appropriate information or factors, including water supply from the Authority and whether the Keetch-Byram Drought Index exceeds 800, and/or the U.S. Drought Monitor classification is D2 (Severe Drought).

Requirements for termination: Stage III of the Plan may be rescinded at the discretion of the President of the Board, or his/her designee, when Trigger Conditions have ceased to exist for a period of five consecutive days.

Section X: Trigger Condition Notice.

Once one of the above Trigger Conditions has occurred, Customers will be notified that such Trigger Condition has occurred and of the Water Conservation Measures (as defined herein) to be taken (a "Trigger Condition Notices"). Trigger Condition Notices may include any of the following:

- (a) Email notification;
- (b) Posting of signs at the entrances to the District;
- (c) Posting of notices at public places in the District;

- (d) Delivery of a written door hanger notice to each Customer;
- (e) Dissemination of press releases to the local news media; and
- (f) For wholesale water Customers, if any, the District operator shall contact wholesale water Customers by written or electronic notice, or by other means, prior to commencement of the required Water Conservation Measures.

Any Trigger Condition Notice, except for signs posted at the entrances of the District, shall contain (i) the date the Water Conservation Measures will begin, (ii) a list of Water Conservation Measures to be implemented, (iii) the date of termination of the Water Conservation Measures or a description of the requirements for termination of the Water Conservation Measure, and (iv) an explanation of penalties, if any, for violations of such Water Conservation Measures.

Section XI: Water Conservation Measures.

The District hereby establishes and adopts the following measures (the “Water Conservation Measures”) for the respective Trigger Conditions. The Water Conservation Measures related to each Trigger Condition shall automatically become effective and shall be implemented by the District when such Trigger Condition occurs.

Stage I Response – MILD WATER SHORTAGE.

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

Supply Management Measures: Upon the commencement of Stage I Mild Water Shortage, the District’s operator shall inform the public through Trigger Condition Notices that Trigger Conditions have been initiated and request all Customers to voluntarily reduce total water use by 10% (compared to historical monthly use) with increased Conservation and minimizing Non-Essential Water Use, and that outdoor automatic and sprinkler watering will be limited to a maximum of two times a week per service address and all automatic and sprinkler lawn watering will be prohibited between the hours of 10:00 am and 6:00 pm, seven days a week, and that hose watering by hand and soaker hoses are not affected.

Stage II Response – MODERATE DROUGHT.

Target: Achieve a VOLUNTARY 20% reduction in total water use.

Supply Management Measures: Upon the commencement of Stage II Moderate Drought Water Shortage, the District’s operator shall inform the public through Trigger Condition Notices that Trigger Conditions have been initiated and request all Customers to voluntarily reduce total water use by 20% (compared to historical monthly use) with increased Conservation and minimizing Non-Essential Water Use, and that outdoor automatic and sprinkler watering will be limited to a maximum of one time per week per service address and all automatic and sprinkler lawn watering will be prohibited between the hours of 8:00 am and 6:00 pm, seven days a week, and that hose watering by hand and soaker hoses are not affected.

The District shall recommend that the following public water uses by any of its Customers not essential for public health and safety be curtailed: street washing; fire hydrant flushing; power washing; fountain filling; and filling of swimming pools.

The District’s operator will initiate weekly contact with wholesale water customers, if any, to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water supplies if drought conditions worsen.

Stage III Response – SEVERE DROUGHT.

Target: Achieve a MANDATORY 25% or more reduction in total water use.

Supply Management Measures: Upon the commencement of Stage III Sever Drought Water Shortage, the District's operator shall inform the public through Trigger Condition Notices that Trigger Conditions have been initiated and request all Customers to mandatorily reduce total water use by 25% or more (compared to historical monthly use) with increased Conservation and minimizing Non-Essential Water Use, and that outdoor automatic and sprinkler watering will be prohibited, seven days a week, and that hose watering by hand and soaker hoses are not affected. Hose watering by hand and soaker hoses are not affected.

The Board of the District may prohibit water use by certain public space, industrial or commercial Customers, which uses are not essential to the health and safety of the community so that remaining water is available for essential health and safety related uses. The Board of the District may utilize alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director of the Texas Commission on Environmental Quality as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

The District's operator will initiate weekly contact with wholesale water customers, if any, to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water supplies if drought conditions worsen.

The District is authorized to ration water to Customers on a pro rata basis, and to initiate allocation of water supplies to its wholesale water customers, if any, on a pro rata basis, in accordance with Texas Water Code, Section 11.039.

Section XII: Emergency Water Shortage.

Water Use Restrictions for Reducing Demand: In the event that water shortage conditions threaten public health, safety, and welfare, at the discretion of the President of the Board, or his/her designee, the Operator of the District is hereby authorized to implement the following water allocation plan:

- I. Single Family Residential Customers: The allocation to residential Customers residing in a single-family dwelling shall be 8,000 gallons per month. There will be a surcharge equal to 150% for all water used in excess from 8,000 and up to 10,000 gallons per month. There will be a surcharge rate of 200% of the applicable rate for all water used in excess of the 10,000 gallons per month. Surcharges shall be cumulative.
- II. Master-Metered Multi-Family Residential Customers: The allocation to a Customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units shall be allocated 8,000 gallons per month for each single-family dwelling unit so metered. A dwelling unit may be claimed under this provision whether it is occupied or not.

Customers billed from a master meter under this provision shall pay a surcharge equal to 150% for all water used in excess of 8,000 and up to 10,000 gallons per month (for each dwelling unit). A 200% surcharge of the applicable rate will be charged for all water used in excess of 10,000 gallons (for each dwelling unit) per month. Surcharges shall be cumulative.

- III. Commercial Customers: The allocation to commercial water Customers shall be 75% of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's history of usage is less than 12 months, then the average for the period for which there

is a record shall be used for any monthly period for which no history exists. A surcharge of 200% of the applicable rate for all water used in excess of the established usage in gallons per month shall be applied.

Section XIII: Variances

The President of the Board, 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.

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

- (a) Name and address 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 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.

Section XIV: Enforcement

No person shall knowingly or intentionally allow the use of water from the District 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 operator for the District, or its designee, in accordance with provisions of this Plan.

Any person who violates this Plan shall receive written notification of such violation, which notice shall set forth (1) date of violation; (2) the nature of the violation, (3) the Water Conservation Measures then in effect, and (4) the penalties applicable for any further violations of this Plan; however, that if such person or entity has ever previously violated this Plan, the penalties set forth, may, in the discretion of the

District, be imposed. Service of the notification of violation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence.

The following penalties apply for subsequent violations by a Customer:

I. Disconnection for Noncompliance: If any person or entity violates any provision of the Plan more than one time, then in addition to any other remedies, penalties, sanctions and enforcement procedures provided for herein, the District shall have the right to terminate water service to such person or entity after notice and any other procedural requirements in the District's rate order are satisfied.

II. Monetary Penalties for Noncompliance: If any person or entity violates any provision of the Plan more than one time, then in addition to disconnection for noncompliance as discussed above, the District, after providing required notice, may impose a penalty of up to \$5,000 for each violation of this Plan. Each day that a breach of any provision of this Plan continues shall be considered a separate violation. This penalty shall be in addition to any other legal rights and remedies of the District as may be allowed by law.

Any person, including a person classified as a water customer of the District, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

Section XV: Severability

It is hereby declared to be the intention of the Texas Commission on Environmental Quality (the "TCEQ") that the sections, paragraphs, sentences, clauses, and phrases of his Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the TCEQ without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.