

**DROUGHT CONTINGENCY  
AND WATER EMERGENCY RESPONSE PLAN  
OF  
THE CITY OF EASTLAND, TEXAS  
November 16, 2020**

**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, the **City of Eastland**, (The City) hereby adopts the following **Drought Contingency and Water Emergency Response Plan** (The Plan). The Plan replaces the Drought Contingency Plan previously in place for The City.

By wholesale water contract, the City of Eastland supplies water to the City of Carbon as well as to the Olden, Staff and Westbound Water Supply Corporations (The Eastland Sub-recipients). The contracts stipulate the Sub-recipients must follow Eastland's water conservation lead in times of drought or other water shortage. The contracts further require that The City cannot impose restrictions on the Sub-recipients more stringent than those imposed on the citizens of Eastland. All wholesale contracts entered into or renewed after adoption of this plan, including contract extensions, will include a clause that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with the Texas Water Code, section 11.039.

Water uses regulated or prohibited under 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.

**Section II: Public Involvement**

Opportunity for the public to provide input into the preparation of the Plan was provided by The City by means of scheduling and providing properly noticed public meetings to accept input on the Plan.

**Section III: Public Education**

The City 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 press releases, web sites, newsletters, utility bill messages, etc.

#### **Section IV: Coordination with Regional Water Planning Groups**

The service area of The City is located within the Brazos G Regional Water Planning Group and The City will provide a copy of the Plan to the Brazos G Regional Water Planning Group. A copy of The Plan will be also be provided to the Texas Commission on Environmental Quality.

#### **Section V: Authorization**

Under The Plan, The City must designate an “Authorized Official” who is authorized and directed to implement the applicable provisions of The Plan upon determination that such implementation is necessary to protect public health, safety and welfare. The Authorized Official, or his/her designee, shall have the responsibility and authority to initiate the water supply response measures as described in this Plan.

#### **Section VI: Application**

Provisions of The Plan shall apply to all persons, customers and property utilizing water provided by The City. 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 purpose of The Plan, the following definitions shall apply:

**Acre Foot** – Commonly used measurement of volumes of water. An acre foot is one acre of water a foot deep or 43,560 cubic feet of water. An acre foot of water contains 325,851 gallons.

**Athletic Field** – A sports play field including playgrounds whose essential feature is grass turf, other than a golf course.

**Bulk Sales** – The sale of water in relatively large quantities, for transport via tanks or tankers for purposes such as road construction, oil field and agricultural applications.

**The City** – The City of Eastland, Texas.

**Commercial Water Use** – Water use which is integral to the operations of commercial, retail establishments, hotels and motels, restaurants, office buildings, car washes, golf courses, crop irrigation and livestock watering.

**Commercial / Industrial Water Use Restriction Plan** – Plans prepared by Commercial and Industrial entities that used more than one million gallons of water averaged between 2010 and 2011. These plans will detail how reductions of water use will be implemented as use restriction stages are enacted.

**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 furnished by The City.

**The District** – The Eastland County Water Supply District

**Emergency Notification** – A notification by telephone, personally delivered message or by radio that emergency conditions exist as the result of system failure, disaster or other unforeseen circumstance whereby the delivery of water will be sharply decreased or curtailed. It is incumbent on the entity **sending** the Emergency Notification that there is verification that the notification has been received.

**Foundation Watering** - Application of water by means of a soaker hose, hand-held hose, or properly installed drip irrigation system immediately next to a concrete foundation solely for the purpose of preventing, to the extent the watering is necessary, substantial damage to the foundation of the structure caused by movement of the foundation

**Golf Course** – An area of land used for the game of golf.

**Industrial Water Use** – The use of water in processes designed to convert materials of lower value into forms having great usability and value.

**Institutional Water Use** – Water use which is integral to the operations of governmental and non-profit establishments. Examples are city owned buildings, cemeteries, public and private schools and churches.

**Landscape irrigation use** – Water used for the irrigation and maintenance of landscaped areas, whether publically or privately owned, including residential and commercial lawns, gardens, golf courses, parks, cemeteries, school grounds and rights-of-ways and medians. The term does not include use of groundwater from a well or from water delivered from a source other than from Lake Leon

**Multi-family Residential Customers (Mobile Home and Apartment Communities)**  
Water customers renting property owned by an individual or commercial establishment. Such property must comply with the requirements and restrictions set forth in this plan.

**Non-essential Water Use** – Water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- (a) Irrigation of landscape areas, including parks, cemeteries, athletic fields, and golf courses, except otherwise provided under The 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 or add to any indoor or outdoor swimming pool or “spa-type” hot tub or pool;
- (g) Use of water in a fountain or pond for aesthetic or scenic purposes.;
- (h) Failure to repair a controllable leak(s) within a reasonable period of time after having been given notice directing the repair of such leak(s);
- (i) Use of water from fire hydrants for any purposes other than fire-fighting and water line flushing to attain necessary water quality standards.
- (j) Use of water for dust control.

**Odd/Even Outdoor Watering Schedule** – Allowable residential outside watering must be accomplished on a schedule dictated by the last number of the property address as follows;

**Addresses ending in odd numbers**

Normal Operation	No Restrictions
Stage 1 Restriction	Sunday, Tuesday & Thursday
Stage 2 Restriction	Sunday & Thursday
Stage 3 Restriction	Sunday only
Stage 4 Restriction	No outside watering allowed

**Addresses ending in even numbers**

Normal Operation	No Restrictions
Stage 1 Restriction	Saturday, Monday & Wednesday
Stage 2 Restriction	Saturday & Wednesday
Stage 3 Restriction	Saturday only
Stage 4 Restriction	No outside watering allowed

**Note:** During any use restriction period-Stage 1 through 4, all outside watering may only be undertaken from 7:00 am to 9:00 am and 7:00 pm and 9:00 pm.

**Private Water Well** – Water well on private property.

**Re-Use or Effluent Water** – A treated non-potable water source used for irrigation or industrial purposes.

**Sub-recipients** – The water supply entities receiving water from The City, more specifically, the Olden, Staff and Westbound Water Supply Corporations as well as The City of Carbon.

**Wasting Water** – Watering a non-pervious surface or landscape watering that goes beyond a customer’s property. Waste of water also includes allowing water to run off into

a gutter, ditch or drain, or failing to repair a controllable leak. Any use of water supplied from Lake Leon not in conformance with the stipulations of The Plan is also considered a waste of water.

### **Section VIII: Commercial / Industrial Water Use Restriction Plans**

Commercial use of water is defined as that use which is integral to the operations of commercial, retail establishments, hotels and motels, restaurants, office buildings, golf courses, car washes, crop irrigation and livestock watering.

Industrial water use is defined as using water in processes designed to convert materials of lower value into forms having great usability and value.

In times of water shortage and increasing water use restrictions, commercial and industrial entities will be expected to reduce water consumption along with residential users.

Exterior water uses by commercial and industrial entities such as landscape watering will be governed the same as residential uses.

Commercial and industrial entities that have used over one million gallons of water annually for three consecutive years prior to the year in which restrictions are contemplated to take effect will be required to develop a water use reduction plan that can be implemented as the various water use restriction stages are reached. The targets listed below are for each stage;

Percentage of reduction over average of the same period of time in prior three consecutive years.

Stage 1 – Conservation warning	Request for voluntary reduction in use
Stage 2 – Serious Water Shortage	5% Reduction in use
Stage 3 – Severe Water Shortage	5% Additional Reduction
Stage 4 – Critical Water Shortage	10% Additional Reduction

As the restriction stages are implemented, commercial and industrial users will be expected to also implement their water use restriction plans. Depending on the restriction stage, some commercial water use may be dictated by other elements of The Plan.

Other commercial and industrial entities under the “one-million-gallon use level” will be expected to reduce water consumption as restriction stages are enacted and set forth in subsequent sections of this plan.

**Section IX – Mitigation Measures** – The City will employ the following drought mitigation measures in addition to implementing water restrictions;

1. All customers will be encouraged to employ water conservation measures even under normal operating conditions.
2. A concerted effort will be made to seek alternate sources of water.
3. Water captured by Lake Eastland will be judiciously utilized to augment the Lake Leon supply as conditions warrant. Lake Eastland's surface elevation will be kept approximately 3 to 4 feet below its emergency spillway level during normal and Stage 1 operations. (See Stages 2, 3 and 4 Sections for additional details.)
4. The City will make every effort to put Re-Use or Effluent water to its highest and best use as drought conditions increase.

#### **Section X: Entities Exempt From Water Use Restrictions**

Resident health care facilities including nursing homes and assisted living facilities, health clinics, the Eastland County Jail and the Eastland Memorial Hospital are encouraged to exercise as many water conservation practices as within reason, especially as the water use restriction stages of The Plan are enacted. All exterior uses of water by these entities such as landscape or foundation watering fall under the appropriate water use restrictions contained in The Plan. However, they are exempt from restriction of water use in the delivery of their primary services.

The above entities are strongly encouraged to develop (and enact as appropriate) water conservation plans identical to those required of Commercial / Industrial interests outlined in Section VIII above.

#### **Section XI: Variance Procedures**

Any residential or commercial customer, or public entity, which faces undue hardship as a result of the Drought Contingency Plan implementation measures, may request a variance from the procedures through the City of Eastland City Commission. In the variance request, the applicant must clearly state in writing:

1. The nature of the hardship caused by the drought contingency measures.
2. What specific Drought Contingency Plan stages or measures create the undue hardship.
3. What specific variance is requested which will provide relief for the hardship, while meeting the requirements of the plan.

The City Commission will hear the request for variance in open session and render a ruling on the variance request. All decisions by the City Commission are final.

#### **Section XII: Triggering Criteria for Initiation and Termination of Drought Restriction Stages**

The Authorized Official of the City of Eastland, or designee, shall continuously monitor the Lake Leon water supply and shall determine when The Plan criteria warrant initiation or termination of each stage of the Plan. The City of Eastland Authorized Official will

notify the Sub-Recipients via certified mail of the specific changes of Plan stages. Public notification of the initiation or termination of drought response stages shall be by means of publication in local newspapers, radio, television, websites, signs, posters, banners, etc. posted in public places.

The triggering criteria described below are based on the analysis of system capabilities and the rules of The City and the Eastland County Water Supply District (The District). In the event The District is unable to provide adequate water to meet The City of Eastland's needs, The City will implement the restriction stage suggested by the District upon an emergency notification by the Eastland Authorized Official.

The restriction stage decision points (aka, "triggering criteria") are based on the surface water level elevation of Lake Leon and will be taken from the Texas Water Development Board website [www.twdb.state.tx.us](http://www.twdb.state.tx.us).

**Please note the following proviso.**

The TWDB web site referenced above posts the elevation of the Lake Leon water level daily. The elevation is measured to the nearest one-hundredth of a foot. Along with the elevation, the web site also daily posts the remaining storage of water shown in acre feet and in percentage of the reservoir capacity – **measured from the maximum permanent fill level ("the top"- elevation 1,375) to the bottom (elevation 1,310)** of the reservoir.

**There is a practical problem with the above referenced postings regarding the amount of usable water remaining in the reservoir at any given surface level elevation, namely;**

There is an "intake structure" placed in the reservoir that transports water via a pipe line to The District's filtration plant. The lowest intake point on this structure is located 25 feet ***above the bottom of the reservoir***. The effect of this intake point's vertical location is the creation of the "dead pool" or water remaining in the reservoir but unattainable for transport to the filtration plant.

**The dead pool has a capacity of 869-acre feet or 3.18% of the reservoir capacity.**

Therefore, an accurate assessment of usable water remaining in the reservoir requires making the following calculations from the above referenced Texas Water Development Board web site;

The acre foot storage figure must be reduced by 869-acre feet.

The "percent full" figure must be reduced by 3 percentage points (rounded).

For example, the 11-28-11 data from the [www.twdb.state.tx.us](http://www.twdb.state.tx.us) website shows;

Lake Leon surface elevation	<u>Storage (acre feet)</u>	<u>Percent Full</u>
1,362.62	11,479	43.45%

**The actual amount of usable water remaining in the reservoir on 11-28-11 was;**

<u>Lake Leon surface elevation</u>	<u>Storage (acre feet)</u>	<u>Percent Full</u>
1,362.62	10,610	40.45%

Thus, the triggering criteria for initiation and termination of the Plan’s drought restriction stages will be based on the amount of usable water remaining in the reservoir.

**The Plan contains five stages or “conditions” of water conservation, namely;**

- **NORMAL OPERATIONS STRESSING WATER CONSERVATION**
- **STAGE I RESTRICTION – CONSERVATION WARNING**
- **STAGE 2 RESTRICTION – SERIOUS WATER SHORTAGE**
- **STAGE 3 RESTRICTION – SEVERE WATER SHORTAGE**
- **STAGE 4 RESTRICTION – CRITICAL WATER SHORTAGE**

### **NORMAL OPERATIONS**

**During normal operations and throughout all stages of water use restrictions;**

- (a) The City will continuously remind its customers of the need to conserve water and eliminate waste.
- (b) The City will be as judicious as reasonably possible in employing line flushing as a means to achieve water quality standards.
- (c) Customers and The City will be expected to promptly repair controllable leaks within a reasonable period after having been alerted to the existence of such leak. Failure to promptly make such a repair will put a customer’s account in the “non-essential water use category”, automatically placing it in jeopardy of immediate termination.

Additionally, during the normal operations mode, all customers regardless of classification will be required to perform all outside watering on “odd and even” days depending on the last number of their addresses (see Definitions – Section VII).

### **STAGE 1 RESTRICTION – CONSERVATION WARNING**

**Requirements for initiation** – It is mandatory that customers conserve water and adhere to the prescribed restrictions on certain water uses, as listed below in this section when one or more of the following are reached:



- (a) The Eastland Authorized official shall notify Eastland’s Sub-Recipients that the surface elevation of Lake Leon has dropped to **elevation 1,369** with approximately **67%** of **usable** water remaining in the reservoir.
- (b) Due to mechanical failure at the ECWSD Plant which prohibits adequate delivery of water to meet the City’s anticipated demand. This will require an Emergency Notification.
- (c) Due to mechanical failure of the distribution system of The City of Eastland which prohibits adequate delivery of water to meet the anticipated demand of the Sub-recipients. This will require an Emergency Notification.

**Water Use Restrictions: Under the threat of penalty for violation, the following water use restrictions shall apply to all persons:**

- (a) All water customers must employ the “odd/even” outside watering schedule in relation to the last number of their address and the day of the week (See Definitions – Section VII). All outside watering must be accomplished between the hours of 7:00 – 9:00 AM and 7:00 – 9:00 PM. This includes residential, athletic field, cemeteries, golf course, commercial and institutional landscape and foundation watering.
- (b) Newly established landscapes may have 3 weeks variance for taking root. All variances must be reviewed and approved by the appropriate Authorized Official or their designee.
- (c) Stage 1 restrictions of applicable Commercial / Industrial Use Plans will be implemented.
- (d) Non-metered users of Lake Leon water will be required by The District to comply with these restrictions.

Stage 1 Mitigation Measure – Lake Eastland water may be released to augment the Lake Leon water supply under the following conditions:

1. If and when water is flowing or has recently flowed in the North Fork of the Leon River below Lake Eastland.
2. If there is a reasonable chance that the Lake Eastland release will actually make its way to Lake Leon.

This action will lower the level of Lake Eastland.

**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 thirty (30) consecutive days or when rescinded by the Cities’ Authorized Official or his/her designee.

**STAGE 2 RESTRICTIONS – SERIOUS WATER SHORTAGE**

**Requirements for Initiation** – It is mandatory that customers conserve water and adhere to the prescribed restrictions on certain water uses as listed below in this section when one or more of the following are reached:

- (a) The Eastland Authorized Official shall notify Eastland’s Sub-Recipients that the surface elevation of Lake Leon has dropped to **elevation 1,366** with approximately **54%** of **usable** water remaining in the reservoir;
- (b) Due to mechanical failure at The District Plant which prohibits adequate delivery of water to meet the Cities’ anticipated needs. This will require an Emergency Notification.
- (c) Due to mechanical failure of the distribution system of The City of Eastland which prohibits adequate delivery of water to meet the anticipated demands of the Sub-recipients. This will require an Emergency Notification.

**Water Use Restrictions: Under threat of penalty for violation the following water use restrictions shall apply to all persons;**

- (a) All landscape and foundation watering must be reduced to two days per week using the “Odd/Even schedule” (See Definitions – Section VII). All outside watering must be accomplished between the hours of 7:00 – 9:00 AM and 7:00 and 9:00 PM. This includes residential, athletic field, golf course, commercial and institutional landscape and foundation watering.
- (b) Stage 2 restrictions of applicable Commercial / Industrial Use Plans will be implemented.
- (c) Filling of all new and existing swimming pools is prohibited, unless at least 30% of the water is obtained from a source other than The City of Eastland. Blended or other source(s) may be used to replenish swimming pools to maintenance levels. Draining of swimming pools is permitted only onto a pervious surface or onto a pool deck where the water is transmitted directly to a pervious surface and only if necessary, to:
  - 1. Remove excess water from the pool due to rain to lower the water to the maintenance level
  - 2. Repair, maintain or replace a pool component that has become hazardous or
  - 3. Repair a pool leak.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where such fountains or ponds are equipped with a recirculation system.

- (e) Use of water from fire hydrants shall be limited to fire fighting and related activities or other activities necessary to maintain public health safety and welfare such as appropriate line flushing. Use of water for reasonable levels of bulk sales may be allowed under special permits issued by The City of Eastland.
- (f) The following uses of water are defined as non-essential and are prohibited:
  - 1. Use of water to wash down 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.
  - 5. Watering the cemetery.

**Stage 2 Mitigation Measure** – Lake Eastland water may be released to augment the Lake Leon water supply under the following conditions;

- 1. If and when water is flowing or has recently flowed in the North Fork of the Leon River below Lake Eastland.
- 2. If there is a reasonable chance that the Lake Eastland release will actually make its way to Lake Leon.

This action will lower the surface of Lake Eastland.

**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 thirty (30) consecutive days or when rescinded by the Authorized Official or his/her designee. Upon termination of Stage 2, Stage 1 becomes effective.

### **STAGE 3 – RESTRICTIONS - SEVERE WATER SHORTAGE**

**Requirements for Initiation** – It is mandatory that customers conserve water and adhere to the prescribed restrictions on certain water uses as listed below in this section when one or more of the following are reached:

- (a) The Eastland Authorized Officials shall notify Eastland's Sub-Recipients that the surface elevation of Lake Leon has dropped to elevation 1,363 with approximately 43% of usable water remaining in the reservoir.
- (b) Due to a mechanical failure at the ECWSD Plant which prohibits adequate delivery of water to meet the anticipated demand of The Cities. This will require an Emergency Notification.
- (c) Due to mechanical failure of the distribution system of The Cities which prohibits adequate delivery of water to meet the anticipated demand of the Sub-recipients. This will require an Emergency Notification.
- (d) Water quality is less than normal or is polluted. Health and safety standards may be jeopardized.

**Water Use Restrictions: Under the threat of penalty for violation, the following water use restrictions shall apply to all persons.**

- (a) All landscape and foundation watering must be reduced to one day per week using the "Odd/Even schedule" (See Definitions – Section VII). All outside watering must be accomplished between the hours of 7:00 -9:00 AM and 7:00 – 9:00 PM. This includes residential, athletic field, commercial and institutional landscape and foundation watering.
- (b) Golf course watering using water from Lake Leon is disallowed.
- (c) Crop irrigation is disallowed.
- (d) Bulk water sales are discontinued.
- (e) The filling or adding of water to swimming pools, wading pools and spa-type pools are prohibited.
- (f) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited unless it is a small fountain or pond equipped with a recirculation system.
- (g) No applications for additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved by The City of Eastland unless there is a bona fide health and safety issue requiring an exception.
- h) The following uses of water are defined as non-essential and are prohibited;
  - 1. Irrigation of landscape areas, including parks, cemeteries, athletic fields, and golf courses, except as otherwise provided under The Plan.
  - 2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle unless it is accomplished at a commercial car wash.

3. Use of water to wash down any sidewalk, walkway, driveway, parking lot, tennis court or any other hard-surfaced area.
  4. Use of water to wash down buildings or structures for purposes other than immediate fire protection
  5. Flushing gutters or permitting water to run or accumulate in any gutter or street.
  6. Use of water to fill or add to any indoor or outdoor swimming pool or spa-type pool.
  7. Use of water in a fountain or pond for aesthetic or scenic purposes.
  8. Use of water for dust control.
  9. Watering cemeteries.
- i) Stage 3 restrictions of all Commercial / Industrial Use Plans will be implemented. This Plan will include actions to be taken in the event Stage 4 becomes necessary. The Plan will include a formula for determining each Commercial/Industrial facility's immediate reduction in water usage.
- j) All Commercial / Industrial water users without use plans will be required to reduce water consumption by 15% over the average use during the same period of time in the previous two years. Further, they will be required to develop a plan to reduce consumption an additional 10% in the event Stage 4 restrictions are enacted.

### Stage 3 Residential Surcharges and Maximum Use

A surcharge of \$10 per 1,000 gallons of water used will be assessed for residential usage between 2,000 and 8,000 gallons per month.

A surcharge of \$20 per 1,000 gallons of water used will be assessed for usage over 8,000 gallons per month.

**NOTE:** The City of Eastland may take reasonable measures to mitigate surcharges resulting from water line breaks.

Residential usage above 20,000 gallons per month for two months within a Stage 3 Restriction level will result in the customer's service being disconnected.

Residential Usage will be determined by the total number of inhabitants six years old and above permanently residing at the address. The following formula will be used to determine a residential address' water usage limits:

- a. Up to three (3) inhabitants, 6,000 gallons maximum per month
- b. Up to four (4) inhabitants, 8,000 gallons maximum per month
- c. Up to five (5) inhabitants, 10,000 gallons maximum per month

- d. Six (6) inhabitants and above, 12,000 gallons maximum per month

**Stage 3 Mitigation Measure** – Lake Eastland water may be released to augment the Lake Leon water supply under the following conditions;

1. If and when water is flowing or has recently flowed in the North Fork of the Leon River below Lake Eastland.
2. If there is a reasonable chance that the Lake Eastland release will actually make its way to Lake Leon.

This action will lower the surface of Lake Eastland.

**Requirements for Termination** - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty 30 consecutive days or when rescinded by The Cities' Authorized Official or his/her designee. Upon termination of Stage 3 Stage 2 becomes operative.

#### **STAGE 4 - CRITICAL WATER SHORTAGE**

**Requirements for Initiation** – It is mandatory that customers conserve water and adhere to the prescribed restrictions on certain water uses, as listed below in this section, when one or more of the following are reached:

- (a) The Eastland Authorized Official shall notify Eastland's Sub-recipients that the surface elevation of Lake Leon has dropped to **elevation 1,359** with approximately **31%** of **usable** water remaining in the reservoir.;
- (b) Due to mechanical failure at the District Plant which prohibits adequate delivery of water to meet Cities' anticipated demand. This will require an Emergency Notification.
- (c) Due to mechanical failure of the distribution system of The City of Eastland which prohibits the adequate delivery of water to meet the anticipated demand of the Sub-recipients. This will require an Emergency Notification.
- (d) Natural or manmade contamination of the water supply source.

**All non-essential uses of water from Lake Leon are prohibited which includes the following;**

- (a) Irrigation of landscape areas, including parks, athletic fields, cemeteries and golf courses.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle.
- (c) Use of water to wash down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced area.
- (d) Use of water to wash down any 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 or add to any indoor or outdoor swimming pools or spa-type pools.
- (g) Use of water in fountain or pond for aesthetic or scenic purposes.
- (h) Failure to repair a controllable leak(s) within a reasonable period after having been notice directing the repair of such leak(s).
- (i) Use of water from fire hydrants for any purposes other than fire-fighting and water line flushing to attain necessary water quality standards.
- (j) Use of water for dust control.

**Further, the following uses of water from Lake Leon are prohibited;**

- (a) Irrigation of crops.
- (b) Watering livestock.
- (c) Stage 4 restrictions of all Commercial / Industrial Use Plans will be implemented.
- (d) No applications for additional, expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be allowed or approved by The Suppliers unless there is a bona fide health and safety issue requiring an exception.

**Stage 4 Residential Surcharges and Maximum Use**

A surcharge of \$30 per 1,000 gallons of water used will be assessed for residential usage between 2,000 and 6,000 gallons per month.

A surcharge of \$40 per 1,000 gallons of water used will be assessed for residential usage between 6,000 and 9,000 gallons per month.

**NOTE:** The City of Eastland may take reasonable measures to mitigate surcharges resulting from water line breaks.

Residential usage above 12,000 gallons per month for two months within a Stage 4 Restriction level will result in the customer's service being disconnected.

Residential usage will be determined by the total number of inhabitants six years old and above permanently residing at the address. The following formula will be used to determine a residential address' water usage limits:

- a. Up to three (3) inhabitants, 4,500 gallons maximum per month
- b. Up to four (4) inhabitants, 6,000 gallons maximum per month
- c. Up to five (5) inhabitants, 7,500 gallons maximum per month
- d. Six (6) inhabitants and above, 9,000 gallons maximum per month

**Stage 4 Water Quality** – Due to the concentration of manganese, iron and other minerals at the lower reservoir depths, the “aesthetic quality” of water delivered to Lake Leon customers will deteriorate as the reservoir surface drops. Human consumption standards will continue to be met, but the minerals in solution will cause discolored water at the customer tap, especially as the surface level approaches and drops below elevation 1,350.

**Stage 4 Mitigation Measure** – Lake Eastland water may be released to augment the Lake Leon water supply under the following conditions;

1. If and when water is flowing or has recently flowed in the North Fork of the Leon River below Lake Eastland.
2. If there is a reasonable chance that the Lake Eastland release will actually make its way to Lake Leon.

This will lower the surface of Lake Eastland.

**Requirements for Termination** - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty 30 consecutive days or when items d and e above have been repaired.

### **Section XIII – Additional Emergency Water Conservation Measures**

**IF THE LEVEL OF LAKE LEON CONTINUES TO DECLINE BELOW THE 30% OF USABLE WATER CAPACITY LEVEL, THE CITY OF EASTLAND MAY TAKE ADDITIONAL EMERGENCY WATER CONSERVATION MEASURES THAT MOST LIKELY WILL INCLUDE RATIONING WATER AMONGST THE SUPPLIERS.**

### **Section XIV - Master Metered Multi-Family Residential Customers**

Master Metered Multi-Family Residential Customers (apartment and mobile home park dwellers) must follow the same restrictions as single-family residences. Occupants of **each** apartment or mobile home on a master meter will be required to conserve water and adhere to the restrictions outlined in this section.

### **Stages 3 and 4 - Master Metered Multi-Family Residential Surcharges and Maximum Use**

Multi-metered residential complex maximum usage will be determined by the total number of bedrooms in the apartment or other multi-family complex. The following formula will be used to determine a multi-family complex water usage limits:

- (a) One bedroom per unit-3,000 gallons maximum per month
- (b) Two bedrooms per unit-6,000 gallons maximum per month
- (c) Three bedrooms and up-9,000 gallons maximum per month



A surcharge of \$30 per 1,000 gallons will be assessed for the total amount of water consumed by the multi-family complex in excess of the allowable use based on calculations using the number of bedrooms in the complex.

**NOTE:** The City's sub-recipients may take reasonable measures to mitigate surcharges resulting from water line breaks.

Repeat violations of the maximum use of water by a complex may result in sanctions and/or water service being disconnected.

### **Section XV: Enforcement**

(a) No person shall knowingly or intentionally allow the use of water from the City of Eastland for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of The 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 Eastland's Authorized Official or his/her designee in accordance with provisions of The Plan.

(b) Any person including a person classified as a water customer of The City of Eastland 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.

(c) **The City of Eastland's enforcement mechanism is as follows;**

The City of Eastland will enforce provisions of the c) Plan, via adoption of an ordinance containing a surcharge, fine and/or other penalty schedule. The Eastland Police Department will issue citations as appropriate that will be processed through the City of Eastland's Municipal Court System.

More drastic measures, such as curtailing water use due to repeated disregard of Drought Contingency Plan restrictions will be carried out by administrative actions through the City of Eastland Public Works Department.

**Section XVI: Financial – Revenue Impact**

As water consumption shrinks due to implementation of this drought contingency plan, a commensurate reduction in revenue to the c) City of Eastland’s Utility Fund is inevitable. Since there is a minimum amount of money needed to keep water supply systems operational, a prolonged drought will make water rate increases also inevitable. Unfortunately, if this occurs, customers will pay more for their water and receive less.

**Section XVII: Severability**

It is hereby declared to be the intention of The City that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and if any phrase, clause, sentence, paragraph, or section of the 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 The Plan since the same would not have been enacted by The City without the incorporation into the Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**The City of Eastland**

By:   
**Chairman, Board of City Commissioners**

**Attest:**

