Memorandum

CITY OF DALLAS

DATE March 22, 2024

TO Honorable Chair and Members of the Transportation & Infrastructure Committee: Omar Narvaez (Chair), Zarin Gracey (Vice Chair), Tennell Atkins, Cara Mendelsohn, Jaime Resendez, Jaynie Schultz, Kathy Stewart

SUBJECT **2024 Drought Contingency Plan**

The City is required to develop and submit a Drought Contingency Plan every five years that comply with the requirements for drought contingency plans for municipal water suppliers and wholesale water suppliers contained in Texas Administrative Code (TAC) Title 30, Part 1, Chapter 288, Subchapter B, Rules 288.20 and 288.22, respectively. The approval of the attached 2024 Drought Contingency Plan will be considered on the April 24, 2024, City Council Agenda.

This Drought Contingency Plan (the Plan) describes the conditions that require short-term water demand management in the City and establishes policies and procedures that offer strategies for a timely and effective response. In general, such a response would be needed when water use in the area served by Dallas Water Utilities (DWU) approaches the system's supply, treatment, or delivery capacity. Examples include drought conditions, unusually high-water demands, unforeseen equipment or system failure, or contamination of a water supply source.

The Plan is developed to conserve the available water supply and protect the integrity of water supply facilities, with regard to 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.

Water uses regulated or prohibited under the Plan are non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions is deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of the Plan. The steps taken in the development of the Plan includes the review of the current Texas Commission on Environmental Quality (TCEQ) rules and hydrological modeling to evaluate the drought plan triggers and the corresponding water usage reductions.

Based on currently projected water availability, water demands, and drought hydrology, the water supply system was modeled to evaluate drought stage triggers and the impacts of associated demand reductions. Upon review of the water supply modeling results, it was determined that no changes were needed to the Plan.

The attached table is a summary of the triggers, responses, and projected demand reduction for each drought stage.

For additional questions regarding the City of Dallas 2024 Drought Contingency Plan, please contact Sarah Standifer, sarah.standifer@dallas.gov, Interim Director of Dallas Water Utilities.

Putting Service First,

Kimberly Bizor Tolbert
Deputy City Manager

c: T.C. Broadnax, City Manager
Tammy Palomino, City Attorney
Mark Swann, City Auditor
Bilierae Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizor Tolbert, Deputy City Manager
Jon Fortune, Deputy City Manager
Majed A. Al-Ghafry, Assistant City Manager
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
Dr. Robert Perez, Assistant City Manager
Jack Ireland, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Directors and Assistant Directors

2024 Drought Triggers and Responses

Stage	Triggers	Response	Reduction Goal
1	• Supply drops below 65% full (35% depleted) • Demand at or above 85% of delivery capacity for 4 consecutive days • Water demand approached a reduced delivery capacity for all or part of the system • Equipment or system failure • Contamination of water source	• Max 2 x week watering Schedule • Recreational water use resulting in no run-off • Initiate public education for water saving • Other conservation measures encouraged	5%
2	• Supply drops below 50% full (50% depleted) • Demand at or above 90% of delivery capacity for 3 consecutive days • Water demand is equal to a reduced delivery capacity for all or part of the system • Equipment or system failure • Contamination of water source	• Maximum 1x week watering schedule • Vehicle wash require auto-shutoff nozzle • 25% surcharge for use over 15,000 gallons (individuals) & 10,000 gallons (commercial) • City government activities such as wet street sweeping, municipal landscape watering prohibited except limited conditions	15%
3	• Supply drops below 35% full (65% depleted) • Demand at or above 95% of delivery capacity for 2 consecutive days • Water demand exceeds a reduced delivery capacity for all or part of the system • Equipment or system failure • Contamination of water source	• No landscape watering, limited watering for trees and foundations • No new landscapes or pool permits • No vehicle washing or impervious surface cleaning, except for health/safety • 50% surcharge for use over 15,000 gallons	20%

City of Dallas
2024 Drought Contingency Plan

Dallas Water Utilities
1500 Marilla, 4AN
Dallas, Texas 75201

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2024 DROUGHT CONTINGENCY PLAN

FOR THE CITY OF DALLAS
and the
DALLAS WATER UTILITIES

Section I: Declaration of Policy, Purpose, and Intent

This Drought Contingency Plan describes the conditions that require short-term water demand management in the City of Dallas and establishes policies and procedures that offer strategies for a timely and effective response. In general, such a response would be needed when water use in the area served by Dallas Water Utilities (DWU) approaches the system's supply, treatment, or delivery capacity. Examples include drought conditions, unusually high-water demands, unforeseen equipment or system failure, or contamination of a water supply source.

To conserve the available water supply and protect the integrity of water supply facilities, with regard to 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 Dallas City Council adopted this Drought Contingency Plan (the Plan), by City Council resolution No. xxxxxx as presented in Appendix A.

The strategies offered in the Plan are based on current projected water availability. It should be noted that the effectiveness of the Plan is impacted by the availability and allocation of the raw water supply during drought conditions and the level of customer compliance with the strategies offered in the Plan. The raw water supply availability is dependent upon the water usage by current and future users of the raw water in the reservoirs. These factors are dynamic and, if circumstances warrant, modifications to the strategies offered in the Plan may be necessary. Therefore, this plan as approved by the City Council in April xx, 2024, gives the Director of the Water Department the authority to modify the strategies in the Plan as conditions warrant.

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

This Drought Contingency Plan meets Texas Commission on Environmental Quality (TCEQ) rules of development and minimum requirements for the drought contingency plans for municipal water suppliers and wholesale water suppliers contained in Texas Administrative Code (TAC) Title 30, Part 1, Chapter 288, Subchapter B, Rules 288.20 and 288.22, respectively. Refer to Appendix B for the TAC, Title 30, Chapter 288, Subchapter B.

Section II: Public Involvement

Opportunity for the public and the wholesale water customers to provide input into the preparation of the Plan was provided by the City of Dallas by means of:

- Providing written public notice that a drought contingency plan is being prepared.
- Notifying all wholesale customers of the proposed plan.
- Providing a copy of the draft version of this plan to any person who requested it, making the Draft Plan available for download on the Dallas Water Utilities webpage.
- Convening a public meeting to accept input on the Plan.

The valuable contributions of the participants helped to create a Drought Contingency Plan that is fair and equitable to all citizens of Dallas and its wholesale customer cities.

Section III: Public Education

The City of Dallas will periodically provide the public with bilingual 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 may be provided by means of, but not limited to, an appropriate combination of the following items:

- Public service announcements on radio, television, and City of Dallas online News Channels
- Newspaper and magazine articles and announcements
- Interviews on radio and television programs
- Press releases, media alerts and social media
- Billboards
- Dallas 311 Customer Service Center
- Water Conservation / SaveDallasWater.com Website
- Water Conservation / Drought Contingency Hotline
- Email and telephone notifications to customers
- Mailed water bill inserts
- Distribution of fact sheets, brochures, and pamphlets
- Mass mailings of notification letters
- DWU customer service representatives
- Public meetings and hearings
- Public education seminars
- Stakeholder Advisory Committee Meetings
- Commercial, industrial and institutional employee education seminars

Effective communication will be maintained with all wholesale water customers or entities through periodic wholesale water customer meetings and mailings.

Section IV: Coordination with Regional Water Planning Groups

The service area of Dallas Water Utilities is located within Region C Water Planning Group and the City of Dallas will provide a copy of this Plan to the Region C Water Planning Group. Refer to Appendix C for a copy of the transmittal letter to the Region C Water Planning Group.

Section V: Authorization

The City Manager, or the properly appointed 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 City Manager, or the properly appointed designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. The authority to implement and enforce the Drought Contingency Plan is established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-20, EMERGENCY AUTHORITY available in Appendix D.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Dallas. 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:

(1) ***Aesthetic water use:*** water use for ornamental or decorative purposes, including but not limited to fountains, reflecting pools, and water gardens.

(2) ***Allowed watering hours:*** as established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-21.1 (Available in Appendix E).

(3) ***Automatic Irrigation System:*** means a site-specific system of delivering water, generally for landscape irrigation, via a system of pipes or other conduits installed below ground that will automatically cycle water using landscape sprinklers according to a preset program, whether on a designated timer or through manual operation.

(4) ***Aquatic Life:*** a vertebrate organism dependent upon an aquatic environment to sustain its life.

(5) ***City Manager:*** The City Manager for the City of Dallas.

(6) ***Commercial water use:*** the use of water by a place of business such as retail establishments, hotels and motels, restaurants, and office buildings.

(7) ***Conservation:*** those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve 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.

(8) ***Contamination:*** a naturally occurring or man-made element which compromises the safety of the water supply.

(9) ***Customer:*** any person, company, entity or organization using water supplied by the City of Dallas.

(10) ***Delivery capacity:*** refers to the maximum amount of water that can be delivered to customers when considering the limitation of the system components such as sources, treatment, storage, transmission, or distribution, individually and in combination with each other when operating at their designed capacity.

(11) ***The Director:*** Director of the Water Department for City of Dallas Water Utilities.

(12) ***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.

(13) ***Drip Irrigation:*** micro irrigation with low volume and low-pressure release of water through point source emitters or pressure compensating in-line drip emitters.

(14) ***Drought Contingency Plan:*** a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. This document is the Drought Contingency Plan for the City of Dallas.

(15) ***Drought of Record:*** the worst drought recorded in the north central/north-east Texas area.

(16) ***Eastern Lakes:*** The Eastern Lakes for the City of Dallas consist of Lake Ray Hubbard, Lake Tawakoni, and Lake Fork.

(17) ***Even number address:*** street addresses (e.g. 120 Magnolia St.), box numbers, or rural postal route numbers (e.g. RR 2 Box 9802) ending in 0, 2, 4, 6, or 8 and locations without addresses.

(18) ***Foundation Watering:*** the application of water using a hand-held hose, soaker hose or drip irrigation system placed within 24 inches of the foundation, which does not produce a spray above ground or result in water run-off.

(19) ***Golf Course:*** a commercial or governmental property made up of greens, tees, fairways and related areas which are irrigated and landscaped for the purposes of playing golf

(20) ***Hand watering:*** the application of water for irrigation purposes through a hand-held water hose, watering can or bucket.

(21) ***Hose-end Sprinkler:*** a device through which water flows from a hose to a sprinkler to water any lawn or landscape.

(22) ***Industrial water use:*** the use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value.

(23) ***Institutional use:*** the use of water by an establishment dedicated to public service, such as a school, university, church, hospital, nursing home or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

(24) ***Interruptible Customer:*** a customer with an interruptible service contract, as established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-1.

(25) ***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.

(26) ***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, 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 street 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, wading pools, hot tubs or Jacuzzi-type pools;

g. use of water in a human made water feature, including but not limited to a fountain or pond for aesthetic or scenic purposes except as 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 firefighting and flushing of lines for regulatory required testing and/or to maintain a potable water supply.

(27) ***Non-Potable Water:*** water that is not intended or suitable for drinking and has not been approved for human consumption.

(28) ***Ornamental Fountain:*** an artificially created structure from which a jet, stream, valves and emission devices or flow of water emanates and is not typically utilized for the preservation of aquatic life.

(29) ***Odd Numbered Address:*** street addresses (e.g. 121 Magnolia St.), box numbers, or rural postal route numbers (e.g. RR 2 Box 9803) ending in 1, 3, 5, 7, or 9.

(30) ***Potable Water:*** water that is suitable for drinking by the public.

(31) ***Recreational Water Use:*** water used for leisure and entertainment purposes. Examples include but are not limited to swimming pools, Jacuzzi-type pools, water theme parks, wading pools and water toys.

(32) ***Reduced Delivery Capacity:*** refers to the maximum amount of water that can be delivered to customers when considering reductions of delivery capacity based on scheduled shutdowns of infrastructure and/or unforeseen shutdowns of infrastructure, such as line breaks, equipment failure, etc.

(33) ***Retail Customers:*** non-wholesale customers.

(34) ***Run-off:*** a stream of water which overflows from a lawn or landscape onto a street, sidewalk, parking lot or other impervious area for a distance of more than 50 feet; or forms a puddle or pond to a depth greater than one-quarter of an inch.

(35) ***Soaker Hose:*** a permeable garden-type hose that is laid above ground that provides irrigation at a slow and constant rate.

(36) ***Swimming Pool:*** a structure that is used for swimming, bathing, or water play, including all equipment and appurtenant facilities.

(37) ***TCEQ:*** The Texas Commission of Environmental Quality

(38) ***Vehicle Wash Facility:*** a permanently-located business that washes vehicles or other mobile equipment with water or water-based products, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventory.

(39) ***Water Supply System:*** DWU water supply sources (lakes) and all infrastructure related to the delivery of water to customers.

(40) ***Water Supply Sub-system:*** DWU water supply sources (lakes) and all related infrastructure required for delivery of water to a specific section of the service area.

(41) ***Western Lakes:*** The Western Lakes for the City of Dallas consist of Lake Ray Roberts, Lake Lewisville, and Lake Grapevine. (In the future, Lake Palestine may be connected to the City of Dallas' Western Lakes via the Integrated Pipeline.)

(42) ***Wholesale Treated Water Customer:*** any water supplier that receives all or a portion of its treated water supply directly or indirectly from DWU.

(43) ***Untreated water customer:*** any person, company, organization or water supplier buying non-potable water from DWU.

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

The Director of the Water Department or authorized designee shall monitor water supply and/or demand conditions, at a minimum, 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 Director of the Water Department reserves the authority to recommend that a Stage be or not be initiated based on:

- weather conditions;
- total water supply availability, or water sub-system supply availability;
- rate of water supply decline or replenishment; or
- anticipation of change in water supply/treatment/distribution capacity.

Upon recommendation of the Director of the Water Department, the City Manager may initiate, upgrade, or downgrade a stage when the conditions triggering that stage occur. Retail customer notification of the initiation or termination of drought response stages will be made by the Director of the Water Department or the Director of the Water Department's designee, as established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-20, EMERGENCY AUTHORITY available in Appendix D.

Wholesale water customer notification of the initiation or termination of drought response stages will be made by the Director of the Water Department or Director of the Water Department's designee directly by fax, mail, email, telephone, or other means of communication that allows for a confirmation of receipt by the customer.

- **Additional Notification:**

The Director of the Water Department or authorized designee shall notify directly, or cause to be notified directly by fax, mail, email, or telephone, the following individuals and entities as appropriate to the respective drought stages:

A. Mayor and members of the City Council

B. City and/or County Emergency Management Coordinator(s)

C. County Judge & Commissioner(s)

D. State Disaster District / Department of Public Safety

E. Executive Director of the TCEQ (required within five (5) business days of the implementation of any mandatory restrictions)

F. Critical water users (e.g., hospitals)

G. Parks/street superintendents & public facilities managers

The triggering criteria described below are based on the ability of the City to deliver treated water to the customers. Modeling of the reservoir system shows how supplies would be diminished during a drought equal to the drought of record. Modeling results of each water supply sub-system was examined separately. To set trigger conditions, DWU also examined water demand and the system's

delivery capacity. The trigger levels were selected to provide adequate supply for each critical sub-system throughout the drought of record. The trigger conditions for short-term deficiencies limiting water supply capability are based on how much water supply or delivery capacity remains available relative to water demand, for all or part of the system.

☸ Stage 1 Triggers

A. Requirements for Initiation:

Customers shall be requested to adhere to voluntary measures and shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in Section IX of this Plan when:

- Either: (1) the total raw water supply in connected lakes (east and west); or, (2) the western lakes; or, (3) the eastern lakes have dropped below 65% (35% depleted) of DWU's share of the total conservation storage of the lakes; or
- Water demand has reached or exceeded 85% of delivery capacity for 4 consecutive days; or
- Water demand approaches a reduced delivery capacity for all or part of the system, as determined by DWU; or
- Water line breaks or pump or system failures, which impact the ability of DWU to provide treated water service; or
- Natural or man-made contamination of the water supply source(s) occurs.

B. Requirements for Termination:

- Stage 1 may be terminated when Stage 1 conditions no longer exist and would be unlikely to recur upon termination.

☸ Stage 2 Triggers

A. Requirements for Initiation:

Customers shall be requested to adhere to voluntary measures and shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in Section IX of this Plan when:

- Either: (1) the total raw water supply in connected lakes (east and west); or, (2) the western lakes; or, (3) the eastern lakes have dropped below 50% (50% depleted) of DWU's share of the total conservation storage of the lakes; or
- Water demand has reached or exceeded 90% of delivery capacity for 3 consecutive days; or
- Water demand **equals** a reduced delivery capacity for all or part of the system, as determined by DWU; or
- Water line breaks or pump or system failures occur, which impact the ability of DWU to provide treated water service; or
- Natural or man-made contamination of the water supply source(s) occurs.

B. Requirements for Termination

- Stage 2 may be terminated when Stage 2 conditions no longer exist and would be unlikely to recur upon termination.

☸ Stage 3 Triggers

A. Requirements for Initiation

Customers shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in Section IX of this Plan when:

- Either (1) the total raw water supply in connected lakes (east and west) or (2) the western lakes or (3) the eastern lakes have dropped below 35% (65% depleted) of DWU's share of the total conservation storage; or
- Water demand has reached or exceeded 95% of delivery capacity for 2 consecutive days; or
- Water demand exceeds a reduced delivery capacity for all or part of the system, as determined by DWU; or
- Water line breaks or pump or system failures occur, which impact the ability of DWU to provide treated water service; or
- Natural or man-made contamination of the water supply source(s) occurs

B. Requirements for Termination

- Stage 3 of the Plan may be terminated when the Stage 3 conditions no longer exist and would be unlikely to recur upon termination.

Section IX: Drought Response Stages

The Director of the Water Department, or appointed designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine if conditions exist that would trigger any of the designated drought stages, and if so, shall implement the following actions:

☸ Stage 1 Response

Target: Achieve a 5 percent reduction in total gallons per capita per day (GPCD).

Water Use Restrictions for Demand Reduction:

Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the Director of the Water Department. The Director of the Water Department may also take other actions not listed, if deemed necessary.

All Water Users

Landscape Uses:

A. All water customers are reminded to observe all requirements of the Water Conservation Ordinance, as established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-21, which includes a **mandatory** maximum 2-days-per-week landscape watering schedule and require watering only during

allowed watering hours as defined in Section VII. Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems is limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses and limited to Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other properties containing multiple addresses may be identified by the lowest address number.

B. Encourage reduction of water use through **voluntary** maximum 1-day-per-week landscape watering schedule.

C. Discourage planting of new landscapes, including lawns, hydro-seeding and sod.

Swimming Pools and Other Recreational Uses:

A. Encourage reduction in frequency in draining and refilling of swimming pools.

B. Prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waste of water.

Foundations:

Foundations may be watered on any day of the week and at any time. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shutoff nozzle.

Vehicle Washing:

Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial vehicle wash facility or commercial service station. Companies with an automated on-site vehicle washing facility may wash vehicles at any time.

City Government:

A. Initiate public education campaign teaching and encouraging reduced water use practices.

B. Intensify normal leak detection and repair activities on water pipes and mains.

C. Require reduction of water use through mandatory maximum twice weekly landscape watering schedule for city parks and golf courses.

D. Encourage reduction of water use in city-owned ornamental fountains.

E. Encourage additional reduction in landscape uses for parks.

F. Encourage 25 percent reduction in frequency of wet street sweeping and city vehicle washing and rinsing.

G. Increase enforcement efforts through proactive code enforcement.

Commercial Customers:

A. Identify and encourage voluntary reduction measures by high-volume water users through water use audits.

B. Require reduction of water use through mandatory maximum twice weekly landscape watering schedule for private parks and golf courses.

C. Encourage additional reduction in landscape uses for parks.

D. Encourage reduction in water use for landscape nursery stock.

E. Encourage area restaurants to serve customers water by request only.

F. Encourage hotel/motels to request multiple day patrons to reuse linens instead of changing every day.

Wholesale Untreated Water Customers:

Require implementation of like procedures by wholesale water customers in accordance with their water contracts, state mandated drought and conservation plans, State law and TCEQ regulations.

Wholesale Water Customer:

Require implementation of like procedures by wholesale water customers in accordance with their water contracts, state mandated drought and conservation plans, state law and TCEQ regulations.

Interruptible Water Customers:

Reduce usage for interruptible customers per contract terms.

☸ Stage 2 Response

Target: Achieve a 15 percent reduction in total gallons per capita per day (GPCD).

Water Use Restrictions for Demand Reduction:

Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the Director of the Water Department. The Director of the Water Department may also take other actions not listed, if deemed necessary. All requirements of Stage 1 shall remain in effect during Stage 2, and the following additional measures will be required:

All Water Users:

Landscape Uses:

A. All water customers are reminded to observe all requirements of the Water Conservation Ordinance, as established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-21. Additionally, require reduction of water use through **mandatory** maximum 1-day-per-week landscape watering schedule and require watering only during allowed watering hours as defined in Section VII. Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems will be limited to trash pick-up days for residential customers and Wednesdays for commercial customers. Strongly discourage planting of new landscapes, including lawns, hydro-seeding and sod.

Swimming Pools and Other Recreational Uses:

A. Encourage further reduction in frequency in draining and refilling of swimming pools.

B. Continue to prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waste of water.

Foundations:

Foundations may be watered on any day of the week and at any time. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shut-off nozzle.

Vehicle Washing:

Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial vehicle wash facility or commercial service station. Companies with an automated on-site vehicle washing facility may wash vehicles at any time.

High Demand Surcharge:

A. Residential Customers
A 25 percent rate increase for high water demand users (greater than 15,000 gallons per month per account) shall be initiated to discourage non-essential use.

B. Commercial Customers
A 25 percent rate increase for high water demand users (greater than 10,000 gallons and 1.4 times annual average monthly usage per account) shall be initiated to discourage non-essential use.

City Government:

A. Initiate engineering studies to evaluate alternatives to mitigate drought conditions should conditions worsen.

B. Accelerate public education campaign teaching and encouraging reduced water use practices.

C. Continue intensified leak detection and repair activities on water pipes and mains.

D. Prohibit flushing of new mains not immediately required to provide service.

E. City government restricted to mandatory maximum once weekly landscape watering schedule.

F. Require reduction of water use through mandatory once weekly landscape watering schedule for city parks and golf courses.

G. Prohibit operation of city-owned ornamental fountains and water features.

H. Reduce frequency of wet street sweeping and city vehicle washing or rinsing by 50 percent.

I. Increase enforcement efforts through proactive code enforcement.

Commercial Customers:

Require reduction of water use through mandatory maximum once weekly landscape watering schedule for private parks and golf courses.

Wholesale Water Customer

Require water demand reductions in accordance with contract obligations for wholesale water customers.

Wholesale Water Contracts:

Every offer for a new wholesale contract shall be reviewed. An assessment of the current and future water delivery capacity of DWU for the contract terms will be performed to ensure the sustainability of DWU's commitments to current customers.

❁ Stage 3 Response

Target: Achieve a 20 percent reduction in total gallons per capita per day (GPCD).

Water Use Restrictions for Reducing Demand:

Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the Director of the Water Department. The Director of the Water Department may also take other actions not listed, if deemed necessary. All requirements of Stages 1 and 2 shall remain in effect during Stage 3, and the following additional measures will be required:

All Water Users

Landscape Uses:

A. Irrigation of turf, shrubs, perennials, annuals, ground covers and any other landscaped area by any method is absolutely prohibited. Trees may be irrigated with drip irrigation system, soaker hoses or with a hand-held hose one day per week on the Stage 2 watering schedule and within the permitted watering hours.

B. Installation of new landscapes or turf areas is prohibited.

C. Operation of any water feature, ornamental fountain or pond that uses potable water is prohibited except where supporting aquatic life or water quality.

Swimming Pools and Other Recreational Uses:

A. Prohibit the filling, draining and refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance or alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation.

B. Permitting of new swimming pools, wading pools, water features, Jacuzzi and hot tubs is prohibited.

C. Continue to prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waste of water.

Foundations:

Foundations may be watered one day per week on the Stage 2 watering schedule within the permitted watering hours. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shutoff nozzle. Water run-off is absolutely prohibited.

Vehicle washing:

Use of water to wash any motor vehicle, motorbike, boat, trailer or other vehicle not occurring on the premises of a commercial vehicle wash facility or commercial service stations is prohibited. Companies with an automated on-site vehicle washing facility may wash its vehicles at any time. Further, such washing may be exempt from these requirements if the health, safety and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and commercial vehicles used to transport food and perishables.

Impervious surface cleaning:

Hosing and washing of paved areas, buildings, structures, windows or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.

High Demand Surcharge:

A. Residential Customers
A 50 percent rate increase for high water demand users (greater than 15,000 gallons per month per account) shall be initiated to discourage non-essential use.

B. Commercial Customers
A 50 percent rate increase for high water demand users (greater than 10,000 gallons and 1.4 times annual average monthly usage per account) shall be initiated to discourage non-essential use.

New Service:

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.

City Government:

A. Wet street sweeping and city vehicle washing or rinsing is prohibited except for reasons of public health, safety and welfare.

B. Municipal landscape watering prohibited except golf courses (see below).

C. Watering of golf course greens and tee boxes are restricted to the allowed watering hours as defined in Section VII; watering of other golf course areas and parks is prohibited.

Commercial Customers:

Watering of golf course greens and tee boxes are restricted to the allowed watering hours as defined in Section VII; watering of other golf course areas or parks is prohibited unless the golf course uses a water source other than that provided by the City of Dallas.

Wholesale Water Contracts:

No new wholesale contracts shall be entertained unless there is an emergency situation. Every request for a new wholesale contract shall be reviewed. An assessment of the current and future water delivery capacity of DWU for the contract terms will be performed to ensure the sustainability of DWU's commitments to current customers.

Water Allocation

Wholesale Water Customers- In the event that the triggering criteria specified in Section VIII of the Plan for Stage 3 have been met, the Director of the Water Department is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with the latest revision of Texas Water Code Section 11.039, which states:

§11.039. Distribution of Water During Shortage:

(a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

(b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of persons, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:

(1) the amount of water to which each customer may be entitled; or

(2) the amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.

(c) Nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.

DWU may curtail water deliveries or reduce diversions in accordance with the terms and conditions of its wholesale water supply contracts. If necessary, or if specific contract provisions are not provided for, DWU may curtail water deliveries or reduce diversions in accordance with Texas Water Code Section 11.039. DWU will have authority to restrict flow to its wholesale water customers through the rate-of-flow controllers.

Pro rata water allocations, determined as a percentage reduction of the wholesale customer's water usage, will be established by the Director of the Water Department at the time of implementation. The total volume reduction for each wholesale customer will be calculated on a monthly basis, based on average water usage for the previous three years. The Director of the Water Department will establish the percentage reduction based on an assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries, and the percentage reduction may be adjusted periodically by the Director of the Water Department. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale water customer will be limited to the allocation established for each month.

Section X: Enforcement

No person shall knowingly or intentionally allow the use of water from the City of Dallas for residential, commercial, industrial, agricultural, governmental, or any other purposes 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 Director of the Water Department, or his/her designee, in accordance with provisions of this Plan.

Fines and Fees:

Any person who violates this Plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than $250 and not more than $2,000. Violations of this Plan may also be enforced as an administrative offense using the alternative administrative adjudication procedure set forth in the City of Dallas Code of Ordinances, as amended. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of two or more distinct violations of this Plan, upon due notice to the customer, DWU may: (1) install a flow restrictor in the line to limit the amount of water that will pass through the meter in a 24-hour period; or (2) discontinue water served to the premises. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at an amount not to exceed $135.00 (or as adjusted by City ordinance), and any other costs incurred by the Dallas Water Utilities in discontinuing service. In addition, suitable assurance must be given to the Director of the Water Department that the same action will not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

Violators:

Any person, including a person classified as a water customer of the Dallas Water Utilities, 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.

Enforcement Officers:

Any employee of the Dallas Water Utilities, police officer, or other employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 15 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation 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 alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XI: Variances

The Director of the Water Department, or the Director of the Water Department's 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, safety or welfare for the public or the person requesting such variance and if all of the following conditions are met:

- Granting of a variance must not cause an immediate significant reduction in the city's water supply.
- The health, safety, or welfare of other persons will not be adversely affected by granting of the variance.
- The applicant must demonstrate that the extreme hardship or need is related to the health, safety, or welfare of the person requesting it.
- 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.
- Alternative methods can be implemented which will achieve the same level of reduction in water use.
- All variances are only in effect during the Drought Plan Stage for which the variance was issued.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the Director of the Water Department. All petitions for variances shall be reviewed by the Director of the Water Department, or the Director of the Water Department's designee, and shall include the following:

- Name and address of the petitioner(s).
- Purpose of water use.
- Specific provision(s) of the Plan from which the petitioner is requesting relief.
- 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.
- Description of the relief requested.
- Period of time for which the variance is sought.
- 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.
- Other pertinent information.

Variances granted by the City of Dallas shall be subject to the following conditions, unless waived or modified by the City of Dallas or its designee:

- Variances granted shall include a timetable for compliance.
- 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 prior to the issuance of the variance.

- The Director of the Water Department may revoke a variance granted when the Director of the Water Department determines that the conditions are not being met or are no longer applicable.

Section XII: Wholesale Water Contracts

Every wholesale water contract, (treated and untreated water) entered into or renewed after the adoption of this Plan, including any contract extensions, will contain language notifying parties to the contract, that in a case of shortage of water resulting from a drought, the water to be distributed shall be divided in accordance with Texas Water Code Section 11.039.

Section XIII: Severability

It is hereby declared to be the intention of the City of Dallas that the sections, paragraphs, sentences, clauses, and phrases of this 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 have been enacted by the City of Dallas without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section XIV: Review and Update of the Drought Contingency Plan

DWU will review and update the Plan consistent with State law requirements. If the plan is implemented during a water shortage, data obtained during the plan implementation will be used to make any necessary modifications to the plan. Additionally, the plan will be updated as appropriate based on new or updated information regarding the system's delivery capacity.

APPENDIX A
Documentation of Adoption of the Drought Contingency Plan by the City of Dallas City Council

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2024 Council Resolution Document

APPENDIX B
Title 30 Chapter 288, Subchapter B of the Texas Administrative Code

Texas Administrative Code

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 288	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
SUBCHAPTER B	DROUGHT CONTINGENCY PLANS
RULE §288.20[1]	Drought Contingency Plans for Municipal Uses by Public Water Suppliers

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(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

(i) reduction in available water supply up to a repeat of the drought of record;

(ii) water production or distribution system limitations;

(iii) supply source contamination; or

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[1] http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=288&rl=20; **Source Note:** The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

(iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director 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.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Texas Administrative Code

Next Rule>>

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 288	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
SUBCHAPTER B	DROUGHT CONTINGENCY PLANS
RULE §288.21[2]	Drought Contingency Plans for Irrigation Use

(a) A drought contingency plan for an irrigation use, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans for irrigation water suppliers must include policies and procedures for the equitable and efficient allocation of water on a pro rata basis during times of shortage in accordance with Texas Water Code, §11.039. Such plans shall include the following elements as a minimum.

(A) Preparation of the plan shall include provisions to actively inform and to affirmatively provide opportunity for users of water from the irrigation system to provide input into the preparation of the plan and to remain informed of the plan. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the water users and providing written notice to the water users concerning the proposed plan and meeting.

(B) The drought contingency plan must document coordination with the regional water planning groups to ensure consistency with the appropriate approved regional water plans.

(C) The drought contingency plan must include water supply criteria and other considerations for determining when to initiate or terminate water allocation procedures, accompanied by an explanation of the rationale or basis for such triggering criteria.

(D) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(E) The drought contingency plan must include methods for determining the allocation of irrigation supplies to individual users.

(F) The drought contingency plan must include a description of the information to be monitored by the water supplier and the procedures to be followed for the initiation or termination of water allocation policies.

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[2] http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=288&rl=20; **Source Note:** The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

(G) The drought contingency plan must include procedures for use accounting during the implementation of water allocation policies.

(H) The drought contingency plan must include policies and procedures, if any, for the transfer of water allocations among individual users within the water supply system or to users outside the water supply system.

(I) The drought contingency plan must include procedures for the enforcement of water allocation policies, including specification of penalties for violations of such policies and for wasteful or excessive use of water.

(2) Wholesale water customers. Any irrigation water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan, appropriate provisions for responding to reductions in that water supply.

(3) Protection of public water supplies. Any irrigation water supplier that also provides or delivers water to a public water supplier(s) shall consult with that public water supplier(s) and shall include in the plan, mutually agreeable and appropriate provisions to ensure an uninterrupted supply of water necessary for essential uses relating to public health and safety. Nothing in this provision shall be construed as requiring the irrigation water supplier to transfer irrigation water supplies to non-irrigation use on a compulsory basis or without just compensation.

(b) Irrigation water users shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.

Texas Administrative Code

Next Rule>>

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 288	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
SUBCHAPTER B	DROUGHT CONTINGENCY PLANS
RULE §288.22[3]	Drought Contingency Plans for Wholesale Water Suppliers

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(a) A drought contingency plan for a wholesale water supplier must include the following minimum elements.

(1) Preparation of the plan shall include provisions to actively inform the public and to affirmatively provide opportunity for user input in the preparation of the plan and for informing wholesale customers about the plan. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(2) The drought contingency plan must document coordination with the regional water planning groups for the service area of the wholesale public water supplier to ensure consistency with the appropriate approved regional water plans.

(3) The drought contingency plan must include a description of the information to be monitored by the water supplier and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(4) The drought contingency plan must include a minimum of three drought or emergency response stages providing for the implementation of measures in response to water supply conditions during a repeat of the drought-of-record.

(5) The drought contingency plan must include the procedures to be followed for the initiation or termination of drought response stages, including procedures for notification of wholesale customers regarding the initiation or termination of drought response stages.

(6) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this paragraph are not enforceable.

(7) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

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[3] http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=288&rl=22; **Source Note:** The provisions of this §288.22 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

(A) pro rata curtailment of water deliveries to or diversions by wholesale water customers as provided in Texas Water Code, §11.039; and

(B) utilization of alternative water sources with the prior approval of the executive director 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.).

(8) The drought contingency plan must 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, §11.039.

(9) The drought contingency plan must include procedures for granting variances to the plan.

(10) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions including specification of penalties (e.g., liquidated damages, water rate surcharges, discontinuation of service) for violations of such restrictions.

(b) The wholesale public water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The wholesale public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.

APPENDIX C
Transmittal Letter to the Regional Planning Group

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2024 Letter to Region C

APPENDIX D
Dallas City Code, Chapter 49, Water and Wastewater Section 49-20, Emergency Authority

SEC. 49-20. EMERGENCY AUTHORITY[4].

(a) Purpose and scope. The purpose of this section is to establish the city's policy in the event of shortages or delivery limitations in the city's water supply. This section applies to:

(1) all persons and premises within the city using water from the water system;

(2) all retail customers who live in unincorporated areas within the city's extraterritorial jurisdiction and are served by the water system; and

(3) all wholesale service customers outside the city to the extent provided in Subsection (i).

(b) Emergency water management plan. The director shall promulgate and submit an emergency water management plan to the city council for approval, the guidelines of which should include:

(1) the conditions under which a particular stage of emergency will be implemented or terminated; and

(2) provisions defining specific events that will trigger an emergency.

(c) Authority. The city manager is authorized to implement measures prescribed when required by this section and by the emergency water management plan approved by the city council. The director is authorized to enforce the measures implemented and to promulgate regulations, not in conflict with this section or state and federal laws, in aid of enforcement.

(d) Implementation of emergency order. The director, upon determination that the conditions of a water emergency exist, shall advise the city manager. The city manager may order that the appropriate stage of emergency response, as detailed in the emergency water management plan, be implemented. To be effective, the order must be:

(1) made by public announcement; and

(2) published in a newspaper of general circulation in the city within 24 hours after the public announcement, which order becomes immediately effective upon publication.

(e) Duration of order; change; extension. The order can be made effective for up to, but not more than, 60 days from the date of publication. Upon recommendation of the director, the city manager may upgrade or downgrade the stage of emergency when the conditions triggering that stage occur. Any change in the order must be made in the same manner prescribed in Subsection (d) for implementing an emergency order. The city council may, upon the recommendation of the city manager and the director, extend the duration of the emergency order for additional time periods, not to exceed 120 days each. The city manager shall terminate the order in the manner prescribed in Subsection (d) for implementing an emergency order when the director determines that the conditions creating the emergency no longer exist.

(f) Violation of section. A person commits an offense if he knowingly makes, causes or permits a use of water contrary to the measures implemented by the city manager as prescribed in the emergency water management plan. For purposes of this subsection, it is presumed that a person has knowingly made, caused or permitted a use of water contrary to the measures implemented if the mandatory measures have been formally ordered consistent with the terms of Subsection (d) and:

(1) the manner of use has been prohibited by the emergency water management plan;

[4] http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx

(2) the amount of water used exceeds that allowed by the emergency water management plan; or

(3) the manner or amount used violates the terms and conditions of a compliance agreement made pursuant to a variance granted by the director under Subsection (g).

(g) Variances. During the times the emergency order is operative, the director may grant variances in special cases to persons demonstrating extreme hardship and need. The director may grant variances only under the following circumstances and conditions:

(1) the applicant must sign a compliance agreement on forms provided by the director, and approved by the city attorney, agreeing to use the water only in the amount and manner permitted by the variance;

(2) granting of a variance must not cause an immediate significant reduction in the city's water supply;

(3) the extreme hardship or need requiring the variance must relate to the health, safety or welfare of the person requesting it; and

(4) the health, safety and welfare of other persons must not be adversely affected by granting of the variance.

(h) Revocation of variances. The director may revoke a variance granted when he determines that:

(1) the conditions of Subsection (g) are not being met or are no longer applicable;

(2) the terms of the compliance agreement are being violated; or

(3) the health, safety or welfare of other persons requires revocation.

(i) Wholesale service to customers outside the city. The director shall advise customers receiving wholesale water service from the city of actions taken under the emergency water management plan. The director may restrict service to customers outside the city as permitted under the contract and state law.

(j) Authority under other laws. Nothing in this section shall be construed to limit the authority of the mayor, the city council or the city manager to seek emergency relief under the provisions of any state or federal disaster relief act. (Ord. 19201)

APPENDIX E
Dallas City Code, Chapter 49, Water and Wastewater
Section 49-21.1, Conservation Measures Relating to Lawn & Landscape Irrigation

SEC. 49-21.1[5]. CONSERVATION MEASURES RELATING TO LAWN AND LANDSCAPE IRRIGATION.

(a) Purpose. Lawn and landscape irrigation practices within the city, especially during the summer months, can cause a waste of valuable water resources. The purpose of this section is to mandate that water be used for lawn and landscape irrigation in a manner that prevents waste, conserves water resources for their most beneficial and vital uses and protects the public health.

(b) Lawn and landscape irrigation restrictions.

(1) A person commits an offense if, during the period from April 1 through October 31 of any year and between the hours of 10:00 a.m. and 6:00 p.m. on any day during that period, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person. It is a defense to prosecution under this paragraph that the person was only using water from a source other the city's water or wastewater system.

(2) A person commits an offense if, at any time during the year, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person with a hose-end sprinkler or automatic irrigation system on a day other than a designated outdoor water use day for the property address. It is a defense to prosecution under this paragraph that the person was:

(A) using a hand-held hose, drip irrigation device, soaker hose, or hand-held bucket;

(B) irrigating during the repair or testing of a new or existing automatic irrigation system;

(C) irrigating nursery stock at a commercial plant nursery; or

(D) only using water from a source other than the city's water or wastewater system.

(3) A person commits an offense if the person knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

(A) a substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

(B) an automatic irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

(4) A person commits an offense if, on premises owned, leased, or managed by the person, the person operates a lawn or landscape automatic irrigation system or device that:

(A) has any broken or missing sprinkler head; or

(B) has not been properly maintained in a manner that prevents the waste of water.

(c) Rain and freeze sensing devices.

[5] http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx

(1) Any automatic irrigation system installed or operated within the city must be equipped with a working rain and freeze sensing device.

(2) A person commits an offense if, on premises owned, leased, or managed by the person, the person:

(A) installs, or causes or permits the installation of, an automatic irrigation system in violation of Subsection (c)(1); or

(B) operates, or causes or permits the operation of, an automatic irrigation system that does not comply with Subsection (c)(1).

(d) Variances. The director may, in special cases, grant variances from the provisions of Subsections (b)(1), (b)(2), or (c) to persons demonstrating extreme hardship and need. The director may grant variances only under all of the following circumstances and conditions:

(1) The applicant must sign a compliance agreement on forms provided by the director, and approved by the city attorney, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.

(2) Granting of a variance must not cause an immediate significant reduction in the city's water supply.

(3) The extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person requesting it.

(4) The health, safety, and welfare of other persons must not be adversely affected by granting the variance.

(e) Revocation of variances. The director may revoke a variance granted when the director determines that:

(1) the conditions of Subsection (d) are not being met or are no longer applicable;

(2) the terms of the compliance agreement are being violated; or

(3) the health, safety, or welfare of other persons requires revocation. (Ord. Nos. 24745; 26518; 28622)