

Manville Water Supply Corporation Drought Contingency Plan

Section I: Declaration of Policy, Purpose & Intent

In order to conserve the available water supply and/or to 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 Manville Water Supply Corporation adopts the following Drought Contingency Plan (the Plan).

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by Manville Water Supply Corporation by means of scheduling and a public meeting to accept input on the Plan on December 13, 2001.

Section III: Wholesale and Member (Retail) Water Customer Education

The Manville Water Supply Corporation will periodically provide wholesale water and retail customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided in the systems consumer confidence report.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the Manville Water Supply Corporation is located within the Region G & K Planning Areas. Manville WSC has provided a copy of the Plan to the Region G & K Planning Group.

Section V: Authorization

The manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all customers utilizing water provided by the Manville WSC. The terms "a person" and "a customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Triggering Criteria for Initiation and Termination of Drought Response Stages

The manager or his/her designee shall monitor water supply and/or demand conditions on a regular (e.g., weekly, monthly) basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone.

The triggering criteria described below are based on analysis of the vulnerability of the water source and system under drought conditions.

(a) Stage 1 - Mild Drought Conditions

Requirements for initiation - The Manville Water Supply Corporation will recognize that a mild drought condition exists when one or more of the following conditions exist:

- a. Average daily water use has reached 75 percent of system & production capacity for three (3) consecutive days.
- b. Total production of wells drops by 20%.

Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist and an emergency no longer exists. The Manville WSC will notify its wholesale and retail customers of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

(b) Stage 2 - Moderate Drought Conditions

Requirements for initiation - The Manville WSC will recognize that a moderate drought condition exists when one or more of the following conditions exist:

- a. Average daily water use is 90 percent of system and production capacity and continues for three (3) consecutive days.
- b. Net storage in water tanks decreases for three (3) consecutive days. Example: The highest recorded water level drops 10 feet or more for three (3) consecutive days.
- c. Total production of wells falls by an additional 15%.

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist and an emergency no longer exists. Upon termination of Stage 2, Stage 1 becomes operative. The Manville WSC will notify its wholesale and retail customers of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

(c) Stage 3 - Severe Drought Conditions

Requirements for initiation - The Manville WSC will recognize that a severe drought condition exists when one or more of the following conditions exist:

- a. Failure of a major component of the system or an event that would cause an immediate health or safety hazard.
- b. Water demand exceeds system capacity for more than 24 hours.
- c. Production is at 100% and storage tank levels are decreasing at a rate exceeding 5% per day.
- d. Total production of wells falls by an additional 15%.

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 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The Manville WSC will notify its wholesale and retail customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 3 of the Plan.

(d) Stage 4 - Emergency Water Shortage Conditions

Requirements for initiation - The Manville WSC will recognize that an emergency water shortage condition exists when one or more of the following conditions exist:

- a. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- b. Natural or man-made contamination of the water supplies source(s).

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 time required to correct the situation. The Manville WSC will notify its retail and wholesale customers and the media of the termination of Stage 4.

Section VIII: Drought Response Stages

The manager or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VI, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Stage 1 - Mild Drought Conditions

1. Stage I (voluntary) curtailment will allow the Corporation to request users to restrict the use of water for outdoor watering, automobile washing, pool filling, etc., on alternating days as determined by the last digit of the physical address of the property. Customers living in subdivisions/neighborhoods that have the same physical address should go by the lot number that refers to their property.
2. The Manager or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage 1 of the customer's drought contingency plan).

Stage 2 - Moderate Drought Conditions

1. Stage II (Mandatory) curtailment will allow the Corporation to restrict the use of water for outdoor watering, automobile washing, pool filling, etc., on alternating days as determined by the last digit of the physical address of the property. Customers living in subdivisions/neighborhoods that have the same physical address should go by the lot number that refers to their property. The Corporation may also suspend any construction water contracts that may be in effect at the time.
2. Demand Management Measures:
 - (a) The manager or his/her designee(s), will initiate monthly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
 - (b) The manager or his/her designee(s) will request wholesale water customers to initiate mandatory measures to reduce non-essential water use as authorized by existing contracts (e.g., implement Stage 2 of the customer's drought contingency plan).
 - (c) The manager or his/her designee(s), will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section VI of the Plan.
3. (a) The quantified target for water use reduction to be achieved by Stage II enactment is the reduction of average daily water use by 10%.

Stage 3 - Severe Drought Conditions

1. Stage III (Mandatory) curtailment will allow the Corporation to prohibit all outdoor watering and outdoor water use except for those customers who depend on the water for the livelihood of their businesses. Manville may also prohibit the filling of newly constructed pools, the watering of any newly installed lawns and the washing of automobiles.
2. Demand Management Measures:
 - (a) The manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 3 of the customer's drought contingency plan).
3. The quantified target for water use reduction to be achieved by Stage III enactment is the reduction of average daily water use by 15%.

Stage 4 - Emergency Water Shortage Conditions

Whenever emergency water shortage conditions exist as defined in Section VII of the Plan, the manager shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
3. If appropriate, notify city, county, and/or state emergency response officials for assistance.
4. Undertake necessary actions, including repairs and/or clean up as needed.
5. The manager, or his/her designee(s), will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section VI of the Plan.

Section IX: Pro Rata Water Allocation

In the event that the triggering criteria specified in Section VII of the Plan for Stage 4 — Emergency Water Shortage Conditions have been met, the manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies and procedures as allowed by current wholesale water contracts:

- (a) A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline.

The percentage will be set by resolution of the board of directors based on the manager's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the board of directors as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.

- (b) The manager, or his/her designee, for each wholesale customer shall establish a monthly water usage allocation. The wholesale customer's water usage baseline will be computed on the average water usage by month for the 1994-1998 period as shown in the example given below. If the wholesale water customer's billing history is less than 5 years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

Example Calculation of Monthly Allocation for a Hypothetical Wholesale Water Customer

	1994	1995	1996	1997	1998	SUM	AVE	ALLOCATION PERCENTAGE	MONTHLY ALLOCATION
Jan	133	137	146	148	156	719	144	75%	108
Feb	115	122	133	133	147	650	130	75%	98
March	130	150	146	149	159	734	147	75%	110
April	130	167	168	157	187	808	162	75%	122
May	160	152	179	183	171	845	169	75%	127
June	226	184	172	205	249	1,035	207	75%	155
July	235	274	232	314	246	1,301	260	75%	195
Aug	222	203	206	337	309	1,277	255	75%	191
Sept	199	160	196	229	198	982	196	75%	147
Oct	165	172	197	165	185	884	177	75%	133
Nov	139	142	149	153	162	745	149	75%	112
Dec	142	143	150	156	165	755	151	75%	113
Total	1,995	2,006	2,072	2,330	2,333		2,333		

*UNITS IN ACRE-FEET

- (c) The manager shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Natural Resource Conservation Commission upon initiation of pro rata water allocation.
- (d) Upon request of the customer or at the initiative of the manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the wholesale customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another wholesale customer; or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Manville WSC Board of Directors.

Section X: Enforcement

- 1). For the first violation of Drought Response — Stage 2 measures and above including Stages 3 and 4, a written and/or verbal notice of the violation shall be issued. If verbal notice is not possible, the employee giving notice will turn off the faucet/spicket that supplies water to the sprinkler or hose.
- 2). For subsequent violations, Manville WSC may terminate service, subject to contract provisions for wholesale customers, for up to 7 days and charge the Corporations current reconnection charge to restore service.

These provisions apply to all customers of the Corporation.

Section XI: Variances

The manager, or his/her designee, may, in writing, grant a temporary variance to the plan including pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

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

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the manager within 5 days after drought response stage has been invoked and notice has been given. All petitions for variances shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the Manville WSC be subject to the following conditions, unless waived or modified by the board of directors or its designee:

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

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

Section XII: Severability

It is hereby declared to be the intention of the Manville WSC 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 not have been enacted by the Manville WSC without the incorporation into

this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section XIII:

For good cause shown, the Board may grant variances or exceptions to compliance with any stage of curtailment for the benefit of a public or private educational institution, upon such conditions as the Board may deem reasonable and appropriate and in furtherance of the educational purposes of such institutions.
(added September 13, 2012)

See Exhibit A, Manville WSC Tariff – Drought rate surcharge for Stage 3 & Stage 4.