

ORDER ADOPTING AMENDED DROUGHT CONTINGENCY PLAN

THE STATE OF TEXAS §

COUNTY OF GALVESTON §

GALVESTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 §

WHEREAS, 30 T.A.C., Section 288.30(3)(B) of the Rules of the Texas Commission on Environmental Quality (the "TCEQ") require all retail public water suppliers with less than 3,300 connections to prepare and adopt a drought contingency plan to be available for inspection by the Executive Director of the TCEQ upon request, for implementation during periods of water shortage and drought;

WHEREAS, the Board of Directors (the "Board") of Galveston County Fresh Water Supply District No. 6 of Galveston County, Texas (the "District"), has determined that the adoption of this Drought Contingency Plan (the "Plan") is necessary.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF GALVESTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 THAT:

ARTICLE I
DECLARATION OF POLICY, PURPOSE AND INTENT

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the District hereby adopts the following regulations and restrictions on the delivery and consumption of water.

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

ARTICLE II
DEFINITIONS

SECTION 2.1: DEFINITIONS.

A. The following terms shall have the meaning assigned to them below:

1. "**Aesthetic water use**" means water used for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
2. "**Commercial and institutional water use**" means water which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.
3. "**Conservation**" means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

4. “**Customer**” means any person, company, or organization using water supplied by the District.
5. “**Domestic water use**” means 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.
6. “**Even numbered address**” means street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6 and 8 and locations without addresses.
7. “**GCWA**” mean the Gulf Coast Water Authority.
8. “**Industrial water use**” means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.
9. “**Landscape irrigation use**” means water used for the irrigation and maintenance of landscape areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.
10. “**Non-essential water use**” means water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:
 - a. irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
 - b. use of water to wash any motor vehicle, motorbike, boat trailer, airplane or other vehicle;
 - c. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - d. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - e. flushing gutters or permitting water to run or accumulate in any gutter or street;
 - f. use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
 - g. use of water in a fountain or pond for aesthetic or scenic purpose except where necessary to support aquatic life;
 - h. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
 - i. use of water from hydrants for construction purposes or any other purposes other than fire fighting.
11. “**Odd numbered address**” means street addresses, box number, or rural postal routes ending in 1, 3, 5, 7 and 9.

ARTICLE III IMPLEMENTATION

SECTION 3.1: PUBLIC INVOLVEMENT.

Opportunity for the public to provide input into the preparation of the Plan was provided by the District by means of scheduling and providing notice of a public meeting to accept input on the Plan.

SECTION 3.2: PUBLIC EDUCATION.

The District will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of (i) direct mailing of brochures, water bill inserts or newsletters to water users regarding the District's water conservation program; (ii) public meetings and events; and/or (iii) posters or public displays.

SECTION 3.3: COORDINATION WITH REGIONAL WATER PLANNING GROUPS.

The service area of the District is located within Texas Water Development Board – Houston Region H, and the District has provided a copy of this Plan to Region H Water Planning Group.

SECTION 3.4: AUTHORIZATION.

The District's General Manager is hereby authorized and directed to implement the applicable provisions of this Plan upon determination by the Board of Directors that such implementation is necessary to protect public health, safety, and welfare. The Board, or its designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

SECTION 3.5: APPLICATION.

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

ARTICLE IV CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

The District's General Manager shall monitor water supply and/or demand conditions 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 District's General Manager shall implement appropriate water conservation measures when the District receives valid directives from state agencies or from GCWA.

The triggering criteria described below are based on system capacity limits and available water supplies.

SECTION 4.1: STAGE 1 TRIGGERS - MILD WATER SHORTAGE CONDITIONS.

- A. Requirements for Initiation. Customers shall be requested to voluntarily conserve water and adhere to prescribed restrictions on certain water uses, defined in Section 2.1 – Definitions, when the average run time for the District's water wells are at or above 16 hours for three (3) consecutive days, or the District exceeds 85% of the GCWA contract (306,000 gallons) for four (4) consecutive days, or the District exceeds 90% of the GCWA contract (324,000 gallons) for two (2) consecutive days.
- B. Requirements for Termination. Stage 1 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days.

SECTION 4.2: STAGE 2 TRIGGERS - MODERATE WATER SHORTAGE CONDITIONS.

- A. Requirements for Initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 of this Plan when the average run time for the District's wells are at or above 18 hours for three (3) consecutive days, or the District exceeds 95% of the GCWA contract (342,000 gallons) for four (4) consecutive days, or the District exceeds 100% of the GCWA contract (360,000 gallons) for two (2) consecutive days.
- B. Requirements for Termination. Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

SECTION 4.3: STAGE 3 TRIGGERS - SEVERE WATER SHORTAGE CONDITIONS.

- A. Requirements for Initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when the average run time for the District's wells are at or above 20 hours for three (3) consecutive days, or the District exceeds 100% of the GCWA contract (360,000 gallons) for four (4) consecutive days.
- B. 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 three (3) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative, if applicable.

SECTION 4.4: STAGE 4 TRIGGERS – CRITICAL WATER SHORTAGE CONDITIONS.

- A. Requirements for Initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when the average run time for the District's wells are at or above 22 hours for three (3) consecutive days or when any of the water plant facilities cannot meet the water supply demand.
- B. 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 three (3) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

SECTION 4.5: STAGE 5 TRIGGERS – EMERGENCY WATER SHORTAGE CONDITIONS.

- A. Requirements for Initiation. Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the Board, or its designee, determines that a water supply emergency exists based on: (i) major water lines breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or (ii) natural or man-made contamination of the water supply source(s).
- B. Requirements for Termination. Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 5, Stage 4 becomes operative.

ARTICLE V
DROUGHT RESPONSE MEASURES

SECTION 5.1: IMPLEMENTATION.

The District's General Manager shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section IV of this Plan, shall determine that a moderate, severe, or critical/emergency condition exists and shall implement the notification procedures set forth in this Article.

SECTION 5.2: NOTIFICATION.

- A. Notification of the Public. The Board shall notify the public by means of any of the following:
1. publication in a newspaper of general circulation;
 2. direct mail to each customer;
 3. public service announcements; or
 4. signs posted in public places.
- B. Additional Notification. The Board shall notify directly or cause to be notified directly the following individuals and entities as deemed necessary by the Board of Directors:
1. County Judge and County Commissioner(s);
 2. Texas Commission on Environmental Quality (required when mandatory restrictions are imposed);
 3. Major water users;
 4. Critical water users, i.e. hospitals; or
 5. Parks/street superintendents & public facilities managers
 6. Fire Chiefs.

SECTION 5.3: STAGE 1 RESPONSE – MILD WATER SHORTAGE CONDITIONS.

- A. Target. The District will seek to achieve a voluntary 3% reduction in daily water demand.
- B. Best Management Practices for Supply Management. The District shall reduce or discontinue flushing of water mains.
- C. Voluntary Water Use Restrictions for Reducing Demand:
1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 and 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
 2. All operations of the District shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
 3. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

SECTION 5.4: STAGE 2 RESPONSE - MODERATE WATER SHORTAGE CONDITIONS.

- A. Target. The District shall seek to achieve an 8% reduction in daily water demand.
- B. Best Management Practices for Supply Management. The District shall reduce the system pressure at the water plant or plants to 55 psi.
- C. Water Use Restrictions for Demand Reduction. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
 2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle except on designated watering days between 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with 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 car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks, vehicles used to transport food and perishables, and flushing saltwater from boat engines.
 3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
 4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 5. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the District.
 6. Use of water for irrigation of golf course greens, tees and fairways is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the District, the facility shall not be subject to these regulations.
 7. All restaurants are prohibited from serving water to patrons except upon request of the patron.
 8. The following uses of water are defined as non-essential and are prohibited:

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

SECTION 5.4: STAGE 3 RESPONSE - SEVERE WATER SHORTAGE CONDITIONS.

- A. **Target.** The District shall seek to achieve a 12% reduction in daily water demand.
- B. **Best Management Practices for Supply Management.** The District shall seek to reduce or discontinue flushing of water mains, reduce or discontinue irrigation of public landscaped areas, use an alternative water supply source or use reclaimed water for non-potable purposes.
- C. **Water Use Restrictions for Demand Reduction.** All requirements of Stage 2 shall remain in effect during Stage 3 except:
 - 1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinklers systems only. The use of hose-end sprinklers is prohibited at all times.
 - 2. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the District.
 - 3. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

SECTION 5.5: STAGE 4 RESPONSE - CRITICAL WATER SHORTAGE CONDITIONS.

- A. **Target.** The District shall seek to achieve a 15% reduction in daily water demand.
- B. **Best Management Practices for Supply Management:** The District shall seek to reduce or discontinue flushing of water mains, reduce or discontinue irrigation of public landscaped areas, use an alternative water supply source or use reclaimed water for non-potable purposes.
- C. **Water Use Restrictions for Reducing Demand.** All requirements of Stages 2 and 3 shall remain in effect during Stage 4 except:
 - 1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.
 - 2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest public health, safety, and welfare is prohibited. Further, such vehicle

washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.

3. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
5. 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.

SECTION 5.6: STAGE 5 RESPONSE – EMERGENCY WATER SHORTAGE CONDITIONS.

- A. Target. The District shall seek to achieve an 18% reduction in daily water demand.
- B. Best Management Practices for Supply Management: The District shall seek to reduce or discontinue flushing of water mains, reduce or discontinue irrigation of public landscaped areas, use an alternative supply source or use reclaimed water for non-potable purposes.
- C. Water Use Restrictions for Reducing Demand. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:
 1. Irrigation of landscaped areas is absolutely prohibited.
 2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

SECTION 5.7: IMPLEMENTATION.

Without limitation to specific actions stated in this Plan to be taken by the District's General Manager, the District's General Manager will administer and enforce this Plan, and will oversee and be responsible for the execution and implementation of all elements of this Plan. The General Manager shall keep adequate records for plan verification. The District's General Manager shall report to the Board, at meetings of the Board, regarding actions taken and which need to be taken under this Plan. Without limiting the foregoing, the District's General Manager shall advise the President of the Board (or if the President is unavailable to receive notification, another member of the Board) as soon as reasonably practical when conditions require implementation of particular stages of this Plan.

ARTICLE VI ENFORCEMENT

SECTION 6.1: PENALTIES.

The following penalties shall apply to any customer violating the terms of this Plan:

A. First Violation. Any customer who violates this Plan shall receive written notification of such violation, which notice shall set forth (i) the date of the violation, (ii) the nature of the violation, (iii) the Drought Response Measures then in effect, and (iv) the penalties applicable for any further violations of this Plan; provided, however, that if such person or entity has ever previously violate this Plan, the penalties set forth in Subsection B below, may, in the discretion of the Board, be imposed.

B. Subsequent Violations.

1. Monetary Penalties for Noncompliance. If any person or entity violates provision of this Plan more than one time (which violation shall constitute unauthorized use of District services and/or facilities), then the Board of the District may impose a penalty pursuant to the provisions of the District's Rate Order regarding penalties for violations. Each day that a breach of any provision of this Plan continues shall be considered a separate violation. This penalty shall be in addition to any other legal rights and remedies of the District as may be allowed by law.
2. Disconnection for Noncompliance. If any person or entity violates any provision of this Plan more than two (2) times (which violation shall constitute an unauthorized use of District services and/or facilities), then, in addition to any other remedies, penalties, sanctions and enforcement procedures provided for herein, the District shall have the right to terminate water service to such person or entity after notice and any other procedural requirements in the District's Rate Order are satisfied.
3. Payment of Expenses. Any person or entity that violates any provision of this Plan shall reimburse the District for any and all expenses incurred by the District, including reasonable attorneys' fees, in enforcing the terms of this Plan.

SECTION 6.2: REMEDIES CUMULATIVE.

All rights, remedies, sanctions, penalties and enforcement procedures provided for in this Plan are cumulative. In addition, the District shall have and may exercise and enforce any and all rights and remedies provided by law or in equity.

ARTICLE VII
VARIANCES

SECTION 7.1: VARIANCES.

The District's General Manager may in writing grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- A. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Pan 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 Order shall file a petition for variance with the District within five days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Board and shall include the following:

1. Name and address of petitioner(s);
2. Purpose of water use;
3. Specific provision(s) of the Plan from which the petitioner is requesting relief;
4. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with the Order;
5. Description of the relief requested;
6. Period of time for which the variance is sought;
7. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date; and
8. Other pertinent information.

Variations granted by the District shall be subject to the following conditions, unless waived or modified by the Board of Directors:

1. Variations granted shall include a timetable for compliance.
2. Variations 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 variance.

ADOPTED this 10th day of May, 2005.

GALVESTON COUNTY FRESH WATER
SUPPLY DISTRICT NO. 6

/s/ John P. Adams
President, Board of Directors

ATTEST:

/s/ Roy E. Rhame
Secretary, Board of Directors

(SEAL)