

Drought Contingency Plan

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STAGE 4 SUMMARY



GOAL

Achieve a 25% reduction in total gallons per capita per day (GPCD).

TRIGGERING CRITERIA

Water Emergency may be triggered by any one of the following:

Water supplies are low

Total raw water supply in connected lakes or the western or eastern reservoirs has dropped below 30% (70% depleted) of DWU's share of the total conservation storage.

Water demand approaches system capacity

Water demand has reached or exceeded 98 percent of delivery capacity for 1 day.

Short-term deficiencies limit supply capability

Water demand seriously exceeds a reduced delivery capacity for all or part of the system, as determined by DWU.

Contamination

Natural or man-made contamination of the water supply source(s) occurs.

ACTIONS AVAILABLE

- Specific actions taken during any drought situation, including water allocation, will be determined by the Director of DWU. The Director may also take other actions not listed, if deemed necessary. Following is a menu of possible actions. All requirements of Stages 1, 2, and 3 shall remain in effect during Stage 4, and the following additional measures shall be required:

ALL WATER CUSTOMERS

- Irrigation of landscaped areas is absolutely prohibited.
- Foundations may be watered for two-hour period in the designated watering day for Stage 3 during the allowed watering hours. Foundations may be watered with soaker or hand-held hose equipped with a positive shutoff nozzle only.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

- DWU may impose a retail water rate increase to discourage water use. All rates for usage in excess of 10,000 gallons per month (per single-family residential account), or any other usage amount above 10,000 gallons per month, as deemed appropriate by the Director, may be increased by an additional 10 percent or any other percentage deemed appropriate by the Director.

CITY GOVERNMENT

- All Stage 1, 2, and 3 requirements shall remain in effect during Stage 4.

COMMERCIAL CUSTOMERS

- All Stage 1, 2, and 3 requirements shall remain in effect during Stage 4.

WHOLESALE CUSTOMERS

- All Stage 1, 2 and 3 requirements shall remain in effect during Stage 4.

- The Director 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

INTERRUPTIBLE CUSTOMERS

- All Stage 1, 2, and 3 requirements shall remain in effect during Stage 4.

VIOLATIONS

- A person commits an offense if he/she knowingly or intentionally makes, causes or permits a use of water contrary to the measures implemented in the Drought Contingency Plan. 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

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STAGE 4 SUMMARY (continued)

to be responsible for violations of their minor children. It is presumed that a person has knowingly made, caused or permitted such use if the mandatory measures have been formally ordered and any one of the following conditions is met:

- The manner of use has been prohibited by the Drought Contingency Plan;
- The amount of water used exceeds that allowed by the Drought Contingency Plan; or
- The manner of use or the amount used violates the terms and conditions of a compliance agreement made pursuant to a variance granted by the Director.

WARNINGS AND PENALTIES

- First violation - Customers will be given a written warning that they have violated restrictions.
- Subsequent violations - 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.
- 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.

VARIANCES

- The Director, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, safety or welfare for the public or the person requesting such variance and 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.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the Director of Dallas Water Utilities within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Director, or his/her 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.



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STAGE 4 SUMMARY (continued)

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

DURATION OF STAGE

- The stage can be made effective for up to, but not more than, 60 days from the date of publication/notification.
- Upon recommendation of the Director, the City Manager may upgrade or downgrade the stage when the conditions triggering that stage occur.
- The City Council may, upon the recommendation of the City Manager and the Director, extend the duration of the stage for additional time periods, not to exceed 120 days each.
- The decision to terminate a stage will occur if the corresponding drought condition has subsided or been eliminated and if the corresponding trigger condition is no longer exceeded and would be unlikely to recur upon termination.