



# **BORDEN COUNTY WATER SYSTEM**

## **DROUGHT CONTINGENCY PLAN**

**PWS ID #: 0170010**

**ADOPTED SEPTEMBER 11, 2000**

**REVIEW AND REVISIONS APRIL 8, 2013**

**REVIEW AND REVISIONS OCTOBER 9, 2018**



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### **SECTION 1: 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 Borden County Commissioners Court hereby adopts the following regulations and restrictions for the Borden County Water System on the delivery and consumption of water.

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

### **SECTION 2: PUBLIC INVOLVEMENT**

An opportunity for the public to provide input into the preparation of the Plan was provided by the Borden County Commissioners Court by means of a public hearing.

### **SECTION 3: PUBLIC EDUCATION**

The Borden County Water System will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press release and utility bill inserts.

### **SECTION 4: COORDINATION WITH REGIONAL WATER PLANNING GROUPS**

The service area of the Borden County Water System is located within the Upper Colorado Region and the Borden County Water System has provided a copy of this Plan to the Upper Colorado Region.

### **SECTION 5: AUTHORIZATION**

The County Judge/Commissioners, 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 County Judge/Commissioners, 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 6: APPLICATION**

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

### **SECTION 7: DEFINITIONS**

For the purposes of this Plan, the following definitions shall apply:

**Aesthetic water use:** water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

**Commercial and institutional water use:** water use 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.

**Conservation:** those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

**Customer:** any person, company, or organization using water supplied by the Borden County Water System.

**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.

**Industrial water use:** the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

**Landscape irrigation use:** water used for the irrigation and maintenance of landscape areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, right-of-ways and medians.

**Non-essential water use:** water uses that are not 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 buildings or structures for purposes other than immediate fire protection;
- 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 purposes 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 firefighting.

## **SECTION 8: CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES**

The County Judge/Commissioners or his/her designee shall monitor water supply and/or demand conditions on a daily or 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 triggering criteria described below are based on triggering criteria/trigger levels based on a statistical analysis of the vulnerability of the water source under drought of record conditions, or based on known system capacity limits.

### **STAGE 1 TRIGGERS - MILD WATER SHORTAGE CONDITIONS**

#### **Requirements for initiation**

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII - Definitions, when continually falling treated water reservoir levels which do not refill above 85% percent overnight.

#### **Requirements for termination**

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

## **STAGE 2 TRIGGERS - MODERATE WATER SHORTAGE CONDITIONS**

### **Requirements for initiation**

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this plan when continually falling treated water reservoir levels which do not refill above 75% overnight.

### **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.

## **STAGE 3 TRIGGERS - SEVERE WATER SHORTAGE CONDITIONS**

### **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 continually falling treated water reservoir levels which do not refill above 50% overnight.

### **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.

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

### **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 total daily water demand equals or exceeds 100,000 gallons for two (2) consecutive days 125,000 gallons on a single day.

### **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.

## **STAGE 5 TRIGGERS - EMERGENCY WATER SHORTAGE CONDITIONS**

### **Requirements for initiation**

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when County Judge/Commissioners, or his/her designee, determines that a water supply emergency exists based on:

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

### **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.

## **SECTION 9: DROUGHT RESPONSE STAGES**

The County Judge/Commissioners, or his/her designee, shall monitor water supply and/or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

### **NOTIFICATION**

#### **Notification of the Public:**

The County Judge/Commissioners, or his/her designee, shall notify the public by means of:

- Publication in a newspaper of general circulation,
- Direct mail to each customer,
- Signs posted in public places.

#### **Additional Notification:**

The County Judge/Commissioners or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- County Judge & Commissioners
- TCEQ
- Major water users

### **STAGE 1 RESPONSE - MILD WATER SHORTAGE CONDITIONS**

**Goal:** Achieve a voluntary 5% reduction in total water use.

#### **Voluntary Water Restrictions:**

- a. All operations of the Borden County Water System shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- b. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

### **STAGE 2 RESPONSE - MODERATE WATER SHORTAGE CONDITIONS**

**Goal:** Achieve a 15 % reduction in total water use.

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

- a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays, Tuesdays and Thursdays for commercial and institutional customers, and Saturdays, Mondays and Wednesdays for residential customers 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 any time 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.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or their vehicle 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. 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 rises. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- c. Use of water to fill, 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 and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- d. Use of water from hydrants shall be limited to firefighting, 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 Borden County Water System.
- e. The following uses of water are defined as non-essential and are prohibited:
  - 1. The wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - 2. The use of water to wash down buildings or structures for purposes other than immediate fire protection;
  - 3. The use of water for dust control;
  - 4. The flushing of gutters or permitting water to run or accumulate in any gutter or street; and
  - 5. The failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

### **STAGE 3 RESPONSE - SEVERE WATER SHORTAGE CONDITIONS**

**Goal:** Achieve a 40% reduction in total water use.

**Supply Management Measures:** Borden County will stop watering landscaped areas.

**Water Use Restrictions:** All requirements of Stage 2 shall remain in effect during Stage 3 except:

- a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 9:00 a.m. and between 8 p.m. and 11:00 p.m. and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- b. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

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

**Goal:** Achieve a 60 % reduction in total water use.

**Supply Management Measures:** Borden County will stop watering landscaped areas.

**Water Use Restrictions:** All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 8:00 a.m. and between 8 p.m. and 11:00 p.m. and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not in the immediate interest of public health, safety, and welfare is prohibited.
- c. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- d. 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.

- e. 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.

## **STAGE 5 RESPONSE - EMERGENCY WATER SHORTAGE CONDITIONS**

**Goal:** Achieve 75% reduction in total water use.

**Water Use Restrictions:** All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- a. Irrigation of landscaped areas is absolutely prohibited.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

## **SECTION 10: ENFORCEMENT**

- a. Any person, including a person classified as a water customer of the Borden County Water System, 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 know of the violation.
- b. Any person who violates this Plan is subject to a surcharge or may have their service discontinued. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person violates any provision of this Plan, they may be subject to a surcharge of 100% of their last monthly bill. If a person violates three or more distinct violations, the County Judge/Commissioner shall, upon notice to the customer, be authorized to discontinue service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$50.00, and any other costs incurred by the Borden County Water System in discontinuing service. In addition, suitable assurance must be given to the County Judge/Commissioner that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

## **SECTION 11: VARIANCES**

The County Judge/Commissioners, 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, 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 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 Ordinance shall file a petition for variance with the Borden County Water System within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the County Judge/Commissioners, or his/her designee, and shall include the following:

- a. Name and address of the petitioner(s).
- b. Purpose of water use.
- c. Specific provision(s) of the Plan from which the petitioner is requesting relief.
- d. 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 Ordinance.
- e. Description of the relief requested.
- f. Period of time for which the variance is sought.
- g. 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.
- h. Other pertinent information.

Variances granted by the Borden County Water System shall be subject to the following conditions, unless waived or modified by the County Judge/Commissioners or his/her 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.

**THE BORDEN COUNTY COMMISSIONERS COURT ADOPTED THIS DROUGHT CONTINGENCY PLAN ON SEPTEMBER 11, 2000.**