

**LAKE PALO PINTO AREA WATER SUPPLY CORPORATION  
DROUGHT CONTINGENCY PLAN**

**Section I Declaration of Policy, Purpose and 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 Lake Palo Pinto Area Water Supply Corporation (LPPAWSC) adopts the following Drought Contingency Plan (Plan).

**Section II Public Involvement**

Opportunity for water customers to provide input into the preparation of the Plan was provided by LPPAWSC by means of regular Board of Directors meetings.

**Section III Public Education**

LPPAWSC 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 LPPAWSC through public events, press releases or utility bill inserts.

**Section IV Coordination with Regional Water Planning Group**

The service area of LPPAWSC is located within the Brazos Region G Water Planning Group and LPPAWSC has provided a copy of the Plan to the Brazos Region G Water Planning Group.

**Section V Authorization**

The Manager for LPPAWSC, 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 LPPAWSC. 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:

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 LPPAWSC.

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.

Even number customer account: customer account numbers ending in 0, 2, 4, 6, or 8.

Household: the residential premises served by the Customer's meter.

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 landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way 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 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 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.

- (j) Odd numbered customer account numbers ending in 1, 3, 5, 7, or 9.

## **Section VIII 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 weekly 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 email, mail or telephone. The news media will also be informed.

The triggering criteria described below are based on a combination of two factors.

1. LPPAWSC purchases raw water on a wholesale basis from the District which also maintains a water conservation and drought contingency plan. Pursuant to pro rata measures described in section §11.039 of the Texas Water Code if a shortage of water in a water supply covered by a water conservation plan prepared in compliance with applicable State 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:
  - a. The amount of water to which each customer may be entitled; or
  - b. 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.

As such LPPAWSC recognizes the need to implement drought-related water use restrictions for its customers based on the same triggering criteria recognized by the District. One set of triggering criteria defined by LPPAWSC in its Plan (lake levels for Lake Palo Pinto) will be the same as the triggering criteria defined in the District's Drought Contingency Plan.

2. LPPAWSC also recognizes that conditions in its retail delivery system may require implementation of drought contingency measures exclusive of conditions in Lake Palo Pinto. A second set of triggering conditions are therefore defined in LPPAWSC's Plan based on water usage of its direct retail purchasers and LPPAWSC's production and delivery systems.

### **Stage 0 Triggers -- Water Availability Awareness Condition**

1. Requirements for Initiation:
  - a. LPPAWSC will recognize that a Water Availability Awareness Condition exists for its direct retail customers when the District declares Stage 0 of its Plan to be in effect.
2. Requirements for Termination:
  - a. Stage 0 of the Plan will be rescinded when the District rescinds its Stage 0.
  - b. LPPAWSC will notify its customers and the media of the termination of Stage 0 as described in Section VIII of the Plan.

### **Stage I Triggers -- Mild Water Shortage Conditions**

3. Requirements for Initiation:
  - a. LPPAWSC will recognize that a mild water shortage condition exists for its direct retail customers when the District declares Stage I of its Plan to be in effect, or
  - b. Continually falling water storage facility levels in LPPAWSC storage tanks do not refill above the 50% level overnight.
  
4. Requirements for Termination:
  - a. Stage I of the Plan may be rescinded when the District rescinds its Stage I or when all of the other conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.
  - b. LPPAWSC will notify its customers and the media of the termination of Stage I as described in Section VIII of the Plan.
  - c. Stage 0 may be implemented upon rescinding Stage I.

### **Stage II Triggers -- Moderate Water Shortage Conditions**

1. Requirements for Initiation:
  - a. LPPAWSC will recognize that a moderate water shortage condition exists for customers when the District declares Stage II of its Plan to be in effect, or
  - b. When continually falling water storage facility levels in LPPAWSC storage tanks do not refill above the 50% level overnight for three (3) consecutive days.
  
2. Requirements for Termination:
  - a. Stage II of the Plan may be rescinded when the District rescinds its Stage II or when all of the other conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.
  - b. LPPAWSC will notify its customers and the media of the termination of Stage II as described in Section VIII of the Plan.
  - c. Stage I may be implemented upon rescinding Stage II.

### **Stage III Triggers -- Severe Water Shortage Conditions**

1. Requirements for Initiation:
  - a. LPPAWSC will recognize that a severe water shortage condition exists when the District declares Stage III of its Plan to be in effect, or
  - b. When continually falling water storage facility levels in LPPAWSC's storage tanks do not refill above the 50% level overnight for five (5) consecutive days.
  
2. Requirements for Termination:

- a. Stage III of the Plan may be rescinded when the District rescinds its Stage III or when all of the other conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.
- b. LPPAWSC will notify its customers and the media of the termination of Stage III as described in Section VIII of the Plan.
- c. Stage I or 2 may be implemented upon rescinding Stage III.

#### **Stage IV Triggers -- Emergency Water Shortage Conditions**

1. Requirements for Initiation:

- a. LPPAWSC will recognize that an emergency water shortage condition exists when the District declares Stage IV of its Plan to be in effect, or
- b. When continually falling water storage facility levels do not refill above the 50% level overnight for seven (7) consecutive days, or
- c. When major line breaks, pump system failures, treatment system failures, water supply contamination or other unforeseen conditions occur that cause LPPAWSC Manager to recommend implementation of Stage IV of the Plan.

2. Requirements for Termination:

- a. Stage IV of the Plan may be rescinded when the District rescinds its Stage IV or when all of the other conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days, or
- b. When at the discretion of LPPAWSC Manager or his/her designee service has been restored to the point where Stage IV conditions may be rescinded.
- c. LPPAWSC will notify its wholesale and/or retail customers and the media of the termination of Stage IV as described in Section VIII of the Plan.
- d. Stages 1, 2 or 3 may be implemented upon rescinding Stage IV.

#### **Section IX Drought Response Stages**

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

1. Notification:

The LPPAWSC Manager, or his/her designee, will contact water customers through news media or other information outlets to inform users of water supply and/or demand conditions.

#### **Stage 0 Response – Water Availability Awareness Conditions**

1. Target:
  - a. Maintain total water use by system users to less than 0.2 million gallons per day.
2. Best Management Practices for Supply Management:
  - a. LPPAWSC will reduce flushing of water mains, and will promote the use of alternative water sources.
3. Water Use Restrictions for Reducing Demand:
  - a. Water customers are requested to voluntarily reduce the irrigation of landscaped areas.
  - b. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

### **Stage I Response -- Mild Water Shortage Conditions**

1. Target:
  - a. Maintain total water use by system users to less than 0.15 million gallons per day.
2. Best Management Practices for Supply Management:
  - a. LPPAWSC will reduce or discontinue flushing of water mains, and will promote the use of alternative water sources.
3. Water Use Restrictions for Reducing Demand:
  - a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a customer account numbers ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a customer account number 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.
  - b. All operations of LPPAWSC shall adhere to water use restrictions prescribed for Stage II of the Plan.
  - c. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

### **Stage II Response -- Moderate Water Shortage Conditions**

1. Target:
  - a. Maintain total water use by system users to less than 0.10 million gallons per day, and.

- b. Achieve reduction in total water use water system users, to a point where water use drops below Stage II trigger conditions.
2. Best Management Practices for Supply Management:
  - a. LPPAWSC will reduce or discontinue flushing of water mains, will promote the use of alternative water sources and will discontinue irrigation of public landscaped areas.
3. Water Use Restrictions for Reducing Demand:
  - a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a customer account number ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a customer account number 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 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 other 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. 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 and vehicles used to transport food and perishables.
  - c. 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 and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
  - 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. 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 LPPAWSC.
  - f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than

potable water provided by LPPAWSC, the facility shall not be subject to these regulations. Watering golf course greens, tees, and fairways with reclaimed/reuse water is allowed.

- g. All restaurants are prohibited from serving water to patrons except upon request of the patron.
- h. The following uses of water are defined as non-essential and are prohibited:
  - i. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - ii. use of water to wash down buildings or structures for purposes other than immediate fire protection;
  - iii. use of water for dust control;
  - iv. flushing gutters or permitting water to run or accumulate in any gutter or street; and
  - v. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

### **Stage III Response -- Severe Water Shortage Conditions**

1. Target:
  - a. Maintain total water use by system users to less than 0.05 million gallons per day, and.
  - b. Achieve reduction in total water use water system users, to a point where water use drops below Stage III trigger conditions.
2. Best Management Practices for Supply Management:
  - a. LPPAWSC will reduce or discontinue flushing of water mains, will promote the use of alternative water sources and will discontinue irrigation of public landscaped areas.
3. Water Use Restrictions for Reducing Demand:

All requirements of Stage II shall remain in effect during Stage III except:

- a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight 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 watering of golf course tees is prohibited unless the golf course utilizes a water source other than potable water provided by LPPAWSC. Watering golf course tees with reclaimed/reuse water is allowed.



- c. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued. 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 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 are prohibited at all times.
- d. 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 of 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 p.m.
- e. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- f. 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.
- g. 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 IV Response -- Emergency Water Shortage Conditions**

1. Target:

- a. Limit maximum total water use by system users sufficient to sustain a minimum of 30 psi in all parts of the distribution system throughout the emergency condition.

Whenever emergency water shortage conditions exist as defined in Section VII of the Plan, the LPPAWSC Manager, or his/her designee, shall:

- 1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
- 2. Provide press releases sufficient to inform the public of the water emergency as appropriate to bring about a reduction in water use until full service is restored.
- 3. If appropriate, notify LPPAWSC, county, and/or state emergency response officials for assistance.

4. Undertake necessary actions, including repairs and/or clean-up as needed.
5. Prepare a post-event assessment report for LPPAWSC use on the incident and critique of emergency response procedures and actions to better prepare for future response measures.
6. Water Use Restrictions for Reducing Demand:

All requirements of Stages 2 and 3 shall remain in effect during Stages 4 except:

- a. Irrigation of landscaped areas with potable water supplied by LPPAWSC public water delivery system is absolutely prohibited.
- b. Use of potable water supplied by LPPAWSC public water delivery system to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- c. The use of potable water supplied by LPPAWSC public water delivery system for construction purposes from designated fire hydrants under special permit is to be discontinued.

## **Section X: Enforcement**

1. No person shall knowingly or intentionally allow the use of water from LPPAWSC for residential, commercial, industrial, agricultural, governmental, or any other purpose 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 LPPAWSC Manager, or his/her designee, in accordance with provisions of this Plan.
2. Any person, including a person classified as a water customer of LPPAWSC, 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.
3. Any employee of LPPAWSC designated by the President of the Board of Directors or his/her designee, may issue a citation to a person he/she reasonably believes to be in violation of this Plan as approved by LPPAWSC. Any person found by the Board of Directors to be in violation of this Plan shall be punished

by a fine of not less than five hundred dollars (\$500) and not more than twenty-five hundred dollars (\$2,500). 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 three or more distinct violations of this Plan, the Manager of LPPAWSC shall, upon due notice to the customer, be authorized to discontinue water 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, and any other costs incurred by LPPAWSC in discontinuing service. In addition, suitable assurance must be given to the Manager that the same action shall not be repeated while the Plan is in effect.

4. In the event that water shortage conditions threaten public health, safety, and welfare, the President of the Board of Directors or his/her designee is hereby authorized to ration water according to the following water allocation plan:
  - a. Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons	Gallons per Month
1 or 2	3,000
3 or 4	4,500
5 or 6	5,000
7 or 8	6,500
9 or 10	8,000
11 or more	12,000

- i. Persons per household includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer(s) household is comprised of two (2) persons unless the customer notifies LPPAWSC of a greater number of persons per household on a form prescribed by the President of the Board of Directors or his/her designee.
- ii. The President of the Board of Directors or his/her designee shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer(s) responsibility to go to LPPAWSC offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the President of the Board of Directors or his/her designee. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the Lake Palo Pinto Area Water Supply Corporation on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the Lake Palo Pinto Area Supply Corporation in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the President of the

Board of Directors or his/her designee shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify LPPAWSC of a reduction in the number of person in a household shall be fined not less than \$50.00. Residential water customers shall pay the following surcharges (surcharges shall be cumulative):

1. \$50.00 for the first 1,000 gallons over allocation.
2. \$75.00 for the second 1,000 gallons over allocation.
3. \$100.00 for the third 1,000 gallons over allocation.
4. \$25.00 for each additional 1,000 gallons over allocation.

b. Master-Metered Multi-Family Residential Customers

- i. The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer(s) meter serves two dwelling units unless the customer notifies LPPAWSC of a greater number on a form prescribed by the President of the Board of Directors of his/her designee. The President of the Board of Directors or his/her designee shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer(s) responsibility to go to LPPAWSC offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the President of the Board of Directors or his/her designee. If the number of dwelling units served by a master meter is reduced, the customer shall notify LPPAWSC in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the President of the Board of Directors or his/her designee shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify LPPAWSC of a reduction in the number of person in a household shall be fined not less than \$50.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges (surcharges shall be cumulative):

1. \$50.00, for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
2. \$25.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
3. \$25.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
4. \$25.00, thereafter for each additional 1,000 gallons over allocation.

c. Commercial Customers

- i. A monthly water usage allocation shall be established by the President of the Board of Directors or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer(s) allocation shall be approximately 75 percent of the customer(s) usage for corresponding month(s) billing period for the previous 12 months. If the customer(s) billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 75 percent of whose monthly usage is less than 10,000 gallons, shall be allocated 7,500 gallons.
- ii. The President of the Board of Directors or his/her designee shall give his/her best effort to see that notice of each non-residential customer(s) allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer(s) responsibility to contact LPPAWSC to determine the allocation. Upon request of the customer or at the initiative of the President of the Board of Directors or his/her designee, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer(s) normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential 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 President of the Board of Directors or his/her designee or alternatively, a special water allocation review committee. Nonresidential commercial customers shall pay the following surcharges:
  1. Customers whose allocation is 10,000 gallons through 20,000 gallons per month:
    - a. \$100.00 per thousand gallons for the first 1,000 gallons over allocation.
    - b. \$50.00 per thousand gallons for the second 1,000 gallons over allocation.
    - c. \$50.00 per thousand gallons for the third 1,000 gallons over allocation.
    - d. \$50.00 per thousand gallons for each additional 1,000 gallons over allocation.
    - e. Customers whose allocation is 20,000 gallons per month or more:
    - f. 2 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
    - g. 2.5 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
    - h. 3 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
    - i. 3.5 times the block rate for each 1,000 gallons more than 15 percent above allocation.

- j. The surcharges shall be cumulative. As used herein, block rate means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer(s) allocation.

d. Industrial Customers

- i. A monthly water usage allocation shall be established by the President of the Board of Directors, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer(s) allocation shall be approximately 90 percent of the customer(s) water usage baseline.
- ii. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer(s) allocation shall be further reduced to 85 percent of the customer(s) water usage baseline. The industrial customer(s) water usage baseline will be computed on the average water usage for the 12 month period ending prior to the date of implementation of Stage II of the Plan. If the industrial water customer(s) billing history is shorter than 12 months, 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. The LPPAWSC Manager shall give his/her best effort to see that notice of each industrial customer(s) allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer(s) responsibility to contact the Lake Palo Pinto Area Water Supply Corp. to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of LPPAWSC Manager the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer(s) normal water usage because the customer had shut down a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shut down or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce usage is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the ,designated due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$50, and any other costs incurred by the Lake Palo Pinto Area water supply Corp. in discontinuing service. In addition, suitable assurance must be given to LPPAWSC Manager 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 XI: Variances**

LPPAWSC Manager, or his/her designee, may, in writing, grant a temporary variance to the 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:

1. 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.
2. 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 LPPAWSC Manager within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Board of Directors of LPPAWSC, and 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 Resolution.
- 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.

## **Section XII: Severability**

It is hereby declared to be the intention of the Board of Directors of LPPAWSC 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 Board of Directors of LPPAWSC without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.