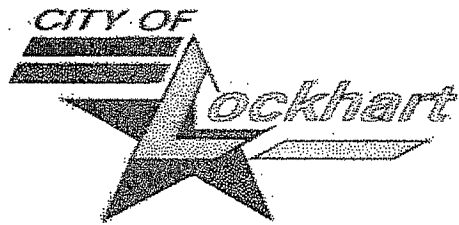


The City of Lockhart, Texas
Caldwell County

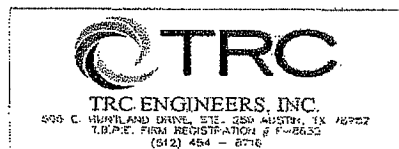


Drought Contingency Plan

The City of Lockhart, Texas
P.O. Box 239
Lockhart, TX 78644

April 2009

Prepared by:



EMERGENCY DEMAND MANAGEMENT PLAN

DROUGHT CONTINGENCY PLAN

City of Lockhart
Caldwell County, Texas

Revised April 27, 2009

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 City of Lockhart adopts and reserves in the future the right to amend with appropriate notifications the following Drought Contingency Plan .

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide comments on the Plan to the City by means of public notices at Council meetings, on public television and in local newspaper.

Section III: Wholesale Water Customer Education

The City of Lockhart will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing a copy of the Plan or periodically including information about the Plan with monthly billings.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the City of Lockhart is located within the South Central Texas Water Planning Group and the City of Lockhart has provided a copy of the Plan to the South Central Water Planning Group.

Section V: Authorization

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

Section VI: Application

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

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

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on rainfall, equipment failure, water well levels and system capacity and failures.

1. Stage I - Mild Water Shortage Conditions

Requirements for initiation - The City of Lockhart will recognize that a mild water shortage condition exists when total daily water demand equals or exceeds 2.20 million gallons for 3 consecutive days or 2.56 million gallons on a single day.

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 7 consecutive days. The City of Lockhart will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

2. Stage 2 - Moderate Water Shortage Conditions ~

Requirements for initiation - The City of Lockhart will recognize that a moderate water shortage condition exists when total daily water demand equals or exceeds 2.40 million gallons for 3 consecutive days or 3.20 million gallons on a single day.

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 7 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City of Lockhart will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

3. Stage 3 - Severe Water Shortage Conditions

Requirements for initiation – The City of Lockhart will recognize that a severe water shortage condition exists when total daily water demand equals or exceeds 2.56 million gallons for 3 consecutive days or 3.20 million gallons on a single day.

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

4. Stage 4 - Emergency Water Shortage Conditions

Requirements for initiation – The City of Lockhart will recognize that an emergency water shortage condition exists when (1) the average daily water demand equals or exceeds 3.20 million gallons per day for 3 consecutive days, (2) and/or when major water main breaks occur, major pump or system failures occur which cause unprecedented loss of capability to provide water service to customers.

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 7 consecutive days or when the repairs or failures that caused the emergency condition are corrected. The City of Lockhart will notify its' wholesale customers and the media of the termination of Stage 4.

Section VIII: Drought Response Stages

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

Stage 1- Mild Water Shortage Conditions

1. Goal: Achieve a voluntary 5 percent reduction in daily water demand.
2. Supply Management Measures: Reduce use of water in City cemetery, parks, public areas
3. Demand Management Measures: Equal to or exceeds 2.20 mgd water demand for three (3) consecutive days.

Drought Contingency Plan (Revised April 27, 2009)
City of Lockhart

(a) The City Manager or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use and implement Stage 1 of the customer's drought contingency plan; Under mild drought conditions, the citizens will be notified that a trigger condition has been reached and will be asked to reduce water use and to otherwise conserve water.

(b) The City Manager or his/her designee(s), will monitor water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and provide consumer information on water conservation measures and practices.

(c) The City Manager or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 2 - Moderate Water Shortage Conditions-Voluntary Restrictions

1. Goal: Achieve a 10 percent reduction in daily water demand.
2. Supply Management Measures: Reduce use of water in City cemetery, parks, public areas
3. Demand Management Measures: Equal to or exceeds 2.40 mgd water demand for three (3) consecutive days

(a) The City Manager or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

(b) The City Manager, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use and implement Stage 2 of the customer's drought contingency plan; Citizens will be asked to continue implementation of water conservation measures. In addition, the City will publicize a voluntary outside water schedule. The voluntary outside watering schedule will permit outside watering only between the hours of 8 p.m. and 8 a.m. on designated scheduled watering days. Attended hand held hoses, soaker hoses and use of containers for outside watering of plants, trees and grass will be allowed at any time or day.

(c) The City Manager, or his/her designee(s), will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section VI of the Plan.

(d) The City Manager or his/her designee(s), will monitor water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and provide consumer information on water conservation measures and practices.

Stage 3 - Severe Water Shortage Conditions- Mandatory Restrictions

1. Goal: Achieve a 30 percent reduction in daily water demand.
2. Supply Management Measures: Stop use of outside watering in cemetery, parks, public areas
3. Demand Management Measures: Equal to or exceeds 2.80 mgd water wells demand for three (3) consecutive days
 - (a) The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use and implement Stage 3 of the customer's drought contingency plan. Outside water use will not be permitted which includes car washing, window washing, and pavement washing except when a bucket is used. Washing of sidewalks, patios, driveways, parking lots or other paved surfaces will not be allowed except to eliminate immediate health or safety hazards. A mandatory outside watering schedule allowing watering from 8 pm and 8 am will be publicized. Attended hand held hoses, soaker hoses and use of containers for outside watering of plants, trees and grass will be allowed at any time or day.
 - (b) The City Manager, or his/her designee(s), will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section VII of the Plan.
 - (c) The City Manager or his/her designee(s), will monitor water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and provide consumer information on water conservation measures and practices.

Stage 4 - Emergency Water Shortage Conditions-Mandatory Measures

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

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification if the public to reduce water use until service is restored).
3. If appropriate, notify other city, 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 on the incident and critique of emergency response procedures and actions.

Section IX: ProRata Water Allocation

In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 - Severe Water Shortage Conditions have been met, the City Manager or his/her designee is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies and procedures:

(a) A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the City Council based on the City Manager's or his/her designee's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.

(b) A monthly water usage allocation shall be established by the City Manager, or his/her designee, for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the 99-01 period as shown in the following table. If the wholesale water customer's billing history is less than 5 years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

Example Calculation of Monthly Allocation for a Hypothetical Wholesale Water Customer

| | 1999 | 2000 | 2001 | | | SUM | AVE | ALLOCATION PERCENTAGE | MONTHLY ALLOCATION |
|-------|-------|-------|-------|--|--|-----|-------|-----------------------|--------------------|
| Jan | 45 | 20 | 8 | | | 73 | 24 | 75% | 18 |
| Feb | 37 | 14 | 5 | | | 56 | 19 | 75% | 14 |
| Mar | 72 | 16 | 1 | | | 89 | 30 | 75% | 22 |
| Apr | 52 | 13 | 7 | | | 72 | 24 | 75% | 18 |
| May | 29 | 16 | 1 | | | 46 | 15 | 75% | 11 |
| Jun | 31 | 10 | 1 | | | 42 | 14 | 75% | 10 |
| Jul | 23 | 27 | 20 | | | 70 | 23 | 75% | 17 |
| Aug | 41 | 23 | 25 | | | 89 | 30 | 75% | 22 |
| Sep | 71 | 44 | 40 | | | 155 | 52 | 75% | 39 |
| Oct | 61 | 26 | 25 | | | 112 | 37 | 75% | 28 |
| Nov | 98 | 0 | 1 | | | 99 | 33 | 75% | 25 |
| Dec | 17 | 4 | 5 | | | 26 | 9 | 75% | 7 |
| Total | 577.0 | 213.0 | 139.0 | | | | 309.0 | | |

*UNIT OF MEASURE: THOUSANDS OF GALLONS

(c) The City Manager or his/her designee shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Natural Resource Conservation Commission upon initiation of pro rata water allocation.

(d) Upon request of the customer or at the initiative of the City Manager or his/her designee the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the wholesale customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another wholesale customer; or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Council of the City of Lockhart.

Section X: Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers must comply or be subject to disconnection and shall pay the following surcharges on excess water diversions and/or deliveries based on historical data as described herein:

- (a) 1.5 times the normal water charge per 1,000 gallons of water diversions and/or deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.
- (b) 2 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
- (c) 3 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
- (d) 4 times the normal water charge per 1,000 gallons for water diversions and/or deliveries more than 15 percent above the monthly allocation.
- (e) The above surcharges shall be cumulative.

Section XI: Variances

The City 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:

- (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.

Drought Contingency Plan (Revised April 27, 2009)
City of Lockhart

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City Manager or his/her designee within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the City Council 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 Ordinance.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the City Council shall be subject to the following conditions, unless waived or modified by the City Council or the City Manager or designee:

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

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

Section XII: Goals for Water Reduction

The City of Lockhart intends to reduce the water consumption in the service area by 5% from 110 gpcd in 2009 to 105 gpcd by the year 2015 and by 10% to 99 gpcd by 2020.

Section XIII: Severability

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

This plan as adopted herein and as may be amended from time to time by the City Council shall be referenced as Attachment A in the Water Conservation and Emergency Demand Management Plan.