



**City of Early**

**960 Early Blvd.**

**Early, TX 76803**

**(325) 643-5451**

# **WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN**

**2019**

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## Introduction

### DEFINITIONS

Water Conservation Plan - A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water.

Drought Contingency Plan - A strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. A drought contingency plan may be a separate document identified as such or may be contained within another water management document(s).

### OBJECTIVE

The City of Early recognizes that the amount of water available to the City and its water utility customers may be limited and subject to depletion during periods of extended drought. Representing the best interests of the citizens of Early, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the ongoing conservation of water and the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

# WATER CONSERVATION & DROUGHT CONTINGENCY PLAN - 2019

## STATUTORY REQUIREMENTS

### WATER CONSERVATION PLAN

#### Texas Water Code, Sec. 15.106. APPROVAL OF APPLICATION.

Before the board grants the application or provides any financial assistance under an application, it shall require an applicant to adopt or to have already implemented a program of water conservation for the more efficient use of water that incorporates the practices, techniques, or technology prescribed by Subdivision (9)(B), Section 15.001, of this code and that the board determines will meet reasonably anticipated local needs and conditions. The program may include but is not limited to any or all of the following:

- (1) restrictions on discretionary water uses, such as lawn watering;
- (2) plumbing code standards for water conservation in new building construction;
- (3) retrofit programs to improve water-use efficiency in existing buildings;
- (4) educational programs;
- (5) universal metering;
- (6) conservation-oriented water rate structures;
- (7) drought contingency plans; and
- (8) distribution system leak detection and repair.

Beginning May 1, 2005, all water conservation plans required under this section must include specific, quantified 5-year and 10-year targets for water savings. The entity preparing the plan shall establish the targets. Targets must include goals for water loss programs and goals for municipal use in gallons per capita per day.

# WATER CONSERVATION & DROUGHT CONTINGENCY PLAN - 2019

## DROUGHT CONTINGENCY PLAN

Texas Water Code §11.1272. ADDITIONAL REQUIREMENT: DROUGHT CONTINGENCY PLANS FOR CERTAIN APPLICANTS AND WATER RIGHT HOLDERS.

The commission shall by rule require wholesale and retail public water suppliers and irrigation districts to develop drought contingency plans consistent with the appropriate approved regional water plan to be implemented during periods of water shortages and drought.



# WATER CONSERVATION PLAN



## WATER CONSERVATION & DROUGHT CONTINGENCY PLAN - 2019

### Utility Profile

CCN#: 11015

PWS#: 0250015

RWPG: Region F Planning Group

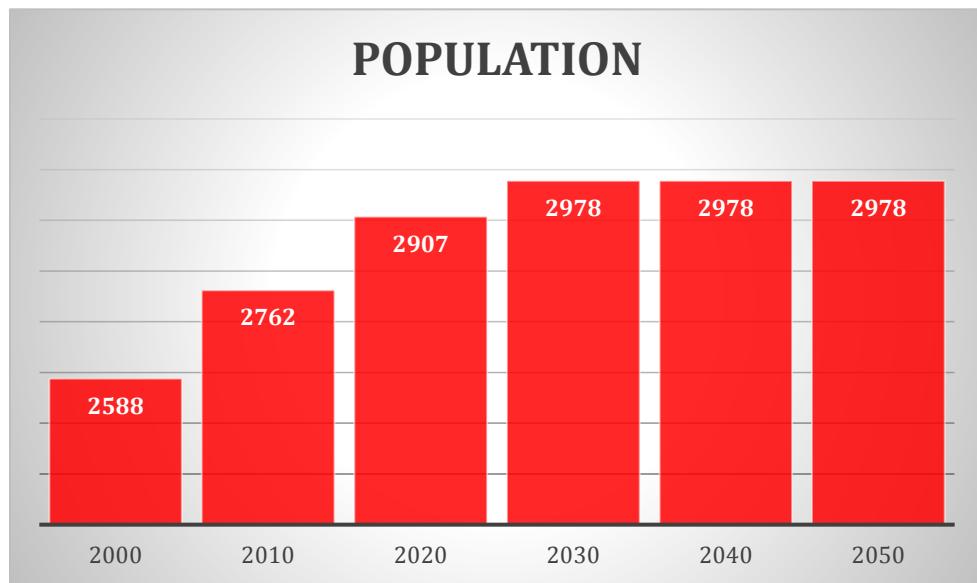
COUNTY: Brown

SERVICE AREA: 3.21 square miles

WATER SOURCE: Lake Brownwood

STORAGE CAPACITY: 500,000 gallons elevated, 1,500,000 ground

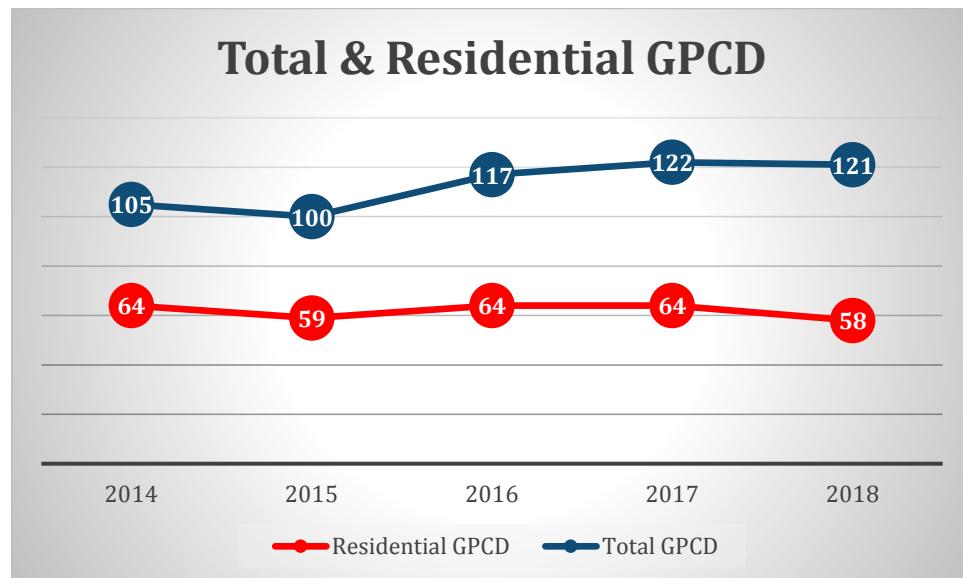
The Population of the City of Early is projected by the Region F Water Planning Group and the TWDB to grow to 2,978 people by 2030. The population projections are shown below.



# Water Conservation Goals

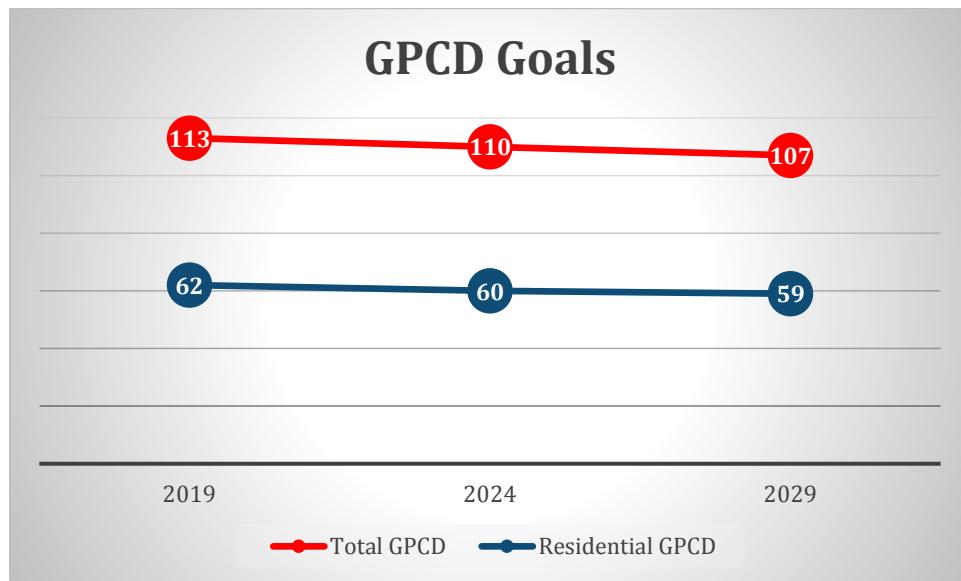
Per capita water use is generally expressed in gallons per customer per day (GPCD) and is the average amount of water used by each person in the population served by a water utility. Variable factors that can influence GPCD include the relative amount of non-residential water uses, the rate and type of growth, economics, climatic conditions, and demographics. Residential GPCD is a superior metric for understanding how much water each customer is actually using and does not include commercial, industrial, and institutional uses.

For the previous 5 years, the average number of gallons per person per day for the City of Early was 113 for Total GPCD and 62 for Residential GPCD. Single family use accounts for 93% of residential use in the City, however, the actual population in the single family and multi-family sectors is not known at this time. Historical per capita water use is shown below.



## WATER CONSERVATION & DROUGHT CONTINGENCY PLAN - 2019

The City of Early's 5 and 10-year Water Conservation Goals are based upon the Texas Water Conservation Implementation Task Force's recommendation of a reduction in per capita water use by 0.5% per year. Per capita usage goals are shown below.



For the previous 5 years, the average annual water loss for the City was 11%. The City's goals for water loss are to maintain less than 15% water loss for the next five and ten years.

## WATER CONSERVATION & DROUGHT CONTINGENCY PLAN - 2019

### Public Education (Conservation)

The City of Early conducts a program of ongoing public water conservation education that includes:

Periodic distribution of water conservation brochures

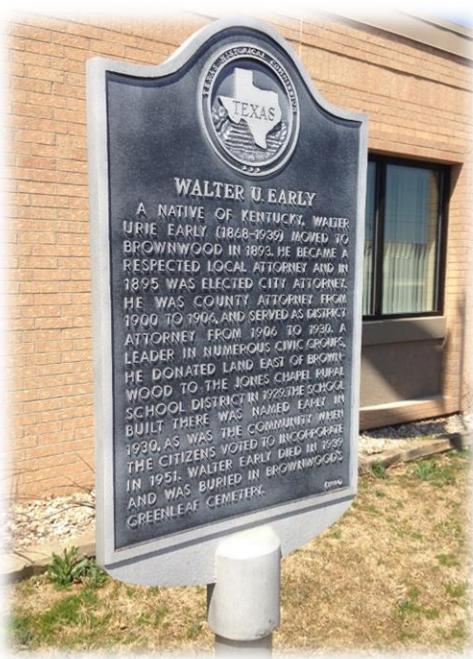
Availability of water conservation brochures and materials at the Public Library and other public places

Informational presentations by City staff to local organizations, schools, and civic groups

Information provided to local newspaper, television, and radio outlets

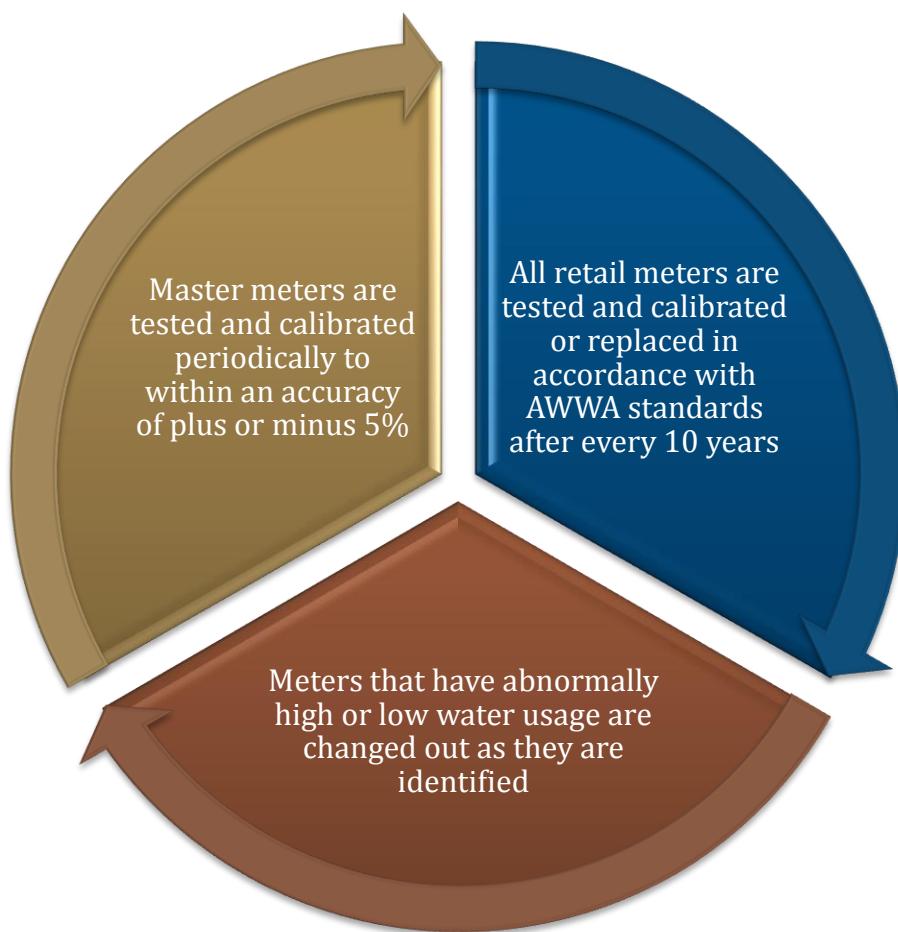
Water conservation information provided to applicants for new service

Water Conservation Plan and information posted on the City website: [www.earlytx.net](http://www.earlytx.net)



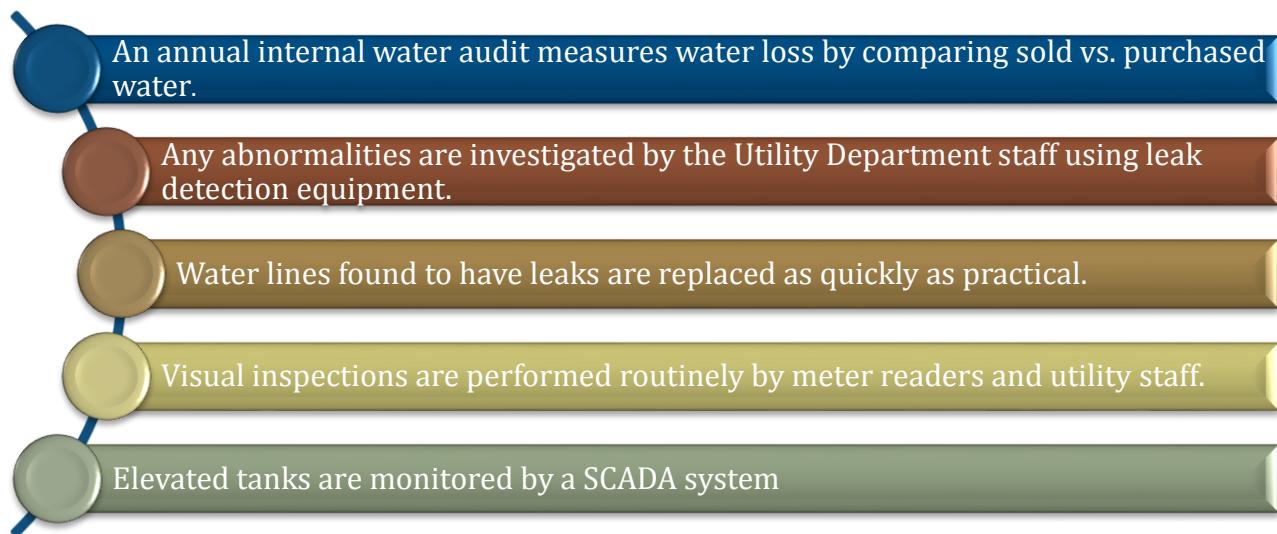
### Meters

The City of Early meters 100% of water use in residential, industrial, and commercial accounts. Meters are tested upon customer request. Per the City's meter testing, repair, and replacement program:



### Water Loss

The City of Early maintains an ongoing program of leak detection and repair. In 2018, water loss for the City was calculated to be 14%. Much of the water loss in recent years can be attributed to leaks caused by ground shifting and fire suppression, both associated with severe drought conditions. The long term goal is to maintain less than 15% water loss.



## Water Rates

The City's water rate structure is an inclining block rate that is cost based and does not encourage the excessive use of water.

## Plumbing Fixtures

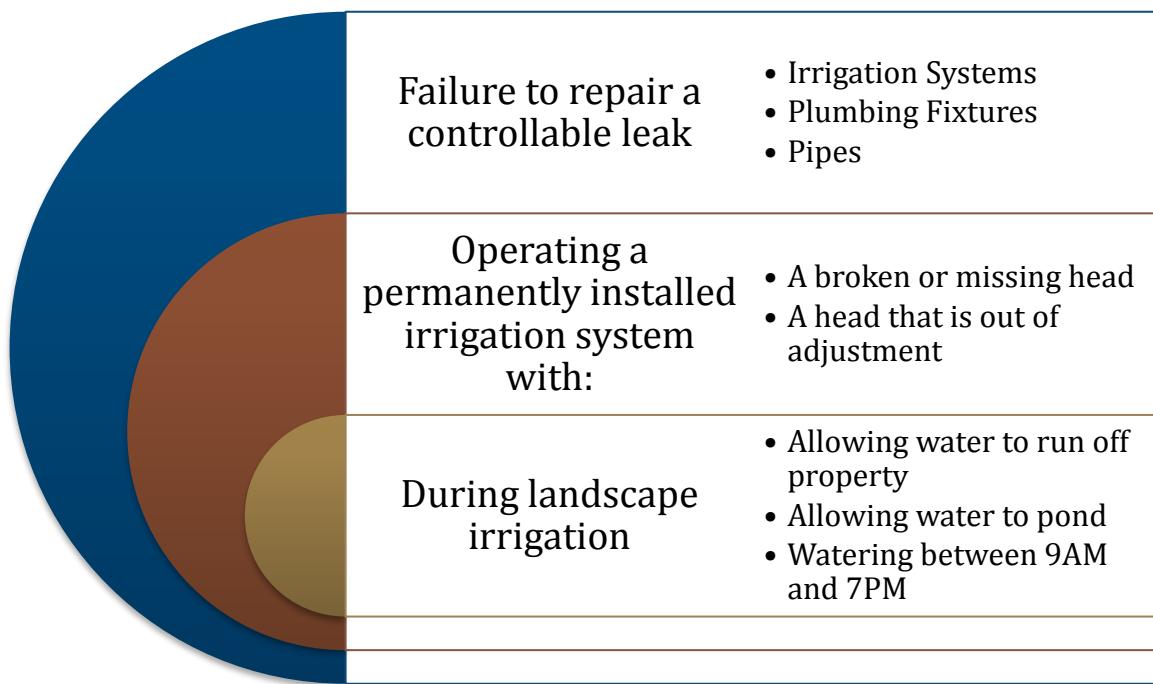
The State of Texas has recently adopted more stringent water saving performance measures for plumbing fixtures, found in the Health & Safety Code Chapter 372. The following maximum flow standards are subsequently listed in the Texas Administrative Code Title 30 Chapter 290 Subchapter G:



Customers in existing buildings that do not have water saving plumbing fixtures are encouraged to retrofit their old plumbing fixtures. New construction, including remodeling of existing structures, must comply with City and State plumbing fixture standards. There are a wide assortment of water efficient fixtures, clothes and dish washers that provide the same performance, but use less water. A water efficient home can save more than 20% of annual indoor water use.

# Water Waste

Water waste is prohibited during times when the Drought Contingency Plan is in effect. Water waste is defined as:



Each instance of a violation is a separate offense and a Class C misdemeanor that may be punishable by fines.

### Wholesale Contractual Water Conservation Requirement

The City of Early will include a requirement in every water supply contract entered into or renewed after official adoption of the water conservation plan, and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of this chapter. If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with applicable provisions of Title 30 Texas Administrative Code, Chapter 288.



# DROUGHT CONTINGENCY PLAN



# 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 City of Early hereby adopts the following regulations and restrictions on the delivery and consumption of water by City Ordinance.

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

# 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.

# Application

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

# Public Involvement

Opportunity for the public to provide input into the preparation and subsequent revisions of this Plan is provided by the City of Early by means of:

City Council meetings

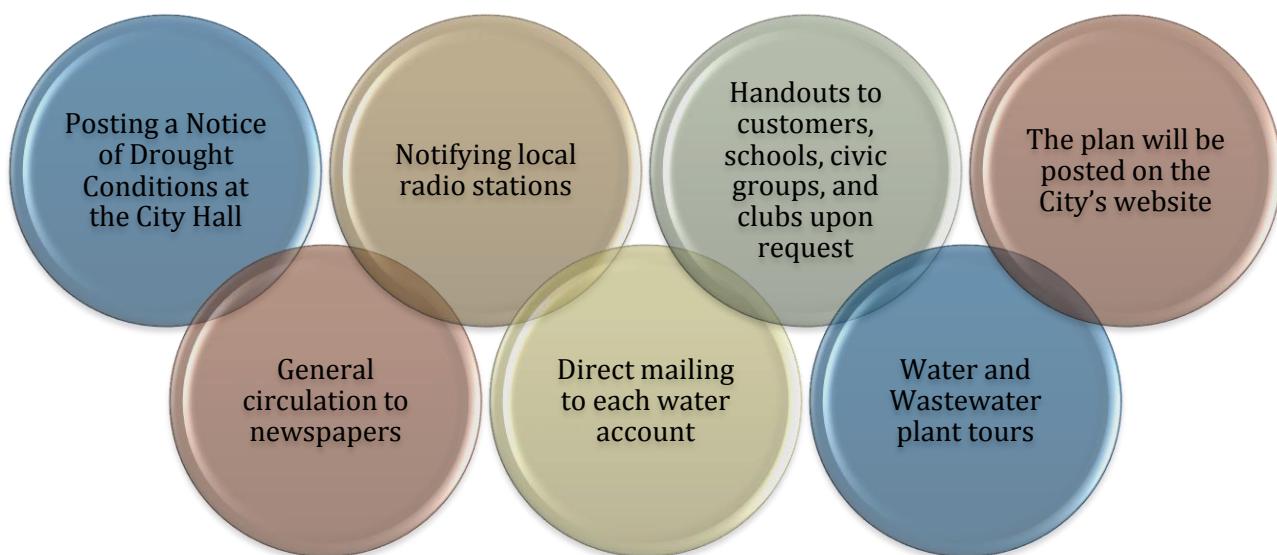
Direct mailing and email

Phone & Personal correspondence

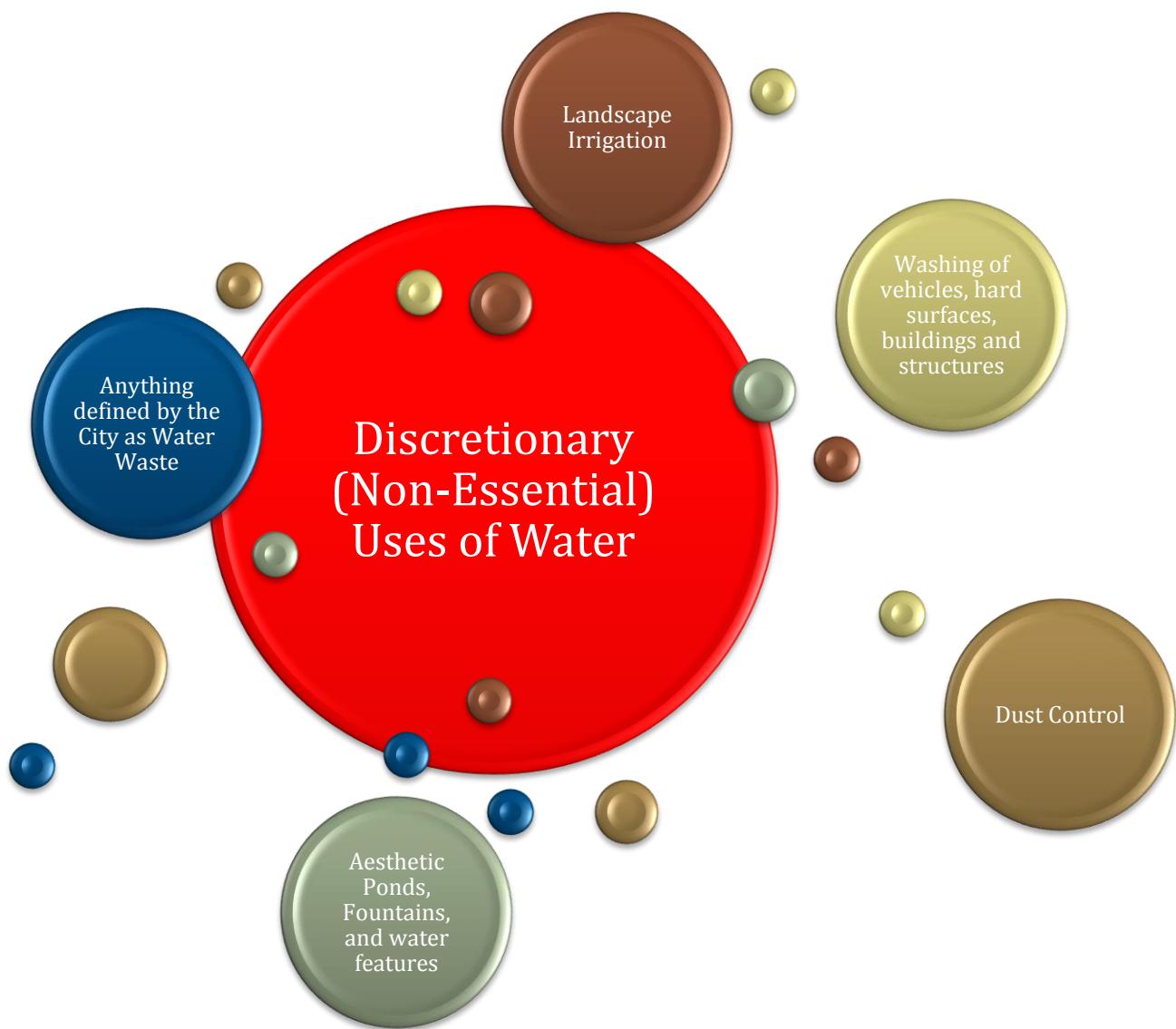
## WATER CONSERVATION & DROUGHT CONTINGENCY PLAN - 2019

### Public Education (Drought)

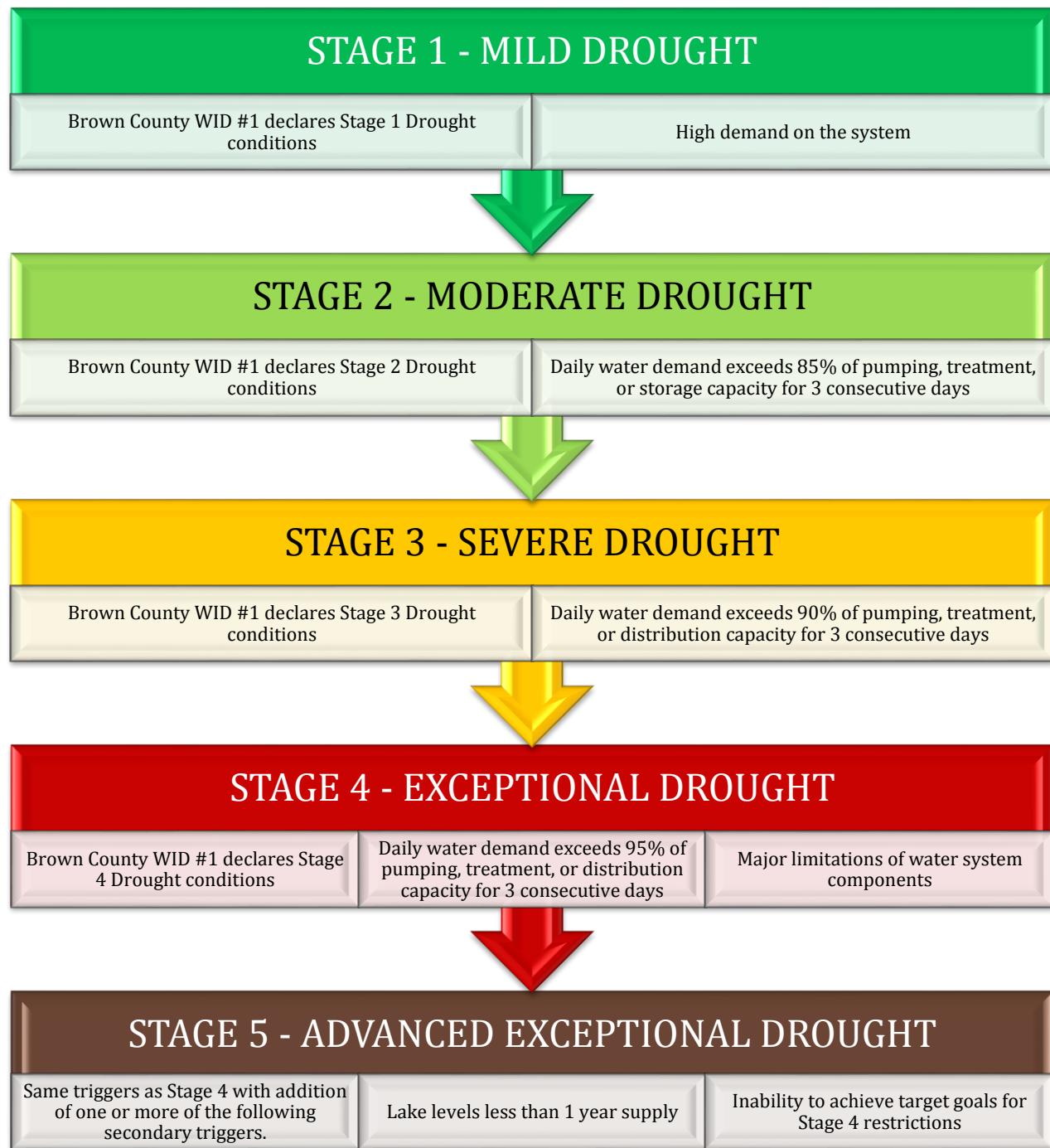
The City of Early will periodically provide the public with information about this Drought Contingency Plan, including information and/or notification about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. Water conservation tips and information will also be provided. This information will be provided by means of:



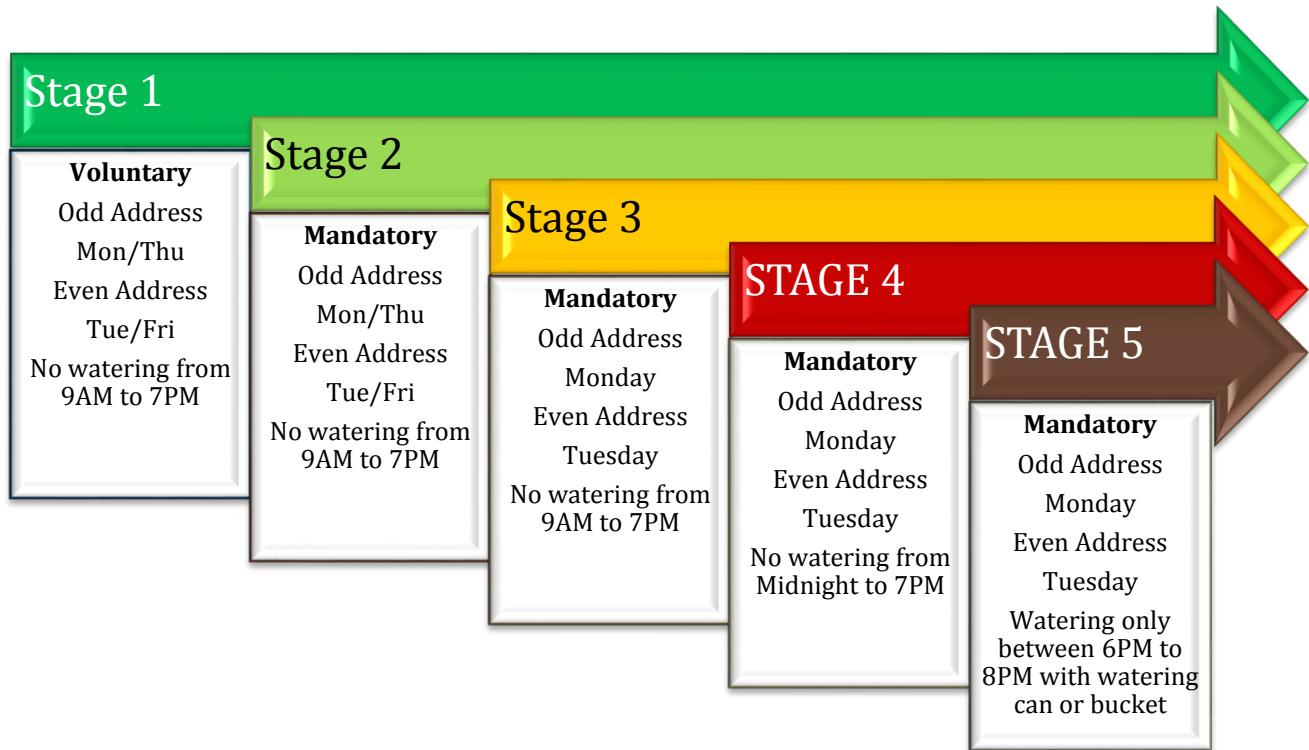
## Discretionary Uses of Water



## Drought Triggers



### Watering Schedule



The City of Early watering schedule applies to all residential, commercial, industrial, and institutional accounts including athletic fields. Due to game scheduling conflicts, athletic field managers may modify the approved watering days by submitting a request in writing to the City Manager or designee.

### Response Stages

The City Manager 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 this Plan, shall determine that a mild drought, moderate drought, severe drought, exceptional drought, advanced exceptional drought, or emergency condition exists. The City shall notify the public by the means of notification described in the Public Education section of this plan.

During times of high demand or distribution limitations, the City Manager or his/her designee may implement the appropriate Drought Response Stage.

#### DROUGHT STAGE 1 RESPONSE

Target: Achieve a 5% reduction in water use

Retail & Wholesale customers  
requested to follow Stage 1  
Watering Schedule

Formal Public Notice of  
Drought Stage 1

Initiate increased Public  
Information campaign

Notify TCEQ

## DROUGHT STAGE 2 RESPONSE

Target: Achieve a 15% reduction in water use

Retail & Wholesale customers required to follow Stage 2 Watering Schedule

Formal Public Notice of Drought Stage 2

Increase utility oversight of water-use restrictions and water waste

Notify TCEQ

## DROUGHT STAGE 3 RESPONSE

Target: Achieve a 30% reduction in water use

Retail & Wholesale customers required to follow Stage 3 Watering Schedule

Formal Public Notice of Drought Stage 3

Increase utility enforcement of water-use restrictions and water waste

Notify TCEQ

Parks and school landscapes limited to drip irrigation and hand-held hose for trees, shrubs, and planters

## DROUGHT STAGE 4 RESPONSE

Target: Achieve a 50% reduction in water use

Retail & Wholesale  
customers required to  
follow Stage 4 Watering  
Schedule

Watering only after  
7PM to Midnight on  
watering day

Formal Public Notice of  
Drought Stage 4

Notify TCEQ

## DROUGHT STAGE 5 RESPONSE

Target: 50% or greater reduction in water use

No irrigation system or  
hose-end watering

Watering with water can or  
bucket only between 6PM  
and 8PM on watering day

Formal Public Notice of  
Drought Stage 5

Notify TCEQ

## EMERGENCY RESPONSE

Target: Achieve necessary water use reduction

Contact County and State Emergency Management Coordinators

Notify TCEQ

In the event of an identified water shortage declaration, the City will distribute water to wholesale customers according to Texas Water Code, §11.039\* and initiate water allocation to municipal water customers.

In the event of a contamination event, appropriate emergency procedures will be implemented and appropriate emergency response officials will be notified immediately. In the event of a backflow incident, loss of pressure, or an Acute Maximum Contaminant Level coliform violation, a Boiled Water Notice will be implemented as prescribed in 30 TAC Chapter 290.

In the event of a catastrophic failure due to natural or man-made events, appropriate emergency procedures will be implemented and appropriate emergency response officials will be notified.

In the event of an emergency loss of water supply, the city will consider diversions from Lake Brownwood or purchases of water by the truckload or in bottles for the health and public safety of the City's residents.

\* **Texas Water Code, Sec. 11.039.**

## **DISTRIBUTION OF WATER DURING SHORTAGE.**

(a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

(b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board 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:

(1) The amount of water to which each customer may be entitled; or

(2) 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.

(c) Nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.

### Wholesale Contractual Drought Contingency Requirement

The City of Early currently has no wholesale customers. The City will include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.



# Variances

The City Manager 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:

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 Ordinance shall file a petition for variance with the City of Early within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by City Manager or his/her designee, and shall include the following:

1. Name and address of the 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 this Ordinance.
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.
8. Other pertinent information.

## Enforcement

1. No person or entity shall knowingly or intentionally allow the use of water from the City of Early for residential, commercial, institutional, industrial, agricultural, governmental, recreational, wholesale, 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 the City Manager or his/her designee, in accordance with provisions of this Plan;
2. A City of Early code enforcement officer, police officer, or other official designated by the City Manager or his/her designee, may issue a written Notice of Violation to a person or entity he/she reasonably believes to be in violation of this Plan. For subsequent violations following written notice:
  - a. The utility may issue a citation (Class C misdemeanor);
  - b. The utility may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24-hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed fifty dollars (\$50.00);
  - c. The utility may discontinue service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is LESS. The normal reconnect fee of the utility will apply for restoration of service;
3. Any water customer who violates this Plan is guilty of and may be charged with a misdemeanor and, upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or as amended in ordinance. 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 City Manager or his/her

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designee 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 \$50.00, and any other costs incurred by the City of Early in discontinuing service. In addition, suitable assurance must be documented with the City Manager or his/her designee 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;

4. Any water customer of the City of Early, 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.



### Coordination with Region F Planning Group

The service area of the City of Early is located within the Region F Water Planning Group and the City will provide a copy of this Plan to the Region F Planning Group at:

Colorado River Municipal Water District  
P.O. Box 869  
400 E. 24th Street  
Big Spring, TX 79720



## Ordinance

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE CITY OF EARLY, TEXAS, ADOPTING A WATER CONSERVATION & DROUGHT CONTINGENCY PLAN; ESTABLISHING DATA, INFORMATION, AND POLICY FOR WATER CONSERVATION PROGRAMS; CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Early, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, Section 15.106 of the Texas Water Code and applicable rules of the Texas Water Development Board require an applicant to adopt or to have already implemented a program of water conservation for the more efficient use of water that incorporates the practices, techniques, or technology prescribed by Subdivision (9)(B), Section 15.001, of this code and that the board determines will meet reasonably anticipated local needs and conditions. The program may include but is not limited to any or all of the following:

- (1) restrictions on discretionary water uses, such as lawn watering;
- (2) plumbing code standards for water conservation in new building construction;
- (3) retrofit programs to improve water-use efficiency in existing buildings;
- (4) educational programs;
- (5) universal metering;
- (6) conservation-oriented water rate structures;

# WATER CONSERVATION & DROUGHT CONTINGENCY PLAN - 2019

- (7) drought contingency plans; and
- (8) distribution system leak detection and repair.

Beginning May 1, 2005, all water conservation plans required under this section must include specific, quantified 5-year and 10-year targets for water savings. The entity preparing the plan shall establish the targets. Targets must include goals for water loss programs and goals for municipal use in gallons per capita per day;

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Early, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the ongoing conservation of water and the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EARLY, TEXAS:

## SECTION 1.

That the City of Early, Texas Water Conservation & Drought Contingency Plan 2014 attached hereto and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.

## SECTION 2.

That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

# WATER CONSERVATION & DROUGHT CONTINGENCY PLAN - 2019

## SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

## SECTION 4.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY OF EARLY, TEXAS, on the 3<sup>rd</sup> day of May, 2019.

APPROVED:



MAYOR

ATTESTED TO:



CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY