

**A RESOLUTION OF HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY
APPROVING DROUGHT CONTINGENCY PLAN**

WHEREAS, Headwaters Municipal Utility District of Hays County (the "District") is a conservation and reclamation district created and functioning under Article 16, Section 59 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code;

WHEREAS, 30 TAC §288.30(5) requires retail public waters suppliers to prepare, adopt and submit a drought contingency plan meeting the requirements of 30 TAC §288.20 to the Executive Administrator of the Texas Commission on Environmental Quality (TCEQ) by May 1, 2005, then by May 1, 2009 and every five years thereafter;

WHEREAS, pursuant to the foregoing requirements, the District previously adopted a Drought Contingency Plan and timely submitted such plan to TCEQ in accordance with the requirements of §288.30; and

WHEREAS, the Board of Directors of the District has reviewed and updated its Drought Contingency Plan; Now, Therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY THAT:

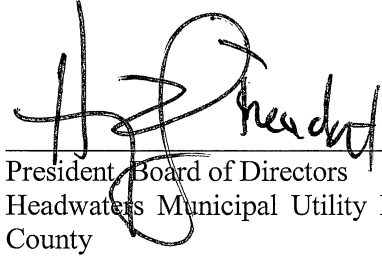
Section 1. The matters and facts stated in the preamble to this Resolution are hereby found to be true and correct and are incorporated as a part of this Resolution.

Section 2. The Board of Directors hereby adopts the updated Drought Contingency Plan in the form attached hereto.

Section 3. The District's Engineer is hereby authorized and directed to file the approved Drought Contingency Plan with TCEQ, the Region Planning Group and to any other group or entity with relevant jurisdiction.


Section 4. The District's Engineer is hereby authorized take all other actions deemed necessary or convenient to the implementation of this Resolution.

PASSED AND APPROVED this 18th day of April 2024.



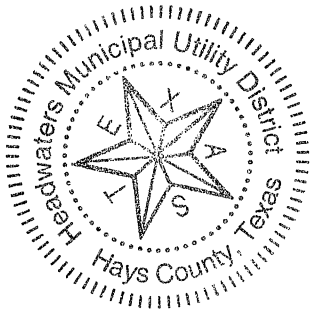
President, Board of Directors
Headwaters Municipal Utility District of Hays
County

ATTEST:



Secretary, Board of Directors
Headwaters Municipal Utility District of Hays County

(SEAL)



DROUGHT CONTINGENCY PLAN

for the

HEADWATERS MUNICIPAL UTILITY DISTRICT

April 2008
Amended October 2022
Amended April 2024

Prepared by:
Headwaters Municipal Utility District
and
Malone/Wheeler, Inc.
Texas Registered Engineering Company No. F-786
5113 Southwest Parkway, Suite 260
Austin, Texas 78735

TABLE OF CONTENTS

1.0 INTRODUCTION.....	1
1.1 Authorization and Implementation	1
1.2 Public Involvement	1
1.3 Application	1
1.4 Coordination with Regional Water Planning Groups	2
2.0 DEFINITIONS.....	2
3.0 DROUGHT CONTINGENCY PLAN	4
3.1 Permanent Water Use Restrictions	4
3.2 Drought Response Stages – Retail Customers.....	4
3.2.1 Stage 1 – Mild Water Shortage.....	5
3.2.2 Stage 2 – Moderate Water Shortage.....	8
3.2.3 Stage 3 – Severe Water Shortage	11
3.2.4 Stage 4 – Emergency Water Conditions	12
3.3 Drought Response Stages – Wholesale Customers.....	14
3.4 Conservation and Drought Contingency Plan Implementation.....	14
3.4.1 Public Notification.....	14
3.4.2 Enforcement for Retail Customers	14
3.4.3 Variances.....	16
3.4.4 Plan Updates	17
3.4.5 Drought Surcharge.....	17
3.4.6 Notification to LCRA and TCEQ.....	17
Appendix A – Adherence to TCEQ Chapter 288 Rules.....	18

1.0 INTRODUCTION

The Headwaters MUD has developed this Drought Contingency Plan (Plan) for its treated water utility systems to manage public water resources efficiently and to plan appropriate responses to emergency and drought conditions. This Plan fulfills requirements of the Texas Administrative Code (TAC), Title 30, §§ 288.20 regarding drought contingency planning for municipal water suppliers. Appendix A provides details on how the Drought Contingency Plan adheres to the TAC requirements for drought contingency plans. The Plan recognizes that conservation is a valuable tool in managing water and wastewater utility systems. Water conservation can extend available water supplies; reduce the risk of shortage during periods of extreme drought; reduce water and wastewater utility operating costs; improve the reliability and quality of water utility service; reduce customer costs for water service; reduce wastewater flows; improve the performance of wastewater treatment systems; enhance water quality and protect the environment.

1.1 Authorization and Implementation

The Headwaters MUD Board of Directors is authorized and directed to implement the applicable provisions of this Plan. The Headwaters MUD Board of Directors has the authority to initiate and terminate drought or other water supply emergency response measures as described in this Plan.

Further, the Headwaters MUD Board of Directors designates the General Manager to act as administrator of this Plan. The administrator will oversee the implementation of the program and will be responsible for ensuring that staff keeps adequate records for program verification. LCRA water conservation staff will assist with implementation of programs and projects described in this Plan.

1.2 Public Involvement

This Plan is based on the LCRA *2024 Drought Contingency Plan for Firm Water Customers* and the LCRA *2024 Drought Contingency Plan Rules for Water Sale Contracts*. All customers in the service area of the utilities were provided an opportunity for input through the LCRA and WTCPUA adoption processes. Any future revisions to this Drought Contingency Plan will be made through a process that includes the opportunity for public participation.

1.3 Application

This Plan applies to treated (potable) water utility systems owned and operated by the Headwaters MUD.

1.4 Coordination with Regional Water Planning Groups

The service area of the Headwaters MUD is located within the Lower Colorado Regional Water Planning Area and the Headwaters MUD will provide a copy of this Plan to LCRA, the Lower Colorado Regional Water Planning Group (Region K) and applicable governmental entities.

2.0 DEFINITIONS

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

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

Agriculture water use: water use for fruit and vegetable gardens.

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

Customer: any person, company, or organization using water supplied by Headwaters MUD.

Domestic water use: use of water by an individual or a household to support its domestic activity. Such use may include consumption, washing, or cooking; irrigation of lawns, family garden or orchard; consumption by animals; and recreation including fishing, swimming, and boating. If the water is diverted, it must be diverted solely through the efforts of the user. Domestic use does not include water used to support activities for which consideration is given or received or for which the product of the activity is sold.

Industrial water use: water used in commercial processes, including commercial fish and shellfish production and the development of power by means other than hydroelectric. This does not include agricultural use.

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.

Livestock water use: water used for the open-range watering of livestock, exotic livestock, game animals or fur-bearing animals. For purposes of this definition, the terms "livestock" and "exotic livestock" are to be used as defined in § 142.001 of the Agriculture Code, and the terms "game animals" and "furbearing animals" are to be used as defined in §63.001 and §71.001, respectively, of the Parks and Wildlife Code.

“New landscape” means:

- a. Installed during construction of a new house, multi-family building, or commercial building;
- b. Installed as part of a governmental entity’s capital improvement project; or
- c. Alters more than one-half of the area of an existing landscape.

Non-essential water use: water uses that are not essential or are not required for the protection of public health, safety and welfare, such as:

- a. Irrigating landscape areas, including parks, athletic fields, and golf courses, except for as otherwise provided under this Plan;
- b. Washing any motor vehicle, motorbike, boat trailer, airplane, or other vehicle;
- c. Washing any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d. Washing 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. Filling, refilling, or adding to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- g. Filling a fountain or pond for aesthetic or scenic purposes except when necessary to support aquatic life; and
- h. Failure to repair a controllable leak within a reasonable period after having been directed to do so by formal notice.

Use of water for agriculture or livestock is not included in the definition of “non-essential water use.”

Retail Water Customer: an individual or entity that purchases water from an LCRA water utility for its consumption.

Wholesale Treated Water Customer: an individual or entity that purchases raw water from LCRA to sell to the public for consumption.

3.0 DROUGHT CONTINGENCY PLAN

3.1 Permanent Water Use Restrictions

The following restrictions apply to all Headwaters MUD water utility systems on a year-round basis, regardless of water supply or water treatment plant production conditions.

According to the restrictions, a water user must not:

- (1) Fail to repair a controllable leak, including:
 - a. a broken sprinkler head,
 - b. a leaking valve,
 - c. leaking or broken pipes, or
 - d. a leaking faucet.
- (2) Operate an irrigation system:
 - a. with a broken head,
 - b. with a head that is out of adjustment and the arc of the spray head is over a street or parking area, or
 - c. with a head that is fogging or misting because of excessive water pressure.
 - d. between 10 a.m. and 7 p.m.
- (3) During irrigation, allow water:
 - a. to run off a property and form a stream of water in a street for a distance of 50 feet or greater, or
 - b. to pool in a street or parking lot to a depth greater than one-quarter of an inch.
- (4) Irrigate outdoors using an in-ground irrigation system or hose-end sprinkler more than twice per week or outside of scheduled days and times as indicated below:=

Residential

Addresses ending in 0,1,2,3: Monday and Thursday.

Addresses ending in 4,5,6: Tuesday and Friday

Addresses ending in 7,8,9: Wednesday and Saturday

Commercial (including large landscapes such as HOA common areas)

Tuesday- and Friday

Watering Hours:

Midnight to 10 a.m. and 7 p.m. to midnight

3.2 Drought Response Stages – Retail Customers

The Headwaters MUD General Manager shall monitor water supply and demand conditions and shall determine when conditions warrant initiation and termination of each stage of the Drought Contingency Plan. Water supply conditions will be determined by the availability of the source of supply for individual service areas, system capacity, and weather conditions. Demand will be measured by the peak daily demands on each system. Notification of the initiation or termination of drought

response stages shall be by a variety of methods, possibly including local media, direct mail to each customer, and signs posted at other public places.

Any or all of the measures described in this Plan may be implemented on an area basis that is appropriate to the triggering criteria.

All demand management measures under the four stages of this DCP are mandatory and subject to enforcement.

3.2.1 Stage 1 – Mild Water Shortage

Requirements for initiation — Affected customers shall be required to comply with the Stage 1 Drought Response Measures of this Plan when the following triggering criteria are met:

- a. When total daily water demand equals or exceeds
 - i. 80 percent of the total design capacity of the WTCPUA water treatment plant for three consecutive days; or
 - ii. 90 percent of the total design capacity of the WTCPUA water treatment plant for a single day;
- b. Source water contamination results in compromised capacity of the treatment and delivery systems; or
- c. Mechanical or electrical failure of a system component results in compromised treatment and/or delivery capacity; or
- d. the LCRA initiates Stage 1 of its DCP.

Requirements for termination — Stage 1 of the Plan may be rescinded when:

- a. When water treatment plant capacity condition listed above as a triggering event are predicted to cease for an extended period; or
- b. the source water contamination event or mechanical or electrical failure of a system component is resolved; or
- c. LCRA announces that curtailment of water supplies to firm water customers is no longer required under the drought contingency measures of the LCRA DCP.

Supply Management Measures:

The Headwaters MUD will:

- a. Apply water-use restrictions prescribed for Stage 1 of the Plan to Headwaters MUD facilities for which Stage 1 has been declared.

- b. Discontinue water main and line flushing unless necessary for public health reasons; and
- c. Keep customers informed about issues regarding current and projected water supply and demand conditions.

Demand Management Measures:

Water Supply Reduction Target: Achieve a 10% reduction in water use.

Under threat of penalty as described in Section 3.4, the following water-use restrictions shall apply to all retail water customers:

Irrigation of Landscaped Areas:

- a. Outdoor watering hours will be limited to between midnight and 10 a.m. and between 7 p.m. and midnight on designated days. This prohibition does not apply to irrigation of landscaped areas if it is by means of:
 - i. Hand-held hose; or
 - ii. Faucet-filled bucket or water can of five gallons or less
- c. New landscapes may be installed, and re-vegetation seeding performed under these specific criteria:
 - i. The mandatory twice weekly watering schedule is adhered to.
 - ii. If a deviation from the twice weekly schedule is required, that a completed variance form for new landscapes has been submitted to the Headwaters MUD and has been approved prior to the installation of the landscape, or re-vegetation seed application; and
 - iii. Irrigation of the new landscape, or application follows the schedule identified in the new landscape variance:
 - 1. once a day for the first 10 days after installation;
 - 2. once every other day before 10 a.m. and after 7 p.m. for days 11 through 20 after installation
 - 3. once every third day before 10 a.m. and after 7 p.m. for day 21 through 30 after installation.
 - iv. Alternatives to re-vegetation may be available in times of low water supply. Specific information regarding such alternatives is available in the LCRA Highland Lakes Watershed Ordinance Technical Manual (sec. 3.2.8).

- v. Variances for new landscapes and re-vegetation will be issued for the shortest period necessary to reasonably assure the landscapes survival. A variance is not an exemption from compliance with the permanent water use restrictions under *Permanent Water Restrictions* of this plan other than schedule. Variances will not be granted for seasonal “color bed” or temporary grass installation (over seeding).

Vehicle Washing:

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer, or airplane is prohibited except on designated watering days between the hours of midnight and 10 a.m. and between 7 p.m. and midnight. Such activity, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. A vehicle may be washed any time at a commercial car wash facility or commercial service station. Further, this activity is exempt from these regulations if the health, safety, and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

Events:

Events involving the use of water such as: car washes, festivals, parties, water slides, and other activities involving the use of water are permitted, if the water being used drains to a re-circulating device, or is used for a beneficial purpose such as watering landscaping to prevent water waste.

Restaurants:

All restaurants are encouraged to serve water to their patrons only upon request.

Recreational Areas (Includes Parks and Athletic Fields):

The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering must follow irrigation of landscaped areas schedule. A variance can be applied for if necessary.

Water Waste:

The following uses of water are prohibited at all times during periods in which restrictions have gone into effect unless a variance has been approved:

- a. Washing sidewalks, walkways, driveways, parking lots, street, tennis courts, and other impervious outdoor surfaces; except for immediate health and safety;
- b. Washing buildings, houses or structures with a pressure washer or garden hose is prohibited for aesthetic purposes but permitted for surface preparation of maintenance work to be performed;
- c. Controlling dust, unless there is a demonstrated need to do so for reasons of public health and safety, or as part of a construction plan approved by a governmental entity;
- d. Flushing gutters or allowing a substantial amount of water to run off a property and accumulate in a gutter, street, or parking lot to a depth greater than one-fourth of an inch.

3.2.2 Stage 2 – Moderate Water Shortage

Requirements for initiation – Customers shall be required to comply with Stage 2 Drought Response Measures of this Plan when moderate water shortage conditions exist. The Headwaters MUD will recognize that a moderate water shortage condition exists when any of the following criteria is met:

- a. When total daily water demand equals or exceeds:
 - i. 85 percent of the total design capacity of the WTCPUA water treatment plant for three consecutive days; or
 - ii. 95 percent of the total design capacity of the WTCPUA water treatment plant for a single day; or
 - iii. the total design capacity of the WTCPUA raw water transmission main for three consecutive days; or
- b. source water contamination results in compromised capacity of the treatment and delivery systems; or
- c. mechanical or electrical failure of a system component results in compromised treatment and/or delivery capacity; or
- d. target reduction for the Stage 1 demand management measures is not achieved; or
- e. the LCRA initiates Stage 2 of its DCP.

Requirements for termination — Stage 2 of the Plan may be rescinded when:

- a. The WTCPUA water treatment plant capacity condition listed above as a triggering event is predicted to cease for an extended period; or
- b. the source water contamination event or mechanical or electrical failure of a system component is resolved.

- c. LCRA announces that curtailment of water supplies to firm water customers is no longer required under drought contingency measures of the LCRA DCP.

Upon termination of Stage 2, Stage 1 becomes operative.

Supply Management Measures:

In addition to measures implemented in the preceding stages of the Plan, affected Headwaters MUD water utility systems will implement additional water control options to limit water to only critical use for protection of health and safety and maintenance of treatment quality.

Demand Management Measures:

Water Supply Reduction Target: Achieve a minimum 20% reduction in water use.

Under threat of penalty as described in Section 3.4, all retail customers are required to further reduce non-essential water uses as follows. All requirements of Stage 1 shall remain in effect during Stage 2, with the following modifications and additions:

Irrigation of Landscaped Areas:

Outdoor watering will be restricted to the following once-weekly schedule:

Addresses ending:	
Monday	1, 3
Tuesday	2, 4
Wednesday	5, 7
Thursday	6, 8
Friday	9, 0
Saturday	All commercial & HOAs

No irrigation with in-ground irrigation systems is allowed from November through February.

Outdoor watering hours will be limited to between 7 p.m. to 10 p.m. and 6 a.m. to 10 a.m. on designated days, as shown above. This prohibition does not apply to irrigation of landscaped areas if it is by means of:

- i. Hand-held hose; or
- ii. Faucet-filled bucket or water can of five gallons or less.

New landscapes may only be installed if they do not require a variance to the mandatory watering schedule. No variances will be approved.

Vehicle Washing:

Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited. A vehicle can be washed at any time at a commercial car wash facility or commercial service station. Further, this activity is exempt from these regulations if the health, safety, and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

Pools:

- a. Filling of all new and existing swimming pools, hot tubs, wading pools, is prohibited, unless application for variance is approved on a case by case basis. Replenishing to maintenance level is permitted. Draining is permitted only onto pervious surfaces or onto a surface where water will be transmitted directly to a pervious surface, and only if:
 - i. Draining excess water from pool due to rain in order to lower water to maintenance level;
 - ii. Repairing, maintaining or replacing pool components that have become hazardous; or
 - iii. Repair of a pool leak.
- b. Refilling of public/community swimming pools permitted only if pool has been drained for repairs, maintenance, or replacement as outlined in items above.

Outside Water Features:

Operation of outside water features, such as, but not limited to, fountains or outdoor misting systems, is prohibited, except where such features are designed and consistently maintained to sustain aquatic life or maintain water quality. The Headwaters MUD may require proof of such design and consistent maintenance.

Ponds:

Ponds used for aesthetic, amenity, and/or storm water purposes may maintain water levels only necessary to preserve the integrity of the liner and operating system. The Headwaters MUD may require proof of specific design documentation regarding a pond and the intended purpose.

Events:

Events involving the use of water such as: car washes, festivals; parties; water slides; and other activities involving the use of water are prohibited.

Recreational Areas (Includes Parks and Athletic Fields):

The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering is prohibited except with a hand-held hose.

3.2.3 Stage 3 – Severe Water Shortage

Requirements for initiation – Customers shall be required to comply with Stage 3 Drought Response Measures of this Plan when severe water shortage conditions exist. The Headwaters MUD will recognize that a severe water shortage condition exists when either of the following criteria is met:

- a. When total daily water demand equals or exceeds:
 - i. 90 percent of the total design capacity of the WTCPUA water treatment plant for three consecutive days; or
 - ii. 100% of the total design capacity of the WTCPUA water treatment plant for a single day; or
- b. source water contamination results in compromised capacity of the treatment and delivery systems; or
- c. mechanical or electrical failure of a system component results in compromised treatment and/or delivery capacity; or
- d. target reduction for the Stage 2 demand management measures is not achieved; or
- e. the LCRA initiates Stage 3 of its DCP.

Requirements for termination — Stage 3 of the Plan may be rescinded when:

- d. The WTCPUA water treatment plant capacity condition listed above as a triggering event is predicted to cease for an extended period; or
- e. LCRA announces that curtailment of water supplies to firm water customers is no longer required under drought contingency measures of the LCRA DCP.

Upon termination of Stage 3, Stage 2 becomes operative.

Supply Management Measures:

In addition to measures implemented in the preceding stages of the plan, affected Headwaters MUD water utility systems will implement additional water control options to limit water to only critical use for protection of health and safety and maintenance of treatment quality.

Demand Management Measures:

Water Supply Reduction Target: Achieve a minimum 30% reduction in water use.

Under threat of penalty for violation as described in Section 3.4, customers are required to eliminate non-essential water uses during an emergency. This includes, but is not limited to the following measures:

Irrigation of landscaped areas with hose-end sprinklers or in-ground irrigation systems shall be limited to four hours a day between the hours of 6 a.m. and 10 a.m. during the following once-weekly schedule:

Addresses ending:	
Monday	1, 3
Tuesday	2, 4
Wednesday	5, 7
Thursday	6, 8
Friday	9, 0
Saturday	All commercial & HOAs

No irrigation with in-ground irrigation systems is allowed from November through February.

Outdoor watering hours for hand watering will be limited to between 6 a.m. and 10 a.m. on the same designated days that apply to watering with hose-end sprinklers or irrigation systems. The allowed methods of hand watering landscaped areas are:

- i. Hand-held hose;
- ii. Faucet-filled bucket or water can of five gallons or less;
- iii. Soaker hose; or
- iv. Tree gator watering bags

New landscapes may only be installed if they do not require a variance to the mandatory watering schedule. No variances will be approved.

Fire Hydrants:

Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety and welfare. Use of water from designated fire hydrants for construction purposes may be allowed under special conditions and will require a meter; a variance application must be submitted and approved before a hydrant meter will be provided.

3.2.4 Stage 4 – Emergency Water Conditions

The Headwaters MUD General Manager or designee will notify affected retail customers, wholesale customers, and the media of the initiation and termination of Stage 4. Examples of a water emergency include, but are not limited to, the

following:

- a. Major water line breaks, loss of distribution pressure, or pump system failures that cause substantial loss in its ability to provide water service;
- b. Contamination of the water supply source; or
- c. Any other emergency water supply or demand conditions that the Headwaters MUD General Manager or designee, determines to constitute a water supply emergency more severe than that contemplated in the triggers contained in the LCRA Water Management Plan; or

Upon declaration of Stage 4—Emergency Water Conditions, water use restrictions outlined in Stage 4 Emergency Response Measures shall immediately apply and be in effect until lifted by the Headwaters MUD.

Emergency Measures

Water Supply Reduction Target: As determined by the Headwaters MUD Board of Directors.

Under threat of penalty for violation as described in Section 3.4, customers are required to eliminate non-essential water uses during an emergency. This includes, but is not limited to the following measures:

- a. Irrigation of any landscaped areas is prohibited.
- b. Irrigation of foundations, trees and vegetable gardens is allowed with hand-held hoses with a working on/off nozzle, bucket, drip irrigation or soaker hoses for 4 hours between the hours of 6 a.m. and 10 a.m. one day per week on designated days only.
- c. Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare only.
- d. No applications for new, additional, expanded, or larger water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.
- e. Additional measures may be added as needed.

3.3 Drought Response Stages – Wholesale Customers

As a wholesale treated water customer of the WTCPUA, the Headwaters MUD is required to develop and formally adopt this drought contingency plan for its own systems in accordance with Title 30 TAC §§288.20. The measures of this Plan must be at least as stringent as the drought response measures required by WTCPUA for its retail customers. Wholesale treated water customers must include in their wholesale water supply contracts the requirement that each successive wholesale customer develop and formally adopt a drought contingency plan.

3.4 Conservation and Drought Contingency Plan Implementation

3.4.1 Public Notification

The WTCPUA, as a wholesale provider to Headwaters MUD, will periodically provide information about the drought contingency components of this plan, including (1) the conditions under which each stage of the Plan is to be initiated or terminated, and (2) the drought response measures to be implemented at each stage. This information will be provided by various means depending on the audience, including articles in the local media and special materials mailed to customers and available on the WTCPUA web site.

3.4.2 Enforcement for Retail Customers

The following enforcement provisions shall apply to all Headwaters MUD water customers:

- a. No person shall knowingly or intentionally allow the use of water from a Headwaters MUD utility system for residential, commercial, industrial, agricultural, ornamental, 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.
- b. Except as otherwise provided in this Section 3.4.2, any person who violates this Plan shall be subject to the following surcharges and conditions of service:
 - i. Following the first documented violation, the violator shall be given a notice specifying the type of violation and the date and time it was observed.
 - ii. Following the second documented violation, the violator shall be sent by certified mail a notice of violation and shall be assessed a surcharge of \$200;
 - iii. Following the third documented violation, the violator shall be sent by certified mail a notice of violation and shall be assessed a surcharge of \$700;
 - iv. Following the fourth documented violation, the Headwaters

MUD Board of Directors or its 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 reconnection charge, hereby established at \$500, and any other costs incurred by a Headwaters MUD water utility system in discontinuing service, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of \$500 must be given to the Headwaters MUD Board of Directors or its designee, that the same action shall not be repeated while the Plan is in effect. The Headwaters MUD Board of Directors or its designee may apply the deposit to any surcharges or penalties subsequently assessed under this Plan against a customer. Any remaining amount of such deposit, if any, shall be returned to the customer at the time of the customer’s voluntary disconnection from the utility system.

- c. Compliance with this Plan also may be sought through injunctive relief in district court. Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation. Any person, including one classified as a water customer of the Headwaters MUD water utility system, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such person, however, shall have the right to show that he or she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, but any such parent may be excused if he proves that he had previously directed the child not to use the water in violation of this Plan and that there is no reasonable expectation that parent could have known about the violation. Table 3-1 shows the progressive steps of the drought response enforcement process for retail customers.

Table 3-1: Drought Response Retail Enforcement Process

Documented Violation	Response
First	Notice of violation issued Customer is notified of actions to be taken if violations continue
Second	Penalty – \$200
Third	Penalty – \$700
Fourth and on	Service Disconnection \$500 reconnection fee and \$500 deposit required

3.4.3 Variances

- a. The Headwaters MUD Board of Directors or its designee may grant in writing temporary variances for existing water uses otherwise prohibited under this Plan if it is determined that failure to do so would cause an emergency adversely affecting the public health, sanitation, or fire protection, and if one or more of the following conditions are met:
 - i. Compliance with this Plan cannot be accomplished during the duration of the time the Plan is in effect, or
 - ii. Alternative methods can be implemented that will achieve the same level of reduction in water use.

- b. Persons requesting a variance from the provisions of this Plan shall file a petition for variance with the Headwaters MUD water utility system Customer Service any time the Plan or a particular drought response stage is in effect. The Headwaters MUD General Manager, or designee, will review petitions for variances. The petitions shall include the following:
 - i. Name and address of the petitioner;
 - ii. Purpose of water use;
 - iii. Specific provision of the Plan from which the petitioner is requesting relief;
 - iv. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm the petitioner or others will sustain if petitioner complies with this Plan;
 - v. Description of the relief requested;
 - vi. Period of time for which the variance is sought;
 - vii. 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; and
 - viii. Other pertinent information.

- c. Variances shall be subject to the following conditions, unless waived or modified by the Headwaters MUD Board of Directors or its designee:
 - i. Variances granted shall include a timetable for compliance.
 - ii. Variances granted shall expire when the Plan, or its requirements, is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise excuse any violation occurring before the variance was issued.

3.4.4 Plan Updates

The Plan will be reviewed consistent with LCRA and TCEQ rules and updated based on developments in the Headwaters MUD water service area.

3.4.5 Drought Surcharge

In order to offset the impact of lost revenues resulting from extended periods of implementing drought contingency measures and/or due to implementation of LCRA raw water supply curtailments, the Board of Directors may assess a Drought Surcharge as authorized in the WTCPUA's Tariff, as may be amended from time to time.

3.4.6 Notification to LCRA and TCEQ

The Headwaters MUD shall notify the LCRA General Manager and the TCEQ Executive Director in writing within five (5) business days of the implementation of any mandatory provisions of this Drought Contingency Plan.

Appendix A – Adherence to TCEQ Chapter 288 Rules

As a municipal water supplier, the minimum requirements in the Texas Administrative Code for drought contingency plans for municipal uses by public water suppliers are covered in this Plan as follows:

- 288.20 (a)(1)(A) – Public Input – Section 1.2
- 288.20 (a)(1)(C) – Coordination with Regional Water Planning Group(s) – Section 1.4
- 288.20 (a)(1)(D) – Monitoring and Criteria for the Initiation and Termination of Drought
- Response Stages – Section 3.2
- 288.20 (a)(1)(E) – Emergency Response Stages – Section 3.3
- 288.20 (a)(1)(F) – Water Use Reduction Targets – Section 3.3
- 288.20 (a)(1)(G) – Water Supply or Water Demand Management Measures – Section 3.3
- 288.20 (a)(1)(H) – Procedures for the Initiation or Termination of Drought Stages and Public
- Notification – Section 3.2,3.3,3.4.1
- 288.20 (a)(1)(I) – Variances Procedures – Section 3.4.4
- 288.20 (a)(1)(J) – Enforcement of Mandatory Water Use Restrictions – Section 3.4.2, 3.4.3