



DROUGHT CONTINGENCY PLAN

Retail Public Water Supplier



APRIL 9, 2024

BROOKSMITH SPECIAL UTILITY DISTRICT
PO Box 27, Brownwood, TX 76804

DROUGHT CONTINGENCY PLAN
For a Retail Public Water Supplier

Name: Brookesmith Special Utility District

Address: 1100 County Road 554, Brownwood, TX 76801

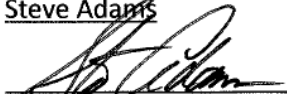
Telephone Number: (325)646-5731 Fax: (325)643-6108

Water Rights No. (s) Contracted thru Brown County Water Improvement District #1
Permit # 2454

Regional Water Planning Group: E

Form Completed by: Kaci Edgar
Title: Office Manager

Person Responsible
for implementation: Steve Adams Phone: (325)646-5731

Signature:  Date: 4-9-24

Section I: 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 Brookesmith SUD hereby adopts the following regulations and restrictions on the delivery and consumption of water.

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

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the Brookesmith SUD by means of providing public notice of public meeting to accept input on the Plan. Brookesmith SUD holds monthly meetings with an open forum where any and all comments or suggestions can be heard. Meeting agendas are posted regularly at BSUD office and on the BSUD website at www.brookesmithwater.com

Section III: Public Education

The Brookesmith SUD 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. Drought information will be provided by: utility bill inserts and on the Districts website at www.brookesmithwater.com.

Section IV: Coordination with Regional Water Planning Groups

The service area of the Brookesmith SUD is located within Region F of the Regional Water Planning Group, which is located in the Edwards Plateau. Brookesmith SUD has mailed a copy of this Plan to the RWPG Region F.

Section V: Authorization

The General 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 General 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 persons, customers, and property utilizing water provided by Brookesmith SUD. 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 the 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 of 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 organized using water supplied by Brookesmith SUD.

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 address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

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 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 motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) Use of water to wash down 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 protections;
- (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 fire-fighting.

Odd numbered addresses: street addresses, box numbers, or rural route numbers ending in 1, 3, 5, 7, or 9.

Section VIII. Criteria for Initiation and Termination of Drought Response Stages

The General 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, that is when the specified “triggers” are reached.

The triggering criteria described below are based on: known system capacity limits.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII Definitions, when pursuant to requirements specified in the Brookesmith SUD wholesale water purchase contract with Brown County WID, notifications is received requesting initiation of Stage 1 of the Drought Contingency Plan.

When daily water demand total equals or exceeds 85% (3.4 million gallons) for 3 consecutive days or 4 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 3 consecutive days.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of the Plan – Drought Response Stages

When pursuant to requirements specified in the Brookesmith SUD wholesale water purchase contract with Brown County WID, notifications is received requesting initiation of Stage 2 of the Drought Contingency Plan.

When daily water demand total equals or exceeds 90% (3.6 million gallons) for 3 consecutive days or 4 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 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operational.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of the Plan – Drought Response Stages

When pursuant to requirements specified in the Brookesmith SUD wholesale water purchase contract with Brown County WID, notification is received requesting initiation of Stage 3 of the Drought Contingency Plan.

When imminent or actual failure of a major component of the system which would cause an immediate health or safety hazard.

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 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operational.

Section IX: Drought Response Stages

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

Notification

Notification to the Public:

The General Manager or his/her designee shall notify the public by means of:

- Publication in a newspaper of general circulation
- Public Service Announcements
- Social Media

Additional Notification:

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

- Utility Board
- TCEQ (required when mandatory restrictions are imposed)
- Major water users
- Critical water users, i.e. hospitals

Note: The Plan should specify direct notice only as appropriate to respective drought stages.

Stage 1 Responses – MILD Water Shortage Conditions

Target: Achieve a voluntary 5 percent reduction in water use.

Best Management Practices for Supply Management:

Brookesmith SUD to manage limited water supplies and/or reduce water demand may reduce or discontinue the flushing of water mains.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Tuesdays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and Mondays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of 6 a.m. to 10 a.m. and 8 p.m. to midnight on designated watering days.
- (b) All operations of Brookesmith SUD shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Responses – MODERATE Water Shortage Conditions

Target: Achieve a 15 percent reduction in water use.

Best Management Practices for Supply Management:

Brookesmith SUD to manage limited water supplies and/or reduce water demand may reduce or discontinue the flushing of water mains, reduce or discontinue the irrigation of public landscaped areas.

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

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Tuesdays and Thursdays for customers with a house numbers ending in an even number (0, 2, 4, 6 or 8) and Mondays and Wednesdays for water customers with a house numbers ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes areas is further limited to the hours of 6 a.m. to 10 a.m. and 8 p.m. to 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 drop irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited excepts on designated watering days between the hours of 6 a.m. and 10 a.m. and between 8 p.m. and 12 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 pool, wading pools or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 6 a.m. and 10 a.m. and between 8 p.m. and 12 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except when necessary to support aquatic life or where such fountain or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to fire-fighting, 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 Brookesmith SUD.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways, is prohibited except on designated water days between the hours of 6 a.m. and 10 a.m. and between 9 p.m. and 12 midnight. However, if the golf course utilizes a water source other than that provided by Brookesmith SUD, the facility shall not be subject to these regulations.
- (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:
 - 1. Use of water to wash down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3. Use of water for dust control;
 - 4. Flushing gutters or permitting water to run or accumulate in any gutter or street and;
 - 5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Responses – SEVERE Water Shortage Conditions

Target: Achieve a **30 percent reduction in water use.**

Best Management practices for Supply Management:

Brookesmith SUD to manage limited water supplies and/or reduce water demand may reduce or discontinue the flushing of water mains.

Water Use Restrictions for Demand Reduction:

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

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6 a.m. and 10 a.m. and between 8 p.m. and 12 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 water of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by Brookesmith SUD.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

- (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 station 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 a.m. and 10 a.m. and between 6 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 when necessary to support aquatic life or where such fountain 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.
- (h) Water Allocation plan may be implemented in the event that water shortage conditions threaten public health, safety, and welfare, the General Manager is hereby authorized to allocate water according to the following plan.

Residential water customers shall pay the following surcharges:

0-10,000 gallons – no surcharge
10,000-20,000 gallons – Base Rate + \$2.00 per 1,000 gallons
20,000-30,000 gallons – Base Rate + \$5.00 per 1,000 gallons
30,000-40,000 gallons – Base Rate + \$10.00 per 1,000 gallons
Over 40,000 gallons – Base Rate + \$20.00 per 1,000 gallons

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the General Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes.

Industrial Customers

A monthly water allocation shall be established by the General Manager, 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. 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 baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 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 General 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 Brookesmith SUD 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 the General Manager, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water use 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 water use 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 allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Board of Directors.

Stage 4 Response – CRITICAL Water Shortage Conditions

Target: Achieve a 50 percent reduction in water use.

Best Management practices for Supply Management:

Brookesmith SUD to manage limited water supplies and/or reduce water demand when system water loss control, supply contamination, failure of major component of the system which would cause health or safety hazard, use of an alternative supply source(s) or use of reclaimed water for non-potable purposes.

Water Use Restrictions for Demand Reduction:

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

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6 a.m. and 10 a.m. and between 8 p.m. and 12 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.
- (b) 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 station 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 am and 10 am and between 6 pm and 10 pm.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except when necessary to support aquatic life or where such fountain or ponds are equipped with a recirculation system.
- (e) No application for new, additional, expanded, or increased –in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from Brookesmith SUD 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 the General Manager, or his/her designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than fifty dollars (\$50) and not more than one hundred dollars (\$100). Each day that one or more 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 General Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Service discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$500.00, and any other costs incurred by Brookesmith SUD in discontinuing service. In addition, suitable assurance must be given to the General Manager that the same actions 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.
- (c) Any person, including a person classified as a water customer of Brookesmith SUD, 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 reputable 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 reputable 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.
- (d) Any employee of Brookesmith SUD, Sheriff's deputy, or other Brown County WID employee designated by the General Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offence charged, and shall direct him/her to appear in the county court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to any agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in County Court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in county court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant.

Section XI: Variances

The General 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:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provision of this Ordinance shall file a petition for variances with Brookesmith SUD within 5 days after the Plan or a particular drought response stage has been revoked. All petition for variances shall be reviewed by the General Manager, or his/her designee, and shall include the following:

- (a) Name and address of petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provisions of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

**RESOLUTION FOR ADOPTION OF A
DROUGHT CONTINGENCY PLAN**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BROOKESMITH
SPECIAL UTILITY DISTRICT ADOPTING A DROUGHT CONTINGENCY
PLAN.

WHEREAS, the Board recognizes that the amount of water available to the Brown County WID #1 and its water utility customers are limited and subject to depletion during periods of extended drought;

WHEREAS, the Board 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 customers of the Brookesmith Special Utility District, the Board deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BROOKESMITH SPECIAL UTILITY DISTRICT

SECTION 1. That the Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the Brookesmith Special Utility District.

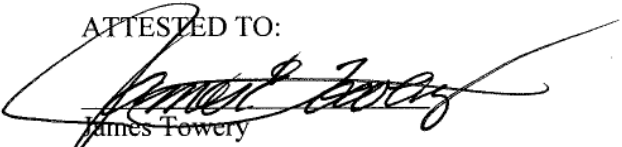
SECTION 2. That Steve Adams, General Manager is hereby directed to implement, administer, and enforce the Drought Contingency Plan.

SECTION 3. That this resolution shall take effect immediately upon its passage.

DULY PASSED BY THE BOARD OF DIRECTORS OF THE BROOKESMITH SPECIAL UTILITY DISTRICT, ON THIS 9 day of April, 2024.


Mike Stephens
President, Board of Directors

ATTESTED TO:


James Fowery
Secretary, Board of Directors