

# **Drought Contingency Plan**

## **Diamond Head Water Supply Corporation**

### **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 to minimize the adverse impacts of water supply shortages or other emergency water supply conditions, Diamond Head Water Supply Corporation (Diamond Head WSC) hereby adopts the following regulations and restrictions on the delivery and consumption of water, effective this 11th day of November, 2024.

Water use regulated or prohibited under this Drought Contingency Plan (the “Plan”) is considered to be non-essential. Continuation of such use during times of water shortage or other emergency water supply conditions is deemed to constitute a waste of water, which subjects the offender(s) to penalties as defined in Plan Section X.

### **Section II: Public Involvement**

The opportunity for the public to provide input into the preparation of the Plan was provided by Diamond Head WSC through several channels, including presenting the Plan at the monthly Board of Directors meeting for retail customers, email communications, and posting the Plan on the Diamond Head WSC website.

### **Section III: Public Education**

Diamond Head WSC will periodically provide or make available information about the Plan to the public, including details about the conditions under which each stage of the Plan is to be initiated or terminated, and the drought response measures to be implemented in each stage. This information will be disseminated through email communications to residents, postings on electronic entrance signage, Diamond Head WSC website, and at Board of Directors meetings.

### **Section IV: Coordination with Regional Water Planning Groups**

The service area of Diamond Head WSC is located within the Houston Regional H Water Planning Group. Diamond Head WSC will provide a copy of this Plan to the regional water planning group within ten (10) days following its adoption. Further, to the extent required by Texas Administrative Code (TAC) Title 30, Chapter 288.30, Diamond Head WSC shall submit this Plan to, or make it available for inspection by, the executive director of Texas Commission on Environmental Quality (Commission) within ninety (90) days of its adoption, or sooner if required by Title 30 TAC Chapter 288.30. Diamond Head WSC shall notify the executive director of the Commission within five (5) days of the implementation of any stage of this Plan which requires a mandatory response from Diamond Head WSC customers or the implementation of any stage of Plan Section X.

## **Section V: Authorization**

Diamond Head WSC “Operator” 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 Diamond Head WSC and the “Operator” 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 properties utilizing water provided by Diamond Head WSC. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

## **Section VII: Definitions**

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

Aesthetic water use: Water use for ornamental, decorative, or recreational purposes such as fountains, reflecting pools, swimming pools, hot tubs and water gardens.

Average Run Time: The average run for Diamond Head WSC Wells over a 24-hour period.

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

Commission: The Texas Commission on Environmental Quality.

Customer: Any person, company, or organization using water supplied by Diamond Head WSC.

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.

Even number address: Street addresses or box numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Odd numbered address: Street addresses or box numbers ending in 1, 3, 5, 7, or 9.

Foundation watering: An application of water to the soils directly abutting (within 2 feet) the foundation of a building or structure.

Household: Residential premises served by Diamond Head WSC water meter.

Landscape irrigation use: Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential lawns, gardens and community common areas.

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, except otherwise provided under this Plan;
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle;
- c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, other hard-surfaced areas;
- d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s);
- i) Use of water from fire hydrants for construction purposes or any other purposes other than firefighting.

Person: shall include individuals, corporations, partnerships, associations, and all legal entities.

Operator: Shall mean Hays Utility North

Retail Water Customer: shall mean any person using water supplied by Diamond Head WSC.

Tariff Rate Order: Diamond Head WSC Tariff Rate Order as adopted and amended by the Diamond Head WSC Board of Directors from time to time.

### **Section VIII: Criteria for Initiation and Termination of Drought Response Stages**

The Diamond Head WSC “Operator” shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant the initiation or termination of each stage of this Plan, as set forth below. Public notification of the initiation or termination of drought response stages shall be by means of either posting signs in places within Diamond Head on Lake Conroe and Regency Point, direct email communications, billing statements, Diamond Head WSC website or any other method that Diamond Head WSC deems appropriate under the existing circumstances.

Trigger levels are based on a statistical analysis of the vulnerability of the water source under drought-of-record conditions or based on known system capacity limits.

#### **A. Stage 1 Trigger – Moderate Water Shortage Conditions.**

1. Requirements for initiation – Diamond Head WSC “Operator” will recognize that moderate water shortage conditions exist when the Average Run Time on Diamond Head WSC Well (s) is at or above ninety (90) percent for three (3) consecutive days.
2. Requirements for Termination – Stage 1 of this Plan may be rescinded when the condition listed as triggering event has ceased to exist for a period of seven (7) consecutive days. Diamond Head WSC will notify its customers of the termination of Stage 1 in any of the

manner as authorized for the notification of initiation of Stage 1 of this Plan. Upon termination of Stage 1, Diamond Head WSC operations shall return to normal.

**B. Stage 2 Trigger – Severe Water Shortage Conditions.**

1. Requirements for initiation – Diamond Head WSC “Operator” will recognize that severe water shortage conditions exist when the Average Run Time on Diamond Head WSC Well (s) is at or above eighty (80) percent for three (3) consecutive days.
2. Requirements for Termination – Stage 2 of this Plan may be rescinded when the condition listed as triggering event has ceased to exist for a period of seven (7) consecutive days. Diamond Head WSC will notify its customers of the termination of Stage 2 in any of the of the same manner as authorized for the notification of initiation of Stage 2 of this Plan. Upon termination of Stage 2, Stage 1 becomes operative, if the condition listed as the triggering event exists for such a stage.

**C. Stage 3 Trigger – Critical/Emergency Water Shortage Conditions.**

1. Requirements for initiation – Diamond Head WSC “Operator” will recognize that critical/emergency water shortage conditions exists when the Average Run Time on Diamond Head WSC Well (s) is at or above seventy (70) percent for three (3) consecutive days or when any of the Diamond Head WSC water supply is unable to meet the supply demand.
2. Requirements for Termination – Stage 3 of this Plan may be rescinded when all of the condition listed as triggering event has ceased to exist for a period of seven (7) consecutive days, provided, however, if the triggering event was attributable to Diamond Head WSC water supply facility not meeting the water supply demand due to major water line break, pump failure, well failure, power failure or other water plant failure, Stage 3 of this Plan shall be rescinded upon the completion of the required facility repairs and/or restoration of power. Diamond Head WSC will notify its customers of the termination of Stage 3 in any of the same manners as authorized for termination of the initiation of Stage 3. Upon termination of Stage 3, Stage 2 or Stage 1, as applicable, becomes operative if conditions listed as the triggering event exist for any such stage.

**D. Additional Triggering Events.**

Further, to the extent that at least Stage 1 of this Plan is not otherwise triggered, the appropriate stage, as determined by the Diamond Head WSC “Operator”, shall be triggered upon the Diamond Head WSC receiving notice from the county in which Diamond Head WSC is located, in accordance with Texas Water Code Section 16.055 (G) (2) (B), as amended, that a state of disaster in such county has been declared.

**Section IX: Drought Response Stages**

The Diamond Head WSC “Operator”, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, determine that a moderate, severe, critical/emergency, or water shortage condition exists and shall implement the following notification procedures:

## Stage 1 Response – Moderate Water Shortage Conditions

**Target: Achieve a voluntary 10 percent reduction in daily water usage.**

### Best Management Practices for Supply Management:

Diamond Head WSC “Operator” shall undertake any action which is deemed necessary, including reducing system water pressure to 54 PSI.

### Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays 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 midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

## Stage 2 Response – Severe Water Shortage Conditions

**Target: Achieve a 20 percent reduction in total water use.**

### Best Management Practices for Supply Management:

Diamond Head WSC “Operator” shall undertake any action which is deemed necessary, including reducing system water pressure to 48 PSI.

### Water Use Restrictions for Demand Reduction:

Under threat of penalty for violation, 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 Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises.

- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the Diamond Head WSC.
- (f) The following uses of water are defined as non-essential and are prohibited:
  1. wash down of any sidewalks, walkways, driveways, parking lots, 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 Response – Critical/Emergency Water Shortage Conditions**

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

**Best Management Practices for Supply Management:**

Diamond Head WSC “Operator” shall undertake any action which is deemed necessary, including reducing system water pressure to 42 PSI.

**Water Use Restrictions for Demand Reduction:**

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

- (a) Irrigation of landscaped areas is absolutely prohibited, except soaker hoses, hand-held hoses or a dedicated zone using a drip irrigation system may be used to water trees up to two hours per week or foundations as necessary, provided no runoff occurs.
- (b) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (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 where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Foundation Watering (within 2 feet) and watering of trees may occur for two hours one day per week with a hand-held hose or with a dedicated zone using a Drip Irrigation system and/or Soaker Hose, provided no runoff occurs.
- (f) 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 and Penalties**

- (a) No person shall knowingly or intentionally allow the use of water from the Diamond Head WSC for residential, 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 Diamond Head WSC and "Operator", in accordance with provisions of this Plan.
- (b) Any person who violates this Plan shall be punishable by a fine of not less than fifty dollars (\$50.00) and not more than five hundred (\$500.00) for each offense. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If three or more violations of the Plan occur at premises to which Diamond Head WSC supplies water, the "Operator" 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 by Diamond Head WSC Tariff Rate Order, and any other costs incurred by the Diamond Head WSC in discontinuing service. In addition, suitable assurance must be given to Diamond Head WSC 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.
- (c) Any person, including a person classified as a water customer of the Diamond Head WSC, 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.

- (d) Any Director of the Diamond Head WSC, and or “Operator” 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 offense charged, and shall direct him/her to contact Diamond Head WSC and or the “Operators” 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 an agent, 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 at “Operators” place of business to enter a plea of guilty or not guilty for the violation of this Plan.

## **Section XI: Variances**

The Diamond Head WSC Board of Director, 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.
- (c) 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 person requesting such variance.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the Diamond Head WSC within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Diamond Head WSC Board of Directors, or his/her designee, and shall include the following:

- (a) Name and address of the 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 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.
- (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.

Variance granted by Diamond Head WSC shall be subject to the following conditions, unless waived or modified by the Board of Directors or their designee:

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



**Section XII: Severability, Amendment**


It is hereby declared to be the intention of Diamond Head WSC that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and , if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared invalid, unenforceable or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity, unenforceability, or unconstitutional shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, which shall be enforceable as if the same had been enacted by Diamond Head WSC without the incorporation into this Plan of any such invalid, unenforceable or unconstitutional phrase, clause, sentence, paragraph, or section.


Diamond Head WSC has and specifically reserves the right to change, alter or amend any provision of this Plan at any time. Diamond Head WSC shall renew and update, as appropriate, this Plan at least every five (5) years, based on new or updated information, such as adoption or revision of any applicable regional water plan, or as may otherwise be required by applicable statutes or rules of the Texas Commission of Environmental Quality.

Diamond Head Water Supply Corporation

Passed and adopted this 11<sup>th</sup> day of November, 2024

Attest:

By:   
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Cami McSween  
Secretary, Board of Directors

By:   
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Raymond Leon  
President, Board of Directors