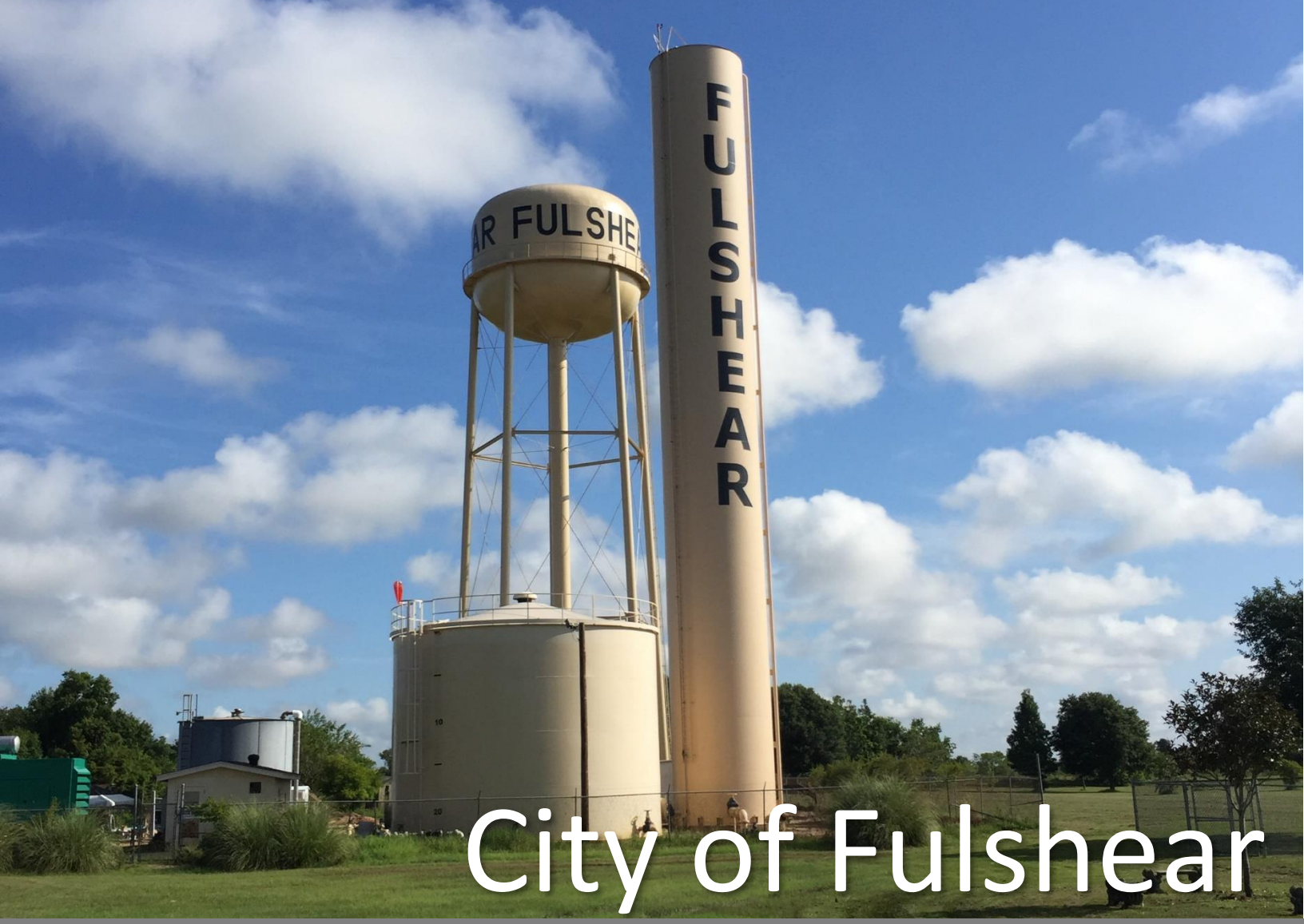

City of Fulshear

2024 Drought Contingency Plan

PREPARED FOR:

City of Fulshear

PREPARED BY:

Freese and Nichols, Inc.
11200 Broadway Street, Suite 2320
Pearland, Texas 77584
832-456-4732

FOREWORD

This Drought Contingency Plan (DCP) was prepared by Freese and Nichols, Inc., pursuant to Texas Commission on Environmental Quality (TCEQ) rules. Questions regarding this DCP should be addressed to the following:

Adam Conner
Freese and Nichols, Inc.
(512) 617-3173
adam.conner@freese.com

Sharon Valiante
City of Fulshear
(281) 346-1796 x5001
svaliante@fulsheartexas.gov

This DCP is based on the Texas Administrative Code in effect on February 5, 2024. For retail public water suppliers providing water service to 3,300 or more connections, the DCP must be submitted to the TCEQ every five years. Contact information at the TCEQ is the following:

Texas Commission on Environmental Quality
Office of Water
(512) 239-6696

Proposed drought contingency measures, reductions, and initiation/termination triggers for this Plan are as follows:

Drought Stage		Triggers		Response*	
		System Operating Capacity	System Storage Capacity *(Single Day)*	Demand Reduction Goal	Outdoor Watering Restrictions
Stage 1	Initiation *(If material portions of the City's distribution system pressures fall below 50 psi and at least one trigger occurs)*	60% *(3 consecutive days)* 65% *(single day)*	-	2%	2X per week *(voluntary)*
	Termination	Conditions cease to exist for 7 consecutive days			
Stage 2	Initiation *(If material portions of the City's distribution system pressures fall below 45 psi and at least one trigger occurs)*	70% *(3 consecutive days)* 75% *(single day)*	< 5 hours	15%	1X per week *(mandatory)*
	Termination	Conditions cease to exist for 7 consecutive days			
Stage 3	Initiation *(If material portions of the City's distribution system pressures fall below 40 psi and at least one trigger occurs)*	80% *(3 consecutive days)* 85% *(single day)*	< 3 hours	30%	Outdoor watering prohibited
	Termination	Conditions cease to exist for 7 consecutive days			

**At all stages, mandatory restrictions regarding water waste are in place.*

TABLE OF CONTENTS

1.0 INTRODUCTION AND OBJECTIVES 1-1
2.0 DEFINITIONS 2-1
3.0 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES 3-1
4.0 DROUGHT CONTINGENCY PLAN 4-1
4.1 Provisions to Inform the Public and Opportunity for Public Input 4-1
4.2 Provisions for Continuing Public Education and Information 4-1
4.3 Initiation and Termination of Drought Response Stages 4-1
4.3.1 Stage 1 4-3
4.3.2 Stage 2 4-6
4.3.3 Stage 3 4-10
4.4 Procedures for Granting Variances to the Plan 4-12
4.5 Procedures for Enforcing Mandatory Water Use Restrictions 4-13
4.6 Coordination with the Regional Water Planning Group 4-15
4.7 Review and Update of Drought Contingency Plan 4-15

APPENDICES

Appendix A List of References
Appendix B Texas Commission on Environmental Quality Rules on Drought Contingency Plans
- Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B, Rule §288.20 – Drought Contingency Plans for Municipal Uses by Public Water Suppliers

Appendix C Letter to Region H Planning Group
Appendix D Adoption of Drought Contingency Plan

1.0 INTRODUCTION AND OBJECTIVES

The City of Fulshear has prepared this Drought Contingency Plan in accordance with the requirements established by the Texas Commission on Environmental Quality (TCEQ). For retail public water suppliers providing water service to 3,300 or more connections, the drought contingency plan must be submitted to the TCEQ every five years, and this Plan addresses all of the current TCEQ requirements for a drought contingency plan which are included in Appendix B. This Plan replaces the Plan included in Ordinance 2019-1304 dated August 27, 2019.

The measures included in this Drought Contingency Plan are intended to provide short-term water savings during drought or emergency conditions. Water savings associated with ongoing, long-term strategies are discussed in the City's Water Conservation Plan.

The City owns and operates seven water wells that have a combined pumping capacity of 8,511 gallons per minute (gpm), or 12.3 million gallons per day (MGD). The City will receive surface water in the near future from the North Fort Bend Water Authority (NFBWA). Currently, the combined pumping capacity is more limiting than the total system storage (2.35 million gallons ground and 0.25 million gallons elevated) or firm distribution capacity of Fulshear's system (approximately 29.52 million gallons per day as of 2024). This might change as system improvements are made and the NFBWA water is integrated into the system.

Currently the City sells water on a wholesale basis to a few entities. Every water supply contract entered into or renewed after official adoption of this Plan, and including any contract extension, will include a requirement that each successive wholesale customer must develop and implement a water conservation and drought contingency plan or water conservation measures. 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 the provisions of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.5 of the TAC.

The purpose of this Drought Contingency Plan is as follows:

- To conserve the available water supply in times of drought, water supply shortage, and emergency.
- To maintain supplies for domestic water use, sanitation, and fire protection.
- To protect and preserve public health, welfare, and safety.

- To minimize the adverse impacts of water supply shortages.
- To minimize the adverse impacts of emergency water supply conditions.
- To satisfy the requirements set forth by TCEQ and other agencies.

Drought is characterized by an extended period of time when an area receives insufficient rainfall to replenish the water supply, causing water supply shortages as well as reduced soil moisture, which can increase demand for irrigation watering. In the absence of drought response measures, water demands tend to increase during a drought due to increased outdoor irrigation. The severity of a drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies.

2.0 DEFINITIONS

1. AQUATIC LIFE means a vertebrate organism dependent upon an aquatic environment to sustain its life.

2. ATHLETIC FIELD means a public sports competition field, the essential feature of which is turf grass, used primarily for organized sports practice, competition or exhibition events for schools, professional sports, and league play sanctioned by the utility providing retail water supply.

3. COMMERCIAL VEHICLE WASH FACILITY means a permanently-located business that washes vehicles or other mobile equipment with water or water-based products, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventory.

4. COMMERCIAL WATER USER means any customer that holds an account within the Commercial Water/Sewer rate classification.

5. CONSERVATION means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve 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.

6. CUSTOMER means any person, corporation, or organization using water supplied by the City of Fulshear.

7. DESIGNATED OUTDOOR WATERING DAY means a day prescribed by rule on which a person is permitted to irrigate outdoors.

8. DOMESTIC WATER USE means 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.

9. DRIP IRRIGATION is a type of micro-irrigation system that operates at low pressure and delivers water in slow, small drips to individual plants or groups of plants through a network of plastic conduits and emitters; also called trickle irrigation.

10. DROUGHT, for the purposes of this report, means an extended period of time when an area receives insufficient amounts of rainfall to replenish the water supply, causing water supply sources to be depleted.

11. DROUGHT CONTINGENCY RESPONSE means a strategy or combination of strategies for temporary supply management and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies required by Texas Administrative Code Title 30, Chapter 288, Subchapter B. This is sometimes called a drought contingency plan.

12. EXTRA-TERRITORIAL JURISDICTION (ETJ) means an area outside of the city limits where cities can regulate some activities.

13. FOUNDATION WATERING means an application of water to the soils directly abutting (within 2 feet) the foundation of a building or structure.

14. INDUSTRIAL WATER USE means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

15. INTERACTIVE WATER FEATURES means water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, inflatable pools, temporary splash toys or pools, slip-n-slides, or splash pads that are maintained for recreation.

16. IRRIGATION SYSTEM means a permanently installed, custom-made, site-specific system of delivering water generally for landscape irrigation via a system of pipes or other conduits installed below ground.

17. LANDSCAPE means any plant material on a property, including any tree, shrub, vine, herb, flower, succulent, ground cover, grass, or turf species, that is growing or has been planted out of doors.

18. MAJOR WATER USER means 1) a retail customer whose total water use in the preceding calendar year was within the 20 highest retail customers, 2) a retail customer whose water use is of a critical nature, or 3) any other retail customer deemed to be a Major Water User by Fulshear staff.

19. NEW LANDSCAPE means vegetation (a) installed at the time of the construction of a residential or commercial facility; (b) installed as part of a governmental entity's capital improvement project; or (c) installed to stabilize an area disturbed by construction.

20. NON-ESSENTIAL WATER USE means water uses that are not essential, nor required for the protection of public health, safety, and welfare, including:

    - irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;

    - use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle, except with a water hose that has a shut-off nozzle; an exception is allowed for Commercial Vehicle Wash Facilities.

    - use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

    - use of water to wash down buildings or structures for purposes other than immediate fire protection;

    - flushing gutters or permitting water to run or accumulate in any gutter or street;

    - use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;

    - use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

    - failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

    - use of water from hydrants for construction purposes, dust suppression, landscape watering or any other purposes other than firefighting or other activities necessary to maintain public health, safety, and welfare.

21. NON-RESIDENTIAL WATER CUSTOMER means all customers receiving water service from the City of Fulshear that are not classified as residential, to include but not limited to irrigation, institutional, commercial, and industrial customers.

22. ORNAMENTAL FOUNTAIN means an artificially created structure from which a jet, stream, or flow of treated water emanates and is not typically utilized for the preservation of aquatic life.

23. POND is a still body of water with a surface area of 500 square feet or more, filled with non-potable water and not a swimming pool.

24. RETAIL CUSTOMER includes those customers to whom the City of Fulshear provides retail water from a water meter.

25. SINGLE FAMILY RESIDENTIAL FACILITY means a site with four or fewer dwelling units.

26. SOAKER HOSE means a perforated or permeable garden-type hose or pipe that is laid above ground that provides irrigation at a slow and constant rate.

27. SPRINKLER means an above-ground water distribution device that may be attached to a garden hose.

28. SWIMMING POOL means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.

29. SYSTEM OPERATING CAPACITY means the limiting capacity; either total well capacity of Fulshear's system (approximately 12.3 million gallons per day as of 2024) or the firm distribution capacity of Fulshear's system (approximately 29.52 million gallons per day as of 2024). This total system operating capacity will increase or decrease with changes to Fulshear's total well capacity, booster pump availability, or the integration of additional water supplies such as NFBWA.

30. WATER PRESSURE means the force of water in the water distribution system's pipes, measured in pounds per square inch, or psi. A suitable average operating water pressure for the City of Fulshear ranges between 50 and 70 psi depending on time of day, location, and elevation within the distribution system.

Abbreviations

Abbreviation	Full Nomenclature
NFBWA	North Fort Bend Water Authority
TCEQ	Texas Commission on Environmental Quality
TWDB	Texas Water Development Board

3.0 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, a current copy of which is included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as "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."[1]

Minimum Requirements

TCEQ's minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 4.1
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 4.2
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 4.6
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Drought Contingency and Water Emergency Response Stages – Section 4.3
- 288.20(a)(1)(E) – Drought Contingency and Water Emergency Response Stages – Section 4.3
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions – Section 4.3
- 288.20(a)(1)(G) – Water Supply and Demand Management Measures for Each Stage – Section 4.3
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Drought Contingency and Water Emergency Response Stages – Section 4.3
- 288.20(a)(1)(I) - Procedures for Granting Variances – Section 4.4
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions – Section 4.5
- 288.20(a)(3) – Consultation with Wholesale Supplier – Section 4.3
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 4.3
- 288.20(c) – Review and Update of Plan – Section 4.7

4.0 DROUGHT CONTINGENCY PLAN

4.1 PROVISIONS TO INFORM THE PUBLIC AND OPPORTUNITY FOR PUBLIC INPUT

The City of Fulshear provided opportunity for public comment on the Drought Contingency Plan at City Council meetings held on April 16, 2024, May 14, 2024 and July 16, 2024. The plan was subsequently adopted by City Council at a meeting held on July 16, 2024.

4.2 PROVISIONS FOR CONTINUING PUBLIC EDUCATION AND INFORMATION

The City 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. The City of Fulshear will inform and educate the public about the Drought Contingency Plan by the following means:

- Making the Plan available to the public through the City's web site (https://www.fulsheartexas.gov/).
- Including information about the Drought Contingency Plan on the City's web site (https://www.fulsheartexas.gov/).
- Including information about the Drought Contingency Plan on the City's Facebook Page.
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the Drought Contingency Plan (usually in conjunction with presentations on water conservation programs).

At any time that the Drought Contingency Plan is activated or the Drought Contingency Plan changes, Fulshear will notify local media of the issues, the Drought Response Stage or Water Emergency Response Stage (if applicable), and the specific actions required of the public. The information will also be publicized on the City's web site (https://www.fulsheartexas.gov/). Billing inserts will also be used as appropriate, as will reverse 911 calls.

4.3 INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

Initiation of a Drought Response Stage

The Mayor or his/her official designee may order the implementation of a Drought Response Stage when material portions of the City's distribution system pressures fall below the indicated threshold and one or

more of the trigger conditions for that stage is met, or at the discretion of the Mayor or his/her official designee. The following actions will be taken when a Drought Stage is initiated:

- The public will be notified through local media and the City's web site as described in Section 4.2.
- Once the North Fort Bend Water Authority (NFBWA) water supply is online, the City will begin notifying NFBWA by e-mail with a follow-up letter that provides details of the reasons for initiation of the Drought Response Stage.
- If any mandatory provisions of the Drought Contingency Plan are activated, Fulshear will notify NFBWA (once the NFBWA water supply is online) and the Executive Director of the TCEQ within 5 business days.

If Response Stages are initiated by NFBWA, the City of Fulshear will consider implementing the similar stage of this Drought Contingency Plan. For other trigger conditions internal to the City, the Mayor or his/her official designee may decide not to order the implementation of a Drought Response Stage even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

<u>Termination of a Drought Response Stage</u>

The Mayor or his/her official designee may order the termination of a Drought Response Stage when the conditions for termination are met or at his/her discretion. The following actions will be taken when a Drought Response Stage is terminated:

- The public will be notified through local media and the City's web site as described in Section 4.2.
- Once the NFBWA water supply is online, NFBWA will be notified by e-mail with a follow-up letter.
- If any mandatory provisions of the Drought Contingency Plan that have been activated are terminated, Fulshear will notify NFBWA (once the NFBWA water supply is online) and the Executive Director of the TCEQ within 5 business days.

The Mayor or his/her official designee may decide not to order the termination of a Drought Response Stage even though the conditions for termination of the stage are met. Factors which could influence

such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

Drought Response Stage Criteria and Response Measures

4.3.1 Stage 1

Initiation and Termination Conditions for Stage 1

The City may initiate Stage 1 if material portions of the City's distribution system pressures fall below 50 psi and any one of the following conditions are met:

- The City total daily water demand equals or exceeds 60 percent of the current available System Operating Capacity (as defined in Section 2.0) for three consecutive days.
- The City total daily water demand equals or exceeds 65 percent of the current available System Operating Capacity (as defined in Section 2.0) on a single day.
- Water supply system is unable to deliver water or unable to maintain a suitable water pressure due to the failure or damage of major water system components, supply source becoming contaminated, power outage, grid failure, natural disaster, or extreme weather event.
- The Mayor or his/her official designee feels that the initiation of Stage 1 is appropriate based on weather conditions, distribution and water supply system deficiency, and/or unforeseen circumstances.

Stage 1 may terminate when the circumstances that caused the City of Fulshear's initiation of Stage 1 no longer prevail for a period of seven consecutive days. Stage 1 may terminate if Fulshear's Mayor or his/her official designee feels that the termination of Stage 1 is appropriate based on weather conditions, distribution and water supply system recovery, and/or unforeseen circumstances.

Goal for Use Reduction and Actions Available under Stage 1

The goal for water use reduction under Stage 1 is a two percent (2%) reduction in the use that would have occurred in the absence of drought contingency measures.

The Mayor or his/her official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve a two percent reduction. Fulshear must notify TCEQ within five business days if any mandatory measures are implemented.

- Supply Management Measures:
  - Increase public education efforts on ways to reduce water use.
  - Notify major water users and work with them to achieve voluntary water use reductions.
  - Reduce non-essential city government water use, including street cleaning, vehicle washing, and operation of ornamental fountains.
  - Reduce city government water used for landscape irrigation.
  - Reduce flushing of water mains.
  - Intensify efforts on leak detection and repair.
  - Review the problems that caused the initiation of Stage 1.
  - Identify alternative water sources and/or alternative delivery systems.
  - Consider initiating engineering studies to evaluate alternatives should conditions worsen.
  - Initiate drought surcharges.
    - In the event that water shortage conditions threaten public health, safety, and welfare, the Mayor is authorized to allocate water according to the following water allocation plan:
      - The allocation to residential water customers residing in a single-family dwelling unit shall be 14,000 gallons per month. Residential water customers shall pay an additional $1.00 per 1,000 gallons over allocation. Surcharges shall be cumulative.
      - Surcharge rates from the most restrictive stage within the billing period will apply to all residential usage within the monthly billing period for any month in which this drought stage is active.

- Mandatory Water Use Restrictions:
  - The following uses of water are defined as nonessential and are prohibited:
    - Washing down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced area;

- Washing down buildings or structures for purposes other than immediate fire protection;
- Use of water for dust control;
- Flushing of gutters or permitting water to run or accumulate in any gutter or street;
- Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

- Voluntary Water Use Restrictions:
  - Residential and non-residential water customers are requested to voluntarily limit outdoor watering between 9:00 AM and 7:00 PM, voluntarily limited to twice per week based on street address (see table below). Excessive pooling and/or run-off from foundation watering is discouraged and is requested to not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater or pool in a street or parking lot to a depth greater than one-quarter of an inch.
  - Water customers are requested to practice water conservation and to minimize or discontinue non-essential water use.
  - Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
  - Attended hand-held hoses with positive shut-off devices are allowed at all times.

STAGE 1 WATERING SCHEDULE

Day	Street Address*	
	Even	Odd
Sunday	-	-
Monday	Water	-
Tuesday	-	Water
Wednesday	-	-
Thursday	Water	-
Friday	-	Water
Saturday	-	-

**If address ends with ½, then watering day shall depend on the last digit of the whole address. For example, 101 ½ Main Street should be considered odd. 100 ½ Main Street should be considered even.*

4.3.2 Stage 2

Initiation and Termination Conditions for Stage 2

The City may initiate Stage 2 if material portions of the City's distribution system pressures fall below 45 psi and any one of the following conditions are met:

- The City total daily water demand equals or exceeds 70 percent of the current available System Operating Capacity (as defined in Section 2.0) for three consecutive days.
- The City total daily water demand equals or exceeds 75 percent of the current available System Operating Capacity (as defined in Section 2.0) on a single day.
- The City total system storage is less than five hours of average daily demand on any given day.
- Water supply system is unable to deliver water or unable to maintain a suitable water pressure due to the failure or damage of major water system components, supply source becoming contaminated, power outage, grid failure, natural disaster, or extreme weather event.
- The Mayor or his/her official designee feels that the initiation of Stage 2 is appropriate based on weather conditions, distribution and water supply system deficiency, and/or unforeseen circumstances.

Stage 2 may terminate when the circumstances that caused the City of Fulshear's initiation of Stage 2 no longer prevail for a period of seven consecutive days. Stage 2 may terminate if Fulshear's Mayor or his/her official designee feels that the termination of Stage 2 is appropriate based on weather conditions, distribution and water supply system recovery, and/or unforeseen circumstances.

Goals for Use Reduction and Actions Available under Stage 2

The goal for water use reduction under Stage 2 is a reduction of fifteen percent (15%) in the use that would have occurred in the absence of drought contingency measures.

Fulshear's Mayor or his/her official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve the specified percent reduction. Fulshear must notify TCEQ within five business days if any mandatory measures are implemented.

- Supply Management Measures:

- Reduce or discontinue irrigation of public landscaped areas.
- Reduce or discontinue flushing of water mains.
- Implement viable alternative water supply strategies.
- Increase public education efforts on ways to reduce water use.
- Increase enforcement efforts, as outlined in Section 4.5.
- Intensify leak detection and repair efforts.
- Initiate drought surcharges.
  - In the event that water shortage conditions threaten public health, safety, and welfare, the Mayor is authorized to allocate water according to the following water allocation plan:
    - The allocation to residential water customers residing in a single-family dwelling unit shall be 12,000 gallons per month. Residential water customers shall pay an additional $2.00 per 1,000 gallons over allocation. Surcharges shall be cumulative.
    - Surcharge rates from the most restrictive stage within the billing period will apply to all residential usage within the monthly billing period for any month in which this drought stage is active.

- Mandatory Water Use Restrictions:
  - Continue or initiate any actions available under the Water Conservation Plan and Stage 1.
  - Prohibit residential and non-residential outdoor watering between 9:00 AM and 7:00 PM, and limit watering to once per week based on street address, per the table below. Excessive pooling and/or run-off from foundation watering is prohibited and shall not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater or pool in a street or parking lot to a depth greater than one-quarter of an inch. Exceptions are as follows:
    - New landscaping planted before the initiation of Stage 2, and new plantings of shrubs and trees may be watered for up to 2 hours on any day by attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses), a soaker hose, or a dedicated zone using a drip irrigation system.

- Customers such as golf courses using other sources of water supply for irrigation may irrigate without restrictions. The use of treated effluent recycled from the City's wastewater treatment facility (non-potable/reuse water) is permissible.
- Registered and properly functioning ET/Smart irrigation systems and drip irrigation systems may irrigate without restrictions.

- Prohibit the permitting of private pools. Pools already permitted may be completed and filled with water. Existing private and public pools may add water to maintain pool levels but may not be drained and refilled except to maintain structural integrity, proper operation and maintenance or to alleviate a public safety risk.
- Prohibit operation of ornamental fountains.
- Prohibit washing or rinsing of vehicles by hose.
- Irrigation of landscaped areas or commercial plant nurseries is permitted at any time by means of a faucet filled bucket or water can of five (5) gallons or less, a drip irrigation system, soaker hose, or by attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses). Excessive pooling and/or run-off from automatic or drip irrigation systems is prohibited and shall not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater or pool in a street or parking lot to a depth greater than one-quarter of an inch.
- Use of water from fire hydrants shall be limited to firefighting activities or other activities necessary to maintain public health, safety, and welfare. Other uses of fire hydrants will be limited to specific fire hydrants identified by the City of Fulshear.
- Use of water to stabilize foundations is prohibited except on designated outdoor watering day(s) and is prohibited on any day between 9:00 AM and 7:00 PM. Watering is permitted by means of an attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses); or using a soaker hose or drip irrigation system placed within 24 inches of the foundation that does not produce a spray of water above the ground. Excessive pooling and/or run-off from foundation watering is prohibited and shall not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater or pool in a street or parking lot to a depth greater than one-quarter of an inch.
- The following uses of water are defined as nonessential and are prohibited:

- Washing down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced area;
- Washing down buildings or structures for purposes other than immediate fire protection;
- Use of water for dust control;
- Flushing of gutters or permitting water to run or accumulate in any gutter or street;
- Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

- Prohibit hydroseeding, hydromulching, and sprigging.
- Existing private and public pools may add water to maintain pool levels but may not be drained and refilled except to maintain structural integrity, proper operation and maintenance or to alleviate a public safety risk.
- Hotels, restaurants, and bars are encouraged to serve drinking water to patrons on an "on demand" basis.
- Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
- Car wash facilities must keep equipment in good working order, which should include regular inspections to be sure there are no leaks, broken or misdirected nozzles, and that all equipment is operating efficiently.

- Attended hand-held hoses with positive shut-off devices are allowed at all times.

STAGE 2 WATERING SCHEDULE

Day	Last Digit of Street Address*				
	1 or 2	3 or 4	5 or 6	7 or 8	9 or 0
Sunday	-	-	-	-	-
Monday	Water	-	-	-	-
Tuesday	-	Water	-	-	-
Wednesday	-	-	Water	-	-
Thursday	-	-	-	Water	-
Friday	-	-	-	-	Water
Saturday	-	-	-	-	-

**If address ends with ½, then watering day shall depend on the last digit of the whole address. For example, 101 ½ Main Street should be considered ending in 1. 100 ½ Main Street should be considered ending in 0.*

4.3.3 Stage 3

Initiation and Termination Conditions for Stage 3

The City may initiate Stage 3 if material portions of the City's distribution system pressures fall below 40 psi and any one of the following conditions are met:

- The City total daily water demand equals or exceeds 80 percent of the current available System Operating Capacity (as defined in Section 2.0) for three consecutive days.
- The City total daily water demand equals or exceeds 85 percent of the current available System Operating Capacity (as defined in Section 2.0) on a single day.
- The City total system storage is less than three hours of average daily demand on any given day.
- Water supply system is unable to deliver water or unable to maintain a suitable water pressure due to the failure or damage of major water system components, supply source becoming contaminated, power outage, grid failure, natural disaster, or extreme weather event.
- The Mayor or his/her official designee feels that the initiation of Stage 3 is appropriate based on weather conditions, distribution and water supply system deficiency, and/or unforeseen circumstances.

Stage 3 may terminate when the circumstances that caused the City of Fulshear's initiation of Stage 3 no longer prevail for a period of seven consecutive days. Stage 3 may terminate if Fulshear's Mayor or his/her

official designee feels that the termination of Stage 3 is appropriate based on weather conditions, distribution and water supply system recovery, and/or unforeseen circumstances.

Goals for Use Reduction and Actions Available under Stage 3

The goal for water use reduction under Stage 3 is a reduction of thirty percent (30%) in the use that would have occurred in the absence of drought contingency measures.

Fulshear's Mayor or his/her official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve the specified percent reduction. Fulshear must notify TCEQ within five business days if any mandatory measures are implemented.

- Supply Management Measures:
  - Discontinue irrigation of public landscaped areas.
  - Discontinue flushing of water mains.
  - Implement viable alternative water supply strategies.
  - Increase frequency of media releases on water supply conditions.
  - Further accelerate public education efforts on ways to reduce water use.
  - Prohibit wet street sweeping.
  - Initiate drought surcharges.
    - In the event that water shortage conditions threaten public health, safety, and welfare, the Mayor is authorized to allocate water according to the following water allocation plan:
      - The allocation to residential water customers residing in a single-family dwelling unit shall be 8,000 gallons per month. Residential water customers shall pay an additional $4.00 per 1,000 gallons over allocation. Surcharges shall be cumulative.
      - Surcharge rates from the most restrictive stage within the billing period will apply to all residential usage within the monthly billing period for any month in which this drought stage is active.
- Mandatory Water Use Restrictions:
  - Continue or initiate any actions available under the Water Conservation Plan, Stage 1, and Stage 2.

- Installation of new landscaping in residential and non-residential connections (new builds and existing customers) between July 1 and September 30 is prohibited. Customers have the ability to apply for a variance for any of the qualifying conditions cited in Section 4.4.
- Prohibit residential and non-residential landscape watering.
- Require all commercial water users to reduce water use by a percentage established by Fulshear's Mayor or his/her official designee.
- Prohibit the operation of interactive water features such as water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, or splash pads that are maintained for public recreation.
- Landscape watering of parks, golf courses, and athletic fields with potable water is prohibited. Exception for parks, golf course greens and tee boxes, and athletic fields, which may be watered by attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses) as needed. Variances may be granted by the water provider under special circumstances.

4.4 PROCEDURES FOR GRANTING VARIANCES TO THE PLAN

The Mayor or his/her official designee may grant temporary variances for existing water uses otherwise prohibited under this Drought Contingency Plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance.
- Compliance with this Plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.
- Strict compliance with the provisions at issue adversely affects the health, safety, welfare, or sanitation of the public, the applicant, or the environment.
- Strict compliance with the provisions at issue substantially threatens the applicant's primary source of income, the applicant is employing all reasonable water conservation measures, and approval of the variance will not result in water waste.

- A City-authorized Irrigation Inspector has determined that, due to its site-specific conditions, a site cannot be watered with an average coverage of 0.5 inches within the time limits prescribed, and as applicable, a current irrigation system evaluation is on file with the City.
- Irrigation of athletic fields is necessary to protect the health and safety of players and game officials.
- Person who installs new landscapes may irrigate only during the hours of before 9:00 a.m. and after 7:00 p.m. on any day, for a period of 30 days after installation. Projects that add plant material to existing landscape do not qualify for a variance. Replacing or adding plants or turf to existing, established landscapes will not be granted a variance. Over-seeding existing turf is not considered new landscape and will not be given an exemption.

Variances shall be granted or denied at the discretion of the Mayor or his/her official designee. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioner(s)
- Purpose of water use
- Specific provisions from which relief is requested
- 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
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

4.5 PROCEDURES FOR ENFORCING MANDATORY WATER USE RESTRICTIONS

Mandatory water use restrictions may be imposed in each drought response stage. The penalties associated with the mandatory water use restrictions are explained below and included in the ordinance enacting this plan.

Stage 1:

- Violations must be observed by the Mayor or his or her designee. Violations will be documented by electronic photographs and filed for review.

- First-time violations in Stage 1 will be notified of their violation and be warned of the actions that will be imposed after additional violations.

- For the second violation, a $100.00 administrative fee will be included on the next available water bill. For the third violation, a $200.00 administrative fee will be included on the next available water bill. For the fourth and subsequent violations in Stage 1, a $300.00 administrative fee per violation will be included on the next available water bill.

- Unpaid assessed administrative fees related to violations of water use restrictions shall incur late payment penalties and may result in termination of water service.

Stage 2:

- Violations must be observed by the Mayor or his or her designee. Violations will be documented by electronic photographs and filed for review.

- First-time violations in Stage 2 will be assessed a $100.00 administrative fee on the next available water bill. If that first time violation involved an irrigation system, the $100.00 administrative fee will be waived or credited after the completion of a free irrigation check-up of the violating system, performed by a licensed irrigator contracted with the City.

- For the second violation in Stage 2, a $250.00 administrative fee will be included on the next available water bill. For the third violation in Stage 2, a $300.00 administrative fee will be included on the next available water bill. For the fourth and subsequent violations in Stage 2, a $400.00 administrative fee will be included on the next available water bill.

- Unpaid assessed administrative fees related to violations of water use restrictions shall incur late payment penalties and may result in termination of water service.

Stage 3:

- Violations must be observed by the Mayor or his or her designee. Violations will be documented by electronic photographs and filed for review.

- First-time violations in Stage 3 will be assessed a $400.00 administrative fee on the next available water bill.

- For the second violation in Stage 3, a $600.00 administrative fee will be included on the next available water bill. For the third violation in Stage 3, a $1,000.00 administrative fee per violation will be included on the next available water bill. For the fourth and subsequent violations in Stage 3, a $2,000.00 administrative fee per violation will be included on the next available water bill.

- Unpaid assessed administrative fees related to violations of water use restrictions shall incur late payment penalties and may result in termination of water service.

4.5.1 Contesting Administrative Fees

A customer may appeal the assessment of an administrative fee by requesting in writing to the Mayor or his/her designee that the fee be waived, providing all information to support the removal of the fee. The customer shall bear the burden of proof to show why the administrative fee should not be assessed. The Mayor or his/her designee shall send written notice within three business days after receiving the first packet of information, and that decision shall be final and binding.

4.6 COORDINATION WITH THE REGIONAL WATER PLANNING GROUP

The City of Fulshear's retail service area is located entirely within the Region H Water Planning Area. The City has provided a copy of this Plan to the Region H Water Planning Group; a copy of the transmittal letter is included in Appendix C.

4.7 REVIEW AND UPDATE OF DROUGHT CONTINGENCY PLAN

As required by TCEQ rules, the City of Fulshear must review the Drought Contingency Plan every five years. The Plan will be updated as appropriate based on new or updated information.

Appendix A

List of References

APPENDIX A

LIST OF REFERENCES

1. Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B, Rules 288.20 and 288.22, downloaded from https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288, February 2024.

Appendix B

Texas Commission on Environmental Quality Rules on Drought Contingency Plans

APPENDIX B

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES ON DROUGHT CONTINGENCY PLANS

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 288	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
SUBCHAPTER B	DROUGHT CONTINGENCY PLANS
RULE §288.20	**Drought Contingency Plans for Municipal Uses by Public Water Suppliers**

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

(i) reduction in available water supply up to a repeat of the drought of record;

(ii) water production or distribution system limitations;

(iii) supply source contamination; or

(iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

Appendix C

Letter to Region H Planning Group

[MONTH] [DAY], 2024

Mr. Mark Evans, Chair
Region H Water Planning Group
c/o North Harris County Regional Water Authority
3648 Cypress Creek Parkway, Suite 110
Houston, TX 77068

Dear Mr. Evans:

Enclosed please find a copy of the recently updated Drought Contingency Plan for the City of Fulshear. I am submitting a copy of this Plan to the Region H Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The City Council of Fulshear adopted the Plan on July 16, 2024.

Sincerely,

Sharon Valiante
Public Works Director
City of Fulshear

Appendix D

Adoption of Drought Contingency Plan