BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT'S DROUGHT CONTINGENCY PLAN

I. INTRODUCTION

The goal of this Plan is to monitor drought conditions, provide public information on water conservation techniques, and in extreme and extended drought conditions, cause a reduction in water use to preserve water availability. This Plan has been prepared in advance, considering conditions that will initiate and terminate the actions set forth herein.

The Brazos Valley Groundwater Conservation District (District) will monitor usage patterns and public education efforts and will make recommendations on future conservation efforts, demand management procedures, or any changes to this Plan. The District will develop public awareness notices, information sheets, and other material that will serve as a constant reminder that water should be conserved at all times, not just during a drought or emergency. The District will also review and evaluate any needed amendments or major changes to this Plan due to changes in the aquifer or other relevant circumstances.

Aquifers within the boundaries of the District are managed independently of each other. Metered water production for each aquifer is collected annually, static water level measurements are taken throughout the year from designated monitoring wells within each aquifer, and the effect of pumping is assessed. An aquifer not meeting the desired future condition established by the District may have different management methodologies applied. This allows the specified management goals for that aquifer to be addressed separately from the other managed aquifers.

The Plan will be implemented according to the four trigger stages, as imposed by the District. Section III describes the conditions that will trigger these stages.

II. PUBLIC INVOLVEMENT, AWARENESS AND EDUCATION

A. Opportunity for the public to provide input into the preparation of the Plan was provided by the District by scheduling and providing public notice of a public meeting to accept input on the Plan. In the adoption of this Plan, the District considered all submitted comments.

B. The District will post its Drought Contingency Plan on its website, send a copy by mail or email to all permit holders, County Commissioners Courts, applicable Regional Planning Groups and Groundwater Management Areas to notify the public and permit holders of its policy regarding the District's actions in response to drought conditions.

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III. TRIGGER CONDITIONS

The District is responsible for monitoring water supply and demand conditions on a quarterly basis, or more frequently as conditions warrant, and shall determine when conditions warrant initiation or termination of each stage of the Plan. The District will monitor drought indices and water monitoring reports, as needed, to determine when trigger conditions are reached. The triggering conditions described below take into consideration: the conditions of the water source under drought of record conditions, the production and distribution capacities of the aquifer, and usage based upon historical patterns.

A. **Stage I- Mild Conditions**: Stage I water conservation measures may be implemented based upon information from the following sources and conditions:

1. NOAA 30-day rain node deficit from average rainfall.

2. The Texas Palmer Drought Index shows that the area has reached a level of Mild Drought Conditions.

B. **Stage II- Moderate Conditions**: Stage II water conservation measures may be implemented based upon information from the following sources and conditions:

1. NOAA 30-day rain node deficit from average rainfall.

2. The Texas Palmer Drought Index shows that the area has reached a level of Moderate Drought Conditions and has maintained that level for six months.

C. **Stage III- Severe Conditions:** Stage III water conservation measures may be implemented based upon information from one or more of the following sources or conditions:

1. NOAA 30-day rain node deficit from average rainfall.
2. the Texas Palmer Drought Index shows that the area has reached a level of Severe Drought Conditions;
3. natural or man-made contamination of the water supply source(s);
4. the declaration by the State or Federal Government of a state of disaster due to drought condition in a county or counties served by the District; or
5. other unforeseen events that could cause imminent health or safety risks to the public.

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D. **Stage IV- Extreme Conditions:** Stage IV water conservation measures may be implemented based upon information from one or more of the following sources or conditions:

1. NOAA 30-day rain node deficit from average rainfall.
2. the Texas Palmer Drought Index shows that the area has reached a level of Severe Drought Conditions and has maintained that drought status for 12 months;
3. natural or man-made contamination of the water supply source(s);
4. the declaration by the State or Federal Government of a state of disaster due to drought condition in a county or counties served by the District;
5. other unforeseen events that could cause imminent health or safety risks to the public; or
6. water level monitoring by the District indicates significant decrease in water levels that will likely affect groundwater production of permit holders.

IV. STAGE LEVELS OF WATER ALLOCATIONS

The stage levels of water conservation are to be placed in effect by the triggers in Section III. The District may institute monitoring and enforce penalties for violations of the Drought Plan for each of the Stages listed below. The water conservation measures are summarized below.

A. **Stage I- Mild Conditions**

1. Public Education

a. BVGCD shall conduct water conservation public education through its adopted Water Conservation Plan and may adopt additional water conservation public education strategies; and

b. The District shall keep up-to-date drought information such as the Palmer Drought Severity Index and other helpful drought indicators on its website.

B. **Stage II- Moderate Conditions**

1. Public Education

a. BVGCD shall conduct water conservation public education through its adopted Water Conservation Plan and may adopt additional water

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conservation public education strategies; and

b. The District shall keep up-to-date drought information on its Palmer Drought Severity Index and other helpful drought indicators on its website.

2. Permit Holders' Compliance of Drought Contingency Plans

The District will review and confirm that permit holders are enforcing their official drought contingency plans.

C. **Stage III- Severe Conditions**

1. Public Education

a. BVGCD shall conduct water conservation public education through its adopted Water Conservation Plan and may adopt additional water conservation public education strategies; and

b. The District shall keep up-to-date drought information on its Palmer Drought Severity Index and other helpful drought indicators on its website.

2. Permit Holders' Compliance of Drought Contingency Plans

The District will review and confirm that permit holders are enforcing their official drought contingency plans.

3. Monitor well levels on a more frequent basis, as determined to be appropriate by the District, after consulting with the District's hydrologist.

D. **Stage IV- Extreme Conditions**

1. Public Education

a. BVGCD shall conduct water conservation public education through its adopted Water Conservation Plan and may adopt additional water conservation public education strategies; and

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The District will review and confirm that permit holders are enforcing their official drought contingency plans.

3. Monitor well levels on a more frequent basis, as determined to be appropriate by the District, after consulting with the District's hydrologist.

4. Designate Depletion Management Zone under Rule 7.2, if appropriate, and/or restrict groundwater production by permittees, as determined to be appropriate by the District, after consulting with the District's hydrologist.

V. INITIATION AND TERMINATION PROCEDURES

A. Once a trigger condition occurs, the Board will decide upon the appropriate stage of conservation to be initiated. The initiation may be delayed if there is a reasonable possibility the aquifer's performance will not be compromised by the condition. If water conservation is to be instituted, notice will be made via public local media (TV, radio, newspapers, etc.).

B. The notice shall contain the following information:

1. The date water conservation shall begin;

2. The expected duration; and

3. The stage (level) of water conservations to be employed, the penalty for violations of the water conservation program, and the affected area or areas.

C. If the water conservation program extends beyond 30 days the District Board President or General Manager shall present the reasons at the next scheduled District Meeting and shall request the concurrence of the District to extend the conservation period.

D. When the trigger condition no longer exists, the Board may terminate the water conservation provided that such an action is based on sound judgment. Notice of the end of conservation shall be given to landowners via local media (TV, radio, newspapers, etc.). A water conservation period may not exceed 60 days without extension by action of the District.

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VI. PENALTIES FOR VIOLATIONS

Violations may be enforced under Chapter 36 of the Texas Water Code and the District's Rules, including Rules 8.7(b)(7) and 15.3, which may result in civil penalties and/or revocation of the associated permit.

A. **First Violation-** The Violator will be notified by written notice of their specific violation and their need to comply with District Rules. The notice will show the amount of penalty to be assessed for continued violations.

B. **Second Violation-** The District may assess a penalty of up to $5,000.

C. **Subsequent Violations-** The District may assess a penalty of up to $10,000 for violations continuing after Second Violation. Each day a violation exists shall be considered a separate, subsequent violation. The District may also install a flow restricting devise in the violator's well to limit the amount of water that will pass through the well in a 24 hour period. The costs of this procedure will be for the actual work and equipment and shall be paid by the customer.

VII. EXEMPTIONS OR WAIVERS

A. The District may, in writing, grant temporary variances 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 or sanitation of the public or the person requesting such variance and if one or more of the following conditions are met:

1. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

2. Alternative methods can be implemented which will achieve the same level of reduction in water use.

B. Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the District within 5 days after the Plan or particular drought response stage has been invoked or after a condition justifying the variance first occurs. All petitions for variances shall be reviewed by the District and shall include the following:

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1. Name and address of the petitioner(s).
2. Purpose of water use.
3. Specific provision(s) of the Plan from which the petitioner is requesting relief.
4. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan.
5. Description of the relief requested.
6. Period of time for which the variance is sought.
7. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
8. Other pertinent information, as requested by the District.

C. Variances granted by the District shall be subject to the following conditions, unless specifically waived or modified by the District:

1. Variances granted shall include a timetable for compliance.
2. Variances granted shall expire when the water conservation is no longer in effect, unless the petitioner has failed to meet specified requirements. No variances allowed for a condition requiring water conservation will continue beyond the termination of water conservation under Section V.(D). Any variances for subsequent water conservation must be petitioned. The fact that a variance has been granted in response to a petition will have no relevance to the District's decision on any subsequent petition.

D. No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

VIII. SEVERABILITY

If any of the provisions contained in these rules are for any reason held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability may not affect any other rules or provisions of these rules, and these rules must be construed as if such invalid, illegal or unenforceable rules or provision had never been contained in these rules.

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IX. IMPLEMENTATION

The District established the DROUGHT CONTINGENCY PLAN by Resolution. This District will review the procedures in this Plan every other year or more frequently if necessary. Modifications may be required to accommodate system growth, changes in water use demand, available water supply, and/or other circumstances.
This Plan was revised and adopted by the Brazos Valley Groundwater Conservation District at the properly noticed public meeting held on November 8, 2012.

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