

CITY OF MARSHALL

DROUGHT CONTINGENCY

Plan



PREPARED BY:

CITY OF MARSHALL, TEXAS
WATER UTILITIES DEPARTMENT
March 2019

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1. INTRODUCTION AND OBJECTIVES

A. OBJECTIVES

The City of Marshall understands that water conservation is a viable strategy for protecting water resources both now and in the future, and that adequate planning for times of drought or emergency is a necessary part of conservation. The purpose of this Drought Contingency Plan is to conserve available water supplies and minimize adverse impacts of water supply shortage or other water supply emergency conditions. This Plan will help ensure that the City of Marshall and its wholesale customers use water wisely and efficiently during periods of drought.

The City of Marshall will periodically provide customers with information about this Drought Contingency Plan, including information about the conditions under which each stage of this Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by submitting a copy of this Plan and any relevant amendments to wholesale water customers.

B. Coordination with Regional Planning Group

The service area for the City of Marshall is located within the Northeast Texas Regional Planning Group (NETRWP), Region D Planning Group. A copy of the Drought Contingency Plan has been submitted to the NETRWP.

2. DROUGHT CONTINGENCY PLAN MEASURES

A. Provisions to Inform the Public and Opportunity for Public Input

The City of Marshall will provide the public with information about the Drought Contingency Plan and an opportunity for input through a public hearing. This will include 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 Plan will also be made available on the City of Marshall's website.

B. Provisions for Continuing Public Education and Information

The City of Marshall will inform and educate the public about the Drought Contingency Plan through public outreach to a wide variety of organizations, civic groups and schools. Information about the Drought Contingency Plan will also be available on the City of Marshall's website.

At any time the Drought Contingency Plan is activated, or the drought stage is changed or terminated, the City of Marshall will inform the public of same by newspaper, radio and television announcements and through the City's website. Wholesale customers will be notified by telephone with a follow up letter or fax.

C. Initiation and Termination of Drought Response Stages

All relevant components of the City of Marshall water system will be monitored to ensure a timely response to water situations. The Treatment Superintendent and Director of Public Works and Water Utilities will monitor treatment plant capacity and will coordinate with the Northeast Texas Municipal Water District to monitor the volume of surface supply available in the Lake O' the Pines. The City of Marshall purchases water from the Lake O' the Pines to supplement its existing water supply. If conditions approach a trigger level the Director of Public Works and Water Utilities may implement a drought response stage or water emergency and terminate a drought response stage when conditions for termination are met. Additionally, the Director of Public Works and Water Utilities may implement a drought response stage prior to reaching the specified triggers for such stage if circumstances warrant such action.

D. Stage 1 – Mild Water Shortage

The City of Marshall will consider that a Stage 1-Mild Water Shortage condition exists when either 1) the volume of surface supply in the Lake O' the Pines is less than 50% of capacity for three consecutive days and the City is exercising its right to have water released from the Lake O' the Pines pursuant to its water supply agreement with the Northeast Texas Municipal Water District or 2) when the water demand reaches 85% of the treatment plant capacity for three consecutive days.

Target Goal: A voluntary 10% reduction in daily water demand.

Termination: Stage 1 shall be rescinded when the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days.

Water Management Strategies:

- Inform public and wholesale customers, request voluntary conservation from all customers.
- Reduce flushing in the distribution system.
- Increase leak detection and repair efforts.

E. Stage 2 – Moderate Water Shortage

The City of Marshall will consider that a Stage 2-Moderate Water Shortage condition exists when either 1) the volume of surface supply in the Lake O' the Pines is less than 40% of capacity for three consecutive days and the City is exercising its right to have water released from the Lake O' the Pines pursuant to its water supply agreement with the Northeast Texas Municipal Water District or 2) when the water demand reaches 90% of the treatment plant capacity for three consecutive days.

Target Goal: 15% reduction in daily water demand.

Termination: Stage 2 shall be rescinded when the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days.

Water Management Strategies:

- Inform public, commercial, industrial and wholesale customers.
- Reduce non-essential water use.
- Terminate all, other than emergency, flushing in the distribution system.
- Enhance leak detection and repair.
- Cease providing potable water for construction use and road building.

F. Stage 3 – Severe Water Shortage

The City of Marshall will consider that a Stage 3-Severe Water Shortage condition exists when either 1) the volume of surface supply in the Lake O' the Pines is less than 25% of capacity for three consecutive days and the City is exercising its right to have water released from the Lake O' the Pines pursuant to its water supply agreement with the Northeast Texas Municipal Water District or 2) when the water demand reaches 95% of the treatment plant capacity for three consecutive days.

Target Goal: 20% reduction in daily water demand.

Termination: Stage 3 shall be rescinded when the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days.

Water Management Strategies:

- Accelerate information to public, commercial, industrial and wholesale customers.
- Inform local news media.
- Prohibit non-essential water use.
- Continue with Stage 2 strategies.
- Implement reduced landscape watering schedule.

G. Stage 4 – System Emergency

The City of Marshall will consider a Stage 4-System Emergency exists if the City's raw water sources have been contaminated, there has been a water main break, a power outage effects raw water delivery and/or treated water distribution or other emergency water conditions exist.

Termination: Stage 4 shall be rescinded when analysis of the source water indicates that the supply is safe to use, repairs to water mains have been made, power is restored or emergency conditions subside.

Water Management Strategies:

- Inform public, commercial, industrial and wholesale customers of system emergency.
- Inform local news media of system emergency.
- Ration water according to §11.039 of the Texas Water Code.
- Continue with Stage 3 strategies.

H. Notification of TCEQ on Mandatory Provisions

The City of Marshall will notify the TCEQ Executive Director within five business days if any mandatory provisions if the Drought Contingency Plan are implemented.

I. Variance Procedures

The Director of Public Works and Water Utilities 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 customer 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.*

Customers requesting an exemption from the provisions of this Plan shall file a petition for variance with the City of Marshall within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Director of Public Works and Water Utilities, 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.*

Variances granted by the City of Marshall shall be subject to the following conditions, unless waived or modified:

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

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

J. Enforcement

The Drought Contingency Plan is implemented through the passage of an ordinance by the City Commission of the City of Marshall. This ordinance is attached to the Plan. The ordinance gives authority to the Director of Public Works and Water Utilities to begin immediate implementation if contingency measures when a trigger condition is reached.

K. Updates

The City of Marshall Drought Contingency Plan shall be reevaluated and updated every five years based on updated information, including the latest adopted NETRWPG Regional Water Plan.

L. Definitions

For the purposes of this Plan, the following definitions, taken from TCEQ guidance, 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 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.

Customer: any person, company, or organization using water supplied by City of Marshall.

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, rights-of-way and 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 any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any 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 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); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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

3. DROUGHT CONTINGENCY PLAN FOR WHOLESALE AND INDUSTRIAL USERS

The wholesale and industrial water customers of the City of Marshall will follow the Drought Contingency Plan as written for the municipal users and will be notified of the Plan through a written notice.

ORDINANCE NO. O-19-08

AN ORDINANCE ADOPTING AN UPDATED DROUGHT CONTINGENCY PLAN FOR THE CITY OF MARSHALL TO PROMOTE EFFICIENT USE OF WATER AND ADEQUATELY MANAGE THE CITY'S WATER RESOURCES DURING TIMES OF WATER SHORTAGE, AND TO PROVIDE FOR PENALTIES FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN.

WHEREAS, the City of Marshall, Texas (the "City"), recognizes that the amount of water available to its water customers may be limited during times of drought or other emergency shortage of water; and

WHEREAS, the City acknowledges that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the City recognizes that during times of drought or other emergency shortage of water, it may becomes necessary to restrict and regulate the delivery and consumption of water in order to minimize adverse impacts to the City's water supplies, and

WHEREAS, the Texas Water Code and the regulations of the Texas Commission on Environmental Quality (the "Commission") require that the City adopt an updated Drought Contingency Plan every five years; and

WHEREAS, the City has determined that it is in the best interest of the public to adopt an updated Drought Contingency Plan; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Commission of the City of Marshall desires to adopt that certain City of Marshall Drought Contingency Plan (the "Plan"), dated March 2019, as the official City policy for the conservation and preservation of water supplies.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARSHALL THAT:

Section 1. The City Commission hereby approves and adopts the Plan, attached hereto as Addendum A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the Plan.

Section 2. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 3. The City Commission does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Commission further ratifies, approves and confirms such written notice and the posting thereof.

Section 4. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 5. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 6. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

Section 7. Upon the passage of this Ordinance, in accordance with State and Local Law, Ordinance O-19-07 is adopted, Ordinance O-14-05 is repealed.

PASSED AND APPROVED this 28th day of March, 2019.

AYES: 6

NOES: 0

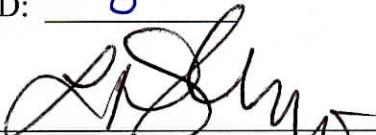
ABSTAINED: 0

PASSED, APPROVED AND ADOPTED this 11th day of April, 2019.

AYES: 7

NOES: 0

ABSTAINED: 0


CHAIRMAN OF THE CITY COMMISSION

ATTEST: Elaine

Elaine Altman, City Secretary