Graham
Where Texas Comes Home

City of Graham

WATER CONSERVATION & DROUGHT CONTINGENCY PLAN
2019
429 Fourth Street, Graham, TX 76450
(940) 549-3322 cityofgrahamtexas.com
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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, to protect and preserve public health, welfare, and safety, and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Graham (The City) hereby adopts the following practices, regulations, and restrictions on the delivery, use, and consumption of water by Ordinance.

Water uses regulated or prohibited under this Water Conservation and Drought Contingency Plan are considered to be wasteful, non-essential, or discretionary. Uses of water considered wasteful or violations of restricted uses during times of water shortage or other emergency water supply conditions subjects the offender(s) to penalties as defined in the Implementation and Enforcement section of this Plan.

AUTHORIZATION
The City Manager or designee is hereby authorized and directed to implement this Water Conservation Plan and the applicable provisions of this Drought Contingency Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

APPLICATION
The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.
OVERVIEW

HISTORY
The town of Graham, established in 1872, has a rich history that began on the frontier with Fort Belknap in 1851. The Fort's purpose was to protect and secure the peace for the pioneer settlers and Native Americans who lived on two near-by reservations. Fort Belknap was decommissioned in 1859 and is the only fort in Texas that is owned by the citizens of the county. In 1856 Young County was established with the county seat located in the community of Belknap, half a mile east of the fort. After an election, Graham won out as the location of the second county seat and a court house was built in 1884 on the Downtown Square in Graham.

CLIMATE
The average annual precipitation, measured at Graham airport, is 29.2 inches with the wettest months typically being April and May. The average number of days annually with precipitation is 56. In 2011, 12.08 inches of precipitation was measured, the lowest in recorded history. Temperature ranges from an average of 84.1 degrees in August to an average of 42.7 degrees in January.

WATER RESOURCES
Located 2 miles northwest of the City of Graham in Young County is Lake Graham-Eddleman, which consists of two lakes connected by a canal. Eddleman Dam was constructed on Flint Creek in 1929 and Graham Dam was constructed on Salt Creek in 1958. The two lakes were connected in 1959. The conservation pool capacity at 1075.0 feet is 45,302 acre-feet and the surface area is 2,444 acres.
INTRODUCTION

OBJECTIVE
The objective of the City of Graham’s Water Conservation and Drought Contingency Plan is to increase efficiency of water use and reduce water demands without adversely affecting the population and economic growth of the City. The fundamental strategy for this Plan is to promote and publicize water conservation activities and drought management strategies in order to meet water conservation goals and respond appropriately to water supply concerns or emergencies.

The City recognizes that the amount of water available to the City and its water utility customers may be limited and subject to depletion during periods of extended drought. Representing the best interests of the residents, the City deems it expedient and necessary to establish and maintain certain rules and policies for the ongoing conservation of water and the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

STATUTORY AND RULE REQUIREMENTS
Texas Water Code §11.1271 Additional Requirements: Water Conservation Plans. The commission shall require the holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 1,000 acre-feet a year or more for municipal, industrial, and other uses, and 10,000 acre-feet a year or more for irrigation uses, to develop, submit, and implement a water conservation plan, consistent with the appropriate approved regional water plan.

Title 30 Texas Administrative Code, Chapter 288.30(1) Water conservation plans for municipal, industrial, and other non-irrigation uses. The holder of an existing permit, certified filing, or
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**Title 30 Texas Administrative Code, Chapter 288.30(1)** Water conservation plans for municipal, industrial, and other non-irrigation uses. The holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 1,000 acre-feet a year or more for municipal, industrial, and other non-irrigation uses shall develop, submit, and implement a water conservation plan meeting the requirements of Subchapter A of this chapter (relating to Water Conservation Plans). The water conservation plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the next revision of the water conservation plan for municipal, industrial, and other non-irrigation uses must be submitted not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director within 90 days of adoption. The revised plans must include implementation reports. The requirement for a water conservation plan under this section must not result in the need for an amendment to an existing permit, certified filing, or certificate of adjudication.

**Texas Water Code §13.146. WATER CONSERVATION PLAN.** The commission shall require a retail public utility that provides potable water service to 3,300 or more connections to submit to the executive administrator of the board a water conservation plan based on specific targets and goals developed by the retail public utility and using appropriate best management practices, as defined by Section 11.002, or other water conservation strategies.

**Title 30 Texas Administrative Code, Chapter 288.30(10)(A).** Water conservation plans for retail public water suppliers. For retail public water suppliers providing water service to 3,300 or more connections, a water conservation plan meeting the minimum requirements of Subchapter A of this chapter and using appropriate best management practices must be developed, implemented, and submitted to the executive administrator of the Texas Water Development Board not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group.
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STATUTORY AND RULE REQUIREMENTS

Texas Water Code §11.1271. ADDITIONAL REQUIREMENT: DROUGHT CONTINGENCY PLANS FOR CERTAIN APPLICANTS AND WATER RIGHT HOLDERS. (a) The commission shall by rule require wholesale and retail public water suppliers and irrigation districts to develop drought contingency plans consistent with the appropriate approved regional water plan to be implemented during periods of water shortages and drought.

Title 30 Texas Administrative Code, Chapter 288.30(1). Water conservation plans for municipal, industrial, and other non-irrigation uses. The holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 1,000 acre-feet a year or more for municipal, industrial, and other non-irrigation uses shall develop, submit, and implement a water conservation plan meeting the requirements of Subchapter A of this chapter (relating to Water Conservation Plans). The water conservation plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the next revision of the water conservation plan for municipal, industrial, and other non-irrigation uses must be submitted not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director within 90 days of adoption. The revised plans must include implementation reports. The requirement for a water conservation plan under this section must not result in the need for an amendment to an existing permit, certified filing, or certificate of adjudication.

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Title 30 Texas Administrative Code, Chapter 288.30(10)(A). Water conservation plans for retail public water suppliers. For retail public water suppliers providing water service to 3,300 or more connections, a water conservation plan meeting the minimum requirements of Subchapter A of this chapter and using appropriate best management practices must be developed, implemented, and submitted to the executive administrator of the Texas Water Development Board not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group.

Texas Water Code §11.1272. ADDITIONAL REQUIREMENT: DROUGHT CONTINGENCY PLANS FOR CERTAIN APPLICANTS AND WATER RIGHT HOLDERS. (a) The commission shall by rule require wholesale and retail public water suppliers and irrigation districts to develop drought contingency plans consistent with the appropriate approved regional water plan to be implemented during periods of water shortages and drought.

Title 30 Texas Administrative Code, Chapter 288.30(5)(A). For retail public water suppliers providing water service to 3,300 or more connections, the drought contingency plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the retail public water suppliers providing water service to 3,300 or more connections shall submit the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group.
PUBLIC EDUCATION AND INVOLVEMENT

Affirmative opportunity for the public to provide input on this Plan is provided on an ongoing basis by telephone, email, and at City Board meetings. The City will periodically provide the public with information about this Plan, including information and/or notification about ongoing water conservation efforts, the conditions under which each drought stage would be initiated or terminated, and the drought response measures to be implemented in each stage. This information will be provided by means of press releases, radio announcements, local television public announcements, utility bill notices, and other public activities.

During Severe and Emergency drought conditions, the City Manager or designee will provide a weekly report to news media with information regarding current water supply and demand conditions and consumer information on Water Use Restrictions.
WATER WASTE

It shall be a violation of this plan at any time of the year for any person, firm, corporation, business or other entity to:

- Failing to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
- Operating a permanently installed irrigation system with a broken head, a head that is out of adjustment, or a head that is misting due to high water pressure.
- Operating an automated in-ground irrigation system or hose-end sprinkler on any day of the week between 10:00 a.m. and 7:00 p.m.
- Irrigation or landscape watering during any form of precipitation.
- Allowing water to run off a property and form a stream of water in a street for a distance of fifty (50) feet or greater.
- Allowing water to pond in a street or parking lot to a depth of greater than one quarter (¼) of an inch.

NON-ESSENTIAL/DISCRETIONARY USES OF WATER

The following uses of water are considered non-essential, or discretionary uses of water, except as otherwise provided by this Plan:

- Irrigation of landscape areas, including parks, athletic fields and golf courses.
- Use of water to wash any motor vehicle, boat, trailer, airplane, or other vehicle.
- Use of water to wash down any sidewalks, walkways, driveways, parking lots, athletic courts, or other hard surfaced areas.
WATER WASTE AND NON-ESSENTIAL USES

- Use of water to wash down buildings or other 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 swimming pools.
- Use of water in an outside fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life.
POPULATION
The population of the City is currently estimated to be 8,655. State and Regional planners currently project that the population will be 11,426 in 2060.

WATER SYSTEM
The City currently serves 4,274 retail connections over a 5.12 square mile area. 86% of retail connections are residential and 14% are commercial. The designed daily capacity of the system is 6,000,000 gallons per day. The elevated storage capacity is 2,500,000 gallons and the ground storage capacity is 500,000.

WATER SUPPLY
The City obtains 100% of its water from the Lake Graham-Eddleman.

WATER DEMAND
The City has averaged 936 million gallons (2,873 acre-feet) of water use annually over the previous five years. Since 2014, the City has significantly reduced pumping from the Lake. The production for 2018 was 722 million gallons.
PER CAPITA WATER
USE GOALS

Per capita water use is generally expressed in gallons per customer per day (GPCD) and is the average amount of water used by each person in the population served by a water utility. Variables that can influence GPCD include the relative amount of non-residential water uses, the rate and type of growth, economics, climatic conditions, and demographics. Currently, the City’s five-year average Total GPCD is 207 and the Residential GPCD is 122.

The City’s per capita water conservation goals for the next 10 years are based upon the Texas Water Conservation Implementation Task Force’s recommendation of a reduction in per capita water use by 0.5% per year. Per capita usage goals and water loss goals are shown below.

<table>
<thead>
<tr>
<th>Year Goal</th>
<th>TOTAL GPCD</th>
<th>RESIDENTIAL GPCD</th>
<th>WATER LOSS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5 Year Goal (2024)</strong></td>
<td>202</td>
<td>119</td>
<td>&lt; 15%</td>
</tr>
<tr>
<td><strong>10 Year Goal (2029)</strong></td>
<td>196</td>
<td>116</td>
<td>&lt; 15%</td>
</tr>
</tbody>
</table>

The City’s previous 5 and 10-years goals for total GPCD were 230 and 225 respectively. The previous 5 and 10-year goals for residential GPCD were 120 and 115 respectively.

Historic GPCD data for the City has fluctuated significantly due to drought conditions and meter replacement programs. The City continues to upgrade its data collection and records management programs to improve the ongoing tracking and evaluation of water conservation programs.
SCHEDULE AND TRACKING

The City Manager will act as the Administrator of the water conservation program. The Administrator will oversee the execution and implementation of all elements of the program. The Administrator is responsible for maintaining adequate records for program verification.

The Administrator will monitor the progress of the Water Conservation Plan, using information from water utility records and staff. Additionally, the Administrator will be responsible for submission of an annual water use survey, water loss audit, and annual water conservation report to the TWDB on the progress, and any changes to, the Water Conservation Plan.

UNIVERSAL METERING AND RECORDS MANAGEMENT

The City employs metering devices on all source water connections capable of measuring the amount of water to within plus or minus 5%. The City requires all retail connections to be metered. All water metered and billed is recorded using the City’s billing software.
METER TESTING, REPAIR, AND REPLACEMENT

Between April and July of 2017, the City changed out all retail meters. The City’s meter testing, repair, and replacement program:

- Master meters are tested and calibrated periodically to within an accuracy of plus or minus 5%.
- All retail meters are tested and calibrated or replaced as necessary.
- Meters that have abnormally high or low water usage are changed out as they are identified.

LEAK DETECTION, REPAIR, AND WATER LOSS CONTROL

The City operates and maintains the water transmission system within the City. In order to maintain water delivery service and to reduce and control unaccounted for water, City staff routinely visually inspect the distribution system to identify abnormal conditions indicating leaks. The staff is equipped to respond and repair equipment and pipeline breaks or employ contract assistance as required. As a result of these measures, the City’s water loss average was 18% over the previous five years. The City’s goals for water loss for the next 5 and 10 years is to maintain less than 15% water loss.

The City has a continuous leak detection, location, and repair program. Periodic audits of consumption and production volumes are utilized to determine trends for water loss and more immediate action steps to locate water leaks. Continuous surveillance by utility staff provides immediate response to water leaks.
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The City has an inclining block rate structure for water service that is cost based and does not encourage water use. The City periodically updates water rates to match the cost of service.

The State of Texas has recently adopted more stringent water saving performance measures for plumbing fixtures, found in the Health & Safety Code Chapter 372. The following maximum flow standards are subsequently listed in the Texas Administrative Code Title 30 Chapter 290 Subchapter G.

Customers in existing buildings that do not have water saving plumbing fixtures are encouraged to retrofit their old plumbing fixtures. New construction, including remodeling of existing structures, must comply with City and State plumbing fixture standards. There are a wide assortment of water efficient fixtures, clothes and dish washers that provide the same performance, but use less water. A water efficient home can save more than 20% of annual indoor water use.
ADDITIONAL WATER CONSERVATION STRATEGIES

The City will select any combination of the following strategies, in addition to those strategies listed above, if they are necessary to achieve the stated water conservation goals of this Water Conservation Plan. The TCEQ may also require that any of the following strategies be implemented by the City if the TCEQ determines that the strategy is necessary to achieve the goals of this Water Conservation Plan. The additional strategies that may be implemented are:

- Revision of water rates to promote increased water conservation.
- Additional programs to encourage the retrofit of water-conserving plumbing fixtures in existing structures.
- A program for pressure control and/or reduction in the distribution system and/or for customer connections.
- Any other conservation practice, method, or technique which the City shows to be appropriate to achieving the stated goal or goals of this Water Conservation Plan.
The City Manager or designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan.

<table>
<thead>
<tr>
<th>STAGE</th>
<th>Drought Triggers</th>
</tr>
</thead>
</table>
| **1** | - The static water level at Lake Graham/Eddleman is equal to or less than 1,067.8 feet above msl or 65% capacity  
- Excessive demand on the system  
- U.S. Drought Monitor indicates abnormally dry to moderate drought conditions |
| **2** | - The static water level at Lake Graham/Eddleman is equal to or less than 1,065.3 feet above msl or 55% capacity  
- Inability to maintain 70% storage capacity over-night due to high demand  
- Demand exceeds 85% treatment capacity for 3 consecutive days  
- Demand exceeds 90% treatment capacity for 1 day  
- U.S. Drought Monitor indicates severe, extreme, or exceptional drought conditions |
| **3** | - The static water level at Lake Graham/Eddleman is equal to or less than 1,062.5 feet above msl or 45% capacity  
- Inability to maintain 50% storage capacity over-night due to high demand  
- Demand exceeds 90% treatment capacity for 3 consecutive days  
- Demand exceeds 95% treatment capacity for 1 day  
- U.S. Drought Monitor indicates extreme or exceptional drought conditions |
| **4** | - The static water level at Lake Graham/Eddleman is equal to or less than 1,059.4 feet above msl or 35% capacity  
- Inability to maintain 35% storage capacity over-night due to high demand  
- Demand exceeds 95% treatment capacity for 3 consecutive days  
- Demand exceeds 100% treatment capacity for 1 day  
- U.S. Drought Monitor indicates exceptional drought conditions |
| **5** | - The static water level at Lake Graham/Eddleman is equal to or less than 1,058.0 feet above msl  
- Water production or distribution system limitations  
- Supply source contamination  
- System outage due to the failure or damage of major water system components |
RESPONSE STAGES

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in this Plan, shall determine that a mild drought, moderate drought, severe drought, exceptional drought, or emergency condition exists. The City shall notify the public by the means of notification described in the Public Education section of this plan.

During times of high demand, or distribution limitations, the City Manager or his/her designee may implement the appropriate Drought Response Stage.

<table>
<thead>
<tr>
<th>Drought Stage</th>
<th>Compliance</th>
<th>Odd Addresses</th>
<th>Even Addresses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>VOLUNTARY</td>
<td>Wednesday, Saturday</td>
<td>Thursday, Sunday</td>
</tr>
<tr>
<td>2</td>
<td>MANDATORY</td>
<td>Wednesday, Saturday</td>
<td>Thursday, Sunday</td>
</tr>
<tr>
<td>3</td>
<td>MANDATORY</td>
<td>Wednesday</td>
<td>Thursday</td>
</tr>
<tr>
<td>4</td>
<td>MANDATORY</td>
<td>Wednesday 7pm-8pm*</td>
<td>Thursday 7pm-8pm*</td>
</tr>
</tbody>
</table>

* Hand held hose, watering can, or bucket only
During times when this Drought Contingency Plan is in effect, it is a violation of this Plan for any person, firm, corporation, or entity to irrigate landscapes between 10:00 a.m. and 7:00 p.m.

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

- Mayor and City Council
- City Fire Chief
- City and County Emergency Management Coordinators
- Municipal Court Judge
- County Judge
- DPS, Division of Emergency Management
- TCEQ, Water Supply Division
RESPONSE STAGES

Stage 1 Response

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

Water-Use Restrictions
1. Customers are requested to voluntarily follow to the City of Graham’s 2-day/week watering schedule
2. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential or discretionary purposes*
3. Customers may water potted plants and landscapes at any time with a watering can or bucket
4. Request that wholesale customers follow Stage 1 Drought responses.

Utility Actions
1. Formal public notification by City officials of Stage 1 Drought conditions
2. Initiate increased public information efforts
3. Notify major commercial and institutional water users
4. Increase leak detection and repair efforts
5. Reduced flushing of water mains
6. If coming from Stage 2, 3, or 4 Response, notify TCEQ Water Supply Division of no mandatory restrictions
RESPONSE STAGES

Stage 1 Response

* The following uses of water are defined as non-essential or discretionary:
  • Wash down of any sidewalks, driveways, parking lots, or other hard-surfaced areas
  • Use of water to wash down buildings or structures for purposes other than immediate fire protection
  • Use of water for dust control
  • Use of water for washing vehicles
  • Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 2 Response

Target: Achieve a 10 percent reduction in total water use.

Water-Use Restrictions
1. Customers are required to follow to the City of Graham’s 2-day/week watering schedule
2. Water customers are requested to continue to practice water conservation and to minimize or discontinue water use for non-essential or discretionary purposes
3. Customers may water potted plants and landscapes at any time with a watering can or bucket
4. Discontinue irrigation of City parks and institutional landscapes
5. Require that wholesale customers follow Stage 2 Drought responses
RESPONSE STAGES

Stage 2 Response

Utility Actions
1. Continue Stage 1 actions
2. Formal public notification by City officials of Stage 2 Drought conditions
3. Increase utility oversight of watering schedule and water waste
4. Notify TCEQ Water Supply Division of current mandatory drought stage

Stage 3 Response

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

Water-Use Restrictions
1. Customers are required to comply with the City of Graham’s 1-day/week watering schedule
2. Filling of swimming pools, ornamental fountains, and artificial water features on watering days only
3. Customers may water potted plants and landscapes at any time with a watering can or bucket
4. Require that wholesale customers follow Stage 3 Drought responses
RESPONSE STAGES

Stage 3 Response

Utility Actions
1. Continue Stage 1 and 2 actions
2. Formal public notification by City officials of Stage 3 Drought conditions
3. Implement utility enforcement of watering schedule and water waste
4. Consider reducing the volume of water sold at bulk water filling stations
5. Notify TCEQ Water Supply Division of current mandatory drought stage

Stage 4 Response

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

Water-Use Restrictions
1. All outdoor, non-essential, or discretionary uses of water is prohibited except with hand held hose, water can, or bucket between 7:00PM and 8:00PM
2. Require that wholesale customers follow Stage 4 Drought responses

Utility Actions
1. Continue Stage 1, 2, and 3 actions
2. Formal public notification by City officials of Stage 4 Drought conditions
3. Increase utility enforcement of watering schedule and water waste
4. Require commercial car washes to apply for a Variance and document use of water conserving practices
5. Discontinue water sold at bulk water filling stations
6. Notify TCEQ Water Supply Division of current mandatory drought stage
7. Consider pro rata allocation to wholesale customers according to TWC 11.039
RESPONSE STAGES

Stage 5 Response: Emergency

Emergency water shortage
In the event of an identified water shortage declaration from the City of Graham, the City will implement pro rata allocation to wholesale customers according to the Texas Water Code Chapter 11.039.

Supply source contamination
In the event of a contamination event, appropriate emergency procedures will be implemented and appropriate emergency response officials will be notified immediately.
In the event of a backflow incident, loss of pressure, or an Acute Maximum Contaminant Level coliform violation, a Boiled Water Notice will be implemented as prescribed in 30 TAC Chapter 290.

System outage due to the failure or damage of major water system components
In the event of a catastrophic failure due to natural or man-made events, appropriate emergency procedures will be implemented and appropriate emergency response officials will be notified as appropriate.

Alternative Sources
The City has a water right reserve with the Brazos River Authority for water from Possum Kingdom Lake. This right has never been enacted but, in an emergency, the City would work with the BRA to plan for use from Possum Kingdom if water is available. There has also been exploratory work on groundwater availability that, in a pending emergency situation, would be more fully considered.
The City maintains internal procedures to notify the executive director immediately of the following events, if the event may negatively impact the production or delivery of safe and adequate drinking water:

1. An unusual or unexplained unauthorized entry at property of the public water system;
2. An act of terrorism against the public water system;
3. An unauthorized attempt to probe for or gain access to proprietary information that supports the key activities of the public water system;
4. A theft of property that supports the key activities of the public water system; or
5. A natural disaster, accident, or act that results in damage to the public water system.
VARIANCES

The City Manager or 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:

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.

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

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.
ENFORCEMENT

1. No person or entity shall knowingly or intentionally allow the use of water from the City of Graham for residential, commercial, institutional, industrial, agricultural, governmental, recreational, wholesale, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager or his/her designee, in accordance with provisions of this Plan;

2. A City of Graham code enforcement officer, police officer, or other official designated by the City Manager or his/her designee, may issue a written Notice of Violation to a person or entity he/she reasonably believes to be in violation of this Plan. For subsequent violations following written notice:
   a. The utility may issue a misdemeanor;
   b. The utility may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24-hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed $50.00;
   c. The utility may discontinue service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is LESS. The normal reconnect fee of the utility will apply for restoration of service;

3. Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not more than one thousand dollars ($1,000.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan,
ENFORCEMENT

the City Manager or his/her designee 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 re-connection charge, hereby established at $75.00, and any other costs incurred by the City of Graham in discontinuing service. In addition, suitable assurance must be given to the City Manager or his/her designee 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;

4. Any person or entity, including a person classified as a water customer of the City of Graham, 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.
WHOLESALE CONTRACTS

The City will include a requirement in every water supply contract entered into after official adoption of the water conservation plan, and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of this chapter. 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 applicable provisions of Title 30 Texas Administrative Code, Chapter 288.

The City will include a provision in every wholesale water contract entered into after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.
The service area of the City is located within the Region G Regional Water Planning Group and the City will provide a copy of this Plan to:

Brazos River Authority  
P.O. Box 7555  
Waco, TX  76714
ORDINANCE NO. 1086

AN ORDINANCE OF THE CITY OF GRAHAM, TEXAS, ADOPTING A WATER CONSERVATION & DROUGHT CONTINGENCY PLAN; ESTABLISHING DATA, INFORMATION, AND POLICY FOR WATER CONSERVATION PROGRAMS; CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Graham, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, Section 11.1271 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require the holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 1,000 acre-feet a year or more for municipal, industrial, and other uses to develop, submit, and implement a water conservation plan, consistent with the appropriate approved regional water plan, that adopts reasonable water conservation measures as defined by Subdivision (B)(8), Section 11.002, which defines “conservation” as those practices, techniques, and technologies that will 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 water supply is made available for future or alternative uses;
WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Graham, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the ongoing conservation of water and the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF GRAHAM, TEXAS:

SECTION 1.
That the City of Graham, Texas Water Conservation & Drought Contingency Plan 2019 attached hereto and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.

SECTION 2.
That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.
Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the
same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4.
This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY OF GRAHAM, TEXAS, on the 18th day of April, 2019.

APPROVED:

Neal Blanton, Mayor

ATTESTED TO:

Sharon McFadden, City Secretary