

**RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT  
DROUGHT CONTINGENCY PLAN**

ADOPTED JANUARY 10, 2011  
REVISED: JUNE 13, 2016, MAY 14, 2018

**I: DECLARATION AND PURPOSE OF INTENT**

The goal of this Drought Contingency 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.

Recommended conservation of water uses in this contingency plan are considered to be non-essential and continuation of such uses during times of drought are deemed to constitute a waste of water which may adversely affect the public health, welfare, and safety of the residents in Rusk County.

The Rusk County Groundwater Conservation District (District) will monitor usage patterns, initiate public education efforts and make recommendations on conservation efforts. The District will review and evaluate any needed amendments or major changes to this Plan due to changes in the aquifer or other relevant circumstances. At the least, the District will review and evaluate the Plan annually as required by the District's Management Plan. The District will post water conservation information on its website, in its office, and through other material which will serve as a reminder that water should be conserved at all times, not just during a drought or emergency.

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

**II: PUBLIC NOTIFICATION**

The District will notify the public with information regarding the initiation and termination of this Drought Contingency Plan. Along with this notification the District will provide information concerning recommended actions that should be taken to conserve our groundwater supply during drought conditions.

The District will make this notification and information available through some if not all of the following means of communication:

- A. Written Notification to Public Water Supply entities;
- B. Notification through major newspapers serving Rusk County;
- C. Written bulletins issued to schools in Rusk County.
- D. Posting on the Districts website.

### **III: TRIGGER CONDITIONS**

The District is responsible for monitoring groundwater supply and demand conditions on a real time, monthly, and quarterly basis or more frequently as conditions warrant, and shall determine when conditions warrant initiation or termination of each stage of the Plan. When conditions warrant, the Board of Directors of the District may initiate or terminate each stage of the Plan. The following triggers described may be adjusted by the Board of Directors to meet special water needs in the District.

**A. Stage I- Mild Drought:** Stage I water conservation measures may be implemented when the following condition exists:

- 1) Minimal average precipitation for a period of 2 months or more,
- 2) An indication of reduction of static water level through monthly monitor well checks,
- 3) The Texas Palmer Drought Index shows that the area has reached a level of Mild Drought Conditions,
- 4) Initiation of water utility DCP within the District.

**B. Stage II- Moderate Drought:** Stage II water conservation measures may be implemented when the following conditions exist:

- 1) Minimal average precipitation for a period of 2 months or more,
- 2) An indication of reduction of static water level through monthly monitor well checks,
- 3) The Texas Palmer Drought Index shows that the area has reached a level of Moderate Drought Conditions.
- 4) Initiation of water utility DCP within the District,
- 5) Quarterly monitor wells show an indicated reduction of the static water level.

**C. Stage III- Severe Drought:** Stage III water conservation measures may be implemented when one or more of the following conditions exist:

- 1) Minimal average precipitation for a period of 3 months or more,
- 2) An indication of reduction of static water level through monthly monitor well checks,
- 3) The Texas Palmer Drought Index shows that the area has reached a level of Severe Drought Conditions.
- 4) Initiation of water utility DCP within the District,
- 5) Quarterly monitor wells show an indicated reduction of the static water level,
- 6) Natural or man-made contamination of the water supply sources(s),
- 7) 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,
- 8) Other unforeseen events that could cause imminent health or safety risks to the public.

**D. Stage IV- Extreme Drought:** Stage IV water conservation measures may be implemented when one or more of the following conditions exist:

- 1) Minimal average precipitation for a period of 4 months or more,
- 2) Water level monitoring by the District indicates significant decrease in water levels that will likely affect groundwater production of permit holders,
- 3) The Texas Palmer Drought Index shows that the area has reached a level of Severe Drought Conditions,
- 4) Natural or man-made contamination of the water supply sources(s),
- 5) 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,
- 6) Other unforeseen events that could cause imminent health or safety risks to the public.

#### **IV: CONSERVATION MEASURES**

The drought contingency plan provides the following recommended actions based on the severity or stage of the drought condition as determined by the board of directors of the Rusk County Groundwater Conservation District. The recommended actions will be issued in four stages. 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 Plan for each stage.

**A. Stage I- Mild Drought:** Stage I water conservation actions are as follows:

Stage I will involve notification of possible drought conditions. At this stage, it is recommended that water consumers in Rusk County initiate voluntary conservation techniques that would include limiting aesthetic water use and taking inventory of non-essential water use.

**B. Stage II- Moderate Drought:** Stage II water conservation actions are the same as stage one with the exception of more aggressive communication with Rusk County residents:

Stage II will involve notification of possible drought conditions. At this stage, it is recommended that water consumers in Rusk County initiate voluntary conservation techniques that would include limiting aesthetic water use and taking inventory of non-essential water use.

**C. Stage III- Severe Drought:** Stage three water conservation actions are as follows:

Stage III will involve notification of a severe drought condition, at this stage;

- 1) The District will recommend:

- a) Restricting aesthetic water use,
  - b) Limiting non-essential water use,
  - c) Limiting landscape irrigation use.
- 2) Permit Holders' Compliance of Drought Contingency Plans: The District will review and confirm that permit holders are enforcing their official drought contingency plans.

**D. Stage IV- Extreme Drought:** Stage four water conservation actions are as follows:

Stage IV will be notification of an extreme drought condition, at this stage;

- 1) Permit Holders' Compliance of Drought Contingency Plans: The District will review and confirm that permit holders are enforcing their official drought contingency plans.
- 2) The District will coordinate with Public Water Supply entities to assist them with the implementation of mandatory water use restrictions and rationing of their own Drought Contingency Plans. The District will maintain communications with each entity to ensure that restrictions and rationing is consistent with their Drought Contingency Plan.
- 3) The District will review and confirm if Actions Based on Aquifer Response to Pumping under Rule 8.2 is appropriate for groundwater management responses that would be implemented to enforce the District's adopted Desired Future Conditions of the aquifers.

## **Section 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, appropriate notice will be generated by the District General Manager.
- B. The notice shall contain the following information:
  - 1) The date water conservation shall begin;
  - 2) The stage (level) of water conservations to be employed, and the affected area or areas.
- C. If the water conservation program extends 30 days the District President or General Manager shall present the reasons at the next scheduled board of directors 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. Notification of the termination shall be generated by the District General Manager.

## **VI: ENFORCEMENT PROCEDURES**

Violations may be enforced under Chapter 36 of the Texas Water Code and the District's Rules, including Rules 9.7(g) and 15.3, which may result in civil penalties and/or revocation of the associated permit.

## **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 a hardship or 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.

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:

- 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.

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.

### **Section IX: IMPLEMENTATION**

This District will review the procedures in this Plan on an annual basis as required in the District's Management Plan 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 Rusk County Groundwater Conservation District at the properly noticed public meeting held May 14, 2018.