

RESOLUTION NO. 20090423-002

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Council repeals Resolution No. 20050428-011 relating to the City's drought contingency plan and adopts a new plan as shown in Exhibit A. The plan is a requirement of the Texas Commission on Environmental Quality.

ADOPTED: April 23, 2009

ATTEST:

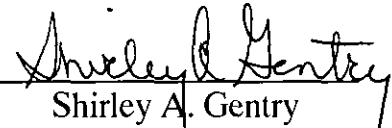

Shirley A. Gentry
City Clerk

EXHIBIT A



City of Austin

Drought Contingency Plan

May 2009

***Developed to Meet Requirements
Outlined in 30 TAC § 288.20***

Water Conservation Division
Austin Water Utility

City of Austin, Texas

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DROUGHT CONTINGENCY PLAN

City of Austin, Texas

May, 2009

Section I: Declaration of Policy, Purpose and Intent

The City of Austin (the “City”) establishes the 2009-2014 Drought Contingency Plan (the “Plan”) 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, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other emergency water supply conditions.

The Plan specifies how the City will respond to and manage the water system during system capacity and distribution limitations. In addition, the Plan specifies how the City will respond to and manage the water system during a repetition of the critical drought of record. The City will coordinate with the Lower Colorado River Authority (LCRA) and the policies set forth in their Water Management Plan, if and when such a critical drought should occur. Both water supply and system capacity management actions are codified in the City of Austin's Municipal Code, Title VI Environmental Control and Conservation, Chapter 4 Water Conservation, Article II Water Use Management, last revised in August of 2007 (Appendix A). This Plan is designed to meet Section 11.1272 of the Texas Water Code and Chapter 288 of the Texas Administrative Code. These regulations require all Texas public water supply systems providing water service to 3,300 or more connections to prepare a Drought Contingency Plan by May 1, 2009.

Section II: Background

A. City of Austin Water Supply, Projected Demand, and Water Supply Contracts

The City holds permitted municipal water rights granted by the State of Texas to divert a maximum of 292,703 acre-feet per year (AF/yr) from the Colorado River for municipal use. These water rights are run-of-river rights in the State's priority water rights system. This means that the City is permitted to divert water under these rights if the water is available for diversion after other more senior water rights are first fulfilled. There are conditions under which this water is not available to be relied upon by the City of Austin. Therefore, Austin has entered into water supply contract agreements with the Lower Colorado River Authority to ensure that Austin's water supply is firm and reliable under a wide range of hydrologic conditions, including droughts.

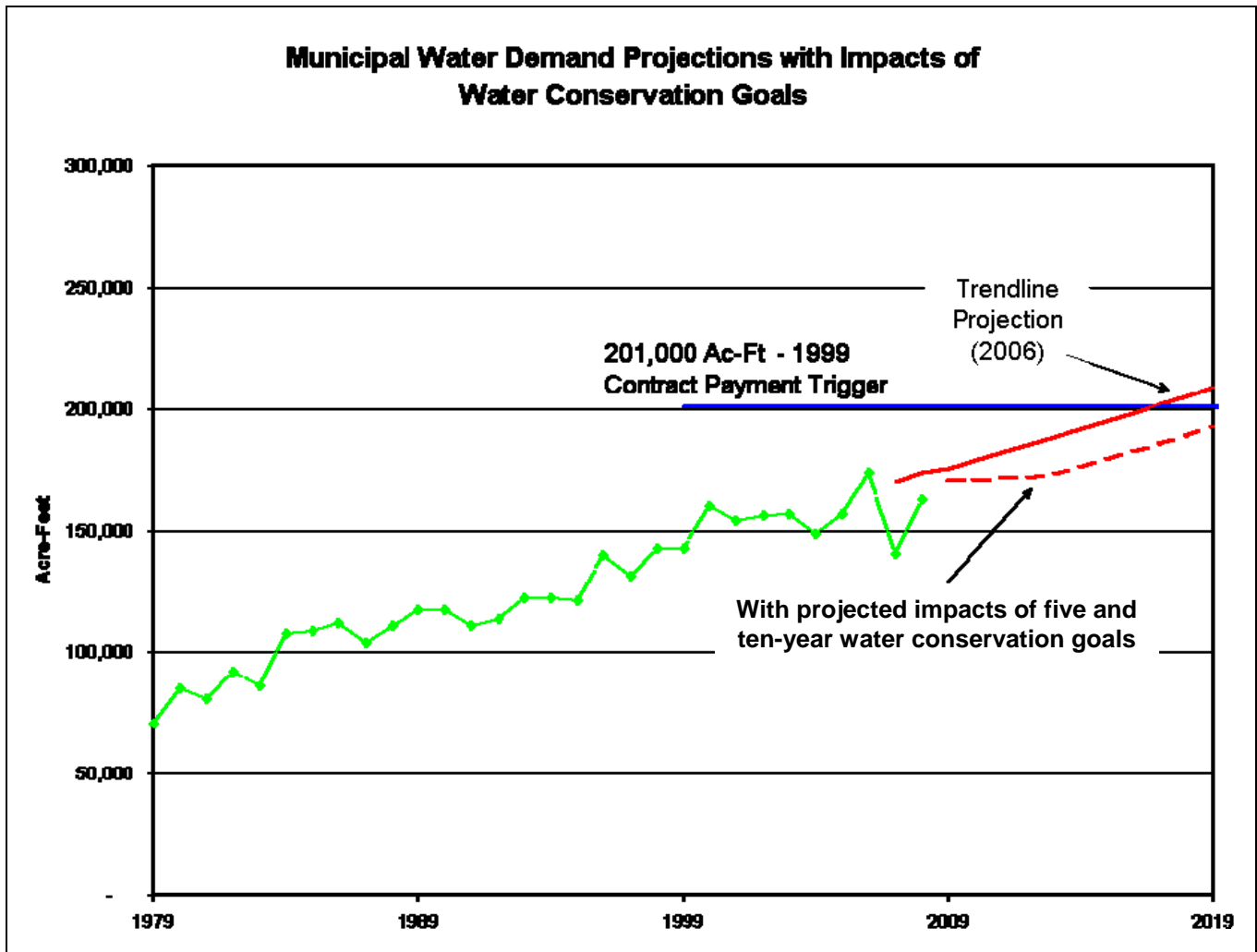
In 1999, the City of Austin secured a firm water supply of 325,000 AF/yr through a firm water contract with LCRA using stored water in the Highland Lakes and other sources to back up Austin's senior water rights. In 2007, Austin entered into a supplemental water supply

agreement with LCRA to provide Austin with an additional 250,000 AF/yr of firm water to be jointly planned incrementally for future needs beyond the 1999 contract's 325,000 AF/yr level. This amount of water supply, when secured, is projected to be sufficient to meet Austin's needs at least through the year 2100. Figure 1 illustrates the amount of the City of Austin's municipal firm supply and the current and projected municipal demand for that water through 2019.

According to its Water Management Plan for the Lower Colorado Basin (1999), LCRA plans to manage water supplies in the Colorado River to ensure that there is no shortage of stored water for firm demands during a repeat of the Drought of Record (DOR). According to the plan, LCRA will not invoke mandatory curtailments of firm water demand unless it can be demonstrated that a particular drought event is more severe than the DOR or some other water emergency that drastically reduces the available firm water supply. LCRA has developed a procedure for identifying a drought worse than the DOR and routinely monitors the Highland Lakes watershed. If drought conditions are worse than the DOR, LCRA may impose mandatory restrictions on firm water rights. The City has adopted Water Use Management codes (Appendix A) authorizing the City to consider and implement emergency conservation measures if the City were required to curtail water use during a drought worse than the DOR.

The 325,000 AF/yr component of the City's firm municipal water supply described above (from Austin's senior water rights backed by storage by contract with LCRA) is roughly double the current demand level of approximately 160,000 AF/yr. This firm supply is projected to meet demand through approximately 2046 based on current usage trends, including historical levels of conservation and reuse. However, it is the City's goal to extend this quantity of firm water supply to be sufficient through at least 2050 through implementation of the City Council's recently adopted conservation and water reuse program enhancements.

Figure 1.



B. Drought Conditions and Management Actions

LCRA uses storage levels in the Highland Lakes reservoirs as indicators of possible severe, long-term drought conditions. The LCRA manages the Highland Lakes, including Lakes Travis and Buchanan, as one system, resulting in a maximum combined storage capacity of 2.1 million acre-feet per year. The drought of record for the area serviced by the Highland Lakes reservoirs, including the City of Austin, occurred during the years 1947-1956 when the combined water storage levels of Lakes Travis and Buchanan fell to 681,000 acre-feet (or 222 billion gallons).

In order to minimize negative effects from periods of severe water shortages, the Water Use Management Ordinance outlines the City's stages for taking action during such periods caused by drought, water supply contamination, system outage due to failure or damage of water system, or other emergency conditions. If the available supply is less than the anticipated

demand, the City will consider and implement additional emergency demand management measures, as outlined in Section 6-4-62 of City Code (Appendix A).

C. Water System Limitations

The Austin Water Utility currently serves approximately 200,000 connections with over 3,500 miles of water mains. In 2008, the Austin Water Utility served an approximate population of 796,000 and a wholesale customer population of 54,000, for a total service population of approximately 850,000. Water is drawn from the Colorado River (on Lake Austin) into two water treatment plants (WTP) with a combined capacity to treat and distribute 285 million gallons per day (MGD). The next increment of capacity that will be added is 50 MGD with the City of Austin's Water Treatment Plant #4 project first phase of operations. Water Treatment Plant 4 is projected to increase the system capacity to approximately 335 MGD upon completion. Table 1 has a summary of the current plant capacities.

Table 1. Existing City of Austin Water Treatment Plants and Capacity

Plant Name	Year Constructed	Treatment Capacity (million gallons/day)
Davis	1954	118 ^a
Ullrich	1969	167 ^b
<i>Total</i>		285

a) Expanded in 1963, 1977, 1987, and 1999.

b) Modernized in 1993 to meet the higher standards of the Safe Drinking Water Act and expanded in 1987 and 2000. Capacity expansion from 100 to 167 MGD was recently completed.

Section III: Trigger Conditions and Goals

The City of Austin has year-round and summer watering restrictions to conserve water. Commercial and multi-family properties are limited to two watering days per week, and watering with an automatic irrigation system is prohibited between 10:00am and 7:00pm for any property. Under City of Austin Water Conservation Stage 1 regulations, residential irrigation is restricted to two days per week from May 1 thru September 30.

The City Manager and his/her designee monitors water supply, water system capacity and demand conditions to determine when to consider action as defined by the demand, supply, and emergency triggers listed in Table 2 on the next page.

Table 2. Demand, Supply and Emergency Triggers

	Triggers	Action	Goal	End Conditions
Demand Triggers	260 mgd ^a for 3 consecutive days	City Manager may order Stage 2 ^b Water Restrictions	Reduce water use by 15% of 260 mgd	City Manager ends based on daily supply and demand of water
	270 mgd for one day	City Manager may order Stage 2 ^b Water Restrictions	Reduce water use by 15% of 270 mgd	City Manager ends based on daily supply and demand of water
Supply Triggers	Combined Lake storage less than 900,000 acre-feet	City Manager may order Stage 2 ^b Water Restrictions	Reduce water use by 15%	City Manager ends based on daily supply and demand of water
	Combined Lake storage less than 681,000 ^c acre-feet	City Manager may order Stage 3 ^d Water Restrictions	Reduce water use to levels deemed necessary	City Manager ends based on daily supply and demand of water or the end of supply constraints
Emergency Triggers	As determined by City Manager, system outage, equipment failure, contamination of water source or other emergencies	City Manager may order Stage 3 ^d Water Restrictions	Reduce water use to levels deemed necessary	City Manager ends based on daily supply and demand of water or the end of supply constraints

^a million gallons per day

^b Austin City Code §6-4-65

^c City of Austin Water Management Ordinance stipulates that the City Manager may prohibit outdoor watering at 681,000, Austin City Code §6-4-72

^d Austin City Code §6-4-66

Section IV: Public Involvement

The 2005 Plan was developed with input from various public interest groups, stakeholders, and customers, including wholesale and large industrial customers, Austin Lawn Sprinkler Association, Austin Industry Association, Austin Tenant's Council, Southwest Car Wash Association (Local Chapter), Texas Association of Nurseries, Texas Nursery and Landscape Association, and Xeriscape Advisory Board. Comments received from these groups were incorporated into the 2005 Plan.

On August 9, 2007, the Austin City Council passed revisions to the Emergency and Peak Day Water Use Management Codes (Appendix A) based on recommendations of the City's Water Conservation Task Force. This section of City Code is the basis for implementation and enforcement of drought management plans for the City.

The 2009 proposed Plan update was presented at three public meetings, including meetings of the Citizens' Water Conservation Implementation Task Force, the Water and Wastewater Commission and the Resource Management Commission. Both the Task Force and the Commissions passed resolutions supporting the Plan (Appendix D).

Section V: Wholesale Contract Provisions

All new, renewed, or extended wholesale supply contracts entered into after official adoption of this Plan shall include a provision water shall be distributed on a pro rata basis in the event of a water shortage resulting from drought. Pro rata curtailment shall be done in accordance with Texas Water Code §11.039. The City works closely with wholesale customers and large retailers through monthly meetings. All public information materials, including watering calendars, brochures, etc., are available to the City's wholesale customers for distribution to their retail customers.

Section VI: Public Notification and Education

The City will 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 response measures to be implemented in each stage. This information will be provided by means of press releases, web page notices, watering calendars, presentations to community groups, and other outreach methods as necessary.

Section VII: Coordination with Regional Planning Groups (RPG)

The City of Austin has provided a copy of this Plan to the Lower Colorado Regional Planning Group (Region K). A copy of the transmittal letter to the planning group is provided in Appendix E.

Section VIII: TCEQ Notification

The City shall notify the executive director of the Texas Commission on Environmental Quality within five (5) business days of the implementation of any mandatory provisions of the Drought Contingency Plan.

Section IX: Plan Review and Updates

This Plan was developed to meet the requirement in 30 TAC § 288.20 to submit a Drought Contingency Plan and provide the community and water customers with essential drought contingency response information, regulations, and services. The Plan will be reviewed at minimum every five (5) years and updated based on developments in Austin's water service area.

APPENDIX A: Water Use Management Code

ARTICLE 2. WATER USE MANAGEMENT.

Division 1. General Provisions.

§ 6-4-51 DEFINITIONS.

In this article:

- (1) COMMERCIAL FACILITY means a site with five or more dwelling units, or a civic, commercial, or industrial building and the associated landscaping.
- (2) DIRECTOR means the director of the Austin Water Utility.
- (3) DESIGNATED OUTDOOR WATER USE DAY means the day prescribed by rule on which a person is permitted to irrigate outdoors.
- (4) 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) that alters more than one-half of the area of an existing landscape.
- (5) RESIDENTIAL FACILITY means a site with four or fewer dwelling units.

Source: 1992 Code Section 4-2-54; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002.

§ 6-4-52 WATER USE MANAGEMENT PLAN ESTABLISHED.

This article establishes a water use management plan.

Source: 1992 Code Section 4-2-50; Ord. 031023-10; Ord. 031211-11.

§ 6-4-53 APPLICABILITY.

This article applies to a person who uses or allows the use of water, other than reclaimed water, supplied by Austin Water Utility.

Source: 1992 Code Section 4-2-53; Ord. 031023-10; Ord. 031211-11; Ord. 20070927-006.

§ 6-4-54 COMPLIANCE REQUIRED.

A person may not use or permit the use of the water in a manner that conflicts with the requirements of this article or in an amount greater than permitted by this article.

Source: 1992 Code Section 4-2-60(A); Ord. 031023-10; Ord. 031211-11; Ord. 20070927-006.

Division 2. Water Use Guidelines and Restrictions.

§ 6-4-61 WATER CONSERVATION GUIDELINES.

(A) The director shall recommend and the city manager shall adopt water conservation guidelines that include:

- (1) policies for compliance by city departments; and
- (2) the criteria for determining when a conservation stage takes effect or terminates.

(B) The city manager shall update the guidelines if the city manager determines that changed conditions of the city's water supply system require the update.

Source: 1992 Code Section 4-2-60(B); Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002.

§ 6-4-62 EFFECTIVE DATES OF CONSERVATION STAGES.

(A) Except as provided in Subsection (B), Section [6-4-64](#) (*Water Conservation Stage One Regulations*) is effective:

- (1) May 1 through September 30; and
- (2) during other time periods as determined by the director.

(B) The city manager may order that the water use restrictions of Section [6-4-65](#) (*Water Conservation Stage Two Regulations*), Section [6-4-66](#) (*Water Conservation Stage Three Regulations*), or Section [6-4-72](#) (*Additional Restrictions During Long-Term Water Supply Shortages*) take effect or terminate after determining that the order is necessary to protect the public health, safety, or welfare. The order is effective when announced publicly.

(C) The director shall monitor the daily supply and demand for water and recommend to the city manager whether to implement or terminate water use restrictions.

Source: 1992 Code Sections 4-2-52, 4-2-60(B), and 4-2-76; Ord. 031023-10; Ord. 031211-11.

§ 6-4-63 PERMANENT WATER USE RESTRICTIONS.

(A) This section prescribes permanent water conservation regulations and applies year-round.

(B) A person may not irrigate outdoors at a commercial facility on a day other than a designated water use day, except:

- (1) at a golf course; or

(2) as provided in Subsection (E).

(C) A person may not irrigate outdoors using a permanently installed automatic irrigation system between the hours of 10:00 a.m. and 7:00 p.m., except as necessary to make repairs required under Subsection (D) or as provided in Subsection (E).

(D) A person may not:

(1) fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;

(2) operate a permanently installed irrigation system with:

(a) a broken head;

(b) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or

(c) a head that is misting because of high water pressure; or

(3) during irrigation, allow water:

(a) to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or

(b) to pond in a street or parking lot to a depth greater than one-quarter of an inch.

(E) Subsections (B) and (C) do not apply to irrigation:

(1) during repair or testing of a new or existing irrigation system if the person performing the testing is present;

(2) of nursery stock at a commercial plant nursery; or

(3) of an athletic field used for organized sports if:

(a) the irrigation is for dust abatement purposes; and

(b) the owner submits to the City a dust abatement exemption application on a form prescribed by rule.

Source: 1992 Code Section 4-2-61; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002; Ord. 20070927-006.

§ 6-4-64 WATER CONSERVATION STAGE ONE REGULATIONS.

(A) This section prescribes water conservation stage one regulations and applies during the time periods prescribed by Section [6-4-62](#)(A) (*Effective Dates of Conservation Stages*).

(B) Except as provided in Subsection (D), a person may not irrigate outdoors at a residential facility or a commercial facility between the hours of 10:00 a.m. and 7:00 p.m.

(C) A person may not irrigate outdoors at a residential facility except on a designated outdoor water use day, or as provided in Subsection (D).

(D) Subsections (B) and (C) do not apply to irrigation:

- (1) using a hand-held hose or hand-held bucket;
- (2) during repair or testing of a new or existing irrigation system if the person performing the testing is present;
- (3) of water nursery stock at a commercial plant nursery; or
- (4) of an athletic field used for organized sports if:
 - (a) the irrigation is for dust abatement purposes; and
 - (b) the owner submits to the City a dust abatement exemption application on a form prescribed by rules.

Source: 1992 Code Section 4-2-62; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002; Ord. 20070927-006.

§ 6-4-65 WATER CONSERVATION STAGE TWO REGULATIONS.

(A) This section prescribes stage two water use management regulations.

(B) This section applies during a time period ordered by the city manager in accordance with Section [6-4-62](#) (*Effective Dates of Conservation Stages*).

(C) This section does not apply to:

- (1) necessary use of water, other than for landscape irrigation, by a governmental entity performing a governmental function, including for a capital improvement construction project;
- (2) necessary use of water, other than for landscape irrigation, for land development including roadway base preparation, flushing a utility line, dust control, concrete or asphalt work, and building construction, provided that if reclaimed water is available within one mile of the construction site, reclaimed water must be used for roadway base preparation and dust control;
- (3) necessary use of water for repair of a water distribution facility, residential and commercial plumbing, or a permanently installed landscape irrigation system; or
- (4) use of water in accordance with a variance approved by the director.

(D) This subsection prescribes requirements for outdoor irrigation, excluding watering nursery stock at a commercial plant nursery.

- (1) A person may not irrigate outdoors, except:
 - (a) with a hand-held hose or a hand-held bucket at any time;
 - (b) with a hose-end sprinkler, a soaker hose, or drip irrigation, from 12:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 12:00 a.m. on a designated outdoor water use day; or
 - (c) with a permanently installed automatic irrigation system from 12:00 a.m. to 10:00 a.m. on a designated outdoor water use day.
 - (2) A person may not irrigate new landscape, unless:
 - (a) the person provides a completed notice in the form established in the water conservation guidelines to the director at least one day before the landscape is installed; and
 - (b) the person irrigates with a hose-end sprinkler, a soaker hose, or drip irrigation only from 12:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 12:00 a.m. on a designated outdoor water use day, or with an automatic irrigation system from 12:00 a.m. to 10:00 a.m. on a designated outdoor water use day.
- (E) This subsection prescribes requirements for washing an automobile, truck, trailer, boat, airplane, or other mobile equipment.
- (1) A person may not wash a vehicle or mobile equipment, except on a designated outdoor water use day from 12:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 12:00 a.m.
 - (2) A person who washes a vehicle or mobile equipment must use a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle.
 - (3) A person may not conduct or participate in a charity car wash.
 - (4) A person commits a separate offense for each vehicle or piece of equipment washed in violation of the terms and conditions of this restriction.
 - (5) This subsection does not apply to a commercial carwash if:
 - (a) in-bay, hand-held spray wash equipment, including a spray wand or foaming brush, does not use more than 3.0 gallons of water a minute and has a trigger shutoff;
 - (b) portable pressure wash equipment with a spray nozzle does not use more than 3.5 gallons of water a minute and has a trigger shutoff;
 - (c) a conveyor friction system does not use more than 20 gallons for each vehicle;
 - (d) a conveyor touchless system does not use more than 40 gallons for each vehicle;
 - (e) a rollover automatic system does not use more than 45 gallons for each vehicle;
 - (f) each chamois wringer has a positive shutoff valve; and

(g) a system using reverse osmosis rinse water reclaims and reuses reject water, and the reject water is not discharged into a sanitary sewer.

(6) This subsection does not apply if washing the vehicle is necessary to protect the health, safety, or welfare of the public.

(F) A person may not use an automatic fill valve to add water to an outdoor swimming, wading pool, or pond.

(G) A person may not operate an outdoor ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic species. A person may not fill, refill, or add water to an indoor fountain.

(H) A person may not irrigate a golf fairway, except on a designated outdoor water use day from 12:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 12:00 a.m. A person may irrigate a golf course green or tee every other day if the person files a plan with the director establishing the irrigation schedule.

(I) A person may not wash a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area, except to alleviate an immediate health or safety hazard.

(J) A restaurant may not serve water to a customer except when requested by the customer.

Source: 1992 Code Section 4-2-63; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002; Ord. 20070927-006.

§ 6-4-66 WATER CONSERVATION STAGE THREE REGULATIONS.

(A) This section prescribes stage three water use management regulations.

(B) This section applies during a time period ordered by the city manager in accordance with Section [6-4-62](#) (*Effective Dates of Conservation Stages*). During stage three, stage two water use management regulations in Section [6-4-65](#) (*Water Conservation Stage Two Regulations*) also apply.

(C) This section does not apply to a person who uses treated wastewater effluent or raw water.

(D) A person may not irrigate vegetation outdoors, except:

(1) with a hand-held hose or hand-held watering can from 6:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. on a designated outdoor water use day; or

(2) at a commercial plant nursery with a hand-held hose, hand-held watering can, or drip irrigation system.

(E) A person may not wash an automobile, truck, trailer, boat, airplane, or other mobile equipment. This prohibition does not apply if the washing is necessary to alleviate an immediate

threat to public health, safety, or welfare, but a person may use a commercial car wash or commercial service station for this purpose only between 12:00 p.m. and 5:00 p.m.

(F) This subsection prescribes requirements for foundation watering.

(1) A person may not water the ground around a foundation to prevent foundation cracking except on a designated outdoor water use day from 12:00 a.m. to 10:00 a.m.

(2) The director may grant a variance to Paragraph (1) if the director determines that additional watering is necessary to prevent foundation cracking. If the director grants a variance, a person may water a foundation:

(a) during the time period prescribed by Paragraph (1); and

(b) on the second day after time period prescribed by Paragraph (1) from 12:00 a.m. to 10:00 a.m. using a soaker hose or drip system placed within 24 inches of the foundation that does not produce a spray of water above the ground.

(G) A person may not operate an outdoor ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic species.

(H) A person may not add potable water to a swimming pool, wading pool, fountain, or pond.

(I) A person may not begin the installation of new landscape.

(J) A person may not wash a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area, except to alleviate an immediate health or safety hazard.

(K) A restaurant may not serve water to a customer except when requested by the customer.

Source: 1992 Code Section 4-2-64; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002; Ord. 20070927-006.

Division 3. Additional Restrictions.

§ 6-4-71 DIRECTOR'S AUTHORITY TO IMPOSE ADDITIONAL RESTRICTIONS.

(A) The director may implement mandatory water restrictions in addition to those prescribed by [Division 2](#) (*Water Use Guidelines And Restrictions*) to protect the public health and safety in the event of an unusual water system operational event, catastrophic occurrence, or severe weather event.

(B) The director may implement mandatory restrictions, immediately effective, by public announcement.

Source: 1992 Code Section 4-2-70; Ord. 031023-10; Ord. 031211-11.

§ 6-4-72 ADDITIONAL RESTRICTIONS DURING LONG-TERM WATER SUPPLY SHORTAGES.

(A) This section applies if the city manager determines that:

- (1) the available capacity of the Highland Lakes Reservoir is less than the anticipated demand; or
- (2) the combined water storage levels of Lakes Travis and Buchanan are less than 681,000 acre-feet.

(B) The city manager may:

- (1) prohibit outdoor watering, except with treated wastewater effluent, raw water, well water, storm water, or stored rainwater; or
- (2) require municipal wholesale customers to curtail water use on a pro rata basis, in accordance with Section 11.039 (*Distribution of Water During Shortage*) of the Texas Water Code.

Source: 1992 Code Section 4-2-71; Ord. 031023-10; Ord. 031211-11.

Division 4. Variances; Alternative Compliance.

§ 6-4-81 VARIANCE.

(A) The director may grant a variance from a requirement of this article if the director determines that special circumstances exist and that compliance with this article:

- (1) adversely affects the health, sanitation, or fire protection of the public or the applicant;
- (2) adversely affects pesticide or fertilizer application; or
- (3) substantially threatens the applicant's primary source of income.

(B) The director may grant a variance to Section [6-4-63](#) (*Permanent Water Use Restrictions*), Section [6-4-64](#) (*Water Conservation Stage One Regulations*), or Section [6-4-65](#) (*Water Conservation Stage Two Regulations*) if the director determines:

- (1) that a property cannot be completely watered with an average of three-quarters of an inch of water in a single day and that the property should be divided into sections to be watered on different days;
- (2) that a property is a newly installed landscape; or
- (3) that a property is used as an athletic field that cannot feasibly be watered on the designated day.

(C) A variance granted under Subsection (B)(2) must include the following conditions:

(1) the applicant may water a newly installed landscape no more than three-quarters of an inch; and

(2) watering must comply with the following schedule:

(a) for the first 10 days after installation, watering is permitted daily;

(b) for the 11th through 20th days after installation, watering is permitted every other day before 10:00 a.m. and after 7:00 p.m.; and

(c) for the 21st through 30th days after installation, watering is permitted every third day before 10:00 a.m. and after 7:00 p.m.

(D) A person may seek a variance by filing an application with the director. The director may require the applicant to provide information the director determines is necessary to evaluate the variance request.

(E) If the director approves a variance, the applicant shall keep a copy of the approval in a location on the affected property that is accessible and visible to the public.

Source: 1992 Code Section 4-2-77; Ord. 031023-10; Ord. 031211-11; Ord. 20070927-006.

§ 6-4-82 EXPIRATION OF VARIANCE.

(A) A variance from a stage one requirement expires when stage two regulations take effect.

(B) A variance from a stage two requirement expires when stage three regulations take effect.

(C) A variance from a requirement of this article expires when additional restrictions during long-term water supply shortage are adopted under Section [6-4-72](#) (*Additional Restrictions During Long-Term Water Supply Shortages*).

(D) A variance from a requirement of this article expires if the applicant is convicted of violating this article.

Source: 1992 Code Section 4-2-79; Ord. 031023-10; Ord. 031211-11.

§ 6-4-83 ALTERNATIVE COMPLIANCE.

(A) The director may permit a person to comply with alternative water use restrictions after determining that the alternative restrictions meet or exceed the intent of this article.

(B) If the director approves alternate water use restrictions, the applicant shall keep a copy of the approved restrictions in a location on the affected property that is accessible and visible to the public.

Source: 1992 Code Section 4-2-78; Ord. 031023-10; Ord. 031211-11.

ARTICLE 3. ENFORCEMENT.

§ 6-4-91 PRESUMPTION OF VIOLATION.

A person in whose name a water service account is held is presumed to be responsible for a violation of this article that occurs at the water service account location.

Source: 1992 Code Section 4-2-75; Ord. 031023-10; Ord. 031211-11.

§ 6-4-92 PENALTY.

(A) A person commits an offense if the person performs an act prohibited by this chapter or fails to perform an act required by this chapter. Each instance of a violation of this chapter is a separate offense.

(B) An offense under this chapter is a Class C misdemeanor, punishable by:

- (1) a fine not to exceed \$500; or
- (2) if the person acts with criminal negligence, a fine not to exceed \$2,000.00.

(C) Proof of a higher degree of culpability than criminal negligence constitutes proof of criminal negligence.

(D) Prosecution of an offense and enforcement of other remedies under this chapter are cumulative.

Source: 1992 Code Section 4-2-99; Ord. 031023-10; Ord. 031211-11; Ord. 20070927-006.

APPENDIX B: Watering Schedule

City of Austin Watering Schedule

Customer Class	Outdoor Water Use Days	Effective
Commercial, Multifamily	Tuesday and/or Friday	Year-Round
Residential Odd-numbered address	Wednesday and/or Saturday	May 1 - September 30
Residential Even-numbered address	Thursday and/or Sunday	May 1 - September 30
Year-round: No watering with automatic irrigation systems between 10 a.m. and 7 p.m. May 1 - Sept 30: No watering between 10 a.m. and 7 p.m. except with hand-held hose.		

APPENDIX C: Water Use Triggers for Water Use Management Ordinance



MEMORANDUM

TO: Greg Meszaros, Director

FROM: Jane Burazer, Assistant Director
Water and Wastewater Treatment

DATE: May 20, 2008

SUBJECT: Conservation Triggers

The purpose of this memo is to recommend water usage triggers for this summer under the Water Conservation Ordinance. The requirements under Stage II Water Use Restrictions have changed from previous years. As Stage I now mandates a twice/week outdoor watering schedule, this year, the Stage II will mandate a one day per week outdoor watering following the prescribed schedule in the rule.

The conservation triggers for Stage II Water Use Restrictions are historically based upon system capacities. To reduce the reliance on the Green WTP which is slated for decommissioning in the fall of 2008, the recommended triggers for Stage II Mandatory Water Use Restrictions for this summer is based on a system capacity of 285 MGD. The recommended triggers are:

3 consecutive days of water usage	260 MGD
1 day of water usage	270 MGD

As in past years, it is recommended that Stage III Mandatory Water Use Restrictions be determined as needed by the Director of the Austin Water Utility.

If you have any questions or need additional information, please call me.

Jane Burazer
Jane Burazer, Assistant Director
Water and Wastewater Treatment
Austin Water Utility

Concurrence:
Greg Meszaros
Greg Meszaros, Director

5/21/08
Date

APPENDIX D: Resolutions in Support of Revisions to Water Management Ordinance and Adoption of 2009 Drought Contingency Plan

- (1) *Citizens' Water Conservation Implementation Task Force*
- (2) *Water and Wastewater Commission Resolution*
- (3) *Resource Management Commission Resolution*



Citizen's Water Conservation Implementation Task Force

Resolution

Austin Water Utility – Water Conservation Program
April 6, 2009

Vote: 7-0-0-2-0

Motion by: Richard Hatfield

Second by: Margot Clarke

For: Susan Butler, Margot Clarke, Norman Johns, Richard Hatfield, Jody McDaniel, Nora Mullarkey, Jennifer Walker

Against: None

Abstain: None

Absent: Rusty Osborne, Susan Roth

Vacant: None

Motion: Recommend approval with changes

The Citizen's Water Conservation Implementation Task Force supports the City of Austin's Water Conservation Programs, and recommends that the City Council adopt the 2009 Drought Contingency Plan. This plan is designed to meet Section 11.1272 of the Texas Water Code and Chapter 288 of the Texas Administrative Code. These regulations require all Texas public water supply systems providing service to 3,300 or more connections to prepare a Drought Contingency Plan. The plan is required to be officially adopted through resolution or ordinance before being submitted to the TCEQ for final approval on May 1, 2009.

The 2009 Drought Contingency Plan adheres to the requirements of the Texas Administrative Code by including the specific criteria for the initiation and termination of drought response stages, as well as the measures to be implemented during these stages in order to achieve reductions in water use. In addition, the 2009 Plan includes specific, quantified target amounts for water use reductions to be achieved during periods of drought and water shortage. The Plan also specifies how the City will respond to and manage the water system during a repetition of the critical drought of record. Both water supply and system capacity management actions are codified in the City of Austin's Municipal Code, Title VI Environmental Control and Conservation, Chapter 6-4 Water Conservation, Article 2 Water Use Management, and are therefore included in the Plan.



Approved, Susan Butler, Chair



April 6, 2009

**WATER AND WASTEWATER COMMISSION
REGULAR MEETING
RECOMMENDATION
April 8, 2009**

No. 040809-L

TITLE: RESOLUTION – DROUGHT CONTINGENCY PLAN

	Motion	Motion	COMMISSIONER'S VOTE				
	Made By	Seconded By	Consenting	Dissenting	Abstaining	Recusal	Absent
Cheryl Scott-Ryan Chairperson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mario Espinoza Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sarah Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Karen Friese	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dale Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chien Lee	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gwendolyn Webb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUBJECT:

The Water and Wastewater Commission recommends approval of a resolution to repeal Resolution No. 20050428-011, and adopt the City of Austin **Drought Contingency Plan**. This plan is a requirement of the Texas Commission on Environmental Quality (TCEQ).

✓ **Recommended by the Water and Wastewater Commission**

 Not Recommended by the Water and Wastewater Commission

 No Recommendation **Motion Failed - Did not receive 4 affirmative votes** **Motion Failed – Lack of a second**

Cheryl Scott-Ryan
Cheryl Scott-Ryan, Chairperson
Water & Wastewater Commission

4-8-09
Date

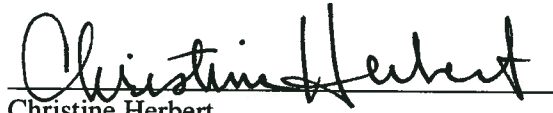



Resource Management Commission
April 21, 2009 Agenda Item 6.a.
Proposed Austin Water Utility Drought Contingency Plan

RESOLUTION

The Resource Management Commission approves the revised Drought Contingency Plan presented by the Austin Water Utility at its April 21, 2009 meeting and recommends that the City Council pass a resolution adopting the plan in place of existing Council Resolution No. 20050428-011.

Adopted on April 21, 2009, by a vote of 5 to 0.


Christine Herbert
Chair

Further, the Commission resolves that the Austin Water Utility will continue to consult and work with the Commission to revise and update the Plan to provide additional terms and details to recommend to the City Council for adoption within the next year. 

APPENDIX E: Transmittal Letter to Regional Planning Group



Austin Water Utility, P.O. Box 1088, Austin, TX 78767

John Burke, Chair
Lower Colorado Regional Planning Group (K)
Lower Colorado River Authority
P.O. Box 220
Austin, TX 78767-0220

April 27, 2009

Dear Mr. Burke:

The enclosed 2009 Drought Contingency Plan was developed by City of Austin to meet the requirements set forth by Texas Administrative Code Title 30, Chapter 288. This Plan was approved by the Austin City Council on April 23, 2009 and is being forwarded to the Texas Commission on Environmental Quality.

The City of Austin is still in the process of evaluating our conservation programs and has requested a deadline extension for turning in a water conservation plan, also required by Chapter 288. The City expects to deliver a water conservation plan to the TCEQ by September 1, 2009.

If you have any questions on the enclosed plan please contact me at 512.972.0218.

Sincerely,

Sonja Stefaniw
Division Manager
AWU Water Conservation
512.974.3901