

DROUGHT CONTINGENCY PLAN

**MSEC Enterprises, Inc.
P.O. Box 1266 Montgomery, TX 77356**

CCN: 12887

**Crown Ranch Water System (1700781)
Montgomery Trace Water System (1700638)
Stillwater Estates Water System (1700677)**

Updated in October 2024

DROUGHT CONTINGENCY PLAN

For

MSEC Enterprises, Inc.

Section I - Declaration of Policy, Purpose, and Intent

In cases of extreme drought, periods of abnormally high usage, system contamination, or extended reduction in ability to supply water due to equipment failure, temporary restrictions may be instituted to limit non-essential water usage. The purpose of the Drought Contingency Plan (the "Plan") is to encourage customer conservation in order to maintain supply, storage, or pressure or to comply with the requirements of a court, government agency or other authority.

Water restriction is not a legitimate alternative when the water system does not meet the Texas Commission on Environmental Quality (TCEQ) capacity requirements under normal conditions, nor when the utility fails to take all immediate and necessary steps to replace or repair malfunctioning equipment.

This plan will apply to all water systems operated by MSEC Enterprises, Inc. (MSEC). The implementation of this plan for each water system will be on an individual basis (i.e. one system may be in Stage I and one may be in Stage III). The plan will be reviewed and updated as necessary at a minimum of every five (5) years.

Section II Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by mailing out post cards to all water customers inviting public comment (via monitored email address or in writing via mail). A copy of the Plan was posted on the Mid-South Electric Cooperative Association (MSEC's parent company). The mailed postcards directed water customers to the posted plan for review. Comments were accepted for a period of 30 days. Any comments received, were followed up with by MSEC staff.

For **wholesale customers**, a copy of the Plan and public comment information was emailed to the appropriate receiving water system's representatives for consideration and distribution to water customers located within the receiving water system.

Section III - Definitions

For the purpose of this plan, the following definitions shall apply:

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling

and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by MSEC.

Essential Water Use: The use of water essential or required for the protection of the public's health, safety, and welfare, including livestock and pets. For example, watering a garden that supplies food is considered essential.

Landscape Irrigation Use: water used for the irrigation and maintenance of landscaped areas, whether privately or publicly owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, and medians.

Non-Essential Water Use: water uses that are not essential nor required for the protection of public health, safety, and welfare including:

Irrigation of landscaped areas, including parks, athletic fields, and golf courses, except as otherwise provided by this Plan.

Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle.

Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except to maintain health and safety conditions.

Use of water to wash down buildings or 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 any indoor swimming pools or Jacuzzi-type pools.

Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life.

Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Outdoor Water Use: included but is not limited to watering lawns, shrubs, and other types of outdoor vegetation; washing vehicles, boats, and trailers; use of landscape irrigation systems; the refilling or adding water to swimming pools or wading pools or ponds; the operation of any ornamental fountain or other similar structure; the use of water from fire hydrants for uses other than firefighting or other activities necessary to maintain health and safety conditions; the washing down of patios, driveways, parking areas, streets, tennis courts, sidewalks or other paved areas; and the washing down of ground

foundations.

Utility (or “the Utility”): refers to MSEC Enterprises, Inc.

Xeriscape: a method of landscaping which conserves water through the use of specific principles of design, plant selection, installation, maintenance, and irrigation methods.

Section IV - Public Education

The MSEC will periodically 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 drought response measures to be implemented in each stage. This information will be provided by the following means:

Utility Bill Inserts - Print notices on bills regarding current drought stage.

World Wide Web (www.midsouthsynergy.com) - Post current drought stage conditions for respective water systems. Provide links to websites that provide water conservation information.

Social Media (Facebook, Twitter, Instagram, etc.) - Post current drought stage conditions for respective water systems. Provide links to websites that provide water conservation information.

Electronic Mail (Email Blast) - Post current drought stage conditions for respective water systems. Provide links to websites that provide water conservation information.

Section V - Coordination with Regional Water Planning Groups

The service area of the MSEC is located within the Texas Water Development Board (TWDB) Houston Region (Region H) water planning area. has provided a copy of this Plan to the Region H office located in Conroe, Texas.

Section VI - Notice Requirements

Written notice will be provided to each customer **prior to implementation or termination of each stage of the water restriction program**. Mailed notice must be given to each customer 72 hours prior to the start of water restriction. If notice is hand delivered, the utility cannot enforce the provisions of the plan for 24 hours after notice is provided. The written notice to customers will contain the following information:

1. the date restrictions will begin,
2. the circumstances that triggered the restrictions,
3. the stages of response and explanation of the restrictions to be implemented, and,
4. an explanation of the consequences for violations.

The utility must notify the TCEQ prior to implementing mandatory drought contingency water use restrictions through the online reporting form:

https://www.tceq.texas.gov/drinkingwater/homeland_security/security_pws

For questions regarding this requirement, contact the TCEQ Public Drinking Water Section Drought Team at 512-239-4691.

Section VII - Violations

1. First violation - The customer will be notified by written notice of their specific violation.
2. Subsequent violations:
 - a. After written notice, 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.
 - b. After written notice, 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.

Section VIII - Exemptions or Variances

The utility may grant any customer an exemption or a variance from the drought contingency plan for good cause upon written request. The utility will treat all customers equally concerning exemptions and variances and shall not discriminate in granting exemptions and variances. No exemption or variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of a variance.

Section IX - Response Stages

Unless there is an immediate and extreme reduction in water production, or other absolute necessity to declare an emergency or severe condition, the utility will initially declare Stage I restrictions. If, after a reasonable period of time, demand is not reduced enough to alleviate outages, reduce the risk of outages, or comply with restrictions required by a court, government agency or other authority, Stage II may be implemented with Stage III to follow if necessary.

STAGE I - CUSTOMER AWARENESS

Stage I will begin:

Every April 1st, the utility will mail a public announcement to its customers. No notice to TCEQ required.

Stage I will end:

Every September 30th, the utility will mail a public announcement to it's customers. No notice to TCEQ required.

Utility Measures

This announcement will be designed to increase customer awareness of water conservation and encourage the most efficient use of water. A copy of the current public announcement on water conservation awareness shall be kept on file available for inspection by the TCEQ.

Voluntary Water Use Restrictions

Water customers are requested to voluntarily limit the use of water for non-essential purposes and to practice water conservation.

STAGE II - VOLUNTARY WATER CONSERVATION

Target

Achieve a **10%** reduction in daily water demand.

Trigger Conditions

The water utility will implement Stage II when any one of the selected triggers is reached:

1. Average daily water demand for three (3) consecutive days reaches eighty five percent (85%) of the production/distribution capacity of the water system.
2. Weather conditions are to be considered in drought classification determination. Predicted long, cold, or dry periods are to be considered in impact analysis.

Upon initiation and termination of Stage II, the utility will mail a public announcement to its customers. No notice to TCEQ required.

Requirements for Termination

Stage II of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage II, Stage I becomes operative.

Utility Measures

1. Visually inspect lines and repair leaks on a daily basis. Monthly review of customer use records and follow-up on any that have unusually high usage.
2. Flushing is prohibited except for dead-end mains.

Voluntary Water Use Restrictions

1. Restricted Hours: Outside watering is allowed daily, but only during periods specifically described in the customer notice; between 10:00 p.m. and 5:00 a.m. for example; or
2. Restricted Days/Hours: Water customers are requested to voluntarily limit the irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems. Customers are requested to limit outdoor water use to:

Mondays for water customers with a street address **ending with the numbers 1, 2, or 3;**

Wednesdays for water customers with a street address **ending with the numbers 4, 5, or 6**,
and;

Fridays for water customers with a street address **ending with the numbers 7, 8, 9, or 0**.

Irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days.

However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system; or, other uses that waste water such as water running down the gutter.

STAGE III - SEVERE WATER USE RESTRICTIONS

Target

Achieve a **15%** reduction in daily water demand.

Trigger Conditions

The water utility will implement Stage III when any one of the selected triggers is reached:

1. Average daily water demand for three (3) consecutive days reaches ninety percent (90%) of the production/distribution capacity of the water system.
2. Weather conditions are to be considered in drought classification determination. Predicted long, cold, or dry periods are to be considered in impact analysis.

Upon initiation and termination of Stage III, the utility will mail a public announcement to its customers. Notice to TCEQ required.

Requirements for Termination

Stage III of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage III, Stage II becomes operative.

Utility Measures

1. Visually inspect lines and repair leaks on a daily basis.
2. Flushing is prohibited except for dead end mains.

Mandatory Water Use Restrictions

All requirements of previous stages shall remain in effect during Stage III. The following water use restrictions shall apply to all customers:

1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to:

Mondays for water customers with a street address **ending with the numbers 1, 2, or 3**;
Wednesdays for water customers with a street address **ending with the numbers 4, 5, or 6**,
and;
Fridays for water customers with a street address **ending with the numbers 7, 8, 9, or 0**.

Irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days.

However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, hot tub, or “jacuzzi” type pool are prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

5. Use of water from hydrants or flush valves shall be limited to maintaining public health, safety, and welfare.

6. Use of water for the irrigation of golf courses, parks, and green belt areas is prohibited except by handheld hose and only on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

The following uses of water are defined as non-essential and are prohibited:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
3. Use of water for dust control;
4. Flushing gutters or permitting water to run or accumulate in any gutter or street;

5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

6. Any waste of water.

STAGE IV - CRITICAL WATER USE RESTRICTIONS

Target

Achieve a **20%** reduction in daily water demand.

Trigger Conditions

The water utility will implement Stage IV when any one of the selected triggers is reached:

1. Average daily water demand for three (3) consecutive days reaches ninety five percent (95%) of the production/distribution capacity of the water system.
2. Major Water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service.
3. Natural or man-made contamination of the water supply source(s).

Upon initiation and termination of Stage IV, the utility will mail a public announcement to its customers. Notice to TCEQ required.

Requirements for Termination

Stage IV of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage IV, Stage III becomes operative.

Utility Measures

1. The utility shall visually inspect lines and repair leaks on a daily basis.
2. Flushing is prohibited except for dead end mains and only between the hours of 9:00 p.m. and 3:00 a.m.
3. Emergency interconnects or alternative supply arrangements shall be initiated.
4. All meters shall be read as often as necessary to ensure compliance with this program for the benefit of all the customers.

Mandatory Water Use Restrictions

All outdoor use of water is prohibited.

1. Irrigation of landscaped areas is **absolutely prohibited**.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is **absolutely prohibited**.

SYSTEM OUTAGE or SUPPLY CONTAMINATION

Notify TCEQ Regional Office immediately.

SECTION X through XIV ONLY APPLY TO WHOLESALE CUSTOMERS

Section X – Pro Rata Curtailment

In the event that the triggering criteria specified in Section IX of the Plan for Stage III – Severe Water Shortage Conditions have been met, the MSEC Chief Executive Officer (CEO) or his/her designee is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039.

Section XI: Contract Provisions

MSEC will include a provision in every wholesale water contract entered into or renewed 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.

Section XII: Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

Two-and-one-half (2.5) times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation from percent through percent above the monthly allocation.

Section XIII: Variances

The MSEC CEO, or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the MSEC CEO, or his/her designee, within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the MSEC Board of Directors (the Board), and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of

water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.

- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the Board shall be subject to the following conditions, unless waived or modified by the Board or its designee:

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

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

Section XIV: Severability

It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the Board without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.