

Appendix F

LCRA Firm Customer Drought Contingency Plan

CERTIFICATE

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

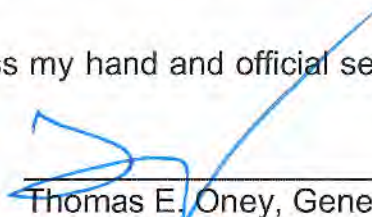
I, Thomas E. Oney, hereby certify that I am the General Counsel and Assistant Secretary of the Board of Directors of the Lower Colorado River Authority (LCRA), a conservation and reclamation district, duly organized and existing under and by virtue of the public laws of the State of Texas.

I further certify that the Board of Directors of LCRA, on February 20, 2019, in a meeting posted properly in accordance with the Texas Open Meetings Act and with a quorum present and voting, unanimously approved the LCRA Drought Contingency Plan for Firm Water Customers, and authorized the general manager or his designee to submit the plan to the Texas Commission on Environmental Quality, as recommended by staff, described in LCRA Board Agenda Item 7 – LCRA Drought Contingency Plan for Firm Water Customers.

I further certify that true and correct copies of LCRA Board Agenda Item 7 and the LCRA Drought Contingency Plan for Firm Water Customers are attached hereto.

TO CERTIFY WHICH, witness my hand and official seal this the 26th day of February, 2019.





Thomas E. Oney, General Counsel
and Assistant Secretary of the
LCRA Board of Directors

FOR ACTION

7. LCRA Drought Contingency Plan for Firm Water Customers

Proposed Motion

Approve the LCRA Drought Contingency Plan for Firm Water Customers, and authorize the general manager or his designee to submit the plan to the Texas Commission on Environmental Quality.

Board Consideration

TCEQ requires that drought contingency plans be approved by the governing Board.

Budget Status and Fiscal Impact

The proposed amendments have no impact on the fiscal year 2019 budget.

Summary

TCEQ rules require updates to drought contingency plans (DCPs) on a set cycle, with the next update required by May 2019. TCEQ rules require a DCP to address measures to be taken in the event of a water shortage caused by drought or other emergency, with at least three stages of response and target water use reductions for each stage.

Staff proposes an update to the 2015 Drought Contingency Plan for Firm Water Customers, which includes no substantive changes to the drought response stages. As with the 2015 DCP and WMP, LCRA would voluntarily include the DCP in the proposed WMP the Board approved at its December 2018 meeting. Further, LCRA will request TCEQ continue to allow LCRA to amend certain aspects of the DCP without being subject to a full WMP revision and contested case hearing process, so long as LCRA complied with TCEQ rules.

LCRA notified its firm water customers of the proposed update through email and at the firm water customer meeting on Jan. 15, 2019. LCRA posted the proposed DCP on lcra.org for review and comment from Jan. 16 to Feb. 18. Staff submitted to the Board a copy of the proposed update under separate cover.

Presenter(s)

Monica Masters
Vice President, Water Resources

Drought Contingency Plan for
Firm Water Customers

Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

Approved By Board of Directors
February 2019

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1. DECLARATION OF POLICY, PURPOSE AND INTENT

The Board of Directors of the Lower Colorado River Authority (LCRA) deems it to be in the interest of LCRA to adopt a Drought Contingency Plan (DCP) for the supply of firm water. This DCP constitutes the LCRA's drought contingency plan required under Section 11.1272, Texas Water Code, and associated administrative rules of the Texas Commission on Environmental Quality (Title 30, Texas Administrative Code, Chapter 288).

2. PUBLIC INPUT AND COORDINATION

Firm water customers within LCRA's water service area were provided with information related to the preparation of this DCP and provided an opportunity to provide input on its development through LCRA's regularly-scheduled public meeting of the LCRA Board in February 2019. In addition, LCRA posted its draft proposed DCP on its website www.lcra.org, provided an opportunity to submit written comments through its website, and held a customer meeting.

Further, LCRA has provided a copy of this Firm Customer DCP to the Region K Regional Water Planning Group to ensure consistency with the Region K water plan.

3. USER EDUCATION

LCRA will periodically provide water users with information about this DCP, including information about the conditions under which drought response measures are to be initiated or terminated. This information will be provided by means of email to customers, by providing copies of the DCP to each customer, or by posting the DCP on LCRA's public website.

4. AUTHORIZATION

The LCRA General Manager or his designee is hereby authorized and directed to implement the applicable provisions of this DCP consistent with the criteria specified herein. LCRA Board action is not required for actions under this DCP other than those actions set forth below:

- Establishing surcharges or excess use rates applicable to firm water customers (Section 10).
- Declaration of Drought Worse than Drought of Record (Section 7.3).
- Cancellation of Drought Worse than Drought of Record (Section 7.3) and lifting of pro rata curtailment.
- Establishing the percentage curtailment required under Stage 4 (Section 7.4).
- Updates to Drought Contingency Plan (Section 13).

LCRA will carry out an appropriate public information campaign related to any item requiring Board action under this DCP as required by 30 Tex. Admin. Code Ch. 288.

5. APPLICATION

The provisions of this DCP shall apply to the use of water by all persons using firm water provided by LCRA. To the extent a person also is using groundwater or imported surface water, the provisions of this DCP do not limit the use of that source of water. The term "person" as used in this DCP includes individuals, corporations, partnerships, associations and all other legal entities.

6. NOTICE

Notice of the initiation of drought response measures will be given by notice posted on the LCRA website and by U.S. Mail or electronic mail, where available, to each individual firm water customer.

7. DROUGHT RESPONSE STAGES

This DCP sets forth the procedures by which LCRA will implement drought response stages for firm water. LCRA will encourage its firm water customers to implement long-term water conservation measures year-round to meet the goals included in their water conservation plans. LCRA will, as needed, implement a public awareness program on water use and conservation.

7.1 Drought Contingency Plan Stage 1

If the total combined storage in lakes Buchanan and Travis drops below 1.4 million acre-feet and interruptible stored water supplied to the Lakeside, Gulf Coast and Pierce Ranch irrigation operations are being curtailed, LCRA will request its firm water customers implement voluntary drought response measures in their individual drought contingency plans with a target demand reduction goal of 5 percent. If the combined storage in lakes Buchanan and Travis subsequently increases, the request will be withdrawn on a schedule determined by the LCRA Board.

7.2 Drought Contingency Plan Stage 2.

If the total combined storage in lakes Buchanan and Travis drops below 900,000 acre-feet and interruptible stored water supplied to the Lakeside, Gulf Coast and Pierce Ranch irrigation operations are being curtailed, LCRA will request its firm customers implement additional drought response measures in their individual drought contingency plans with a target demand reduction goal of 10 to 20 percent. In this stage, LCRA will request that firm customers implement mandatory water use reduction measures. At this stage LCRA also will implement an aggressive public information campaign to provide up-to-date information on water supply conditions and promote voluntary action to reduce water use. If the combined storage in lakes Buchanan and Travis subsequently increases, the request will be withdrawn or replaced by Stage 1 measures on a schedule determined by the LCRA Board.

7.3 Drought Contingency Plan Stage 3

If the LCRA Board of Directors declares a Drought Worse than the Drought of Record consistent with the LCRA Water Management Plan (WMP), LCRA will curtail and distribute the available supply of firm water among its firm water supply customers and firm environmental flow commitments on a pro rata basis according to the amount of firm water to which they are legally entitled consistent with the Pro Rata Plan for Firm Water Demands approved by TCEQ. All uses of interruptible stored water will be cut off prior to and during any mandatory pro rata curtailment of firm water supplies. The initial curtailment of firm water supplies under pro rata will be 20 percent. Upon entering Stage 3, the LCRA Board also shall determine the conditions under which Stage 4 shall be triggered, consistent with Article 11 of LCRA's firm water contract rules, which include specific procedures and requirements related to a pro rata curtailment of firm water supplies. During Stage 3, LCRA will further encourage firm water customers to use alternative water supplies, if available.

The LCRA Board also may set additional criteria for ending or easing pro rata curtailment, such as combined storage increasing to a given level. In the event the LCRA Board cancels a declaration of a Drought Worse than Drought of Record, mandatory pro rata curtailment under Stage 3 would be lifted.

7.4 Drought Contingency Plan Stage 4

If the combined storage in lakes Buchanan and Travis continues to decrease after the declaration of a Drought Worse than Drought of Record, the LCRA Board may increase the mandatory pro rata curtailment percentage. During Stage 4, LCRA will continue to encourage firm water customers to use alternative water supplies, if available.

The LCRA Board also may set additional criteria for ending or easing pro rata curtailment, such as combined storage increasing to a given level. In the event the LCRA Board cancels a declaration of a Drought Worse than Drought of Record, a mandatory pro rata curtailment under Stage 4 would be lifted.

8. FIRM CUSTOMER DROUGHT CONTINGENCY PLANS

As part of its contracts, LCRA will continue to require its firm water customers to prepare and adopt a drought contingency plan that is legally enforceable by the firm water customer and specifies the actions to be taken to comply with this Drought Contingency Plan regarding the implementation of drought response measures, including a plan to reduce demand during curtailment of firm supplies consistent with LCRA's approved Pro Rata Plan and water contract rules. Customers' DCPs should be developed pursuant to LCRA guidelines and submitted for LCRA review and acceptance within a reasonable time. For temporary contracts, domestic use contracts and landscape irrigation contracts for less than 20 acre-feet per year, customers may alternatively agree to follow an LCRA-developed DCP that is specific to such uses.

9. VARIANCES

The General Manager may, in writing, grant to a firm water customer a temporary variance from the pro rata curtailment required under this DCP and LCRA's Pro Rata Plan, consistent with Article 11 of LCRA's water contract rules.

In addition, the General Manager may, in writing, grant a temporary variance to the pro rata curtailment of water supplied to meet environmental flow criteria under sections of the Water Management Plan if the Texas Parks and Wildlife Department submits a written variance request, and the General Manager determines a variance is justified to avoid severe adverse biological conditions and/or a variance would not result in an increase in the amount of water made available for environmental flows during the curtailment.

10. ENFORCEMENT

LCRA will monitor firm customers' compliance with LCRA's Drought Contingency Plan requirements. Monitoring and enforcement of water-use restrictions at the end-user level generally will be the customers' responsibility. All LCRA firm water contracts include a provision requiring that, in cases of a shortage of water resulting from drought, the water will be distributed in accordance with LCRA's WMP and Texas Water Code section 11.039. Customers who exceed their allotted supply during a pro rata curtailment will be subject to excess use rates or surcharges, to be specified by

the LCRA Board, in addition to LCRA's firm water rate. They also may be subject to civil action to enjoin them for breach of contract.

11. SEVERABILITY

It is hereby declared to be the intention of the LCRA Board that, if the sections, paragraphs, sentences, clauses and phrases of this DCP 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 DCP.

12. EFFECTIVE DATE OF PLAN

The effective date of this DCP shall be the date of approval by the LCRA Board and shall supersede all other Firm Water DCPs and amendments thereto, previously adopted by LCRA through resolution or otherwise. Ignorance of the DCP is not a defense for a prosecution for enforcement of the violation of the DCP.

13. DROUGHT CONTINGENCY PLAN UPDATES

LCRA will make any necessary conforming changes to this DCP within 90 days of TCEQ's approval of changes to the LCRA WMP that affect the firm customer drought response measures contained in this DCP. Further, LCRA may make other updates or amendments to the DCP in accordance with other applicable law.

14. NOTIFICATION OF EXECUTIVE DIRECTOR

The LCRA General Manager will provide all required notices to the TCEQ Executive Director as required by applicable law, including but not limited to notifying the Executive Director within five business days of the implementation of any mandatory provisions under this DCP.