

North Texas Municipal Water District *2024 Water Resource and Emergency Management Plan*



NORTH
TEXAS
MUNICIPAL
WATER
DISTRICT

2024 WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

Prepared for:

NORTH TEXAS MUNICIPAL WATER DISTRICT



02/29/2024

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FOREWORD

This 2024 Water Resource and Emergency Management Plan (which is an update to the 2019 Water Resource and Emergency Management Plan) was prepared by Freese and Nichols, Inc. (FNI) for the North Texas Municipal Water District (NTMWD or the District), pursuant to Texas Commission on Environmental Quality (TCEQ) rules governing drought contingency plans. Some material is based on NTMWD's previous water conservation and water resource and emergency management plan listed in **Appendix A**.

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This water resource and emergency management plan is based on the Texas Administrative Code included in **Appendix B**.



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DEFINITIONS

AQUATIC LIFE means a vertebrate organism dependent upon an aquatic environment to sustain its life.

ATHLETIC FIELD means a public sports competition field, the essential feature of which is turf grass, used primarily for organized sports practice, competition or exhibition events for schools; professional sports and league play sanctioned by the utility providing retail water supply.

COMMERCIAL FACILITY means business or industrial buildings and the associated landscaping, but does not include the fairways, greens, or tees of a golf course.

COMMERCIAL VEHICLE WASH FACILITY means a permanently located business that washes vehicles or other mobile equipment with water or water-based products, including but not limited to self-service car washes, full-service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventory.

CUSTOMERS include those entities to whom NTMWD provides wholesale water that are not member cities of NTMWD.

DESIGNATED OUTDOOR WATER USE DAY means a day prescribed by a rule on which a person is permitted to irrigate outdoors.

DRIP IRRIGATION is a type of micro-irrigation system that operates at low pressure and delivers water in slow, small drips to individual plants or groups of plants through a network of plastic conduits and emitters; also called trickle irrigation.

DROUGHT, for the purposes of this report, means an extended period of time when an area receives insufficient amounts of rainfall to replenish the water supply, causing water supply sources (in this case reservoirs) to be depleted.

EVAPOTRANSPIRATION (ET) represents the amount of water lost from plant material to evaporation and transpiration. The amount of ET can be estimated based on the temperature, wind, and relative humidity.

EXECUTIVE DIRECTOR means the Executive Director of NTMWD and includes a person the Executive Director has designated to administer or perform any task, duty, function, role, or action related to this Plan or on behalf of the Executive Director.

FOUNDATION WATERING means an application of water to the soils directly abutting (within 2 feet of) the foundation of a building or structure.

INTERACTIVE WATER FEATURES means water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, inflatable pools, temporary splash toys or pools, slip-n-slides, or splash pads that are maintained for recreation.

IRRIGATION SYSTEM means a permanently installed, custom-made, site-specific system of delivering water generally for landscape irrigation via a system of pipes or other conduits installed below ground.

LANDSCAPE means any plant material on a property, including any tree, shrub, vine, herb, flower, succulent, ground cover, grass or turf species, that is growing or has been planted out of doors.

MEMBER CITIES include the cities of Allen, Farmersville, Forney, Frisco, Garland, McKinney, Mesquite, Plano, Princeton, Richardson, Rockwall, Royse City, and Wylie, Texas, which are members of NTMWD.

NEW LANDSCAPE means: (a) vegetation 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) installed to stabilize an area disturbed by construction.

ORNAMENTAL FOUNTAIN means an artificially created structure from which a jet, stream, or flow of treated water emanates and is not typically utilized for the preservation of aquatic life.

RETAIL CUSTOMERS include those customers to whom the utility provides retail water from a water meter.

SOAKER HOSE means a perforated or permeable garden-type hose or pipe that is laid above ground that provides irrigation at a slow and constant rate.

SPRINKLER means an above-ground water distribution device that may be attached to a garden hose.

SWIMMING POOL means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of 2 feet or more at any point.

WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN means a plan for temporary supply management and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies required by Texas Administrative Code Title 30, Chapter 288, Subchapter B. This is sometimes called a drought contingency plan.



ABBREVIATIONS

DWU.....	Dallas Water Utilities
ED.....	Executive Director
FNI.....	Freese and Nichols, Inc.
FWSD.....	Fresh Water Supply District
MUD.....	Municipal Utility District
NTMWD.....	North Texas Municipal Water District
SUD.....	Special Utility District
TCEQ.....	Texas Commission on Environmental Quality
TRWD.....	Tarrant Regional Water District
TWDB.....	Texas Water Development Board
UD.....	Utility District
UTRWD.....	Upper Trinity Regional Water District
WCP.....	Water Conservation Plan
WREMP.....	Water Resource and Emergency Management Plan
WSC.....	Water Supply Corporation

1.00 INTRODUCTION

NTMWD has been providing reliable wholesale water supply service to the North Texas region since 1956. The population the District serves has grown from about 32,000 in 1956 to over 2,000,000 people today, and NTMWD's system has grown in size and complexity to provide a continuous and reliable water supply. NTMWD's water supplies support public health and welfare and are key to the local economy and the prosperity of the region. NTMWD is committed to its vision of regional service through unity by meeting the region's needs today and tomorrow.

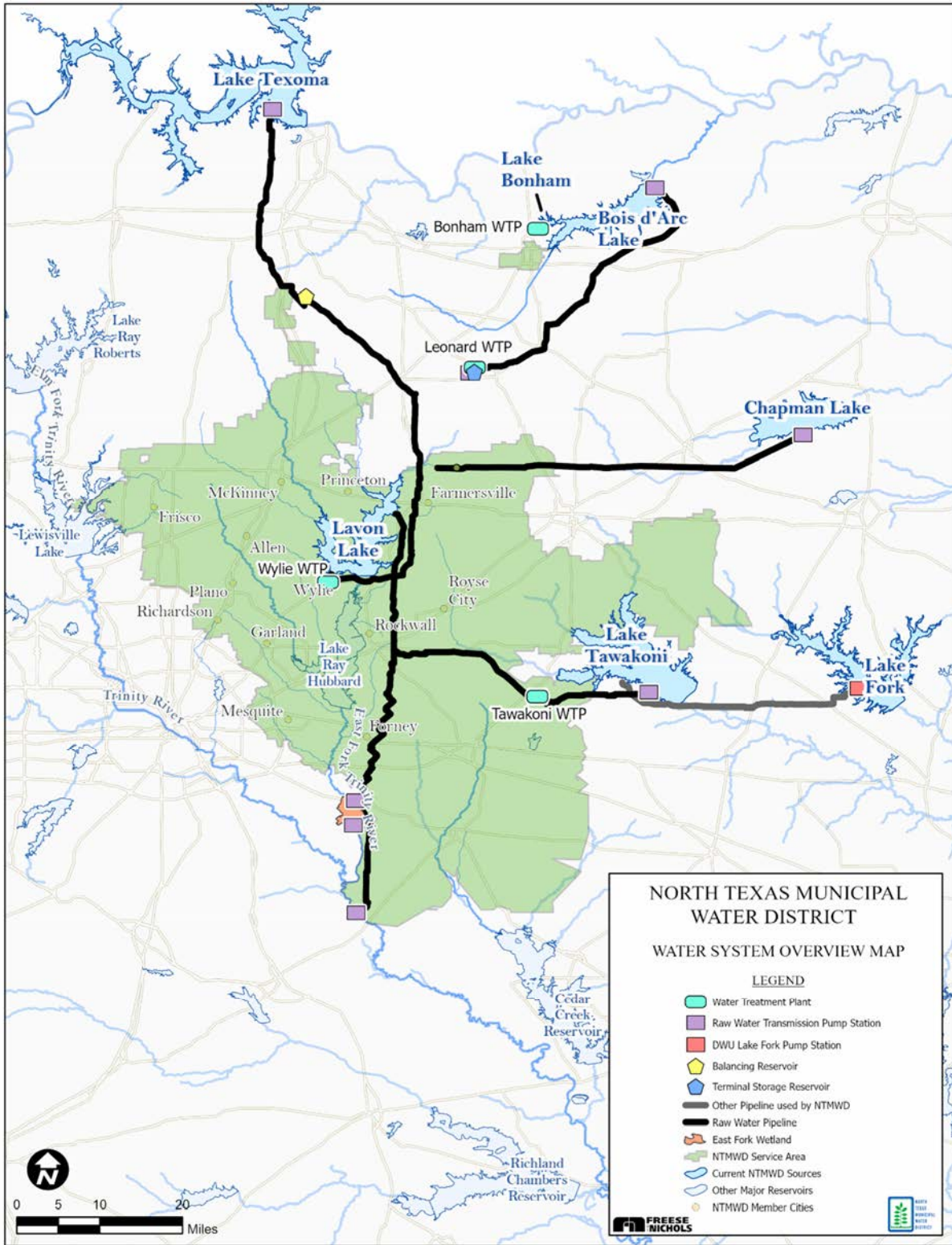
Water supply has always been a key issue in the development of Texas. In recent years, the increasing population and economic development of North Texas have led to growing demands for water supplies. At the same time, local and less expensive sources of water supply are largely already developed. Additional supplies to meet future demands will be expensive and difficult to secure. Severe drought conditions in the early 2010s highlighted the importance of efficient use of our existing supplies to make them last as long as possible. NTMWD has separately developed the Long Range Water Supply Plan that proactively plans for the District's long-term water future through 2080 and is also concurrently developing a water conservation plan (WCP) to efficiently use the water supplies already developed. However, the District must also plan for the possibility of droughts and other water resource related emergencies that require measures to further limit water use, which is the focus of this water resource and emergency management plan (WREMP)**. **Figure 1** shows an overview of NTMWD's current service area as well as the raw water supply sources and overall system.



LAVON LAKE DURING 2011-2015

** **Note:** NTMWD refers to their drought contingency plan (DCP) as the water resource and emergency management plan (WREMP) and it should be considered synonymous with a DCP.

FIGURE 1: NTMWD EXISTING RAW WATER SUPPLY SOURCES AND SYSTEM



Recognizing the need for efficient use of existing water supplies, TCEQ has developed guidelines and requirements governing the development of water conservation and drought contingency plans for wholesale water suppliers. TCEQ drought contingency plan regulations applicable to public water suppliers and wholesale water suppliers are included in **Appendix B**. NTMWD has developed this water resource and emergency management plan (WREMP) pursuant to TCEQ guidelines and requirements.

In the absence of drought response measures, municipal water demand tends to increase during a drought due to increased demand for lawn irrigation. The severity of a drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies. NTMWD considers a drought to end when all its supply reservoirs refill to conservation storage pool levels.

It is important to note that a water supply shortage can be the result of drought or the result of emergency conditions that may render all or some portion of the water supply unavailable. These conditions can include, but are not limited to, the presence of invasive species, contamination of the water supply, treatment limitations, or infrastructure failure.

As a wholesale supplier of water to customers, NTMWD does not have any direct control over the end user of water, nor does it have the authority to create ordinances or enforce the measures laid out in this Plan for end users. To work within the confines of its role as a wholesaler, NTMWD has developed a model water resource and emergency management plan which can be used by Member Cities and Customers, who then can enforce those measures through ordinances or regulations on end users. This is available online at <https://www.ntmwd.com/login/portal/>.

The objectives of this Water Resource and Emergency Management Plan are as follows:

- To save water during droughts, water shortages, and emergencies.
- To save water for domestic use, sanitation, and fire protection.
- To protect and preserve public health, welfare, and safety.
- To reduce the adverse impacts of shortages.
- To reduce the adverse impacts of emergency water supply conditions.

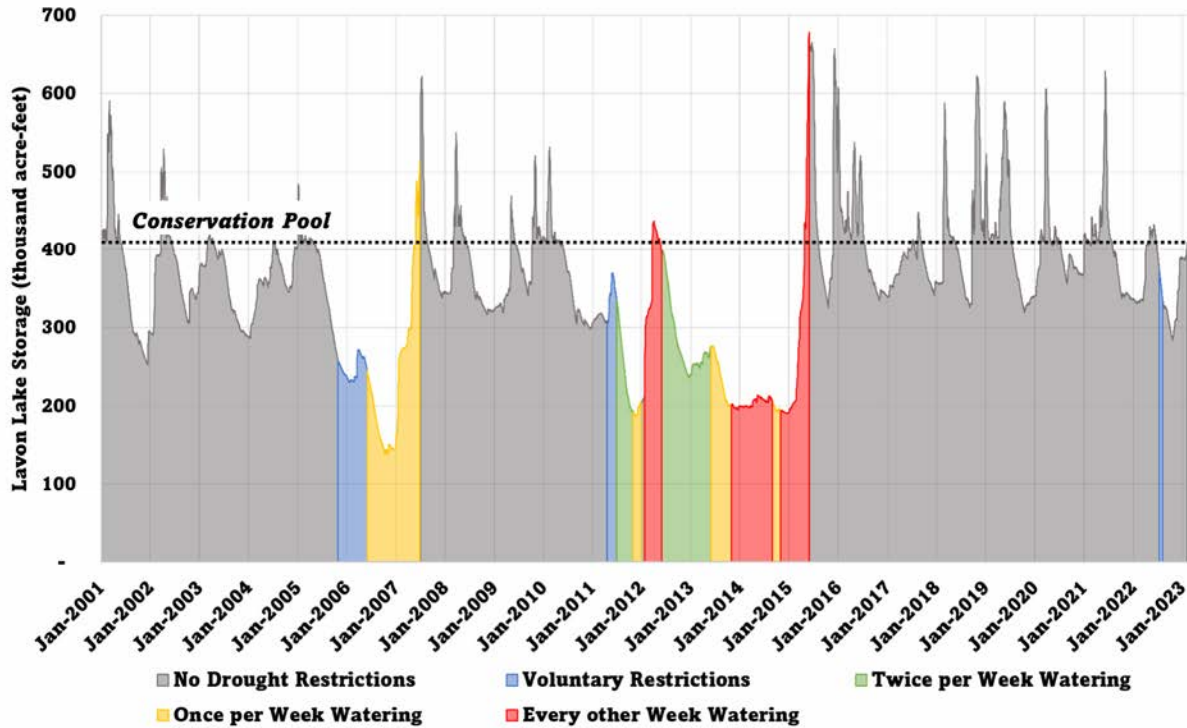
1.01 WATER RESOURCE AND EMERGENCY MANAGEMENT PLANNING HISTORY

A. HISTORY OF WATER RESOURCE MANAGEMENT MEASURES

The District has implemented several water resource management measures to reduce water use during times of drought. Since 2000, NTMWD has experienced significant droughts in 2005-early 2007 and late 2011-early 2015. **Figure 2** summarizes the historical water resource

management measures implemented by the District. The figure shows Lavon Lake water levels, with periods of drought restrictions shown in different colors.

FIGURE 2: HISTORY OF LAVON LAKE LEVELS AND DROUGHT RESTRICTIONS



B. REGIONAL PARTICIPATION

To reduce confusion and amplify messaging, NTMWD partners with Dallas Water Utilities (DWU), Tarrant Regional Water District (TRWD) and the Upper Trinity Regional Water District (UTRWD) on water conservation and water resource and emergency management planning and communications. DWU, NTMWD, TRWD and UTRWD have agreed to have three drought stages with similar major drought restrictions in each stage to provide consistent messaging across the greater North Texas region. DWU, NTMWD, and TRWD also collaborate on efforts such as the Water is Awesome public information campaign.

C. NTMWD OUTREACH

NTMWD participates in public outreach and education on wise water use through their Water My Yard, Water is Awesome, and other campaigns. NTMWD is committed to these programs even when not in drought or emergency situations through their Water Conservation Plan (WCP) and efforts. The specifics of the public outreach and education campaign in the future will vary depending on the circumstances and may be intensified in the face of future droughts.

1.02 MINIMUM REGULATORY REQUIREMENTS CHECKLIST

This 2024 Water Resource and Emergency Management Plan is consistent with TCEQ regulations for the development of drought contingency plans by wholesale water suppliers, contained in Title 30, Chapter 288, Section 288.22 of the Texas Administrative Code, which is included in **Appendix B**. Also included is an outline of where the minimum requirements are addressed within the sections of this Plan.



2.00 IMPLEMENTATION AND ENFORCEMENT

2.01 PROVISIONS TO INFORM THE PUBLIC AND OPPORTUNITY FOR INPUT

NTMWD provided opportunity for public input in the development of this water resource and emergency management plan by the following means:

- Providing written notice of the proposed Plan and the opportunity to comment on the Plan by newspaper and posted notice.
- Posting the draft Plan on the NTMWD website and on social media.
- Meeting with representatives of Member Cities and Customers to discuss the draft Plan.
- Providing the draft Plan to anyone requesting a copy.
- Holding a public meeting regarding the water resource and emergency management plan at the NTMWD offices in Wylie on October 18, 2023. Public notice of this meeting was provided on the NTMWD website and in local newspapers.
- Approving the Plan at a public Board meeting on January 25, 2024. Public notice of this meeting was provided on the NTMWD website and live audio was available during the meeting.

2.02 COORDINATION WITH THE REGIONAL WATER PLANNING GROUPS

Appendix C of this report includes copies of letters sent to the Chairs of the Region C and Region D water planning groups with this Plan.

2.03 INITIATION AND TERMINATION OF WATER RESOURCE MANAGEMENT STAGES

A. INITIATION OF A WATER RESOURCE MANAGEMENT STAGE

The Executive Director, with the concurrence of the NTMWD Board of Directors, may order the implementation of a water resource management stage for all or part of the NTMWD service area when one or more of the trigger criteria for the respective stage is met.

The following actions will be taken when a stage is initiated:

- 1) The public will be notified through local media.
- 2) NTMWD Member Cities and Customers will be notified by email with a message that provides details of the reasons for initiation of the water resource management stage.
- 3) NTMWD will update the home page of their website with relevant information.

- 4) If any mandatory provisions of the water resource and emergency management plan are activated, NTMWD will notify TCEQ within five business days. The link to report current water use restrictions is below.

— <https://www.tceq.texas.gov/response/drought/drought-and-public-water-systems>

The Executive Director may decide not to order the implementation of a water resource management stage even though one or more of the trigger criteria for the stage is met. Factors that could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs.

B. TERMINATION OF A WATER RESOURCE MANAGEMENT STAGE

The Executive Director, with the concurrence of the NTMWD Board of Directors, may order the termination of a water resource management stage when the conditions for termination are met or at their discretion.

The following actions will be taken when a stage is terminated:

- 1) The public will be notified through local media.
- 2) Member Cities and Customers will be notified by email and with a follow-up letter.
- 3) When any mandatory provisions of the water resource and emergency management plan that have been activated are terminated, NTMWD will notify the Executive Director of TCEQ within five business days.

The Executive Director may decide not to order the termination of the water resource management stage even though the conditions for termination of the stage are met. Factors that could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potentially changed conditions that warrant the continuation of the water resource management stage.

2.04 PROCEDURE FOR CURTAILMENT OF WATER SUPPLIES

Any mandatory reduction of deliveries from NTMWD to its Member Cities and Customers shall be distributed as required by Texas Water Code Section 11.039 (**Appendix E**). In addition, every wholesale water supply contract entered into or renewed after adoption of this water resource and emergency management plan, including contract extensions, shall include a provision that water will be distributed in accordance with Texas Water Code Section 11.039 in case of a water shortage resulting from drought or water emergency.

2.05 PROCEDURE FOR GRANTING VARIANCES TO THE PLAN

The Executive Director may grant temporary variances for existing water uses otherwise prohibited under this water resource and emergency management plan to a Member City, Customer, or Retail Customer of NTMWD if one or more of the following conditions are met:

- 1) Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance.
- 2) Compliance with this Plan cannot be accomplished due to technical or other limitations.
- 3) Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the Executive Director. All petitions for variances should be made in writing and should include the following information:

- Name and address of the petitioner(s).
- Purpose of water use.
- Specific provisions from which relief is requested.
- Detailed statement of the adverse effect of the provision from which relief is requested.
- Description of the relief requested.
- Period of time for which the variance is sought.
- Alternative measures that will be taken to reduce water use.
- Other pertinent information.

2.06 PROCEDURES FOR ENFORCING MANDATORY WATER USE RESTRICTIONS

Mandatory water use restrictions may be imposed in all stages of the water resource and emergency management plan. ***NTMWD may charge up to twice the established rate for any water used in violation of mandatory water use restrictions.***

These mandatory water use restrictions will be enforced by warnings as follows:

- On the ***first violation***, the Member City or Customer will be given a written warning that they have violated the mandatory water use restriction.
- After a ***second violation***, NTMWD may monitor and validate the flow in the line and ensure that the appropriate amount of water is delivered to the Member City or Customer.

Each Member City and Customer will determine and enforce its own set of penalties associated with the mandatory water use restrictions applicable to its retail and wholesale customers.

2.07 REVIEW AND UPDATE OF WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

As required by TCEQ rules, NTMWD will review the water resource and emergency management plan every five years. The plan will be updated as appropriate based on new or updated information.



3.00 WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

Initiation and termination criteria for water management stages include general, demand, supply, and emergency criteria. One of the major indicators of approaching or ongoing drought conditions is NTMWD’s combined reservoir storage, defined as storage at Lavon Lake plus storage in Bois d’Arc Lake. Percent storage is determined by dividing the current storage by the total conservation storage when the lakes are full. **Table 1** summarizes the water management stages by triggers based on percent combined storage and associated demand reduction goals and outdoor watering restrictions. The following sections go into more detail on the three water management stages.

TCEQ requires notification when mandatory restrictions are placed on a customer. NTMWD must notify TCEQ when they impose mandatory restrictions on Member Cities and Customers. Member Cities and Customers must likewise notify TCEQ when they impose mandatory restrictions on their customers (wholesale or retail). Measures that impose mandatory requirements on customers are denoted with “**requires notification to TCEQ.**” NTMWD and the utilities must notify TCEQ within five business days if these measures are implemented (<https://www.tceq.texas.gov/response/drought/drought-and-public-water-systems>)

TABLE 1: WATER MANAGEMENT PLAN STAGES SUMMARY

Drought Stage		April to October	November to March	Demand Reduction Goal	Outdoor Watering Restrictions
		Percent Combined Storage			
Stage 1	Initiation	70%	60%	2%	2X per week (Apr-Oct)
	Termination	75%	65%		1X per week (Nov-Mar)
Stage 2	Initiation	55%	45%	5%	1X per week (Apr-Oct)
	Termination	70%	60%		1X every other week (Nov-Mar)
Stage 3	Initiation	30%	20%	30%	No outdoor watering
	Termination	55%	45%		

3.01 VOLUNTARY CALL TO ACTION

In the past, the District has successfully implemented a voluntary call to action to curb demand before officially initiating a drought management stage. The voluntary call to action is a request to those receiving water from NTMWD to reduce their water use in an effort to prepare to (or potentially avoid the need to) enter into a more formal stage with mandatory

restrictions. In a voluntary call to action, NTMWD will increase coordination with Member Cities and Customers and the public. NTMWD will encourage all customers in the region to conserve water and reduce outdoor watering until further notice from NTMWD. During a voluntary call to action, NTMWD will work closely with its Member Cities and Customers to disseminate information to the end users. Examples include using traffic message boards, mass notification systems, and other public education efforts to inform residents of the importance of conservation amid persistent drought conditions. A voluntary call to action does not include any mandatory water management measures. Additionally, a voluntary call to action is not a prerequisite for entering a water resource management stage. If conditions warrant, NTMWD may enter into a formal stage with no voluntary call to action.

3.02 WATER RESOURCE MANAGEMENT - STAGE 1

A. INITIATION AND TERMINATION CRITERIA FOR STAGE 1

Stage 1 may be implemented when one or more of the following criteria is met:

- **General Criteria**
 - The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 1.
 - One or more source(s) is interrupted, unavailable, or limited due to contamination, invasive species, equipment failure or other cause.
 - The water supply system is unable to deliver needed supplies due to the failure or damage of major water system components.
 - Part of the system has a shortage of supply or damage to equipment. (NTMWD may implement measures for only that portion of the system impacted.)
 - A portion of the service area is experiencing an extreme weather event or power grid/supply disruptions.
- **Demand Criteria**
 - Water demand has exceeded or is expected to exceed 90% of maximum sustainable production or delivery capacity for an extended period.
- **Supply Criteria**
 - The combined storage in Lavon and Bois d'Arc Lakes, as published by the TWDB, is less than:
 - 70% of the combined conservation pool capacity during any of the months of April through October.

- 60% of the combined conservation pool capacity during any of the months of November through March.
- The Sabine River Authority (SRA) has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Stage 1 drought.
- NTMWD is concerned that Lake Texoma, Jim Chapman Lake, the East Fork Water Reuse Project, Main Stem Pump Station, and/or some other NTMWD water source may be limited in availability within the next six months.

Stage 1 may terminate when one or more of the following criteria is met:

- **General Criteria**
 - The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the termination of Stage 1.
 - The circumstances that caused the initiation of Stage 1 no longer prevail.
- **Supply Criteria**
 - The combined storage in Lavon and Bois d'Arc Lakes, as published by the TWDB, is greater than:
 - 75% of the combined conservation pool capacity during any of the months of April through October.
 - 65% of the combined conservation pool capacity during any of the months of November through March.

B. GOAL FOR USE REDUCTION UNDER STAGE 1

The goal for water use reduction under Stage 1 is an annual reduction of 2% in the use that would have occurred in the absence of water management measures. Because discretionary water use is highly concentrated in the summer months, savings should be higher than 5% in summer to achieve an annual savings goal of 2%. **If circumstances warrant, the Executive Director can set a goal for greater or less water use reduction.**

C. WATER MANAGEMENT MEASURES AVAILABLE UNDER STAGE 1

The actions listed below are provided as potential measures to reduce water demand. NTMWD may choose to implement any or all of the available restrictions in Stage 1.

- **Requires notification to TCEQ by NTMWD.** Require Member Cities and Customers (including indirect Customers) to initiate Stage 1 restrictions in their respective, independently adopted water resource and emergency management plans.
- Continue actions described in the water conservation plan.

- Increase enforcement of landscape watering restrictions from the water conservation plan.
- Initiate engineering studies to evaluate alternative actions that can be implemented if conditions worsen.
- Accelerate public education efforts on ways to reduce water use.
- Halt non-essential NTMWD water use.
- Encourage the public to wait until the current drought or water emergency situation has passed before establishing new landscaping.
- Encourage all users to reduce the frequency of draining and refilling swimming pools.
- **Requires notification to TCEQ by Member Cities and Customers and/or NTMWD.** Initiate a rate surcharge for all water use over a certain level.
- **Requires notification to TCEQ by Member Cities and Customers.** Parks, golf courses, and athletic fields using potable water for landscape watering are required to meet the same reduction goals and measures outlined in this stage. As an exception, golf course greens and tee boxes may be hand watered as needed.

3.03 WATER RESOURCE MANAGEMENT - STAGE 2

A. INITIATION AND TERMINATION CRITERIA FOR STAGE 2

Stage 2 may be implemented when one or more of the following criteria is met:

- **General Criteria**
 - The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 2.
 - One or more supply source(s) is interrupted, unavailable, or limited due to contamination, invasive species, equipment failure or other cause.
 - The water supply system is unable to deliver needed supplies due to the failure or damage of major water system components.
 - Part of the system has a shortage of supply or damage to equipment. (NTMWD may implement measures for only that portion of the system impacted.)
 - A portion of the service area is experiencing an extreme weather event or power grid/supply disruptions.
- **Demand Criteria**
 - Water demand has exceeded or is expected to exceed 95% of maximum sustainable production or delivery capacity for an extended period.
- **Supply Criteria**
 - The combined storage in Lavon and Bois d'Arc Lakes, as published by the TWDB, is less than
 - 55% of the combined conservation pool capacity during any of the months of April through October.
 - 45% of the combined conservation pool capacity during any of the months of November through March.
 - SRA has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Stage 2 drought.
 - NTMWD is concerned that Lake Texoma, Jim Chapman Lake, the East Fork Water Reuse Project, the Main Stem Pump Station, and/or some other NTMWD water source may be limited in availability within the next three months.

Stage 2 may terminate when one or more of the following criteria is met:

- **General Criteria**
 - The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the termination of Stage 2.
 - The circumstances that caused the initiation of Stage 2 no longer prevail.
- **Supply Criteria**
 - The combined storage in Lavon and Bois d'Arc Lakes, as published by the TWDB, is greater than
 - 70% of the combined conservation pool capacity during any of the months of April through October.
 - 60% of the combined conservation pool capacity during any of the months of November through March.

B. GOAL FOR USE REDUCTION UNDER STAGE 2

The goal for water use reduction under Stage 2 is an annual reduction of 5% in the use that would have occurred in the absence of water resource management measures. Because discretionary water use is highly concentrated in the summer months, savings should be higher than 5% in summer to achieve an annual savings goal of 5%. **If circumstances warrant, the Executive Director can set a goal for greater or less water use reduction.**

C. WATER MANAGEMENT MEASURES AVAILABLE UNDER STAGE 2

The actions listed below are provided as potential measures to reduce water demand. NTMWD may choose to implement any or all of the available restrictions in Stage 2.

- Continue or initiate any actions available under the Water Conservation Plan and Stage 1.
- Implement viable alternative water supply strategies.
- **Requires notification to TCEQ by NTMWD.** Require Member Cities and Customers (including indirect Customers) to initiate Stage 2 restrictions in their respective, independently adopted water resource and emergency management plans.
- **Requires notification to TCEQ by NTMWD and/or Member Cities and Customers.** Limit landscape watering with sprinklers or irrigation systems at each service address to once per week on designated days between April 1 and October 31. Limit landscape watering with sprinklers or irrigation systems at each service address to once every other week on designated days between November 1 and March 31. Exceptions are as follows:

- New construction may be watered as necessary for 30 days from the installation of new landscape features.
- Foundation watering (within 2 feet), watering of new plantings (first year) of shrubs, and watering of trees (within a 10-foot radius of its trunk) for up to two hours on any day by a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system, provided no runoff occurs.
- Athletic fields may be watered twice per week.
- Locations using alternative sources of water supply only for irrigation may irrigate without day-of-the-week restrictions provided proper signage is employed to notify the public of the alternative water source(s) being used. However, irrigation using alternative sources of supply is subject to all other restrictions applicable to this stage. If the alternative supply source is a well, proper proof of well registration with your local water supplier (e.g., city, Water Supply Corporation) is required. Other sources of water supply may not include imported treated water.
- An exemption is for drip irrigation systems from the designated outdoor water use day limited to no more than one day per week. Drip irrigation systems are, however, subject to all other restrictions applicable under this stage.
- **Requires notification to TCEQ by Member Cities and Customers.** Prohibit overseeding, sodding, sprigging, broadcasting or plugging with or watering, except for golf courses and athletic fields.
- **Requires notification to TCEQ by NTMWD.** Institute a mandated reduction in water deliveries to all Member Cities and Customers. Such a reduction will be distributed as required by Texas Water Code Section 11.039 (**Appendix E**).
- **Requires notification to TCEQ by Member Cities and Customers and/or NTMWD.** Initiate a rate surcharge for all water use over a certain level.
- **Requires notification to TCEQ by Member Cities and Customers.** Parks and golf courses using potable water for landscape watering are required to meet the same reduction goals and measures outlined in this stage. As an exception, golf course greens and tee boxes may be hand watered as needed.

3.04 WATER RESOURCE MANAGEMENT STAGE - STAGE 3

A. INITIATION AND TERMINATION CRITERIA FOR STAGE 3

Stage 3 may be implemented when one or more of the following criteria is met:

- **General Criteria**
 - The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 3.
 - One or more supply source(s) is interrupted, unavailable, or limited due to contamination, invasive species, equipment failure, or other cause.
 - The water supply system is unable to deliver needed supplies due to the failure or damage of major water system components.
 - Part of the system has a shortage of supply or damage to equipment. (NTMWD may implement measures for only that portion of the system impacted.)
 - A portion of the service area is experiencing an extreme weather event or power grid/supply disruptions.
- **Demand Criteria**
 - Water demand has exceeded or is expected to exceed maximum sustainable production or delivery capacity for an extended period.
- **Supply Criteria**
 - The combined storage in Lavon and Bois d'Arc Lakes, as published by the TWDB, is less than
 - 30% of the combined conservation pool capacity during any of the months of April through October.
 - 20% of the combined conservation pool capacity during any of the months of November through March.
 - SRA has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a drought and have significantly reduced supplies available to NTMWD.
 - The supply from Lake Texoma, Jim Chapman Lake, the East Fork Water Reuse Project, the Main Stem Pump Station, and/or some other NTMWD water source has become limited in availability.

Stage 3 may terminate when one or more of the following criteria is met:

- **General Criteria**
 - The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the termination of Stage 3.
 - Other circumstances that caused the initiation of Stage 3 no longer prevail.
- **Supply Criteria**
 - The combined storage in Lavon and Bois d'Arc Lake, as published by the TWDB, is greater than:
 - 55% of the combined conservation pool capacity during any of the months of April through October.
 - 45% of the combined conservation pool capacity during any of the months of November through March.

B. GOAL FOR USE REDUCTION UNDER STAGE 3

The goal for water use reduction under Stage 3 is an annual reduction of 30% in the use that would have occurred in the absence of water resource management measures, or the goal for water use reduction is whatever reduction is necessary. Because discretionary water use is highly concentrated in the summer months, savings should be higher than 30% in summer to achieve an annual savings goal of 30%. **If circumstances warrant, the Executive Director can set a goal for greater or less water use reduction.**

C. WATER MANAGEMENT MEASURES AVAILABLE UNDER STAGE 3

The actions listed below are provided as potential measures to reduce water demand. NTMWD may choose to implement any or all of the available restrictions in Stage 3.

- Continue or initiate any actions available under the Water Conservation Plan and Stages 1 and 2.
- Implement viable alternative water supply strategies.
- **Requires notification to TCEQ by NTMWD.** Require Member Cities and Customers (including indirect Customers) to initiate Stage 3 restrictions in their respective, independently adopted water resource and emergency management plans.
- **Requires notification to TCEQ by Member Cities and Customers.** Initiate mandatory water use restrictions as follows:
 - Hosing and washing of paved areas, buildings, structures, windows or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.

- Prohibit operation of ornamental fountains or ponds that use potable water except where supporting aquatic life.
- **Requires notification to TCEQ by Member Cities and Customers.** Prohibit new sod, overseeding, sodding, sprigging, broadcasting or plugging with or watering.
- **Requires notification to TCEQ by Member Cities and Customers.** Prohibit the use of potable water for the irrigation of new landscape.
- **Requires notification to TCEQ by NTMWD and/or Member Cities and Customers.** Prohibit all commercial and residential landscape watering, except foundations (within 2 feet) and trees (within a 10-foot radius of its trunk) may be watered for two hours one day per week with a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system provided no runoff occurs. Drip irrigation systems are not exempt from this requirement.
- **Requires notification to TCEQ by Member Cities and Customers.** Prohibit washing of vehicles except at a commercial vehicle wash facility.
- **Requires notification to TCEQ by Member Cities and Customers.** Landscape watering of parks, golf courses, and athletic fields with potable water is prohibited. As an exception, golf course greens and tee boxes may be hand watered as needed. Variances may be granted by the water provider under special circumstances.
- **Requires notification to TCEQ by Member Cities and Customers.** Prohibit the filling, draining, and/or refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance or to alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation. Permitting of new swimming pools, wading pools, Jacuzzi and hot tubs is prohibited.
- **Requires notification to TCEQ by Member Cities and Customers.** Prohibit the operation of interactive water features such as water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, inflatable pools, temporary splash toys or pools, slip-n-slides, or splash pads that are maintained for recreation.
- **Requires notification to TCEQ by Member Cities and Customers.** Require all commercial water users to reduce water use by a set percentage.
- **Requires notification to TCEQ by NTMWD.** Institute a mandated reduction in deliveries to all Member Cities and Customers. Such a reduction will be distributed as required by Texas Water Code Section 11.039.
- **Requires notification to TCEQ by NTMWD and/or Member Cities and Customers.** Initiate a rate surcharge over normal rates for all water use or for water use over a certain level

APPENDIX A

List of References

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APPENDIX A

LIST OF REFERENCES

1. Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B, Rules 288.20 and 288.22, downloaded from [http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288&sch=B&rl=Y](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288&sch=B&rl=Y), July 2023.
2. Freese and Nichols, Inc.: 2019 Model Water Resource and Emergency Management Plan for NTMWD Members Cities and Customers, prepared for the North Texas Municipal Water District, Fort Worth, February 2019.
3. Texas Water Development Board, Water Data for Texas, Lavon Lake, <https://waterdatafortexas.org/reservoirs/individual/lavon>.

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APPENDIX B

Texas Commission on Environmental Quality Rules on Drought Contingency Plans

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APPENDIX B

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES ON DROUGHT CONTINGENCY PLANS

State Requirements for Drought Contingency Plans for Wholesale Water Suppliers

Minimum Drought Contingency Plan Requirements for Wholesale Water Suppliers

TCEQ's minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- **288.22(a)(1)** – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 2.01
- **288.22(a)(2)** – Coordination with the Regional Water Planning Groups – Section 2.02
- **288.22(a)(3)** – Criteria for Initiation and Termination of Drought Stages – Section 3.00
- **288.22(a)(4)** – Drought and Emergency Response Stages – Section 3.00
- **288.22(a)(5)** – Procedures for Initiation and Termination of Drought Stages – Section 2.03
- **288.22(a)(6)** – Specific, Quantified Targets for Water Use Reductions during Water Shortages – Section 3.00
- **288.22(a)(7)** – Specific Water Supply or Water Demand Management Measures to be Implemented during Each Drought Stage – Section 3.00
- **288.22(a)(8)** – Provision in Wholesale Contracts to Require Water Distribution According to Texas Water Code Section §11.039 – Sections 2.04 and 3.0
- **288.22(a)(9)** – Procedures for Granting Variances to the Plan - Section 2.05
- **288.22(a)(10)** - Procedures for Enforcement of Mandatory Restrictions – Section 2.06
- **288.22(b)** – TCEQ Notification of Implementation of Mandatory Measures – Sections 2.03 and 3.00
- **288.22(c)** – Review and Update of the Plan – Section 2.07

State Requirements for Drought Contingency Plans for Public Water Suppliers

In addition to serving as a wholesale water supplier, NTMWD is also a public water supplier of potable water, providing direct retail service to several customers who do not have access to retail service from other sources. TCEQ has established rules for the development of drought contingency plans for public water suppliers that provide retail service. The rules for drought

contingency plans for public water suppliers are contained in Title 30, Chapter 288, Section 288.20 of the Texas Administrative Code, which is included in **Appendix B**.

The rules for wholesale water providers address the majority of the requirements for public water suppliers. TCEQ requirements for public water suppliers are addressed in this report as shown below:

- **288.20(a)(1)(A)** – Provisions to Inform Public and Provide Opportunity for Public Input - Section 2.01
- **288.20(a)(1)(B)** – Program for Continuing Public Education and Information – Section 1.01
- **288.20(a)(1)(C)** –Coordination with Regional Water Planning Groups – Section 2.02
- **288.20(a)(1)(D)** – Description of Information to be Monitored and Criteria for the Initiation and Termination of Water Resource Management Stages – Sections 2.03 and 3.0
- **288.20(a)(1)(E)** – Stages for Implementation of Measures in Response to Situations – Section 3.0
- **288.20(a)(1)(F)** – Specific, Quantified Targets for Water Use Reductions during Water Shortages – Section 3.0
- **288.20(a)(1)(G)** – Specific Water Supply or Water Demand Measures to be Implemented at Each Stage of the Plan – Section 3.0
- **288.20(a)(1)(H)** – Procedures for Initiation and Termination of Drought Contingency and Water Emergency Response Stages – Section 2.03
- **288.20(a)(1)(I)** – Description of Procedures to be Followed for Granting Variances to the Plan – Section 2.05
- **288.20(a)(1)(J)** – Procedures for Enforcement of Mandatory Water Use Restrictions – Section 2.06
- **288.20(b)** – TCEQ Notification of Implementation of Mandatory Provisions – Sections 2.06 and 3.0
- **288.20(c)** – Review of Drought Contingency and Water Emergency Response Plan Every Five (5) Years – Section 2.07

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 288</u>	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
<u>SUBCHAPTER B</u>	DROUGHT CONTINGENCY PLANS
RULE §288.20	Drought Contingency Plans for Municipal Uses by Public Water Suppliers

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

(i) reduction in available water supply up to a repeat of the drought of record;



(ii) water production or distribution system limitations;

(iii) supply source contamination; or

(iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.



(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384



<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 288</u>	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
<u>SUBCHAPTER B</u>	DROUGHT CONTINGENCY PLANS
RULE §288.22	Drought Contingency Plans for Wholesale Water Suppliers

(a) A drought contingency plan for a wholesale water supplier must include the following minimum elements.

(1) Preparation of the plan shall include provisions to actively inform the public and to affirmatively provide opportunity for user input in the preparation of the plan and for informing wholesale customers about the plan. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(2) The drought contingency plan must document coordination with the regional water planning groups for the service area of the wholesale public water supplier to ensure consistency with the appropriate approved regional water plans.

(3) The drought contingency plan must include a description of the information to be monitored by the water supplier and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(4) The drought contingency plan must include a minimum of three drought or emergency response stages providing for the implementation of measures in response to water supply conditions during a repeat of the drought-of-record.

(5) The drought contingency plan must include the procedures to be followed for the initiation or termination of drought response stages, including procedures for notification of wholesale customers regarding the initiation or termination of drought response stages.

(6) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this paragraph are not enforceable.

(7) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(A) pro rata curtailment of water deliveries to or diversions by wholesale water customers as provided in Texas Water Code, §11.039; and

(B) utilization of alternative water sources with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(8) The drought contingency plan must 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.

(9) The drought contingency plan must include procedures for granting variances to the plan.

2024 NTMWD WREMP



(10) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions including specification of penalties (e.g., liquidated damages, water rate surcharges, discontinuation of service) for violations of such restrictions.

(b) The wholesale public water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The wholesale public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.

Source Note: The provisions of this §288.22 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

APPENDIX C

Letters to Region C and Region D Water Planning Groups

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Regional. Reliable. Everyday.

January 31, 2024

Mr. Kevin Ward
Chair, Region C Water Planning Group
c/o Trinity River Authority
P.O. Box 60
Arlington, Texas 76004

Re: 2024 NTMWD Water Conservation Plan and 2024 NTMWD Water Resource and
Emergency Management Plan

Dear Mr. Ward:

Please find enclosed a copy of the 2024 North Texas Municipal Water District (NTMWD) Water Conservation Plan and the 2024 North Texas Municipal Water District (NTMWD) Water Resource and Emergency Management Plan. NTMWD is submitting a copy of these plans to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules.

The Board of Directors of the NTMWD adopted these plans on January 25, 2024.

Sincerely,

JENNAFER P. COVINGTON
Executive Director

JPC/KF/bb

xc: Billy George
Galen Roberts
Alex Johnson
Kathy Fonville



Regional. Reliable. Everyday.

January 31, 2024

Mr. Jim Thompson
Chair, Region D Water Planning Group
c/o Northeast Texas Municipal Water District
P.O. Box 955
Hughes Springs, Texas 75656

Re: 2024 NTMWD Water Conservation Plan and 2024 NTMWD Water Resource and
Emergency Management Plan

Dear Mr. Thompson:

Please find enclosed a copy of the 2024 North Texas Municipal Water District (NTMWD) Water Conservation Plan and the 2024 North Texas Municipal Water District (NTMWD) Water Resource and Emergency Management Plan. NTMWD is submitting a copy of these plans to the Region D Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules.

The Board of Directors of the NTMWD adopted these plans on January 25, 2024.

Sincerely,

JENNAFER P. COVINGTON
Executive Director

JPC/KF/bb

xc: Billy George
Galen Roberts
Alex Johnson
Kathy Fonville



Regional. Reliable. Everyday.

January 31, 2024

Resource Protection Team, MC-160
c/o Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711

Re: 2024 NTMWD Water Conservation Plan and 2024 NTMWD Water Resource and
Emergency Management Plan

To Whom It May Concern:

Please find enclosed a copy of the 2024 North Texas Municipal Water District (NTMWD) Water Conservation Plan and the 2024 North Texas Municipal Water District (NTMWD) Water Resource and Emergency Management Plan. NTMWD is submitting a copy of these plans to the Texas Commission on Environmental Quality (TCEQ) in accordance with Texas Commission on Environmental Quality rules.

The Board of Directors of the NTMWD adopted these plans on January 25, 2024.

Sincerely,

JENNAFER P. COVINGTON
Executive Director

JPC/KF/bb

xc: Billy George
Galen Roberts
Alex Johnson
Kathy Fonville

APPENDIX D

NTMWD Board Minutes Showing Adoption of the Water Conservation and Water Resource and Emergency Management Plan

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NORTH TEXAS MUNICIPAL WATER DISTRICT
501 E. Brown Street • Wylie, Texas 75098 (972)
442-5405 – Phone
(972) 295-6440 – Fax

**MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
JANUARY 25, 2024**

The North Texas Municipal Water District (NTMWD) Board of Directors met in a regular meeting on Thursday, January 25, 2024, at 2:30 p.m. Notice of the meeting was legally posted in accordance with Government Code, Title 551, Open Meetings.

I. CALL TO ORDER

President Richard Peasley called the meeting to order at approximately 2:30 p.m.

President Peasley advised the following regarding the meeting:

The meeting today is being conducted in person with two-way video and audio communication between Board members participating by videoconference, establishing a quorum. The public may attend the meeting in person. Audio and video of Board members participating by videoconference will be visible. Members of the public wishing to listen to live audio from the meeting may do so by calling in.

II. INVOCATION

Director Keith Stephens offered the invocation.

III. PLEDGE OF ALLEGIANCE

President Peasley led the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

President Peasley led the Pledge of Allegiance to the Texas Flag.

V. ROLL CALL/ANNOUNCEMENT OF QUORUM

The roll was called, and attendance was confirmed as follows:

DIRECTOR	IN PERSON	REMOTE
Terry Sam ANDERSON		√
Kalen BOREN		√
John CARR	Absent	
Rick CROWLEY	√	
George CRUMP	√	
Lori Barnett DODSON	√	
Phil DYER	√	
Joe FARMER	√	
Marvin FULLER	√	
David HOLLIFIELD	√	
Chip IMRIE	√	
Blair JOHNSON	√	
Ronald KELLEY	√	
James KERR	√	
Geralyn KEVER	√	
Rick MANN		√
Jack MAY	√	
Don PASCHAL	√	
Richard PEASLEY	√	
Randy ROLAND		√
Lynn SHUYLER	Absent	
Keith STEPHENS	√	
Jody SUTHERLAND	√	
John SWEEDEN	√	
Larry THOMPSON	√	

The following NTMWD legal and professional consultants attended the meeting:

- Lauren Kalisek – Lloyd Gosselink Rochelle & Townsend
- David Butler and Brandon Tanous – Weaver and Tidwell, LLP
- Nick Kurk – McDonald Hopkins
- Darrell Switzer – Lodestone
- Jessica Ferrell and Victor Xu – Marten Law

VI. OPENING REMARKS

- A. President's Remarks concerning current events, recognitions, conduct of meeting, posted agenda items, committee assignments, and related matters

President Peasley reviewed the tentative meeting schedule for February 2024 as follows:

- Wednesday, February 7 : Executive and Finance Committees
- Wednesday, February 21: Water and Wastewater Committees
- Thursday, February 22: Board Meeting

- B. Executive Director's Status Report concerning legislation and regulatory matters, budgets, current projects and ongoing programs of the District including the Regional Water System, Regional Wastewater System, Regional Solid Waste System, Watershed Protection, and Water Conservation

Executive Director Jenna Covington reviewed the 2024 Management Focus Areas. She advised that the list includes plans for accomplishment and will be reviewed in her self-evaluation for the next year. She included the areas of Stewardship, Service and Partnerships, a District-wide approach to navigating PFAS regulations, Texas Oklahoma boundary completion, and regarding People, she plans to improve employee retention rates and enhance employee training programs.

Executive Director Covington provided an update on the Customer Premium matter. She advised that meetings are ongoing and added that discussions have centered on a possible "grandfathering" alternative for existing demands at the current five (5) cent differential and growth calculated at a higher premium percentage rate. She added that the rate consultant has conducted financial calculations and that information has been shared. The next meeting is scheduled for February 1st. Executive Director Covington advised that Customers still desire assurances that the Board will consider Customer representation.

Executive Director Covington advised that in regard to the Texas Oklahoma boundary issue, staff has met with the consultants and there will be a site visit at the Texoma pump station next week.

Executive Director Covington stated that the City of Health has officially requested to become a Direct Customer of the District.

President Peasley expressed his appreciation to all who completed an evaluation for the Executive Director.

VII. PUBLIC COMMENTS

Prior to the start of the meeting, speakers must complete and submit a "Public Comment Registration Form." During the public comment portion of the meeting, speakers will be recognized by name and asked to provide their comments.

The time limit is three (3) minutes per speaker, not to exceed a total of thirty (30) minutes for all speakers. The Board may not discuss these items but may respond with factual or policy information.

There were no requests for public comment.

VIII. DISCUSSION ITEMS**A. 2023 Independent Management Audit to the Texas Commission on Environmental Quality**

Executive Director Covington introduced Brandon Tanous, Partner with Weaver Tidwell, who provided a brief presentation. She added that later in the agenda there is an action item related to this audit.

Mr. Tanous explained that this type of audit must be performed and submitted to the Texas Commission on Environmental Quality (TCEQ) every five years. Guidelines for performance and management of the audit are outlined through the Texas Administrative Code and TCEQ. The purpose of the audit is to identify and/or prevent management issues that could impact the District's operations and the ability to meet the public/customer needs.

Mr. Tanous stated that an assessment of policies, procedures, processes, technology and controls are included in the audit to validate efficiency, effectiveness and compliance. He reviewed the District's policies that were evaluated. Other procedures performed included interviews with stakeholders; reviews of the District's Five-Year Plan, Mission Statement, and Organizational Chart were conducted as well as communication methods.

Mr. Tanous advised that his firm determined that the District has sufficient policies, procedures, and controls in place to enable effective management of the district's operations and employees to meet the established missions and goals of the District. The audit does include four areas for continuous improvement recommended to enhance the District's current processes, procedures, practices, governance and philosophy, including:

- Enhancement of succession planning
- Continued focus over the IT function
- Enhancement of the centralized training management system
- Enhancement of recruitment and talent retention strategies

Director Jack May asked if the NTMWD should have its own audit department. Mr. Tanous responded that some District's do, others do not; it depends on the size. Director Don Paschal inquired whether Weaver was involved with reviewing the recent cyber security breach. Mr. Tanous responded that it occurred after the audit was completed.

Discussion followed as to the number of Weaver staff who worked on this audit, and how many other water districts Weaver services. Mr. Tanous named several.

President Peasley reminded the Directors that an action item is included on today's agenda to consider accepting the audit.

IX. EXECUTIVE SESSION

At 2:59 p.m. President Peasley announced the need for an Executive Session of the Board of Directors to discuss items:

- A. Texas Government Code, Sections 551.071 Consultation with Attorney, 551.076 Deliberation regarding Security Devices, and 551.089 Security Audits;
 - 1. Cybersecurity incident
- B. Texas Government Code Section 551.071 Consultation with Attorney
 - 1. (1) City of Camden, et al. v. 3M Company, Civil Action No.: 2:23-cv-03147-RMG; and (2) City of Camden, et al. v. E.I. DuPont De Nemours and Company (n/k/a EIDP, Inc.) et al., Civil Action No.: 2:23-cv-03230-RMG

President Peasley confirmed with staff that the public access line was disconnected and that the audio recording was disabled during the Executive Session discussion.

X. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Chapter 551, the Board of Directors of NTMWD will reconvene into regular session to consider action, if any, on matters discussed in Executive Session.

Open Session reconvened at 4:13 p.m. The public teleconference line was reconnected. No action was taken in Executive Session.

No action was taken in Open Session. President Peasley noted that action on the Executive Session items will be considered later in the agenda.

XI. CONSENT AGENDA ITEMS

President Peasley inquired whether any Director would like to remove an item from the Consent Agenda for separate discussion. There were no requests for separate discussion.

Upon a motion by Director Chip Imrie to approve the Consent Agenda items and a second by Director Don Paschal, the Board of Directors voted unanimously to approve the Consent Agenda items. Director Terry Sam Anderson was absent from the vote.

- A. **December 2023 Regular Board Meeting Minutes**
Recommend the Board of Directors approve the minutes of the regular Board meeting held on Thursday, October 26, 2023, as presented.
- B. **Modification of Capital Projects Request**
Recommend the Board of Directors approve the January 2024, Modification of Capital Projects Request as presented.

- C. **McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline Project No. 101-0505-18; Resolution No. 24-01; Right-of-Way Acquisition Program**
Authorize resolution to amend the previously approved Right-of-Way acquisition program to include the acquisition of property and easements.

XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

GENERAL / ADMINISTRATIVE AGENDA ITEMS

- A. **2023 Independent Management Audit**
Acceptance of the 2023 independent Management Audit report and authorize the Executive Director to submit the report to the Texas Commission on Environmental Quality in accordance with Section 292.13(5)(A) of the Texas Administrative Code.

President Peasley reminded the Directors of the earlier presentation on this report.

Upon a motion by Director Geralyn Keever and a second by Director Rick Crowley, the Board of Directors voted unanimously to approve. Director Terry Sam Anderson was absent from the vote.

WATER AGENDA ITEMS

- B. **Amendments to the NTMWD Water Conservation Plan and NTMWD Water Resource and Emergency Management Plan**
Authorize amendments to the NTMWD Water Conservation Plan and NTMWD Water Resource and Emergency Management Plan in compliance with the Texas Commission on Environmental Quality requirements.

Director John Sweeden advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize amendments to the NTMWD Water Conservation Plan and NTMWD Water Resource and Emergency Management Plan in compliance with the Texas Commission on Environmental Quality requirements.

In order to meet TCEQ guidelines and continue to advance the District's conservation efforts, revisions are needed to the Water conservation Plan and Water Resource and Emergency Management Plan. TCEQ requires updates to these plans every five years. The current plans were adopted in 2019.

Upon a motion by Director John Sweeden and a second by Director Larry Thompson, the Board of Directors voted unanimously to approve. Director Terry Sam Anderson was absent from the vote.

- C. **Memorandum of Understanding between the North Texas Municipal Water District and Tarrant Regional Water District for Regional Water Conservation Public Awareness Campaign**
Authorize the Executive Director to execute a Memorandum of Understanding between the North Texas Municipal Water District and the Tarrant Regional Water District for funding and execution of a joint regional water conservation public awareness campaign.

Director John Sweeden advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize the Executive Director to execute a Memorandum

of Understanding between NTMWD and the Tarrant Regional Water District for funding and execution of a joint regional water conservation public awareness campaign.

This MOU establishes a cooperative five-year partnership with NTMWD, TRWD, and the City of Dallas for the development of a regional public awareness campaign to encourage the efficient use of water, reduce water waste, and reduce water demand in the Dallas-Fort Worth region.

Upon a motion by Director John Sweeden and a second by Director James Kerr, the Board of Directors voted unanimously to approve. Director Terry Sam Anderson was absent from the vote.

D. Texoma Raw Water Pipeline to Leonard Water Treatment Plant Pipeline; Project No. 101-0642-24; Engineering Services Agreement – Preliminary Engineering

Authorize funding for preliminary engineering services for the design of a proposed pipeline from the existing Texoma – Wylie Raw Water Pipeline to the Terminal Storage Reservoir at Leonard Water Treatment Plant.

Director John Sweeden advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize funding for preliminary engineering services for the design of a proposed pipeline from the existing Texoma-Wylie Raw Water Pipeline to the Terminal Storage Reservoir at Leonard Water Treatment Plant.

This will divert 70 million gallons per day (MGD) of Texoma raw water to the Leonard Plant for blending with the Bois d'Arc Lake water to achieve a future treated water capacity of 210 MGD.

Director Jack May inquired if this Terminal Storage Reservoir will be at capacity with 70 MGD. Deputy Director Cesar Baptista responded that this will maximize the use of our Bois d'Arc Lake water for blending and will occur during Stage 3 of the Leonard Water Treatment Plant.

Upon a motion by Director John Sweeden and a second by Director Don Paschal, the Board of Directors voted unanimously to approve. Director Terry Sam Anderson was absent from the vote.

E. Aquifer Storage and Recovery Feasibility Study; Project No. 101-0643-24; Engineering Services Agreement

Authorize an engineering services agreement for the development of the Aquifer Storage and Recovery Feasibility Study.

Director John Sweeden advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize an engineering services agreement for the development of the Aquifer Storage and Recovery (ASR) Feasibility Study.

This study is designed to explore the feasibility of ASR in the North Texas region aquifers.

If ASR is feasible, the study will also provide recommendations on the next steps and planning cost estimates for those next steps.

Director Jack May expressed that there are many aspects of ASR to consider, adding that a study is appropriate. He requested a quarterly update so the Board stays informed on the progress of the study.

President Peasley inquired if an ASR would be considered near the Leonard Water Treatment Plant as well as the Wylie Water Treatment Plant. Assistant Deputy R.J. Muraski responded that those two locations as well as other aquifers will be evaluated. He added that the consultant to be engaged for the study is Advanced Groundwater Solutions.

Director Keith Stephens advised that in 2016 the City of Wylie obtained a "Municipal Setting Designation" and during that process it was discovered that the aquifer in Wylie has possible groundwater contamination.

Director James Kerr spoke in favor of researching the possibility of an ASR.

Director Joe Farmer inquired as to the cost of the study and how long it will take. Mr. Muraski responded that the cost of the study includes a not-to-exceed amount of \$966,000, including \$30,000 in special services. The study should take 12 to 18 months to complete.

Upon a motion by Director John Sweeden and a second by Director Phil Dyer, the Board of Directors voted unanimously to approve. Director Terry Sam Anderson and Director Randy Roland were absent from the vote.

WASTEWATER AGENDA ITEMS

- F. Clemons Creek Lift Station, Project No. 501-0635-24; McKinney Prosper Sewer Improvements, Project No. 501-0641-24; Engineering Services Agreement**
Authorize an engineering services agreement for the preliminary design of the Clemons Creek Lift Station and McKinney Prosper Sewer Improvements projects.

Director Keith Stephens advised that the Wastewater Committee discussed this item at the December meeting.

This item will authorize an engineering services agreement for the preliminary design of the Clemons Creek Lift Station to identify options and routes for the lift station to accommodate growth in Anna, McKinney, and Melissa.

The consultant will also evaluate wastewater conveyance alternatives and recommend pipeline improvements to accommodate growth in McKinney and Prosper north of U.S. Highway 380 along the existing McKinney Prosper sewer infrastructure.

Upon a motion by Director Keith Stephens and a second by Director Geralyn Keever, the Board of Directors voted unanimously to approve. Director Terry Sam Anderson and Director Randy Roland were absent from the vote.

G. Tickey Creek Force Main, Project No. 501-0637-24; Tickey Creek Lift Station, Project No. 501-0638-24; Engineering Services Agreement

Authorize an engineering service agreement for preliminary design of the Tickey Creek Force Main and Tickey Creek Lift Station projects.

Director Keith Stephens advised that the Wastewater Committee reviewed this item at the December meeting.

This item will authorize an engineering services agreement for preliminary design of the Tickey Creek Force Main and Tickey Creek Lift Station projects. The purpose of this project is to increase wastewater conveyance capacity serving growth in Princeton.

Upon a motion by Director Keith Stephens and a second by Director Phil Dyer, the Board of Directors voted unanimously to approve. Director Terry Sam Anderson and Director Randy Roland were absent from the vote.

LAND ACQUISITION / RIGHT OF WAY AGENDA ITEMS

H. Waterline Relocations Along State Highways in Dallas, Rockwall, and Kaufman Counties; Project No. 101-0607-22; Resolution No. 24-02; Right-of-Way Acquisition Program

Authorize resolution to amend the previously approved Right-of-Way Acquisition Program to acquire additional easements and provide additional funding to this project.

Director Chip Imrie advised that the Real Estate Committee reviewed this item in the Committee meeting yesterday. He stated that this item will authorize additional funding to acquire permanent and temporary easements needed to facilitate relocation of waterlines in advance of TxDOT’s expansion of FM 552 and SH 205.

Upon a motion by Director Chip Imrie and a second by Director Jody Sutherland, the Board of Directors voted unanimously to approve. Director Terry Sam Anderson and Director Randy Roland were absent from the vote.

* * * * *

At this time, President Peasley stated that the Board would consider action on the Executive Session items. No action was taken on Item IX.A.1.

Executive Session Item IX.B.1.

(1) City of Camden, et al. v. 3M Company, Civil Action No.: 2:23 cv 03147 RMG; and (2) City of Camden, et al. v. E.I. DuPont De Nemours and Company (n/k/a EIDP, Inc.) et al., Civil Action No.: 2:23 cv 03230 RMG

Director Geralyn Kever made the following motion regarding 3M:

Motion to authorize the Executive Director and her staff to withdraw the District’s opt-out and thus join the settlement class that was conditionally certified in the AFFF Multi-District Litigation in the United States District Court for the District of South Carolina, Charleston Division, No. 2:18-mm-2873-RMG, subject to the results of ongoing negotiations with 3M

Company by outside counsel for NTMWD, and, in that event, to authorize the Executive Director to facilitate a settlement between the District and 3M Company; and to authorize the Executive Director and her staff to authorize and/or engage in any necessary actions for the District to act as a claimant in the 3M Settlement and to further engage in any necessary legal or other action to maximize the amount and value of the District's total settlement payment and any other benefits to the District.

Director Don Paschal seconded motion. The Board of Directors voted unanimously to approve the motion. Director Terry Sam Anderson and Director Randy Roland were absent from the vote.

Director Chip Imrie made the following motion regarding Dupont:

Motion to authorize the Executive Director and her staff to engage in any necessary actions for the District to act as a claimant in the DuPont Settlement and to further engage in any necessary legal or other action to maximize the amount and value of the District's total settlement payment and any other benefits to the District based on the Board's prior authorization to the Executive Director and her staff to participate in such settlement.

Director Geralyn Keever seconded motion. The Board of Directors voted unanimously to approve the motion. Director Terry Sam Anderson and Director Randy Roland were absent from the vote.

XIII. CLOSING ITEMS

- A. Opportunity for Board members to provide feedback or request potential future agenda items.

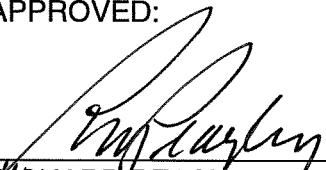
President Peasley stated that he attended yesterday's Water Committee meeting. He spoke favorably of the Bois d'Arc Lake staff and the work they are doing there. He noted that the Lake facilities highlight the District.

There were no other comments or requests for potential future agenda items.

XIV. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 4:46 p.m.

APPROVED:



RICHARD PEASLEY, President

ATTEST:



DAVID HOLLIFIELD, Secretary



APPENDIX E

Texas Water Code 11.039

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APPENDIX E

TEXAS WATER CODE SECTION 11.039

§ 11.039. DISTRIBUTION OF WATER DURING SHORTAGE.

(a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

(b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of persons, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:

- (1) the amount of water to which each customer may be entitled; or
- (2) the amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.

(c) Nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.

Amended by Acts 1977, 65th Leg., p. 2207, ch. 870, § 1, eff. Sept. 1, 1977; Acts 2001, 77th Leg., ch. 1126, § 1, eff. June 15, 2001.

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