

# **Model Drought Contingency Plan for Manufacturing Users**

**Date**

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# Drought Contingency Plan for *[Manufacturing Entity]*

## 1. Introduction

*[Include basic information about the Manufacturing Entity and its operations, for example, location; industry; product(s); process(es) requiring water; water sources; and water demand, noting any seasonal or other water demand changes as applicable]*

## 2. Objectives

This drought contingency plan is intended for use by *[Manufacturing Entity]*.

While the TCEQ does not currently regulate drought contingency plans for manufacturing facilities, because the manufacturing industry comprises more than 10% of water demand in Region I, the Texas Water Development Board (TWDB) recommends that a drought contingency plan be created for *[Manufacturing Entity]*. This plan was adapted from the current TCEQ requirements for a drought contingency plan under Title 30, Part 1, Chapter 288, Subchapter B in the Texas Administrative Code (TAC).

This drought contingency plan serves to:

- Conserve available water supplies during times of drought and emergency.
- Minimize adverse impacts of water supply shortages.
- Minimize the adverse impacts of emergency water supply conditions.

This model plan is a template for manufacturing entities to use as they develop their own drought contingency plans. Each entity should customize the details to match its unique situation.

## 3. Texas Commission on Environmental Quality Rules

While there are not regulations developed for manufacturing drought contingency plans, requirements for municipal users, irrigation users, and wholesale water suppliers exist. Therefore, these sections were utilized to develop the drought contingency plan for *[Manufacturing Entity]*. Specifically, due to similarity in application, the irrigation users



section, which is detailed under Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.21 of the TAC, was used to develop the manufacturing drought contingency plan model .

TCEQ’s minimum requirements for irrigation drought contingency plans, which were modified for [*Manufacturing Entity*]’s drought contingency plan, are addressed in the following subsections of this plan. Any alterations and/or deletions in the irrigation use requirements are noted with a strikethrough and, if applicable, italicized text for the manufacturing-specific plan.



<b>TAC Reference</b>	<b>Subject</b>	<b>Plan Location</b>
30 TAC §288.21(a)(1)(A)	Provisions to Inform the Public and Provide Opportunity for Public Input	Section 4
30 TAC §288.21(a)(1)(B)	Document Coordination with Regional Planning Group	Section 5
30 TAC §288.21(a)(1)(C)	Criteria for Initiation and Termination of Water Allocation	Sections 6 & 7
30 TAC §288.21(a)(1)(D)	Specific, Quantified Targets for Water Use Reduction	Section 8
30 TAC §288.21(a)(1)(E)	Procedures for Determining the Allocation of <del>Irrigation</del> Water Supplies to Individual Users	Section 8
30 TAC §288.21(a)(1)(F)	Procedures for Initiation and Termination of Water Allocation	Sections 6 & 7
<del>30 TAC §288.21(a)(1)(G)</del>	<del>Procedures for Use Accounting During Water Allocation</del>	<del>Section 9</del>
30 TAC §288.21(a)(1)(H)	Procedures for the Transfer of Water Allocations Among Individual Users	Section 9
30 TAC §288.21(a)(1)(I)	Procedures for Enforcement of Water Allocation Policies	Section 10
30 TAC §288.21(a)(2)	Consultation with Wholesale Supplier	Section 11
30 TAC §288.21(a)(3)	Protection of Public Water Supplies	Section 12
30 TAC §288.21(a)(3)(b)	Review and Update of Plan	Section 13

#### **4. Provisions to Inform the Public and Opportunity for Public Input**

*[Manufacturing Entity]* will give stakeholders the opportunity to provide public input into the preparation of the plan by one of the following methods:

- Holding a public meeting.
- Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper or posted notice.

#### **5. Coordination with the East Texas Regional Water Planning Group**

This drought contingency plan will be sent to the Chair of the East Texas Regional Water Planning Group in order to ensure consistency with the East Texas Regional Water Plan. If any changes are made to the drought contingency plan, a copy of the newly adopted plan will be sent to the Regional Water Planning Group.

#### **6. Initiation of Water Allocation**

The *[designated official]* shall monitor water supply conditions on a *[e.g. weekly, monthly]* basis and shall make recommendations to the Board regarding water allocation to *[Manufacturing Entity]*. Upon approval of the Board, water allocation will become effective when:

*[Below are examples of the types of triggering criteria that might be used; singly or in combination, in a manufacturing entity's drought contingency plan:*

- *A wholesale water supplier that provides all or part of a manufacturing entity's supply has initiated water allocation.*
- *When [manufacturing entity]'s available water supply is equal or less than [amount in gallons, amount in cubic feet, amount in gallons per process area, etc.].*
- *When total daily demand equals [number] gallons for [number] consecutive days or [number] gallons on a single day.*

## **7. Termination of Water Allocation**

The entity's water allocation policies will remain in effect until the conditions defined in Section 6 no longer exist and the Board deems that the need to allocate water no longer exists.

## **8. Water Allocation**

- a) One allocation account will be associated with each facility owned and operated by the *[Manufacturing Entity]* within the Region I boundaries.

*[Manufacturing Entity]* shall have its water supplied by *[name of manufacturing entity water supplier. List additional water suppliers as needed]* *[for all facilities located within the Region I boundaries. Note, the previous sentence should only be used if the manufacturing entity is comprised of multiple facilities within the Region I boundaries].* *[Manufacturing Entity]* shall be allocated *[number]* gallons *[Or, use the following sentence and modify as needed if multiple facilities exist. Facility XXX shall be allocated XXX gallons, Facility YYY shall be allocated YYY gallons, etc.]* on which all taxes, fees, and charges have been paid. The water allotment in each allocation account will be expressed in gallons of water.

- b) If the *[name of manufacturing entity's water supplier]'s* water supplies are diminished to the point where their drought contingency plan is triggered, water supply to *[Manufacturing Entity]* may be reduced. Depending on the trigger



severity, demand to *[Manufacturing Entity]* could be reduced by the following amount:

- Stage 1, Mild: A Stage 1 drought contingency is triggered when *[insert triggers that would cause a Stage 1 drought contingency for the water supplier]*. During a Stage 1 drought contingency, water supply can be reduced to *[Manufacturing Entity]* by up to *[insert maximum amount water supply could be reduced. This will require coordination with the water supplier]* gallons per day.
- Stage 2, Moderate: A Stage 2 drought contingency is triggered when *[insert triggers that would cause a Stage 2 drought contingency for the water supplier]*. During a Stage 2 drought contingency, water supply can be reduced to *[Manufacturing Entity]* by up to *[insert maximum amount water supply could be reduced. This will require coordination with the water supplier]* gallons per day.
- Stage 3, Severe: A Stage 3 drought contingency is triggered when *[insert triggers that would cause a Stage 3 drought contingency for the water supplier]*. During a Stage 3 drought contingency, water supply can be reduced to *[Manufacturing Entity]* by up to *[insert maximum amount water supply could be reduced. This will require coordination with the water supplier]* gallons per day.
- Stage 4, Emergency: A Stage 4 drought contingency is triggered when *[insert triggers that would cause a Stage 4 drought contingency for the water supplier]*. During a Stage 4 drought contingency, water supply can be reduced to *[Manufacturing Entity]* by up to *[insert maximum amount water supply could be reduced. This will require coordination with the water supplier]* gallons per day.

*[Section 8, Part b needs to be repeated for each unique water supplier that the manufacturing entity receives water from. If multiple facilities exist with the same water supplier, list the supply reductions for each facility under each drought*



*contingency stage.]*

- c) If additional water supplies become available to *[name of manufacturing entity's water supplier. If multiple water suppliers exist, list them all.]* in an amount reasonably sufficient for allocation to the water supplier's manufacturing users, the additional water made available to the water supplier will be equally distributed based on the method established by the water supplier. It should be noted that even if a water supplier has additional water available for allocation, this water may be allocated to other water user groups before manufacturing users, depending on demand.
- d) The amount of water charged against an allocation account will be based on metered water use. It shall be a violation of the Rules and Regulations for a water user to use water in excess of the amount of water contained in any of *[Manufacturing Entity]'s* allocation accounts.
- e) An allocation account that has not used any water for any reason within the last two consecutive years will be considered inactive and will not be allocated water. Any manufacturing facility that has not used any water within the last two consecutive years, may, upon application to the water supplier expressing intent to use water, receive future allocations. However, water allocated shall be applied only to the facility to which it was allocated and such water allotment cannot be transferred until there have been two consecutive years of use.

## **9. Procedures for the Transfer of Water Allocations Among Individual Users**

A water allocation in an active manufacturing facility account may be transferred within the boundaries of the water supplier from one manufacturing facility account to another. The transfer of water can only be made by the manufacturer's agent who is authorized in writing to act on behalf of the manufacturer in the transfer of all or part of the water allocation from the described facility in the manufacturing facility account.

A water allocation may not be transferred to a facility owned by a manufacturer outside the water supplier's boundaries.



## **10. Enforcement of Water Allocation Policies**

Any person who willfully opens, closes, changes or interferes with any headgate or uses water in violation of Section 11.083, Texas Water Code, may be assessed an administrative penalty up to \$5,000 a day under Section 11.0842 of the Texas Water Code. Additionally, if the violator is also taking, diverting, or appropriating state water, the violator may be assessed a civil penalty in court of up to \$5,000 a day. These penalties are provided by the laws of the State and may be enforced by complaints filed in the appropriate court jurisdiction in *[Name]* County, all in accordance with Section 11.083; and in addition, the water supplier may pursue a civil remedy in the way of damages and/or injunction against the violation of any of the foregoing Policies.

## **11. Consultation with Wholesale Water Supplier**

*[Provide a description of consultations with the wholesale water supplier(s), if any. The manufacturing entity shall include appropriate provisions for responding to reductions in water supply from their water supplier. Information about these reductions can be found in the drought contingency plan that the manufacturing entity's water supplier prepared. Section 8, Part b in this drought contingency plan contains maximum potential water reductions that should be used in preparing any provisions.]*

## **12. Protection of Public Water Supplies**

*[Provide a description of provisions to protect public water supplies, if applicable.]*

## **13. Review and Update of Drought Contingency Plan**

This drought contingency plan will be updated at least every 5 years. *[Manufacturing Entity]* will provide the updated plan to the East Texas Region Water Planning Group.





## 14. References

The following references were used in the development of this model plan, particularly in Sections 6 through 10:

1. Texas Commission on Environmental Quality: *Handbook for Drought Contingency Planning for Irrigation Districts*, April 2005.
2. Harlingen Irrigation District Cameron County #1: *Documents for Water Diversions and Deliveries*, Amended May 19, 2003.
3. Texas Commission on Environmental Quality: “Drought Contingency Plans for Municipal Uses by Public Water Suppliers,” Texas Administrative Code Title 30 Part I Subchapter A §288.20, effective October 7, 2004.
4. Texas Commission on Environmental Quality: “Drought Contingency Plans for Irrigation Use,” Texas Administrative Code Title 30 Part I Subchapter A §288.21, effective October 7, 2004.
5. Texas Commission on Environmental Quality: “Drought Contingency Plans for Wholesale Water Suppliers,” Texas Administrative Code Title 30 Part I Subchapter A §288.22, effective October 7, 2004.

