

**Drought Contingency Plan
For**

MacBee Special Utility District

MacBee Special Utility District is a political subdivision governed by a (9) member Board of Directors with a General Manager operation. The service area covers 200 square miles in the western one-third (1/3) of Van Zandt County, part of northeastern Kaufman County, and part of southern Hunt County. MacBee SUD operates a 2.0 MGD conventional water Treatment Plant. MacBee SUD has a raw water purchase contract of 2.0 MGD from Sabine River Authority. Raw water is withdrawn from Lake Tawakoni.

MacBee SUD also serves Holiday Estates treated water by master meter. This drought contingency plan is to be delivered by hand or via the U. S. Postal Service to Holiday Estates, TCEQ, and Northeast Texas Regional Planning Area D.

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APPENDIX B

DROUGHT CONTINGENCY PLAN FOR THE MACBEE SPECIAL UTILITY DISTRICT November 30, 1999

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, MacBee Special Utility District adopts the following Drought Contingency Plan (the Plan).

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by MacBee Special Utility District by means of mail and scheduling and providing public notice of Board Meetings.

Section III: Wholesale Water Customer Education

The MacBee Special Utility District will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of mail or telephone and through newsletters.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the MacBee Special Utility District is located within the Region D water planning area and the MacBee Special Utility District has provided a

copy of the Plan to the Region D planning group.

Section V: Authorization

The General Manager, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The General Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all customers utilizing water provided by MacBee Special Utility District. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Criteria for Initiation and Termination of Drought Response Stages

The General Manager, or his/her designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on 1:a statistical analysis of existing supplies: historical and projected use and current water conservation measures set forth by the Sabine River Authority; and 2:b and the vulnerability of the MacBee Water Treatment Plant and distribution capabilities.

Stage 1 Triggers --Mild Water Shortage Conditions

Requirements for initiation – The MacBee Special Utility District will recognize that a mild water shortage condition exists when total daily water demand equals or exceeds

1.3 million gallons for 30 consecutive days or 1.5 million gallons on a single day.

Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. The MacBee Special Utility District will notify its wholesale and retail customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 2 Triggers-- MODERATE Water Shortage Conditions

Requirements for initiation – The MacBee Special Utility District will recognize that a moderate water shortage condition exists when total daily water demand equals or exceeds 70 percent of the safe operating capacity of 2 million gallons per day for 15 consecutive days or 80 percent on a single day.

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The MacBee Special Utility District will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 3 Triggers--SEVERE Water Shortage Conditions

Requirements for initiation – The MacBee Special Utility District will recognize that a severe water shortage condition exists when total daily water demand equals or exceeds 80% of the safe operating capacity of (2) million gallons per day and/or 80% of storage capacity for (5) consecutive days or 90% for (1) single day.

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The MacBee Special Utility District will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 3 of the Plan.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirements for initiation - The MacBee Special Utility District will recognize that an emergency water shortage condition exists when a major water line breaks, or pump or

a system failure occurs, which cause unprecedented loss of capability to provide water service; or there is a natural or man-made contamination of the water supply source(s).

Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of (5) consecutive days. The MacBee Special Utility District will notify its wholesale customers and the media of the termination of Stage 4.

Section VIII: Drought Response Stages

The General Manager, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VI, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Stage 1 - Mild Water Shortage Conditions

1. **Target: Achieve a voluntary 10 percent reduction in total water use.**
2. Best Management Practices for Supply Management:

The General Manager or his/her designee shall manage limited water supplies to reduce water demand by modifying reservoir operation to the extent set forth by the Sabine River Authority's Drought Management Plan.

3. Water Use Restriction for Reducing Demand:
 - (a) The General Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage 1 of the customer's drought contingency plan).
 - (b) The General Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water

conservation measures and practices.

Stage 2 - Moderate Water Shortage Conditions

1. **Target: Achieve a 20 percent reduction in total water use.**
2. Best Management Practices for Supply Management:

The General Manager or his/her designee shall manage limited water supplies to reduce water demand by reducing Treatment Plant output by a minimum of 15% of capacity and use interconnection with another water system, if possible. Because all surrounding water supplies draw from the same reservoir and are of equal size to MacBee Special Utility District, this may not be a possibility.

3. Water Use Restrictions for Reducing Demand:
 - (a) The General Manager, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
 - (b) The General Manager, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use implement Stage 2 of the customer's drought contingency plan.
 - (c) The General Manager, or his/her designee(s), will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section VI of the Plan.
 - (d) The General Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 3 Response --SEVERE Water Shortage Conditions

1. **Target: Achieve a 25 percent reduction in total water use.**
2. Best Management Practices for Supply Management

The General Manager or his/her designee shall manage limited water supplies to reduce water demand by reducing Treatment Plant output by a minimum of 15% of capacity and use interconnection with another water system, if possible. Because all surrounding water supplies draw from the same reservoir and are of equal size to MacBee Special Utility District, this may not be a possibility.

3. Water Use Restrictions for Reducing Demand:
 - (a) The General Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 2 of the customer's drought contingency plan).
 - (b) The General Manager, or his/her designee(s), will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section VI of the Plan.
 - (c) The General Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 4 Response -- EMERGENCY Water Shortage Conditions

Whenever emergency water shortage conditions exist as defined in Section VII of the Plan, the General Manager shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.

2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
3. If appropriate, notify county, and/or state emergency response officials for assistance.
4. Undertake necessary actions, including repairs and/or clean-up as needed.
5. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

Section IX: Pro Rata Curtailment

In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 – Severe Water Shortage Conditions have been met, the General Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies and procedures:

Section X: Contact Provision:

The MacBee Special Utility District will include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039 (Texas Administrative Code).

Example of surcharge:

A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the MacBee Special Utility District Board of Directors based on the General Manager's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the MacBee Special Utility District Board of Director as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the

allocation established for each month.

- (a) A monthly water usage allocation shall be established by the General Manager, or his/her designee, for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the 1994-1998 period as shown in the example given below. If the wholesale water customer's billing history is less than 4 years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.
- (b) The General Manager shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.
- (d) Upon request of the customer or at the initiative of the General Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the wholesale customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another wholesale customer; or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Board of Directors of the MacBee Special Utility District.

Section X: Enforcement

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

- (a) 5 cents times the normal water charge per thousand gallons for water diversions and/or deliveries in excess of the monthly allocation
- (b) 10 cents times the normal water charge per thousand gallons for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.

- (c) 20 cents times the normal water charge per thousand gallons for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
- (d) 30 cents times the normal water charge per thousand gallons for water diversions and/or deliveries more than 15 percent above the monthly allocation.
- (e) The above surcharges shall be cumulative.

Section XI: Variances

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

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

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the General Manager within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Board of Directors, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.

(f) Other pertinent information.

Variations granted by the MacBee Special Utility District Board of Directors shall be subject to the following conditions, unless waived or modified by the Board of Directors or the General Manager or its designee:

(a) Variations granted shall include a timetable for compliance.

(b) Variations granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

Section XII: Severability

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

APPENDIX C

A RESOLUTION OF THE BOARD OF DIRECTORS ADOPTING A DROUGHT CONTINGENCY PLAN AND A WATER CONSERVATION AND DEMAND MANAGEMENT PLAN FOR MACBEE SPECIAL UTILITY DISTRICT

WHEREAS, the Board recognizes that the amount of water available to the MacBee Special Utility District and to its wholesale water customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the MacBee Special Utility District recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan;

WHEREAS, Section 11.039 of the Texas Water Code authorizes water suppliers to distribute available water supplies on a pro rata basis during times of water supply shortage; and

WHEREAS, as authorized under law, and in the best interests of the customers of the MacBee Special Utility District, the Board deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MACBEE SPECIAL UTILITY DISTRICT:

SECTION 1. That the Drought Contingency Plan and Water Conservation and Demand Management Plan attached hereto as Exhibit "A" and hereby adopted as the official policy of the

MacBee Special Utility District.

SECTION 2. That the General Manager is hereby directed to implement, administer, and enforce the Drought Contingency Plan and the Water Conservation and Demand Management Plan.

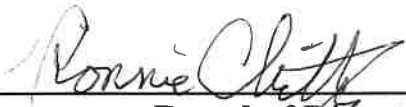
SECTION 3. That this resolution shall take effect immediately upon its passage.

DULY PASSED BY THE BOARD OF DIRECTORS OF THE MACBEE SPECIAL UTILITY DISTRICT ON THIS 9th day of October, 2023.



President, Board of Directors

ATTESTED TO:



Secretary, Board of Directors