

ORDINANCE NO. 2024-O0076

AN ORDINANCE AMENDING ARTICLE 22.08 OF THE CODE OF ORDINANCES, CITY OF LUBBOCK, TEXAS, WITH REGARD TO THE CITY OF LUBBOCK WATER CONSERVATION PLAN; THE CITY OF LUBBOCK DROUGHT AND EMERGENCY CONTINGENCY PLAN; THE CITY OF LUBBOCK IRRIGATION WATER CONSERVATION PLAN; PROVIDING FOR TARGET GOALS; ESTABLISHING CRITERIA FOR THE DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES RELATED TO DROUGHT OR SHORTAGES; PROVIDING A PENALTY FOR EACH DAY OF NON-COMPLIANCE AND/OR DISCONTINUANCE OR DISCONNECTION OF WATER SERVICE FOR NON-COMPLIANCE WITH THE PROVISIONS OF THE WATER CONSERVATION PLAN AND THE DROUGHT AND EMERGENCY CONTINGENCY PLAN; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Lubbock, Texas (the “City”), recognizes that the amount of water available to the City and its water utility customers is limited;

WHEREAS, the City recognizes that natural limitations due to drought conditions, system failures and other acts of God may occur, and the City cannot guarantee an uninterrupted water supply for all purposes at all times;

WHEREAS, applicable law and the regulations of the Texas Commission on Environmental Quality require that the City adopt a Water Conservation Plan and a Drought and Emergency Contingency Plan (the “Plans”);

WHEREAS, the City has determined there is an urgent need in the best public interest to adopt the Plans; and

WHEREAS, the City adopted, by Ordinance Number 2010-O0055, dated on second reading July 22, 2010, and by Ordinance Number 2004-O0040, dated on second reading April 6, 2004, a Drought and Emergency Contingency Plan; and by Ordinance Number 2004-O0041, dated on second reading April 6, 2004, a Water Conservation Plan, Article 22.08, Code of Ordinances of the City of Lubbock, and is now desiring to amend Article 22.08 of the Code of Ordinances of the City of Lubbock; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT Article 22.08 of the Code of Ordinances, City of Lubbock, Texas, is hereby amended to read as follows:

ARTICLE 22.08 WATER USE MANAGEMENT PLAN*

Division 1. Generally

Sec. 22.08.001 Introduction

(a) The city is located in Lubbock County in the Texas Panhandle and is the eleventh largest city in the state and the largest city in West Texas. The city's population was estimated by the city planning department to be 264,009 in 2022. According to the Llano Estacado (Region O) Regional Water Plan and the city's planning department's estimates, the city's population is expected to increase to approximately 333,391 by 2040. The city is situated in a semi-arid region that requires more water per capita for landscape irrigation than in many other parts of the state. Evidence of landscape irrigation demand is apparent when comparing the average winter water usage of 113 gallons per capita per day (gpcd) to the average summer water usage of 149 gpcd. In

response to this seasonal usage, much of the city's water conservation efforts have focused on reducing the amount of water used in landscape irrigation.

(b) This water use management plan - water conservation plan and drought and emergency contingency plan - pertains to the use of water by both the city's retail and wholesale water customers, and is intended to meet the requirements of the Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board (TWDB).

Sec. 22.08.002 System description

(a) The city water system currently utilizes three separate water supply sources. During 2023, approximately 70% of the city's annual water usage will be supplied from the Canadian River Municipal Water Authority (CRMWA). Lubbock is a member city of the CRMWA. Water supplied from CRMWA is a blend of surface water and groundwater. The surface water source is Lake Meredith and the ground water source is the CRMWA well field located in Roberts County. The supply capacity of the CRMWA system to Lubbock is 34 million gallons per day (MGD). This blended supply is treated at the Lubbock North Water Treatment Plant in Lubbock. The treatment plant is a conventional water treatment plant, and treats water for the city and for six other CRMWA southern division member cities: Slaton, Tahoka, O'Donnell, Lamesa, Levelland and Brownfield. CRMWA supplies the raw water to these cities.

(b) The city provides water treatment services only to these cities. These cities reimburse Lubbock for their respective portions of the water treatment cost. CRMWA operates a 250 million gallon capacity raw water reservoir located near the treatment plant. The city owns and operates a 400 million gallon raw water terminal storage reservoir located adjacent to the CRMWA reservoir. This reservoir is used during summertime peak water use periods to supplement the normal supply from CRMWA. The peak supply capacity of the system is 75 MGD when drawing upon the terminal storage reservoir for short periods of time.

(c) During 2023, approximately 18% of the city's annual water usage will be supplied from a well field located in Bailey and Lamb Counties, which is owned and operated by the city of Lubbock. This well field is commonly referred to as the Bailey County Well Field (BCWF), and is made up of 175 production wells. All groundwater from this source is treated at a central location in the well field. Disinfection is the only treatment required for this source. The supply capacity of the BCWF system is 30 MGD.

(d) During 2023, approximately 12% of the city's annual water usage will be supplied from Lake Alan Henry located 60 miles southeast of Lubbock in Garza and Kent Counties. The supply capacity of this system to Lubbock is 10 MGD. The water pumped from Lake Alan Henry is treated at the Lubbock South Water Treatment Plant located on 5114 FM 1585.

(e) The city water distribution system contains approximately 2,164 miles of pipeline mains, 11 pump stations, 12 ground storage tanks totaling 63.5 million gallons, 4 conventional elevated storage tanks totaling 5.15 million gallons, and the BCWF pipeline that functions as an unconventional elevated storage system totaling 11.0 million gallons.

(f) The city sells water on a wholesale basis to eight separate public water supply systems, the City of Shallowater, Lubbock Reese Redevelopment Authority, Lubbock County Water Control & Improvement District No. 1 (also known as Buffalo Springs Lake community), the Town of Ransom Canyon, the City of Wolfforth, Texas Department of Criminal Justice's Montford Prison, Cooper ISD Woodrow Campus, and Texas Tech University's East Campus classroom. The city also sells water to the City of Littlefield for infrequent emergency use only. The water supplied to the City of New Deal is water purchased from the City of Slaton by the City of New Deal and delivered through the City of Lubbock water distribution system, for which Lubbock charges only a delivery fee.

Sec. 22.08.003 Definitions

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

Aesthetic water use. Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Annual water supply. The amount of water available to the city within a given year. Normally measured in billions of gallons or acre-feet.

Average winter consumption. The amount of water used by a customer on average during the winter months of December, January, and February.

Conservation. Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative use.

Domestic water use. Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution, except as provided under the definition of nonessential water use below.

Drought. An extended period of time of below normal precipitation (rainfall, snow, etc.).

Drought of record. Extended period of time of below normal precipitation (rainfall, snow, etc.) that exceeds the length of time and impact on water supplies of previous droughts. The drought of record is used to help determine the estimated yield of reservoirs.

Gpcd calculation. The total average daily amount of water diverted or pumped for treatment by potable uses divided by the population served.

Hand watering. The irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf course greens, tees, fairways, parks, athletic fields, street or alley rights-of-way and medians through the use of manual water devices supplied by a water hose and actively attended to by a person.

Increasing block rate. A water rate structure that has a volume rate that increases as more water is consumed.

Landscape irrigation or landscape irrigation use. Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf course greens, tees, and fairways, parks, athletic fields, street or alley rights-of-way and medians.

Maximum daily supply. The amount of water available to the city during a given day. The amount may be limited due to the water transmission line size, water pump size, the number of operating wells, the amount of raw and treated water storage, the water rights owned by the city and other related factors.

Nonessential water use. Water uses that are neither essential nor required for the protection of public health, safety, and welfare, including without limitation:

- (1) Landscape irrigation;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle of any kind;
- (3) Use of water to spray or wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to spray or wash down buildings or structures for purposes other than immediate fire protection;

- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) In connection with stage 3 and stage 4 drought response stages, use of water to fill, refill, or add to any indoor or outdoor swimming pools or hot tubs;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic and avian life; and
- (8) Failure to repair a leak(s) within a reasonable period of time after having been given notice directing the repair of such leak(s).

Per capita water use. A measure of water use for a city or other entity (inclusive of non-residential uses such as commercial water use), expressed in gallons per capita per day (gpcd). The measure compares water use to the number of citizens in the area. The measure does not reflect the amount used on average by a citizen.

Water Loss. Measured as the volume of water metered into the water distribution system minus the volume billed for a given time period.

Secs. 22.08.004–22.08.030 Reserved

Division 2. Water Conservation Plan

Sec. 22.08.031 Introduction

The city provides retail water service to city residents and also provides water on a wholesale basis to additional political subdivisions located outside of the city limits. The city directly influences the water use of its retail water users through the water conservation measures discussed in this plan. The city requires each of its wholesale customer's retail utility systems to implement conservation measures at least as stringent as the city's conservation measures. The wholesale customers implement these measures as a part of their respective retail water supply operations.

Sec. 22.08.032 Declaration of policy, purpose, and intent

In order to conserve the available water supply, the city adopts the following regulations concerning water conservation through this article. Water uses regulated or prohibited under this water conservation plan are considered to be discretionary and are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in section 22.08.046 of this plan.

Sec. 22.08.033 Authorization

The city manager or his/her designee is authorized and directed to implement the applicable provisions of this plan. The city manager or his/her designee will act as the administrator of the plan, oversee the execution and implementation of the plan, and will be responsible for keeping adequate records for program verification.

Sec. 22.08.034 Conservation goals

- (a) The city's water conservation goals are to:
 - (1) Emphasize conservation in order to delay expensive water supply projects as long as possible;
 - (2) Provide an adequate supply of suitable treated water to meet the needs of its retail and wholesale customers; and
 - (3) Require its wholesale customers to adopt and implement water conservation plans that will reduce their per capita water use rates.
- (b) The city's wholesale customer water conservation program is predicated on the fact that the implementation of conservation measures must occur largely at the local

level. Due to this fact, the city's wholesale program is focused on requiring initiatives by its wholesale customers.

(c) TCEQ rules require that water conservation plans contain specific, quantifiable five- and ten-year goals for use in gallons per capita per day. The goals established as part of this plan are not enforceable.

(d) The city's annual average per capita per day usage declined by 13% over the past ten years as depicted in the chart below. In order to determine these values, the city uses total water pumped from all sources divided by the estimated city population as determined by the city's planning department.

Year	GPCD
2013	154
2014	141
2015	131
2016	132
2017	127
2018	130
2019	123
2020	133
2021	128
2022	134

(e) In order to set the city's new per capita goal for municipal water conservation, baseline per capita water use was determined from the 10-year average per capita per day water use from 2013 to 2022 as determined by the city. This resulted in an average value reflecting both wet and dry years. The average per capita use from 2013 to 2022 was 133 gpcd with a high of 154 gpcd in 2013 and a low of 123 gpcd in 2019. The goals for this plan were developed utilizing a 0.5% per year reduction in per capita water use. This results in a per capita goal for year 2029 of 130 gpcd and a year 2034 goal of 127 gpcd, using a five (5) year rolling average. This reflects a reduction of 0.5% per year from the 10-year average of 133 from 2013 to 2023.

(f) This methodology is similar to that used in the city's previous water conservation plans. The former and current plans use a 0.5% per year reduction in per capita water use goal. The new goals established under this revised plan are similar to those previously established.

(g) In addition to the per capita water use goal above, the city has set a maximum water loss goal of 10% for the retail water delivery system for both 2029 and 2034. This would correspond to a loss rate of 12.8 gpcd in 2029 and 12.5 gpcd in 2034. This water loss goal is a benchmark established by the American Water Works Association (AWWA).

Sec. 22.08.035 Metering water diverted from the source of supply

The city meters the amount of raw water pumped from the BCWF, Lake Alan Henry, and from the CRMWA supply using meters that are maintained to record flow with an accuracy of plus or minus 5.0%. The amount of water delivered to each wholesale water customer is also metered by the city.

Sec. 22.08.036 Universal metering program

(a) Using meters that meet at least the minimum standards developed by the American Water Works Association and with a metering accuracy range of plus or minus 5.0%, the city individually meters all water usage, except that utilized for fire protection. Combined with the city's computerized billing system, the city's universal metering program has a water delivery accuracy rate of plus or minus 5.0%, which meets the TCEQ standards for meter accuracy. The city encourages each wholesale water customer to meter all water usage as well.

(b) The City randomly samples commercial and residential water meters across the system for accuracy testing, and also tests all water meters of customers who are involved in the water credit or appeals process. The City tests approximately 1,000 meters each year. Depending on testing results, additional meters may be tested based on age or geographical region. Meters that fail to meet tolerance criteria specified in Section 22.03 will be replaced, rebuilt and reinstalled, or completely removed from service.”

Sec. 22.08.037 Records management system

The city maintains a records management system which tracks the volume of water pumped, water delivered to retail customers, water sold to wholesale customers, and the volume of water losses. The city's utility billing database allows water sales and uses to be desegregated into the volume used by residential, commercial, public and institutional, and industrial customers. This data is the most detailed data available from the utility billing database.

Sec. 22.08.038 Measures to determine and control water loss

The city takes the appropriate steps to monitor and audit its water system for water loss in an effort to conserve water, manage the replacement of old water lines that are prone to leaks and breaks, investigate customer complaints of low pressure and possible leaks, visually inspect suspected leaks, and track water delivery to customers to determine illegal connections and abandoned service lines. The City's program for leak detection and water audits is conducted pursuant to Sec. 22.08.043 of this Code of Ordinances.

Sec. 22.08.039 Program for achieving water conservation goals

(a) The city has established goals, objectives and programs that support a standard for water use. The city's water conservation program is comprised of four main strategies in the following order of priority:

- (1) Maintain a non-promotional water rate structure that encourages conservation;
- (2) Reduce water loss within the City's distribution system;
- (3) Educate the public and provide useful information; and
- (4) Enforce irrigation and waste of water restrictions.

In addition, to these broad strategies, Section 6 of the City of Lubbock's 2018 Strategic Water Supply Plan (adopted by city council on January 22, 2019; Resolution No. 2019-R0010), contains details regarding water conservation strategies the City is pursuing and considering.

(b) The city will evaluate and implement certain administrative changes to programs, policies, and rules that support water conservation efforts. In 1992, the city moved from a declining block rate to a uniform block rate. In 2007, the city passed a revised water rate ordinance with an inclining block rate structure. In 2017, the city revised the residential water rate ordinance with additional block rate structural changes that encourage water conservation. The city also revised the water conservation plan in 2017 to include mandatory “two day per week” irrigation of landscape. Other administrative changes may include the continued review and revision of city codes to determine their effect on the use of water and active enforcement of rules, codes, and regulations affecting water use.

(c) In an effort to manage annual and maximum daily water use, the water conservation program establishes the following water use standards for outdoor landscape irrigation:

(1) Landscape irrigation is allowed to occur twice each week and only between the hours of 6:00 p.m. to 10:00 a.m. from April 1st through September 30th. Landscape irrigation from October 1st through March 31st shall not be limited to the hours of 6:00 p.m. to 10:00 a.m. so as to allow for irrigation during periods when the ambient temperature rises above 35°F. Landscape irrigation year-round schedules are based on the last digit of the property address:

(A) Properties with an address ending in 0, 3, 4, or 9 may water on Monday and Thursday.

(B) Properties with an address ending in 1, 5, or 6 may water on Tuesday and Friday.

(C) Properties with an address ending in 2, 7, or 8 may water on Wednesday and Saturday.

(D) No landscape irrigation is allowed on Sundays.

Commercial customers with larger landscapes may apply for a variance in the event that they are unable to complete the necessary irrigation cycles during the designated days and times.

(2) Summer irrigation should provide a maximum of 1.5 inches per zone per week.

(3) Winter irrigation may occur only when temperatures are above 35°F so as not to cause a freezing hazard and should provide a maximum of 1.0 inch per zone per month for dormant grasses (i.e. Bermuda) and 1.0 inch per zone every two weeks for cool season grasses (i.e. Fescue).

(4) Irrigation should occur without excessive runoff. Excessive runoff is evidenced by running or pooling of water sufficient to create a public hazard, a nuisance or obvious waste of water as compared to the expected norm. (5)

Handwatering for landscape irrigation purposes is allowed on a daily basis regardless of the time of year and regardless of the time of day.

(6) New plant material may be irrigated on a more frequent basis until the new plant material is established as defined in section 22.03.133(a)(4) of this Code of Ordinances related to the operation of irrigation systems.

(d) The city will sponsor programs to educate the public regarding water conservation activities that support its goals. This includes educating the general public on the need for and practices of water conservation through various social media outlets, public service announcements, presentations to business groups, participation in home and garden shows, coordination efforts with the Chamber of Commerce, West Texas Home Builders Association, Lubbock Apartment Association, and supporting water conservation efforts in the local education system at all grade levels.

(e) Structural changes that have been and may be adopted by the city are those programs that result in a physical modification of water use devices or practices, such as landscape design and maintenance, rain and freeze sensors on automatic irrigation systems, plumbing retrofit or rehabilitation programs, controlling water loss, and by reusing treated wastewater and stormwater.

(f) In regards to the city's wholesale water customers, their retail utility systems are separate from the city's retail water system; therefore, the city does not have the ability to implement most of the water conservation items discussed above. The city encourages its wholesale customers to implement these or other appropriate water conservation measures as a part of their respective retail water supply operations.

Sec. 22.08.040 Water rate structure

The city has adopted a water rate structure which is non-promotional (see section 22.03.085 of this code).

Sec. 22.08.041 Reservoir operations plan

This requirement is not applicable to the city at this time. The city only owns and operates one water supply reservoir, Lake Alan Henry, which is located on the South Fork of the Double Mountain Fork of the Brazos River.

Sec. 22.08.042 Coordination with regional planning groups

The water service area of the city is located within Llano Estacado Regional Planning Area (Region O) and the city has provided a copy of this plan to the Llano Estacado Regional Water Planning Group to ensure consistency with the regional water plan.

Sec. 22.08.043 Leak detection/repair and water loss accounting program

(a) The city routinely monitors the water transmission, storage, delivery, and distribution system components for leaks. Waterline leaks are detected by utility personnel while reading meters, maintaining their water and wastewater systems, and while performing other routine surveillance programs. Any reported leaks are repaired in a timely manner. The wholesale water customers are responsible for managing their ongoing leak detection, location, and repair programs.

(b) At a minimum, the city will conduct a water audit using the methodology outlined by the TWDB on an annual basis in accordance with current TWDB rules. Water audits may be conducted on a more frequent basis if the city deems that action to be appropriate.

Sec. 22.08.044 Water supply contracts

(a) It is a mandatory requirement for the city to require wholesale customers with any new or amended contracts or successor contracts to develop a water conservation plan. Minimum plan requirements for municipal wholesale customers entering or renewing city contracts include:

- (1) A completed TCEQ utility profile;
- (2) A record management system to record water pumped, water deliveries, water sales, and water losses which allows for the desegregation of water sales and uses into the following user classes: residential, commercial, public and institutional, and industrial; and
- (3) Specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use, in gallons per capita per day;
- (4) Metering devices having accuracy within plus or minus 5 percent in order to measure and account for the amount of water diverted from the supply source;
- (5) A program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement;
- (6) Measures to determine and control water loss (for example, periodic visual inspections along distribution lines, annual or monthly audit of the water system to determine illegal connections, abandoned services, etc.);
- (7) A program of continuing public education and information regarding water conservation;

- (8) A water rate structure which is not “promotional,” meaning a rate structure which is cost-based and which does not encourage the excessive use of water;
 - (9) A reservoir systems operation plan, if applicable, providing for the coordinated operation of reservoirs owned by the utility within a common watershed or river basin in order to optimize available water supplies;
 - (10) A means of implementation and enforcement of conservation practices, as evidenced by either:
 - (A) A copy of the ordinance, resolution, or tariff, indicating official adoption of the water conservation plan by the customer; or
 - (B) A description of the authority by which the customer will implement and enforce the water conservation plan; and
 - (11) Documentation of coordination with the regional water planning group(s) for the service area of the customer in order to ensure consistency with the appropriate regional water plan(s).
- (b) Water conservation plan must include the following additional elements if the customer serves, or plans to serve in the next 10 years, a population of 5,000 or greater:
- (1) A program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system in order to control unaccounted-for uses of water; and
 - (2) For wholesale water customers, that they include a requirement that every wholesale water supply contract entered into or renewed after official adoption of the customer's water conservation plan, and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable TCEQ requirements.
- (c) Other measures that the customer could adopt to meet the stated conservation goals might include but are not limited to:
- (1) Measurement and control of excessive pressure in the distribution system;
 - (2) Ordinances to promote efficiency and avoid water waste;
 - (3) Plumbing fixture replacement and retrofit programs;
 - (4) Other beneficial reuse of water such as grey water and rainwater harvesting systems; and
 - (5) Other measures as may be applicable.
- (d) All customer plans must be reviewed and approved by city council before water sales contracts are signed.

Sec. 22.08.045 Revisions to the water conservation plan

The city shall review and update, as appropriate, the water conservation plan at least every five (5) years, based on, in part, an assessment of the previous five- and ten-year goals, new or updated information such as the adoption or revision of the regional water plan, or changes in laws or regulations.

Sec. 22.08.046 Penalties for noncompliance with the water conservation plan

Any water customer or other user of the city's water supply that violates this water conservation plan shall be guilty of a misdemeanor and subject to a penalty and fine as set forth in section 1.01.004 of this code for each day of noncompliance. In addition:

- (1) Service shall be discontinued to those customers who do not pay fines that are levied and shall remain discontinued until all required payments are made; and
- (2) New water service taps will be provided to new construction and new construction will be approved only if such construction conforms to adopted ordinances.

Secs. 22.08.047–22.08.070 Reserved

Division 3. Drought and Emergency Contingency Plan for Retail and Wholesale Customers

Sec. 22.08.071 Introduction

(a) A number of situations may limit the city's ability to deliver a sufficient amount of water to meet the demands of all customers. In those instances, the city will take steps to ensure that water is available for essential life and safety needs. This drought and emergency contingency plan (the plan) is designed to address the following situations.

- (1) Reduction in available water supply up to a repeat of the drought of record;
- (2) Water production or distribution limitations (peak water supply);
- (3) Supply source contamination; and/or
- (4) System outages.

(b) There are four stages to address drought and emergency conditions. Each stage has triggers for initiation, for restrictions on water use to assist in reaching water use reduction goals, and has provisions for rescinding the stage once the conditions that caused the drought or emergency have ceased to exist. The stages are defined as:

- (1) Stage 1 - mild water shortage conditions.
- (2) Stage 2 - moderate water shortage conditions.
- (3) Stage 3 - severe water shortage conditions.
- (4) Stage 4 - emergency water shortage conditions.

Sec. 22.08.072 Declaration of policy, purpose, and intent

(a) 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, the city adopts the following regulations and restrictions on the delivery and consumption of water through this article.

(b) Water uses regulated or prohibited under this drought and emergency contingency plan are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in section 22.08.083 of this plan.

Sec. 22.08.073 Authorization

The city 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 city 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.

Sec. 22.08.074 Public involvement

Opportunity for the public and for the wholesale water customers to provide input into the preparation of the plan was provided by the city by means of review and comment by the Lubbock Water Advisory Board, which is comprised of citizens, and by scheduling and providing public notice of a public meeting to accept input through the citizen comment period of said meeting regarding the plan held on May 28 and June 11, 2024. The plan was adopted under the open meetings requirement of the TCEQ during the June 11, 2024 city council meeting.

Sec. 22.08.075 Public and wholesale customer education

(a) The city will periodically provide the public and wholesale 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 to the public. The city will periodically provide the public and wholesale 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 to the public by means necessary to educate and provide information to the public, including but not limited to, public service announcements, newspaper notices, utility bill inserts, and educational presentations.

(b) This information will be provided to the wholesale customers by providing them with a copy of this plan.

Sec. 22.08.076 Coordination with regional water planning groups

The water service area of the city is located within the Llano Estacado Regional Water Planning Area (Region O). The city has provided a copy of this plan to the Llano Estacado Regional Water Planning Group to ensure consistency with the approved regional water plan.

Sec. 22.08.077 Application

The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city, including the city's wholesale water customers. The terms "person" and "customer" as used in the plan includes individuals, corporations, partnerships, associations, and all other legal entities.

Sec. 22.08.078 Triggering criteria for initiation and termination of drought response stages

(a) The city manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the plan, that is, when the specified "triggers" are reached. Public notification of the initiation or termination of drought response stages will be made by publication in a newspaper of general circulation, public service announcements, and/or signs posted in public places. Wholesale customer notification of the initiation or termination of drought response stages will be made by email, mail, or telephone.

(b) The triggering criteria below are based on an evaluation of the historical water system capacities and customer use patterns, and consider the impact of drought, emergencies, and high use upon capacities and patterns.

- (1) Stage 1 - mild water shortage conditions.

- (A) Requirements for initiation. Stage 1 of the plan shall be implemented if any of the following conditions arise:

Daily water use exceeds 80% of the city's maximum daily supply capacity from all sources for 10 consecutive days;

- (B) Requirement for termination. Stage 1 restrictions may be rescinded 10 days after all initiation conditions have ceased to exist as determined by the city manager or his/her designee.

(2) Stage 2 - moderate water shortage conditions.

- (A) Requirements for initiation. Stage 2 of the plan shall be implemented if any of the following conditions arise:

Daily water use exceeds 90% of the city's maximum daily supply capacity from all sources for ten (10) consecutive days;

- (B) Requirement for termination. Stage 2 restrictions may be rescinded 10 days after all initiation conditions have ceased to exist as determined by the city manager or his/her designee. When stage 2 is terminated, stage 1 automatically becomes effective.

(3) Stage 3 - severe water shortage conditions.

- (A) Requirements for initiation. Stage 3 of the plan shall be implemented if any of the following conditions arise:

Daily water use exceeds 100% of the city's maximum daily supply capacity from all sources for five consecutive days;

- (B) Requirement for termination. Stage 3 restrictions may be rescinded 10 days after all initiation conditions have ceased to exist as determined by the city manager or his/her designee. When stage 3 is terminated, stage 2 automatically becomes effective.

(4) Stage 4 - emergency water shortage conditions.

- (A) Requirements for initiation. Stage 4 of the plan shall be implemented if any of the following conditions arise:

(i) Daily water use exceeds 105% of the city's maximum daily supply capacity from all sources for five consecutive days;

(ii) There has been a failure in a major water supply source or system, such as the failure of a dam, storage reservoir, pumping system, transmission pipeline, water treatment facility, major power failure, or natural disaster that causes a severe and prolonged limit on the ability of the water supply system to meet the water supply demands;
or

(iii) A water supply source has been contaminated.

- (B) Requirement for termination. Stage 4 restrictions may be rescinded after all initiation conditions have ceased to exist as determined by the city manager or his/her designee. When stage 4 is terminated, the city manager or his/her designee shall determine what stage is applicable.

Sec. 22.08.079 Drought response stages

The city manager, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in section 22.08.078 above, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions. The city shall notify the executive director of the TCEQ within five business days of the implementation of any mandatory provisions of the plan.

(1) Stage 1 - mild water shortage conditions.

(A) Target. Reduce water use to less than 80% of the city's maximum daily supply capacity.

(B) Best management practices for supply management.

- (i) The city may reduce or discontinue the flushing of water mains as well as utilize reclaimed water for nonpotable purposes where practicable.
- (ii) Wholesale customers are required in specific contract provisions to implement these measures as well as any other measures specified in the wholesale supply contract to better manage a limited water supply. Contract provisions requiring wholesale customers to implement mandatory drought restrictions consistent with the city will be added into any new contract or contract revision.

(C) Water use restrictions for reducing demand.

- (i) Landscape irrigation is restricted to two days per week between the hours of 9:00 p.m. and 9:00 a.m. Landscape irrigation from October 1st through March 31st shall not be limited to the hours of 9:00 p.m. to 9:00 a.m. so as to allow for irrigation during periods when the ambient temperature rises above 35°F. Landscape irrigation schedules are based on the last digit of the property address:
 - a. Properties with an address ending in 0, 3, 4, or 9 may water on Monday and Thursday.
 - b. Properties with an address ending in 1, 5, or 6 may water on Tuesday and Friday.
 - c. Properties with an address ending in 2, 7, or 8 may water on Wednesday and Saturday.

Commercial customers with larger landscapes may apply for a variance in the event that they are unable to complete the necessary irrigation cycles during the designated days and times.

- (ii) Irrigation shall provide a maximum of 1.5 inches per zone per week.
- (iii) Irrigation shall occur without water runoff, which can be accomplished by correctly cycling the sprinkler system and allowing time for the water to soak into the landscape between irrigation events.
- (iv) All city operations shall adhere to the water use restrictions.

- (v) Handwatering for landscape irrigation purposes is allowed on a daily basis regardless of the time of year and regardless of the time during the day.
- (vi) New plant material may be irrigated on a more frequent basis until the new plant material is established as defined in section 22.03.133(a)(4) of this Code of Ordinances related to the operation of irrigation systems. Variances shall not be granted for grasses used to overseed existing lawns.
- (vii) The city manager, or his/her designee, will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate measures to reduce water use (i.e., implement stage 1 of the customer's drought contingency plan).

(2) Stage 2 - moderate water shortage conditions.

(A) Target. Reduce water use to less than 90% of the city's maximum daily supply capacity.

(B) Best management practices for supply management.

- (i) The city will reduce or discontinue the flushing of water mains as well as utilize reclaimed water for nonpotable purposes where practicable.
- (ii) Wholesale customers are required in specific contract provisions to implement these measures as well as any other measures specified in the wholesale supply contract to better manage a limited water supply. Contract provisions requiring wholesale customers to implement mandatory drought restrictions consistent with the city will be added into any new contract or contract revision.

(C) Water use restrictions for reducing demand.

- (i) Landscape irrigation is restricted to one day per week between the hours of 8:00 p.m. and 8:00 a.m. Landscape irrigation from October 1st through March 31st shall not be limited to the hours of 8:00 p.m. to 8:00 a.m. so as to allow for irrigation during periods when the ambient temperature rises above 35°F. Landscape irrigation year-round schedules are based on the last digit of the property address:
 - a. Properties with an address ending in 0 or 9 may water on Monday.
 - b. Properties with an address ending in 1 may water on Tuesday.
 - c. Properties with an address ending in 2 may water on Wednesday.
 - d. Properties with an address ending in 3 or 4 may water on Thursday.
 - e. Properties with an address ending in 5 or 6 may water on Friday.

- f. Properties with an address ending in 7 or 8 may water on Saturday.

Commercial customers with larger landscapes may apply for a variance in the event that they are unable to complete the necessary irrigation cycles during the designated days and times.

- (ii) Irrigation shall provide a maximum of 1.0 inches per zone per week.
- (iii) Irrigation shall occur without water runoff, which can be accomplished by correctly cycling the sprinkler system and allowing time for the water to soak into the landscape between irrigation events.
- (iv) Water customers will limit aesthetic and nonessential water use as defined in section 22.08.003 of this Code of Ordinances. Water shall not be used to wash down hard surfaced areas, including, without limitation, sidewalks, parking lots, gutters, and patios. Except where such action is performed for health and safety reasons. Water shall not be used for dust control. However, water may be used for construction or to clean surfaces for painting.
- (v) All city operations shall adhere to the water use restrictions.
- (vi) Handwatering for landscape irrigation purposes is allowed on a daily basis regardless of the time of year and regardless of time of day.
- (vii) New plant material may be irrigated on a more frequent basis until the new plant material is established as defined in section 22.03.133(a)(4) of this Code of Ordinances related to the operation of irrigation systems. Variances shall not be granted for grasses used to overseed existing lawns.
- (viii) The city manager, or his/her designee, will request wholesale water customers to initiate mandatory measures to reduce nonessential water use (i.e., implement stage 2 of the customer's drought contingency plan).

(3) Stage 3 - severe water shortage conditions.

- (A) Target. Reduce water use to less than 100% of the city's maximum daily supply capacity.
- (B) Best management practices for supply management.
 - (i) The city will reduce or discontinue the flushing of water mains as well as utilize reclaimed water for nonpotable purposes where practicable.
 - (ii) Wholesale customers are required in specific contract provisions to implement these measures as well as any other measures specified in the wholesale supply contract to better manage a limited water supply. Contract provisions requiring wholesale customers to implement mandatory drought restrictions consistent with the city will be added into any new contract or contract revision.
- (C) Water use restrictions for reducing demand.

- (i) Landscape irrigation shall not occur more than one day per month and not for more than 1.5 inches per zone. The city manager, or his/her designee, may designate the irrigation schedule.
- (ii) Irrigation shall occur without water runoff, which can be accomplished by correctly cycling the sprinkler system and allowing time for the water to soak into the landscape between irrigation events.
- (iii) Water customers will refrain from aesthetic and nonessential water use as defined in section 22.08.003 of this Code of Ordinances. Water shall not be used to wash down hard surfaced areas, including, without limitation, sidewalks, parking lots, gutters, and patios. Water shall not be used for dust control. Pools and hot tubs may not be filled or drained and refilled.
- (iv) Use of water from fire hydrants shall be limited to firefighting or other related activities necessary to maintain public health, safety, and welfare. Under the direction of the city manager, use of water from fire hydrants for construction purposes may be allowed by permit.
- (v) All city operations shall adhere to the water use restrictions.
- (vi) Handwatering for landscape irrigation purposes is allowed on a daily basis regardless of the time of year and regardless of time of day.
- (vii) The city manager, or his/her designee, 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 nonessential water use (i.e., implement stage 3 of the customer's drought contingency plan).

(4) Stage 4 - emergency water shortage conditions.

- (A) Target. Reduce water use to less than 50% of the city's maximum daily supply capacity.
- (B) Best management practices for supply management.
 - (i) The city will discontinue the flushing of water mains, discontinue the irrigation of public landscaped areas, and will utilize reclaimed water for nonpotable purposes where practicable.
 - (ii) In addition, in the event of a large-scale system failure or if the source water supply is contaminated, the city may truck in additional fresh water supplies as appropriate.
 - (iii) Wholesale customers are required in specific contract provisions to implement these measures as well as any other measures specified in the wholesale supply contract to better manage a limited water supply. Contract provisions requiring wholesale customers to implement mandatory drought restrictions consistent with the city will be added into any new contract or contract revision.
- (C) Water use restrictions for reducing demand.

- (i) All aesthetic and nonessential water use, as defined in section 22.08.003 of this Code of Ordinances, including landscape irrigation use, is prohibited except where necessary to protect the health, safety, and welfare of the public. No new landscape material may be installed.
 - (ii) All city operations will adhere to the water use restrictions.
 - (iii) The city may reduce water system pressure to conserve water.
 - (iv) All wholesale water customers will be encouraged to implement stage 4 of their drought contingency plans.
- (D) In addition, whenever emergency water shortage conditions exist as defined in section 22.08.078 of this Code of Ordinances, the city manager, or his/her designee(s), shall:
- (i) Assess the severity of the problem and identify the actions needed and the time required to solve the problem;
 - (ii) Inform the utility director or other responsible official of each wholesale water customer by telephone, email, or in person and suggest actions, as appropriate to alleviate problems (i.e., notification of the public to reduce water use until service is restored);
 - (iii) If appropriate, notify city, county, and/or state emergency response officials for assistance;
 - (iv) Undertake necessary actions, including repairs and/or clean-up as needed; and
 - (v) Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

Sec. 22.08.080 Coordination with the Canadian River Municipal Water Authority

The city is a wholesale water customer of the Canadian River Municipal Water Authority (CRMWA), and as such must coordinate any drought responses with CRMWA. The city will periodically consult with CRMWA concerning supplies available to the city and at the request of CRMWA enact additional drought conservation measures if so directed by CRMWA.

Sec. 22.08.081 Revisions to the drought and emergency contingency plan

The city shall review and update, as appropriate, the drought and emergency contingency plan at least every five (5) years based, in part, on new or updated information, such as the adoption or revision of the regional water plan.

Sec. 22.08.082 Pro rata water allocation

In the event that the triggering criteria specified in section 22.08.078 of the plan for stage 4 - emergency water shortage conditions have been met, the city manager, or his/her designee, is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code section 11.039. A provision shall be included 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 section 11.039.

Sec. 22.08.083 Enforcement

(a) Any water customer or other user of the city's water supply who violates the drought and emergency contingency plan shall be guilty of a misdemeanor and subject to a penalty and fine as set forth in section 1.01.004 of this code for each day of noncompliance. In addition, in the event: (1) the failure to comply with this article creates an imminent threat to public health, safety, or welfare; or (2) the subject person is convicted of three or more distinct violations (as opposed to consecutive multiple day events of the same violation) within a one-year period, the city, after ten-day's notice and opportunity to cure the violation, may discontinue water service until such time as the user shall be in compliance with this article and, in the case of disconnection due to an imminent health, safety, or welfare threat, pay the required charges and fees for reconnection or, in the case of disconnection due to three or more distinct violations within a one-year period, pay the required charges and fees for reconnections and provide suitable assurance to the city manager that the same action will not be repeated while the subject stage of the drought and emergency contingency plan is in effect.

(b) Any person in apparent control of the property where a violation occurs or originates shall be presumed to be the violator and proof thereof shall constitute a rebuttable presumption that the person in apparent control of such property committed the violation.

Sec. 22.08.084. Variances.

(a) The Director of Water Utilities may grant, in writing, a temporary variance for existing water uses otherwise prohibited under the drought and emergency contingency plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

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

(b) Persons requesting an exemption from the provisions of this plan shall file a petition for variance with the Director of Water Utilities. All petitions for variances shall be reviewed by the Director of Water Utilities and shall include the following:

- (1) Name and address of the petitioner;
- (2) Purpose of water use;
- (3) Specific provision(s) of this plan from which the petitioner is requesting relief;
- (4) Detailed statement with supporting data and information as to how the specific provision(s) of this plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article;
- (5) Description of the relief requested;
- (6) Period of time for which the variance is sought;
- (7) Alternative measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date; and
- (8) Other pertinent information.

(c) Variances granted by the Director of Water Utilities shall be subject to the following conditions, unless waived or modified by the permit and license appeal board.

- (1) Variances granted shall include a timetable for compliance.
- (2) Variances granted shall expire on the earlier to occur of:
 - (A) The scheduled expiration;
 - (B) When the drought and emergency contingency plan is no longer in effect; and
 - (C) The date upon which the petitioner has failed to meet specified requirements.
- (d) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.
- (e) In the event that a customer desires to appeal a decision of the Director of Water Utilities made in accordance with this section, the customer may appeal to the permit and license appeal board, by making application within fifteen (15) business days of the denial of the internal administrative appeal. Such appeal shall be made in writing and filed with the City Secretary.

Secs. 22.08.085–22.08.100 Reserved

Division 4. Irrigation Water Conservation Plan

Sec. 22.08.101 General

The city owns Water Right No. 3985 in order to land apply sewage effluent from the city's wastewater treatment plant. The permit allows the city to use up to 18,430 acre-feet per year to irrigate 10,000 acres of land. The TCEQ requires a holder of an irrigation right greater than 10,000 acre-feet/year to develop an irrigation water conservation plan. This system is designed for inefficiency in order to ensure that the greatest volume of wastewater possible can be disposed of through this method. Consequently, a water conservation plan is not applicable in this circumstance.

Sec. 22.08.102 Land application site

The city currently has two land application sites. The Lubbock Land Application Site, located east of the city, encompasses 6,000 acres with 2,500 acres irrigated by center pivot systems. The Hancock Land Application Site, located southeast of the city, encompasses 4,000 acres with 2,500 acres irrigated by center pivot systems. Effluent from the Southeast Water Reclamation Plant is used to irrigate crops such as wheat, jojoba, wheat, bermuda, and rye. A 412 million gallon storage reservoir allows the site to store and distribute treated effluent to 31 center pivot sprinkler systems as needed. Irrigation practices are designed to prevent contamination of surface and groundwater in the area.

Sec. 22.08.103 Goals

The city's current and future goals for this system are to be able to dispose of the total wastewater volume necessary through this system and to not implement any water conserving devices or practices for this system. The city monitors the delivery system for any leaks by visually inspecting the system on a regular basis, and all leaks are repaired in a timely manner.

SECTION 2. THAT Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional.

SECTION 3. THAT the City Secretary of the City of Lubbock, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on the 28th day of May, 2024.

Passed by the City Council on second reading on the 11th day of June, 2024.

/s/ Tray Payne
TREY PAYNE, MAYOR

ATTEST:

/s/ Courtney Paz
Courtney Paz, City Secretary

APPROVED AS TO CONTENT:

/s/ Greg Baier
Greg Baier, P.E., Interim Director of Water Utilities

APPROVED AS TO FORM:

/s/ Amy Sims
Amy Sims, Deputy City Attorney