

Tariff Section H

El Jardin Water Supply Corporation Tariff DROUGHT CONTINGENCY PLAN FOR THE El Jardin Water Supply Corporation June 26, 2002

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and 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 El Jardin Water Supply Corporation hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the El Jardin Water Supply Corporation via Newsletters mailed direct to members of the corporation.

Section III: Public Education

The El Jardin Water Supply Corporation will periodically provide the public 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, but not limited to, messages added to customers utility bills, direct mail, literature hand-outs given at the cashier's windows and press releases.

Section IV: Coordination with Regional Water Planning Groups

The service area of the El Jardin Water Supply Corporation is located within the certain areas of the City of Brownsville and in southeastern Cameron County bordering Brownsville to the north, east and south. El Jardin Water Supply Corporation has provided a copy of this Plan to the Region 15 of the Texas Natural Conservation Commission (TNRCC), Brownsville Public Utilities Board, the sole supply source of treated for the corporation as a 'purchase water system' and Region M of the Texas Regional Water Planning Groups.

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 persons, customers, and property utilizing water provided by the El Jardin Water Supply Corporation. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: 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.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the 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 uses.

Customer: any person, company, or organization using water supplied by El Jardin Water Supply Corporation.

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.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

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 courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section VIII: 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 monthly basis (or more frequently, as necessary) and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on the level of the United States’ water stored behind the Amistad and Falcon dams as administered by the TNRCC Water Master and the Drought Contingency Plan of the Brownsville Public Utilities Board.

The ‘triggering’ conditions described herein for each response stage are based on analysis and recognized vulnerability of the water supply source and water transmission & distribution system during high water use demands and / or emergency conditions as determined by our wholesale supplier (Brownsville PUB) or as recognized by the corporation’s General Manager and staff.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation

Stage I will automatically be initiated May 1st of each year, or at other appropriate times of the year as determined by the General Manager or his/her designate if one or more of the following conditions occur:

Condition 1: The TNRCC Rio Grande Watermaster advises the Brownsville PUB that a water shortage is possible due to reduction of water levels in the Amistad and Falcon International Reservoirs (the International Reservoirs; and/or

Condition 2: The level of the United States' water stored in the International Reservoirs reaches fifty-one percent (51%) or 1.66 million acre-feet as reported by the TNRCC Rio Grande Watermaster; and/or

Condition 3: line breaks, or pump system failure due to hurricanes, flooding, freezes and/or some other natural or man-made cause may result in unprecedented loss of capability to provide service; and/or

Condition 4: Peak demand on the Brownsville PUB's water distribution and/or treatment plants is nearing capacity levels and may place a strain on the system(s)

Guidelines for termination

Stage I of the Plan will be automatically rescinded on September 30 of each year, unless one or more of the triggering conditions listed above have ceased to exist for a period of 3 consecutive days and is announced by Brownsville PUB.

Goal: Achieve a voluntary reduction in water use in our system.

Voluntary Water Use Restrictions:

Under Stage 1, customers will be requested to voluntarily conserve water and voluntarily adhere to any or all of the following use restrictions as requested by the General Manager or his/her designee:

1. Curtailment of all non-essential water use
2. Landscape irrigation be limited to twice weekly during the hours of 7 p.m. through 10 a.m, by means of hand held hose, automated sprinkler system, hose-end sprinklers, soaker hoses, etc.
3. No washing of driveways and sidewalks and no run off in streets or drain ditches; wash cars in the grass, etc..
4. Repair all plumbing leaks as quickly as possible.

Stage 2 Triggers -- Water Shortage Alert

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when one or more of the following conditions occur:

Condition 1: The level of the Unites States' water stored in the International Reservoirs reaches twenty five percent (25%) or 834,600 acre-feet as reported by the TNRCC Rio Grande Watermaster; and/or

Condition 2: Analysis of water supply and demand indicates the City of Brownsville/Brownsville PUB's annual water allotment may be exhausted; and/or

Condition 3: line breaks, or pump system failure due to hurricanes, flooding, freezes and/or some other natural or man-made cause may result in unprecedented loss of capability to provide service; and/or

Condition 4: Peak demand on the Brownsville PUB's water distribution and//or treatment plants is nearing capacity levels and may place a strain on the system(s)

Condition 5: Contamination of the water supply and/or transmission & distribution system due to hurricanes, freezes and/or some other natural or man-made cause may result in unprecedented loss of capability to provide service.

Guidelines 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 three (3) consecutive days. Upon termination of Stage 2, Stage I becomes operative unless Stage 1 is also rescinded.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when one or more of the following conditions occur:

Condition 1: The level of the Unites States' water stored in the International Reservoirs reaches fifteen percent (15%) or 504,600 acre-feet as reported by the TNRCC Rio Grande Watermaster; and/or

Condition 2: Analysis of water supply and demand indicates the City of Brownsville/Brownsville PUB's annual water allotment may be exhausted; and/or

Condition 3: line breaks, or pump system failure due to hurricanes, flooding, freezes and/or some other natural or man-made cause may result in unprecedented loss of capability to provide service; and/or

Condition 4: Peak demand on the Brownsville PUB's water distribution and/or treatment plants is nearing capacity levels and may place a strain on the system(s)

Condition 5: Contamination of the water supply and/or transmission & distribution system due to hurricanes, freezes and/or some other natural or man-made cause may result in unprecedented loss of capability to provide service.

Condition 6: The inability of Brownsville PUB to maintain or replenish adequate volumes of water in storage to provide for public health and safety.

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 three (3) consecutive days. Upon termination of Stage 3, Stage 2 and Stage 1 becomes operative.

Stage 4 Triggers -- Water Shortage Emergency Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when a water emergency exists based upon one or more of the following conditions:

Condition 1: Major line breaks, or pump or system failures occur which cause unprecedented loss of capability to provide water service: or

Condition 2: Natural or man-made contamination of water supply and/or transmission & distribution system.

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 three (3) consecutive days. Upon termination of Stage 4, Stages 3, 2 and 1 become operative.

Goal: The goal for stage 4 is to restrict water usage to allow Brownsville PUB and /or our system to recover from the emergency condition.

Stage 5 -- EMERGENCY Water Rationing

In the event that water shortage conditions threaten the public health, safety and welfare, the General Manager, or his/her designee, is authorized to ration water and may initiate water rationing with any or all Stage 4 water use restrictions of this Drought Contingency Plan as necessary. The purpose of water rationing is to implement and enforce the mandatory limits on water usage deemed necessary by the General Manager, or his/her designee.

When this water rationing plan refers to allocation or water usage periods as “month”, “monthly” or “billing period” such references shall mean the period in the ordinary billing cycle which commences when the reading of a meter one month and ends with the reading of that meter which is usually the next month. The goal for the length of such period is thirty (30) days, but variance of two (2) days, more or less, may exist as to certain meters. If a meter reader is prevented from timely reading a meter by any obstacle that is attributable to the customer, the original allocation shall apply to the longer period without modification. The limits of this water-rationing plan shall be in effect for water used on or after the date of these limits; changes and other requirements are to become effective as published by the General Manager or his/her designee.

It shall be a defense to the termination of service that water used over the allocation amount resulted from loss of water through no fault of the customer (for example, a major water line break). The customer shall have the burden to prove such defense by objective evidence (for example, a written certification of the circumstances by a plumber). A sworn statement may be required of the customer. This defense shall not apply if the customer failed to:

- A. Take reasonable steps for upkeep of the plumbing system;
- B. Reasonably inspect the system and discover the leak;
- C. Take immediate steps to correct the leak upon discovery; or
- D. Was in any other way negligent in causing or permitting the loss of water.

6 -- WATER ALLOCATION

- A. **Residential Water Allocations:** in the event that the General Manager, or his/her designee initiates water rationing, the following guidelines will be used to ration water to residential customers:
1. Residential customers will be allocated up to 10,000 gallons of water per month
 2. **Mobile Home Parks** will be considered as a separate class under RESIDENTIAL with water allocations based upon 5,000 gallons per mobile home site
 3. Under severe drought or emergency situations, the General Manager, or his/her designee, may establish a monthly allocation amount less than 10,000 gallons of water per month to residential customers.
- B. **Non-residential Customers Water Allocations:** in the event that the General Manager, or his/her designee, initiates water rationing, a monthly water usage allocation shall be established by the General Manager, or his/her designee, for each non-residential customer as follows:

Method of establishing allocation:

The non-residential customer's allocation shall be approximately sixty percent (60%) of the customer's monthly average usage for the twelve month period ending prior to the date of implementation of Stage IV. Upon request of the customer or at the initiative of the General Manager, or his/her designee, the allocation may be reduced or increased if:

- (1) the designated period does not accurately reflect the customer's normal water usage;
- (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

Section IX: Drought Response Stages

The General Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The General Manager or his/ here designee shall notify the public by means of one or more of the following, but not limited to:

public service announcements, publication in a newspaper of general circulation, direct mail to each customer, take-home fliers at schools and at cashier's windows and messages on utility bills.

Stage 1 Response -- MILD Water Shortage Conditions

Goal: Achieve a voluntary reduction in water use and water demand in our system.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of 7:00 p.m and 10:00 a.m. on designated watering days.
- (b) All operations of the El Jardin Water Supply Corporation shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response -- Water Shortage Alert

Goal: Achieve a five (5%) percent reduction in average daily water demands and a ten (10%) percent reduction in maximum daily water demands.

Water Use Restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to **two times per week** based upon the following schedule:

| <u>Last Digit of Service Address</u> | <u>Watering Days</u> |
|--------------------------------------|----------------------------|
| 0 or 1 | Monday, Saturday |
| 2 or 3 | Tuesday, Saturday |
| 4 or 5 | Wednesday, Saturday |
| 6 or 7 | Thursday, Sunday |
| 8 or 9 | Friday, Sunday |

and irrigation of landscaped areas is further limited to the hours of 7 p.m. to 10 a.m. on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 7 p.m. to 10 a.m.. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle

washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system
- (e) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (f) The following uses of water are defined as non-essential and are prohibited:
 - 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3. use of water for dust control;
 - 4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response -- Water Shortage Emergency Conditions

Goal: Achieve a ten (10%) percent reduction in average daily water demands and a twenty (20%) percent reduction in maximum daily water demands.

Water Use Restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to **one time per week** based upon the following schedule:

| <u>Last Digit of Service Address</u> | <u>Watering Days</u> |
|--------------------------------------|----------------------|
| 0 or 1 | Monday, Saturday |
| 2 or 3 | Tuesday, Saturday |
| 4 or 5 | Wednesday, Saturday |
| 6 or 7 | Thursday, Sunday |
| 8 or 9 | Friday, Sunday |

between the hours of 8 p.m. and 7 a.m. and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

Stage 4 Response -- Water Shortage Emergency Conditions

Goal: Restrict water usage to allow the Brownsville PUB/El Jardin WSC system to recover from the emergency condition.

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas is prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited at all times.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited at all times.

- (d) Operation of any ornamental fountain or pond is prohibited at all times..
- (e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response -- WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the General Manager, and his/her designee is hereby authorized to allocate water according to the following water allocation plan:

(a) Residential Customers Water Allocation: Residential customers will be allocated up to 10,000 gallons of water per month. The General Manager, or his/her designee, may establish a monthly allocation amount less than 10,000 gallons of water per month in the event the severity of the draught requires additional conservation.

(b) Non-Residential Customers Water Allocation: In the event that the General Manager, or his/her designee, initiates water rationing, a monthly water usage allocation shall be established by the General Manager, or his/her designee, for each non-residential customer as follows:

Method of allocation:

The non-residential customer's allocation shall be approximately sixty percent (60%) of the customer's monthly average usage for the twelve-month period ending prior to the date of implementation of Stage 4. The 40% reduction in water usage will be encouraged through the rate structure, as follows:

- (i) **Mobile Home Parks:** (Rate Premise: demand reduction will occur with greater rate for usage over 60%. Use PUB Inside City Rate, take the average for the class of customers (1,970,000 gallons), calculate the first 60% usage [1,182,000 gallons] @ PUB standard rate of \$1.57 [= \$1,856]; calculate usage over that amount [394,000 gallons] @ PUB 50% surcharge rate of \$2.36 [= \$1,860]. The quotient equals \$3,716. $\$3,716/1,970,000$ gallons yields \$1.89 average cost per 1000 gallons for this class. Compare the \$1.89 1000 gallon cost to the standard cost of \$1.57 and a twenty percent (20%) increase will achieve the same result when applied to the total 1,970,000 gallon usage [1,970,000 @ \$1.89 per 1000 gallons = \$3,723].
 - a. Mobile Home Parks with 100% permanent residents: Calculate the most recent 12 month average
 - b. Mobile Home Parks with Seasonal Clientel: Calculate the last three seasons to provide a monthly average over the park's historical seasons as evidenced by the customer's billing history.

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

| Persons per Household | Gallons per Month |
|------------------------------|--------------------------|
| 1 or 2 | 6,000 |
| 3 or 4 | 7,000 |
| 5 or 6 | 8,000 |
| 7 or 8 | 9,000 |
| 9 or 10 | 10,000 |
| 11 or more | 12,000 |

“Household” means the residential premises served by the customer’s meter. “Persons per household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the General Manager or his designate of a greater number of persons per household on a form prescribed by the General Manager. The General Manager or his designate shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the El Jardin Water Supply Corporation’s offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the General Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the El Jardin Water Supply Corporation on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the El Jardin Water Supply Corporation in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the General Manager or his designate shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the El Jardin Water Supply Corporation of a reduction in the number of person in a household shall be fined not less than \$25.00.

Residential water customers shall pay the following surcharges:

- \$_2.00 for the first 1,000 gallons over allocation.
- \$_4.00 for the second 1,000 gallons over allocation.
- \$_8.00 for the third 1,000 gallons over allocation.
- \$_16.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the General Manager or his designate of a greater number on a form prescribed by the General Manager. The General Manager or his designate shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the El Jardin Water Supply Corporation offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the General Manager or his designate. If the number of dwelling units served by a master meter is reduced, the customer shall notify the El Jardin Water Supply Corporation in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the General Manager or his designate shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the El Jardin Water Supply Corporation of a reduction in the number of person in a household shall be fined not less than \$25.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- \$_2.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- \$_4.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- \$_8.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- \$_16.00, thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers: Not Applicable (no clientele)

Industrial Customers: Not Applicable (no clientele)

Section X: Enforcement

No person shall knowingly or intentionally allow the use of water from the El Jardin Water Supply Corporation for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by General Manager, or his/her designee, in accordance with provisions of this Plan. **Tariff Regulations will be rigorously enforced.**

Section XI: Variances

The General Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this 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:

- (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 Ordinance shall file a petition for variance with the El Jardin Water Supply Corporation within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the General Manager, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the El Jardin Water Supply Corporation shall be subject to the following conditions, unless waived or modified by the General Manager or his/her designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirement

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

Approved by the Board of Directors as Agenda Item #7 June 26, 2002 Regular Meeting.

El Jardin Water Supply Corporation
DROUGHT CONTINGENCY PLAN WATER RATIONING RATES
MAY 1, 2014

| BPUB Rate Detail | BPUB Inside City Rate per 1000 gallons | BPUB Outside City Rate per 1000 gallons | EJWSC Rate Detail | EJWSC Stage I Conservation Rate | EJWSC Stage II Conservation Rate | EJWSC Stage III all Residential Use | EJWSC Stage IV all Residential Use |
|--|---|--|-----------------------------|--|--|--|---|
| Residential Rate | | | Residential Rate | Voluntary Conservation Starts May 1st each year | Voluntary Conservation stop non essential use | Mandatory Eliminate Non Essential Use 50% Surcharge | Mandatory Eliminate Non Essential Use 100% Surcharge |
| Block 1: 0 - 3,000 gal | 1.73 | 2.68 | | Stage I | Stage II | Stage III | Stage IV |
| Block2: 3001 - 9,000 gal | 1.91 | 2.95 | 1 - 10,000 gal | 2.66 | 2.66 | 3.99 | 5.32 |
| Block3: 9001 - 16,000 gal | 2.36 | 3.10 | 11 - 20,000 gal | 2.97 | 2.97 | | |
| Block4: over 16,000 gal | 3.56 | 4.60 | 21,000 and up | 4.23 | 4.23 | | |
| Water Rationing Schedule * | Inside City | Outside City | | | | | |
| 1,000 - 10,000 gallons Stage III | 3.54 | 4.65 | | | | | |
| 1,000 - 10,000 gallons Stage IV | 4.72 | 6.20 | | | | | |
| Non Residential Rate | | | Non Residential Rate | Voluntary Conservation Starts May 1st each year | Voluntary Conservation stop non essential use | Mandatory Eliminate Non Essential Use 50% Surcharge | Mandatory Eliminate Non Essential Use 100% Surcharge |
| Non Residential -All Volumes ** | 2.28 | 3.42 | | 3.24 | 3.24 | 4.86 | 6.42 |
| Water Rationing Schedule * | Stage III | Stage IV | | | | | |
| 1,000 - 10,000 gallons Stage III | 3.54 | 4.65 | | | | | |
| 1,000 - 10,000 gallons Stage IV | 4.72 | 6.20 | | | | | |

Stage V EMERGENCY WATER RATIONING

CONDITIONS AND RESTRICTIONS WILL BE DETERMINED BY THE GENERAL MANAGER OR HIS/HER DESIGNEE

EJWSC Water Rate structure is based upon Brownsville Public Utilities 2013 DROUGHT CONTINGENCY PLAN

EJWSC Water Rate structure is in Stage II Conservation Rates as of May 1, 2014

Stage III and Stage IV Rates will be implemented upon notification from Brownsville P.U.B. activation.

Stages III and IV presume that a water shortage is imminent and all users will limit usage to domestic use only

EJWSC Customers will be notified if additional water use restrictions will be imposed during Stage IV restrictions.

* Consumption over 10,000 gallons considered to be Non-Essential Water Use

** BPUB Rate based upon

Stage III Use over 80% normal use over most recent 12 month average

Stage IV Use over 60% over most recent 12 month average