ORDINANCE NO. 2024-12

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS REPEALING AND REPLACING CHAPTER 46, ARTICLE VII, WATER CONSERVATION, OF THE CITY OF TOMBALL CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UP TO $2,000.00 FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS, WITH EACH DAY CONSTITUTING A NEW VIOLATION; PROVIDING SEVERABILITY; ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

* * * * * * * * * * *

WHEREAS, the City of Tomball, Texas desires 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; and

WHEREAS, the City recognizes that natural limitations due to drought conditions and other natural dissectors cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Texas Water Code Section 13.146 requires all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) requires municipalities to adopt a Water Conservation and Drought Contingency Plan every five years to coincide with the Regional Water Planning Cycle; and

WHEREAS, a revised and updated Water Conservation and Drought Contingency Plan has been prepared for the City; and

WHEREAS, opportunity for the public to provide input into the preparations of the Water Conservation and Drought Contingency Plan was provided by the City of Tomball by means of public notices in the Tomball Potpourri and the City's website and conducting a public hearing at the City Council meeting on May 6, 2024;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The facts and matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

Section 2. The City of Tomball Water Conservation and Drought Contingency Plan is attached hereto as "Exhibit A" and incorporated by reference.

Section 3. That Chapter 46, Article VII, Water Conservation of the Code of Ordinances of the City of Tomball is hereby repealed and replaced with Chapter 46, Article VII, Water Conservation and Drought Contingency as follows:

"**Chapter 46**

Utilities

Article VII – Water Conservation and Drought Contingency

Sec. 46-325. – 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 protections, 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 hereby adopts the regulations and restrictions on the delivery and consumption of water as identified in the Water Conservation and Drought Contingency Plan (the Plan).

Water uses regulated or prohibited under 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 46-332.

Sec. 46-326. – Authorization.

The City Manager, or his/her designee, is hereby authorized and directed to implement the appliable provisions of the 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 the Plan.

Sec. 46-327. – Application.

The provisions of the Plan shall apply to all persons, customers, and properties that utilize water provided by the City of Tomball. The terms "person" or customer", as used in the Plan, include individuals, corporations, partnerships, associations, and all other legal entities.

Sec. 46-328. – Implementation and Evaluation.

The City Manager, or his/her designee, will authorize and implement the applicable provisions of the Plan upon determining that the emergency condition triggers of the Plan are present, and that implementation is necessary to protect the public health, safety, and welfare. The City Manager will oversee the execution and implementation of all elements of the program and monitor water supply and demand conditions on a regular basis to determine if the trigger conditions are met to initiate or terminate each stage of the Plan.

The City Manager shall determine when conditions warrant the implementation and termination of the drought response stages in accordance with the criteria established by the Plan and he/she shall have the authority to initiate or terminate the water supply emergency response measures as described in the Plan.

Sec. 46-329. – Notices.

The City will educate the public and provide an opportunity for public involvement through the established communication methods used to provide information about the Plan, including conditions under which each stage of the Plan is to be implemented or terminated, and the drought response measures to be implemented in each stage.

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 the initiation or termination of each stage of the Plan. The City shall notify the public by means of press releases, social media, radio announcements, utility bill inserts, direct mailing, and the City website.

The City Manager, or his/her designee, shall notify directly, or cause to be notified directly, the following individuals or entities: Mayor, City Council, and Texas Commission on Environmental Quality (required when mandatory restrictions are imposed).

Sec. 46-330. – Drought Response Stages.

The City Manager, or his/her designee, may initiate any response stage in the Plan if the conditions indicate there will be insufficient water supply or delivery to protect public health, safety, and welfare, and meet regulatory requirements. The Plan identifies multiple stages of drought response, each with specific triggers for initiation and termination, and responses to be implemented.

The triggering criteria and/or trigger levels are based on statistical analysis of the vulnerability or the water source under records of drought conditions, demand increases that strain production capacity, major infrastructure repairs, known system capacity limits, loss of production or delivery capacity, or failure from acts of nature.

The Stages to be implemented are as follows:

(a) *Stage 1 – Mild Drought Conditions.* Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses when the total daily demand exceeds 60% of production capacity for three consecutive days or other causes as determined the City Manager, or his/her designee.

(b) *Stage 2 – Moderate Drought Conditions.* Customers shall be required to adhere to water use restrictions for demand reduction under threat of penalty for violation when the total daily demand exceeds 70% of production capacity for three consecutive days or others causes as determined by the City Manager, or his/her designee.

(c) *Stage 3 – Severe Drought Conditions.* Customers shall be required to adhere to water use restrictions for demand reduction under threat of penalty for violation when the total daily demand exceeds 80% of production capacity for three consecutive days or others causes as determined by the City Manager, or his/her designee.

(d) *Stage 4 - Critical Drought Conditions.* Customers shall be required to adhere to water use restrictions for demand reduction under threat of penalty for violation when the total daily demand exceeds 90% of production capacity for three consecutive days or others causes as determined by the City Manager, or his/her designee.

(e) *Stage 5 – Emergency Water Conditions.* Customers shall be required to adhere to water use restrictions for demand reduction under threat of penalty for violation when the total daily demand exceeds 95% of production capacity for three consecutive days, natural or man-made contamination of the water supply source, system outage due to failure of major water system components, or if the City Manager, or his/her designee deems it necessary.

Sec. 46-331. – Enforcement.

Any city employee designated by the City Manager, or his/her designee, that may issue a citation to a person he/she reasonably believes has committed a violation of this Ordinance. The alleged violator shall be served a copy of the citation containing the name and

address of the violator, if known, the offense charged, and shall direct him/her to appear in municipal court on the date shown on the citation. The alleged violator shall appear in municipal court to enter a plea to the charge for the violation of the Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued in accordance with standard court procedures. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Any person, including a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation. Parents shall be presumed to be responsible for violations of their children under the age of 18 and proof that a violation committed by a child on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation.

Sec. 46-332. – Penalties for violation of this article.

Any person who intentionally, knowingly, recklessly or with criminal negligence violates any provision of this ordinance shall be deemed guilty of a misdemeanor offense, and upon conviction, shall be punished by a fine in an amount not to exceed $2,000.00. Each day that one or more of the provisions of the Plan is violated shall constitute a separate offense.

If a person is convicted of three or more distinct violations of the Plan, the City Manager, or his/her designee, shall, upon due notice to the person, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection fee as established in the Master Fee Schedule, as amended from time to time, criminal penalties, and reimbursement to the City for any and all costs incurred by the City, including reasonable attorney's fees

incurred for enforcement of the Plan. In addition, suitable assurance must be given to the City that the same action shall not be repeated while the Plan is in effect. Compliance with the Plan may also be sought through injunctive relief in the district court.

Sec. 46-333. – Variances.

The City Manager, or his/her designee, may, in writing, grant a temporary variance for existing water uses otherwise prohibited under the 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 conditions identified in the Plan are met.

Persons requesting a variance from the provisions of this Ordinance shall file a petition for variance with the City of Tomball within five (5) days after the Plan or a particular drought response stage has been initiated, with required information as specified in the Plan. All petitions for variances shall be reviewed by the City Manager, or his/her designee. Variances granted by the City shall be subject to the conditions outlined in the Plan, unless waived or modified by the City Manager, or his/her designee.

Sec. 46-334. Public involvement.

Opportunity for the public to provide input into the preparation of the Plan was provided by the City by means of scheduling and providing public notice of a public meeting to accept input on the Plan. Public input on the plan was addressed in preparation of the Plan.

Sec. 46-335. – Adoption of Water Conservation and Drought Contingency Plan.

The City of Tomball hereby adopts the City of Tomball Water Conservation and Drought Contingency Plan as set forth in Exhibit A to Ordinance No. 2024-12, a copy of which is incorporated by reference as if fully set forth herein, and which shall be referred to herein as the “Plan” for the City of Tomball. A full copy of the Plan shall be on file at the Office of the City Secretary of the City of Tomball.

Sec. 46-336. – Severability and Amendment.

It is hereby declared to be the intention of the City of Tomball that the sections, paragraphs, sentences, clauses, and phrases of the Plan are severable and, if any phrase, clause, sentence, paragraph, or section of the Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City of Tomball without the incorporation into the Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section. The City of Tomball reserves the right to review, change, amend, or alter any provision of the Plan at any time. The City shall review and update the Plan, as appropriate, at least every five years in consideration of new or updated information.

Section 3. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

Section 5. That the Code of Ordinances of the City of Tomball, Texas, as amended, shall remain in full force and effect, except as amended by this ordinance.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption according to law.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF MAY, 2024.

COUNCILMAN FORD	YEA
COUNCILMAN STOLL	YEA
COUNCILMAN DUNAGIN	YEA
COUNCILMAN TOWNSEND	YEA
COUNCILMAN PARR	YEA

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF MAY, 2024.

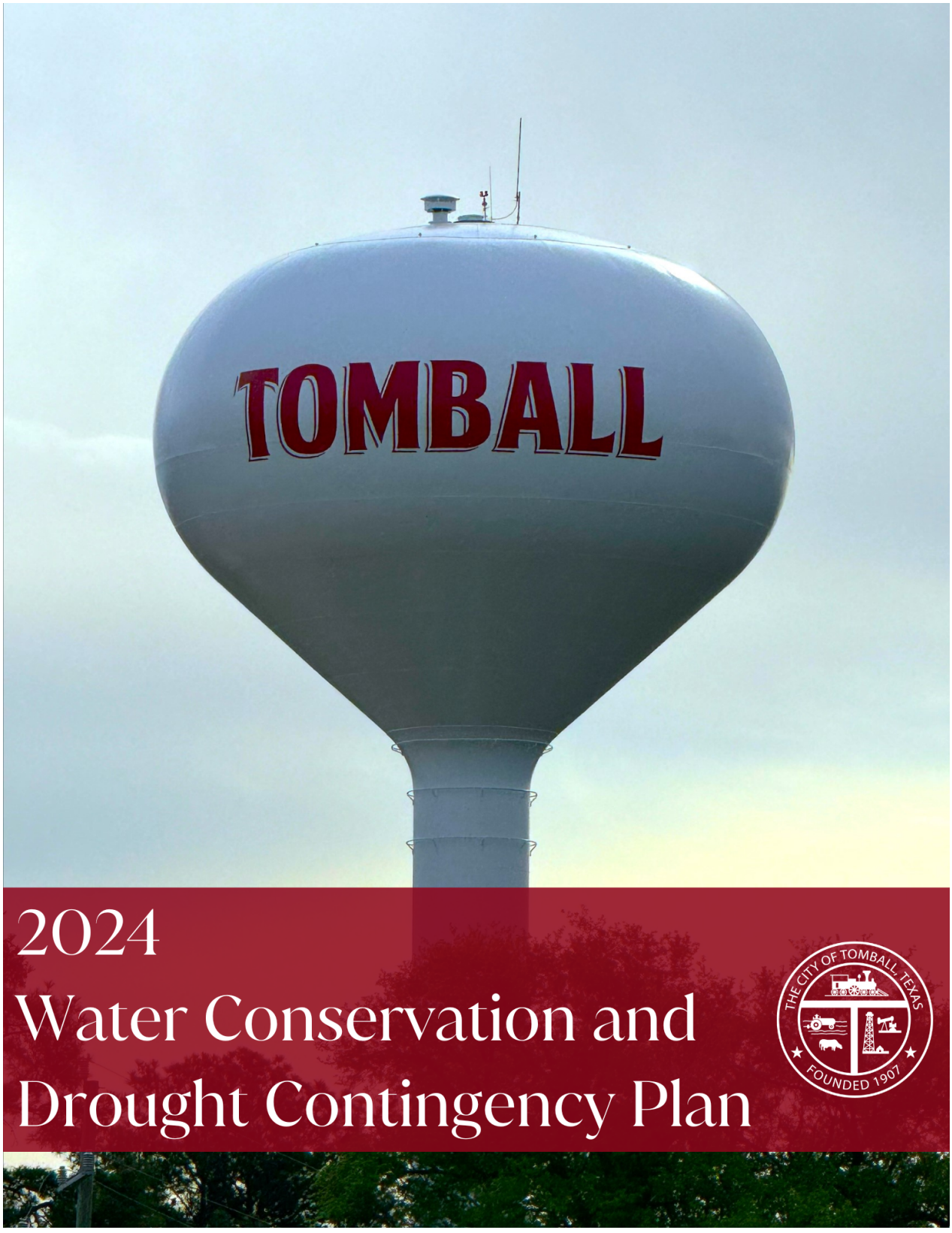
COUNCILMAN FORD	
COUNCILMAN STOLL	
COUNCILMAN DUNAGIN	
COUNCILMAN TOWNSEND	
COUNCILMAN PARR	

Lori Klein Quinn, Mayor

ATTEST:

Tracylynn Garcia, City Secretary

EXHIBIT A



2024 Water Conservation and Drought Contingency Plan

SECTIONS

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 the City of Tomball.

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.

Foundation watering: an application of water to the soils directly abutting (within 2 feet) the foundation of a building, structure.

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.

History

The original settlers of the area now called Tomball began arriving from Europe in the mid-1800s with filled dreams, hope for a better life, and a desire for true freedom in a new home. These pioneers were pleased to find the thick, lush forest around Spring Creek to be much like the Black Forest of Germany and prime property for a soon-to-be thriving lumber industry. They also found the rich soil throughout the area to be perfect for farming and livestock. Just after the turn of the 20th century this simple railroad stop and surrounding community was named Peck, Texas, but soon that all changed. In ceremonies held on December 2, 1907, at the now historic downtown depot, Peck was renamed Tomball in honor of the man responsible for routing the railroad and its operations through the small town…his name was Thomas Ball.
Thomas Ball was a former congressman, practice law in Houston, was three-time mayor of Huntsville, Texas and is known as the “Father of the Port of Houston”. By bringing rail service to the community, Ball virtually ensured the growth that would follow for years to come.

As the City continued to grow and prosper over the next 25 years, residents had little idea of the economic boom that was about to gush into their lives. It was on May 27th, 1933, when the Humble Oil Company struck oil southwest of town earning Tomball the nickname "Oiltown USA”. Humble Oil Company, now known as Exxon, and more than 20 other energy companies worked in the fields around the City for many years producing more than 100 million barrels of oil and 316 billion cubic feet of natural gas.

In the decades to follow, Tomball has continued to grow into a diverse and vibrant community near to the big City while retaining its small-town history and hometown sensibilities.

Section 1: Declaration of Policy, Purpose, and Intent

To conserve the available water supply and protect the integrity of water supply facilities, with 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 of Tomball hereby adopts the following regulations and restrictions on the delivery and consumption of water by City Ordinance:

Sec. 46-325. - Declaration of policy, purpose, and intent.

(a) 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 City hereby adopts the following regulations and restrictions on the delivery and consumption of water.

(b) Water uses regulated or prohibited under this water conservation and drought contingency plan, hereafter referred to as 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 offenders to penalties as defined in section 46-333.

Water uses regulated or prohibited under this Water Conservation Drought Contingency Plan (the Plan) are 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 28 of this Plan.

Section 2: 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.

Section 3: Application

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

Section 4: Public Education

The City of Tomball 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 means of press releases, radio announcements, utility bill inserts, direct mailing, and posted on the City website.

Section 5: Location

Tomball is located in the San Jacinto River Basin within 13.321 square miles of Harris County. The City is located with the Region H Regional Water Planning Group and TCEQ Region 12.

Climate

The average annual rainfall for Tomball is 49 inches of rain. June is the wettest month in Tomball with 5.1 inches of rain, and the driest month is February with 3.3 inches. The wettest season is winter with 29% of yearly precipitation and 21% occurs in spring, which is the driest season.

Water Resources

The City of Tomball obtains 100% of its water from the Gulf Coast Aquifer and is within the boundaries of the Harris-Galveston Subsidence District.

Section 6: Objective

The objective of Tomball's Water Conservation and Drought Contingency Plan is to increase efficiency of water use and reduce water demands without adversely affecting the population and economic growth of the City. The fundamental strategy for this Plan is to promote and publicize water conservation activities and drought management strategies in order to meet our water conservation goals and respond appropriately to water supply concerns or emergencies.

The City of Tomball recognizes that the amount of water available to the City and its water utility customers may be limited and subject to depletion during period of extended drought. Representing the best interests of the citizens of Tomball, Texas, the City deems its expedient and necessary to establish and maintain certain rules and policies for the ongoing conservation of water and the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

Section 7: Statutory and Rule Requirements

TX Water Code § 13.146 (2022) Sec. 13.146. WATER CONSERVATION PLAN. The commission shall require a retail public utility that provides potable water service to 3,300 or more connections to:

(1) submit to the executive administrator of the board a water conservation plan based on specific targets and goals developed by the retail public utility and using appropriate best management practices, as defined by Section 11.002, or other water conservation strategies.

(2) designate a person as the water conservation coordinator responsible for implementing the water conservation plan; and

(3) identify, in writing, the water conservation coordinator to the executive administrator of the board.

"Title 30 Texas Administrative Code, Chapter 288.30(5)(A). For retail public water suppliers providing water service to 3,300 or more connections, the drought contingency plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the retail public water suppliers providing water service to 3,300 or more connections shall submit the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director within 90 days of adoption by the community water system. Any new retail public water suppliers providing water service to 3,300 or more connections shall prepare and adopt a drought contingency plan within 180 days of commencement of operation and submit the plan to the executive director within 90 days of adoption".

Texas Water Code §11.1272. Additional Requirement: Drought Contingency Plans for certain applicants and water right holders. (a) The commission shall by rule require wholesale and retail public water suppliers and irrigation districts to develop drought contingency plans consistent with the appropriate approved regional water plan to be implemented during periods of water shortages and drought.

Figure 1 City of Tomball Location

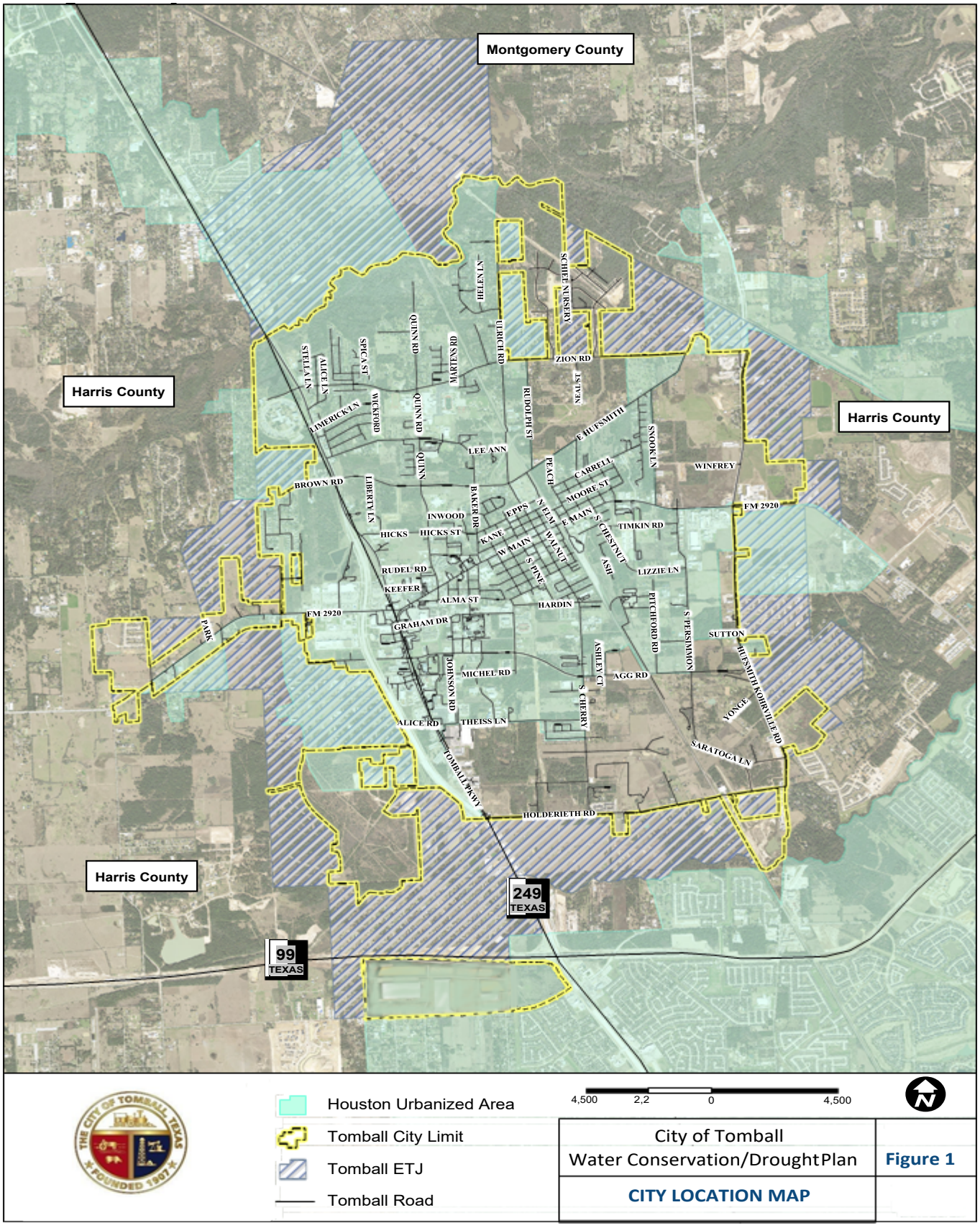
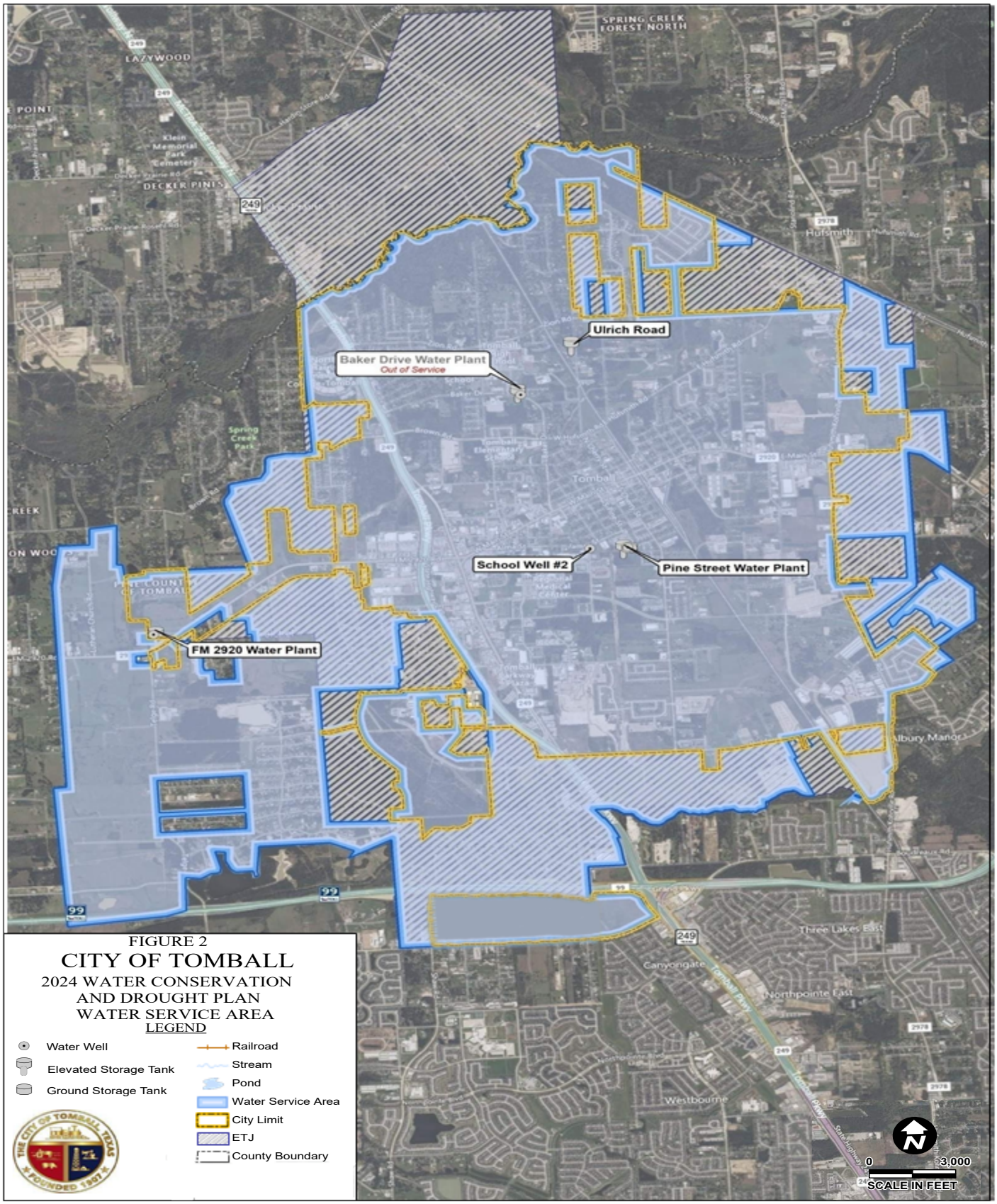


Figure 2 City of Tomball Water Service Area



Section 8: Reporting Requirements

The Texas Water Development Board (TWDB) requires that the City submit a Water Conservation Plan every five years to coincide with the Regional Water Planning Cycle. The TWDB also requires that the City submit the following information annually:

(1) Water Use Survey, March 1
(2) Water Loss Audit, May 1
(3) Annual Report, May 1

The Texas Commission on Environmental Quality (TCEQ) also requires that the City submit a Water Conservation and Drought Contingency Plan every five years to coincide with the Regional Water Planning Cycle.

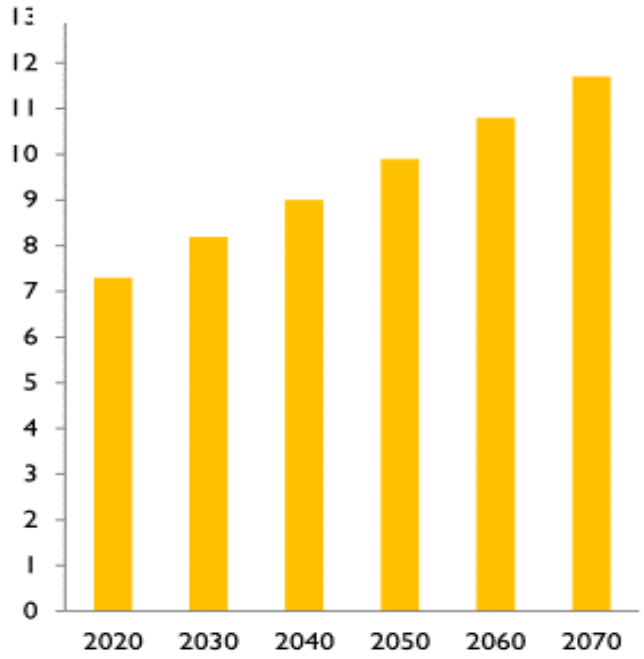
Section 9: Utility Profile

This section contains a description of the City of Tomball's utility profile. A completed TWDB Utility Profile form is attached as Appendix A. Data is managed by utility staff on a daily basis and organized to be able to track water production and deliveries to the highest practicable levels.

Section 10: Population

The population of the City has steadily increased at a rate of 3.4% annually and its population has increased by 16.96% since the most recent census in 2020. Currently the City has a population of over 14,000 and is projected to double in the next 25 years. The TWDB and Region H population projections, shown below, project a 60% increase

Figure H.2 - Projected population for 2020–2070 (in millions)



by 2070. Figure H.2 from the TWDB Region H water plan summary shown above. Population data was calculated based on 2020 census data and projections.

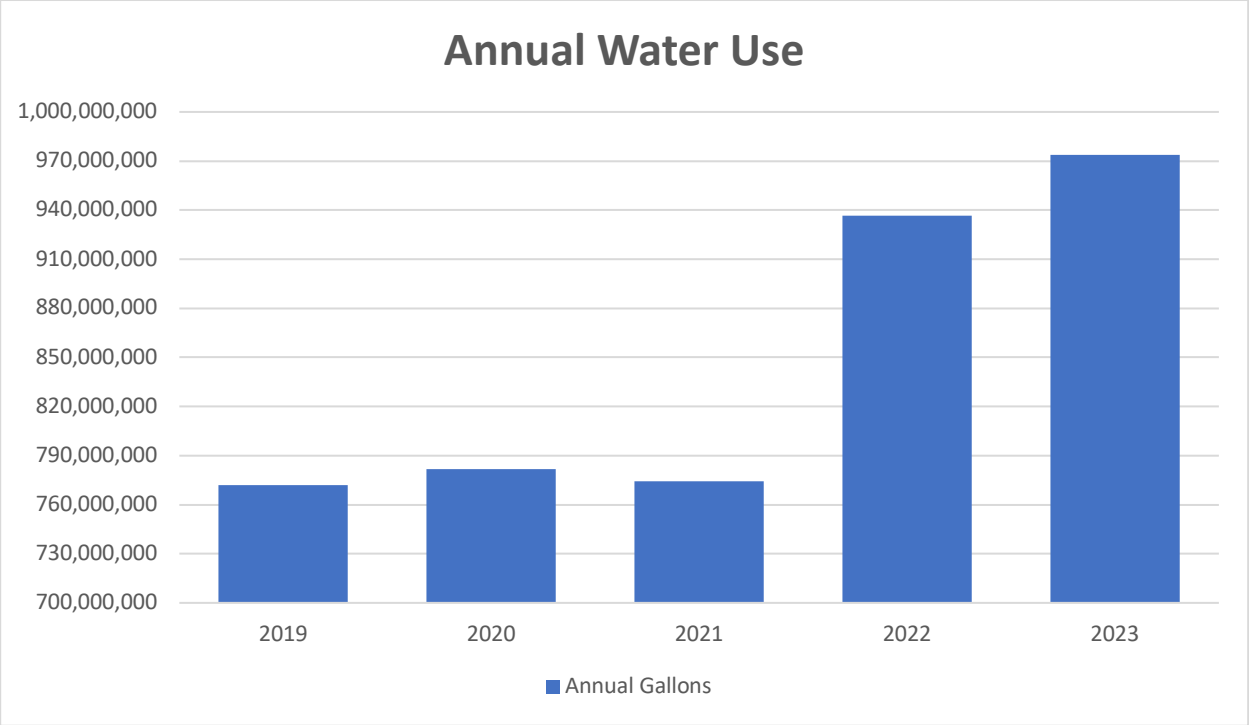
Section 11: Water System Supply and Demand

The Water Utility System has a designed daily capacity of 5,721,120 gallons, consists of over 142 miles of distribution lines, and has more than 5,800 metered connections. The City maintains four ground/elevated storage tanks, which when full, contain 2,150,000 gallons of water.

The City of Tomball obtains 100% of its water from five groundwater wells in the Gulf Coast Aquifer.

Water Demands

Over the previous 5 years, the City has averaged 847 million gallons of water use annually. In 2018 the City began wholesale service with the Red Oak Terrace System.



Water Use Sectors

The distribution of retail utility connections within Tomball is driven mainly by single family residential use and commercial use. The City will pursue adopting Best Management Practices (BMPs) to improve water use efficiency for our operations and our customers by promoting awareness of water conservation initiatives and monitor water conservation progress toward established goals. Residential use for single family accounts for 70% of connections, 5% are for multifamily residential use, and 24% are for commercial use. The City has one industrial connection and no agricultural connections.

Per Capita Water Use

Per Capita Water use is generally expressed in gallons per customer per day (GPCD) and is the average of water used by each person in the population served by a water utility. Variables that can influence GPCD include relative amount of non-residential water uses, the rate and type of growth, economics, climatic conditions, and demographics. Residential GCPD is a superior metric for understanding how much water each resident is actually using and does not include commercial and industrial uses.

Over the past five years residential water users have historically used approximately 80.76 GPCD. The five-year goal for water use reduction for the City is to reduce per capita use by 4 gallons per day per user and the 10-year goal for the City is to reduce

per capita use by 9 gallons per day. These 5 and 10-year goals are in line with the overall water conservation goals to reduce water loss.

Section 12: Water Waste

It shall be a violation of this plan at any time of the year for any person, firm, corporation, business, or other entity to:

- Fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
- Operate permanently installed irrigation system with a broken head, a head that is out of adjustment, or a head that is misting due to high water pressure.
- Operate an automated in-ground irrigation system or hose-end sprinkler on any day of the week between 5:00 a.m. and 7:00 p.m.
- Irrigate or water landscape during any form of precipitation.
- Allow water to run off a property and form a stream of water in a street for fifty (50) feet or greater.
- Allowing water to pond in a street or parking lot to a depth of greater than one quarter (1/4) of an inch.

Non-Essential and Discretionary Uses of Water

The following uses of water are considered non-essential, or discretionary uses of water.

- Irrigation of landscape areas, including parks, and athletic fields.
- Use of water to wash any motor vehicle, boat, trailer, airplane, or other vehicle.
- Use of water to wash down any sidewalks, walkways, driveways, parking lots, athletic courts, or other hard surfaced areas.
- Use of water to wash down buildings or other structures for purposes other than immediate fire protection.
- Use of water for dust control

Water Waste and Non-Essential Uses

- Flushing gutters or permitting water to run or accumulate in any gutter or street.
- Use of water to fill, refill, or add to any swimming pool or jacuzzi type pools.
- Use of water in an outside fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life.

Section 13: Implementation and Evaluation

The City Manager will authorize and implement the applicable provisions of this drought contingency plan upon determining that the emergency condition triggers of this plan are present, and that implementation is necessary to protect the public health, safety, and welfare. The City Manager will oversee the execution and implementation of all elements of the program, monitor water supply and demand conditions on a regular basis to determine if the trigger conditions are met to initiate or terminate each stage of

the plan. The City Manager shall determine when conditions warrant the implementation and termination of the drought response stages in accordance with the criteria established by this plan and he/she shall have the authority to initiate or terminate the water supply emergency response measures as described in the drought contingency plan.

The City will evaluate this Water Conservation and Drought Contingency Plan on an annual basis and monitor the progress of the Plan, using information from water utility records and staff to compile data for the TWDB Annual Report.

Section 14: Universal Metering and Records Management

The City employs metering devices on all source water connections capable of measuring the amount of water to within plus or minus 5%. The City requires all retail connections to be metered. All water metered and billed is recorded using the City's billing system.

Meter Testing, Repair and Replacement

The City's meter testing, repair, and replacement program:

Master meters are tested and calibrated periodically to within an accuracy of plus or minus 5%.

- All retail meters are tested and calibrated or replaced as necessary.
- Meters that have abnormally high or low water usage are changed out as they are identified.

Leak Detection, Repair, and Water Loss Control

Tomball operates and maintains the water transmission system within the City. In order to maintain water delivery service and to reduce and control of unaccounted for water, Tomball staff routinely visually inspect the distribution system to identify abnormal conditions indicating leaks. The staff is equipped to respond to and repair equipment and pipeline breaks or employ contracted assistance as needed. As a result of these measures, water loss has ranged from 14% to 18%. The City's goal for water loss for the next 5 and 10 years is to maintain less than 15% water loss.

The City's utility billing system flags residential and commercial customers where monthly usage exceeds forty percent (40%) differential from average, thereby allowing Public Works to confirm accuracy and meter replacement or repairs as needed. The Public Works staff department investigates any idle water meters that indicate a usage, regardless of the amount, reviewed monthly. A stuck meter report generated by the Utility accounting department provides Public Works with a listing of all active meters that had no monthly volumes recorded. These meters are investigated and are replaced or repaired as required.

The City has a continuous leak detection, location, and repair program. Monthly audits of consumption and production volumes are utilized to determine trends for water loss and more immediate action steps to locate water leaks. Continuous surveillance by meter readers and City servicemen provides immediate response to water leaks.

All water meters two inches (2”) and larger are compound meters except for irrigation purposes. These meters provide more accurate use volumes for all ranges of flow. In addition, the City has implemented an Automatic Meter Reading (AMR) system.

Section 15: Water Rate Structure

Tomball has a non-promotional rate structure for water service that is cost based and does not encourage the excessive use of water. An escalating base rate from residential through large commercial customers (51,000+ gallons), along with a constant volume rate, provide a uniform rate structure so that all customer classes (residential, small, medium, and large commercial) are equally encouraged to conserve.

Section 16: Plumbing Fixtures

The State of Texas has adopted more stringent water saving performance measures for plumbing fixtures, found in the Health & Safety Code Chapter 372. Maximum flow standards are subsequently listed in the Texas Administrative Code Title 30 Chapter 290 Subchapter G. Customers in existing buildings that do not have water saving plumbing fixtures are encouraged to retrofit their old plumbing fixtures. New construction, including remodeling of existing structures, must comply with City and State plumbing fixture standards. There are a wide assortment of water efficient fixtures, clothes and dish washers that provide the same performance, but use less water. A water efficient home can save more than 20% of annual indoor water use.

Section 17: Water-conserving Landscaping

Water-conserving landscaping is a development concept that encourages residents to adopt low-water-using landscaping principles and methods for use around the home. The same concepts can be applied to other landscaping areas as well, including parks and other public places. A popular method of reducing water use for landscape irrigation is to encourage residents to use the following techniques for landscaping. The following are generally accepted principles when planning a water efficient yard.

- Planning and design. During this step and appropriate plan is developed considering such variables as climate, existing vegetation, intended use of the space, and topographic features.
- Soil analysis. Examine the soil types covering the whole site.

- Appropriate plant selection. Plants should be selected which are native to the area or are adaptive to the site.
- Practical turf areas. Plan where turf areas should be located and consider increasing the area of decks, porous paving, paths and mulched planting beds to reduce turf.
- Efficient irrigation. Landscaped areas should only be watered as needed and then usually during the early morning or late evening to avoid water lost due to evaporation, keeping in mind some plant species may experience mold and/or fungus growth if watered at night.
- Use of mulches. A three-to-four-inch layer of mulch should cover all exposed soil areas and be replenished twice a year.
- Appropriate maintenance. Keep the yard well maintained to reduce the use of fertilizer, chemicals, and water.

Section 18: Customer Service Inspections

A customer service inspection certification as required by the Texas Commission on Environmental Quality (TCEQ), 30 Texas Administrative Code, Chapter 290, §290.46, shall be completed prior to providing continuing water service to new construction or any existing service when the City has reason to believe that cross-connections or other unacceptable plumbing practices exist; or after any material improvement, correction, or addition to the private plumbing facilities. The existence of a serious threat to the integrity of the public water supply shall be considered sufficient grounds for immediate termination of water service.

Section 19: Backflow Assembly Testing and Installation

All backflow prevention assemblies shall be tested upon installation by a recognized backflow assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against high health hazards must also be tested and certified to be operating within specification at least annually by a recognized backflow prevention device tester. Backflow assembly testing and installation shall be completed as required by the Texas Commission on Environmental Quality (TCEQ), 30 Texas Administrative Code, Chapter 290, §290.44.

It shall be the duty of the customer at any premise where backflow prevention assemblies are installed to have a certified inspection and operational tests conducted annually. In those instances where the City deems the hazard to be deleterious to human health, customer service inspection certifications may be required semiannually. Inspections and tests shall be at the expense of the customer or customer representative and shall be performed by a certified backflow technician.

Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Records of such tests, repairs, and overhaul shall be kept and submitted to the City within ten (10) business days of the test, repairs, or overhaul of each backflow prevention assembly.

No device or assembly shall be removed from use, relocated, or other device or assembly substituted without the approval of the City. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the City finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly complying with requirements of this sections and the current adopted plumbing code of the City.

A test report must be completed by the recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the Public Works division of the City within five days of the test.

A recognized backflow prevention assembly tester must have completed a Texas Commission on Environmental Quality (TCEQ) approved course on cross connection control and backflow prevention and pass an examination administered by the TCEQ or it's designated agent.

Section 20: Potential Additional Conservation Strategies

The City will select any combination of the following strategies, in addition to those strategies listed above, in order to expand its current water conservation efforts. The TCEQ may also require that any of the following strategies be implemented by the City if the TCEQ determines that the strategy is necessary to achieve the goals of this Water Conservation Plan. The additional strategies that may be implemented include:

- Revision of water rates to promote increased water conservation.
- Additional programs to encourage the retrofit of water conserving plumbing fixtures in existing structures.
- A program for pressure control and/or reduction in the distribution system and/or for customer connections.
- Any other conservation practice, method, or technique to conserve water, reduce loss and improve water management in which the City shows to be appropriate for achieving the stated goal or goals of the Water Conservation Plan.
- Increase water use communication with customers.
- Rain barrel distribution to encourage rainwater harvesting.
- Landscape irrigation incentives.

Section 21: Water Conservation Goals

The City of Tomball continues to pursue and evaluate new technologies to implement that will conserve water and reduce overall per capita water use. The following actions

were taken to develop the Plan to meet water conservation savings and water loss reduction. An evaluation of water utilities and factors that affect water loss was conducted. Attainable goals for water conservation and ways in which to measure these goals were determined and five- and ten-year targets were established. Implementation guidelines through the Texas Water Development Board (TWDB) water conservation best management practices were evaluated and the City will adopt new BMPs with this Plan. Plans for reevaluation of the Water Conservation Plan will be looked at on a yearly basis but may change from year-to-year dependent on available funding, economic conditions, and workload.

Section 22: Drought Planning and Response to Droughts

Drought planning and response in Texas is regulated in Title 30 of the Texas Administrative Code, under Section 288.20, the TCEQ requires municipal water suppliers to develop and implement a drought contingency plan. The City will educate the public and provide an opportunity for public involvement through the established communication methods used to provide information about this Plan, including conditions under which each stage of the Plan is to be implemented or terminated, and the drought response measures to be implemented in each stage.

Authorization

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 the initiation or termination of each stage of the Plan.

Notification of the Public:

The City Manager or his/her designee shall notify the public by means of press releases, social media, radio announcements, utility bill inserts, direct mailing, and posted on the City website.

Additional Notification:

The City Manager or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities: Mayor, City Council and TCEQ (required when mandatory restrictions are imposed).

Coordination with Regional Water Planning Groups

Coordination with the Regional Water Planning Group has been established and the City has provided a copy of the Plan to the Region H Water Plan Group. The City has also submitted a copy to the Texas Water Development Board and the Texas Commission on Environmental Quality (TCEQ).

Application

This Plan applies to all persons, customers, and properties that utilize water provided by the City of Tomball. The terms “person” and “customer’ as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section 23: Drought Triggers and Responses

The City Manager may initiate any response stage in this Plan if the conditions indicate there will be insufficient water supply or delivery to protect public health, safety, and welfare and meet regulatory requirements. This plan identifies multiple stages of drought response, each with specific triggers for initiation and termination, and responses to be implemented. This plan also includes notification procedures, means for enforcement, and variances.

The triggering criteria and/or trigger levels are based on statistical analysis of the vulnerability or the water source under records of drought conditions, demand increases that strain production capacity, major infrastructure repairs, known system capacity limits, loss of production or delivery capacity, or failure from acts of nature.

Stage 1 - Triggers Mild Drought Condition

Last Digit of Street Address	Allowed Landscape Watering Days
0, 2, 4, 6, 8	Sundays and Thursdays
1, 3, 5, 7, 9	Saturdays and Wednesdays

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses when the total daily demand exceeds 60% of production capacity for three consecutive days or other causes as determined by the City Manager, or his/her designee.

Stage 1 Response for Mild Water Shortage Conditions

a. Water customers are requested to voluntarily limit the irrigation of landscape 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. to 5:00 a.m. on designated watering days.
b. All operations of the City of Tomball shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
c. Water Customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes. The City will reduce waterline flushing.

Requirements for Termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days or a time period the City Manager designates.

Stage 2 - Triggers Moderate Drought Condition

Total daily demand exceeds 70% of production capacity for three consecutive days. Other causes as determined by the City Manager, or his/her designee. Water Use Restrictions for Demand Reduction 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 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 irrigation of landscaped areas is further limited to the hours of 7:00 p.m. to 5:00 a.m. on designated watering days. However, irrigation of landscaped areas is permitted at any time 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.

Last Digit of Street Address	Allowed Landscape Watering Days
0, 2, 4, 6, 8	Sundays and Thursdays
1, 3, 5, 7, 9	Saturdays and Wednesdays

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 7:00 p.m. to 5:00 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, is prohibited except on designated watering days between the hours of 7:00 p.m. to 5:00 a.m.
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. Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except

that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Tomball.

f. Use of water for the irrigation of fairways is prohibited except on designated watering days between the hours 7:00 p.m. to 5:00 a.m.
g. 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).

Requirements for Termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days or a time period the City Manager designates. The City will attempt to achieve the target reductions in daily water demand. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 - Triggers Severe Drought Condition

Total daily demand exceeds 80% of production capacity for three consecutive days. Other Causes as determined by the City Manager, or his/her designee. All requirements of Stage 2 shall remain in effect during Stage 3 except:

a. Customers are required to limit the irrigation of landscape areas to one day per week. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 7:00 p.m. to 5:00 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.

Last Digit of Street Address	Allowed Landscape Watering Days
0, 2, 4, 6, 8	Thursdays
1, 3, 5, 7, 9	Wednesdays

b. The use of water for construction purposes from designated fire hydrants under a special permit is to be discontinued. The City will eliminate flushing of waterlines.

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 3 consecutive days or a time period the City Manager designates. The City will attempt to achieve the target reductions in daily water demand. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 - Triggers Critical Drought Condition

Total daily demand exceeds 90% of production capacity for three consecutive days. Others causes are as determined by the City Manager, or his/her designee. All requirements of Stage 3 shall remain in effect during Stage 4 except:

a. Irrigation of landscaped areas shall be limited to designated watering days between the hours 7:00 p.m. to 5:00 a.m. and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

Last Digit of Street Address	Allowed Landscape Watering Days
0, 2, 4, 6, 8	Thursdays
1, 3, 5, 7, 9	Wednesdays

b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
c. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi type pools is prohibited.
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. 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 - Triggers Emergency Water Condition

Total daily demand exceeds 95% of production capacity for three consecutive days, natural or man-made contamination of the water supply source, system outage due to failure of major water system components, or if the City Manager, or his/her designee

deems it necessary. All requirements of Stage 3, and Stage 4 shall remain in effect during Stage 5 except:

a. Irrigation of landscaped areas is absolutely prohibited.
b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited.
c. Non-essential commercial operations that primarily utilize water such as car washes, water parks, splash pads, etc. Shall be prohibited. Wholesale water contracts suspended.

Section 24: Watering Schedule

The City of Tomball watering schedule is shown below. During the mandatory stages of this plan, watering with irrigation system or hose-end sprinklers is prohibited between the hours of 5:00 a.m. and 7:00 p.m. Landscape watering is permitted at any time or day with a bucket or watering can.

Drought Stage	Compliance	Odd Addresses	Even Addresses
1	Voluntary	Wednesday, Saturday	Thursday, Sunday
2	Mandatory	Wednesday, Saturday	Thursday, Sunday
3	Mandatory	Wednesday Only	Thursday Only
4	Mandatory	Wednesday Only	Thursday Only
5	Prohibited	Prohibited	Prohibited

Section 25: Emergency Responses

In the event of an identified water shortage declaration, the City will distribute water to wholesale customers according to the Texas Water Code §11.039* and initiate water allocation to municipal water customers.

In the event of a contamination event, appropriate emergency procedures will be implemented, and appropriate emergency response officials will be notified immediately. In the event of a backflow incident, loss of pressure, or an active maximum contaminant level coliform violation, a Boil Water Notice will be implemented as prescribed in Title 30 of the Texas Administrative Code Chapter 290.

In the event of a catastrophic failure due to natural causes or man-made events, appropriate emergency procedures will be implemented, and appropriate emergency response officials will be notified.

In the event of an emergency loss of water supply, the City will consider purchases of water by the truckload or in bottles for the health and public safety of the City's residents.

Section 26: Variances

The City 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 City of Tomball within five (5) days after the Plan or a particular drought response stage has been initiated. All petitions for variances shall be reviewed by the City 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 uses 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 City shall be subject to the following conditions, unless waived or modified by the City Manager:

- Variances granted will include a timetable for compliance.
- Variances granted will expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements; and
- No variance will be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section 27: Wholesale Contracts

The City of Tomball will include a requirement in every water supply contract entered into or renewed after official adoption of the Water Conservation and Drought Contingency 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 elements of this chapter. If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation

requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with applicable provisions of Title 30 of the Texas Administrative Code, Chapter 288.

The City of Tomball will include a provision in every wholesale water contract entered into after adoption of the plan, including contract extensions, that in case of shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

Section 28: Enforcement

a. No person shall knowingly or intentionally allow water to be used 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 water distress response stage in effect at the time.
b. Any person who violates this Plan shall be deemed guilty of a misdemeanor offense, and, upon conviction, shall be punished by a fine as established in the City's Master Fee Schedule, and as amended from time to time. Each day that one or more of the provisions of this Plan is violated shall constitute a separate offense.

   If a person is convicted of three or more distinct violations of this Plan, the City Manager, or his/her designee, shall, upon due notice to the person, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection fee, as established in the City's Master Fee Schedule, as amended from time to time, criminal penalties, and reimbursement to the City for any and all costs incurred by the City, including reasonable attorney's fees incurred for enforcement of this Plan. In addition, suitable assurance must be given to the City that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.
c. Any person, including a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation. Parents shall be presumed to be responsible for violations of their children under the age of 18 and proof that a violation committed by a child on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation.
d. Any city employee designated by the City Manager, or his/her designee, may issue a citation to a person he/she reasonably believes has committed a violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name

and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in municipal court on the date shown on the citation. The alleged violator shall appear in municipal court to enter a plea to the charge for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section 29: Severability and Amendment

It is hereby declared to be the intention of the City of Tomball that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City of Tomball without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section. The City of Tomball reserves the right to review, change, amend, or alter any provision of this Plan at any time. The City shall review and update this Plan, as appropriate, at least every five years in consideration of new or updated information.

APPENDIX A
UTILITY PROFILE

The following appendix contains the form TCEQ-10218 (Rev. 04/2022)

Texas Commission on Environmental Quality

Water Availability Division
MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-2214

Utility Profile and Water Conservation Plan Requirements for Municipal Water Use by Retail Public Water Suppliers

This form is provided to assist retail public water suppliers in water conservation plan assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Water users can find best management practices (BMPs) at the Texas Water Development Board's website http://www.twdb.texas.gov/conservation/BMPs/index.asp. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.

Contact Information

Name of Water Supplier:	City of Tomball	
Address:	501 James Street	
Telephone Number:	(281) 290-1400	Fax: ( )
Water Right No.(s):	N/A	
Regional Water Planning Group:	Region H	
Water Conservation Coordinator (or person responsible for implementing conservation program):	Nadia Fuller	Phone: (972) 890-7408
Form Completed by:	Nadia Fuller	
Title:	Environmental Coordinator	
Signature:		Date: 4/26/2024

A water conservation plan for municipal use by retail public water suppliers must include the following requirements (as detailed in 30 TAC Section 288.2). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

Utility Profile

I. POPULATION AND CUSTOMER DATA

A. Population and Service Area Data

1. Attach a copy of your service-area map and, if applicable, a copy of your Certificate of Convenience and Necessity (CCN).

2. Service area size (in square miles): 13

   (Please attach a copy of service-area map)

3. Current population of service area: 14,000

4. Current population served for:

   a. Water 14,401

   b. Wastewater 14,145

5. Population served for previous five years:

Year	*Population*
2019	11,840
2020	12,474
2021	12,966
2022	13,684
2023	14,401

6. Projected population for service area in the following decades:

Year	*Population*
2030	13,457
2040	14,110
2050	14,677
2060	15,182
2070	15,644

7. List source or method for the calculation of current and projected population size.

   2021 Region H Water Plan Population Projections; Census data (2020 census and projections).

B. Customer Data

Senate Bill 181 requires that uniform consistent methodologies for calculating water use and conservation be developed and available to retail water providers and certain other water use sectors as a guide for preparation of water use reports, water conservation plans, and reports on water conservation efforts. A water system must provide the most detailed level of customer and water use data available to it, however, any new billing system purchased must be capable of reporting data for each of the sectors listed below. More guidance can be found at: http://www.twdb.texas.gov/conservation/doc/SB181Guidance.pdf

1. Quantified 5-year and 10-year goals for water savings:

	Historic 5-year Average	*Baseline*	*5-year goal for year 2029*	*10-year goal for year 2034*
Total GPCD	179	140	175	170
Residential GPCD	81	90	77	72
Water Loss GPCD	49	60	45	40
Water Loss Percentage	9.43%	13%	10%	8%

Notes:
Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365
Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365
Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365
Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

2. Current number of active connections. Check whether multi-family service is counted as **X** Residential or ☐ Commercial?

Treated Water Users	*Metered*	*Non-Metered*	*Totals*
Residential	4,470		4,470
Single-Family	4,365	0	4,365
Multi-Family	105	0	105
Commercial	1,255	0	1,255
Industrial/Mining	1	0	1
Institutional	71	0	71
Agriculture	0	0	0
Other/Wholesale	0	0	0

3. List the number of new connections per year for most recent three years.

Year	2021	2023	Total New Connections
Treated Water Users			
Residential	3,898	4,470	569
Single-Family	3,794	4,365	568
Multi-Family	104	105	1
Commercial	1,158	1,255	97
Industrial/Mining	1	1	0
Institutional	74	71	-3
Agriculture	0	0	0

Other/Wholesale

4. List of annual water use for the five highest volume customers.

Customer	*Use (1,000 gal/year)*	*Treated or Raw Water*
Tomball ISD	23,229	Treated
Lone Star College	12,067	Treated
Tomball Regional Medical Center	11,956	Treated
Oak Bend Apartments	10,891	Treated
Tomball Creek, LLC	8,342	Treated

II. WATER USE DATA FOR SERVICE AREA

A. Water Accounting Data

1. List the amount of water use for the previous five years (in 1,000 gallons).

   Indicate whether this is ☐ diverted or **X** treated water.

Year	2019	2020	2021	2022	2023
Month					
January	45,903	48,581	48,615	5,266.9	51,754
February	44,026	43,548	59,934	46,318	48,020
March	52,848	53,516	53,106	54,376	67,025
April	56,756	50,491	61,855	66,868	65,197
May	63,042	64,431	59,895	83,634	73,108
June	70,434	74,049	67,637	112,830	91,876
July	71,691	87,500	66,397	125,188	116,030
August	92,175	92,321	87,739	107,549	130,616
September	86,616	73,927	78,749	94,244	110,246
October	80,555	77,156	71,963	106,208	86,497
November	54,241	61,622	58,450	66,498	71,458
December	53,563	50,578	56,397	62,015	62,027
Totals	771,850	777,720	770,737	930,995	973,854

2. Describe how the above figures were determined (e.g, from a master meter located at the point of a diversion from the source or located at a point where raw water enters the treatment plant, or from water sales).

   The water accounting data was determined from water sales.

3. Amount of water (in 1,000 gallons) delivered/sold as recorded by the following account types for the past five years.

Year	2019	2020	2021	2022	2023
Account Types					
Residential	353,580	388,584	360,417	493,274	490,283
Single-Family	264,872	316,632	286,481	417,599	424,337
Multi-Family	88,708	71,952	73,936	75,675	65,946
Commercial	286,242	296,789	302,881	378,457	343,499
Industrial/Mining	1,547	513	775	1,090	23
Institutional	18,196	7,255	7,072	8,772	6,512
Agriculture	0	0	0	0	0
Other/Wholesale					

4. List the previous records for water loss for the past five years (the difference between water diverted or treated and water delivered or sold).

Year	*Amount (gallons)*	*Percent %*
2019	95,856,402	12.35%
2020	55,891,586	7.15%
2021	95,221,298	12.28%
2022	44,456,835	4.74%
2023	105,571,050	10.66%

B. Projected Water Demands

1. If applicable, attach or cite projected water supply demands from the applicable Regional Water Planning Group for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirements from such growth.

III. WATER SUPPLY SYSTEM DATA

A. Water Supply Sources

1. List all current water supply sources and the amounts authorized (in acre feet) with each.

Water Type	*Source*	*Amount Authorized*
Surface Water	N/A	
Groundwater	Yes	7,165
Other	N/A	

B. Treatment and Distribution System (if providing treated water)

1. Design daily capacity of system (MGD): 5.95
2. Storage capacity (MGD):
   a. Elevated 1.25
   b. Ground .90
3. If surface water, do you recycle filter backwash to the head of the plant?

   ☐ Yes ☐ No If yes, approximate amount (MGD): **N/A**

IV. WASTEWATER SYSTEM DATA

A. Wastewater System Data (if applicable)

1. Design capacity of wastewater treatment plant(s) (MGD): 3
2. Treated effluent is used for ☐ on-site irrigation, ☐ off-site irrigation, for **X** plant wash-down, and/or for **X** chlorination/dechlorination.

   If yes, approximate amount (in gallons per month): 500
3. Briefly describe the wastewater system(s) of the area serviced by the water utility. Describe how treated wastewater is disposed. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and the receiving stream if wastewater is discharged.

   The City of Tomball owns and operates the north wastewater treatment plant WQ0010616001 (RN102177763) and the south wastewater treatment plant WQ0010616002 (RN101609899). The treated effluent is discharged to Harris County Flood Control District (HCFCD) ditch M121-00-00, to Spring Creek and Willow Creek in Segment 1008 of the San Jacinto River Basin.

B. Wastewater Data for Service Area (if applicable)

1. Percent of water service area served by wastewater system: 99%
2. Monthly volume treated for previous five years (in 1,000 gallons):

Year	2019	2020	2021	2022	2023
Month					
January	61,346	40,605	45,477	42,021	49,291
February	42,179	34,766	43,403	40,245	60,633
March	42,998	40,012	39,966	38,153	47,304
April	44,242	34,183	39,963	42,383	42,507
May	62,657	40,641	41,169	40,558	48,547
June	53,084	41,955	71,365	44,926	64,258
July	52,092	39,682	54,449	38,943	45,502
August	45,251	37,144	61,481	42,612	44,227
September	42,684	42,843	43,372	49,130	42,146
October	45,349	42,820	43,773	47,437	40,678
November	39,394	36,421	48,768	44,625	47,219
December	36,196	40,279	40,587	46,874	46,829
Totals	567,472	471,351	573,773	517,907	579,141

Water Conservation Plan

In addition to the utility profile, please attach the following as required by Title 30, Texas Administrative Code, §288.2. Note: If the water conservation plan does not provide information for each requirement, an explanation must be included as to why the requirement is not applicable.

A. *Record Management System*

The water conservation plan must include a record management system which allows for the classification of water sales and uses in to the most detailed level of water use data currently available to it, including if possible, the following sectors: residential (single and multi-family), commercial.

B. *Specific, Quantified 5 & 10-Year Targets*

The water conservation plan must include 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. Note that the goals established by a public water supplier under this subparagraph are not enforceable. These goals must be updated during the five-year review and submittal.

C. *Measuring and Accounting for Diversions*

The water conservation plan must include a statement about the water suppliers metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply.

D. *Universal Metering*

The water conservation plan must include and a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement.

E. *Measures to Determine and Control Water Loss*

The water conservation plan must include 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.).

F. *Continuing Public Education & Information*

The water conservation plan must include a description of the program of continuing public education and information regarding water conservation by the water supplier.

G. *Non-Promotional Water Rate Structure*

The water supplier must have a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water. This rate structure must be listed in the water conservation plan.

H. *Reservoir Systems Operations Plan*

The water conservation plan must include a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies.

I. Enforcement Procedure and Plan Adoption

The water conservation plan must include a means for implementation and enforcement, which shall be evidenced by a copy of the ordinance, rule, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and a description of the authority by which the water supplier will implement and enforce the conservation plan.

J. Coordination with the Regional Water Planning Group(s)

The water conservation plan must include documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.

K. Plan Review and Update

A public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. The revised plan must also include an implementation report.

VI. ADDITIONAL REQUIREMENTS FOR LARGE SUPPLIERS

Required of suppliers serving population of 5,000 or more or a projected population of 5,000 or more within the next ten years:

A. Leak Detection and Repair

The plan must include a description of the 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.

B. Contract Requirements

A requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

VII. ADDITIONAL CONSERVATION STRATEGIES

Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements of 30 TAC §288.2(1), if they are necessary in order to achieve the stated water conservation goals of the plan. The commission may require by commission order that any of the following strategies be implemented by the water supplier if the commission determines that the strategies are necessary in order for the conservation plan to be achieved:

1. Conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;

2. Adoption of ordinances, plumbing codes, and/or rules requiring water conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;

3. A program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;

4. A program for reuse and/or recycling of wastewater and/or graywater;

5. A program for pressure control and/or reduction in the distribution system and/or for customer connections;

6. A program and/or ordinance(s) for landscape water management;

7. A method for monitoring the effectiveness and efficiency of the water conservation plan; and

8. Any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

VIII. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;

2. evaluates conservation as an alternative to the proposed appropriation; and

3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

APPENDIX B
LIST OF REFERENCES

1. Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, download from https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288
2. Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B downloaded from https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288
3. Title 31 of the Texas Administrative Code, Part 10, Chapter 363, Subchapter A, Rule §363.15 https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=31&pt=10&ch=363&rl=15
4. Freese and Nichols 2023 water and wastewater master plan for the City of Tomball.
5. Texas Water Development Board Water Conservation Planning Guide https://www.twdb.texas.gov/conservationplanningusersguide.pdf
6. Guidance and Methodology for Reporting on Water Conservation and Water Use developed by Texas Water Development Board and Texas Commission on Environmental Quality in consultation with Water Conservation Advisory Council.
7. Texas Water Development Board State Water Plan www.twdb.texas.gov/waterplanning/data/dashboard/index.asp
8. Texas Demographic Centers www.demographics.texas.gov
9. U.S. Census Bureau county-level population estimates and counts. https://www.census.gov/programs-surveys/popest.html