

WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN FOR THE NORTHEAST TEXAS MUNICIPAL WATER DISTRICT

Effective May 1, 2024

Water Conservation Plan

I. Introduction

A. Purpose

Regulations promulgated by the Texas Water Development Board (TWDB) require a water conservation plan (WCP) to be submitted when requesting financial assistance.

The objective of a WCP is to conserve water supplies and to reduce the quantity of water and wastewater that facilities must handle. This is accomplished by implementing permanent water use efficiency or reuse practices which are specified in the WCP.

B. Goals

The goal of this conservation plan is to achieve a reduction in the municipal per capita consumption of water. When water use is reduced, wastewater flows also experience a reduction. The goal of this conservation plan is to achieve a municipal per capita usage system-wide of 140 gallons per day or less or at least 10 percent reduction in municipal per capita usage from the preceding year if the goal of 140 gallons cannot be achieved.

The 5-year goal of this conservation plan is for the system wide average of all customers to be a municipal per capita usage of less than 140 gallons per day.

The 10-year goal of this conservation plan is for all the member cities to achieve a municipal per capita usage of less than 140 gallons per day.

The municipal per capita per day usage system-wide for the member cities, and other wholesale customers, for the most recent year that statistics are available is 126 gallons. Some communities supplied by Northeast Texas Municipal Water District (NETMWD) are already achieving a municipal per capita usage below 140 gallons per day and some communities are not.

The 5-year goals of the water loss programs related to this conservation plan are: to conduct annual water loss studies, and achieve a 10% or less unaccounted for water loss.

The 10-year goals of the water loss programs related to this conservation plan are: to conduct annual water loss studies, and achieve a 10% or less unaccounted for water loss.

The 2023 data shows a 2.28% unaccounted for water value, or approximately 26,689,000 million gallons.

C. Planning Area

NETMWD owns and operates a water treatment plant in Marion County, Texas, located near the intersection of Highway 155 and 729. This plant is referred to as the Tanner Plant. The Tanner Plant is presently designed for a capacity of 8.0 million gallons per day. NETMWD operates a water treatment plant in Camp County, Texas, near Pittsburg on the west side of Highway 1520. This plant is referred to as the Pittsburg Plant. The Pittsburg Plant is presently designed for a treatment capacity of 1.2 million gallons per day. Therefore, NETMWD presently has a total design capacity of 9.2 million gallons per day. NETMWD has contracts to serve potable water to the following cities: Jefferson, Avinger, Daingerfield, Lone Star, Hughes Springs, Ore City and Pittsburg. In addition to cities, NETMWD is willing to provide and does provide water on a wholesale basis to entities outside municipal limits. NETMWD is specifically authorized to acquire land and easements within the following counties: Marion, Cass, Morris, Harrison, Upshur, Camp, and Titus. NETMWD has seven member cities. Those cities are: Avinger, Daingerfield, Hughes Springs, Jefferson, Lone Star, Ore City, and Pittsburg.

NETMWD is a political subdivision of the State of Texas created as a conservation district under Article XVI, Section 59 of the Constitution pursuant to Senate Bill 130, 53rd Legislature of the State of Texas, Regular Session, 1953, as amended. NETMWD has specific authority to provide a source of water supply for cities and other users for municipal, domestic and industrial purposes.

The service area of NETMWD can be generally described as the area known as the Cypress Creek Basin. The total drainage area of the Cypress Creek Basin in Texas is 2,812 square miles. NETMWD is the largest wholesale provider of potable water in the Cypress Creek Basin. NETMWD is the largest water rights holder in the Cypress Creek Basin.

Through contractual agreements, NETMWD provides potable water to customers. These cities then provide the potable water on a retail basis to users of the water. Because of this contractual arrangement, NETMWD does not have a contractual relationship with the end-line users. Therefore, NETMWD does not have the usual effective ability to implement and enforce specific water conservation measures. Instead, NETMWD and its member cities are working closely to assure that elements of this plan are adopted, implemented, and enforced. The

plans presented here are developed in their basic form and as an overall plan for NETMWD member cities and customers. In this way, TWDB minimum requirements are met. Some of the member cities already have conservation plans in place. For those that do not, this plan can establish minimum water conservation measures for them.

II. Water Conservation Plan

A. Introduction

There are multiple principal water conservation elements listed below to be considered in preparing a water conservation plan.

- (1) Public Education and Information
- (2) Conservation of oriented water rate structure
- (3) Universal metering and meter repair
- (4) Leak detection and repair programs
- (5) Implementation and enforcement
- (6) Periodic Review and Annual Reporting
- (7) Contract Requirements for Successive Customer Conservation
- (8) Pressure control in distribution system
- (9) Recycling and reuse
- (10) Reservoir Systems Operation Plans
- (11) Additional Conservation Strategies
- (12) Coordination with Regional Water Planning Groups

B. Goal

The goal of a water conservation plan is to reduce the per capita consumption of water. Many communities throughout the United States have used conservation measures to successfully deal with various water and wastewater problems. While some areas have achieved as much as 25 percent reductions, the normal range is from 5 to 15 percent. When water use is reduced, wastewater flows also experience a reduction.

C. Plan Elements

(1) Public Education and Information

NETMWD recognizes that water conservation significantly benefits individuals and communities in terms of long-term availability and costs. The most readily available and lowest cost method of promoting water conservation is to inform the retail water users about ways to save water in homes and businesses, in landscaping and lawn uses, and in recreational use. NETMWD will make available information on conservation to the Customer cities. Customer cities will make available information on conservation to their respective retail customers in the following manner:

1. Initial Year program
 - (a) The public education program during the initial year shall include all the activities outlined in the Long-Term Program,
 - (b) The Water Conservation Plan shall be distributed to all NETMWD customers upon adoption of the Plan,
 - (c) Publication of information on provider's website.
2. Long-Term Program
 - (a) Availability of educational materials from the Texas Commission on Environmental Quality, American Water Works Association, Texas Water Development Board, and others may be made available to any of our customers upon request. Water conservation information will be posted on provider's website.
3. Annual Educational Activity
 - (a) NETMWD will make available meetings and tours of the treatment plant where wholesale customer's city councils and or board of directors will be informed and updated on our systems water loss efforts and effectiveness.

In addition to the above Educational and Information program to be carried out by NETMWD and Customer cities, NETMWD and customer cities will be available to present water conservation programs to local schools, civic organizations, and other groups if requested.

(2) Water Conservation Rate Structure

NETMWD sets a rate to member cities that does not promote excessive use of water. Each customer city sets its own water rates. Each customer city has either a uniform or a progressive water rate structure that does not encourage water waste or excessive use of water by retail customers.

(3) Universal Metering and Meter Repair

Each of NETMWD's customer cities manages and maintains its own water system metering. Nearly all water is metered. There are some unmetered water uses including: Fire Department testing of hydrants, main flushing, and contractor connections for construction. NETMWD may assist in properly estimating this usage. All water provided to customers of NETMWD by NETMWD is and will be provided through master meters. These meters will be regularly checked for accuracy. These meters will be used to assess the per capita consumption of each of the customers of NETMWD.

Each city should have as a minimum a water accounting program that is implemented by staff observance of meter readings and billings. Comparisons are made and if water consumption, or monthly billing, changes dramatically, the meter becomes suspect and is tested and repaired or replaced as necessary.

(4) Leak Detection and Repair Program

Master metering of the wholesale customers as well as metering all retail users can provide an accurate accounting of water uses. Metering and meter repair and replacement, coupled with an annual water audit, may be used in conjunction with other programs such as leak detection and repair to save significant quantities of water. Customer cities should meter all retail water uses and will be encouraged to provide a master meter as well as metering of all utility, city and other public facilities.

The Customer cities will continue their ongoing leak detection, location, and repair programs. Waterline leaks are detected by utility personnel while reading meters, maintaining their water and wastewater systems, and while performing other routine surveillance programs. Additionally, water audits may be utilized to determine if leaks exist which have gone undetected.

When a source of unaccounted-for water loss is located, corrective repairs or other actions are taken. NETMWD may aid the member cities in leak detection and control of unaccounted for water.

(5) Implementation and Enforcement

NETMWD does not have ordinance powers or jurisdiction for enforcement within the service areas of the Customer cities. As a regional entity, NETMWD's role can include the administration and promotion of the Plan, public education and information, and annual reporting.

The Customer cities agree to develop city programs consistent with the goals and objectives of this plan. The Customer cities shall be responsible for the implementation and enforcement of specific water conserving activities contained within this plan for their respective jurisdictions.

The Customer cities will be responsible for reporting such activities to NETMWD along with an evaluation of the effectiveness of the program.

NETMWD appoints its Chief Operating Officer as Administrator of this Water Conservation Plan, and each Customer city will also designate a representative to work with the NETMWD's designated administrator. In the absence of the Chief Operating Officer, the General Manager will act as Administrator of this Water Conservation Plan. The successor to fill any vacancy for Administrator of this Water Conservation Plan for NETMWD shall be determined by the Board of Directors of NETMWD. The successor to fill any vacancy for Administrator of this Water Conservation Plan for each Customer city shall be determined by the appropriate governing body of that customer.

The Administrator will oversee the execution and implementation of all elements of the plan. City representatives will oversee the implementation in their respective city.

Customer cities and NETMWD will execute any inter-local agreement necessary for providing that each city will implement and enforce the minimum water conservation plans required by law and contained within this document.

The cities may also adopt appropriate resolutions and ordinances adopting these Water Conservation Plans.

(6) Periodic Review and Annual Reporting

In addition to an annual review of the water conservation program, NETMWD will be alert to the extent of its legal authority throughout the year to any changes in the water supply and distribution system; or to the population served, which could affect the goals and objectives of the program. Periodic reviews will be made to determine if changes might require an amendment or major change in the plan.

(7) Contract Requirements for Successive Customer Conservation

The Northeast Texas Municipal Water District will include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with applicable provisions of the Texas Law

(8) Pressure Control in Distribution System

Each Customer city is responsible for its respective water distribution water system.

The goal of each city is to provide its service area and citizens with adequate water pressure. In conjunction with this objective, and in an effort to promote water conservation, an additional goal may be to incorporate pressure-reducing valves in the system wherever possible to limit the maximum high-water pressure.

(9) Recycling and Reuse

Presently, there are no reasonable areas where water could be effectively reused. NETMWD will monitor for this possibility as conditions may change.

(10) Reservoir Systems Operations Plan

The reservoir which the NETMWD uses for the majority of its water supply is operated by the U S Army Corps of Engineers. They maintain Lake O' the Pines and its reservoir systems operations plan. The other reservoir is Lake Bob Sandlin and is operated and maintained by Titus County Fresh Water Supply District #1.

(11) Coordination with the Regional Water Planning Groups

The service area of the NETMWD is located with the Region D and NETMWD will provide a copy of this revised water conservation plan to Region D.

III. Emergency Water Demand Management Plan

The NETMWD has adopted a Drought Contingency Plan. This Plan describes the Emergency Water Demand Management Plan for NETMWD. The Plan is attached to this Plan as Attachment A and incorporated here by reference for all purposes.

DROUGHT CONTINGENCY PLAN

Section I: Declaration of Policy, Purpose, and Intent

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

Section II: Public Involvement

Opportunity for the public and wholesale water customer to provide input into the preparation of the Plan was provided by them Northeast Texas Municipal Water District by means of holding a public meeting to accept input on the Plan and by direct communication with members of the public and customers.

Section III: Wholesale Water Customer Education

The Northeast Texas Municipal Water District will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing each customer with a copy of the Plan and by direct communication.

Section IV: Coordination with Regional Water Planning Groups

The Northeast Texas Municipal Water District will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing each customer with a copy of the Plan and by direct communication.

Section V: Authorization

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

Section VI: Application

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

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

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

The triggering criteria described below are based on pumping capacities and volume of surface supply.

Stage 1 – Mild Water Shortage Conditions

Requirements for initiation – The Northeast Texas Municipal Water District will recognize that a mild water shortage condition exists when for a period of 48 consecutive hours 85% of pumping capacity is utilized or when the volume of surface supply is less than 50% of capacity.

Requirements for termination – Stage 1 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days. The Northeast Texas Municipal Water District will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 2 – Moderate Water Shortage Conditions

Requirements for initiation – The Northeast Texas Municipal Water District will recognize that a moderate water shortage condition exists when for a period of 48 consecutive hours 90% of pumping capacity is utilized or when the volume of surface supply is less than 40% of capacity.

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 15 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The Northeast Texas Municipal Water District will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 3 – Severe Water Shortage Conditions

Requirements for initiation – The Northeast Texas Municipal Water District will recognize that a severe water shortage condition exists when for a period of 48

consecutive hours 95% of pumping capacity is utilized or when the volume of surface supply is less than 25% of capacity.

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 15 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The Northeast Texas Municipal Water District will notify its wholesale customers and the media of the termination of Stage 3 in the same manner as the notification of initiation of Stage 2 of the Plan.

Stage 4 – Emergency Water Shortage Conditions

Requirements for initiation – The Northeast Texas Municipal Water District will recognize that a emergency water shortage condition exists when major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or when there is natural or man-made contamination of the water supply sources(s).

Requirements for termination – Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days. The Northeast Texas Municipal Water District will notify its wholesale customers and the media of the termination of Stage 3 in the same manner as the notification of initiation of Stage 4 of the Plan.

Section VIII: Drought Response Stages

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

Stage 1 – Mild Water Shortage Conditions

Goal: achieve a voluntary 10 percent reduction in daily demand.

Supply Management Measures: Communication with customers to reduce daily demand.

Demand Management Measures:

The General Manager, or his designee(s) will contact the wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water usage (e.g., implement Stage 1 of the customer's drought contingency plan).

The General Manager, or his designee(s), will provide a weekly report to the news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 2 – Moderate Water Shortage Conditions

Goal: achieve a 15 percent reduction in daily water demand.

Supply Management Measures: Communicate with customers to reduce daily demand.

Utilize news media to inform and persuade public to reduce demand.

Demand Management Measures:

The General Manager, or his designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

The General Manager, or his designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage 2 of the customer's drought contingency plan).

The General Manager, or his designee(s), will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section IX of the plan.

The General Manager, or his designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information of water conservation measures and practices.

Stage 3 – Severe Water Shortage Conditions

Goal: achieve a 20 percent reduction in daily water demand.

Supply Management Measures: Communicate with customers to reduce daily demand.

Utilize news media to inform and persuade public to reduce demand. Pro-rata curtailment will be utilized.

Demand Management Measures:

The General Manager, or his designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 2 of the customer's drought contingency plan.)

The General Manager, or his designee(s), will initiate pro-rate curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section VI of the Plan.

The General Manager, or his designee(s), will provide a weekly report to the news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 4 – Emergency Water Shortage Conditions

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

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

Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).

If appropriate, notify city, county, and/or state emergency response officials for assistance.

Undertake necessary actions, including repairs and/or clean up as needed.

Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

Section IX: Pro Rata Water Allocation

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

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

The General Manager, or his designee, for each wholesale customer, shall establish a monthly water usage allocation. The wholesale customer's water usage baseline will be computed on the average water usage by month for the last 5-year period as shown on the example given below. If the wholesale customer's billing history is less than 5 years, the monthly average for the period for which no billing history exists.

Hypothetical Example Calculation of Monthly Allocation for Hypothetical Wholesale Water Customer:

	2019	2020	2021	2022	2023	SUM	AVE	Allocation Percentage	Monthly Allocation
Jan	133	137	146	148	156	720	144	75%	108
Feb	115	122	133	133	147	650	130	75%	98
Mar	130	150	146	149	159	734	147	75%	110
April	130	167	168	157	187	809	162	75%	122
May	160	152	179	183	171	845	169	75%	127
June	226	184	172	205	249	1036	207	75%	155
July	235	274	232	314	246	1301	260	75%	195
August	222	203	206	337	309	1277	255	75%	191
Sept	199	160	196	229	198	982	196	75%	147
Oct	165	172	197	165	185	884	177	75%	133
Nov	139	142	149	153	162	745	149	75%	112
Dec	142	143	150	156	165	756	151	75%	113
Total	1996	2006	2074	2329	2334		2147		

The General Manager shall provide notice, by certified, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Natural Resource Conservation Commission upon initiation of pro-rata water allocation.

Upon request of the customer or at the initiative of the General Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the wholesale customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another wholesale customer; or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Northeast Texas Municipal Water District Board of Directors of the Northeast Texas Municipal Water District.

Section X: Enforcement

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

1.1 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation, to the extent legally permitted.

1.2 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation, to the extent legally permitted.

1.5 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation, to the extent legally permitted.

2.0 times the normal water charge per acre-foot for water diversions and/or deliveries more than 15 percent above the monthly allocation, to the extent legally permitted. The above surcharges shall be cumulative.

Section XI: Variances

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

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

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

Name and address of the petitioner(s).

Detailed statement with supporting data and information as to how the pro-rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.

Description of the relief requested.

Period of time for which the variance is sought.

Alternative measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.

Other pertinent information.

Variances granted by the Northeast Texas Municipal Water District Board of Directors shall be subject to the following conditions, unless waived or modified by the Northeast Texas Municipal Water District Board of Directors or its designee:

Variances granted shall include a timetable for compliance.

Variances granted shall expire when the Plan is no longer in effect unless the petitioner has failed to meet specified requirements.

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

Section XII: Contract Provisions

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

Section XIII: Severability

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