

## STAFF REPORT

**To:** Coastside County Water District Board of Directors

**From:** Cathleen Brennan, Water Resources Analyst  
via David R. Dickson, General Manager

**Agenda:** June 9, 2015

**Report Date:** June 4, 2015

**Subject:** Amended and Restated Drought Ordinance

**Attachments:** Attachment A: Proposed Ordinance No. 2015-01  
Attachment B: Executive Order B-29-15  
Attachment C: State Water Resources Control Board Resolution No. 2015-0032

---

### **Recommendation:**

Adopt Ordinance No. 2015-01 restating and expanding mandatory water use restrictions and prohibitions under Stage 2-Water Shortage Emergency Warning of Coastside County Water District's Water Shortage Contingency Plan.

---

### **Background**

Coastside County Water District (District) is currently under a Stage 2 - Water Shortage Emergency Warning of the District's Water Shortage Contingency Plan. On August 12, 2014 the Board of Directors established mandatory water use restrictions and prohibitions with Ordinance 2014-02 and implemented Stage 2-Water Shortage Emergency Warning of the District's Water Shortage Contingency Plan with Resolution 2014-06.

Since the District implemented Stage 2- Water Shortage Emergency Warning, drought conditions have worsened across California and there was a record low snowpack in the Sierra Nevada mountains. In response, there have been two significant actions taken by the state. Governor Brown issued an executive order calling for more conservation efforts and imposing a 25 percent reduction state-wide in potable urban water usage compared to 2013 and the State Water Resources Control Board (SWRCB) adopted expanded emergency drought regulations mandating water suppliers and end users to take specific actions and to meet specific goals. This was done under the SWRCB Resolution No. 2015-0032, which became effective on May 18, 2015. The District is an urban water supplier, as defined in California Water Code, Section 10617, and is subject to the SWRCB mandate.

### **Executive Order No. B-29-15**

The Governor's new executive order was in response to the state's depleted water supplies from California's ongoing drought. The possibility that the drought will continue into 2016 and continue to present challenges with increased wildfire risk, decreased agricultural production, degraded habitat for fish and wildlife, and degradation of the Sacramento-San

Joaquin Bay Delta, prompted the Governor to direct multiple state agencies to impose restrictions to save water. Besides the directive to reduce water usage state-wide by 25 percent, there are specific directives for agriculture, updating the State Model Water Efficient Landscape Ordinance (MWELo), implementing statewide monetary incentives for water efficient appliances and devices, protecting groundwater, and streamlining permitting for water infrastructure.

### **SWRCB Resolution No. 2015-0032**

As an urban water supplier, the District is required to promote water conservation by implementing all requirements and actions of the stage of its water shortage contingency plan that impose mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

In addition, the SWRCB created tiers of conservation standards based on a water agency's average residential gallons per day per capita (R-GPCD) from July 2014 through September 2014. Coastside County Water District is in tier 2 with a water conservation standard of 8 percent (Title 23, Section 865). This means that Coastside County Water District must reduce its monthly total water production by 8 percent compared to the same month in 2013. Production is defined as all potable water that enters into a water supplier's distribution system, excluding water placed into storage. Besides water sales, production includes non-revenue water, which includes; distribution flushing, leaks, maintenance and fire-fighting flows.

### **Proposed Ordinance No. 2015-01**

The proposed ordinance lists prohibitions and restrictions consistent with the SWRCB emergency regulations and the District's Water Shortage Contingency Plan. The purpose of this ordinance is to meet both the state's conservation standard and the San Francisco Public Utilities request for a 10 percent reduction in water purchases.

Section 3 contains the prohibited activities in promotion of water conservation. The goal of these prohibitions is to prevent water waste with clear descriptions of prohibited activities and specific end user requirements. This section combines water waste prohibitions found in the District's Water Waste Ordinance No. 2008-01 and the prohibitions found in the SWRCB (Title 23 Section 864) Resolution No. 2015-0032. There are new restrictions and prohibitions on water use in the proposed ordinance:

- 3.A.5. *The application of water to outdoor landscapes during and within 48 hours after measurable rainfall is prohibited.*
- 3.A.6. *The application of water to ornamental turf on public street medians is prohibited.*
- 3.C.1. *The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and/or purchased is prohibited.*
- 3.C.2. *Operators of hotels, motels, inns and bed and breakfast establishments, shall provide guests with the option of choosing not to have towels and linens laundered daily. The*

*operator shall prominently display notice of this option in each guestroom using clear and easily understood language.*

- 3.C.3 *All commercial, industrial, institutional, and irrigation customers that use a water supply any portion of which is from a source other than Coastside County Water District shall: (a) Notify the District by July 1, 2015, if there is an alternate water supply associated with their property; and (b) Limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days per week; or (c) Reduce potable water usage by 25 percent for the months of June 2015 through February 2016 as compared to the amount used for the same months in 2013.*

Section 4 specifically addresses mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water. This section was written to comply with the SWRCB (Title 23 Section 865) mandate by implementing the measures listed in Stage 2 – Water Shortage Emergency Warning. There are new restrictions on outdoor irrigation in the proposed amended ordinance:

- 4.B. *Length of time restriction: No person shall use or cause to be used any water for ornamental landscape or turf irrigation that exceeds 15 minutes per irrigation station during the designated days and times allowed for irrigation.*
- 4.C. *Days of the week restrictions: No person shall use or cause to be used any water for ornamental landscape or turf irrigation on Sunday or Saturday. Irrigation of ornamental landscape or turf is allowed only on the following days: (1) Odd Address: Monday and Thursday; (2) Even Address: Tuesday and Friday; (3) No Address: Monday and Thursday.*

**By adopting Ordinance No. 2015-01, the Board establishes mandatory water use restrictions and prohibitions and enforcement thereof.** It would become effective after it is published in a newspaper of general circulation and posted on the District’s website. It shall remain in effect until the District cancels implementation of Stage 2 – Water Shortage Emergency Warning.

### **Impacts to District Resources**

There are significant impacts from implementation of mandatory water use restrictions and prohibitions. Costs associated with implementing this stage of water use restrictions and prohibitions were included in the FY 2016 budget. Implementation includes additional costs for public outreach, overtime, regulatory reporting and administration. Adding additional staff is also being considered for both the field and the office.

**ORDINANCE NO. 2015-01**

**AN AMENDED AND RESTATED ORDINANCE OF  
THE COASTSIDE COUNTY WATER DISTRICT**

**An ordinance establishing and expanding mandatory water use restrictions and prohibitions under Stage 2- Water Shortage Emergency Warning of the District's Water Shortage Contingency Plan**

Be it ordained by the Board of Directors of the Coastside County Water District (District) as follows:

**Section 1: Findings and Determinations**

This ordinance is adopted in light of the following facts and circumstances, which are hereby found and declared by the Board of Directors.

**WHEREAS**, California is experiencing one of the most severe droughts on record; and

**WHEREAS**, the District implemented Stage 1 – Water Shortage Advisory of its Water Shortage Contingency Plan on October 8, 2013 informing the public of a possible water shortage and requesting voluntary water conservation; and

**WHEREAS**, Governor Brown declared a drought state of emergency on January 17, 2014, and called on all Californians to do their part to reduce their water use; and

**WHEREAS**, the wholesale water provider for a significant portion of the District's water supply, the San Francisco Public Utilities Commission (SFPUC), requested 10 percent voluntary water use reduction system-wide on January 31, 2014; and

**WHEREAS**, the District requested 10 percent voluntary water use reduction from all customers on February 11, 2014; and

**WHEREAS**, Governor Brown issued a proclamation of a continued state of emergency on April 25, 2014 to mitigate the effects of drought conditions upon the people and property of California, and called on residents to refrain from wasting water; and

**WHEREAS**, the District adopted Resolution 2014-02 on May 13, 2014 urging heightened water use efficiency by customers in response to drought conditions, and

**WHEREAS**, the State Water Resources Control Board (SWRCB) adopted drought emergency regulations on July 15, 2014 (Resolution No. 2014-0038) that imposed mandatory actions by urban water suppliers that became effective July 28, 2014; and

**WHEREAS**, the District was required to comply with the 2014 SWRCB drought emergency regulations as an urban water supplier, and one of the mandatory actions

requires the District to implement all requirements and actions of the stage of its Water Shortage Contingency Plan that impose mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water; and

**WHEREAS**, the District is an urban water supplier that has an adopted Water Shortage Contingency Plan that is considered sufficient by the California Department of Water Resources by review of the District's 2010 Urban Water Management Plan; and

**WHEREAS**, Stage 2 – Water Shortage Emergency Warning of the District's Water Shortage Contingency Plan describes a menu of options including mandatory restrictions on outdoor water use, irrigation and prohibiting cleaning of exterior surfaces with potable water; and

**WHEREAS**, by Resolution No. 2014-06, adopted on August 12, 2014, the District implemented Stage 2 – Water Shortage Emergency Warning of its Water Shortage Contingency Plan; and

**WHEREAS**, by Ordinance No. 2014-02, adopted on August 12, 2014, the District established mandatory water use prohibitions and restrictions under Stage 2-Water Shortage Emergency Warning of its Water Shortage Contingency Plan; and

**WHEREAS**, the SWRCB extended and expanded the drought emergency regulations on March 17, 2015 (Resolution No. 2015-0013) that imposes mandatory actions by urban water suppliers that became effective March 27, 2015; and

**WHEREAS**, Governor Brown issued Executive Order B-29-15 on April 1, 2015, that, in part, directed the SWRCB to impose restrictions to achieve a statewide 25 percent reduction in potable urban water usage, to increase enforcement against water waste, and to implement additional restrictions on the outdoor use of potable water; and

**WHEREAS**, the SWRCB expanded and modified its drought emergency regulations on May 5, 2015 (Resolution 2015-0032) to achieve a statewide 25 percent reduction in potable urban water usage and the emergency regulations went into effect on May 18, 2015; and

**WHEREAS**, the SWRCB determined that the District had an average July-September 2014 R-GPCD of less than 65, and that the District shall reduce its total potable water production by 8 percent for each month as compared to the amount used in the same month in 2013; and

**WHEREAS**, the SFPUC's request for all customers to reduce water consumption by 10 percent system-wide, remains in place; and

**WHEREAS**, the actions taken hereinafter are exempt from the provisions of Section 21000 et seq. of the Public Resources Code as a project undertaken as immediate action

necessary to prevent or mitigate an emergency pursuant to Title 14, California Code of Regulations Section 15269 and as a project undertaken to assure the maintenance, restoration or enhancement of a natural resource pursuant to Title 14, California Code of Regulations Section 15307.

## **Section 2: Definitions**

**Agricultural use:** Use that meets the definition of Government Code section 51201, subdivision (b).

**Customer:** Any person, whether within or without the geographical boundaries of the District, who uses water supplied by the District.

**District:** Coastside County Water District.

**General Manager:** The General Manager of Coastside County Water District or the General Manager's designee.

**Graywater:** Untreated household waste water which has not come in contact with toilet waste, as regulated by the 2013 California Plumbing Code Chapter 16 Section 1602.

**Irrigation station:** A group of sprinklers controlled by the same valve to correspond to a hydrozone, also referred to as a circuit.

**Low volume irrigation systems:** Any irrigation system that applies irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip, driplines, microspray, and bubblers with a very low flow rate ( $\leq 2$  gallons per hour [gph]) measured in gallons per hour, and that is designed to apply small volumes of water very slowly at or near the root zone of plants. This includes but is not limited to properly functioning drip irrigation systems and soaker hoses.

**Measurable rainfall:** Climatological conditions that result in  $\geq 0.1$  (greater than or equal to one tenth) of an inch of precipitation in any continuous 4 (four) hour period.

**Ornamental landscape:** Any landscaping where the primary function is of maintaining aesthetic value. An ornamental landscape may serve other purposes but the primary purpose is visual.

**Person:** Any customer, tenant, property owner, governmental entity, firm, association, organization, company or business using water.

**Recycled water:** Treated reclaimed wastewater from a publically owned treatment plant.

**Turf:** Grasses grown for ornamental or recreational use which are mowed regularly. It is also referred to as lawn.

**Water:** Any water delivered by or originating from Coastside County Water District's transmission and distribution system.

### **Section 3: Prohibited and Restricted Activities in Promotion of Water Conservation**

- A. To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:
1. The application of water to outdoor landscapes and turf in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, storm-water drainage infrastructure, or structures;
  2. The use of a hose that dispenses water to wash motorized vehicles, boats and trailers, except where the hose is fitted with a positive shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
  3. The application of water to driveways and sidewalks;
  4. The use of water in a fountain or other decorative water feature, except where the water is part of a recirculating system;
  5. The application of water to outdoor landscapes during and within 48 hours after measurable rainfall; and
  6. The application of water to ornamental turf on public street medians.
- B. To prevent the waste and unreasonable use of water and to further promote water conservation, each of the following actions is prohibited:
1. The use of water that causes flooding or pooling due to super-saturation of the ground or soil;
  2. The use of water when the customer has been given written notice by the District to repair broken or defective plumbing, equipment, appliances, sprinklers, watering or irrigation systems, and has failed to effect such repairs for 24 hours after delivery of the notice;
  3. The indiscriminate running of water or washing with water that causes runoff;
  4. The use of water for single pass through cooling systems. The use of potable water ice making machines and other mechanical equipment that utilizes a single-pass cooling system to remove and discharge heat to the sewer. Water used for all cooling purposes shall be recycled or re-circulated; and

5. The use of water from any fire hydrant, unless specifically authorized by the District, except by regularly constituted fire protection agencies for fire suppression purposes or for other specifically authorized uses, including water distribution flushing, fire flow testing, and filling of District approved vehicles for sewer system flushing, and street sweeping purposes.

C. Specific Non-Residential End-User Requirements and Prohibitions in Promotion of Water Conservation:

1. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased; and
2. Operators of hotels, motels, inns, and bed and breakfast establishments, shall provide guests with the option of choosing not to have towels and linens laundered daily. The operator shall prominently display notice of this option in each guestroom using clear and easily understood language; and
3. All commercial, industrial, institutional and irrigation customers that use a water supply any portion of which is from a source other than Coastside County Water District shall:
  - (a) Notify the District by July 1, 2015, if there is an alternate water supply associated with their property; and
  - (b) Limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days per week; or
  - (c) Reduce potable water usage by 25 percent for the months of June 2015 through February 2016 as compared to the amount used for the same months in 2013.

**Section 4: Mandatory Restrictions on Outdoor Irrigation of Ornamental Landscapes or Turf**

- A. Time of day restriction. No person shall use or cause to be used any water for ornamental landscape or turf irrigation between the hours of 8:00 a.m. and 5:00 p.m.
- B. Length of time restriction. No person shall use or cause to be used any water for ornamental landscape or turf irrigation that exceeds 15 minutes per irrigation station during the designated days and times allowed for irrigation.
- C. Days of the week restrictions. No person shall use or cause to be used any water for ornamental landscape or turf irrigation on Sunday and Saturday. Irrigation of ornamental landscape or turf is allowed only on the following days:



1. Odd Address: Monday and Thursday
  2. Even Address: Tuesday and Friday
  3. No Address: Monday and Thursday
  4. The address used to determine Irrigation days is as it appears under service address in the utility billing database under account information.
- D. The limitations specified in Section 4. A, B, and C shall not apply to Agricultural use, Floricultural use and Plant Nursery use.
- E. Section 4. A, B, and C does not apply to the following categories of water use for the irrigation of ornamental landscapes or turf:
1. the use of a hand-held bucket or similar container;
  2. the use of a hand-held hose with a positive shut-off valve or similar device;
  3. the use of a properly functioning low volume irrigation system;
  4. the use for very short periods of time for the express purpose of adjusting or repairing an irrigation system;
  5. the use of a graywater system; and
  6. the use of recycled water.

## **Section 5: Enforcement**

### **A. Written Notice**

If the District believes that water has been or is being used in violation of the above restrictions, the District will send a written notice to the customer specifying the nature of the violation and the date and time of occurrence and request that the customer cease the violation and take remedial action. The District will provide the customer with a copy of the ordinance and inform the customer that failure to comply may result in termination of water service.

### **B. On-Site Notification**

In the event that a further violation(s) is observed by District, after the original written notice, the District will make reasonable efforts to notify the customer of the violation and post a notice on the front door or other point of entry onto the property requiring the customer to cease the violation and take remedial action within 48 hours of the on-site notification. Failure to comply after the on-site notification may result in the temporary termination of water service.

### **C. Termination of Water Service**

1. In the event that a further violation(s) is observed by District personnel 48 or more hours after the on-site notification, it will be deemed a willful violation of the mandatory restrictions on water use and the District may temporarily discontinue water service.
2. The customer shall be responsible for paying the District's costs incurred in enforcing this ordinance, including providing the on-site notification and temporarily terminating and restoring water service, on a time and material basis in accordance with the District's rate and fee schedule.
3. The customer shall pay all fees and charges above, and the customer's account must be in good standing, in order for the District to proceed with the reconnection of water service after it has been temporarily terminated.

## **Section 6: Appeal**

Any customer, who disputes a staff determination of a violation of the above restrictions, may appeal in writing to the General Manager. The decision of the General Manager shall be final.

### **A. Written Appeal**

The written appeal must be addressed to the General Manager and include: (1) the customer's name; (2) the mailing address and site address, if different; (3) the water account number; (4) a description of the violation(s); (5) the enforcement action taken; and (6) a detailed explanation of the basis of the appeal.

Coastside County Water District  
Attn: General Manager  
766 Main Street  
Half Moon Bay, CA 94019

### **B. Criteria for Appeal**

The General Manager will evaluate each written appeal based on the following criteria: (1) public health; (2) public safety; and (3) regulatory requirements of a state or federal agency.

## **Section 7: Effective Date**

All provisions of this amended and restated ordinance shall become effective after the publication of this ordinance and remain in effect until the District cancels implementation of Stage 2 – Water Shortage Emergency Warning of the District's Water Shortage Contingency Plan.

## **Section 8: Severability**

If any provision of this ordinance is held to be invalid, or unenforceable in particular circumstances, such invalidity shall not affect the remainder of the ordinance which

shall continue to be in full force and effect and the Board declares this ordinance to be severable for that purpose.

**Section 9: Publication**

The secretary is hereby directed to arrange for this ordinance to be published in a newspaper of general circulation in the District and to be posted on the District's website.

**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of the Coastside County Water District held on this 9<sup>th</sup> day of June 2015 by the following vote:

AYES:

NOES:

ABSENT:

---

Chris Mickelsen, President  
Board of Directors

ATTEST:

---

David R. Dickson, General Manager  
Secretary of the District

**Executive Department**  
**State of California**

**EXECUTIVE ORDER B-29-15**

**WHEREAS** on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

**WHEREAS** on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

**WHEREAS** California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

**WHEREAS** the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

**WHEREAS** a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

**WHEREAS** new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

**WHEREAS** the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

**WHEREAS** under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

**WHEREAS** under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.**, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

**IT IS HEREBY ORDERED THAT:**

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

**SAVE WATER**

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

#### **INCREASE ENFORCEMENT AGAINST WATER WASTE**

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

#### **INVEST IN NEW TECHNOLOGIES**

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

#### **STREAMLINE GOVERNMENT RESPONSE**

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.



26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1<sup>st</sup> day of April 2015.

\_\_\_\_\_  
EDMUND G. BROWN JR.  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State



**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2015-0032**

**TO ADOPT AN EMERGENCY REGULATION FOR  
STATEWIDE URBAN WATER CONSERVATION**

**WHEREAS:**

1. On April 25, 2014, Governor Edmund G. Brown Jr. issued an executive order (April 2014 Proclamation) to strengthen the State's ability to manage water and habitat effectively in drought conditions, and called on all Californians to redouble their efforts to conserve water. The April 2014 Proclamation finds that the continuous severe drought conditions present urgent challenges across the State, including water shortages in communities and for agricultural production, increased wildfires, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity, if drought conditions continue into 2015. The April 2014 Proclamation also suspends the environmental review required by the California Environmental Quality Act to allow the emergency regulation and other actions to take place as quickly as possible;
2. The April 2014 Proclamation refers to the [Governor's Proclamation No. 1-17-2014](#), issued on January 17, 2014, declaring a drought State of Emergency to exist in California due to severe drought conditions (January 2014 Proclamation). The January 2014 Proclamation finds that dry conditions and lack of precipitation present urgent problems to drinking water supplies and cultivation of crops, which put farmers' long-term investments at risk. The conditions also threaten the survival of animals and plants that rely on California's rivers, including many species in danger of extinction. The January 2014 Proclamation also calls on all Californians to reduce their water usage by 20 percent;
3. On December 22, 2014, in light of the continued lack of rain, Governor Brown issued [Executive Order B-28-14](#), which extends the California Environmental Quality Act suspension through May 31, 2016 for Water Code section 13247 and certain activities identified in the January 2014 and April 2014 proclamations;
4. On April 1, 2015, Governor Brown issued a new Executive Order that directs the State Water Board to impose restrictions on urban water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016; require commercial, industrial, and institutional users to implement water efficiency measures; prohibit irrigation with potable water of ornamental turf in public street medians; and prohibit irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems; along with other directives;
5. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports";

6. On July 15, 2014, the State Water Board adopted an emergency regulation to support water conservation ([Resolution No. 2014-0038](#)), and that regulation became effective July 28, 2014 upon approval by the Office of Administrative Law (OAL);
7. On March 17, 2015, the State Water Board amended and readopted the emergency regulation to support water conservation ([Resolution No. 2015-0013](#)), which became effective March 27, 2015 upon approval by OAL;
8. The current emergency regulation has supported Californians' water conservation efforts, with over 125 billion gallons saved from August 2014 through March 2015; however, statewide water use is only nine percent less than the same months in 2013. Achieving a 25 percent reduction in use will require even greater conservation efforts across the state. In particular, many communities must dramatically reduce their outdoor water use;
9. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes will survive while receiving a decreased amount of water;
10. Although urban water suppliers have placed restrictions on outdoor watering, the State Water Board continues to receive reports of excessive outdoor water use;
11. Water conservation is the easiest, most efficient and most cost-effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved this summer is water available later in the season or next year, reducing the likelihood of even more severe water shortages should the drought continue;
12. Education and enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated;
13. Public information and awareness is critical to achieving conservation goals, and the Save Our Water campaign, run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response (<http://saveourwater.com>);
14. Many California communities are facing social and economic hardship due to this drought. The rest of us can make adjustments to our water use, including landscape choices that conserve even more water;
15. The California Constitution declares, at article X, section 2, that the water resources of the state must be put to beneficial use in a manner that is reasonable and not wasteful. Relevant to the current drought conditions, the California Supreme Court has clarified that "what may be a reasonable beneficial use, where water is present in excess of all needs, would not be a reasonable beneficial use in an area of great scarcity and great need. What is a beneficial use at one time may, because of changed conditions, become a waste of water at a later time." (*Tulare Dist. v. Lindsay Strathmore Dist.* (1935) 3 Cal.2d 489, 567.) In support of water conservation, the legislature has, through Water Code section 1011, deemed reductions in water use due to conservation as equivalent

to reasonable beneficial use of that water. Accordingly, this regulation is in furtherance of article X, section 2 during this drought emergency. This temporary emergency regulation is not to be used in any future administrative or judicial proceedings as evidence or finding of waste and unreasonable use of any individual water user or water supplier subject to this regulation, and are not to affect or otherwise limit any rights to water conserved under applicable law, including without limitation, water conserved consistent with Water Code section 1011;

16. Directive two of the Governor's April 1, 2015 Executive Order directs the State Water Board to consider the relative per capita usage of each urban water supplier's service area and require that areas with high per capita use achieve proportionally greater reductions than areas with low per capita use;
17. On April 7, 2015, the State Water Board issued a draft framework proposing increasing levels of required water reduction based upon residential per capita per day use (R-GPCD) for the proposed regulation, and solicited public comments. The Board received over 300 comments on the framework, primarily relating to the levels of required water reduction;
18. On April 18, the State Water Board issued draft regulatory language for public comment based on the April 7 framework and the comments received. The draft regulatory language reflected careful consideration of all comments including those directed at the levels of required reduction. Again, the Board received close to 300 comments;
19. On April 28, 2015, the State Water Board issued a final version of draft regulatory language for comment, followed on April 29 by a formal public notice that it would consider the adoption of the emergency regulation at the Board's regularly-scheduled May 5 and 6, 2015 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations;
20. As discussed above, the State Water Board is adopting the emergency regulation because of the continuing emergency drought conditions, the need for prompt action to prevent the waste and unreasonable use of water and to promote conservation, and the specific actions called for in the Governor's April 1, 2015 Executive Order; and
21. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain the enforcement discretion in enforcing the regulation to the extent authorized. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 866 and re-adopts sections 863, 864, and 865, as appended to this resolution as an emergency regulation;

2. State Water Board staff will submit the regulation to OAL for final approval;
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or the Executive Director's designee may make such changes;
4. This regulation shall remain in effect for 270 days after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions, or unless the State Water Board renews the regulation due to continued drought conditions as described in Water Code section 1058.5;
5. The State Water Board directs staff to provide the Board with monthly updates on the implementation of the emergency regulation and its effect. These updates shall include information regarding the progress of the Building Standards Commission, Department of Housing and Community Development, and other state agencies in the adoption and implementation of emergency regulations or other requirements that implement increased outdoor irrigation efficiency for new construction. These regulations and other requirements will extend existing efficiency standards for new construction to the outdoor environment and ensure that California's new homes are constructed to meet the growing demand with the most efficient standards;
6. The State Water Board directs staff to condition funding upon compliance with the emergency regulation, to the extent feasible;
7. The State Water Board directs staff to work with DWR and the Save Our Water campaign to disseminate information regarding the emergency regulation; and
8. The State Water Board directs staff to update the electronic reporting portal to include data fields for the new reporting required by the emergency regulation.

THEREFORE BE IT FURTHER RESOLVED THAT:

9. The State Water Board shall work with DWR, the Public Utilities Commission, and other agencies to support urban water suppliers' actions to implement rates and pricing structures to incent additional conservation, as required by directive eight in the Governor's April 1, 2015 Executive Order. The Fourth District Court of Appeal's recent Decision in *Capistrano Taxpayer Association Inc. v. City of San Juan Capistrano* (G048969) does not foreclose the use of conservation-oriented rate structures;
10. The State Water Board calls upon water suppliers to:
  - a. ensure that adequate personnel and financial resources exist to implement conservation requirements not only for 2015, but also for another year of drought should it occur. Water suppliers that face budget shortfalls due to reduced sales should take immediate steps to raise necessary revenues in a way that actively promotes continued conservation;
  - b. expedite implementation of new conservation programs by minimizing internal review periods and utilizing emergency authorities, as appropriate;

- c. consider the relative water use and conservation practices of their customers and target those with higher water use to achieve proportionally greater reductions than those with low use;
  - d. minimize financial impacts to low-income customers;
  - e. preserve safe indoor water supplies in areas with very low R-GPCD and where necessary to protect public health and safety;
  - f. promote low-water use methods of preserving appropriate defensible space in fire-prone areas, consistent with local fire district requirements;
  - g. educate customers on the preservation of trees;
  - h. promote on-site reuse of water; and
  - i. promptly notify staff of the supplier's need for an alternate method of compliance pursuant to resolved paragraph 16.
11. The State Water Board calls upon all businesses within California's travel and tourism sectors to inform visitors of California's dire drought situation and actions visitors should take to conserve water;
12. The State Water Board commends wholesale water agencies that have set aggressive conservation targets for their retail water suppliers;
13. The State Water Board commends water suppliers that have made investments to boost drought-resistant supplies, such as advanced treated recycled water and desalination. Those investments help to make communities more resilient in the face of drought;
14. The State Water Board commends the many water suppliers that have already surpassed their 20x2020 conservation targets. Long-term conservation efforts are critical to maintaining economic and social well-being, especially in light of the impacts of climate change on California's hydrology;
15. During this drought emergency, heightened conservation that extends urban resilience is necessary. The State Water Board's focus is primarily on immediate reductions in outdoor water use. Some short-term conservation efforts, such as landscape conversions and installation of efficient appliances, will also support long-term conservation objectives, and are encouraged wherever possible;
16. The State Water Board recognizes that some commercial and industrial customers, while accounting for a significant portion of total use in a service area, have already taken steps to significantly reduce their water consumption and cannot further reduce their use without substantial impacts. However, the Board also recognizes that in many areas there are significant opportunities for reductions in water use by industries and commercial enterprises that have yet to take action, especially those with large areas of non-functional turf. The Board directs staff to respond promptly upon receipt of any request for alternate enforceable methods of compliance. If the supplier believes the conservation standard is unachievable due to firm commercial and industrial water use

and residential use reductions that would affect public health and safety, it should provide any supporting information or documentation for an alternate method of compliance; and

17. Some water suppliers have called for further refinement of the tiers to reflect a range of factors that contribute to water use, including but not limited to temperature, lot size, and income. Others have called for an approach that provides greater recognition for early investments in conservation, the development of local, drought resistant water supplies, and health and safety needs. These suggestions and many others are important considerations in the development of a more comprehensive, and long term, conservation framework. The State Water Board directs staff to work with stakeholders on a thoughtful process to devise options for extended and expanded emergency regulations should the drought continue into 2016.

### CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 5, 2015.

AYE: Chair Felicia Marcus  
Vice Chair Frances Spivy-Weber  
Board Member Tam M. Doduc  
Board Member Steven Moore  
Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



---

Jeanine Townsend  
Clerk to the Board



## **ADOPTED TEXT OF EMERGENCY REGULATION**

### **Article 22.5. Drought Emergency Water Conservation.**

#### Sec. 863. Findings of Drought Emergency.

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) On April 1, 2015, the Governor issued an Executive Order that, in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February, 2016; require commercial, industrial, and institutional users to implement water efficiency measures; prohibit irrigation with potable water of ornamental turf in public street medians; and prohibit irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems;

(4) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;

(5) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

(6) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to prevent waste and unreasonable use of water and to further promote conservation.

Authority: Section 1058.5, Water Code.

References: Cal. Const., Art., X § 2; Sections 102, 104, 105, and 275, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

#### Sec. 864. End-User Requirements in Promotion of Water Conservation.

(a) To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks; and

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;

(5) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;

(6) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;

(7) The irrigation with potable water of ornamental turf on public street medians; and

(8) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

(b) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

(c) Immediately upon this subdivision taking effect, all commercial, industrial and institutional properties that use a water supply, any portion of which is from a source other than a water supplier subject to section 865, shall either:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days per week; or

(2) Reduce potable water usage supplied by sources other than a water supplier by 25 percent for the months of June 2015 through February 2016 as compared to the amount used from those sources for the same months in 2013.

(d) The taking of any action prohibited in subdivision (a) or the failure to take any action required in subdivisions (b) or (c), is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

Authority: Section 1058.5, Water Code.

References: Cal. Const., Art., X § 2; Sections 102, 104, 105, 275, 350, and 10617, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

#### Sec. 865. Mandatory Actions by Water Suppliers.

(a) As used in this section:

(1) "Distributor of a public water supply" has the same meaning as under section 350 of the Water Code, except it does not refer to such distributors when they are functioning solely in a wholesale capacity, but does apply to distributors when they are functioning in a retail capacity.

(2) "R-GPCD" means residential gallons per capita per day.

- (3) “Total potable water production” means all potable water that enters into a water supplier’s distribution system, excluding water placed into storage and not withdrawn for use during the reporting period, or water exported outside the supplier’s service area.
- (4) “Urban water supplier” means a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b) In furtherance of the promotion of water conservation each urban water supplier shall:

(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-user’s exclusive control.

(2) Prepare and submit to the State Water Resources Control Board by the 15<sup>th</sup> of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. The monitoring report shall specify the population served by the urban water supplier, the percentage of water produced that is used for the residential sector, descriptive statistics on water conservation compliance and enforcement efforts, and the number of days that outdoor irrigation is allowed, and monthly commercial, industrial and institutional sector use. The monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves.

(c)(1) To prevent the waste and unreasonable use of water and to meet the requirements of the Governor’s April 1, 2015 Executive Order, each urban water supplier shall reduce its total potable water production by the percentage identified as its conservation standard in this subdivision. Each urban water supplier’s conservation standard considers its service area’s relative per capita water usage.

(2) Each urban water supplier whose source of supply does not include groundwater or water imported from outside the hydrologic region in which the water supplier is located, and that has a minimum of four years’ reserved supply available may, submit to the Executive Director for approval a request that, in lieu of the reduction that would otherwise be required under paragraphs (3) through (10), the urban water supplier shall reduce its total potable water production by 4 percent for each month as compared to the amount used in the same month in 2013. Any such request shall be accompanied by information showing that the supplier’s sources of supply do not include groundwater or water imported from outside the hydrologic region and that the supplier has a minimum of four years’ reserved supply available.

(3) Each urban water supplier whose average July-September 2014 R-GPCD was less than 65 shall reduce its total potable water production by 8 percent for each month as compared to the amount used in the same month in 2013.

(4) Each urban water supplier whose average July-September 2014 R-GPCD was 65 or more but less than 80 shall reduce its total potable water production by 12 percent for each month as compared to the amount used in the same month in 2013.

(5) Each urban water supplier whose average July-September 2014 R-GPCD was 80 or more but less than 95 shall reduce its total potable water production by 16 percent for each month as compared to the amount used in the same month in 2013.

(6) Each urban water supplier whose average July-September 2014 R-GPCD was 95 or more but less than 110 shall reduce its total potable water production by 20 percent for each month as compared to the amount used in the same month in 2013.

(7) Each urban water supplier whose average July-September 2014 R-GPCD was 110 or more but less than 130 shall reduce its total potable water production by 24 percent for each month as compared to the amount used in the same month in 2013.

(8) Each urban water supplier whose average July-September 2014 R-GPCD was 130 or more but less than 170 shall reduce its total potable water production by 28 percent for each month as compared to the amount used in the same month in 2013.

(9) Each urban water supplier whose average July-September 2014 R-GPCD was 170 or more but less than 215 shall reduce its total potable water production by 32 percent for each month as compared to the amount used in the same month in 2013.

(10) Each urban water supplier whose average July-September 2014 R-GPCD was 215 or more shall reduce its total potable water production by 36 percent for each month as compared to the amount used in the same month in 2013.

(d)(1) Beginning June 1, 2015, each urban water supplier shall comply with the conservation standard specified in subdivision (c).

(2) Compliance with the requirements of this subdivision shall be measured monthly and assessed on a cumulative basis.

(e)(1) Each urban water supplier that provides potable water for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (b), may subtract the amount of water provided for commercial agricultural use from its potable water production total, provided that any urban water supplier that subtracts any water provided for commercial agricultural use from its total potable water production shall:

(A) Impose reductions determined locally appropriate by the urban water supplier, after considering the applicable urban water supplier conservation standard specified in subdivision (c), for commercial agricultural users meeting the definition of Government Code section 51201, subdivision (b) served by the supplier;

(B) Report its total potable water production pursuant to subdivision (b)(2) of this section, the total amount of water supplied for commercial agricultural use, and shall identify the reduction imposed on its commercial agricultural users and each recipient of potable water for commercial agricultural use;

(C) Certify that the agricultural uses it serves meet the definition of Government Code section 51201, subdivision (b); and

(D) Comply with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order for all commercial agricultural water served by the supplier that is subtracted from its total potable water production.

(2) Submitting any information pursuant to subdivision (e)(1)(B) or (C) of this section that is found to be materially false by the board is a violation of this regulation, punishable by civil liability of up to five hundred dollars (\$500) for each day in which the violation occurs. Every day that the error goes uncorrected constitutes a separate violation. Civil liability for the violation is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(f)(1) To prevent waste and unreasonable use of water and to promote water conservation, each distributor of a public water supply that is not an urban water supplier shall take one or more of the following actions:

(A) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(B) Reduce by 25 percent reduction its total potable water production relative to the amount produced in 2013.

(2) Each distributor of a public water supply that is not an urban water supplier shall submit a report by December 15, 2015, on a form provided by the Board, that either confirms compliance with subdivision (f)(1)(A) or identifies total potable water production, by month, from June through November, 2015, and total potable water production, by month, for June through November 2013.

Authority: Section 1058.5, Water Code.

References: Cal. Const., Art., X § 2; Sections 102, 104, 105, 275, 350, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

#### Sec. 866. Additional Conservation Tools.

(a)(1) To prevent the waste and unreasonable use of water and to promote conservation, when a water supplier does not meet its conservation standard required by section 865 the Executive Director, or the Executive Director's designee, may issue conservation orders requiring additional actions by the supplier to come into compliance with its conservation standard.

(2) A decision or order issued under this article by the board or an officer or employee of the board is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the California Water Code.

(b) The Executive Director, or his designee, may issue an informational order requiring water suppliers, or commercial, industrial or institutional properties that receive any portion of their supply from a source other than a water supplier subject to section 865, to submit additional information relating to water production, water use or water conservation. The failure to provide the information requested within 30 days or any additional time extension granted is a violation subject to civil liability of up to \$500 per day for each day the violation continues pursuant to Water Code section 1846.

Authority: Section 1058.5, Water Code.

References: Cal. Const., Art., X § 2; Sections 100, 102, 104, 105, 174, 186, 187, 275, 350, 1051, 1122, 1123, 1825, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

## Attachment C

Supplier Name	Total Water Production		Total Water Saved	Percent Saved	Jul-Sep 2014 R-GPCD	Tier	Conservation Standard	Estimated Savings (Gallons)
	2013 (Jun - Feb)	2014/15 (Jun-14 - Feb-15)	(Jun-14 - Feb-15, compared to 2013, gallons)	(Jun-14 - Feb-15, compared to 2013)				
Westborough Water District	257,568,499	213,776,790	43,791,709	17%	40.6	2	8%	20,605,480
Arcata City of	499,104,000	495,047,000	4,057,000	1%	43.5	2	8%	39,928,320
San Francisco Public Utilities Commission	20,365,410,000	18,717,900,000	1,647,510,000	8%	45.4	2	8%	1,629,232,800
Santa Cruz City of	2,527,700,000	1,933,400,000	594,300,000	24%	47.3	2	8%	202,216,000
California Water Service Company South San Francisco	2,075,673,590	1,907,534,254	168,139,336	8%	48.8	2	8%	166,053,887
California-American Water Company Monterey District	2,903,844,543	2,590,336,368	313,508,175	11%	51.3	2	8%	232,307,563
California Water Service Company East Los Angeles	3,998,522,861	3,819,956,279	178,566,582	4%	51.4	2	8%	319,881,829
California-American Water Company San Diego District	2,795,094,888	2,578,195,144	216,899,744	8%	51.9	2	8%	223,607,591
Cambria Community Services District	166,216,813	95,513,570	70,703,243	43%	54.3	2	8%	13,297,345
East Palo Alto, City of	409,886,088	454,911,335	-45,025,247	-11%	55.6	2	8%	32,790,887
Park Water Company	2,833,164,110	2,598,821,539	234,342,571	8%	55.6	2	8%	226,653,129
San Bruno City of	929,865,974	849,620,197	80,245,777	9%	55.7	2	8%	74,389,278
Daly City City of	1,888,066,301	1,622,632,784	265,433,517	14%	58.8	2	8%	151,045,304
North Coast County Water District	809,332,364	713,333,361	95,999,003	12%	59.5	2	8%	64,746,589
Golden State Water Company Florence Graham	1,246,577,219	1,227,482,326	19,094,894	2%	59.7	2	8%	99,726,178
Golden State Water Company Bell-Bell Gardens	1,279,423,043	1,208,354,847	71,068,196	6%	60.8	2	8%	102,353,843
<b>Coastside County Water District</b>	<b>565,550,000</b>	<b>524,430,000</b>	<b>41,120,000</b>	<b>7%</b>	<b>61.9</b>	<b>2</b>	<b>8%</b>	<b>45,244,000</b>
Hayward City of	4,474,967,937	3,957,222,483	517,745,455	12%	62.1	2	8%	357,997,435
Grover Beach City of	352,828,667	208,202,769	144,625,897	41%	62.3	2	8%	28,226,293
Redwood City City of	2,525,846,774	2,179,170,327	346,676,447	14%	63.4	2	8%	202,067,742
Compton City of	1,858,895,919	1,837,323,747	21,572,172	1%	63.6	2	8%	148,711,674
Soquel Creek Water District	1,046,626,000	826,889,000	219,737,000	21%	64.2	2	8%	83,730,080
Seal Beach City of	905,215,264	856,337,550	48,877,714	5%	64.7	2	8%	72,417,221