



# Fact Sheet

## Proposed Emergency Regulations to Achieve 25% Urban Conservation

### Frequently Asked Questions

On April 1, 2015, the Governor issued an Executive Order that directed the State Water Board to implement mandatory water reductions in cities and towns across California to reduce potable urban water usage by 25 percent statewide. This amounts to approximately 1.3 million acre-feet of water over the next nine months, or nearly as much water as is currently in Lake Oroville. The State Water Board is committed to expedited development of the requirements to implement the Governor's directive.

#### I. Executive Order

##### **a. What is the schedule for the State Water Board's development and adoption of emergency regulations requiring a statewide 25% potable urban water use reduction (provisions 2, 5, 6 and 7)?**

The State Water Board is expediting the development and adoption of emergency regulations to implement the new restrictions and prohibitions contained in the Governor's April 1, 2015 Executive Order as follows:

Governor issues Drought Executive Order	April 1, 2015
Notice announcing release of draft regulatory framework and request for public comment	April 7, 2015
Notice announcing release of draft regulations for informal public comment	April 18, 2015
Emergency rulemaking formal notice	April 28, 2015
Board hearing and adoption	May 5-6, 2015
OAL approval	May 15 (estimated)

The latest Fact Sheet and Proposed Regulation, released on April 28, 2015, can be found at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/emergency\\_mandatory\\_regulations.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/emergency_mandatory_regulations.shtml) under the "Emergency Regulation Supporting Documents (4/28/2015)" header.



**b. Will Investor Owned Utilities (IOUs), regulated by the California Public Utilities Commission (CPUC), be subject to the same requirements as public water suppliers?**

The State Water Board has jurisdiction to issue regulations that are binding on both public water suppliers and private water suppliers (IOUs) regulated by the CPUC. However, the CPUC has adopted special drought rules<sup>1</sup> for the IOUs that will need to be modified and activated for the IOUs to meet the reduction mandates set by the Board. The CPUC has a meeting scheduled for May 7 when it might adopt the Board's regulation as its rule for the IOUs.

**c. Do the mandatory conservation requirements affect areas irrigated with non-potable recycled water?**

The Governor's Executive Order only applies to potable water use. Areas irrigated with non-potable recycled water will not be affected.

**d. If I am a homeowner with a private well, will I be required to reduce my water use by 25%?**

The 25% conservation requirement will be met primarily through standards imposed on water suppliers. Private well owners that do not receive water service are, like all Californians, subject to the individual prohibitions contained in the existing emergency regulations and Executive Orders. The prohibitions that apply to everyone include:

- Using potable water to wash sidewalks and driveways;
- Allowing runoff when irrigating with potable water;
- Using hoses with no shutoff nozzles to wash cars;
- Using potable water in decorative water features that do not recirculate the water;
- Irrigating outdoors during and within 48 hours following measureable rainfall;
- Irrigation with potable water of ornamental turf on public street medians;
- Irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems; and

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<sup>1</sup> See: [http://www.cpuc.ca.gov/NR/rdonlyres/DF07FD1A-2FA6-411D-A03C-8A1DADA9B941/0/Standard\\_Practice\\_U40W\\_2014\\_wo.pdf](http://www.cpuc.ca.gov/NR/rdonlyres/DF07FD1A-2FA6-411D-A03C-8A1DADA9B941/0/Standard_Practice_U40W_2014_wo.pdf) for a description of the CPUC drought rules.

- Restaurants serving water to their customers unless the customer requests it.

Additionally, hotels and motels must offer their guests the option to not have their linens and towels laundered daily, and prominently display this option in each guest room.

**e. If a commercial or industrial business is using a private well, will it be required to cut water use?**

Commercial, industrial and institutional (CII) properties with an independent water supply (not served by a water supplier) are required under the proposed emergency regulation to either limit outdoor irrigation to two days per week or achieve a 25% reduction in water use. Often, these properties have large landscapes that would otherwise not be addressed by this regulation.

**f. How is a “median” defined?**

The Executive Order prohibits “irrigation with potable water outside of ornamental turf on public street medians.” The Executive Order does not include a specific definition of a median, but a median is commonly considered to be a strip of land between street lanes. In some cases, discretion and reasonable judgment will need to be exercised in determining whether certain areas are considered medians and subject to a regulation adopted by the Board. Urban water suppliers and municipalities are urged to stop irrigating other non-functional ornamental turf, such as strips bordering street lanes. In addition, we are focused only on ornamental turf and encourage the irrigation and preservation of trees.

**g. How will the ban on new sprinklers – other than drip or microspray – be implemented?**

The Executive Order prohibits irrigation with potable water “outside of newly constructed homes and buildings” unless drip or microspray irrigation is used. This prohibition does not extend to new athletic fields and parks but is instead directed at ornamental landscapes associated with newly constructed homes and buildings. The Business Standards Commission is expected to consider the adoption of emergency regulations to implement this prohibition that would take effect on or before June 1, 2015; eliminating confusion about what standards builders have to comply with regarding this prohibition. It is not the intent of this prohibition to require replacement of irrigation systems that are already in place based on issued building permits and contracts for sale.

## **h. How does the State Water Board plan to implement Provision 8 of the Executive Order which calls for direction to develop rate structures and other mechanisms to reduce water use?**

Provision 8 directs the Board to work with water agencies and state agencies to identify mechanisms that will encourage the adoption of rate structures and other pricing mechanisms to maximize conservation. Regulations or legislation may or may not be needed to implement this provision. The Board does not have a set date for taking action on this provision, but is moving quickly to identify the most promising mechanisms and find feasible implementation pathways. Discussions are now underway with water agencies and other experts about the financial, technical, political, and legal challenges associated with changing rates, surcharges, and other fees. The Board intends to work with all parties, including the Legislature, to make rates and pricing an important element of short-term and longer-term conservation strategies.

## **i. How will the State determine what constitutes an underserved community for funding landscape rebates?**

Contact the Department of Water Resources for questions regarding actions directed to the Department in the Executive Order.

## **j. Will local government jurisdictions (e.g. cities and counties) be required to report on their water use and conservation efforts?**

The 25% potable urban water use reduction requirement and associated reporting applies to water suppliers, not subdivisions of local government.

## **II. Proposed Regulatory Framework**

### **a. Will communities be rewarded if they are already using less water?**

Yes, communities with lower per capita water use will benefit from a lower future required reduction in water use. Communities with higher water use will be required to do more.

### **b. Will credit be given for investments in recycled water and desalination?**

No credits are given for new sources of potable water supply during the drought emergency. Given the immediate need to extend our water resources, all attention is focused on reducing the use of potable water supplies, regardless of their source. Every drop of potable water saved today improves California's ability to weather a possible fifth year of dry conditions. Recycled water that is used to recharge potable groundwater aquifers (called Indirect Potable

Reuse) and desalinated water are sources of supply that must also be protected and extended. Investments in Indirect Potable Reuse technology and desalination are a key part of diversifying local supply options and critical for a water resilient future. We will meet with water suppliers to discuss whether credits are an appropriate tool for future permanent or extended emergency conservation regulations to come.

### **c. If I live in a hot climate, will I have enough water to maintain my landscaping?**

In this fourth year of devastating drought conditions, many Californians will have to make real lifestyle changes in order to conserve water for what could be an extended drought. We cannot predict what the next rainy season will bring. To preserve water to meet basic indoor needs such as toilet flushing, showers, clothes washing, food preparation and cleanup, outdoor water use will have to be substantially reduced. Residents in hotter climates use more water. This water use is in large part to support outdoor ornamental landscapes. Residents in warmer regions of the State are encouraged to convert to a drought tolerant landscape when cooler weather and rains arrive in the fall if they can; however, summertime watering will need to be greatly reduced in order to reduce statewide potable urban water usage by 25%. Keeping trees alive and letting ornamental turf go golden is strongly encouraged. On average 50% of residential water use in California is used for outdoor landscaping, particularly ornamental turf, in some places it is far more. For tips on how to conserve, visit [www.saveourwater.com](http://www.saveourwater.com).

### **d. What reporting is required once the mandatory conservation requirements go into effect?**

The **Proposed** Emergency Regulation includes new reporting requirements for water suppliers to assess the contributions of the CII sector towards reducing water use. This CII sector-specific reporting requirement is in addition to the monthly reporting required in the existing Emergency Conservation Regulation. Under the existing regulations, urban water suppliers must report on:

- Monthly potable water production;
- Residential gallons per capita per day (R-GPCD); and
- Compliance and enforcement efforts.

The Proposed Emergency Regulation also includes a one-time report for water suppliers serving 15-2999 water connections (currently not required to report). This report will include:

- Potable water production from June-November 2013 and June-November 2015; or
- The number of days per week outdoor irrigation is allowed and other restrictions implemented to achieve a 25% potable water use reduction.

**e. What is Residential Gallons Per Capita per Day (R-GPCD) and how is it calculated?**

R-GPCD is the number of gallons of water per person per day used by the residential customers a supplier serves. R-GPCD is calculated using the following equation:

$$[(\text{TMP} * \text{PRU}) / \text{TPS}] / \text{number of days in the month}$$

Where:        TMP is the Total Monthly Potable Water Production

                  PRU is the Percent Residential Use

                  TPS is the Total Population Served

**f. Who will enforce the required reductions in water use?**

The State Water Board is primarily responsible for enforcing the required reduction in water use. The Proposed Emergency Regulation includes two additional enforcement tools that could be used alone, or in combination with other tools, to address the following compliance problems:

- Failure of water suppliers to file reports as required by the regulation;
- Failure to implement prohibitions and restrictions as described in the Governor's Executive Orders and the emergency regulation; and
- Failure of water suppliers to meet the assigned water use reduction target.

Violations of prohibited and restricted activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. In many areas, local water suppliers have additional compliance and enforcement authorities that will continue to be used to address water waste.

**g. Over what period of time will the State consider compliance with the required reduction?**

To determine if urban water suppliers (those with over 3,000 service connections or that deliver more than 3,000 acre-feet of water in a year) are meeting required use reductions, water production data, as reported by each individual water supplier for the months of June 2015 through February 2016, will be compared to the same period(s) in 2013. Given the severity of the current drought, compliance will be assessed both on a monthly and a cumulative basis under the Proposed Emergency Regulation.

## **h. Will businesses and industry be required to reduce the amount of water needed for manufacturing and other purposes?**

There are no specific percentage reductions assigned to any sector of a water supplier's service area. Under the Proposed Emergency Regulation, each affected water supplier will be required to reduce its total potable water production by a specified percentage. Water suppliers will determine locally the actions that they will take to ensure that their commercial, industrial and institutional sectors are contributing to meeting these requirements and in what amounts. For many commercial, industrial, and institutional water users, we envision that the majority of their water savings would be achieved through a reduction in outdoor water use and improved efficiency.

## **i. Will hospitals and health care facilities be required to reduce their water use?**

Similar to the question above, there is no specific percentage reduction assigned to any sector of a water supplier's service area. Under the Proposed Emergency Regulation, each affected water supplier will be required to reduce their total potable water production by a specified percentage. Water suppliers will determine locally the actions that they will take to ensure that they are meeting these requirements. Regardless, institutions, such as hospitals, should evaluate whether a reduction in outdoor irrigation use could produce significant water savings.

## **j. If a water supplier lowers its water production below the 3,000 AF urban water supplier threshold through conservation, are they then subject to the small water supplier requirements?**

Urban water suppliers whose Total Potable Water Production falls below 3,000 acre feet as a result of implementation of actions to reduce water use are not re-designated as small water supplier for purposes of achieving the conservation standard at this time.

## **k. How should a water supplier address new connections that increase Total Potable Water Production during the timeframe of the regulation?**

With the limitation on the duration of the emergency regulation to 270 days, water suppliers should account for increased water use due to future building activity in their identification and implementation of conservation actions to achieve the conservation standard for their service area. For example, some agencies have used an offset system, where new buildings retrofit older buildings to achieve water savings equal to or greater than the use they propose to add.

## **I. How will increases in Total Potable Water Production, in response to firefighting activities, be considered for purposes of compliance assessment?**

Water suppliers that are significantly off-track in meeting their conservation standard will be directed to submit information on their conservation actions, rates and pricing and enforcement efforts to determine the actions needed to come into compliance. The State Water Board will assess this information, including factors beyond the water supplier's control, as it considers next steps.

## **m. How will the regulation affect urban water suppliers that provide water to agricultural areas?**

Urban water suppliers delivering more than 20 percent of their total potable water production to commercial agriculture may be allowed to modify the amount of water subject to their conservation standard. These suppliers must provide written certification to the Board to be able to subtract the water supplied to commercial agriculture from their total potable water production for baseline conservation purposes. The supplier must submit to the Department of Water Resources an Agricultural Water Management Plan for that water supplied for commercial agricultural purposes.

## **n. Does the regulation affect private or public swimming pools?**

The Proposed Emergency Regulation does not prohibit the filling of private or public swimming pools. However, water suppliers will decide how to meet their conservation standard, which could include limitations on the filling of swimming pools.

## **o. Are Home Owners Associations (HOAs) subject to the new regulation?**

Under the Proposed Emergency Regulation, each urban water supplier will be required to reduce their total potable water production by a specified percentage. Water suppliers will determine locally the actions they will take to ensure that they are meeting these requirements. HOAs will be subject to the requirements of their local water supplier. In addition, HOAs are, like all Californians, subject to the individual prohibitions contained in the existing emergency regulations and Executive Orders.

The prohibitions that apply to everyone include:

- Using potable water to wash sidewalks and driveways;
- Allowing runoff when irrigating with potable water;



- Using hoses with no shutoff nozzles to wash cars;
- Using potable water in decorative water features that do not recirculate the water;
- Irrigating outdoors during and within 48 hours following measureable rainfall;
- Irrigation with potable water of ornamental turf on public street medians;
- Irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems; and
- Restaurants serving water to their customers unless the customer requests it.

## **p. Why do urban water suppliers have different conservation standards?**

The Governor's April 1, 2015 Executive Order directed the Board to implement mandatory water reductions in urban areas to reduce potable urban water usage by 25 percent statewide. He also directed that this regulation take into account the different levels of conservation already achieved by communities based upon their relative per capita water usage. Many communities have been conserving for years. Some of these communities have achieved remarkable results with residential water use now hovering around the statewide target for indoor water use, while others are using many times more. Everyone must do more, but the greatest opportunities to meet the statewide 25 percent reduction in potable water use now exists in those areas with higher water use. Often, but not always, these water suppliers are located in areas where the majority of the water use is directed at outdoor irrigation due to lot size and other factors.

The Proposed Emergency Regulation assigns each of the 411 urban water suppliers to a tier of water reduction based upon three months of summer R-GPCD data (July 2014- September 2014). There are nine tiers that range from 4% to 36% conservation. Collectively, the 411 water suppliers should achieve a 25% reduction in potable water use statewide. This equates to approximately 1.3 million acre-feet of water over the next nine months, or nearly as much water as is currently in Lake Oroville.

*(This Frequently Asked Questions document was updated April 28, 2015.)*