

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF RESEARCH, PLANNING AND PERFORMANCE
MAY 18, 2016**

ITEM 10

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AMENDING AND READOPTING DROUGHT-RELATED EMERGENCY REGULATIONS FOR URBAN WATER CONSERVATION TO IMPLEMENT EXECUTIVE ORDER B-29-15, B-36-15, and B-37-16

DISCUSSION

On January 17, 2014, Governor Brown declared a drought state of emergency. On April 25, 2014 the Governor signed an [Executive Order](#) calling on the State to redouble state drought actions. Among other things, the Executive Order directed the State Water Board to adopt emergency regulations as it deemed necessary, pursuant to Water Code section 1058.5, to ensure that urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices.

On July 15, 2014, the State Water Board adopted [Resolution 2014-0038](#), which adopted an emergency regulation for water conservation that added new sections to title 23 of the California Code of Regulations. The emergency regulation became effective on July 28, 2014 upon approval by the Office of Administrative Law (OAL).

On March 17, 2015, the State Water Board adopted [Resolution 2015-0013](#), which amended and readopted the emergency regulation for an additional 270 days. The existing regulatory language became effective on March 27, 2015 upon approval by OAL.

On April 1, 2015, Governor Brown issued [Executive Order B-29-15](#), which, among other things, directed the State Water Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016.

On May 5, 2015, the State Water Board adopted [Resolution No. 2015-0032](#) and an emergency regulation, which, among other things, placed each urban water supplier in a conservation tier, ranging between 4 and 36 percent, based residential per capita water use for the months of July – September 2014. The emergency regulation became effective on May 18, 2015 for 270 days upon approval by the Office of Administrative Law (OAL). Resolution No. 2015-0032 also directed staff to work with stakeholders to further develop and consider a range of factors that contribute to water use, including but not limited to climate, growth, investment in local, drought resilient supplies, and others for adjustment to the current emergency regulation should it need to be extended into 2016.

On November 13, 2015, Governor Brown issued [Executive Order B-36-15](#), which called for an extension of urban water use restrictions until October 31, 2016, should drought conditions persist. This Executive Order also directed the State Water Board to consider modifying the restrictions on water use and incorporate insights gained from the existing restrictions.

On February 2, 2016, the State Water Board adopted [Resolution 2016-0007](#), which amended and readopted the emergency regulation for an additional 270 days. The existing regulatory language became effective on February 11, 2016 upon approval by OAL. The State Water Board directed staff to continue working with stakeholders on further refinement of these emergency water conservation regulations to be considered in tandem with an assessment of the current winter precipitation.

The rain and snowfall the state experienced from October 2015 through this March have offered drought relief to some parts of the state and indicate there is room for further refinement of the February 2016 regulation.

On May 9, 2016, Governor Brown issued [Executive Order B-37-16](#) directing actions aimed at using water wisely, reducing water waste, and improving water use efficiency. The Executive Order, in part, directs the State Water Board to extend the emergency regulations for urban water conservation through the end of January 2017.

Consistent with Resolution 2016-0007 and the Governor's November 13 and May 9 Executive Orders, and in response to improved hydrologic conditions, updates to the existing regulatory language are proposed.

POLICY ISSUE

Should the State Water Board adopt the proposed resolution and accompanying regulation?

FISCAL IMPACT

Fiscal considerations are addressed as a part of drought funding.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed resolution adopting the emergency regulation.