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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2020-

REGULATION ON MONTHLY URBAN WATER CONSERVATION REPORTING

WHEREAS:

1. Climate change is increasing drought frequency and severity, reducing snowpack, and drying soils, making California's water supplies more vulnerable;
2. Transparent and accessible monthly water use data help Californians prepare for and respond to drought, as data allow for informed and contemporaneous analysis and action;
3. Transparent and accessible monthly water use data are valuable to the public and institutions, including the media, universities, research centers, local and regional governments, non-governmental organizations, and water suppliers;
4. On July 15, 2014, the State Water Board adopted an emergency regulation to support water conservation ([Resolution No. 2014-0038](#)) that required that urban water suppliers to report monthly on their water production, conservation-related implementation measures, and local enforcement actions starting with the June 2014 reporting period;
5. On March 17, 2015, the State Water Board amended and readopted the previous emergency regulation to further support water conservation ([Resolution No. 2015-0013](#)) and require urban water suppliers to continue monthly reporting per California Code of Regulations, title 23, section 865, subdivision (b)(2);
6. On May 5, 2015, the State Water Board amended and readopted the previous emergency regulation to further support water conservation ([Resolution No. 2015-0032](#)) and require urban water suppliers to continue monthly reporting per California Code of Regulations, title 23, section 865, subdivision (b)(2);

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7. On February 2, 2016, the State Water Board amended and readopted the previous emergency regulation to further support water conservation ([Resolution No. 2016-0007](#)) and require urban water suppliers to continue monthly reporting per California Code of Regulations, title 23, section 865, subdivision (b)(2);
8. On May 18, 2016, the State Water Board amended and readopted the previous emergency regulation to further support water conservation ([Resolution No. 2016-0029](#)) and require urban water suppliers to continue monthly reporting per California Code of Regulations, title 23, section 865, subdivision (b)(2);
9. On February 8, 2017, the State Water Board amended and readopted the previous emergency regulation to further support water conservation ([Resolution No. 2017-0004](#)) and require urban water suppliers to continue monthly reporting per California Code of Regulations, title 23, section 865, subdivision (b)(2);
10. On May 9, 2016, the Governor issued Executive Order B-37-16 to make water conservation a way of life in California and directed the State Water Board to establish permanent reporting and data collection by urban water suppliers;
11. On April 7, 2017, the Governor issued Executive Order B-40-17, directing the State Water Board to continue development of permanent requirements for reporting water use by urban water agencies and require water use reporting until permanent requirements are in place;
12. On May 31, 2018, the Governor signed into law Senate Bill 606 (Hertzberg) and Assembly Bill 1668 (Friedman) to improve water conservation and drought planning to help prepare California for longer, more intense droughts caused by climate change; this law authorizes the board, per Water Code section 10609.28, to issue a regulation requiring a wholesale water supplier, an urban retail water supplier, or a distributor of a public water supply, as that term is used in Section 350, to provide a monthly report relating to water production, water use, or water conservation;
13. Most urban water suppliers continue to provide monthly water production and conservation reports to the Board, however, the number of suppliers reporting has fallen, which reduces the value of data on water conservation;

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14. In other reports, such as the Electric Annual Report, urban water suppliers indicate monthly production and delivery volumes on an annual basis; however, these reports have a significant lag time that can extend well over one year and so do not provide indicate changes in water use and conservation and enforcement actions, especially when shortages exist;
15. The proposed regulation will establish in California Code of Regulations, title 23, division 3, a new Chapter 3.5 on Urban Water Use Efficiency and Conservation, and within chapter 3.5, a new Article 1 on Reporting that includes sections pertaining to conservation and use reporting by urban water suppliers;
16. The State Water Board is adopting the regulation as directed by former Governor Brown in Executive Order B-37-16 and B-40-17 to support water conservation and provide state agencies, water agencies, academia, and the public with near-real-time, machine-readable information on water consumption, conservation and enforcement actions that conforms to the requirements of the Open Data and Transparency Data Management Act in Water Code section 12400;
17. The data collected pursuant to the regulation will add to data collected pursuant to the expired emergency regulation (California Code of Regulations, title 23, sections 865 and 866);
18. 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;
19. 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;
20. 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, division 3, chapter 3.5 on Urban Water and Use Efficiency and Conservation and within this chapter, article 1, on Reporting;

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2. State Water Board staff will submit the regulation to Office of Administrative Law for final approval;
3. If, during the approval process, State Water Board staff, the State Water Board, or Office of Administrative Law 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. The State Water Board directs staff to provide the Board with regular updates on urban potable water usage and other information gleaned from the monthly reports and to report back to the Board periodically as to whether the reporting frequency required by this regulation should be changed;
5. The State Water Board directs staff to work with water suppliers to ensure data are accurate and updated as needed;
6. The State Water Board directs staff to continue assessments of urban water data reporting needs and processes, and to develop recommendations to streamline reporting and to make data more accessible and useful, per the requirements of Water Code section 10609.15, by April 1, 2021, recognizing that sound data management requires continuous improvement.

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 April 7, 2020.

Jeanine Townsend
Clerk to the Board