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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2022-

TO READOPT THE PROHIBITED WASTEFUL WATER USES EMERGENCY REGULATION FOR WATER CONSERVATION

WHEREAS:

1. Over the course of the spring and summer of 2021, Governor Newsom proclaimed a drought state of emergency for most counties in California, culminating with his October 19, 2021, proclamation of a drought state of emergency that expanded the state of emergency to all California counties
2. These proclamations urge Californians to reduce their water use.
3. On January 4, 2022, the State Water Board adopted an emergency regulation that prohibits certain wasteful water use practices statewide and encourages Californians to monitor their water use more closely while building habits to use water wisely. On January 18, 2022, the emergency regulation went into effect and is in effect for one year from the effective date, unless the State Water Board renews or rescinds it before then.
4. On March 28, 2022, in Executive Order N-7-22, the Governor affirmed that the orders and provisions contained in the four drought-related Proclamations from 2021 remain in full force and effect, except as otherwise modified by those Proclamations. The Governor in that Executive Order also called on all Californians to reduce water use and directed specific State agencies to take actions in support of water conservation.
5. On August 11, 2022, the Governor announced California's latest actions to increase water supply and adapt to more extreme weather patterns caused by climate change in a document called, "California's Water Supply Strategy, Adapting to a Hotter, Drier Future." The strategy recognizes that the American West is experiencing extreme, sustained drought conditions caused by hotter, drier weather.
6. Immediate action is needed to ensure water suppliers and all Californians are taking sufficient actions to conserve water and preserve the State's

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water supply, including the readoption of the Board's January 4, 2021 emergency regulation prior to its expiration.

7. Many Californians and urban water suppliers have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought requires additional conservation actions from urban water suppliers, residents, and the commercial, industrial, and institutional sectors.
8. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend limited water supplies through this summer and into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers added flexibility to manage their systems effectively over time. The more water that is conserved now, the less likely it is that a community will experience dire shortages that may require water rationing or other emergency actions.
9. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for irrigation of lawns and outdoor landscaping irrigation. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.
10. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign (saveourwater.com) is an excellent resource for conservation information and messaging that is integral to effective drought response.
11. [Savewater.ca.gov](https://savewater.ca.gov) is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Board and relevant local water supplier.
12. On March 28, 2022, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.

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13. 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.”
14. On November 23, 2022, the State Water Board issued public notice that it will consider the adoption of the regulation at the Board’s regularly scheduled December 7, 2022 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.
15. The emergency regulation sets a minimum standard that many communities are already doing more than, but prior to these rules initially being put in place not everyone was taking these low-cost, easy to implement actions that can save significant amounts of water during a drought emergency.
16. Disadvantaged communities may require assistance in increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation. This assistance should include but not be limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier’s service area, such as in newspaper advertisements, bill inserts, website homepage, social media, billboards, and notices in public libraries.
17. The Board directs staff to consider the following in pursuing any enforcement of section 995, subdivision (b)(1)(A)-(F): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
18. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 17. Nothing in the regulation or in the enforcement

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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 their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. The State Water Board adopts California Code of Regulations, title 23, section 995, as appended to this resolution as an emergency regulation.
2. State Water Board staff shall submit the regulation to the Office of Administrative Law (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 designee may make such changes.
4. This regulation shall remain in effect for one year 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 State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulation.
6. 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. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

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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 December 7, 2022.

Jeanine Townsend
Clerk to the Board