



Fact Sheet

Drought Water Conservation Emergency Regulation – Frequently Asked Questions

January 2022

Updated: 1/28/22

Where can I find information on the emergency regulation?

You can find information and subscribe to the Water Conservation Regulations email list for updates at bit.ly/conservationreg.

What wasteful water uses are prohibited?

Using potable water for the following activities:

- Outdoor watering that lets water run onto sidewalks and other areas (except incidental runoff)
- Washing vehicles without an automatic shutoff nozzle
- Washing hard surfaces like driveways or sidewalks that don't absorb water
- Street cleaning or construction site preparation
- Filling decorative fountains, lakes, or ponds
- Outdoor watering within 48 hours after it rains at least 1/4 inch of rainfall
- Watering ornamental turf on public medians

What is potable water?

Potable water, also known as drinking water, is water that meets state and federal drinking water standards and is safe for sanitary purposes such as drinking, cooking or handwashing.

Who does this apply to?

The prohibitions apply to all water users including individuals, cities, counties, and businesses. The prohibitions may apply to different users in different ways. For example, the prohibition against watering public medians more likely applies to local governments than to individuals, while the prohibition against filling decorative fountains may apply to individuals, state and local governments, and some commercial properties.

Are there exceptions from the prohibitions?

Yes. Water can be used for immediate health and safety needs.



What are examples of “health and safety needs”?

Health and safety needs must be reasonable and legitimate. Examples include using potable water for removing animal or human waste from sidewalks, controlling dust, or activities where people may have direct contact with the water. When possible, people should use cleaning methods that do not require water, such as a broom to remove debris.

The regulation was adopted right after an extremely wet December. Why do we need a drought emergency regulation?

These prohibitions are low-cost, easy-to-implement measures that save water as well as raise awareness of drought conditions that may possibly worsen, despite the precipitation in December 2021. The prohibitions focus on reducing outdoor water use, which is one of the best ways to save water in both the dry and wet seasons. For instance, large water savings were observed when homeowners and communities stopped watering lawns during the rain events of late 2021. Even with these early winter storms, California remains in a drought, and we are obligated not just to save water but also to prevent wasting it.

What is “incidental runoff”?

“Incidental runoff” is an unintended, unanticipated, and infrequent amount of water that escapes the area where it was applied (for example, a sprinkler causing a small amount of water to unintentionally flow from a lawn onto the sidewalk). Runoff is not considered incidental if it is a result of excessive application, the facility or system design, intentional overflow, or negligence.

Should I skip irrigation when it rains?

Yes. If it rained recently or is going to rain soon, you should change your lawn irrigation schedule. Check the weather to plan for and confirm the amount of rainfall in your area.

Why does the emergency regulation prohibit irrigation during or within 48 hours of at least one fourth of an inch (1/4”) of rainfall specifically?

During the last drought, irrigation was prohibited after “measurable rainfall.” A number of comments suggested that the State Water Board use ¼ of an inch of rain to make the prohibition clearer. After this amount of rain, an irrigation system can generally be turned off for at least 48 hours without harming most landscapes.

Can communities still water trees?

Yes. The emergency regulation only prohibits irrigating turf (lawn) on public street medians. Trees provide many environmental benefits, such as shade, carbon storage, and animal habitat. Urban trees also reduce heat island effects and associated health impacts, absorb and filter storm water, reduce urban flooding risk, protect air quality, and save energy by shading buildings. For more information on taking care of trees while saving water, see the [Save Our Trees](#) section within SaveOurWater.com.

Who enforces the prohibitions?

Any local agency or government authorized to enforce infractions can enforce these prohibitions at their discretion, along with the State Water Board. The emergency regulation allows agencies/governments to decide if and how to enforce these prohibitions along with their own existing conservation rules.

Does the emergency regulation give new enforcement authority to anyone?

No. The emergency regulation does not give new authority to public (or private) entities that don't already have it. Also, the emergency regulation does not limit or specify how existing authority can be used. The emergency regulation makes prohibited activities a violation, so any entity already authorized to enforce violations may choose to enforce these violations. The State Water Board does not maintain a list of California governmental entities with enforcement authority.

What does enforcement look like?

Enforcement may include warning letters, mandatory water use audits (for large commercial or institutional properties), and fines (up to \$500 per day). Before charging fines, the State Water Board directs staff, and encourages other enforcing agencies, to provide warnings, consider a person's ability to pay, offer payment plans of at least 12 months without a tax lien, and not shut off a person's water service for nonpayment. The State Water Board also encourages agencies to provide additional assistance to disadvantaged communities and translate conservation announcements and materials into the languages spoken by local customers.

Are local agencies or governments required to use the emergency regulation's enforcement authority?

No. This emergency regulation does not require specific enforcement. Local agencies or governments get to decide how to use enforcement resources. They may choose to enforce their own drought conservation rules, including those in their Water Shortage Contingency Plans (WSCPs), as opposed to this emergency regulation, but the emergency regulation gives local agencies and governments additional options to address water waste and can assist with conservation messaging.

Where can I report water waste violations?

You can report water waste violations online at [SaveWater.ca.gov](https://www.savewater.ca.gov). These reports are sent to local water suppliers and the State Water Board. The website allows you to upload photos, which helps with enforcement decision-making.

Can HOAs or cities enforce their landscaping guidelines that conflict with homeowners' drought responses?

Homeowners' associations (HOAs) are prohibited from fining residents who are taking appropriate drought measures to conserve water. In drought emergencies, many homeowners want to change their landscaping to plants and structures that require less

water or to reduce watering turf. The State Water Board regularly receives complaints during drought from homeowners frustrated by HOAs enforcement of landscaping rules, such as requiring lawn watering or maintaining specific plants. This enforcement may violate the Davis-Stirling Act. The State Water Board or a local agency could impose penalties on any HOA that violates specific portions of the Davis-Stirling Act. The emergency regulation includes a similar provision prohibiting cities and counties from restricting certain drought responses.

How is the State Water Board addressing the needs of economically disadvantaged communities in this emergency regulation?

The State Water Board has directed staff and encourages enforcing entities to 1) provide warnings, consider a person's ability to pay, and offer payment plans before charging fines and 2) not shut off a person's water service for nonpayment.

How is the State Water Board addressing linguistic needs?

The State Water Board develops plain language materials; translates water conservation announcements, notices of violations, enforcement actions, and other materials; and encourages local agencies to do the same.

How long will this emergency regulation be in effect?

This emergency regulation will be in effect until January 18, 2023 (one year after it took effect on January 18, 2022), unless the State Water Board modifies it, readopts it, or determines the emergency regulation is no longer necessary.

What changes were made from the draft emergency regulation to the final emergency regulation adopted by the Board?

There are two minor differences between the draft emergency regulation and the final emergency regulation adopted by the State Water board on January 4, 2021:

- 1) Clarifying changes were made to the street cleaning/construction site preparation prohibition. This change clarifies that the prohibition on using potable water does not apply to all uses of water for construction activities (such as mixing concrete) and that it only applies to construction site preparation if no other method is available.
- 2) The prohibition against using potable water for irrigating turf on public medians was modified to remove "landscaped areas between the street and sidewalk" and to include "ornamental." These changes remove the prohibition against using potable water to irrigate turf on parkways, which are generally the area between the sidewalk and the street; they also provide clarity and make the prohibition easier to implement. Water agencies likely made changes in the last drought regarding irrigating medians, so limiting the prohibition in this manner should not lead to significant new costs or have a notable potential impact on trees.

What is covered by the “construction site preparation” prohibition?

Construction purposes refer to spraying the ground with potable water to prepare a construction site. This rule does not apply where potable water is required to protect public health and safety, or where no other method can be used to accomplish the same goal.

Does the emergency regulation prohibit filling swimming pools?

The emergency regulation does not impact swimming pools.

How is the State Water Board promoting drought resilience and water conservation for the long-term?

Among other ongoing activities related to water rights and water quality, the State Water Board is working on regulations to [Make Conservation a California Way of Life](#), including [adopting long-term standards for the efficient use of water](#) and [water loss performance standards](#) for urban retail water suppliers. The [Safe and Affordable Funding for Equity and Resilience \(SAFER\) program](#) supports permanent and sustainable drinking water solutions that ensure all Californians have access to safe, affordable, and reliable drinking water. For information and updates on the State Water Board’s drought activities, visit waterboards.ca.gov/drought.