

Statewide Requirements for Conserving Water

State Water Board’s Water Conservation Emergency Regulations of 2022 Frequently Asked Questions | Updated July 28, 2022

As climate change-induced extreme weather continues to disrupt California’s water system, the State Water Resources Control Board (Board) has adopted two emergency regulations in 2022 that prohibit certain wasteful water use practices statewide and encourage water suppliers and Californians to monitor water use more closely while building habits to use water wisely and make conservation a way of life. Local water suppliers may have adopted stricter water conservation measures than the State Water Board’s, so water customers should check with local agencies about their current restrictions.

This new Frequently Asked Questions (FAQs) document combines and updates previous FAQs. Please use the contents below to find information that may be most relevant to you.

Contents

ALL CALIFORNIANS
Information for all Californians [page 1](#)

HOA, COMMERCIAL, INDUSTRIAL & INSTITUTIONAL PROPERTY MANAGERS
Information for property managers [page 5](#)

WATER SUPPLIERS
Information for water suppliers [page 8](#)

All Californians

The questions below may be of interest to all Californians.

Where can I find information on the State Water Board's water conservation emergency regulations?

You can find updated documents and subscribe to the Water Conservation Regulations email list for announcements on the State Water Board’s Water Conservation Emergency Regulations webpage at bit.ly/conservationreg

What current water use restrictions apply to all Californians?

State Water Board water conservation requirements are listed in the table below. There are also requirements not listed here. Column A lists prohibitions on the use of **potable** water that apply to all Californians. Column B lists additional requirements for urban water suppliers.

Effective Date	A. PROHIBITED FOR ALL CALIFORNIANS	B. ADDITIONAL REQUIREMENTS FOR URBAN WATER SUPPLIERS
[1] Effective until January 2023	<ul style="list-style-type: none"> 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 at least 1/4 inch of rainfall Watering ornamental turf on public medians 	<ul style="list-style-type: none"> Follow all prohibitions in column A If needed, exercise authority to adopt more stringent local conservation measures
[2] Effective until June 2023	<ul style="list-style-type: none"> Watering non-functional lawns in commercial, industrial, and institutional areas, including common areas of homeowners' associations (HOAs) <p>Note: Local water suppliers may have adopted stricter water conservation measures than the State Water Board, so check with local agencies about their current restrictions.</p>	<ul style="list-style-type: none"> Follow all prohibitions in column A Implement all local Level 2 demand reduction actions* If needed, exercise authority to adopt more stringent local conservation measures
Enforcement	<p>All of column A water use prohibitions above are "infractions," and any organization that already has the authority to enforce infractions may do so; this may include local water suppliers and cities. Violations may be punishable by a fine of up to \$500 per day. To report a potential water use violation, go to SaveWater.CA.Gov on your phone or computer.</p>	

[1] = These requirements are from the first water conservation emergency regulation of 2022 that became effective on January 18, 2022 and is in effect for one year from the effective date, unless the State Water Board modifies, readopts, or ends it before then.

[2] = These requirements are from the second water conservation emergency regulation of 2022 that became effective on June 10, 2022 and is in effect for one year from the effective date, unless the State Water Board modifies, readopts, or ends it before then.

* = "Level 2" refers to the second level of urban water suppliers' water shortage contingency plan as defined by the State. Local water suppliers may use different words and definitions to indicate water shortage levels, such as stages or phases. Check with your local water supplier to know what is required by your supplier's Level 2. Local suppliers should have a "crosswalk" diagram that compares the State's Levels and local levels.

Should I follow state or local water use restrictions?

In most cases you should follow both. The State Water Board's restrictions that apply to all Californians include all the water use prohibitions in the first emergency regulation, which became effective in January 2022, and the ban on watering non-functional turf irrigation in commercial, industrial, and institutional areas (including common areas of HOAs), which became effective in June 2022. You may also be a customer of a local water supplier that adopted stricter water conservation measures; check with your supplier about their current restrictions.

Am I subject to both the January 2022 water conservation emergency regulation and the one from June 2022?

Yes. Both regulations are currently in effect. The State Water Board's first water conservation emergency regulation will remain in effect until January 18, 2023, unless the Board acts to end, modify, or readopt it before then. The second emergency regulation will remain in effect until June 10, 2023, unless the Board acts to end, modify, or readopt it before then. Each of the regulations' current requirements are listed in the table above.

How is the Board advancing drought resilience and water conservation for the long-term?

Among other ongoing activities related to water rights and water quality, the 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 Board's drought activities, visit the Board's [Drought website](#).

What is considered "potable" water?

For the emergency regulations, potable water is water from any drinking water system or any source used for drinking.

Do I need to empty my swimming pool because of the drought?

The State Water Board's emergency regulations do not prohibit the filling, refilling, or use of swimming pools, however local water suppliers may have stricter water use rules than the State Water Board. Please contact your local water supplier for more information.

What is “turf”?

Turf means “a ground cover surface of mowed grass.” This official definition of turf can be found in [section 491 of title 23 of the California Code of Regulations](#).

What is “non-functional turf”?

Non-functional turf is a ground cover surface of mowed grass that is ornamental and not otherwise used for human recreation purposes. Non-functional turf does not include school fields, sports fields, and areas regularly used for civic or community events.

Does the statewide ban on watering non-functional turf apply to residential properties?

No, residential properties may continue to water turf, however watering that causes more than incidental runoff remains prohibited. Also, local water suppliers may have stricter rules than the State Water Board, so check with your supplier. The Board encourages people to reduce watering turf on their properties and to convert turf to [water-wise](#) plants, but these are not required by the regulations. For more information and practical tips for converting your landscape and making your yard more water-wise, visit [SaveOurWater.com](#).

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.

Do I have to follow a lawn watering schedule?

It depends on your local water use rules. Everyone should avoid overwatering lawns and everyone should wait 48 hours after it rains to water their lawns. However, lawn watering schedules are set by local water suppliers and cities. Please check with your local water supplier about your local schedule.

Should I skip watering when it rains?

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

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

During the last drought, watering 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.

Are rebates available to replace turf?

For residents and businesses, rebates may be available from local water suppliers and cities.

Who enforces the water use prohibitions?

Any local agency or government authorized to enforce infractions can enforce these water use prohibitions at their discretion, along with the State Water Board. The emergency regulations

allow agencies and governments to decide if and how to enforce these prohibitions along with their own existing water use rules.

What actions may a water supplier or local government (or any entity already authorized to enforce infractions) take to enforce violations of the regulations? What actions may the Board take?

Local or Board enforcement may include warning letters, conservation orders, and fines (up to \$500 per day). The Board also encourages agencies to provide additional assistance to disadvantaged communities and translate conservation announcements and materials into the languages spoken in their service areas.

Where can I report water waste violations?

You can report water waste violations online at SaveWater.CA.Gov. These reports are sent to local water suppliers and the Board. The website allows you to upload photos, which helps with enforcement decision-making.

Can my HOA stop me from conserving water?

No. Homeowners may remove their lawns and replace them with water-wise plants. If you install water-efficient landscaping during the drought, your HOA cannot prevent you from maintaining it or require you to remove it when there is no longer a drought state of emergency. Additionally, your HOA cannot impose a fine or assessment for reducing or eliminating the watering of vegetation or lawns during a drought state of emergency, nor can it prohibit, or include conditions that have the effect of prohibiting, the use of low water-using plants as a group or as a replacement of existing turf. 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. For more information and practical tips for making your yard more water-wise, visit SaveOurWater.com.

HOA, commercial, industrial & institutional property managers

Commercial, institutional, and industrial property managers, workers, and residents are required to comply with all prohibitions discussed in the questions above. Below is more information that is relevant specifically to commercial, institutional, and industrial areas, including areas managed by homeowners' associations (HOAs).

What parts of the Davis-Stirling Act apply to HOAs during a drought emergency?

According to the Davis-Stirling Act, an HOA may not impose a fine for reducing watering of lawns or vegetation during a drought emergency that was either declared by the Governor or local government. Additionally, homeowners may remove their lawns and replace them with water-wise plants. If a homeowner installs water-efficient landscaping during the drought, an HOA cannot prevent them from maintaining it or require them to remove it when there is no

longer a drought state of emergency. An HOA also cannot prohibit, or include conditions that have the effect of prohibiting the use of low water-using plants as a group or as a replacement of existing turf. You can find the relevant text here: <https://www.davis-stirling.com/HOME/Statutes/Civil-Code-4735>.

Does the ban on watering non-functional turf apply to HOAs?

Yes, the ban on using potable water to water non-functional turf applies to some HOA landscapes, but only to non-functional turf on property the HOA owns or maintains, and not the turf of individual residences (or separate interests). While an individual's property is considered residential, property owned or maintained by an HOA is treated the same as other landscapes owned by commercial or institutional entities. The regulation does not ban watering turf with recycled water, watering turf regularly used for recreation or community activities, or watering trees or other non-turf plants.

In an HOA, who decides if turf is non-functional?

An HOA should review areas of turf that it maintains, consult with residents, and determine whether the turf is non-functional. Water suppliers may defer to HOAs' determinations that specific areas of turf are used for recreation or community events. However, water suppliers also retain the authority to enforce the watering ban if there is a documented violation.

Are apartment buildings considered part of the commercial, industrial, and institutional sectors?

Most apartment buildings are part of the residential sector and therefore not subject to the ban on watering non-functional turf. However, apartment buildings may also include commercial facilities, such as ground floor businesses or other commercial operations on site, in the same manner as HOAs. Apartment building owners and managers should check with their water supplier to see whether their building or complex may be considered, in part, commercial, industrial, or institutional and would therefore have some landscaped areas subject to the same rules (and exclusions) as similarly situated landscaped areas in HOAs.

May property managers use recycled water or greywater to water decorative lawns?

Yes, however the Board encourages people to prioritize watering trees and other plants due to the severity of the drought and the amount of water required for turf. Also, check with your local water supplier if they have stricter water use rules than the State Water Board.

Do the regulations affect trees? Do urban trees need to be watered?

The regulations do not restrict watering trees. The Board urges people to continue to water trees, even while reducing or stopping the watering of turf. Newly planted trees usually need to be watered more frequently than mature trees, including hand watering. Trees near or on non-functional turf can still be watered even when individual sprinkler heads or zones that water only non-functional turf must be turned off or capped. For more information about tree species and water needs, visit the [Save Our Trees section](#) within SaveOurWater.com.

Are there any exceptions to the ban on watering non-functional turf?

The ban only applies to watering non-functional turf in commercial, industrial, and institutional sectors and only applies to watering with potable water. It does not apply to residential lawns or any turf that is regularly used for human recreational purposes, such as community spaces, or sports fields and other turf regularly used for recreation or events. The regulation does not ban watering trees or other non-turf plantings. There also is an exemption process available for certain low water using turf species and watering approaches. To be exempt from the ban, an owner or manager must provide to their water supplier evidence that they have met two requirements: (1) the user must certify that the turf species needs low levels of water (a [plant factor](#) of 0.3 or less) and (2) the user must demonstrate that the turf is watered in a way that uses low levels of water (less than 40 percent of reference evapotranspiration). For more information on plant factors and reference evapotranspiration, see the State's [Model Water Efficient Landscape Ordinance](#).

Is grass at cemeteries, parks, and golf courses “non-functional turf”?

It depends. In general, grass on cemetery property is not wholly exempt from the ban on watering non-functional turf. Cemetery operators may continue watering areas that are regularly used for community functions such as visitation and services. Watering areas that are not regularly used (e.g., fringe areas or historical areas that are no longer visited) should cease, unless using recycled water. These similarly apply to parks and golf courses.

Does the ban on watering non-functional turf apply to watering with well water?

It depends. The ban on watering non-functional turf only applies to watering with potable water. Well water that needs treatment to meet drinking water quality standards would be considered non-potable before that treatment. Well water that is used for drinking water purposes without treatment, on the other hand, would be covered by the ban.

Is watering turf required for effective measurements at California Irrigation Management Information System (CIMIS) stations prohibited?

No. CIMIS stations require well-irrigated and well-maintained cool season grass as a reference surface to produce accurate estimates of reference evapotranspiration (ET_o). Data from CIMIS stations is being used by over 60,000 primary registered users and thousands more secondary users for urban and agricultural irrigation scheduling purposes, and many other applications. Therefore, turf at CIMIS stations is not considered non-functional.

Who will enforce the non-functional turf ban?

Water suppliers and local governments are expected to communicate the ban on watering non-functional turf to their commercial, industrial, and institutional customers. The emergency regulation makes violations of the ban an infraction; any entity that is already authorized to enforce infractions, such as a water supplier or local government, may choose to enforce violations of the regulation. In addition, anyone may report water waste, including watering non-functional turf on a commercial, industrial, or institutional property, to the Board at

SaveWater.CA.Gov. The Board may use its enforcement authority to respond to violations of the regulation.

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

The prohibition on using potable water does not apply to all uses of water for construction activities, specifically it does not apply to “construction site preparation” when “no other method can be used or as needed to protect the health and safety of the public.” Examples of these exclusions, for which the use of potable water is not prohibited, include activities such as mold removal when potable water must be used; and mixing of concrete or other solutions where adherence to manufacturers' requirements necessitate use of potable water; or where contamination from non-potable water would be detrimental to the structure, material, equipment, and clean up.

Water suppliers

Water suppliers should follow and communicate to their customers the requirements above. Below is information that is relevant to water suppliers specifically.

What should small water suppliers (under 3,000 connections) do?

The State Water Board strongly encourages all water suppliers to continue doing all that they can for water conservation across California. While some emergency regulation requirements only apply to “urban water suppliers” (defined by state law as suppliers that provide water for municipal purposes either directly or indirectly to more than 3,000 customers or supplies more than 3,000 acre-feet of water annually), several requirements apply to all Californians regardless of whether they are served by an urban water supplier (see the table above for more information). However, all water suppliers may adopt more stringent conservation measures and are encouraged to develop their own progressive enforcement practices to promote conservation.

What are Level 2 water shortage demand response actions?

For most urban water suppliers, water shortage responses have been adopted in the supplier’s water shortage contingency plan and include actions intended to respond to a water shortage of 10 to 20 percent. Examples of Level 2 demand response actions include rebate programs, drought rate structures, expanded information campaigns, and restrictions on outdoor watering days and times. Suppliers are not required by the emergency regulations to implement supply augmentation actions identified in Level 2 of their water shortage contingency plan.

By when must urban water suppliers have implemented Level 2 water shortage demand response actions?

Urban water suppliers must have implemented their Level 2 demand reduction actions by June 10, 2022.

If a water supplier has adequate supply according to its supply and demand assessment, why is it required to implement Level 2 demand reduction actions?

The severity of this drought emergency makes it imperative that all Californians save water in every way possible. The drought emergency is statewide, and conservation is important to extend supplies so that more water is left for the future and for the environment. All water suppliers can support California's water resilience through additional conservation.

Are urban water suppliers required to implement all demand reduction actions in Level 2 of their plan?

Yes, urban water suppliers are required to implement all of their Level 2 demand reduction actions. However, they do not have to implement new residential connection moratoria if that is one of their Level 2 actions.

What if an urban water supplier has not adopted Level 2 water shortage response actions?

If an urban water supplier has not already complied with the preexisting requirement to submit a water shortage contingency plan to the Department of Water Resources, the supplier is required to, by July 10, 2022, implement the minimum demand reduction actions listed in the regulation: (1) a public information and outreach campaign, (2) a weekly watering schedule, and (3) a ban on water uses prohibited in the Board's January 2022 emergency regulation. These actions were adopted after considering suggestions from the Department of Water Resources and public comment.

Which suppliers may take alternative compliance actions?

Water suppliers may elect to implement the minimum actions required of suppliers that have not yet submitted water shortage contingency plans in lieu of implementing all Level 2 demand reduction actions in their water shortage contingency plan if they meet the following criteria: (1) their annual water supply and demand assessment demonstrates an ability to maintain reliable supply until September 30, 2023; (2) they do not rely on, for any part of their supply, the Colorado River, State Water Project, or Central Valley Project, and no more than 10 percent of their supply comes from critically overdrafted groundwater basins as designated by the Department of Water Resources; and (3) their average number of gallons of water used per person, per day by residential customers for the year 2020 is below 55 gallons, as reported to the Board in the Electronic Annual Report.

Are urban water suppliers required to implement Level 3 actions?

No, but Governor Newsom has encouraged all urban water suppliers to implement stronger actions than those identified in Level 2 of their water shortage contingency plans.

Are drought rate structures required?

Water suppliers are required to either implement drought pricing or enact a water waste ordinance (see Water Code sections 365-367). When implementing drought pricing, water suppliers should design rates or surcharges to incentivize conservation by high-use customers. Information on conservation pricing is available on the Board's [website](#).

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

No. This emergency regulation does not require specific enforcement. Local agencies or governments get to decide how to use their enforcement resources. They may choose to enforce their own drought conservation rules, including those in their water shortage contingency plans, as opposed to the Board's emergency regulations, but the emergency regulations give local agencies and governments additional options to address water waste and can assist with conservation messaging.

Where are instructions for urban water suppliers to submit preliminary annual supply and demand assessments?

Annual supply and demand assessments should be submitted to the Department of Water Resources. Instructions for submitting this information can be found on the Department of Water Resources [website](#).