Changes from the initially circulated regulation text are reflected in track changes and were discussed prior to Board Adoption. The deletion of section 991, subdivision (c) has been requested by the Office of Administrative Law as it does not include regulatory requirements; the substance of subdivision (c) is encapsulated in direction from the Board to Board staff in Resolution 2020-0009 at Resolved paragraph 5.

# PROPOSED TEXT OF REGULATION

## Title 23. Waters

## Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

## Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 1. Reporting

### § 990. Definitions

As used in this Article:

(a) “Board” means the State Water Resources Control Board.

(b) “Commercial agricultural use” means “agricultural use” as defined in Government Code section 51201, subdivision (b), including irrigation of land, irrigation within green houses, frost protection, and heat control. “Commercial agricultural use” does not include cleaning, processing, or other similar post-harvest activities.

(c) “Non-revenue water” means the portion of water consumption that is not billed and does not produce revenue. It is equal to the sum of the urban water supplier’s unbilled authorized consumption and apparent and real losses.

(d) “Commercial, industrial, and institutional” (CII) means all indoor and outdoor water used by all commercial water users, industrial water users, and institutional water users as respectively defined in Water Code, section 10608.12, subdivisions (e~~d~~), (i~~h~~), and (j~~i~~). CII includes agricultural water and landscape water used for parks, medians, and other outdoor areas associated with CII.

(e) “Percent residential use” is calculated by dividing the amount of water provided to the residential sector for the reporting month (not including non-revenue water) by the total potable water production for the reporting month.

(f) “Total potable water production” means all potable water that enters into a water supplier’s distribution system, excluding water placed into storage and not withdrawn for use during the reporting period and excluding water exported outsider the supplier’s service area during the reporting period. Total Potable Water Production includes all non-revenue waters.

(g) “Urban water supplier” means a supplier that meets the definition set forth in Water Code section 10617, except it does not include suppliers when they are functioning solely in a wholesale capacity. “Urban water supplier” does include suppliers when they are functioning in a retail capacity.

(h) “Water shortage response action level” means one of six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages and greater than 50 percent shortage, as defined in Water Code section 10632, subdivision (a)(3)(A).

Authority: Section1058, Water Code.

References: Article X, Section 2, California Constitution; Section 51201, Government Code; Sections 102, 104, 105, 350, 1122, 1123, 1124, 1846, 1846.5, 10617, and 10632, Water Code.

### § 991. Conservation and Use Reporting by Urban Water Suppliers.

(a) Each urban water supplier shall prepare and submit to the Board by the 28th ~~21st~~ of each month a monitoring report on forms provided by the Board. The monitoring report shall include the following information:

(1) The urban water supplier’s public water system identification number(s).

(2) The urban water supplier’s volume of total potable water production, including water provided by a wholesaler, in the preceding calendar month;

(3) The population served by the urban water supplier during the reporting period;

(4) The percent residential use that occurred during the reporting period;

(5) The water shortage response action level.

(b) When the governor declares a drought emergency, or when an urban water supplier invokes a water shortage level to respond to a shortage of greater than ten percent, consistent with Water Code section 10632; each urban water supplier shall prepare and submit to the Board by the 28th ~~21st~~ of each month an expanded monitoring report, on forms provided by the Board. The requirement to prepare and submit an expanded monitoring report shall remain in effect for the duration of the drought emergency or water shortage level, as applicable. The expanded monitoring report shall include the following information:

(1) Descriptive statistics on the urban water supplier’s achievement of its water contingency plan response actions, including supply augmentation, if any, and progress toward achieving a reduction in water consumption associated with the urban water supplier’s existing water shortage response action level;

(2) Communication actions;

(3) Compliance and enforcement actions.

~~(c) The reporting required by subdivision (a) of this section shall continue monthly until such time as the Board determines that an equivalent or more comprehensive reporting system exists that addresses the same need for time-sensitive data. The Board may allow less frequent reporting. Each urban water supplier shall continue monthly monitoring and data collection identified in this section irrespective of the reporting interval required by the Board.~~

(~~d~~c) Each urban water supplier that provides potable water for commercial agricultural use may subtract the amount of water provided for commercial agricultural use from its potable water production total, provided that any urban water supplier that subtracts any water provided for commercial agricultural use from its total potable water production shall clearly identify what water use qualifies as commercial agricultural use.

~~e~~d) The Executive Director, or the Executive Director’s designee, may issue an order to any urban water supplier that fails to submit the information required by this section, requiring the urban water supplier to provide the information by a specified date. Failure to provide the required information as identified in an order issued pursuant to this subdivision, or the submission of any information pursuant to an order issued pursuant to this subdivision that is found to be materially false by the Board, is a violation, punishable by civil liability of up to one thousand dollars ($1,000) for each day in which the violation occurs. Every day that the failure or error goes uncorrected constitutes a separate violation. Civil liability for the violation is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(~~f~~e) A decision or order issued under this section by the Board or an officer or

employee of the Board is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Sections1058, 10609.28, Water Code.

References: Article X, Section 2, California Constitution; Section 51201, Government Code; Sections 102, 104, 105, 350, 1122, 1123, 1124, 1846, 1846.5, 10617, and 10632, Water Code.