

Proposal to Achieve 25% Urban Conservation

Frequently Asked Questions

On April 1, 2015, the Governor issued an Executive Order that directed the State Water Board to implement mandatory water reductions in cities and towns across California to reduce potable urban water usage by 25 percent statewide. This amounts to approximately 1.3 million acre-feet of water over the next nine months, or nearly as much water as is currently in Lake Oroville. The State Water Board is committed to expedited development of the requirements to implement the Governor's directive.

I. Executive Order

a. What is the schedule for the State Water Board's development and adoption of emergency regulations requiring 25% potable urban water use reductions (provisions 2, 5, 6, and 7)?

The State Water Board is expediting the development and adoption of emergency regulations to implement the new restrictions and prohibitions contained in the Governor's April 1, 2015 Executive Order as follows:

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| • Governor issues Drought Executive Order | April 1, 2015 |
| • Notice announcing release of draft regulatory framework and request for public comment | April 7, 2015 |
| • Notice announcing release of draft regulations for informal public comment | April 17, 2015 |
| • Emergency rulemaking formal notice | April 28, 2015 |
| • Board hearing and adoption | May 5 or 6, 2015 |
| • OAL approval | May 15 (estimated) |

There will be several opportunities for stakeholder involvement prior to the release of the formal notice of emergency rulemaking. The first opportunity follows the release of a Proposed Regulatory Framework and the second will follow the release of draft a regulation. We do not plan on holding any hearings or workshops ahead of the Board Meeting on May 5-6.

The Fact Sheet and Proposed Regulatory Framework, released on April 7, 2015, can be found at http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/emergency_mandatory_regulation_s.shtml under the "Documents" tab.

b. Will Investor Owned Utilities (IOUs), regulated by the California Public Utilities Commission (CPUC), be subject to the same requirements as public water suppliers?

The State Water Board has jurisdiction to issue regulations that are binding on both public water suppliers and private water suppliers (IOUs) regulated by the CPUC. However, the CPUC has adopted special drought rules for the IOUs that will need to be modified and activated for the IOUs to meet the reduction mandates set by the Board.ⁱ The CPUC has a meeting scheduled for May 7 when it might adopt the Board's regulation for the IOUs.

c. Do the mandatory conservation requirements affect areas irrigated with recycled water?

The Governor's Executive Order only applies to potable water use. Areas irrigated with recycled water will not be affected.

d. If I am a homeowner with a private well, will I be required to reduce my water use by 25%?

The 25% conservation requirement is proposed to be met primarily through standards imposed on water suppliers. Private well owners that do not receive water service however are, like all Californians, subject to the individual prohibitions contained in the existing emergency regulations and Executive Orders. These restrictions that apply to everyone include:

- Using potable water to wash sidewalks & driveways;
- Causing runoff when irrigating with potable water;
- Using hoses with no shutoff nozzles to wash cars;
- Using potable water in decorative water features that do not recirculate the water;
- Irrigating outdoors during and 48 hours following measurable precipitation;
- Irrigating ornamental turf with potable water in street medians; and
- Irrigating outside of newly constructed homes without drip or micro-spray delivery systems.

e. If a commercial or industrial business is using a private well, will it be required to cut water use?

Provision 5 of the Executive Order directs the State Water Board to require businesses and institutions to implement water efficiency measures. Businesses and institutions using private wells are not covered by the restrictions placed upon businesses and institutions that are customers of water suppliers. The Board is considering recommendations for how to ensure that businesses and industries on private wells also achieve reasonable conservation targets.

f. How is a “median” defined?

The Executive Order prohibits “irrigation with potable water outside of ornamental turf on public street medians.” The Executive Order does not include a specific definition of a median, but a median is commonly considered to be a strip of land between street lanes. In some cases, discretion and reasonable judgment will need to be exercised in determining whether certain areas are considered medians and subject to a regulation adopted by the Board. We also urge urban water suppliers and municipalities to stop irrigating non-functional ornamental turf, such as strips bordering street lanes.

g. How does the ban on new sprinklers - other than drip or microspray - affect new athletic fields or parks?

The Executive Order prohibits irrigation with potable water “outside of newly constructed homes and buildings” unless drip or microspray irrigation is used. This prohibition does not extend to new athletic fields and parks. However, the State Water Board is interested in hearing whether this restriction should be extended in the regulations to non-municipal parks, athletic fields and other green spaces constructed as part of a private development project. These projects could be developed, using drought tolerant landscaping, turf on subsurface drip irrigation, or artificial turf.

h. How does the State Water Board plan to implement Provision 8 of the Executive Order which calls for direction to develop rate structures and other mechanisms to reduce water use?

Provision 8 directs the Board to work with water agencies and state agencies to identify mechanisms that will encourage the adoption of rate structures and other pricing mechanisms to maximize conservation. Regulations may or may not be needed to implement this provision. The Board does not have a set date for taking action on this provision, but is moving quickly to identify the most promising mechanisms and find feasible implementation pathways. Discussions are now underway with water agencies and other experts about the financial, technical, political, and legal challenges associated with changing rates, surcharges, and other fees. The Board intends to work with all parties, including the Legislature, to make rates and pricing an important element of short-term and longer-term conservation strategies.

i. How will the State determine what constitutes an underserved community for funding landscape rebates?

Contact the Department of Water Resources for questions regarding actions directed to the Department in the Executive Order.

j. Will local government jurisdictions (e.g. cities and counties) be required to report on their water use and conservation efforts?

The 25% potable urban water use reduction requirement and associated reporting applies to water suppliers, not subdivisions of local government.

II. Proposed Regulatory Framework

a. Will communities be rewarded if they are already using less water?

Yes, communities with lower per capita water use will benefit from a lower future required reduction in water use. Communities with higher water use will be required to do more.

b. Will credit be given for investments in recycled water and desalination?

The Executive Order mandates a 25% statewide reduction in potable urban water use. Recycled water not treated to potable standards is not included in the potable water savings mandate. Desalinated water is potable water and is included in the total potable production that must be reduced. The Board is evaluating suggestions for recognizing prior water supply investments; however, the Board must enact an emergency regulation that will achieve the Executive Order's mandate of a 25% statewide reduction in potable urban water use.

c. If I live in a hot climate, will I have enough water to maintain my landscaping?

In this fourth year of devastating drought conditions, many Californians will have to make real lifestyle changes in order to conserve water for what could be an extended drought. We cannot predict what the next rainy season will bring. To preserve water to meet basic indoor needs such as toilet flushing, showers, clothes washing, food preparation and cleanup, outdoor water use will have to be substantially reduced. Residents in hotter climates use more water. This water use is in large part to support outdoor ornamental landscapes. Residents in warmer regions of the State are encouraged to convert to a drought tolerant landscape when cooler weather and rains arrive in the fall; however, summertime watering will need to be greatly reduced in order to reduce potable urban water usage by 25%. Keeping trees alive and letting turf go brown is encouraged. For tips on how to conserve, visit www.saveourwater.com.

d. What reporting is required once the mandatory conservation requirements go into effect?

The Proposed Regulatory Framework suggests new reporting requirements for water suppliers to assess the contributions of the CII sector towards reducing water use. These CII sector specific reporting requirements are in addition to the monthly reporting required in the existing Emergency Conservation Regulation. Under the existing regulations, urban water suppliers must report on:

- Monthly potable water production;
- Residential gallons per capita per day; and
- Compliance and enforcement efforts

The Proposed Regulatory Framework also includes a one-time report for water suppliers serving 15-2999 water connections (currently not required to report). This report would include:

- Potable water production from June-November 2013 and June-November 2015;
- The number of days per week outdoor irrigation is allowed and other restrictions implemented to achieve a 25% potable water use reduction; and
- Specific restrictions on CII sector use.

e. Who will enforce the required reductions in water use?

The State Water Board is primarily responsible for enforcing the required reduction in water use. The Proposed Regulatory Framework describes existing and suggested enforcement tools that could be used alone, or in combination, to address the following compliance problems:

- Failure of water suppliers to file reports as required by the regulation;
- Failure to implement prohibitions and restrictions as described in the Governor's Executive Orders and the emergency regulation; and
- Failure of water suppliers to meet the assigned water use reduction target.

Violations of prohibited and restricted activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. In many areas, local water suppliers have additional compliance and enforcement authorities that will continue to be used to address water waste,

f. Over what period of time will the State consider compliance with the required reduction?

To determine if urban water suppliers (those with over 3,000 service connections) are meeting required use reductions, water production data, as reported by each individual water supplier for the months of June 2015 through February 2016, would be compared to the same period(s) in 2013. Given the severity of the current drought, the Proposed Regulatory Framework suggests to assess suppliers' compliance for both monthly and cumulative water usage reductions. The Proposed Regulatory Framework also looks at tracking water use by smaller water suppliers.

g. Will businesses and industry be required to reduce the amount of water needed for manufacturing and other purposes?

There are no specific percentage reductions assigned to any sector of a water supplier's service area. Under the proposed framework, each affected water supplier will be required to reduce their total potable water production by a specified percentage. Water suppliers will determine locally the actions that they will take to ensure that their commercial, industrial and institutional sectors are contributing to meeting these requirements and in what amounts. For many commercial, industrial, and institutional water users, we envision that the majority of their water savings would be achieved through a reduction in outdoor water use and improved efficiency.

h. Will hospitals and health care facilities be required to reduce their water use?

Similar to the question above, there is no specific percentage reduction assigned to any sector of a water supplier's service area. Under the proposed framework, each affected water supplier will be required to reduce their total potable water production by a specified percentage. Water suppliers will determine locally the actions that they will take to ensure that they are meeting these requirements. Regardless, institutions, such as hospitals, should evaluate whether a reduction in outdoor irrigation use could produce significant water savings.

ⁱ See: http://www.cpuc.ca.gov/NR/rdonlyres/DF07FD1A-2FA6-411D-A03C-8A1DADA9B941/0/Standard_Practice_U40W_2014_wo.pdf for a description of the CPUC drought rules.