



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Issued: January 1, 2023

**ORDER DDW_HQ_DROUGHT2023_001 REQUIRING
TECHNICAL REPORTING IN RESPONSE TO DROUGHT**

The State Water Resources Control Board (State Water Board), acting by and through its Division of Drinking Water (Division), and pursuant to California Health and Safety Code section 116530, hereby issues Order No. DDW_HQ_Drought2023_001 (Order), as set forth below.

FINDINGS AND AUTHORITIES

1. **WHEREAS** the California Legislature found and declared in Senate Bill 552, signed into law by Governor Gavin Newsom on September 23, 2021, that “droughts are predicted to become more frequent, longer, and more severe as climate change progresses, putting drinking water supplies at risk of running dry or becoming contaminated,” that “there are currently varying levels of water contingency planning and coverage across counties for small water suppliers and self-supplied communities, leaving hundreds of thousands of people at risk of going without water to meet their basic household and drinking water needs during the next drought,” and that “California

can take basic steps to implement more proactive drought planning that would benefit the communities most at risk, and by doing so help prevent catastrophic impacts on drinking water for the communities most vulnerable to the impacts of climate change.”

2. **WHEREAS** on October 19, 2021, Governor Gavin Newsom issued a Proclamation of a State of Emergency declaring that California is in a second consecutive year of dry conditions, resulting in drought throughout the state and extreme or exceptional drought in most parts of the state, and that these extreme conditions present a significant risk of water shortages in communities.
3. **WHEREAS** since Governor Newsom’s State of Emergency Proclamation was issued, the drought situation worsened, with January, February, and March of 2022 having the least rain and snow in over a century of state records for these months, resulting in the Governor’s proclamation on March 22, 2022, stating that California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State.
4. **WHEREAS** the National Oceanic and Atmospheric Administration (NOAA) has predicted a 76% chance of La Niña conditions, which means the jet stream shifts north over the Pacific Northwest, leading to warmer and drier-than-average conditions in California, making a fourth year of drought likely.
5. **WHEREAS** Senate Bill 552 requires small water suppliers and non-transient non-community schools to enhance their advance drought planning. This includes reporting requirements under Water Code Section 10609.61 for water supply condition information, including but not limited to the following: inventory and assessment of sources, source delivery parameters such as flow rate and total volume available,

water system monthly total demand, and average and peak flowrate demand. Senate Bill 552 also requires, by January 1, 2023, subject to funding availability, the implementation of monitoring systems sufficient to detect production well groundwater levels.

6. **WHEREAS** all public water systems are already reporting supply and demand in the Electronic Annual Report, and the Board desires to reduce duplicative reporting.
7. **WHEREAS** urban water suppliers started monthly reporting of conservation and usage on October 1, 2020, in accordance with section 991 of title 23 of the California Code of Regulations.
8. **WHEREAS** public water systems are required at all times to have source capacity available to meet their maximum day demand, in accordance with section 64554 of title 22 of the California Code of Regulations.
9. **WHEREAS** existing law requires public water systems to install a flow meter at a location between each water source and the entry point to the distribution system, measure the quantity of water flow from each source, and record the total monthly production thereof, per section 64561 of title 22 of the California Code of Regulations.
10. **WHEREAS** in response to the drought, the Division developed a data model to assist Division staff in identifying public water systems at risk of future water shortages. The model considers multiple factors including but not limited to: system size, number of sources, source type, location, groundwater basin status, surface water availability, source capacity violation history, risk assessment score, and water system self-reported drought risk in the Electronic Annual Report.

11. **WHEREAS** using the reported data, data model, and staff expertise, the Division determined that certain public water systems are at risk of future water shortages.

12. **WHEREAS** California Health and Safety Code section 116530 authorizes the State Water Board to require a public water system to submit a technical report in a form and format and at intervals specified by the State Water Board, which may include without limitation: water quality information, physical descriptions of the existing water system, information related to drinking water accessibility, and information related to technical, managerial, and financial capacity and sustainability.

13. **WHEREAS**, to reduce duplicative reporting requirements, all community water systems and non-transient non-community water systems that are schools are subject to the requirements of this Order.

DIRECTIVES

THEREFORE, the State Water Board hereby orders that community water systems and non-transient non-community water systems that are schools comply with the following directives:

1. No later than the end of the month following the end of each quarter, submit to the Division the system's Monthly Drought and Conservation Reports containing data for the previous quarter. The first calendar reporting period includes January, February, and March 2023 and is due on April 30, 2023.
2. The contents of the Monthly Drought and Conservation Reports shall consist of responses to the technical questions available at drought.waterboards.ca.gov. The technical questions relate to, among other things, public water systems' sources

and supplies, drinking water demand, forecast water shortages, demand reduction measures, and efforts to augment supplies to meet current demand. The Monthly Drought and Conservation Report questions set forth at <https://drought.waterboards.ca.gov> are incorporated by reference and made a part of this Order.

3. Public water systems subject to this Order shall submit the Monthly Drought and Conservation Reports using the web-based reporting tool at drought.waterboards.ca.gov, also referred to as the SAFER Clearinghouse.

Changes to Reporting Frequency

4. If the Division determines a public water system - including a public water system subject to this Order - is experiencing or is at-risk of experiencing a severe water shortage, the Division may require additional drought reporting submitted more frequently. If a public water system is notified by the Division to increase its reporting frequency, a public water system shall submit a Drought Order Report on a weekly and/or monthly basis in lieu of their Monthly Drought and Conservation Report.

Public water systems required to submit Monthly Drought Order Reports shall submit their report no later than seven days after the end of the monthly reporting period. Monthly reporting periods begin on the first day of the month and ends at the last day of the month. Public water systems required to submit Weekly Drought Order Reports shall submit their reports no later than seven days after the end of the weekly reporting period. Weekly reporting periods begin on Sunday and end the following Saturday.

5. Systems are selected for Weekly and/or Monthly Drought Order Reporting using reported data, modeling, and staff experience and expertise. The Division will regularly assess systems for reduced reporting and notify a public water system when such is warranted. A public water system that is ordered to conduct Weekly and/or Monthly Drought Order Reporting may seek the Division's review of its determination that the system is experiencing or will imminently experience a severe water shortage by emailing the Division at ddw-drought@waterboards.ca.gov and providing supporting information.
6. If the Division determines a water system is no longer required to submit Weekly and Monthly Drought Order Reports, the water system must still submit Monthly Drought and Conservation Reports on a quarterly basis (see paragraphs 1 and 2 above).

PREVIOUS DROUGHT REPORTING ORDERS

The drought reporting order previously issued by the Division in July 2022, DDW_HQ_D22_001, is hereby rescinded.

AMENDMENTS TO THIS ORDER

The State Water Board reserves the right to make modifications to this Order as it may deem necessary. Such modifications may be issued as amendments to this Order or changes to the SAFER Clearinghouse webpage.

FUTURE TECHNICAL REPORTING ORDERS

By issuing this Order, the State Water Board does not waive its authority to issue individual technical reporting orders to public water systems.

PARTIES BOUND

This Order shall apply to and be binding upon the public water system and its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

If any provision of this Order is held invalid or the application that provision to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Order that can be given effect without the invalid provision or application, and to this end the provisions of this Order are severable.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Water Board to issue a citation with monetary penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder. Failure to comply with this Order may subject the System to a citation with monetary penalty.

The California SDWA also authorizes the State Water Board to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any enforcement action by issuance of this Order.



Darrin Polhemus, Deputy Director
Division of Drinking Water

January 1, 2023

Date