



The New Emergency Water Conservation Regs - What They Mean to You

California Association of Mutual Water Companies
Quarterly Roundtable - May 8, 2015

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Where we are:

- Worst drought in recorded history
- Worst drought in 1,200 years (tree ring data)
- 2013 = driest year on record for California
- 2014 => significantly decreased snowpack
- Groundwater levels in significant decline
- Reduced SWP allocations
- Colorado River Basin ongoing drought

Natural Storage - Part One



Natural Storage - Part Two



Timeline:

- January 17, 2014 - initial proclamation by Gov. Brown
- April 25, 2014 - second proclamation by Gov. Brown
- July 15, 2014 - State Water Board Regulations issued
- March 17, 2015 - State Water Board Regs. extended and expanded [effective March 27 on OAL approval]; valid through Dec. 23, 2015
- April 1, 2015 - Gov. Brown's "25%" Executive Order
- Since April 1 . . . May 5 - State Water Board approves revised Regulations to implement Executive Order

How the Regs. Apply

Three Categories:

1. General Public

2. Urban Water Suppliers

- Water Code Section 10617
- Wholesalers

3. Not Urban Water Suppliers

General Public

- No sprinkler/irrigation overspray or runoff
- No washing of driveways, sidewalks or other pavement
- No car washing except with shut-off nozzle
- No fountains unless recirculating system
- No irrigation during and within 48 hours after measurable rainfall (added by March 17 regs.)
- Outdoor irrigation for landscaping in new construction must meet new Bldg. Standards Commission & DHCD regulations (added by May 5 regs) [revised from EO's only drip or microspray irrigation]

General Public - Commercial Businesses - March 17 Regs.

- Restaurants, etc. - water only if you ask for it
- Hotels, motels, etc. - provide option of not to have towels and linens laundered daily; notice of that
- No irrigation with potable water of ornamental turf on public street medians

Urban Water Suppliers

- Initial Regs:
 - Implement Water Shortage Contingency Plan stage for mandatory restriction on outdoor irrigation; or 2 days per week if no WSCP
 - Monitoring Report by 15th of each month - production and gallons of water used per person per day
- March 17 Regs:
 - Promptly notify customers of leaks [added]
 - Outdoor irrigation limitation is mandatory - as set forth in WSCP, or 2 days per week
 - Reporting includes the number of days to which outdoor irrigation is limited; must describe compliance and enforcement

Urban Water Suppliers (cont'd.)

April 1 Executive Order and Following Regs:

- Required cutbacks in accordance with “Tier Report” - from 4% to 36% of 2013 amounts
 - Production-based - “total potable water production”
 - Residential gallons per capita per day
- Reporting expanded - break down the percentage supplied for residential use and monthly commercial, industrial and institutional use
- Special provision for potable water supplied by urban water supplier for commercial agricultural use

Small Water Suppliers

- Limit outdoor irrigation use to not more than 2 days per week; or
- Implement other conservation measures to achieve a comparable reduction in water consumption
 - March 17 Regs: “other conservation measures” must be designed to achieve a 20% reduction
- May 5 Regs:
 - Limit outdoor irrigation to not more than 2 days per week; or Reduce potable water production by 25% as compared to 2013 production.
 - Added one time report by Dec. 15, 2015 - either confirm compliance with 2 day per week irrigation limitation; or report potable water production by month for June-November 2015 and June-November 2013

Enforcement

- General Public - fines of up to \$500 per day provided for in Regs.
 - Who can enforce?
 - Mutual water companies?
- Water Suppliers = progressive discipline
 - Compliance measured monthly and assessed cumulatively
 - Likely to progress from informal letter to cease and desist order
 - New requirement for informational order
 - Fines can range from \$500 per day to \$10,000 per day

Tiered Rate Issues

- *Capistrano Taxpayers Association v. City of San Juan Capistrano*
 - Proposition 218 Case
 - Not applicable to mutual water companies
- Mutual Water Company definition
 - Application to tiered rates?
 - Bylaw provisions

QUESTIONS

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