

City of Glendora



Emergency Drought Response Plan

Approved: May 26, 2015

Introduction

The Emergency Drought Response Plan (Plan) provides the framework in which Glendora will take action to meet compliance with Executive Order B-29-15, included as Attachment A. The Executive Order in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016. On May 5, 2015 the State Water Board adopted Resolution 2015-0032, included as Attachment B.

The use of a Residential Gallons per Capita Day (R-GPCD) is the central measuring point for how the Water Board will view compliance by the individual water suppliers. The Board suggests the following equation for estimating monthly R-GPCD:

$$\text{R-GPCD} = [(\text{TMP} * \text{PRU} * \text{C}) / \text{TPS}] / \text{number of days in the month}$$

Where: TMP=Total Monthly Potable Water Production in Gallons
 PRU=Percent Residential Use
 C=Unit Conversion Factor
 TPS=Total Population Served

Unit Conversion Factors	
If your Total Monthly Potable Water Production (TMP) is in:	Use this Unit Conversion Factor (C)
Gallons (G)	1
Hundred Cubic Feet (CCF)	748

Table 1

Water suppliers were assigned a conservation standard that ranges between 4% and 36% (Table 2) based on their R-GPCD for the months of July – September, 2014. These three months reflect the greatest amount of water used for summer outdoor irrigation, which according to the State Water Board provides the greatest opportunity for conservation savings. Glendora’s R-GPCD calculates to 241.9 (Table 3) placing it in Tier 9 mandating a 36% reduction by February 2016.

Tier	R-GPCD Range		# of Suppliers in Range	Conservation Standard
	From	To		
1	reserved		0	4%
2	0	64.9	23	8%
3	65	79.9	24	12%
4	80	94.9	44	16%
5	95	109.9	51	20%
6	110	129.9	48	24%
7	130	169.9	82	28%
8	170	214.9	54	32%
9	215	612.0	85	36%

Table 2

City of Glendora R-GPCD:

Report Month (2014)	Monthly Production (gal)	Residential Percentage (%)	Population	Days	R-GPCD
July	440,000,000	85%	48,200	31	250.30
August	460,428,066	80%	48,200	31	246.51
September	389,392,455	85%	48,200	30	228.90
Average:					241.9

Table 3

In order to comply with the 36% water reduction, the Emergency Drought Response Plan must apply a multi-faceted approach encompassing the following:

- Public Outreach
- Rebate Program
- Water Conservation Staffing
- Enforcement Tools
- Capital Projects
- Budget

Public Outreach

A key element towards accomplishing the challenging task of meeting a 36% water reduction is engagement from our water customers; residential and commercial, industrial and institutional (CII). From past efforts we have seen that Glendora’s water customers are willing to step up to the plate once they have been made aware of the situation and new regulations.

Success of the Plan will largely be dependent on public awareness. The plan includes the following elements geared towards providing customers with necessary information:



Direct Outreach:

Working with the Finance Department, Water Conservation will identify the highest residential and CII water users and reach out to each of these users individually and present them with a summary of the drought situation, the new regulations and assistance available including Water Use Efficiency audits (WUE) and the available rebate program. Cooperation from the highest water users is essential, with them lays the greatest opportunity for water reduction.

Water Use Efficiency Audit

The WUE is available not only to high use water customers, but to any customer who makes the request. Water Use Efficiency Audits are designed to provide residents and business owners with conservation tips and techniques for interior and exterior water use. The audit is performed by conservation staff free of charge and normally takes 30 to 45 minutes to complete. The WUE includes the following measures:

- Review of outdoor irrigation
- Identification of any leaks or broken sprinklers
- Review of indoor appliances
- Information on the Rebate Program and Turf Removal

Glendora Report

The Glendora Report will be utilized as an outlet for informing water customers of the new regulations, availability of WUE Audits, the rebate program and turf removal program.

Social Media:

- “Water Wednesday” – IT staff will update all the social media outlets each Wednesday with a water conservation tip or promotion.
 - The marquee will be updated to show water tips each week
- “How to” videos will be posted, i.e. “How to read your water bill”



Website:

- Previously the Water Conservation Page was a subpage located under Water. For ease of finding this information, the Water Conservation Page continues to be under Water, but has also been added as its own page found under Departments & Services along with the Resident and Business button links.
- The website will feature an R-GPCD calculator, providing customers with their approximate R-GPCD based on their usage data entered.
- Water Conservation will be featured on the Home Page:
 - “Water Wednesday” will be included “In the Spotlight”
 - Direct button at the bottom of the page.
- Water Conservation has been issued a friendly URL for use in print:
www.CityofGlendora.org/WaterConservation

Marketing Materials:

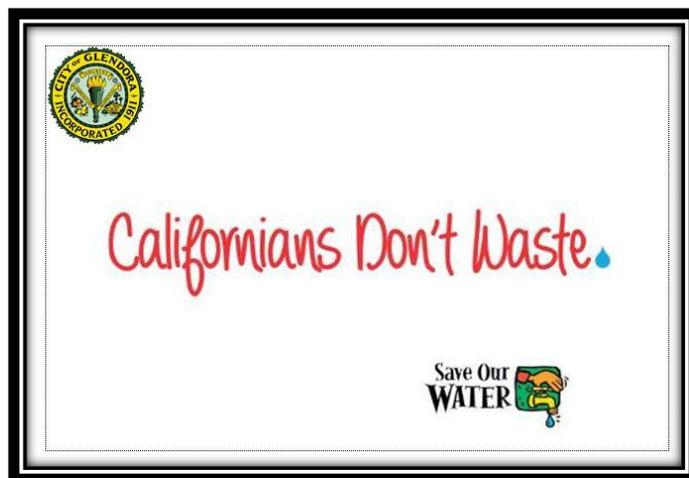
- Informational flyers will be mailed to all water customers, residential and CII.
- Information flyers will be available at all City facilities.
- A marketing firm may be engaged to create informational brochures:
 - New metering system
 - Turf removal
 - Rebates/MWD funds
 - Water class announcements
 - Two Town Hall meetings

Conservation Seminars:

- Seminars will include the following topics:
 - Residential conservation
 - Rebate program
 - Water 101
- Schedule
 - First meeting in June 2015
 - Additional meetings based on participation and demand

Special Classes:

- Landscape classes
- Local vendors will be requested to hold turf removal courses
- Discussion on new regulations and/or to review the water system and dispel myths.



Rebate Program

The City has been a leader in offering generous rebates encouraging water customers to replace less water efficient devices and to landscape with more efficient devices or landscape plans. The Rebate Program also serves as an economic development tool, requiring products to be purchased in Glendora, which supports local businesses and keeps sales tax in the City.

Table 4 summarizes the existing program offered by MWD and the City of Glendora and exemplifies the benefits received by customers in their final net price of product. Between 2009 and 2014 the Rebate Program has had the following impacts:

- 1,835 Water customers have participated in City rebate program;
- \$337,405 City funds given back to the consumer through the rebate program;
- 20,493 Water efficient devices have been installed;
- 210,275 Square feet of turf removed.

Glendora’s Current Rebate Program:

Product / Program:	Sample Retail Price:	Glendora Rebate:	MWD Rebate:	Combined Rebate	Estimated Net Cost:
High Efficiency (HE) Toilet (1.28 gpf or less)	\$150.00	\$50.00	\$100.00	\$150.00	\$0.00
Energy Star HE Clothes Washer (5.8 Water Factor or less)	\$650.00	\$50.00	\$85.00	\$135.00	\$515.00
Energy Star Dishwashers (5.8 gal or less)	\$500.00	\$50.00	NA	\$50.00	\$450.00
Weather Based Irrigation Controllers	\$250.00	\$125.00	\$80.00	\$205.00	\$45.00
Drought Tolerant Landscape Options and Turf Removal** (per square foot)	wide variation	\$0.50 - \$2.00	\$0.00 - \$2.00	\$0.50 - \$4.00	wide variation

MWD is a separate program not administered or controlled by the City of Glendora, terms of the MWD program are subject to change and limits may apply. **Table 4**

Moving forward, the Rebate Program is expected to grow in demand as customers desire to find ways to reduce water consumption. In order to be as comprehensive as possible, the Plan recommends expanding the current Glendora Rebate Program through the following changes:

Additional Qualifying Products:

- Rain Barrel – Rebate at \$50
- Pool Cover - Rebate at 100
- Smart Controller - Rebate at \$125
- Synthetic Turf – increase rebate from \$2 to \$3; up to 1,500 square feet
- Non-irrigated Groundcover (rocks, mulch, etc.)
Increase rebate from \$0.50 to \$1 per square foot; up to 3,000 square feet.

Turf Removal:

- \$2/Square Foot up to 1,500 square feet (currently at \$2/Square foot up to 1,000 square feet).
- \$200 toward the services of a licensed landscape architect to assist in the design and selection of qualified drought tolerant plants.



Increase Funding:

The Plan recommends increasing the 2014-15 fiscal year (FY) budget assigned to rebates by \$50,000 and doubling the rebate funding from \$250,000 to \$500,000 for the 2015-16 FY.

Institutional Incentive Program

Many of the largest users in our system are the K-12 school sites. While these districts have been working just as hard as the City itself in implementing conservation programs, we believe that together we can assist some, if not all the sites within our system by offering two programs:

- Weather based control systems or the required funding for the systems;
- Offer a grant to each school site to provide an on-site conservation garden that would replace turf, this conservation garden can also be implemented into their educational curriculum. These grants would be up to \$2.50 per square foot with a maximum funding for 2,000 square feet turf removed.

Water Conservation Staffing

The Plan depends greatly on public awareness which will primarily be delegated to Water Conservation staff. There is expected to be a large increase with demands for the WUE audits, city patrolling, rebate processing and turf removal administration and inspection. In order to efficiently facilitate the increase demand, the Plan proposes for an increase in staff to include:

- Water Conservation Officers – One full time and two part time positions.
- One Full Time Conservation Management Analyst
- One Full Time Senior Office Assistant

These positions will be added as “temporary” positions with a two year assignment given the existing drought situation. A description of water conservation staff duties is included as Attachment C. The cost for these four positions will be \$260,501. If the drought continues and there is a need to extend them beyond two-years, a request would be made to the City Council for authorization.

Enforcement Tools

Urgency Ordinance 1996

The adoption of Urgency Ordinance 1996 will amend the municipal code so that these programs and strategies can be implemented under a Governor’s Executive Order or regulations promulgated by a State Agency during emergency water drought conditions. The provisions of the Ordinance are intended to eliminate conflict with any existing code and will become effective immediately upon the effective date of a Resolution by the City Council establishing emergency drought conditions exist. The Ordinance and Resolution CC 2015-21 include the following regulations above and beyond regulations currently followed under Stage 1 water conservation measures:

- All residential users, inclusive of single family, and multi-family 2-4 units shall reduce their water consumption to at least the R-GPCD reflected in Table 5, which is the state mandated 36% consumption reduction level as compared to the same billing month from the year 2013 with an additional reduction factor of 5%. Residential users already at or below the target figures shall reduce their consumption by 10% as compared to the same billing cycle the year prior.

Report Month	2013 R-GPCD	2015-2016 Target R-GPCD
June	239.83	145.82
July	257.70	156.68
August	266.23	161.87
September	236.94	144.06
October	215.77	131.19
November	174.92	106.35
December	143.29	87.12
January	114.93	69.88
February	136.48	82.98
March	163.11	99.17
April	189.46	115.19
May	239.37	145.54
Residential users already below the target R-GPCD shall reduce their usage by 10% as compared to the same billing cycle the prior year.		

Table 5

Since the water billing statements cover a two month period, average the target R-GPCD of the two months in the billing cycle to determine the R-GPCD.

- All non-residential users with landscape areas greater than 500 square feet shall be required to reduce their consumption by 25% less than the consumption as compared to the same billing months from the year 2013;
- All non-residential users with no or landscape areas at or under 500 square feet shall be required to reduce their consumption by 10% less than the consumption as compared to the same billing months from the year 2013;
- All outdoor ornamental turf watering shall be limited to no more than two days a week and not more than 10 minutes at each water station per day;
- To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:
 - (a) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
 - (b) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
 - (c) The application of potable water to driveways and sidewalks;
 - (d) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;
 - (e) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;
 - (f) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;
 - (g) The irrigation with potable water of ornamental turf on public street medians; and
 - (h) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.
- All operators of hotels, motels, or other commercial establishments offering lodgings shall provide guests with the option of choosing not to have towels and linens laundered daily. The operators of these facilities shall prominently display notice of this option in each guestroom using clear and easily understood language and ensure such notices are maintained;

- That the City Manager or his designee is hereby authorized to implement all necessary measures or actions mandated or required to meet water conservation mandates imposed by the California State Water Resources Control Board or other State agencies without any further action by the City Council. All such actions shall be reported to the city council for adoption by resolution prior to implementation.
- Glendora Municipal Code Section 21.03.060 Water-Efficient Landscaping will be deleted and repealed in its entirety. A new Section 21.03.060 will be added, adopting by reference the California State Model Water Efficient Landscaping Ordinance (AB 1881), and any amendments thereto, as the law of the City. Act (AB 1881) as it may be amended from time to time by the State of California. The California State Model Water Efficient Landscaping Ordinance requirements shall apply to the following in addition to the applicable requirements of the California State Model Water Efficient Landscaping Ordinance:
 - (a) New and rehabilitated landscapes for private projects with a landscape area requiring any permit or application for approval from the City of Glendora.
 - (b) Any private project involving either the development of a new detached structure equal to or larger than 500 square feet in area.
 - (c) Any private project involving the addition to an existing structure shall replace their landscape on a 2:1 basis, for example a 500 square foot addition shall require a 1,000 landscape replacement which can include the landscape removed for the footprint of the addition being permitted. The project applicant shall be deemed compliant with this section upon presenting certification by a by a licensed landscape architect that the landscape to be replaced replacement area is already compliant with the most recent State Model Water Efficient Landscape Ordinance.
 - (d) All new residential construction, new roof installations, patio covers and additions, or when the building permit valuation for remodeling meets or exceeds \$25,000 as established by the most recently adopted Master Schedule of Fees for Service, a minimum of two 50 gallon rain barrels shall be installed to capture roof rainwater runoff. The rain barrel capacity must be sufficient to capture the first $\frac{3}{4}$ inch of rain from the roof of the structure, or another means of retaining the water onsite must be approved by the Building Official. A roof drainage system, such as roof gutters, roof drains or scuppers directing the runoff to the rain barrels is required. The method for capturing the roof runoff is to be approved by the Building Official or his/her designee. Solar photovoltaic systems, mechanical, electrical and plumbing permits are exempted from this requirement;

(e) All property owners of existing single-family and 2-4 unit residential structures shall install a minimum of two 50 gallon rain barrels to capture roof rainwater runoff. The rain barrel capacity must be sufficient to capture the first ¼ inch of rain from the roof of the structure, or another means of retaining the water onsite must be approved by the Building Official by June 2017. A roof drainage system, such as roof gutters, roof drains or scuppers directing the runoff to the rain barrels will be required. The method for capturing the runoff is to be approved by the Building Official or his/her designee.”

Water Conservation Field Work

While the focus of this Plan will be to encourage customers to voluntarily participate in conservation, and while we do anticipate a significant increase in participation of our rebate program and water use efficiency audits, field observations with staff conservation patrols will be a necessary component to address customers that may not be proceeding with conservation. Water conservation officers will need to expand field observations to ensure compliance with state regulations and conservation targets. The hiring of additional conservation officers is critical for us to be effective in interacting with our customers collaboratively and interceding early with problems, especially those occurring during non-traditional work hours. A sample schedule of conservation patrol is included in Table 6 below, keep in mind the schedule is subject to change to allow flexibility for management to ensure highest efficiency and effectiveness. Conservation officers will issue a courtesy warning notice to first time offenders with a citation given to repetitive violators.

Conservation Officer	Days of Patrol	Hours
Full Time Officer 1	Monday through Friday	9am – 3pm
Full Time Officer 2	Monday through Friday	10am – 4pm
Full Time Officer 3	Saturday through Wednesday	Sat: 8am to 5pm Sun: 8am to 5pm M – W 6pm to 2am
Part Time Officer 4	Saturday through Wednesday	6am to 10am
Part Time Officer 5	Wednesday through Sunday	6pm to 10pm

*Shift schedules are subject to change subject to the needs of the department and the plan itself. **Table 6***



Administrative Citations

While our goal and practice has been to seek voluntary compliance, the State is concerned that the lack of enforcement by water suppliers leads users to believe that the current drought is not as critical as presented and thus the need for conservation is voluntary rather than mandatory. The State will consider the use of enforcement tools or lack thereof when determining compliance with the regulatory framework. In order to comply, we propose for those customers who continue to violate water conservation regulations, administrative citations will be issued. The Plan proposes the following citation strategy:

- **First Violation:** **Courtesy Warning**
 - Requires requesting a WUE within 10 days
 - Corrective action must be made as soon as practical but shall commence no later than 10 days after WUE.
- **Second Violation following a Courtesy Warning:** **\$250.00**
 - Failure to comply with WUE in first violation will be deemed second violation subject to \$250.00 citation.
 - Violation will multiply every three days thereafter until compliance is obtained.
- **Third Violation or more within twelve months:** **\$1,000.00**
 - Continued violations may result in the City installing a flow restrictor on the service to the property where the violation occurred or is occurring, for a period to be determined by the Public Works Director.

City Action and Capital Projects

The City of Glendora intends on continuing to lead by example during this time. Our Departments have led the way for the City in terms of completing several City conservation projects some of which include Conservation Demonstration Gardens; removal of 72,030 sq. ft. of turf, with another 95,610 sq. ft. underway and replacing less efficient irrigation with drip systems at 45 medians. We are in the final stages of our Honeywell Rain Bird ESP LXME – wireless controller updates which will allow for weather based monitoring and control via wireless devices. The City intends to continue its efforts to reduce water use throughout the City through the following actions and additional capital projects.

Smart Meters

The Plan proposes to have all water customers outfitted with AMI Smart Meters. These smart meters will provide real time consumption data multiple times per day; identify leaks; provide usage comparisons and give the ability to monitor consumption 24 hours a day, seven days a week. This data will be available to both the water customer and city staff.

The Plan proposes completion of this project over the course of two years. An additional antenna first needs to be installed, allowing users access to the portal as soon as they get the meter. In the first three months, meters will be installed first for the 1,000 highest water users and within the first year 6300 radio read meters will be retrofitted. We expect to have 9,000-10,000 smart meter users. By the end of the second year, all 13,377 customers will have a smart meter in use. This project is estimated to cost \$4,000,000.

Street Medians

As part of the Governor's Executive Order, watering of turf on street medians is to cease. This creates both immediate and long term concerns.

The immediate concern is for the health of the numerous trees that are present in our street medians. The water source for these trees comes from the same water that we will be prohibited to apply to the turf areas that surround them. Turning off the water as directed can result in stress and increased pest infestation. To avoid tree decline, the plan proposes the following solution:

1. Temporary solutions- water bags for 31 young trees at a total cost of \$1,625
2. Install 15,000 linear feet of drip irrigation at a cost of \$22,500



Long term, the image of the City will decline if median turf is left to die. The long term solution proposes converting 44 medians with turf to drought tolerant material.

Utilizing the current city contractor and in-house staff, the medians will be converted to a combination of drought tolerant materials or mulch beds. The estimated timeline to complete all the medians is 9 months. In addition, a contractor will be solicited to assist with designs that

compliment Glendora's landscape. The conservative expected annual water savings is 5,853,212 gallons or a 72% reduction as compared to 2013 street median consumption.

In total, 149,544 square feet of turf will be removed from medians and redesigned with drought tolerant material. The cost of this project will be approximately \$1,566,570.

City Parks and Facilities

We have a number of parks that cater use from low intensity use such as Big Tree Park to high intensity use with Pompei Sports Park. With a high intensity use at Pompei Sports Park, we anticipate that the grass just cannot keep up with lack of watering and the wear and tear it receives. Currently, Pompei receives water from three times a week during winter; up to five times during the summer. Up to 80,767.38 gallons are used each night watering occurs at Pompei. The turf at parks such as Pompei and Finkbiner are not just ornamental turf but functional, catering to a variety of sports.

Rather than reduce all parks to the two-day water schedule, the Plan proposes to meet or exceed the 25% reduction assigned to all non-residential water users by adjusting water demand across all parks/medians and facilities, see table 7. The Plan proposes reducing water consumption stemming from parks and facilities through:

- Removal with redesign of 50,190 sq. ft. of turf from parks;
- Removal with redesign of 69,580 sq. ft. of turf from facilities;
- Reduce irrigation of ornamental turf at facilities and low use parks to 2 days per week; Pompei Park will be reduced to 3 days per week year round.

	2013 Annual Water Use (gallons)	Water Use Post Project Completion (gallons)	Water Savings (gallons)	Water Savings (%)
Facilities	5,856,092	4,392,069	1,464,023	25.00%
Medians	8,156,940	2,303,728	5,853,212	71.76%
Parks	47,255,648	38,350,035	8,905,613	18.84%
Total:	61,268,680	45,045,832	16,222,848	26.5%

Table 7

The combined total cost of the projects recommended for City Parks and Facilities is estimated to be \$470,034.

Budget

Implementation of this Plan will require a significant investment, however in order to have an expectation that the mandated 36% water reduction will be met, it is an investment that must be made. Recall, that failure to reach both the progressive achievement of conservation and/or the complete 36% could result in fines of up to \$10,000 per day and possible legal orders to comply.

With that in mind an investment of \$6,900,730 is proposed to carry out this Plan. A line item budget is included as Attachment D.

Attachment A: Executive Order B-29-15

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.



IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.



20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.



26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.



31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

Attachment B: Water Board Emergency Regulation

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-0032

TO ADOPT AN EMERGENCY REGULATION FOR STATEWIDE URBAN WATER CONSERVATION

WHEREAS:

1. On April 25, 2014, Governor Edmund G. Brown Jr. issued an executive order (April 2014 Proclamation) to strengthen the State's ability to manage water and habitat effectively in drought conditions, and called on all Californians to redouble their efforts to conserve water. The April 2014 Proclamation finds that the continuous severe drought conditions present urgent challenges across the State, including water shortages in communities and for agricultural production, increased wildfires, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity, if drought conditions continue into 2015. The April 2014 Proclamation also suspends the environmental review required by the California Environmental Quality Act to allow the emergency regulation and other actions to take place as quickly as possible;
2. The April 2014 Proclamation refers to the [Governor's Proclamation No. 1-17-2014](#), issued on January 17, 2014, declaring a drought State of Emergency to exist in California due to severe drought conditions (January 2014 Proclamation). The January 2014 Proclamation finds that dry conditions and lack of precipitation present urgent problems to drinking water supplies and cultivation of crops, which put farmers' long-term investments at risk. The conditions also threaten the survival of animals and plants that rely on California's rivers, including many species in danger of extinction. The January 2014 Proclamation also calls on all Californians to reduce their water usage by 20 percent;
3. On December 22, 2014, in light of the continued lack of rain, Governor Brown issued [Executive Order B-28-14](#), which extends the California Environmental Quality Act suspension through May 31, 2016 for Water Code section 13247 and certain activities identified in the January 2014 and April 2014 proclamations;
4. On April 1, 2015, Governor Brown issued a new Executive Order that directs the State Water Board to impose restrictions on urban water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016; require commercial, industrial, and institutional users to implement water efficiency measures; prohibit irrigation with potable water of ornamental turf in public street medians; and prohibit irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems; along with other directives;
5. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports";

6. On July 15, 2014, the State Water Board adopted an emergency regulation to support water conservation ([Resolution No. 2014-0038](#)), and that regulation became effective July 28, 2014 upon approval by the Office of Administrative Law (OAL);
7. On March 17, 2015, the State Water Board amended and readopted the emergency regulation to support water conservation ([Resolution No. 2015-0013](#)), which became effective March 27, 2015 upon approval by OAL;
8. The current emergency regulation has supported Californians' water conservation efforts, with over 125 billion gallons saved from August 2014 through March 2015; however, statewide water use is only nine percent less than the same months in 2013. Achieving a 25 percent reduction in use will require even greater conservation efforts across the state. In particular, many communities must dramatically reduce their outdoor water use;
9. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes will survive while receiving a decreased amount of water;
10. Although urban water suppliers have placed restrictions on outdoor watering, the State Water Board continues to receive reports of excessive outdoor water use;
11. Water conservation is the easiest, most efficient and most cost-effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved this summer is water available later in the season or next year, reducing the likelihood of even more severe water shortages should the drought continue;
12. Education and enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated;
13. Public information and awareness is critical to achieving conservation goals, and the Save Our Water campaign, run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response (<http://saveourwater.com>);
14. Many California communities are facing social and economic hardship due to this drought. The rest of us can make adjustments to our water use, including landscape choices that conserve even more water;
15. The California Constitution declares, at article X, section 2, that the water resources of the state must be put to beneficial use in a manner that is reasonable and not wasteful. Relevant to the current drought conditions, the California Supreme Court has clarified that "what may be a reasonable beneficial use, where water is present in excess of all needs, would not be a reasonable beneficial use in an area of great scarcity and great need. What is a beneficial use at one time may, because of changed conditions, become a waste of water at a later time." (*Tulare Dist. v. Lindsay Strathmore Dist.* (1935) 3 Cal.2d 489, 567.) In support of water conservation, the legislature has, through Water Code section 1011, deemed reductions in water use due to conservation as equivalent

to reasonable beneficial use of that water. Accordingly, this regulation is in furtherance of article X, section 2 during this drought emergency. This temporary emergency regulation is not to be used in any future administrative or judicial proceedings as evidence or finding of waste and unreasonable use of any individual water user or water supplier subject to this regulation, and are not to affect or otherwise limit any rights to water conserved under applicable law, including without limitation, water conserved consistent with Water Code section 1011;

16. Directive two of the Governor's April 1, 2015 Executive Order directs the State Water Board to consider the relative per capita usage of each urban water supplier's service area and require that areas with high per capita use achieve proportionally greater reductions than areas with low per capita use;
17. On April 7, 2015, the State Water Board issued a draft framework proposing increasing levels of required water reduction based upon residential per capita per day use (R-GPCD) for the proposed regulation, and solicited public comments. The Board received over 300 comments on the framework, primarily relating to the levels of required water reduction;
18. On April 18, the State Water Board issued draft regulatory language for public comment based on the April 7 framework and the comments received. The draft regulatory language reflected careful consideration of all comments including those directed at the levels of required reduction. Again, the Board received close to 300 comments;
19. On April 28, 2015, the State Water Board issued a final version of draft regulatory language for comment, followed on April 29 by a formal public notice that it would consider the adoption of the emergency regulation at the Board's regularly-scheduled May 5 and 6, 2015 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations;
20. As discussed above, the State Water Board is adopting the emergency regulation because of the continuing emergency drought conditions, the need for prompt action to prevent the waste and unreasonable use of water and to promote conservation, and the specific actions called for in the Governor's April 1, 2015 Executive Order; and
21. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain the enforcement discretion in enforcing the regulation to the extent authorized. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 866 and re-adopts sections 863, 864, and 865, as appended to this resolution as an emergency regulation;

2. State Water Board staff will submit the regulation to OAL for final approval;
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or the Executive Director's designee may make such changes;
4. This regulation shall remain in effect for 270 days after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions, or unless the State Water Board renews the regulation due to continued drought conditions as described in Water Code section 1058.5;
5. The State Water Board directs staff to provide the Board with monthly updates on the implementation of the emergency regulation and its effect. These updates shall include information regarding the progress of the Building Standards Commission, Department of Housing and Community Development, and other state agencies in the adoption and implementation of emergency regulations or other requirements that implement increased outdoor irrigation efficiency for new construction. These regulations and other requirements will extend existing efficiency standards for new construction to the outdoor environment and ensure that California's new homes are constructed to meet the growing demand with the most efficient standards;
6. The State Water Board directs staff to condition funding upon compliance with the emergency regulation, to the extent feasible;
7. The State Water Board directs staff to work with DWR and the Save Our Water campaign to disseminate information regarding the emergency regulation; and
8. The State Water Board directs staff to update the electronic reporting portal to include data fields for the new reporting required by the emergency regulation.

THEREFORE BE IT FURTHER RESOLVED THAT:

9. The State Water Board shall work with DWR, the Public Utilities Commission, and other agencies to support urban water suppliers' actions to implement rates and pricing structures to incent additional conservation, as required by directive eight in the Governor's April 1, 2015 Executive Order. The Fourth District Court of Appeal's recent Decision in *Capistrano Taxpayer Association Inc. v. City of San Juan Capistrano* (G048969) does not foreclose the use of conservation-oriented rate structures;
10. The State Water Board calls upon water suppliers to:
 - a. ensure that adequate personnel and financial resources exist to implement conservation requirements not only for 2015, but also for another year of drought should it occur. Water suppliers that face budget shortfalls due to reduced sales should take immediate steps to raise necessary revenues in a way that actively promotes continued conservation;
 - b. expedite implementation of new conservation programs by minimizing internal review periods and utilizing emergency authorities, as appropriate;

- c. consider the relative water use and conservation practices of their customers and target those with higher water use to achieve proportionally greater reductions than those with low use;
 - d. minimize financial impacts to low-income customers;
 - e. preserve safe indoor water supplies in areas with very low R-GPCD and where necessary to protect public health and safety;
 - f. promote low-water use methods of preserving appropriate defensible space in fire-prone areas, consistent with local fire district requirements;
 - g. educate customers on the preservation of trees;
 - h. promote on-site reuse of water; and
 - i. promptly notify staff of the supplier's need for an alternate method of compliance pursuant to resolved paragraph 16.
11. The State Water Board calls upon all businesses within California's travel and tourism sectors to inform visitors of California's dire drought situation and actions visitors should take to conserve water;
 12. The State Water Board commends wholesale water agencies that have set aggressive conservation targets for their retail water suppliers;
 13. The State Water Board commends water suppliers that have made investments to boost drought-resistant supplies, such as advanced treated recycled water and desalination. Those investments help to make communities more resilient in the face of drought;
 14. The State Water Board commends the many water suppliers that have already surpassed their 20x2020 conservation targets. Long-term conservation efforts are critical to maintaining economic and social well-being, especially in light of the impacts of climate change on California's hydrology;
 15. During this drought emergency, heightened conservation that extends urban resilience is necessary. The State Water Board's focus is primarily on immediate reductions in outdoor water use. Some short-term conservation efforts, such as landscape conversions and installation of efficient appliances, will also support long-term conservation objectives, and are encouraged wherever possible;
 16. The State Water Board recognizes that some commercial and industrial customers, while accounting for a significant portion of total use in a service area, have already taken steps to significantly reduce their water consumption and cannot further reduce their use without substantial impacts. However, the Board also recognizes that in many areas there are significant opportunities for reductions in water use by industries and commercial enterprises that have yet to take action, especially those with large areas of non-functional turf. The Board directs staff to respond promptly upon receipt of any request for alternate enforceable methods of compliance. If the supplier believes the conservation standard is unachievable due to firm commercial and industrial water use

and residential use reductions that would affect public health and safety, it should provide any supporting information or documentation for an alternate method of compliance; and

17. Some water suppliers have called for further refinement of the tiers to reflect a range of factors that contribute to water use, including but not limited to temperature, lot size, and income. Others have called for an approach that provides greater recognition for early investments in conservation, the development of local, drought resistant water supplies, and health and safety needs. These suggestions and many others are important considerations in the development of a more comprehensive, and long term, conservation framework. The State Water Board directs staff to work with stakeholders on a thoughtful process to devise options for extended and expanded emergency regulations should the drought continue into 2016.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 5, 2015.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

ADOPTED TEXT OF EMERGENCY REGULATION

Article 22.5. Drought Emergency Water Conservation.

Sec. 863. Findings of Drought Emergency.

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) On April 1, 2015, the Governor issued an Executive Order that, in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February, 2016; require commercial, industrial, and institutional users to implement water efficiency measures; prohibit irrigation with potable water of ornamental turf in public street medians; and prohibit irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems;

(4) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;

(5) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

(6) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to prevent waste and unreasonable use of water and to further promote conservation.

Authority: Section 1058.5, Water Code.

References: Cal. Const., Art., X § 2; Sections 102, 104, 105, and 275, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

Sec. 864. End-User Requirements in Promotion of Water Conservation.

(a) To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks; and

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;

(5) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;

(6) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;

(7) The irrigation with potable water of ornamental turf on public street medians; and

(8) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

(b) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

(c) Immediately upon this subdivision taking effect, all commercial, industrial and institutional properties that use a water supply, any portion of which is from a source other than a water supplier subject to section 865, shall either:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days per week; or

(2) Reduce potable water usage supplied by sources other than a water supplier by 25 percent for the months of June 2015 through February 2016 as compared to the amount used from those sources for the same months in 2013.

(d) The taking of any action prohibited in subdivision (a) or the failure to take any action required in subdivisions (b) or (c), is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

Authority: Section 1058.5, Water Code.

References: Cal. Const., Art., X § 2; Sections 102, 104, 105, 275, 350, and 10617, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

Sec. 865. Mandatory Actions by Water Suppliers.

(a) As used in this section:

(1) "Distributor of a public water supply" has the same meaning as under section 350 of the Water Code, except it does not refer to such distributors when they are functioning solely in a wholesale capacity, but does apply to distributors when they are functioning in a retail capacity.

(2) "R-GPCD" means residential gallons per capita per day.

- (3) "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, or water exported outside the supplier's service area.
- (4) "Urban water supplier" means a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b) In furtherance of the promotion of water conservation each urban water supplier shall:

(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-user's exclusive control.

(2) Prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. The monitoring report shall specify the population served by the urban water supplier, the percentage of water produced that is used for the residential sector, descriptive statistics on water conservation compliance and enforcement efforts, and the number of days that outdoor irrigation is allowed, and monthly commercial, industrial and institutional sector use. The monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves.

(c)(1) To prevent the waste and unreasonable use of water and to meet the requirements of the Governor's April 1, 2015 Executive Order, each urban water supplier shall reduce its total potable water production by the percentage identified as its conservation standard in this subdivision. Each urban water supplier's conservation standard considers its service area's relative per capita water usage.

(2) Each urban water supplier whose source of supply does not include groundwater or water imported from outside the hydrologic region in which the water supplier is located, and that has a minimum of four years' reserved supply available may, submit to the Executive Director for approval a request that, in lieu of the reduction that would otherwise be required under paragraphs (3) through (10), the urban water supplier shall reduce its total potable water production by 4 percent for each month as compared to the amount used in the same month in 2013. Any such request shall be accompanied by information showing that the supplier's sources of supply do not include groundwater or water imported from outside the hydrologic region and that the supplier has a minimum of four years' reserved supply available.

(3) Each urban water supplier whose average July-September 2014 R-GPCD was less than 65 shall reduce its total potable water production by 8 percent for each month as compared to the amount used in the same month in 2013.

(4) Each urban water supplier whose average July-September 2014 R-GPCD was 65 or more but less than 80 shall reduce its total potable water production by 12 percent for each month as compared to the amount used in the same month in 2013.

(5) Each urban water supplier whose average July-September 2014 R-GPCD was 80 or more but less than 95 shall reduce its total potable water production by 16 percent for each month as compared to the amount used in the same month in 2013.

(6) Each urban water supplier whose average July-September 2014 R-GPCD was 95 or more but less than 110 shall reduce its total potable water production by 20 percent for each month as compared to the amount used in the same month in 2013.

(7) Each urban water supplier whose average July-September 2014 R-GPCD was 110 or more but less than 130 shall reduce its total potable water production by 24 percent for each month as compared to the amount used in the same month in 2013.

(8) Each urban water supplier whose average July-September 2014 R-GPCD was 130 or more but less than 170 shall reduce its total potable water production by 28 percent for each month as compared to the amount used in the same month in 2013.

(9) Each urban water supplier whose average July-September 2014 R-GPCD was 170 or more but less than 215 shall reduce its total potable water production by 32 percent for each month as compared to the amount used in the same month in 2013.

(10) Each urban water supplier whose average July-September 2014 R-GPCD was 215 or more shall reduce its total potable water production by 36 percent for each month as compared to the amount used in the same month in 2013.

(d)(1) Beginning June 1, 2015, each urban water supplier shall comply with the conservation standard specified in subdivision (c).

(2) Compliance with the requirements of this subdivision shall be measured monthly and assessed on a cumulative basis.

(e)(1) Each urban water supplier that provides potable water for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (b), 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:

(A) Impose reductions determined locally appropriate by the urban water supplier, after considering the applicable urban water supplier conservation standard specified in subdivision (c), for commercial agricultural users meeting the definition of Government Code section 51201, subdivision (b) served by the supplier;

(B) Report its total potable water production pursuant to subdivision (b)(2) of this section, the total amount of water supplied for commercial agricultural use, and shall identify the reduction imposed on its commercial agricultural users and each recipient of potable water for commercial agricultural use;

(C) Certify that the agricultural uses it serves meet the definition of Government Code section 51201, subdivision (b); and

(D) Comply with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order for all commercial agricultural water served by the supplier that is subtracted from its total potable water production.

(2) Submitting any information pursuant to subdivision (e)(1)(B) or (C) of this section that is found to be materially false by the board is a violation of this regulation, punishable by civil liability of up to five hundred dollars (\$500) for each day in which the violation occurs. Every day that the 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)(1) To prevent waste and unreasonable use of water and to promote water conservation, each distributor of a public water supply that is not an urban water supplier shall take one or more of the following actions:

(A) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(B) Reduce by 25 percent reduction its total potable water production relative to the amount produced in 2013.

(2) Each distributor of a public water supply that is not an urban water supplier shall submit a report by December 15, 2015, on a form provided by the Board, that either confirms compliance with subdivision (f)(1)(A) or identifies total potable water production, by month, from June through November, 2015, and total potable water production, by month, for June through November 2013.

Authority: Section 1058.5, Water Code.

References: Cal. Const., Art., X § 2; Sections 102, 104, 105, 275, 350, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

Sec. 866. Additional Conservation Tools.

(a)(1) To prevent the waste and unreasonable use of water and to promote conservation, when a water supplier does not meet its conservation standard required by section 865 the Executive Director, or the Executive Director's designee, may issue conservation orders requiring additional actions by the supplier to come into compliance with its conservation standard.

(2) A decision or order issued under this article 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 California Water Code.

(b) The Executive Director, or his designee, may issue an informational order requiring water suppliers, or commercial, industrial or institutional properties that receive any portion of their supply from a source other than a water supplier subject to section 865, to submit additional information relating to water production, water use or water conservation. The failure to provide the information requested within 30 days or any additional time extension granted is a violation subject to civil liability of up to \$500 per day for each day the violation continues pursuant to Water Code section 1846.

Authority: Section 1058.5, Water Code.

References: Cal. Const., Art., X § 2; Sections 100, 102, 104, 105, 174, 186, 187, 275, 350, 1051, 1122, 1123, 1825, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

Attachment C: Water Staff Additions

Water Conservation Officers

Duties will include conservation patrol and outreach after hours and on weekends to identify excessive use, noncompliance with current regulations and excessive runoff which is more common after standard work hours. Officers will also conduct rebate and turf removal inspections and Water Use Efficiency (WUE) audits after hours for those that work or are unavailable during the day.

Senior Office Assistant

Duties will be many, but a sampling of those duties will include educating conservation customers in person and on the phone, process rebate applications, answer all phone calls for the Conservation Division, drought calls, responses to letters, drought mandate, track rebate activity, assist customers with reading their bills, contact high use customers, schedule division activities, and send out notices for high use.

Management Analyst

Existing analyst will continue to oversee the conservation function, coordinate division activity, prepare financial reports, continue the evolution of our new data base and create the more technical reports. Existing analyst recommends rebate program changes, coordinates the program with MWD, secures additional funding from MWD, applies for grants, presents reports for the Water Commission and prepares reports for the Water Division. Existing analyst will also be implementing the use of CRW for the Water Division and continue as an administrator for the system at City Hall.

The new Management Analyst will run production numbers at least three times weekly, use the data base to identify high users, contact and interface with the largest users, tweak the reports to provide additional information, such as trends for the higher users, analyze the data, prepare reports for outreach and education, verify consumption numbers, compare the numbers to 2013 and track progress with reduction goals, identify trends in consumption, assist with the rebate program and assist coordinating division activity.

Attachment D: Proposed Drought Plan Budget

	Costs
Public Outreach / Marketing	
Direct/Targeted Postage	\$18,500
Consultant for Marketing Material	\$5,000
Printing Costs	\$6,000
Water Rebate Program	
2014-2015 Increase Budget	\$50,000
2015-2016 Budget	\$500,000
Water Conservation Staff	
Two Full Equivalent Time Water Conservation Officers	\$131,582
One Full Time Management Analyst	\$77,200
One Full Time Office Assistant	\$51,719
Capital Projects	
<u>Smart Meters</u> – spread over two years	\$4,000,000
<u>Street Medians</u>	
Water bags to provide water to 31 young trees	\$1,625
Retrofit existing Irrigation to 15,000 linear feet of drip	\$22,500
Remove 149,544 square feet of turf from medians with redesign.	\$1,566,570
<u>Parks / City Facilities</u>	
Turf Removal with drought tolerant redesign	
• 50,190 sf. ft from parks	\$200,314
• 69,580 sq. ft from City facilities	\$269,720
Total:	\$6,900,730