



Beaumont-Cherry Valley Water District

Serving the Beaumont, Cherry Valley and some areas of Calimesa

Update Regarding State Water Resources Control Board Drought Regulations


Presentation by Dan Jagers, BCVWD

Beaumont-Cherry Valley Water District

Engineering Workshop

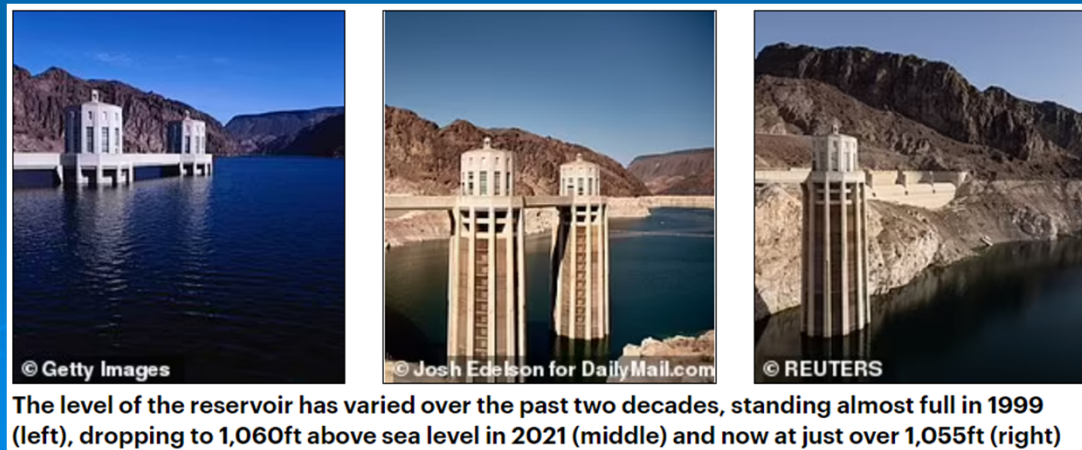
May 26, 2022

California Water Supply and Drought Discussion Topics

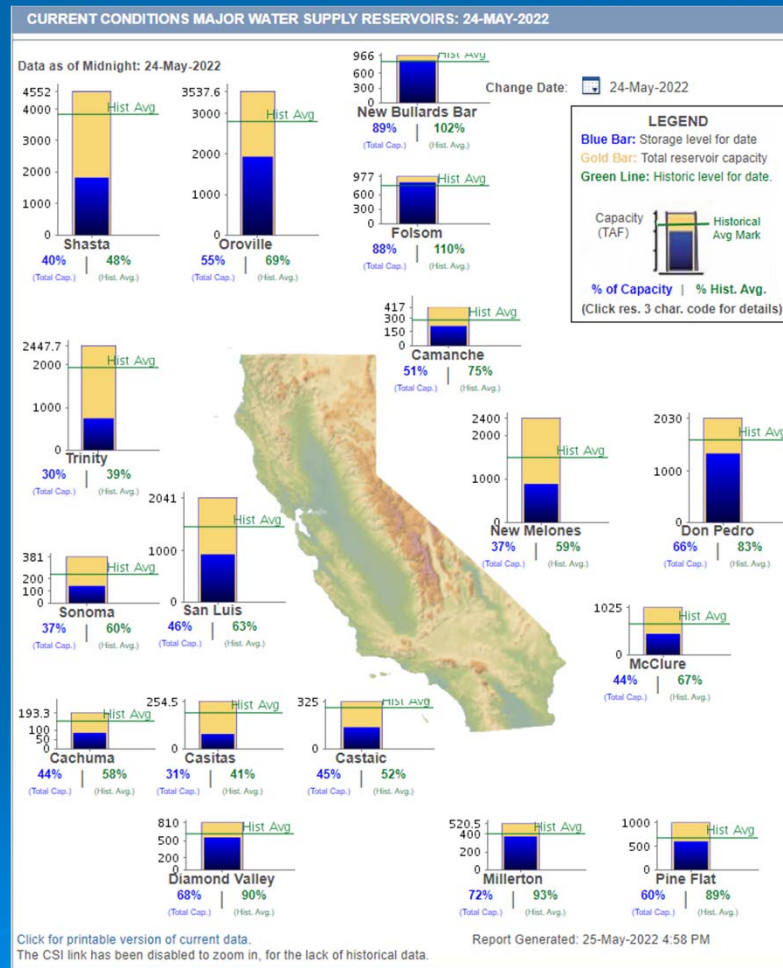
- General Discussion of State of California and South West United States
 - California Drought Activities and Governmental Actions
 - Requirements of Current Regulations (which become effective June 10, 2022)
 - Next Steps
 - Discussion / Questions
- 

Status of Drought in California and US Southwest

- Last July, the governor called for a 15% voluntary reduction in water use, but the state hasn't reached that goal yet.
- Per the State of California's review of water use, it has been reported that state's water use went up 19% in March of this year compared to March 2020
- Lake Levels
 - Lake Powell – 25.4% Full
 - Lake Mead – 30% Full
 - Lake Orville – 55% Full



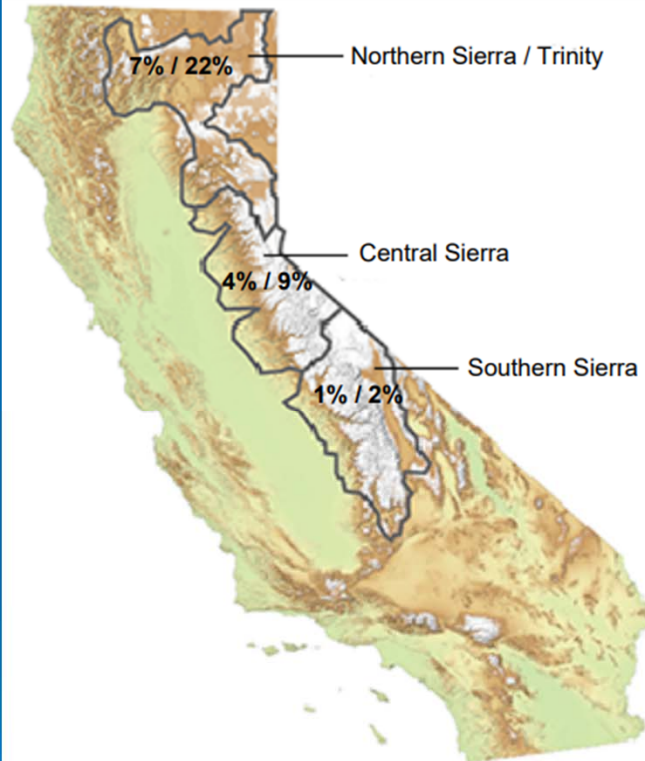
Status of Drought in California Reservoir Levels



Status of Drought in California Snow Pack

CURRENT REGIONAL SNOWPACK FROM AUTOMATED SNOW SENSORS

% of April 1 Average / % of Normal for This Date



NORTH	
Data as of May 25, 2022	
Number of Stations Reporting	29
Average snow water equivalent (Inches)	1.9
Percent of April 1 Average (%)	7
Percent of normal for this date (%)	22

CENTRAL	
Data as of May 25, 2022	
Number of Stations Reporting	45
Average snow water equivalent (Inches)	1.2
Percent of April 1 Average (%)	4
Percent of normal for this date (%)	9

SOUTH	
Data as of May 25, 2022	
Number of Stations Reporting	25
Average snow water equivalent (Inches)	0.3
Percent of April 1 Average (%)	1
Percent of normal for this date (%)	2

STATE	
Data as of May 25, 2022	
Number of Stations Reporting	99
Average snow water equivalent (Inches)	1.2
Percent of April 1 Average (%)	4
Percent of normal for this date (%)	10

Statewide Average: 4% / 10%

Governor's Executive Order N-7-22 (3/28/2022)

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.

- Governor's Executive Order N-7-22 is available at the following link”
<https://www.gov.ca.gov/wp-content/uploads/2022/03/March-2022-Drought-EO.pdf>
- Prior Governor's Proclamations Include the Following Items
 - May 10, 2021
 - July 8, 2021
 - October 19, 2021
- Prior Emergency Regulations
 - January 4, 2022, the State Water Board adopted an emergency regulation. On January 18, 2022, the emergency regulation became effective (remains in effect for one year from the effective date, unless the State Water Board acts to end, modify, or readopt it)

Proposed Mandatory Prohibitions on Water Waste

Mandatory Prohibitions on Water Waste

Staff recommends implementing the Emergency Regulations adopted by the SWRCB on January 4, 2022 which and which became effective on January 18, 2022 prohibit the following:

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. Use of a hose dispensing potable water for car washing without a shutoff nozzle
3. The application of potable water to sidewalks, driveways, and other impervious surfaces
4. The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public
5. Use of potable water for decorative fountains, or the filling or topping off lakes or ponds
6. Application of water to irrigate turf and ornamental landscapes during and within 48 hours of measurable rainfall of at least one fourth of one inch of rain


Governor's Executive Order N-7-22

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;
 - b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
 - c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

Governor's Executive Order N-7-22

4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.



Water Boards

Fact Sheet

Changes to the Proposed Regulation on Wasteful Water Use Practices

As directed by [Executive Order N-40-17](#), the State Water Board is conducting a rulemaking to prohibit wasteful water use practices. These prohibitions also support the [California Water Action Plan](#) goal of "Making Conservation a California Way of Life."

State Water Board staff proposed an initial set of prohibited water use practices in November 2017. After reviewing public comment, staff are recommending a few changes, which are described below. There will be an additional **15-day comment period** for the revised proposal, with comments accepted until 12:00pm on February 14, 2018, and the State Water Board will consider the proposed regulation at its [February 20, 2018 meeting](#).

The proposed permanent prohibitions are similar to the emergency prohibitions on wasteful water uses that were in effect during the 2012-2017 drought. There are a few differences that reflect the permanent nature of these prohibitions.

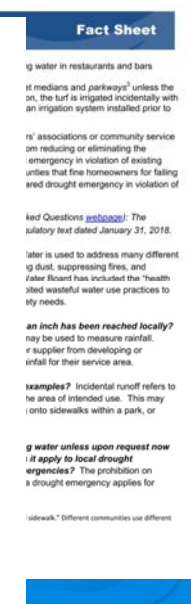
Key Provisions

The following wasteful practices would be prohibited, unless exempt to protect health and safety, to meet state and federal permit obligations, when used exclusively for commercial agricultural purposes, or for other reasons noted below:

- Using potable water to wash sidewalks and driveways;
- Allowing more than incidental runoff when irrigating turf and other ornamental landscapes;
- Using hoses without automatic shutoff nozzles to wash motor vehicles;
- Using potable water in ornamental fountains or decorative water features that do not recirculate the water;
- Irrigating turf and ornamental landscape during and within 48 hours following measurable rainfall;
- Hotels and motels laundering towels and linens daily without providing guests the option of using them again;

* See the last page of this Fact Sheet for a comparison of the emergency drought regulations and the changes to the proposed regulation.
 † Fountains listed on the National Register of Historic Places are also exempt.

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Water Boards

Fact Sheet

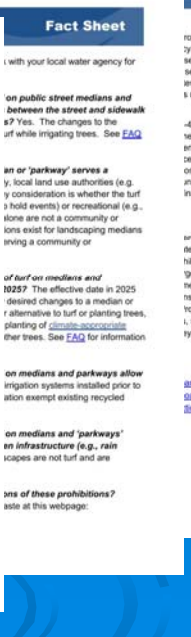
Water Conservation in Restaurants and Bars

Water conservation in restaurants and bars is important for several reasons. First, it helps reduce water waste and lower costs. Second, it helps protect the environment by conserving water resources. Third, it helps ensure a steady supply of water for all users.

Water conservation in restaurants and bars can be achieved through a variety of measures, including:

- Installing water-saving devices, such as low-flow faucets and showerheads.
- Encouraging staff and customers to turn off the tap when brushing teeth or shaving.
- Using water-efficient dishwashers and washing machines.
- Fixing leaks and drips promptly.
- Using water-efficient landscaping, such as drought-tolerant plants and mulch.

For more information on water conservation in restaurants and bars, please visit the [Water Boards website](#).



Water Boards

Fact Sheet

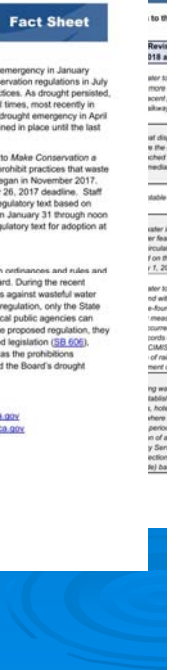
Public Street Medians and Between the Street and Sidewalk

Water conservation in public street medians and between the street and sidewalk is important for several reasons. First, it helps reduce water waste and lower costs. Second, it helps protect the environment by conserving water resources. Third, it helps ensure a steady supply of water for all users.

Water conservation in public street medians and between the street and sidewalk can be achieved through a variety of measures, including:

- Installing water-saving devices, such as low-flow faucets and showerheads.
- Encouraging staff and customers to turn off the tap when brushing teeth or shaving.
- Using water-efficient dishwashers and washing machines.
- Fixing leaks and drips promptly.
- Using water-efficient landscaping, such as drought-tolerant plants and mulch.

For more information on water conservation in public street medians and between the street and sidewalk, please visit the [Water Boards website](#).



Water Boards

Fact Sheet

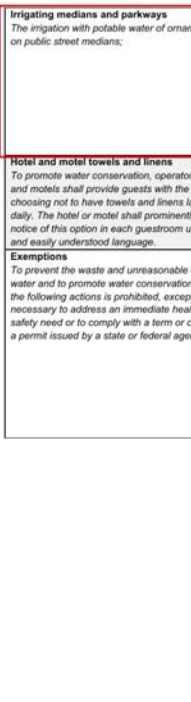
Medians and Parkways

Water conservation in medians and parkways is important for several reasons. First, it helps reduce water waste and lower costs. Second, it helps protect the environment by conserving water resources. Third, it helps ensure a steady supply of water for all users.

Water conservation in medians and parkways can be achieved through a variety of measures, including:

- Installing water-saving devices, such as low-flow faucets and showerheads.
- Encouraging staff and customers to turn off the tap when brushing teeth or shaving.
- Using water-efficient dishwashers and washing machines.
- Fixing leaks and drips promptly.
- Using water-efficient landscaping, such as drought-tolerant plants and mulch.

For more information on water conservation in medians and parkways, please visit the [Water Boards website](#).



Water Boards

Fact Sheet

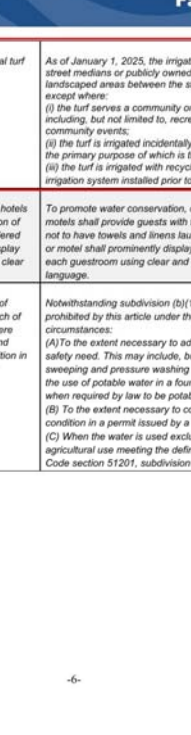
Hotels and Motel Towels and Linens

Water conservation in hotels and motel towels and linens is important for several reasons. First, it helps reduce water waste and lower costs. Second, it helps protect the environment by conserving water resources. Third, it helps ensure a steady supply of water for all users.

Water conservation in hotels and motel towels and linens can be achieved through a variety of measures, including:

- Encouraging guests to reuse towels and linens.
- Using water-efficient laundry equipment.
- Fixing leaks and drips promptly.
- Using water-efficient landscaping, such as drought-tolerant plants and mulch.

For more information on water conservation in hotels and motel towels and linens, please visit the [Water Boards website](#).



Water Boards

Fact Sheet

Irrigating Medians and Parkways

Water conservation in irrigating medians and parkways is important for several reasons. First, it helps reduce water waste and lower costs. Second, it helps protect the environment by conserving water resources. Third, it helps ensure a steady supply of water for all users.

Water conservation in irrigating medians and parkways can be achieved through a variety of measures, including:

- Using water-efficient irrigation systems, such as drip irrigation.
- Encouraging staff and customers to turn off the tap when brushing teeth or shaving.
- Using water-efficient dishwashers and washing machines.
- Fixing leaks and drips promptly.
- Using water-efficient landscaping, such as drought-tolerant plants and mulch.

For more information on water conservation in irrigating medians and parkways, please visit the [Water Boards website](#).



Water Boards

Fact Sheet

Emergency Regulations

Water conservation in emergency regulations is important for several reasons. First, it helps reduce water waste and lower costs. Second, it helps protect the environment by conserving water resources. Third, it helps ensure a steady supply of water for all users.

Water conservation in emergency regulations can be achieved through a variety of measures, including:

- Installing water-saving devices, such as low-flow faucets and showerheads.
- Encouraging staff and customers to turn off the tap when brushing teeth or shaving.
- Using water-efficient dishwashers and washing machines.
- Fixing leaks and drips promptly.
- Using water-efficient landscaping, such as drought-tolerant plants and mulch.

For more information on water conservation in emergency regulations, please visit the [Water Boards website](#).

BCVWD Resolution 2022-12 – Pg 1 of 2

RESOLUTION 2022-12

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AUTHORIZING THE IMPLEMENTATION OF WATER USE RESTRICTIONS AND RESCINDING RESOLUTION 2016-05

WHEREAS, on October 19, 2021, California Governor Gavin Newsom extended an emergency proclamation of drought across Riverside County, and on March 28, 2022, issued Executive Order N-7-22 directing the State Water Resources Control Board (SWRCB) to consider adopting emergency drought regulations by May 25, 2022, which would be intended to safeguard urban water supplies as the drought continues, minimize the potential for waste and unreasonable use of water, and to achieve a statewide potable water usage reduction; and

WHEREAS, on January 4, 2022, the SWRCB adopted Emergency Regulations which prohibit certain uses of potable water; and

WHEREAS, the State Water Project has informed the State Water Contractors that the 2022 water supply allocation will be just 5 percent; and

WHEREAS, the Board of Directors finds that:

1. The drought conditions which formed the basis of Governor Newsom's declarations of emergency continue to exist and there is need for District customers to use water efficiently and increase conservation efforts
2. The conditions of a Water Shortage Level 3 exist as outlined in the Water Shortage Contingency Plan adopted by the Board with Resolution 2021-14 on August 26, 2021
3. Implementation of water usage restrictions is in the best interests of the District to preserve storage supplies in the Beaumont Basin


NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District that:

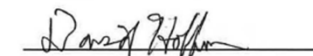
1. Implementation of emergency water use regulations was previously adopted by the Board of Directors with Resolution 2016-05 which shall be rescinded by the adoption of this resolution.
2. A Water Shortage Level 3 of the District's Water Shortage Contingency Plan is declared.
3. The water conservation measures identified in Attachment A to this resolution are mandatory and violations are subject to penalties, fees, and remedies as described herein.
4. All persons using water provided by the Beaumont-Cherry Valley Water District shall comply with the restrictions as defined in Section 3 of Attachment A to this resolution herein, except where recycled water or other non-potable water is used.
5. The provisions of this resolution will remain in effect until rescinded by declaration of the Board of Directors

ADOPTED this 28 day of April, 2022, by the following vote:

AYES: Williams, Covington, Sawson, Hoffman
NOES:
ABSTAIN: Ramirez
ABSENT:

ATTEST:


Director Lona Williams, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District


Director David Hoffman, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

Attachment A:
Water Shortage Level 3

BCVWD Resolution 2022-12 – Pg 1 of 2

ATTACHMENT A WATER SHORTAGE LEVEL 3

SECTION 1: MANDATORY PROHIBITIONS ON WATER WASTE

Under the Emergency Regulations adopted on January 4, 2022 (effective January 18, 2022), by the State Water Resources Control Board the following are prohibited:

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. Use of a hose dispensing potable water for car washing without a shutoff nozzle
3. The application of potable water to sidewalks, driveways, and other impervious surface(s)
4. The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public
5. Use of potable water for decorative fountains, or the filling or topping off lakes or ponds
6. Application of water to irrigate turf and ornamental landscapes during and within 48 hours of measurable rainfall of at least one fourth of one inch of rain

SECTION 2: WATER USE RESTRICTIONS

1. Residential lawn watering, parks, sports parks, schools, and ornamental (non-functional) turf on street median/parkway landscape watering is restricted between the hours of 8:00 p.m. and 8:00 a.m., three (3) days per week from May through October
 - a. Monday, Wednesday, and Friday for "odd" addresses
 - b. Tuesday, Thursday, and Sunday for "even" addresses
 - c. Meter accounts that do not have a physical address shall conform with the irrigation schedule of "odd" addresses
2. Residential lawn watering, parks, sports parks, schools, and ornamental (non-functional) turf on street median/parkway landscape watering is restricted between the hours of 8:00 p.m. and 8:00 a.m., two (2) days per week from November through April
 - a. Monday and Friday for "odd" addresses
 - b. Tuesday and Saturday for "even" addresses
 - c. Meter accounts that do not have a physical address shall conform with the irrigation schedule of "odd" addresses
3. Restaurants and other food service establishments may only serve water to customers upon request
4. Lodging facilities must provide guests with the option of opting out of linen services (daily laundering). Lodging facilities to display the option to opt out clearly in each room
5. Pools
 - a. No filling of new swimming pools
 - b. Topping off existing pools is permitted

- c. Homeowners Association (HOA) and other community pools shall implement necessary protocols to minimize the draining and refilling of their respective pools
6. Issuance of construction meters shall be conditionally allowed under the following:
 - a. Activities related to rough grading shall be subject to Board Approval.
 - i. Applicant shall identify to staff grading duration, approximate quantity of water needed and conditions for which the Board of Directors is to consider.
 - b. Frequency of monitoring shall be determined on a case-by-case basis as determined by actual consumption requirements.

SECTION 3: PENALTIES, FEES, AND REMEDIES

The following financial penalties will be imposed when a customer violates the mandatory restrictions set forth in Sections 1 and 2 above:

1. First Violation – Written Notice

Any notice required by this proposed Resolution may include, for example and not by way of limitation, the following information:

- a. The water conservation stage and restrictions that are in effect
 - b. Actions required for compliance in order to prevent future violation
 - c. Penalties and enforcement actions which may be imposed for future violations
2. Second violation: A penalty will be imposed in an amount equal to 10 percent of the customer's current water bill
 3. Third violation: A penalty will be imposed in an amount equal to 20 percent of the customer's current water bill
 4. Fourth Violation: A penalty will be imposed in an amount equal to 30 percent of the customer's current water bill
 5. Fifth Violation (and any subsequent violation): A penalty will be imposed in an amount equal to 50 percent of the customer's current water bill

In the event of any violation after the fifth violation, the Board of Directors, may determine, in its reasonable discretion, that the continued violation of restrictions set forth in the Resolution warrant the initiation of procedures for the suspension or termination of water service pursuant to Part 15 of the District's Regulations Governing Water Service.

Emergency Water Conservation Regulations SWRCB May 24, 2022

- Calls for Voluntary water conservation in California haven't worked
- On Tuesday (May 25, 2022), the State Water Resources Control Board voted to adopt emergency water conservation regulations as required by Governor Newsom which will go into effect on June 10, 2022
- The regulations will require all urban water suppliers to implement conservation actions under “Level 2” of their “Water Storage Contingency Plans which are a part of the 2020 Urban Water Management Plans which will go into effect on June 10, 2022
- The regulations ban irrigating turf at commercial, industrial, and institutional properties. The ban does not apply to watering turf that is used for recreation or other community purposes, water used at residences, or water used to maintain trees

Draft Emergency Water Conservation Resolution Text May 24, 2022

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2022-

TO ADOPT AN EMERGENCY REGULATION TO REDUCE WATER DEMAND AND IMPROVE WATER CONSERVATION

WHEREAS:

1. On April 21, May 10, July 8, and October 19, 2021, Governor Newsom issued proclamations that a state of emergency exists statewide due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
2. These proclamations urge Californians to reduce their water use.
3. On March 28, 2022, Governor Newsom signed an Executive Order directing the State Water Resources Control Board (State Water Board or Board) to consider adopting emergency regulations to increase water conservation. The Executive Order includes a request that the Board require urban water suppliers to implement Level 2 of their water shortage contingency plans, establish water shortage response actions for urban water suppliers that have not submitted water shortage contingency plans, taking into consideration model actions that the Department of Water Resources, and establish a ban on the irrigation of non-functional turf by entities in the commercial, industrial, and institutional sectors.
4. Many Californians and urban water suppliers have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought requires additional conservation actions from urban water suppliers, residents, and the commercial, industrial, and institutional sectors.
5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend limited water supplies through this summer and into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers added flexibility to manage their systems effectively over time. The more water that is conserved now, the less likely it is that a community will experience dire shortages that may require water rationing or other emergency actions.
6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for irrigation of lawns and outdoor landscaping irrigation. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

(Revised D. Jaggars May 25, 2022)

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7. The use of potable water to irrigate turf on commercial, industrial, or institutional properties that is not regularly used for human recreational purposes or for civic or community events can be reduced in commercial, industrial, and institutional areas to protect local water resources and enhance water resiliency.
8. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign (SaveOurWater.com), 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.
9. SaveWater.CA.Gov is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Board and relevant local water supplier.
10. 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.
11. On March 28, 2022, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
12. 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."
13. On May 13, 2022, the State Water Board issued public notice that it will consider the adoption of the regulation at the Board's regularly scheduled May 24, 2022 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.
14. The emergency regulation exempts suppliers from enforcing connection moratoria, if their Level 2 demand management actions call for them, because new residential connections are critical to addressing the state's housing supply shortage. However, the Board recognizes connections for other projects may not be appropriate given the shortage conditions and urges water suppliers to carefully evaluate new development projects for their water use impacts.

(Revised D. Jaggars May 25, 2022)

Draft Emergency Water Conservation Resolution Text May 24, 2022

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15. Disadvantaged communities may require assistance responding to Level 2 conservation requirements, including irrigation restrictions, temporary changes to rate structures, and prohibited water uses. State shortage contingency plans aimed at increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation. This assistance should include but not be limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
16. The Board directs staff to consider the following in pursuing any enforcement of section 996, subdivision (e): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
17. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 16. 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 their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 996, as appended to this resolution as an emergency regulation that applies to urban water suppliers, as defined by Water Code section 10617.
2. State Water Board staff shall submit the regulation to the Office of Administrative Law (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 designee may make such changes.

(Revised D. Jaggars May 25, 2022)

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4. This regulation shall remain in effect for one year 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 State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulation.
6. The State Water Board directs staff to ~~allow urban water suppliers to include information on efforts to maintain trees through the monthly conservation reporting form that urban water suppliers submit to the Board, by January 1, 2023, survey urban water suppliers on their experience protecting trees and tree cover during drought, with attention to disadvantaged communities. The survey shall inquire about challenges encountered, strategies used, costs, and successes in protecting trees.~~
7. 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. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

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 24, 2022.

Jeanine Townsend
Clerk to the Board

(Revised D. Jaggars May 25, 2022)

4

Emergency Regulation Text May 24, 2022

PROPOSED EMERGENCY REGULATION TEXT

Version: May 13, 2022. (Revised D. Jaggars May 25, 2022)

Title 23. Waters

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

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 996. Urban Drought Response Actions

(a) As used in this section:

(1) "Commercial, industrial and institutional" refers to commercial water users, industrial water users, and institutional water users as respectively defined in Water Code, section 10608.12, subdivisions (e), (i), and (j), and includes homeowners' associations, common interest developments, community service organizations, and other similar entities but does not include the residences of these entities' members or separate interests.

(2) "Common interest development" has the same meaning as in section 4100 of the Civil Code.

(3) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.

(4) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.

(5) "Non-functional turf" means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events.

(6) "Plant Factor" has the same meaning as section 491.

(7) "Separate interest" has the same meaning as in section 4185 of the Civil Code.

(8) "Turf" has the same meaning as in section 491.

(9) "Urban water supplier" has the same meaning as Water Code section 10617.

(10) "Water shortage contingency plan" means the plan required by Water Code section 10632.

(b) Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.

(c)(1) Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten to twenty percent (Level 2).

(2) Notwithstanding subdivision (1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section.

(c)(3) Notwithstanding subdivision (c)(1), an urban water supplier may implement the actions identified in subdivision (d) in lieu of implementing the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code section 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), provided the supplier meets all of the following:

(i) The supplier's annual water supply and demand assessment submitted to the Department of Water Resources demonstrates an ability to maintain reliable supply until September 30, 2023.

(ii) The supplier does not rely on, for any part of its supply, the Colorado River, State Water Project, or Central Valley Project, and no more than ten (10) percent of its supply comes from critically overdrafted groundwater basins as designated by the Department of Water Resources.

(iii) The supplier's average number of gallons of water used per person per day by residential customers for the year 2020 is below 55 gallons, as reported to the Board in the Electronic Annual Report.

(d) Each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources shall, by June 10, 2022, and continuing until the supplier has implemented the all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten to twenty percent (Level 2), implement at a minimum the following actions:

(1) Initiate a public information and outreach campaign for water conservation and promptly and effectively reach the supplier's customers, using efforts such as email, paper mail, bill inserts, customer app notifications, news articles, websites, community events, radio and

television, billboards, and social media.

(2) Implement and enforce a rule or ordinance limiting landscape irrigation to no more than two days per week and prohibiting landscape irrigation between the hours of 10:00 a.m. and 6:00 p.m.

(3) Implement and enforce a rule or ordinance banning, at a minimum, the water uses prohibited by section 995. Adoption of a rule or ordinance is not required if the supplier has authority to enforce, as infractions, the prohibitions in section 995 and takes enforcement against violations.

(e) (1) To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.

(2) Notwithstanding subdivision (e)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.

(e)(3) Notwithstanding Subdivision (e)(1), an urban water supplier may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of referenced evapotranspiration.

(f) The taking of any action prohibited in subdivision (e) 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.

(g) A decision or order issued under this section by the Board, or an officer or employee of the Board, is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, and 4185, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 491, 1122, 10608.12, 10617, 10632, and 10632.1, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal App 4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal App 5th 976.

Next Steps

- Regulations move to State of California Office of Administrative Law
- Once Codified, water suppliers will be required to implement conservation actions under “Level 2” of their “Water Storage Contingency Plans which are a part each entities 2020 Urban Water Management Plans (effective on June 10, 2022)
 - Submit Water Demand and Supply projections via email in June and formally into data base in July 2022 (July 2022 date required as part of the UWMP and WSCP activities)
- Message regionally and individually being coordinated and



Discussion /
Questions

