



To: President and Commissioners
From: Executive Director
Meeting Date: June 9, 2015
Subject: DECLARATION OF EMERGENCY WATER CONSERVATION PROVISIONS

Recommendation:

Adopt a Resolution declaring a Water Supply Shortage in compliance with the requirements of the State Water Resources Control Board (State Board) Resolution No. 2015-0032. The two options for adoption are as follows:

1. **Level 1 Water Supply Shortage** (Enclosure 1): Resolution declaring Level 1 pursuant to Pico Rivera Municipal Code Section 13.70.050 with additional prohibited uses and requirements to ensure full compliance with State Board regulations.
2. **Level 2 Water Supply Shortage** (Enclosure 2): Resolution declaring Level 2 pursuant to Pico Rivera Municipal Code Section 13.70.060 with additional prohibited uses to ensure full compliance with State Board regulations.

Fiscal Impact:

The City of Pico Rivera and Pico Rivera Water Authority (PRWA) are required by the State Board to reduce water consumption by 16% in Fiscal Year 2015-2016 relative to 2013 consumption. This will translate to a proportional reduction in metered revenue. A reduction in production costs is also anticipated, but this reduction will be less than the percent reduction in revenue since some production costs are fixed and not dependent on the volume produced. Staff will monitor revenues and expenses during this transition.

The cost of the resources that will be required to enforce the new regulations is undetermined at this time and will be largely dependent on the number of reports and inquiries from the public. Staff will monitor impacts to staffing resources and plan organizational changes as required in order to ensure compliance with State requirements.

Discussion:

On April 1, 2015, Governor Brown issued an Executive Order directing the State Water Resources Control Board (State Board) to reduce statewide potable urban water usage by 25 percent (25%) through February 2016 due to the continuing drought. The Governor's Executive Order contained several instructions for State Board implementation. Adopted by the State Board on May 5, 2015 and ratified by the Office of Administrative Law (OAL) on May 18, 2015, these new restrictions (Enclosure 3) continue the restrictions of State Board Resolution No. 2014-0038, adopted in July 2014, and add the following additional restrictions requiring action by the City:

1. Application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall is prohibited;
2. Irrigation of outdoor landscaped areas shall be limited to the maximum number of days per week that will enable the water purveyor to meet its required total water consumption reduction (16% overall reduction for Pico Rivera).

In addition, State Board Resolution No. 2015-0032 requires the City of Pico Rivera to reduce total potable water consumption by 16 percent (16%) in the Fiscal Year 2015-2016 relative to the consumption of 2013, requires mandatory reporting to the State Board, prohibits watering of ornamental turf on street medians, and may require tiered conservation standards to discourage excessive water consumption. The City will also be required to enforce the regulations and requirements for landscaping outside of newly constructed buildings in development by the California Building Standards Commission and the Department of Housing and Community Development. Fines for violations of the new requirements are generally up to \$500 for each day in which the violation occurs.

Mandatory Reporting

Purveyors shall prepare and submit to the State Board by the 15th of each month a monitoring report on forms provided by the State Board. The monitoring report shall include the amount of potable water 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, 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.

State Mandated Water Conservation Goals

The State Board utilized nine tiers of increasing levels of residential gallons per-capita-per-day (R-GPCD) water use to reach the statewide 25% reduction mandate. Based on relative per capita water usage of each water supplier, a sliding scale of mandatory conservation ranging from 8% to 36% has been developed. Those with high residential gallons per-capita-per-day (R-GPCD) use will need to achieve proportionally greater reductions than those with low water use. Pico Rivera falls within the 80 to 95 R-GPCD range and the water use reduction target for the Pico Rivera Water Authority (PRWA) is 16%.

Response to State Board Water Conservation Regulations

On August 26, 2014, the PRWA declared a Level 1 Water Supply Shortage in accordance with State Board Resolution No. 2014-038. The Level 1 restrictions remained in effect through April 15, 2015, pending further action by the State Board which was finalized last month. In Fiscal Year 2014-2015, in which the Level 1 declaration was mostly in effect, Pico Rivera achieved a cumulative reduction in water consumption of approximately ten percent (10%), with some months showing a reduction in excess of twenty percent (20%) relative to 2013. Adoption of one of the recommended resolutions will extend local water conservation restrictions and add additional measures and restrictions in accordance with the State Board's recently adopted Resolution No. 2015-0032.

There are two options for a resolution that would comply with the current requirements of the State Board. It should be noted that the majority of the requirements and restrictions contained in State Board Resolution No. 2015-0032 are permanent requirements/restrictions in the Pico Rivera Municipal Code (PRMC 13.70.040). However, the State Board requirements do not exactly align with the structure of the Pico Rivera Municipal Code and the various stages of water supply shortage defined in the code. Summarized below are the modifications to both resolution options necessary to fully implement the State Board requirements. Also, the Level 2 as defined in the PRMC includes some additional restrictions/requirements above and beyond the State Board requirements as described below. Therefore, adoption of the resolution for Level 2 would be more restrictive than the current State Board requirements.

Option 1 (Level 1 Water Supply Shortage): In addition to permanent PRMC conservation measures, PRWA will implement the Level 1 conservation measures identified in Pico Rivera Municipal Code Section 13.70.050 with the following additional water use restrictions and enforcement actions:

1. **Watering Days** – Watering or irrigating of lawn, landscape or other vegetated areas with potable water is limited to two (2) days per week from April through October and one (1) day per week from November through March. The landscape irrigation zones that exclusively use very low flow drip type irrigation systems, or watering or irrigating by use of hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system are excluded. (Note that Level 1 normally limits watering days to 3 days per week. Therefore, this additional measure is required to limit watering days to 2 days per week. Level 2 normally limits watering days to 2 days per week.)
2. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.

Option 2 (Level 2 Water Supply Shortage): In addition to permanent PRMC conservation measures and Level 1 conservation measures, PRWA will implement the Level 2 conservation measures identified in Pico Rivera Municipal Code Section 13.70.060 with the following additional water use restrictions and enforcement actions:

1. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.
2. Level 2 includes the following restrictions above and beyond State Board requirements:
 - a. Re-filling of pools and spas limited to one foot in depth.
 - b. Initial filling of pools and spas prohibited.
 - c. Filling of ornamental ponds prohibited, except to sustain existing aquatic life.
 - d. PRWA has option to ration water to customers.
 - e. PRWA has option to implement tiered conservation standards.
 - f. PRWA may require customers to reduce water consumption by a mandatory percentage.

Recommended Watering Schedule

Both of the recommended resolutions limit watering days to a maximum of two (2) days per week from April through October and one (1) day per week from November through March. In order to make this restriction practical and enable enforcement, the following watering schedule is recommended:

Address Number Ending in Even Number

- 2 days per Week Schedule: Monday and Wednesday
- 1 day per Week Schedule: Tuesday

Address Number Ending in Odd Number

- 2 days per Week Schedule: Tuesday and Thursday
- 1 day per Week Schedule: Thursday

Irrigation with potable water using sprinklers systems with spray heads would be prohibited on Friday, Saturday, and Sunday. These schedule requirements do not apply to municipal facilities since the City is adjusting watering schedules to effect a 25% reduction in water consumption at each facility relative to 2013 consumption. This also does not apply to facilities irrigated with recycled water.

If adopted, the resolution will remain in effect until February 13, 2016 at which time the Board may review the water supply conditions and subsequent State Board actions to determine the need for continued and/or enhanced mandatory conservation measures.



René Bobadilla

RB:JE:AA:lg

Enc.

- 1) Resolution for Option 1
- 2) Resolution for Option 2
- 3) OAL Notice of Approval Emergency Regulatory Action
- 4) Ordinance No. 1056 of the City of Pico Rivera, California, adding Chapter 13.70 to establish water conservation and water supply shortage program

RESOLUTION NO. 15-17

A RESOLUTION OF THE BOARD OF THE PICO RIVERA WATER AUTHORITY, PICO RIVERA, CALIFORNIA, DECLARING LEVEL 1 WATER SUPPLY SHORTAGE AND ADDITIONAL MEASURES FOR IMPLEMENTING WATER CONSERVATION MEASURES BY REASON OF REGULATIONS IMPOSED BY THE STATE OF CALIFORNIA

WHEREAS, 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;

WHEREAS, on August 26, 2014, the BOARD OF THE PICO RIVERA WATER AUTHORITY, PICO RIVERA ("Board") adopted Resolution No. 14-16, declaring a Level 1 Water Supply Shortage in accordance with the Municipal Code Section 13.70.050 imposing water conservation measures in response to regulations imposed by the State of California;

WHEREAS, Resolution No. 14-16 states that it shall remain in effect until April 15, 2015, which expiration date was chosen in anticipation that the State Water Resources Control Board ("State Board") would promulgate new regulations by such expiration date;

WHEREAS, the drought conditions that formed the basis of the Governor's emergency proclamations continue to exist; and on April 1, 2015, the Governor issued an Executive Order B-29-15 that, in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 25 percent (25%) reduction in potable urban usage through February, 2016; require residential, commercial, industrial, and institutional users to implement water efficiency measures;

WHEREAS, on April 18, 2015, the State Board released the tiered water use reduction targets it intends to impose on each individual urban water supplier. The water use reduction target for the Pico Rivera Water Authority (PRWA) is 16% below water usage in 2013;

WHEREAS, on May 5, 2015, the State Board responding to the Governor's call for water conservation adopted provisions requiring urban water agencies to place mandatory water use restrictions on outdoor water use or to implement Water Shortage Contingency Plans to accomplish, and on May 18, 2015 Office of Administrative Law approved the provisions adopted by State Board;

WHEREAS, such water use restrictions include:

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;
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;
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;
9. 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;

WHEREAS, such infractions shall be punishable by a fine up to five hundred dollars (\$500.00) per day for violations;

WHEREAS, the City of Pico Rivera and the Pico Rivera Water Authority jointly prepared a 2010 Urban Water Management Plan, containing a Water Shortage Contingency Plan, which was approved by the State Department of Water Resources in 2014;

WHEREAS, the City and Pico Rivera Water Authority agreed to a multi-level water conservation plan, which the City then codified at Chapter 13.70 of the Pico Rivera Municipal Code; and

WHEREAS, to comply with recently effective State of California Water Resources Control Board regulations, the Pico Rivera Water Authority shall implement Level 1 water conservation measures described in Section 13.70.050 with the additional conditions stated herein.

NOW, THEREFORE, THE BOARD OF THE PICO RIVERA WATER AUTHORITY DOES RESOLVE AS FOLLOWS:

SECTION 1. The Board of the Pico Rivera Water Authority determines and declares that due to drought, reduction in water use is necessary to ensure sufficient supplies will be available to meet anticipated demands.

SECTION 2. The Board of the Pico Rivera Water Authority will implement the mandatory Level 1 conservation measures identified in Pico Rivera Municipal Code Section 13.70.050 with the following modifications and additional enforcement actions:

A. Section 13.70.050, b. Item 1 – Limits on Watering Days is modified as follows:

1. Watering Days. Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two (2) days per week on a schedule established and posted by the City. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one (1) day per week on a schedule established and posted by the City. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

B. Section 13.70.050, b. Item 3 - Other Prohibitive Uses. The following additional prohibitive measures are enforced:

1. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.

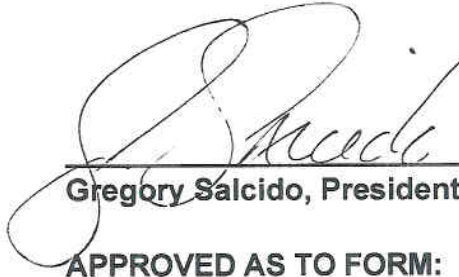
SECTION 3. The establishment of such a water supply emergency shall remain in effect until February 13, 2016 at which time the Board shall review the water supply conditions to determine the need for continued mandatory conservation measures.

SECTION 4. At such time on or before the aforementioned date the State Water Board determines that a water supply emergency ceases to exist the State Water Board may adopt a resolution to declare an end of the water supply emergency.

SECTION 5. The Authority Secretary shall certify to the passage and adoption of this resolution and hereafter the same shall be in full force and effect.

SECTION 6. The mandatory conservation requirements, however, shall take effect on the tenth day after the date this resolution is adopted and approved.

ADOPTED AND APPROVED this 9th day of June, 2015.



Gregory Salcido, President

ATTEST:

APPROVED AS TO FORM:



Anna M. Jerome, CMC
Authority Secretary



Arnold M. Alvarez-Glasman
General Counsel

AYES: Archuleta, Armenta, Camacho, Tercero, Salcido
NOES: None
ABSENT: None
ABSTAIN: None