

RESOLUTION NO. 22-34

A RESOLUTION OF THE PICO RIVERA WATER AUTHORITY DECLARING LEVEL 2 WATER SUPPLY SHORTAGE AND ADDITIONAL MEASURES FOR IMPLEMENTING WATER CONSERVATION MEASURES BY REASON OF REGULATIONS IMPOSED BY THE STATE OF CALIFORNIA

WHEREAS, on October 19, 2021, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on extreme and expanded drought conditions;

WHEREAS, THE PICO RIVERA WATER AUTHORITY ("Authority") desires to approve a resolution, declaring a Level 2 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, the Level 2 Water Supply Shortage is intended to remain in effect until June 14, 2023 unless otherwise terminated or extended, in anticipation of the State Water Resources Control Board ("State Board") promulgating new regulations by the new expiration date;

WHEREAS, the drought conditions that formed the basis of the Governor's emergency proclamations continue to exist; and on October 19, 2021, the Governor issued an Executive Order N-7-22 that, in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 20 percent (20%) reduction in potable urban usage through January 18, 2023; require residential, commercial, industrial, and institutional users to implement water efficiency measures;

WHEREAS, water use reduction targets each individual urban water supplier, and the water use reduction target for the Pico Rivera Water Authority (PRWA) is 20% below water usage in 2018;

WHEREAS, on January 4, 2022 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 January 18, 2022 emergency regulations approval by the Office of Administrative Law;

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, and violators may be subject to the installation of water flow restrictors or disconnection of service;

WHEREAS, the City of Pico Rivera and the Pico Rivera Water Authority jointly prepared a 2020 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 2 water conservation measures described in Section 13.70.060 with the additional conditions stated herein.

NOW, THEREFORE, BE IT RESOLVED by the Pico Rivera Water Authority of the City of Pico Rivera as follows:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. 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 3. The Pico Rivera Water Authority will implement the mandatory Level 2 conservation measures identified in Pico Rivera Municipal Code Section 13.70.060 subject to the following additional enforcement actions and exclusions:

A. Section 13.70.060, b. Item 6 - 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 4. The establishment of such a water supply emergency shall remain in effect until June 14, 2023, at which time the Authority shall review the water supply conditions to determine the need for continued mandatory conservation measures.

SECTION 5. 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 approve a resolution to declare an end of the water supply emergency.

SECTION 6. If any portion of this resolution is deemed invalid or unenforceable, such provision shall be severable and the remainder of the resolution shall be given full force and effect.

SECTION 7. The Authority Secretary shall certify to the passage and approval of this resolution and hereafter the same shall be in full force and effect.

SECTION 8. The mandatory conservation requirements, however, shall take effect on the tenth day after the date this resolution is approved.

APPROVED AND PASSED this 14th day of June 2022.

Erik Lutz for Dr. Monica Sanchez Mayor
Dr. Monica Sanchez, President

ATTEST:

Anna M. Jerome
Anna M. Jerome, Authority Secretary

APPROVED AS TO FORM:

Arnold M. Alvarez-Glasman
Arnold M. Alvarez-Glasman, General Counsel

AYES: Camacho, Elias, Lara, Lutz

NOES: None

ABSENT: Sanchez

ABSTAIN: None



WATER AUTHORITY

AGENDA REPORT

To: President and Commissioners
From: Executive Director
Meeting Date: June 14, 2022
Subject: DECLARATION OF EMERGENCY WATER
CONSERVATION PROVISIONS

Recommendation:

1. Approve a resolution declaring a *Level 2 Water Supply Shortage* in pursuant to Pico Rivera Municipal Code Section 13.70.050 to ensure compliance with the requirements of the State Water Resources Control Board (State Board) Resolution No. 2022-0002.

Fiscal Impact:

The City of Pico Rivera and Pico Rivera Water Authority (PRWA) are required by the State Board to reduce water consumption by 20% in response to Governor Newsom's Executive Order N-7-22. 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:

The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist; and on October 19, 2021, the Governor issued an Executive Order N-7-22 that, in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 20% reduction in potable urban usage through January 4, 2023, through additional conservation measures for residential, commercial, industrial, and institutional users to meet the requirements under the Stage 2 water shortage.

PICO RIVERA WATER AUTHORITY AGENDA REPORT – MEETING OF JUNE 14, 2022

DECLARATION OF EMERGENCY WATER CONSERVATION PROVISIONS

Page 2 of 4

The Governor's Executive Order contained several instructions for State Board implementation. Adopted by the State Board on January 4, 2022, and ratified by the Office of Administrative Law (OAL) on January 18, 2022, these new restrictions (Enclosure 2) continue the restrictions of State Board Resolution No. 2022-0002, approved on January 4, 2022, 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 (20% overall reduction for Pico Rivera).

In addition, State Board Resolution No. 2022-0002 requires the City of Pico Rivera to reduce total potable water consumption by 20% in the fiscal year (FY) 2022-23 and 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.

As a purveyor, PRWA is required to prepare and submit to the State Board by the 20th 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 2015. 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.

In FY 2020-21, in which the Level 1 declaration was mostly in effect, Pico Rivera achieved a cumulative reduction in water consumption of approximately 5%, with some months showing a reduction more than 10% relative to 2015. The recommended resolution will extend local water conservation restrictions and includes additional measures and restrictions in accordance with the State Board's recently approved Resolution No. 2022-0002.

The resolution would comply with the current requirements of the State Board. It should be noted that most of the requirements and restrictions contained in State Board

PICO RIVERA WATER AUTHORITY AGENDA REPORT – MEETING OF JUNE 14,
2022
DECLARATION OF EMERGENCY WATER CONSERVATION PROVISIONS
Page 3 of 4

Resolution No. 2022-0002 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 the City Municipal Code necessary to fully implement the State Board requirements. Also, the Level 2 as defined in the PRMC includes some additional restrictions/requirements.

In addition to permanent and Level 1 PRMC 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. 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.

PRMC Level 2 includes the following restrictions above and beyond State Board requirements:

1. Re-filling of pools and spas limited to one foot in depth.
2. Initial filling of pools and spas prohibited.
3. Filling of ornamental ponds prohibited, except to sustain existing aquatic life.
4. PRWA has option to ration water to customers.
5. PRWA has option to implement tiered conservation standards.
6. PRWA may require customers to reduce water consumption by a mandatory percentage.

Recommended Watering Schedule

The recommended resolution limits 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

PICO RIVERA WATER AUTHORITY AGENDA REPORT – MEETING OF JUNE 14,
2022
DECLARATION OF EMERGENCY WATER CONSERVATION PROVISIONS
Page 4 of 4

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 affect a 20% reduction in water consumption at each facility relative to 2015 consumption. This also does not apply to facilities irrigated with recycled water.

If approved, the resolution will remain in effect for a full year 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.

Conclusion:

Staff recommends the approval of the *Stage 2 Water Shortage* resolution in accordance with the Pico Rivera Municipal Code Section 13.70.060, *Level 2 Water Supply Shortage* to meet the mandatory statewide 20% reduction in potable water use according to Governor Newsom's Executive Order N-7-22; and to remain in effect until order is lifted.



Steve Carmona

SC:TR:AR:II

- Enclosures:
- 1) Resolution
 - 2) Drought Executive Order N-7-22
 - 3) Chapter 13.70 PRMC
 - 4) Model Level 2 Water Shortage Response Actions

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

ENCLOSURE 2

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

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.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at SaveOurWater.com provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
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.

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).

- 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.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. 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.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED 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 of this Order.

This 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.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

13.70.060 Level 2 water supply shortage.

A. A Level 2 water supply shortage exists when the city determines, in its sole discretion, that due to drought or other supply reductions, a water supply shortage exists and a consumer demand reduction is necessary to ensure sufficient supplies will be available to meet anticipated demands. Upon the declaration by the city of a Level 2 water supply shortage condition, the city will implement the mandatory Level 2 conservation measures identified in this section.

B. Additional Conservation Measures. In addition to the prohibited uses of water identified in Sections 13.70.040 and 13.70.050, the following additional water conservation requirements apply during a declared Level 2 water supply shortage:

1. Watering Days. Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two 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 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 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.

2. Obligation to Fix Leaks, Breaks or Malfunctions. All leaks, breaks or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight hours of notification by the city unless other arrangements are made with the city.

3. Limits on Filling Ornamental Lakes or Ponds. Filling or refilling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to the declaration of a supply shortage level under this chapter.

4. Limits on Washing Vehicles. Using water to wash or clean a vehicle, including, but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, by high pressure/low volume wash systems, or at a commercial car washing facility that utilizes a recirculating water system to capture or reuse water.

5. Limits on Filling Residential Swimming Pools and Spas. Refilling of more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.

6. Other Prohibited Uses. The city may implement other prohibited water uses as determined by the city, after notice to customers.

D. In addition to the above procedures during a Level 2 water supply shortage, the city may adopt the following procedures:

1. Water Allocations/Water Budget. The city will establish a water allocation for property served by the city using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. The city must provide notice of

ENCLOSURE 3

the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the city customarily mails the billing statement for fees or charges for on-going water service.

Following the effective date of the water allocation as established by the city, any person that uses water in excess of the allocation will be subject to a citation in accordance with Section 13.70.210. Any monetary penalty for excess water usage may be imposed for violation of this chapter.

2. **Water Supply Shortage Rates.** During a Level 2 water supply shortage condition, the city may increase water rates by an amount necessary, as determined by the city. The increase in water rates may vary from categories of customers.

3. **Mandatory Percentage Use Reductions.** During a Level 2 water supply shortage condition, all customers will be required to reduce water consumption by a percentage determined by the city. (Ord. 1056 § 1, 2009)

Memorandum

Date: April 15, 2022

To: Eric Oppenheimer
Chief Deputy Director
State Water Resources Control Board

From: Kristopher Tjernell
Deputy Director, Integrated Watershed Management
Department of Water Resources

Subject: **Model Level 2 Water Shortage Response Actions
for Urban Water Supplier Water Shortage Contingency Planning**

On March 28, 2022, Governor Newsom issued Executive Order (EO) N-7-22 to address drought conditions after the driest first three months of a year in the state's recorded history. To comply with the order, this paper provides information on a proposed model water shortage response actions developed by Department of Water Resources (DWR) for the State Water Resources Control Board (Water Board) to consider when adopting an emergency regulation to require urban water suppliers that have not submitted a water shortage contingency plan (WSCP) to the DWR implement, at a minimum, model shortage response actions.

- For Suppliers with a WSCP (submitted to DWR): EO N-7-22 requires that each Supplier 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). The EO states that these Level 2 actions are to be implemented by a date to be set by the Water Board.
- For Suppliers without a WSCP (submitted to DWR): EO N-7-22 requires that each Supplier implement, at a minimum, shortage response actions established by the Water Board through an emergency regulation. The Water Board shall take into consideration the Level 2 actions developed by DWR. The EO states that these Level 2 model actions are to be implemented by a date set by the Water Board.

Water Shortage Response Actions and Six Standard Water Shortage Levels

Note that California Water Code (CWC) §10632(a) requires that Suppliers include in their WSCPs locally appropriate shortage response actions which align with six specified standard levels of shortage including:

- Locally appropriate supply augmentation actions.
- Locally appropriate demand reduction actions.
- Locally appropriate operational changes.

- Additional, mandatory prohibitions against specific water use practices.

A Supplier also needs to evaluate each action and estimate how much water savings it would produce based on the Supplier's local conditions and supply and demand characteristics. This evaluation is a prerequisite for a successful selection and implementation of locally appropriate water shortage response actions.

CWC §10632(a)(3)(A) defines six standard water shortage levels that correspond to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages and greater than 50 percent shortage.

Model Level 2 Water Shortage Response Actions

The following list presents proposed model water shortage response actions developed by DWR and deemed appropriate for a Level 2 shortage, which corresponds to the range of up to 20 percent shortage. Suppliers may have the flexibility to choose locally-appropriate actions consistent with CWC §10632.2 and not have to implement each and all of the actions listed as long as they achieve a 20 percent reduction in water use.

1. Expanded information campaigns

Campaigns may include public information and outreach via email, paper mail, bill inserts, customer app notifications, news articles, websites, community events, radio and television, billboards, and social media.

2. Landscape water use restrictions

Restrictions may include reduction in permissible hours and weekly frequency for landscape irrigation.

3. Use type restrictions

Suppliers must implement and enforce ordinances banning certain water use types such as:

- Washing or hosing down of hard surfaces (driveways, sidewalks, ...)
- Filling of non-recirculating fountains
- Using potable supplies for decorative water features

4. Banning water waste and specific practices

Suppliers must implement and enforce prohibitions that target water waste and certain practices, including:

- Runoff onto non-irrigated areas, walkways, roadways, parking lots, or other hard surfaces.
- Unfixed leaks and broken or defective plumbing (including but not limited to leaking toilet flapper valves) and irrigation systems.
- Use of hoses not fitted with automatic shut-off nozzles
- Serving of water in restaurants except on request

- Laundering towels and linens daily in hotels without providing guests an opt-out option

5. Water conservation incentives

Suppliers shall consider water conservation incentives and programs to provide customer rebates such as:

- Rebates for plumbing fixtures (low flush toilets, high efficiency washers, low flow showerheads, faucet aerators, ...)
- Free conservation retrofit kits to customers
- Rebates for turf replacement
- Prioritize water for trees, including, but not limited to, through rebate, direct installation, and educational programs focused on transitioning from turf-centric to tree-centric irrigation systems that promote deep and healthy root growth.
- Offer water use surveys (especially for CII customers)

6. Water-saving operational changes

Suppliers may consider operational changes that can help save water include measures such as:

- Decreasing line flushing and fire training exercises
- Increasing water waste patrols and enforcement
- Imposing a moratorium on new services

7. Drought rate structures and surcharges (if applicable)

Suppliers may activate drought rate structure or surcharges, if applicable, to encourage conservation. This may include tiered pricing increases (disincentives) for large water users as well as rate decreases (incentives) for conserving users.

8. Use of non-potable water supplies

Suppliers shall encourage water recycling and reuse to substitute potable water supplies with non-potable supplies for uses that are approved and permitted. To free up potable supplies, suppliers may consider non-potable supplies including greywater, recirculated water, and recycled treated wastewater.

9. Backup and emergency water supply readiness

If applicable, suppliers shall take measures to be prepared to activate or deploy backup and emergency water supplies when needed.