

Committee name (ORAL REPORT required, hide slide)

Item #7b

Subject: SWRCB Emergency Regulations Implementing 25% Conservation Standard

Purpose: Summary of regulations and implications for retail water suppliers in Metropolitan service area

Committee Name/Date

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Summary

SWRCB adopted Emergency Regulations on May 6 in support of Governor's Executive Order to achieve 25% water use reduction



SWRCB Drought Emergency Water Conservation Regulations

Water Planning & Stewardship Committee
Item 7b
May 11, 2015

Governor's Executive Order B-29-15

Save Water Component

- Issued on April 1, 2015
- Directs SWRCB to impose restrictions on water suppliers to 25% water use reduction statewide
- Requires commercial, industrial, and institutional users to implement water use efficiency measures
- Prohibit irrigation with potable water of ornamental turf in public street median
- Prohibit irrigation with potable water outside newly constructed homes or buildings that is not delivered by drip or microspray systems

SWRCB Emergency Regulations

Implementing 25% Conservation Standard

- In response to Governor's April 1 Executive Order
- SWRCB process
 - April 7 - Proposed regulatory framework
 - Received over 300 comment letters
 - April 18 - draft emergency regulation text
 - Received about 300 comment letters
 - April 28 – released Notice of Proposed Rulemaking and related documents
 - May 5 – held public hearing and adopted regulations
 - Received over 200 written and oral comments

SWRCB Actions

1. Prohibitions for Everyone
2. Requirements for Business
3. Requirement for Self-Supplied Properties
4. Requirements for Small Retail Water Suppliers
5. Requirements for Retail Urban Water Suppliers

Prohibitions for Everyone

Existing from August 2014 and March 2015

- Use potable water to wash sidewalks & driveways
- Allow runoff when irrigating with potable water
- Use hoses with no shutoff nozzles to wash cars
- Use potable water in decorative water features that do not recirculate the water
- Irrigate outdoor landscape during and 48 hours following measurable precipitation
- Health, safety and permit exceptions apply

New Prohibitions *

- Use potable water to irrigate ornamental turf on public street medians
- Use potable water to irrigate outside of newly constructed homes and buildings that is not delivered by drip or microspray systems
 - Forthcoming emergency regulations from Building Standards Commission and Housing and Community Development Department

* From Governor's April 1 Executive Order

Requirements for Business



- Restaurants and other food service establishments can only serve water to customers on request
- Hotels and Motels must provide guests with the option of not having towels and linens laundered daily

Requirement for Self-Supplied Commercial, Industrial and Institutional Properties



- Limit outdoor irrigation with potable water of ornamental landscapes to no more than two days per week; or
- Reduce self supplied potable water usage by 25% for June 2015 through February 2016 as compared to same months in 2013
- SWRCB may issue information order, requiring them to demonstrate:
 - Compliance with two day per week watering restriction; or
 - Achieved 25% water use reduction as compared to 2013

Requirements for Small Public Water Supplier


- Impose restrictions on outdoor irrigation to no more than two days per week, or
- Implement other mandatory measures to achieve a 25% water use reduction relative to usage in 2013 
- Submit a report by December 15, 2015 
 - Total potable water production by month from June – November 2015, and June – November 2013; or
 - Confirmation of limited outdoor irrigation of landscapes or turf with potable water to no more than 2 days per week

Requirements for Retail Urban Water Supplier

Urban Water Supplier = serves more than 3,000 customers or supplies more than 3,000 AFY

1. Provide prompt notice to customers of suspected leaks on their premises
2. Expanded monthly reporting to SWRCB
3. Comply with a specified conservation standard
4. Implement mandatory actions

Monthly Reporting

- Total potable water production, including purchases from wholesalers
- Population served
- Water use
 - Residential
 - Commercial, Industrial, Institutional sectors 
- Estimate residential per person water use per day (R-gpcd)
- Descriptive statistics on water conservation compliance and enforcement efforts
- Number of days that outdoor irrigation is allowed

Specified Conservation Standard

- To achieve 25% potable water savings statewide; about 1.3 MAF in savings
- Nine tiers of conservation standard indicating percentage of total potable water production reduction
- Each urban water supplier is assigned to a conservation standard tier
- Assignment to tiers based on reported R-gpcd for July – September 2014

Conservation Standard

Tier	R-GPCD Range		# of Suppliers in Range	Conservation Standard
	From	To		
1	Reserved		0	4%
2	0	64.9	23	8%
3	65	79.9	24	12%
4	80	94.9	44	16%
5	95	109.9	51	20%
6	110	129.9	48	24%
7	130	169.9	82	28%
8	170	214.9	54	32%
9	215	612	85	36%

Request to Modify Sufficient Reserve

- A supplier may submit a request to SWRCB Executive Director if:
 - Has a reserve supply of surface water that could last at least four years
 - No reliance on groundwater
 - No water imported from other hydrologic region
- May be approved to go down one tier (4% less reduction)

Request to Modify Commercial Agriculture

- Urban Water Suppliers
 - Submit documentation of deliveries to commercial agriculture
 - Comply with Agricultural Water Management Plan
 - Provide water use efficiency improvement plan
 - Commit to a conservation standard to be determined by SWRCB

Request to Modify Alternate Compliance


- Suppliers with significant commercial and industrial water use
 - May have difficulty achieve specified conservation standard
 - May request to work with SWRCB staff for alternate compliance method

Compliance Assessment


- Reporting for June 2015 due July 15, 2015
- Compliance tracked on a cumulative basis
- Compliance period June 2015 through February 2016

How will SWRCB Enforce This?

SWRCB Enforcement Tools

- Information order 
 - Help SWRCB to investigate reasons for water suppliers not meeting their conservation standard
 - Information relating to water production, water use, or water conservation
 - Water suppliers, or self-supplied CII owners, must provide information within 30 days unless SWRCB approves time extension
 - Penalty up to \$500 per day if fail to comply

SWRCB Enforcement Tools

- Conservation order 
 - SWRCB can use the order to direct specific actions to correct non-compliance
 - Penalty up to \$500 per day if fail to comply
- Cease and Desist order
 - Penalty up to \$10,000 per day if fail to comply

Regulation Timeline

- Office of Administrative Law action in 10 days
 - Regulations becomes effective upon OAL approval
- July 15, 2015
 - June - first month of compliance reporting for urban water suppliers
- December 15, 2015
 - Reporting of June – November data for small water suppliers

Proposed Workgroup

- Convene stakeholders
- Address longer term items, such as:
 - Climate adjustments
 - Lot sizes and land use densities
 - Early investments in conservation
 - Development of local, drought proof supply
 - Groundwater reserves
 - Regional compliance
 - Health and safety needs (e.g. hospitals and jails)

Summary

- Prohibitions effective before end of May
- Requirements for water suppliers start June
- Regulations effective through February 2016
- Suppliers needing modifications should submit requests as soon as possible
- SWRCB commitment to convene stakeholder workgroup

