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City of South Gate

CITY COUNCIL

AGENDA BILL

For the Regular Meeting of: June 28, 2022Originating Department: Public WorksDepartment Director:
Arturo CervantesInterim City Manager:
Chris Jeffers

SUBJECT: PUBLIC HEARING TO ADOPT RESOLUTION DECLARING A LEVEL 2 WATER SUPPLY SHORTAGE CONDITION AND IMPLEMENT THE MANDATORY LEVEL 2 CONSERVATION MEASURES PURSUANT TO SOUTH GATE MUNICIPAL CODE SECTION 6.64.080

PURPOSE: On May 24, 2022, State Water Resources Control Board adopted Resolution No. 2022-0018 Emergency Regulation to Reduce Water Demand and Improve Water Conservation and directed State Water Board staff to submit the regulation to the Office of Administrative Law (OAL) for final approval to extend mandatory water conservation measures to reduce water consumption statewide by 10- 20%. The City is required to hold a public hearing to adopt a resolution declaring Level 2 water supply shortage condition to be in compliance with the Emergency Regulatory Action.

RECOMMENDED ACTIONS: Following the conclusion of the Public Hearing, the City Council will consider adopting a Resolution declaring a Level 2 Water Supply Shortage Condition and implementing the mandatory Level 2 conservation measures identified in Section 6.64.080 (Level 2 water supply shortage) of Chapter 6.64 (Water Conservation Ordinance) of the South Gate Municipal Code.

FISCAL IMPACT: Staff anticipates a reduction in revenue from the Water Fund because water demand will decrease. For example, if water demand decreases by 10%, revenue will decrease by approximately \$2 million in Fiscal Year 2022/23.

ANALYSIS: The City's residential and commercial customers have been reasonably consuming water for many years as water demand in the City's water district is at a low. In 2002 for example, water demand was nearly 11,800 acre-feet annually. Water demand has since dropped to an estimated 8,300 acre-feet, annually. Water conservation efforts have resulted in leaving nearly 3,000-acre feet of the City's water rights unused, annually. Residential customers are utilizing an estimated 55 gallons per day per capita, which is considered low usage. Regardless, the City's water customers must comply with drought regulations imposed by the state. Water customers have been challenged by drought regulations and have demonstrated their resiliency despite their

low usage. For example, in 2016, the City's water customers further reduced water consumption to approximately 7,000-acre feet during the drought.

On March 28, 2022, Governor Newsom signed Executive Order N-7-22 (Attachment B) directing the State Water Resources Control Board ("State Water Board" or "Board") to consider adopting emergency regulations to increase water conservation. On May 24, 2022, SWRCB adopted Resolution No. 2022-0018 (Attachment C) to implement emergency regulation to reduce water demand and improve water conservation ("Drought Regulation"). The resolution was approved by the Office of Administrative Law on June 10, 2022. Highlights of the Drought Regulation include the following:

- Urban water suppliers that have submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of 10 to 20 percent (Level 2).
- 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.

The Drought Regulation will remain in effect for one year through June 9, 2023, 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.

The City will comply with the Drought Regulation by adopting a resolution to declare a Level 2 water supply shortage condition per Municipal Code Section 6.64.080 (Level 2 water supply shortage) as described in the document (Attachment D). This is in addition to the permanent restrictions currently in place per Municipal Code, Section 6.64.060 (Permanent water conservation requirements - Prohibition against waste).

BACKGROUND: The City owns and operates a municipal water system serving over 14,200 residential and commercial accounts. The City's water district spans approximately 90% of the City and has an average annual water demand of 8,300 acre-feet.

The state is experiencing lower than average rain and snowpack conditions. This has a direct impact on the State Water Project, therefore, communities that acquire imported water from the State Water project are impacted by the ongoing drought. The City is in the Central Basin which is served by imported water, recycled water, and groundwater. The source of imported water is the Colorado River, not the State Water Project. Further, groundwater is not dependent on the State Water Project. The City's water system is 100% dependent on groundwater and does not have a reliance on imported water.

The City must comply with state and federal requirements in the management and operation of the water system, which includes complying with drought declarations regardless of local water supply conditions. The Drought Regulation requires urban water suppliers to implement, at a

minimum, all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of 10 to 20 percent

On June 22, 2021, the City Council adopted a Water Shortage Contingency Plan. Compliance with the Drought Regulation can be achieved by the City's permanent water conservation requirements and by activating the Level 2 requirements, further codified in the municipal code.

Section 6.64.060 Permanent Water Conservation Requirements – Prohibitions Against Waste

- **Limits on Watering Hours.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 9:00 AM and 6:00 PM on any day, 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, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- **Limit on Watering Duration.** Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a seventy percent efficiency standard.
- **No Excessive Water Flow or Runoff.** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.
- **No Washing Down Hard or Paved Surfaces.** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios, or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume, high-pressure cleaning machine equipped to recycle any water used.
- **Obligation to Fix Leaks, Breaks or Malfunctions.** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than three days of receiving notice from the city is prohibited.
- **Recirculating Water Required for Water Fountains and Decorative Water Features.** Operating a water fountain or other decorative water feature that does not use recirculated water is prohibited.
- **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 or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.

- Drinking Water Served Upon Request Only. Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, club or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.
- Commercial Lodging Establishments Must Provide Option to Not Launder Linen Daily. Hotels, motels, and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.
- No Installation of Single Pass Cooling Systems. Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- No Installation of Non-recirculating Water Systems in Commercial Car Wash and Laundry Systems. Installation of non-recirculating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.
- Restaurants Required to Use Water Conserving Dish Wash Spray Valves. Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.

Section 6.64.080 Level 2 Water Supply Shortage

- Watering Days. Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week. Property addresses with even numbers shall be allowed to water or irrigate on Mondays and Thursdays, between the hours of 6:00 PM and 9:00 AM. Property addresses with odd numbers shall be allowed to water or irrigate on Tuesdays and Fridays, between the hours of 6:00 PM and 9:00 AM. An exception to the municipal code is made to allow watering or irrigating of lawn, landscape or other vegetated area with potable water during the months of November through March on the same two-day per week schedule. 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 a 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.
- 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.
- 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 declaration of a supply shortage level under this chapter.
- 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 re-circulating water system to capture or reuse water.

- 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.
- Other Prohibited Uses. The City may implement other prohibitions on water uses as determined by the City, after notice to customers.

Section 6.64.130 Penalties and Violations of the Municipal Code requires enforcement. Water conservation requirements do not apply to uses of water necessary to protect public health and safety or for essential government services such as police, fire, and other similar emergency services.

The City's facilities are also impacted by the water conservation requirements. Irrigations of roadway medians will be reduced to watering trees and other perennial plant in the medians. The proposed prohibition does not include irrigation of turf on public facilities or City municipal parks used as sports fields, regularly used for human recreational purposes, or for civic or community events.

The Public Works Department will have primary responsibility in meeting the water conservation requirements. The Department will conduct public outreach to meet the water conservation requirements for residential, commercial, and industrial customers. The Department will also have a notification process to adequately document and report leaks to the customers.

The City has taken actions to prepare for drought conditions. The City Council has approved the Urban Water Management Plan and the Water Shortage Contingency Plan. These documents provide guidance on responding to a drought. The City website has a water conservation page which includes the permanent water use restrictions from our ordinance, videos, factsheets and rebate information. On June 7th and 8th, flyers with water conservation tips and rebate information were distributed to all customers.

- ATTACHMENTS:**
- A. Proposed Resolution
 - B. Executive Order N-7-22
 - C. SWRCB Resolution No. 2022-0018
 - D. Municipal Code Section 6.64.080
 - E. Municipal Code Section 6.64.060

AA:lc

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SOUTH GATE TO DECLARE LEVEL 2 WATER SHORTAGE
CONDITIONS BY REASON OF RESOLUTION NO. 2022-0018
APPROVED BY THE STATE WATER RESOURCES CONTROL BOARD,
EMERGENCY REGULATION TO REDUCE WATER DEMAND AND
IMPROVE WATER CONSERVATION**

WHEREAS, 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 to ensure the protection of health, safety, and the environment; and

WHEREAS, these proclamations urge Californians to reduce their water use; and

WHEREAS, on March 28, 2022, Governor Newsom signed Executive Order N-7-22 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 taken by 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; and

WHEREAS, on May 24, 2022, the State Water Resources Control Board adopted an Emergency Regulation for Statewide Urban Water Conservation, which mandated that the City of South Gate reduce its use of water by 10 to 20 percent; and

WHEREAS, on June 10, 2022, the OAL approved Emergency Regulatory Action 2022-0018 thereby extending mandatory water conservation efforts to reduce water consumption statewide by 10 to 20 percent; and

WHEREAS, on June 28, 2022, a public hearing was held by the City to adopt a Resolution to declare Level 2 Conservation Measures Identified in Section 6.64.080 (Level 2 Water Supply Shortage) of Chapter 6.64 (Water Conservation Ordinance) of the South Gate Municipal Code Water Shortage Conditions by reason of Resolution No. 2022-0018 approved by the State Water Resources Control Board; and

WHEREAS, 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.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE,
CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The City Council does hereby declare that the above recitals are true and correct and incorporated herein by this reference.

SECTION 2. The City Council does hereby certify that effective June 28, 2022, the City Council shall adopt a Resolution of the City Council of the City of South Gate Declaring a Level 2 Water Supply Shortage Condition and Implement the Mandatory Level 2 Conservation Measures Identified in the South Gate Municipal Code Section 6.64.080 (Level 2 Water Supply Shortage) of Chapter 6.64 (Water Conservation Ordinance) of the South Gate Municipal Code.”

SECTION 3. The City Council does hereby certify that 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.

SECTION 4. The City Council does hereby certify that all the provisions set forth in the South Gate Municipal Code Section 6.64.060 (Permanent Water Conservation Requirements – Prohibition Against Waste) shall remain in force and effect.

SECTION 5. The City Council does hereby certify that all of the provisions set forth in the South Gate Municipal Code Section 6.64.080 (Level 2 Water Supply) shall remain in force and effect with the following modifications and additional enforcement actions: Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week on Mondays and Thursdays, between the hours of 6:00 PM and 9:00 AM for properties with even numbered addresses, and on Tuesdays and Fridays for properties with odd numbered addresses. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area shall remain on the same schedule. 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 a 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.

SECTION 6. The City Council does hereby certify that all responsible City staff members are hereby authorized and directed to comply with all the requirements of State Board Resolution No. 2022-0018.

SECTION 7. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Resolution, or any part hereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Resolution. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Resolution irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

SECTION 8. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED and ADOPTED this 28th day of June 2022.

CITY OF SOUTH GATE:

By: _____
Al Rios, Mayor

ATTEST:

By: _____
Yodit Glaze, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: Raul F. Salinas ②
Raul F. Salinas, City Attorney

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

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

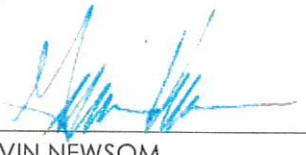
Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water 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

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0018**

**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.

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.

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.

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, 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.

AYE: Chair E. Joaquin Esquivel
 Vice Chair Dorene D'Adamo
 Board Member Sean Maguire
 Board Member Laurel Firestone

NAY: None

ABSENT: Board Member Nichole Morgan

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

ADOPTED EMERGENCY REGULATION TEXT

Version: May 24, 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 in 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, all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2).
- (2) Notwithstanding subdivision (c)(1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section.
- (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 all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) 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 with potable water to no more than two (2) days per week and prohibiting landscape irrigation with potable water 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.
- (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 reference 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, 377, 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.

(Ord. 2263 § 1 (part), 7-28-09)

6.64.080 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 make more efficient use of water and respond to existing water conditions. 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.

A Level 2 water supply shortage condition exists when the city notifies its water users that due to drought or other supply reductions, a consumer demand reduction of up to fifteen percent is necessary to make more efficient use of water and respond to existing water conditions. Upon the declaration of Level 2 water supply shortage condition, the city shall implement the mandatory Level 2 conservation measures identified in this chapter.

B. Additional Conservation Measures. In addition to the prohibited uses of water identified in Sections [6.64.060](#) and [6.64.070](#), 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 a 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 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 re-circulating 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 prohibitions on water uses as determined by the city, after notice to customers.

C. Other Options at Level 2.

1. Water Allocations/Water Budget. The city may 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 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 ongoing 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 penalty in the amount of two dollars and fifty cents for each billing unit of water in excess of the allocation or an amount established by the resolution of city council, whichever is greater. The penalty for excess water usage will be cumulative to any other remedy or penalty that 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, other than Tier 1 Lifeline rates of fifteen units per residential household.
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. 2263 § 1 (part), 7-28-09)

6.64.060 Permanent water conservation requirements—Prohibition against waste.

The following water conservation requirements are effective at all times and are permanent.

Violations of this section will be considered waste and an unreasonable use of water.

A. Limits on Watering Hours. Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of nine a.m. and six p.m. Pacific Standard Time on any day, 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, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

B. Limit on Watering Duration. Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a seventy percent efficiency standard.

C. No Excessive Water Flow or Runoff. Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining

sidewalk, driveway, street, alley, gutter or ditch is prohibited.

D. No Washing Down Hard or Paved Surfaces. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

E. Obligation to Fix Leaks, Breaks or Malfunctions. Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than three days of receiving notice from the city is prohibited.

F. Recirculating Water Required for Water Fountains and Decorative Water Features. Operating a water fountain or other decorative water feature that does not use recirculated water is prohibited.

G. 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 or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.

H. Drinking Water Served Upon Request Only. Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, club or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.

I. Commercial Lodging Establishments Must Provide Option to Not Launder Linen Daily. Hotels, motels, and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

J. No Installation of Single Pass Cooling Systems. Installation of single pass cooling systems is prohibited in buildings requesting new water service.

K. No Installation of Non-recirculating Water Systems in Commercial Car Wash and Laundry Systems. Installation of non-recirculating water systems is prohibited in new commercial conveyor

car wash and new commercial laundry systems.

L. Restaurants Required to Use Water Conserving Dish Wash Spray Valves. Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.

(Ord. 2263 § 1 (part), 7-28-09)