

Resolution 2014-1

OFFICE OF THE CITY MANAGER

July 28, 2014

**TO:** Honorable Mayor and City Council

**FROM:** City Manager *MB*

**SUBJECT:** DETERMINE A WATER SUPPLY SHORTAGE EXISTS, ESTABLISH A 20% CONSERVATION TARGET AND IMPLEMENT LEVEL 1 WATER SUPPLY SHORTAGE MEASURES AS DESCRIBED IN PASADENA MUNICIPAL CODE ("PMC") SECTION 13.10.040

**Municipal Services Committee Recommendation**

On July 22, 2014, the Municipal Services Committee ("MSC") unanimously moved to recommend the City Council adopt staff's recommendations, with the additional clarification that the year 2013 be established as the baseline for the 20% water conservation target.

**Discussion**

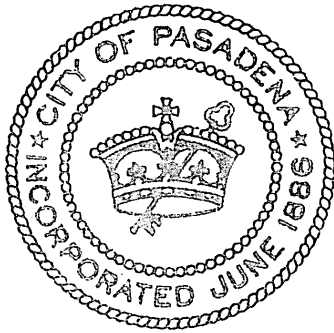
Staff believes that Pasadena Water and Power's water demand of 175 gallons per capita per day ("GPCD") in calendar year 2013 is an appropriate baseline for Pasadena's water conservation goal in lieu of clear direction or requirements from the State. This baseline is 20% lower than FY2007 water demand and about 6% lower than the ten-year average from FY2005-2014. However, to ensure consistent public messaging and reporting, this baseline should be amended to be consistent with any statewide standards that are recommended or required by the state. Staff would return to City Council for authorization to implement such a change in baseline. t further City Council action.

Attachment B of the report provided to the MSC included a draft of the proposed emergency regulations considered by the State Water Resources Control Board ("State Water Board") on July 15, 2014. The State Water Board has subsequently posted the adopted resolution and updated proposed text of the emergency regulations, which staff has now included as a revised Attachment B.

**07/28/2014**

**Item 17**

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# Agenda Report

July 28, 2014

**TO:** City Council

**THROUGH:** Municipal Services Committee (July 22, 2014)

**FROM:** City Manager

**SUBJECT:** DETERMINE A WATER SUPPLY SHORTAGE EXISTS, ESTABLISH A 20% CONSERVATION TARGET AND IMPLEMENT LEVEL 1 WATER SUPPLY SHORTAGE MEASURES AS DESCRIBED IN PASADENA MUNICIPAL CODE ("PMC") SECTION 13.10.040

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the determination of a water supply shortage and implementation of Level 1 Water Supply Shortage water conservation measures are categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for the Protection of Natural Resources); and
2. Determine that a water supply shortage exists pursuant to PMC 13.10.035; and
3. Determine that a water conservation target of 20% is necessary; and
4. Determine that the Level 1 Water Supply Shortage (PMC 13.10.040) water conservation measures are appropriate to address the water shortage; and
5. Adopt implementation of the Level 1 Water Supply Shortage measures by way of public proclamation (Attachment A).

## **EXECUTIVE SUMMARY:**

As California is facing a severe drought, the State Water Resources Control Board ("State Water Board") made a determination on July 15, 2014 that an emergency exists due to severe drought conditions, and adopted emergency regulations it deemed necessary to address the emergency (see Attachment B). These regulations require that agencies within the state impose numerous conservation measures and water waste prohibitions, including the implementation of water shortage contingency plans that include mandatory restrictions on the number of watering days. While agencies without existing shortage contingency plans must implement two day per week watering

limits, the regulations provide greater flexibility to agencies with existing water shortage ordinances such as Pasadena.

Pasadena's existing permanent water waste prohibitions (PMC 13.10.032) already include the prohibitions on water waste imposed by the State Water Board, except for the limitations on watering days. The Level 1 Water Supply Shortage water conservation measures must be implemented by August 2014 to meet the daily watering restrictions required under the state's emergency regulations. The actions recommended herein are necessary to implement the Level 1 Water Supply measures and restrict watering to three days per week during the summer and one day per week during winter months.

### **BACKGROUND:**

California statewide water supplies are suffering from serious drought conditions. By some indicators, 2013 was the driest year on record. The Los Angeles area received the lowest annual rainfall in 100 years. Many of the state's reservoirs are nearing depletion and the state's meager snowpack had nearly vanished by May. To avoid serious problems, the governor declared a statewide drought emergency in January and requested that consumers cut water use by 20 percent. The state has cut off nearly all deliveries of water from Northern California sources that represent approximately 18 percent of Pasadena's supply. Cities in Northern CA are banning, or considering banning, all outdoor watering, and agriculture water deliveries will be severely impacted.

Regional supplies have also been affected by ongoing drought. This week Lake Mead is expected to reach the lowest water level since it was first filled in 1937.

Thus far, the water supply situation for the Southern California agencies served by the Metropolitan Water District ("MWD") has been more secure due to investments in water storage, such as Diamond Valley Lake. While Pasadena Water and Power ("PWP") has local groundwater supplies that typically meet 35-40% of its customer demand, the remainder of the water necessary to serve its customers is provided by MWD. Currently, MWD water storage levels are near normal, and MWD has not indicated that water supply allocation plans (water rationing) will be implemented in the near future. However, there is growing concern about the situation that will be faced next year in the absence of significant precipitation.

### ***Pasadena Water Demand and Conservation***

For the last five years, Pasadena customers have reduced water usage and PWP continues to encourage and empower residents and business owners to conserve this precious resource. However, PWP's water demand has been trending higher since FY 2011 due in part to adverse weather and a recovering economy. The elimination of PWP's tier five water rates and weakening consumer response to conservation may also be contributing to increases in water use as drought conditions persist.

Pasadena has been very proactive in maximizing, protecting and conserving its supply. But it's absolutely vital that we work together to continue these efforts to avoid long-term problems.

- **Conservation Rate Design:** In 2009, the City Council approved a five-tier water rate that encourages customers to reduce water consumption. The fifth rate tier, which was priced to reflect penalty charges associated with MWD's water supply restrictions, was eliminated from PWP's rate schedule in June 2010 when it became clear that PWP's water demand was well below the allocation under MWD's water supply restrictions. PWP currently has a four-tier water rate schedule in place to encourage efficient use of water.
- On June 14, 2010, City Council approved adjustments to PWP's water rates to eliminate Tier 5 rates and reduce Tier 4 rates by 25%. This action was taken in response to conservation efforts by PWP customers that ensured that PWP did not exceed its reduced allocation from MWD
- **Water Supply Planning:** In 2011, the City Council approved the Integrated Resource Plan, which lays out many long-term projects to cut Pasadena's reliance on imported water. The 20-year plan provides a roadmap for boosting local supplies, increasing conservation and using recycled water to irrigate golf courses, parks and schools.
- **Rebates:** To make it as easy as possible for customers to conserve, PWP offers a long list of rebates on water-saving fixtures, plus a popular turf-replacement program that pays customers to replace their lawns with water-wise plants. PWP increased most of these rebates in March 2014, and again in July 2014.
- **Outreach:** PWP also runs an active citywide outreach campaign to encourage all of its customers to conserve, sharing the message through local newspapers, cable TV, bill inserts, bus shelter advertisements, special events, Facebook, Twitter, and even Pandora. PWP crews are also in the streets daily enforcing Pasadena's water waste prohibitions and distributing water saving kits to residents and businesses.
- **Information Resources:** PWP has also created a designated website, [PWPweb.com/SaveWater](http://PWPweb.com/SaveWater), where customers can find rebate applications, conservation tips, water-smart gardening guides, free workshops, how-to videos and the list of permanent water-waste prohibitions.

Between FY2007 and FY2011, PWP's total water demand declined nearly 24% to the lowest number in over twenty years; however, water usage has been trending higher in recent years despite ongoing conservation messaging and incentives. PWP's FY2014 water consumption was approximately 3% higher than in FY2013, but it is still about 14% lower than FY2007 levels.

### ***Water Emergency Determination***

As a precursor to implementing a water shortage plan, the City Council must make a determination that a water shortage exists. The ongoing drought, dwindling storage, and

emergency finding by the State Water Board provide ample rationale for the City Council to make such a determination.

### ***Water Conservation Target***

It is recommended that the City Council adopt a 20% water conservation target, consistent with statewide objectives. Staff anticipates that per-capita water use during calendar year 2013 will likely be the benchmark for comparison, but will continue working with the state on developing reporting metrics.

### ***Permanent Water Waste Prohibitions***

Pasadena's Water Waste Prohibitions and Water Supply Shortage Plan Ordinance (PMC 13.10) became effective on July 4, 2009. It established thirteen permanent mandatory restrictions to prevent the wasteful use of potable water, including the following prohibitions and requirements:

- A. Prohibits landscape irrigation between 9:00 AM and 6:00 PM (with specified exceptions for hand watering);
- B. Prohibits landscape irrigation during periods of rain;
- C. Prohibits water from landscape irrigation to runoff onto streets, sidewalks, driveways, etc.;
- D. Prohibits washing paved or hard surfaces unless with a pre-approved device;
- E. Obligates water users to fix leaks and breaks in plumbing within seven (7) days;
- F. Requires water recirculating for fountains and decorative water features;
- G. Prohibits washing vehicles unless with a pre-approved device;
- H. Eating or drinking establishments may only serve water upon request;
- I. Requires restaurant to use water conserving dish wash spray valves;
- J. Commercial lodging establishments must offer guests the option to refuse linen service;
- K. Prohibits the installation of single-pass cooling systems;
- L. Prohibits the installation of non-recirculating equipment at car washes and laundromats; and,
- M. All commercial car washes must install recirculating water systems.

These mandatory measures reinforce the message that California faces ongoing water supply challenges, and therefore, water waste will not be tolerated regardless of whether or not a water shortage exists. The restrictions are also necessary to qualify for future state grants and MWD funding for water projects and conservation programs.

### ***Additional Level 1 Water Waste Prohibitions***

In addition to the permanent mandatory water waste restrictions previously described, staff also recommends implementation of the conservation measures described in Level 1 Water Supply Shortage (PMC 13.10.040). These water conservation measures would become effective immediately upon publication and remain in effect until such time as the City Council determines that a water supply shortage no longer exists or that another water supply shortage plan is necessary. The additional measures are:

1. Limits on Watering Days: Watering or irrigating of lawn, landscape or other vegetated area is limited to three (3) days per week from April 1 through October 31, and no more than one (1) day per week from November 1 through March 31, on a schedule established and posted by PWP. This subsection does not apply to landscape irrigation zones that exclusively use low flow drip type irrigation systems where no emitter produces more than two (2) gallons of water per hour. This subsection also does not apply to watering or irrigating by use of a hand-held bucket or similar container, or by use of a hand-held hose equipped with a water shut-off nozzle or device; for very short periods of time for the express purpose of adjusting or repairing an irrigation system; or for maintenance of vegetation, including fruit trees and shrubs, intended for consumption.

In previously implementing Level 1 water emergency plans, PWP has established the following schedule for watering or irrigating lawns:

- Tuesdays, Thursdays and Saturdays between April 1 and October 31; and
  - Saturdays only between November 1 and March 31; however, PWP may allow a customer to choose an alternate day under certain circumstances.
2. Obligation to Fix Leaks, Breaks or Malfunctions: Leaks, breaks or other malfunctions in the water user's plumbing or distribution system shall be repaired within seventy-two (72) hours of notification by PWP unless other arrangements are made with PWP.

### ***Water Shortage Plan Outreach***

To ensure that all customers are informed of the restrictions, PWP will direct mail a notification summarizing the restrictions to all PWP water service addresses. PWP will also utilize newspaper advertising, outdoor media, City newsletters, PWP's website, in-person notification, announcements on public radio stations, to notify customers of the water shortage. These outreach efforts are in addition to PWP's regular water conservation outreach campaign.

### ***Enforcement***

Although the primary goal of waste prohibitions is to promote consumer awareness, the Water Waste Prohibitions and Water Supply Shortage Plan Ordinance has enforcement provisions including notification and penalties for repeat offenders. It also provides

customers the option to attend PWP's water conservation classes or install water-efficient fixtures in lieu of fines.

PWP staff will patrol the city to help ensure residents and businesses are adhering to all Water Waste Prohibitions. If a resident or business is found in violation of the prohibitions, PWP will issue a courtesy reminder. If the waste continues PWP will issue formal violations.

Pursuant to PMC 13.10.065, penalties for customers with water meters less than 1½ inches are as follows:

1. First Violation: A written notice of violation shall be sent via mail.
2. Second Violation: One hundred dollars (\$100)
3. Third Violation: Two hundred dollars (\$200)
4. Fourth Violation: Three hundred and fifty dollars (\$350)
5. Fifth and Subsequent Violations: Five hundred dollars (\$500)

Fines are doubled for customers with water meters 1½ inches or larger in accordance with PMC 13.10.067.

Enforcement activities will be implemented utilizing existing City field staff and reassigning support staff on a short-term basis.

### ***Monitoring and Future Actions***

Given that most of the water conservation measures have been in place for over five years, and PWP's water use is still well below historical norms, it will be challenging to achieve the 20% reduction goal. Staff will monitor water consumption monthly and report results to the City Council and the state. Additional measures will likely be required to achieve deep conservation. In addition, reductions in water use will adversely impact PWP's net income and Capital Improvement Charge ("CIC") revenues for infrastructure projects.

PWP staff will be assessing the need to secure additional resources, implement additional water conservation incentive programs or increase funding for existing ones. Recommendations may be forthcoming at a later date through the Finance Committee budget process.

As price signals through water rates have proven to be very effective, staff will assess options to reinstate the block 5 water rate and/or impose a drought or conservation surcharge on high usage to encourage conservation. Furthermore, rate measures to maintain CIC revenues may be considered as necessary to maintain funding at budgeted levels. Any water rate actions would be subject to public notice and hearings consistent with Proposition 218 and City Charter requirements.

**COUNCIL POLICY CONSIDERATION:**

The proposed additional water waste prohibitions will be implemented in accordance with Chapter 13.10 of the Pasadena Municipal Code. It will help PWP conserve water and stretch available supplies to meet customer needs.

**ENVIRONMENTAL DETERMINATION:**

The project has been determined to be exempt per Section 15307 of the CEQA Guidelines, Actions by Regulatory Agencies for Protection of Natural Resources. This exemption consists of actions by regulatory agencies as authorized by State law or local ordinance to assure maintenance of a natural resource (such as water) where the regulatory process involves procedures for protection of the resource. It has been determined that achieving the water conservation target of 20% will have no secondary environmental impacts because a significant amount of current water consumption is used to over water landscaping and runs off the target area into storm sewers or evaporates before it can percolate into the ground. It is estimated that many customers over water by as much as 50%. It is possible that reducing water consumption among those customers may actually improve the health of their landscaping. Furthermore, the Raymond Basin Management Board has already mitigated recharge issues by restricting pumping rights from the Raymond Basin effective July 1, 2009.



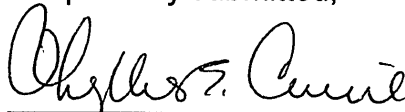
**FISCAL IMPACT:**

The recommended actions will result in reduced water consumption, Water Fund revenues and expenses, Water Fund net income, and General Fund revenues from the Utility Users Tax. While the degree of water conservation cannot be predicted with certainty, the following table summarizes the impacts assuming both a 10% and 20% reduction in water sales compared to the budgeted amounts for FY2014:

Budget Item	10% Sales Reduction	20% Sales Reduction
Water Commodity Revenues	(\$3 to 3.6 million)	(\$6.1 to 7.3 million)
Water CIC Revenues	(\$0.84 million)	(\$1.7 million)
Water Cost Reduction	\$2.9 million	\$5.8 million
Water Fund Net Income	(\$1 to 1.6 million)	(\$2 to 3.2 million)
UUT Reduction	(\$0.3 to 0.35 million)	(\$0.6 to 0.7 million)

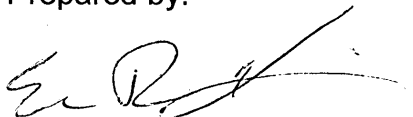
Implementing the additional Level 1 water waste prohibitions will result in administrative and marketing costs of \$50,000-100,000, but is not expected to result in significant revenues from violations.

Respectfully submitted,



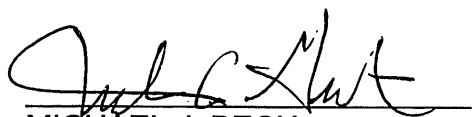
Phyllis E. Currie  
General Manager  
Water and Power Department

Prepared by:



Eric R. Klinkner  
Assistant General Manager

Approved by:



MICHAEL J. BECK  
City Manager

Attachment A – Proclamation  
Attachment B – State Water Board Action

PROCLAMATION NO. 2014-1

A Proclamation of the City Council of the City of Pasadena Ordering Implementation of a Level 1 Water Supply Shortage Plan Pursuant to Chapter 13.10 of the Pasadena Municipal Code ("City of Pasadena Water Waste Prohibitions and Water Supply Shortage Plans").

WHEREAS, on July 28, 2014, after a duly noticed public hearing, the City Council determined that a water supply shortage exists; and

WHEREAS, extreme drought conditions have severely impacted water supplies in California; and

WHEREAS, pumping restrictions in the Sacramento-San Joaquin Delta have halted cut water deliveries to Southern California via the State Water Project; and

WHEREAS, the State Water Resources Control Board made a determination on July 15, 2014, that an emergency exists due to severe drought conditions, and adopted emergency regulations that require water agencies within the state impose numerous conservation measures and water waste prohibitions, including the implementation of water shortage contingency plans that include mandatory restrictions on the number of watering days; and

WHEREAS, Section 13.10.035 of the Pasadena Municipal Code authorizes the City Council to implement a water shortage plan by public proclamation to become effective immediately upon publication.

NOW, THEREFORE, the City Council of the City of Pasadena hereby finds, determines and proclaims as follows:

1. A water shortage exists.
2. A Water Conservation Target of twenty percent (20%) is the necessary percentage reduction in the Water and Power Department's total water sales to eliminate or mitigate the water supply shortage.

3. A Level 1 Water Supply Shortage Plan is hereby ordered pursuant to Chapter 13.10 of the Pasadena Municipal Code and the following water conservation requirements shall be in effect:

1. Limits on Watering Days: Watering or irrigating of lawn, landscape or other vegetated area is limited to three (3) days per week from April 1 through October 31, and no more than one (1) day per week from November 1 through March 31, on a schedule established and posted by the Department. This subsection does not apply to landscape irrigation zones that exclusively use low flow drip type irrigation systems where no emitter produces more than two (2) gallons of water per hour. This subsection also does not apply to watering or irrigating by use of a hand-held bucket or similar container, or by use of a hand-held hose equipped with a water shut-off nozzle or device;

for very short periods of time for the express purpose of adjusting or repairing an irrigation system; or for maintenance of vegetation, including fruit trees and shrubs, intended for consumption.

2. Obligation to Fix Leaks, Breaks or

Malfunctions: All leaks, breaks or other malfunctions in the water user's plumbing or distribution system shall be repaired within seventy-two (72) hours of notification by the Department unless other arrangements are made with the Department.

4. City personnel are hereby authorized to take all necessary and appropriate steps to implement the Level 1 Water Supply Shortage Plan, including without limitation publication of this Proclamation as provided in Section 13.10.035 of the Pasadena Municipal Code.

5. The Level 1 Water Supply Shortage shall remain in effect until further order of the City Council.

6. This Proclamation shall take effect immediately upon publication.


Adopted at the regular meeting of the City Council on the 28<sup>th</sup> day of July,  
2014, by the following vote:

Ayes: Councilmembers Gordo, Kennedy, Madison, Masuda,  
McAustin, Tornek, Vice Mayor Robinson, Mayor Bogaard

Noes: None

Absent: None

Abstain: None



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Mark Jomsky  
City Clerk

Approved as to form:



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Lisa Hosey  
Deputy City Attorney

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2014-0038**

**TO ADOPT AN EMERGENCY REGULATION  
FOR STATEWIDE URBAN WATER CONSERVATION**

WHEREAS:

1. On April 25, 2014, Governor Edmund G. Brown Jr. issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. The executive order finds that the continuous severe drought conditions present urgent challenges across the state including water shortages in communities and for agricultural production, increased wildfires, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity if drought conditions continue into 2015. The National Integrated Drought Information System reported that nearly 80% of the state was reported to be under "extreme" drought conditions at the end of June;
2. The executive order refers to the Governor's Proclamation No. 1-17-2014, issued on January 17, 2014, declaring a State of Emergency to exist in California due to severe drought conditions. The January Proclamation notes that the state is experiencing record dry conditions, with 2014 projected to become the driest year on record. Since January, state water officials indicate that reservoirs, rainfall totals and the snowpack remain critically low. This follows two other dry or below average years, leaving reservoir storage at alarmingly low levels. The January Proclamation highlights the State's dry conditions, lack of precipitation and the resulting effects on drinking water supplies, the cultivation of crops, and the survival of animals and plants that rely on California's rivers and streams. The January Proclamation also calls on all Californians to reduce their water usage by 20 percent;
3. There is no guarantee that winter precipitation will alleviate the drought conditions that the executive orders address, which will lead to even more severe impacts across the state if the drought wears on;
4. 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";
5. Over 400,000 acres of farmland are expected to be fallowed, thousands of people may be out of work, communities risk running out of drinking water, and fish and wildlife will suffer.

6. Many Californians have taken bold steps over the years and in this year to reduce water use; nevertheless, the dire nature of the current drought requires additional conservation actions from residents and businesses. Some severely affected communities have implemented water rationing, limiting water use in some cases to only 50 gallons per person per day, foregoing showers, laundry, toilet flushing, and all outdoor watering.
7. Water conservation is the easiest, most efficient and most cost effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved this summer is water available next year, giving water suppliers the flexibility to manage their systems efficiently. The more water that is conserved now, the less likely it is that a community will experience such dire circumstances that water rationing is required ;
8. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water;
9. Public information and awareness is critical to achieving conservation goals and the Save Our Water campaign, 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 (<http://saveourwater.com>).
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. The emergency regulations set a minimum standard requiring only modest lifestyle changes across the state. Many communities are already doing more and have been for years. They should be commended, but can and should do more. Others are not yet doing so and should at least do this, but should do much more given the severity of the drought;
12. On July 8, 2014, the State Water Board issued public notice that the State Water Board would consider the adoption of the regulation at the Board's regularly-scheduled July 15, 2014 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;
13. On April 25, 2014, the Governor suspended the California Environmental Quality Act's application to the State Water Board's adoption of emergency regulations pursuant to Water Code section 1058.5 to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, to promote water recycling or water conservation;
14. As discussed above, the State Water Board is adopting the emergency regulation because of emergency drought conditions, the need for prompt action, and current limitations in the existing enforcement process;

15. Disadvantaged communities may require assistance in increasing water conservation and state agencies should look for opportunities to provide assistance in promoting water conservation;
16. Nothing in the regulations or in the enforcement provisions of the regulations, preclude 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 regulations adopted by this resolution and local agencies retain their enforcement discretion in enforcing the regulations, 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, sections 863, 864, and 865, as appended to this resolution as an emergency regulation;
2. The State Water Board staff will 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. These regulations shall remain in effect for 270 days 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 regulations due to continued drought conditions as described in Water Code section 1058.5;
5. The State Water Board directs staff to provide the Board with monthly updates on the implementation of the emergency regulations and their effect;
6. Directs State Water Board staff to condition funding upon compliance with the emergency regulations, to the extent feasible;
7. 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 regulations; and
8. Directs State Water Board staff in developing an electronic reporting portal to include data fields so that local agencies may provide monthly reporting data on (i) conservation-related implementation measures or enforcement actions taken by the local agency and (ii) substitution during the drought of potable water with recycled water to extend water supplies.



THEREFORE BE IT FURTHER RESOLVED THAT:

9. The State Water Board commends water suppliers that have increased conservation messaging and adopted innovative strategies to enhance customer awareness of water use, such as applications that let customers compare their water use to water use by others; reduce system losses, such as fixing system leaks which can deplete supplies by 10 percent or more; and establish incentives to reduce demand, such as tiered or drought rate structures. The State Water Board also commends all Californians that have already been working to maximize their conservation efforts, both at home and at work;
10. The State Water Board calls upon water suppliers to take the following actions:

*Educate customers and employees*

- Retail water suppliers should provide notice of the regulations in English and Spanish in one or more of the following ways: newspaper advertisements, bill inserts, website homepage, social media, notices in public libraries;
- Wholesale suppliers should include reference to the regulations in their customer communications;
- All water suppliers should train personnel on the regulations;
- All water suppliers should provide signage where recycled or reclaimed water is being used for activities that the emergency regulations prohibit with the use of potable water, such as operation of fountains and other water features;
- All water suppliers should redouble their efforts to disseminate information regarding opportunities and incentives to upgrade indoor fixtures and appliances;
- All water suppliers should use education and the tools available through the Save Our Water website (<http://saveourwater.com>); and
- All water suppliers should educate and prepare their boards and councils on the drought response actions contained in the emergency regulations and in this resolution, and to make sure that drought response items are placed on agendas as early as possible;

*Increasing local supplies*

- All water suppliers should accelerate the completion of projects that will conserve potable water by making use of non-potable supplies, such as recycled water, "greywater," and stormwater collection projects;
- All water suppliers should improve their leak reporting and response programs and request that police and fire departments and other local government personnel report leaks and water waste that they encounter during their routine duties/patrols;
- Smaller water suppliers – those with fewer than 3,000 service connections – should take proactive steps to secure their communities' water supplies and educate their customers about water conservation and the status of their supply reserves;
- All water suppliers should conduct water loss audits and make leak detection and repair a top priority for the duration of the drought; and
- All urban water suppliers should evaluate their rate structures and begin to implement needed changes as part of planning for another dry year. Information and assistance on setting and implementing drought rates is available from the Alliance for Water Efficiency. (<http://www.allianceforwaterefficiency.org/>).

11. The State Water Board calls on all Californians to take the following additional actions:
  - Further reduce water demand, whether by using less water in daily routines indoors and out, retrofitting appliances and installing greywater and rainwater catchment systems; and
  - Check residential and business water bills to see if there are high charges that may indicate a leak and to fix the leak, if they are able, or contact their local water utility if they need assistance.
12. The State Water Board encourages its staff, the Department of Water Resources, the Public Utilities Commission, urban water suppliers, and other local agencies to look for opportunities to encourage and promote new technologies that reduce water usage, including through timely access to water usage information and behavioral response.
13. The State Water Board encourages all state and local agencies to look for additional opportunities to minimize potable water use in outdoor spaces.
14. The State Water Board encourages investor-owned utilities to expeditiously submit applications for implementation of the regulations to the California Public Utilities Commission.

#### 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 July 15, 2014.

AYE:            Chair Felicia Marcus  
                  Vice Chair Frances Spivy-Weber  
                  Board Member Steven Moore  
                  Board Member Dorene D'Adamo

NAY:            None

ABSENT:       Board Member Tam M. Doduc

ABSTAIN:      None

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board

# PROPOSED TEXT OF EMERGENCY REGULATIONS

## Article 22.5. Drought Emergency Water Conservation

### Sec. 863 Findings of Drought Emergency

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;

(4) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

(5) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

### Sec. 864 Prohibited Activities in Promotion of Water Conservation

(a) To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(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; and

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(b) The taking of any action prohibited in subdivision (a) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

## PROPOSED TEXT OF EMERGENCY REGULATIONS

### Sec. 865 Mandatory Actions by Water Suppliers

(a) The term “urban water supplier,” when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

(2) As an alternative to subdivision (b)(1), an urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within thirty (30) days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week or shall implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

(d) In furtherance of the promotion of water conservation each urban water supplier shall prepare and submit to the State Water Resources Control Board by the 15<sup>th</sup> of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. Beginning October 15, 2014, the monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves. In its initial monitoring report, each urban water supplier shall state the number of persons it serves.

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105; 350; 10617; 10632.

## **Jomsky, Mark**

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**Subject:** RE: MSC Follow Up

**From:** <wesley@godayone.org>

**Date:** Tue, 22 Jul 2014 18:23:15 -0700

**To:** Margaret McAustin <mmcaustin@cityofpasadena.net>, Terry Tornek <ttornek@cityofpasadena.net>, Bill Bogaard <bbogaard@cityofpasadena.net>

**Subject:** MSC Follow Up

Good afternoon MSC Committee Members,

Following up on today's meeting, I wanted to share a few additional comments on the conservation issue facing the City, as well as information and links to resources on the issue of single-use polystyrene.

### **Water Conservation**

- **City hall landscaping** - City Hall is currently surrounded with sections of grass and other water-intensive landscaping (e.g., parkways, adjacent to stairs on Euclid). The City could lead by example by removing these sections of turf - which are generally not used for the public to recreate or congregate - and replacing them with examples of attractive, drought tolerant landscaping treatments. This would be a high profile example of what could also be replicated at other public properties.
- **Parkways** - Residential parkways are an example of an underutilized, often water-intense space, particularly if landscaped with lawn. A concerted effort on the part of the City could accelerate the phasing out of such landscaping by strongly incentivizing and potentially even mandating a transition to more water sensitive landscaping.
- **Graywater** - To date it appears that PWP has done very little public education/outreach/encouragement on opportunities to utilize graywater to maintain more water intensive landscaping while simultaneously reducing overall water use. This is another area of potential water savings in the City.
- **Development** - While new development can and should be held to the highest standards insofar as water use is concerned, the question of whether water rationing is a grounds to halt growth appears to miss the point insofar as it fails to justify the incredible amount of water used for decorative landscaping. Should the development of a more vibrant, walkable downtown, with more affordable housing and residents who use a fraction of their suburban counterparts, be halted to accommodate those who continue to utilize

### **Single Use Polystyrene**

A final point we wanted to share was that members of the public, Day One staff included, were informed by City staff in 2011 (Ursula Schmidt, I believe) that the City would begin working on a polystyrene policy once the bag ban was implemented.

3.5 years later the lack of forward progress on this issue has compelled community groups such as Day One, Transition, Arroyo Seco Foundation, and the Sierra Club Foothills Chapter, as well as the City's Environmental Advisory Commission in recent months, to advocate for a green policy that aligns with the City's existing sustainability and zero waste goals, and should be viewed as "low hanging fruit". Local polystyrene policies have been legally defensible for over a decade, are far simpler than bag bans to implement from the public's perspective (no need to bring your own cup!), and have already been voluntarily adopted by several large retailers (e.g., Starbucks, McDonalds). Over 70 cities in the state have successfully implemented such policies, some as far back as 1990 (e.g., West Hollywood).

Statewide polystyrene bills have been introduced for years, but like the bag ban, continue to fall victim to the lobbying muscle of the American Chemistry Council and other industry groups. Fortunately such

industry groups do not have the same sway on a local level, as evidenced by the growing number of Cities who have moved on this issue.

For your information, here are a few links to additional information on this opportunity to bolster the City's green record.

*Californians Against Waste - The Problem of Polystyrene*

[http://www.cawrecycles.org/issues/plastic\\_campaign/polystyrene/problem](http://www.cawrecycles.org/issues/plastic_campaign/polystyrene/problem)

*List of Local Polystyrene Policies in California (includes links to City ordinances)*

[http://www.cawrecycles.org/issues/plastic\\_campaign/polystyrene/local](http://www.cawrecycles.org/issues/plastic_campaign/polystyrene/local)

Best regards,

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*Day One builds vibrant, healthy cities by advancing public health, empowering youth, and igniting change.*

## Jomsky, Mark

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**Subject:** RE: Pasadena water day restrictions

**From:** Donald Simpson <[DonSimpson@att.net](mailto:DonSimpson@att.net)>  
**Reply-To:** Donald Simpson <[DonSimpson@att.net](mailto:DonSimpson@att.net)>  
**Date:** Tue, 22 Jul 2014 10:21:07 -0700  
**To:** Margaret McAustin <[mmcaustin@cityofpasadena.net](mailto:mmcaustin@cityofpasadena.net)>  
**Cc:** Margo Morales <[mlmorales@cityofpasadena.net](mailto:mlmorales@cityofpasadena.net)>  
**Subject:** Pasadena water day restrictions

Hello Council person McAustin,

I caught a bit of a news item this morning saying that the City of Pasadena was going to, once again, restrict outdoor watering to certain days.

I find it unsettling that I must now water more often than I now do—I water every third day. That means I only water three days in a week every third week. Last time, Margo sent me a terse reply of “no exceptions”...

The “certain days” regimen is bad for several reasons, although I’m sure from the City’s perspective, the positive press and perhaps ease of enforcement is all that matters.

Here are the reasons:

1. You take the randomness out of water use. Everyone waters on the same days, so water pressure drops, and may be insufficient to ‘pop’ the sprinkler, causing it to merely run off. Silly me, that will generate lots of \$500 fines!
2. Should enough people complain about low water pressure, the Water Department will need to raise the pressure, which risks water main breaks, as experienced in the City of Los Angeles. BTW, the last time the “certain days” regimen was instituted, I complained to the head of the Water Department personally—he did not know about the change, thus had taken no city-wide action.
3. In order to span the three-day period, most people setting their sprinkler time—most often, the Gardener—will over-water the two-day period. Keep in mind, the Gardener has a vested interest in keeping the lawn alive and well. Most homeowners do not know how to set their sprinkler timers.

Please let the residents of Pasadena take personal responsibility in this matter. Perhaps the City could explore other means to help people reduce their usage.

While you are at it, perhaps the City Council could remind City Departments and contractors, such as RBOC and Brookside golf course about the watering restrictions.

Don Simpson



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