

REPORT TO CITY COUNCIL

Approved by:

Council Meeting of: July 6, 2022



Dan Foss, Interim Public Works Director

Agenda Number: D-2



Arnaldo Rodriguez, City Manager

SUBJECT:

Receive and File - Update on the State Water Board's emergency resolution to reduce water demand and improve water conservation

RECOMMENDATION:

Receive and file an update on the State Water Resources Control Board (State Water Board) Emergency Resolution to reduce water demand and improve water conservation in response to the Governor's declared statewide drought

SUMMARY:

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, mitigate the effects of drought, and ensure the protection of health, safety, and the environment. On March 28, 2022, Governor Newsom signed an Executive Order directing the State Water Board to consider adopting emergency regulations to increase water conservation. On May 24, 2022, the State Water Board adopted an Emergency Resolution to Reduce Water Demand and Improve Water Conservation. The emergency regulation is expected to become effective mid-June and will remain in effect for one year, unless the State Water Board modifies, readopts, or ends it before then.

DISCUSSION:

On March 28, 2022, Governor Newsom issued an Executive Order regarding the statewide drought and asked urban water suppliers to increase water conservation. The Executive Order also included a request for the State Water Board to create emergency regulation text requiring urban water suppliers to implement Level 2 of their water shortage contingency plans (WSCP)

and establish a ban on the irrigation of non-functional turf by entities in the commercial, industrial, and institutional (CII) sectors. On May 24, 2022, the State Water Board adopted an Emergency Resolution to Reduce Water Demand and Improve Water Conservation (Attachment 2) per the Governor's Executive Order.

The City is already operating at Level 2 per the WSCP and has been since the 2015 drought in an effort to continue to conserve water. Level 2 consists of three (3) days per week outdoor watering during the months of April through October, and one (1) day per week from November through March. Staff will continue to enforce the City's water waste and water conservation ordinance. Staff will also continue public outreach to inform and educate customers of the ongoing drought and of the multiple water conservation tools the City offers, such as rebates for water-efficient appliances, list of acceptable drought-tolerant plants, and indoor and outdoor water use audits.

Per the State's regulation regarding the ban on irrigation of non-functional turf for CII customers, staff will communicate the State's irrigation restrictions through multiple outreach measures, such as social media and billing inserts and/or direct mailers. Information and education will continue through the duration of the regulation being in effect, which is expected to last for at least one year. The emergency regulation makes violations of the ban an infraction. Any entity that is already authorized to enforce infractions, such as a water supplier or local government, may choose to enforce violations of the regulation. At this time, staff does not propose to fine or penalize CII customers, but instead will communicate and educate on the State-required ban of non-functional turf and the importance of conserving water. City staff will also be decreasing irrigation use on City-owned and maintained non-functional turf areas, like streetside landscaping. Maintaining the health of trees is an important requirement in the State's regulation; therefore, staff will continue to irrigate City-owned trees and will be communicating this requirement to customers.

The City is already in compliance with the emergency resolution, all that needs to be done is to receive and file the update.

FINANCIAL IMPACT:

There is a potential for some loss in revenue and that amount will depend on the actual reduction in water use by residential and CII customers. However, the Water Enterprise Fund is expected to remain stable with sufficient drought reserves. If more restrictive or mandated conservation measures are imposed, staff will evaluate the need to implement the Council-adopted drought rates.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Approval of this agreement is addressed in the Vision Plan for a Quality Environment within Strategy #434 – Ensure continued water supplies to meet the demands of all Maderans through innovative reclamation, conservation, and education on water use.

ALTERNATIVES:

If Council chooses not to receive and file the update on the State Water Board's emergency resolution to reduce water demand and improve water conservation, the City will be out of compliance with State.

ATTACHMENTS:

1. State Water Resources Control Board Resolution No. 2022-0018
2. Emergency Regulation Frequently Asked Questions



**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.

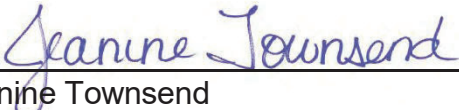


- 4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in 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.



Fact Sheet

Second Water Conservation Emergency Regulation of 2022

Frequently Asked Questions

Updated: June 6, 2022

General Information

1) Where can I find information on the State Water Board's second water conservation emergency regulation of 2022?

You can find updated documents and subscribe to the Water Conservation Regulations email list for announcements on the State Water Board's [Water Conservation Emergency Regulations webpage](#).

2) When will the emergency regulation be in effect?

The emergency regulation is expected to become effective on or about June 16, 2022. The official date will be posted on the [Water Conservation Emergency Regulations webpage](#).

3) How long will the emergency regulation be in effect?

Once the emergency regulation takes effect, it will remain in effect for one year, unless the State Water Board (Board) modifies it, readopts it, or ends it before then.

4) Where can I find the adopted emergency regulation?

The adopted regulation text is available on the Board's [Water Conservation Emergency Regulations webpage](#).

5) What is now required?

- Urban water suppliers must submit preliminary supply and demand assessments to the Department of Water Resources by June 1, 2022.
- Urban water suppliers must implement all conservation actions in their locally adopted plans meant to address at least a water shortage level of 10 to 20 percent (Level 2) by June 10, 2022.
- Owners and managers of commercial, industrial, and institutional properties must not use potable water for irrigating non-functional turf.

Non-Functional Turf

6) What is "turf"?

Turf means "a ground cover surface of mowed grass." This official definition of turf can be found in [section 491 of title 23 of the California Code of Regulations](#).



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

STATE WATER RESOURCES CONTROL BOARD

1001 I Street, Sacramento, CA 95814 • Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 • www.waterboards.ca.gov



7) What is “non-functional turf”?

Non-functional turf is a ground cover surface of mowed grass that is ornamental and not otherwise used for human recreation purposes. Non-functional turf does not include school fields, sports fields, and areas regularly used for civic or community events.

8) Does the non-functional turf irrigation ban apply to residential properties?

No, residential properties may continue to irrigate turf, subject to local rules. The Board encourages people to reduce turf irrigation on their properties and to convert turf to [water-wise](#) plants, but those are not required by this regulation. For more information and practical tips for converting your landscape and making your yard more water-wise, visit [SaveOurWater.com](#).

9) Are there any exceptions to the non-functional turf irrigation ban?

The ban only applies to irrigation of non-functional turf in the commercial, industrial, and institutional sectors and only applies to irrigation with potable water. It does not apply to residential lawns or any turf that is regularly used for human recreational purposes, such as community spaces, or sports fields and other turf spaces used for recreation or events. The regulation does not ban the irrigation of trees or other non-turf plantings. There is an exemption process available for certain low water using turf species and irrigation approaches. To be exempt from the ban, an owner or manager must provide to their water supplier evidence that they have met two requirements: (1) the user must certify that the turf species needs low levels of water (a plant factor of 0.3 or less; “plant factor” is a factor used to estimate the amount of water needed by plants – see [section 491 of title 23 of the California Code of Regulations](#)) and (2) the user must demonstrate that the turf is irrigated in a way that uses low levels of water (less than 40 percent of reference evapotranspiration). For more information on plant factors and reference evapotranspiration, see the state’s [Model Water Efficient Landscape Ordinance](#).

10) May people use recycled water or greywater to irrigate turf?

Yes, however the Board encourages people to prioritize irrigation of trees and other plants due to the severity of the drought and the amount of water required for turf.

11) Does the regulation affect trees? Do urban trees need to be watered?

The regulation does not restrict the watering of trees, just turf. Although most mature trees often require little to no irrigation, some species do. The Board urges people to continue to water trees, even while reducing or stopping the irrigation of turf. Trees that are just getting established may need to be watered more frequently, including hand watering. Trees near or on non-functional turf could be impacted by some responses to the ban on turf irrigation, but the regulation allows continued irrigation of trees even if turf, such as turf under trees, will receive water. For more information about tree species and water needs, visit the [Save Our Trees section](#) within SaveOurWater.com.



12) Who will enforce the non-functional turf prohibition?

Water suppliers and local governments are expected to communicate the ban on irrigation of non-functional turf to their commercial, industrial, and institutional customers. The emergency regulation makes violations of the ban an infraction: any entity that is already authorized to enforce infractions, such as a water supplier or local government, may choose to enforce violations of the regulation.

In addition, anyone may report water waste, including irrigation of non-functional turf on a commercial, industrial, or institutional property, to the Board at SaveWater.CA.Gov. The Board may use its enforcement authority to respond to violations of the regulation.

13) What actions may a water supplier or local government (or any entity already authorized to enforce infractions) take to enforce violations of the regulation? What actions may the Board take?

Local or Board enforcement may include warning letters, conservation orders, and fines (up to \$500 per day). The Board also encourages agencies to provide additional assistance to disadvantaged communities and translate conservation announcements and materials into the languages spoken at properties in commercial, industrial, and institutional sectors.

14) Where can I report water waste violations?

You can report water waste violations online at SaveWater.CA.Gov. These reports are sent to local water suppliers and the Board. The website allows you to upload photos, which helps with enforcement decision-making.

Homeowners' Associations (HOAs) & HOA Residents

15) Does this regulation apply to HOAs?

Yes, but only to non-functional turf on property the homeowners' association (HOA) owns, not residences. While an individual's property is considered residential, property owned and maintained by an HOA is considered the same as landscapes owned and maintained by commercial or institutional entities. This means that the regulation does not prevent homeowners from irrigating turf; it prohibits the irrigation of non-functional turf (with potable water) on property an HOA owns. However, the regulation does not ban the irrigation of turf used for recreation or community activities.

16) Who decides if turf is functional?

An HOA should review areas of turf that it maintains, consult with residents, and determine whether the turf is functional or not. Water suppliers may defer to HOAs' determinations that specific areas of turf are used for recreation or community events. However, water suppliers also retain the authority to enforce the irrigation ban if there is a documented violation.

17) Can my HOA stop me from conserving water?

No. Homeowners may remove their lawns and replace them with water-wise plants. If you install water-efficient landscaping during the drought, your HOA cannot prevent you from maintaining it or require you to remove it when there is no longer a drought state of emergency. Additionally, your HOA cannot impose a fine or assessment for reducing or eliminating the watering of vegetation or lawns during a drought state of emergency, nor can it prohibit, or include conditions that have the effect of prohibiting, the use of low water-using plants as a group or as a replacement of existing turf. For more information and practical tips for making your yard more water-wise, visit SaveOurWater.com.

18) Are apartment buildings considered part of the commercial, industrial, and institutional sectors?

Most apartment buildings are part of the residential sector and therefore not subject to the ban on irrigation of non-functional turf. However, apartment buildings may also include commercial facilities, such as ground floor businesses or other commercial operations on site, in the same manner as HOAs (see above). Apartment building owners and managers should check with their water supplier to see whether their building or complex may be considered, in part, commercial, industrial, or institutional and would therefore have some landscaped areas subject to the same rules (and exclusions) as similarly situated landscaped areas in HOAs.

Water Shortage Response Actions**19) Where are instructions for suppliers to submit preliminary annual supply and demand assessments?**

Annual supply and demand assessments should be submitted to the Department of Water Resources. Instructions for submitting this information can be found on the Department of Water Resources [website](#).

20) By when must urban water suppliers that have not yet implemented Level 2 water shortage response actions do so?

Per the regulation, urban water suppliers must implement Level 2 demand reduction actions by June 10, 2022.

21) What are Level 2 water shortage response actions?

For most urban water suppliers, water shortage responses have been adopted in the supplier's water shortage contingency plan and include actions intended to respond to a water shortage of 10 to 20 percent. Examples of Level 2 actions include rebate programs, drought rate structures, expanding information campaigns, and restrictions on outdoor irrigation days and times.

22) Are drought rate structures required?

Water suppliers are required to either implement drought pricing or enact a water waste ordinance (see Water Code sections 365-367). When implementing drought pricing,

water suppliers should design rates or surcharges to incentivize conservation by high-use customers. Information on conservation pricing is available on the [Board's website](#).

23) If a water supplier has adequate supply according to its supply and demand assessment, why is it required to implement Level 2 demand reduction actions?

The severity of this new normal makes it imperative that all Californians save water in every way possible. The drought emergency is statewide, and conservation is important to extend supplies so that more water is left for the future and for the environment. All water suppliers can support California's water resilience through additional conservation. See Question #27 for clarification on which water suppliers may take alternative compliance actions.

24) Are water suppliers required to implement all demand reduction actions in Level 2 of their plan?

Yes, water suppliers are required to implement all of their Level 2 demand reduction actions. However, they do not have to implement new residential connection moratoria if that is one of their Level 2 actions. See Question #27 for clarification on which water suppliers may take alternative compliance actions.

25) Are water suppliers required to implement Level 2 actions that do not reduce the demand for water?

Supply augmentation actions identified in Level 2 of a supplier's water shortage contingency plan are not required by this regulation; only Level 2 demand reduction actions are required.

26) What if an urban water supplier has not defined Level 2 water shortage response actions?

If an urban water supplier has not already complied with the preexisting requirement to submit a water shortage contingency plan to the Department of Water Resources, then, by July 10, 2022, they are required to implement the minimum demand reduction actions listed in the regulation: (1) a public information and outreach campaign, (2) a weekly irrigation schedule, and (3) bans on water uses as prohibited in the Board's January 2022 emergency regulation. For more details, see the [regulation](#) on the [Water Conservation Emergency Regulations webpage](#). These actions were adopted after considering suggestions from the Department of Water Resources and public comment.

27) Which suppliers may take alternative compliance actions?

Water suppliers may elect to implement the minimum actions required of suppliers that have not yet submitted water shortage contingency plans instead of all their Level 2 demand reduction actions if they meet the following criteria: (1) their annual water supply and demand assessment demonstrates an ability to maintain reliable supply until September 30, 2023; (2) they do not rely on, for any part of their supply, the Colorado River, State Water Project, or Central Valley Project, and no more than 10 percent of

their supply comes from critically overdrafted groundwater basins as designated by the Department of Water Resources; and (3) their 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.

28) Does the regulation require urban water suppliers to implement Level 3 actions?

No, but Governor Newsom has encouraged all urban water suppliers to implement stronger actions that would respond to water shortages of up to 30 percent (Level 3 actions).

Other Information

29) Am I subject to both this new regulation *and* the one adopted in January 2022 that prohibits certain wasteful water-use practices?

Yes. [Both regulations](#) are currently in effect. (The earlier emergency regulation adopted in January 2022 will remain in effect until January 18, 2023, unless the Board acts to end, modify, or readopt it before then). This means that turf irrigation that is not prohibited must still be done in a manner that does not cause water to flow onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.

30) How is the Board advancing drought resilience and water conservation for the long-term?

Among other ongoing activities related to water rights and water quality, the Board is working on regulations to [Make Conservation a California Way of Life](#), including [adopting long-term standards for the efficient use of water](#) and [water loss performance standards](#) for urban retail water suppliers. The [Safe and Affordable Funding for Equity and Resilience \(SAFER\) program](#) supports permanent and sustainable drinking water solutions that ensure all Californians have access to safe, affordable, and reliable drinking water. For information and updates on the Board's drought activities, visit the Board's [Drought website](#).