

REVISED
STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF RESEARCH PLANNING AND PERFORMANCE
FEBRUARY 2, 2016

ITEM 7

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AMENDING AND READOPTING DROUGHT-RELATED EMERGENCY REGULATIONS FOR URBAN WATER CONSERVATION TO IMPLEMENT EXECUTIVE ORDER ~~EO B-36-15~~~~B-29-15~~

DISCUSSION

On January 17, 2014, Governor Brown declared a drought state of emergency. On April 25, 2014 the Governor signed an [Executive Order](#) calling on the State to redouble state drought actions. Among other things, the Executive Order directed the State Water Board to adopt emergency regulations as it deemed necessary, pursuant to Water Code section 1058.5, to ensure that urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices.

On July 15, 2014, the State Water Board adopted [Resolution 2014-0038](#), which adopted an emergency regulation for water conservation that added new sections to title 23 of the California Code of Regulations. The emergency regulation became effective on July 28, 2014 upon approval by the Office of Administrative Law (OAL).

On March 17, 2015, the State Water Board adopted [Resolution 2015-0013](#), which amended and readopted the emergency regulation for an additional 270 days. The existing regulatory language became effective on March 27, 2015 upon approval by OAL.

On April 1, 2015, Governor Brown issued [Executive Order B-29-15](#), which, among other things, directed the State Water Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016.

On November 13, 2015, Governor Brown issued [Executive Order B-36-15](#), which called for an extension of urban water use restrictions until October 31, 2016, should drought conditions persist. This Executive Order also directed the State Water Board to consider modifying the restrictions on water use and incorporate insights gained from the existing restrictions.

Given the severity of the water deficits over the past four years, the rain and snowfall the state has experienced through January have not eliminated the need for serious water use restrictions at this time. Whether or not additional rain and snowfall will put the state in the position where restrictions are no longer necessary will not be known until April, and at that time further adjustments to the drought emergency restrictions may be reasonable.

Consistent with the Governor's November 13 Executive Order, updates to the existing regulatory language are proposed that include, but are not limited to:

- Credits and adjustments to urban water suppliers' conservation standards, not to exceed eight percentage points, that consider the differences in climate affecting different parts of the state; growth experienced by urban areas; and significant investments that have been made by some suppliers towards creating new, local drought-resilient sources of potable water supply.
- Penalties for homeowners' associations or community service organizations impeding homeowners from reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in existing Civil Code provisions.
- Further defining what agricultural uses may be subtracted from a supplier's potable water production total.

POLICY ISSUE

Should the State Water Board adopt the proposed resolution and accompanying regulation?

FISCAL IMPACT

Fiscal considerations are addressed as a part of drought funding.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed resolution adopting the emergency regulation.