

July 15, 2014

State Board Adopts Emergency Regulations on Urban Water Conservation

The State Water Resources Control Board adopted emergency regulations today that prohibit certain outdoor water uses and require urban water agencies to implement mandatory outdoor water use restrictions under their water shortage contingency plans.

The regulations also require urban water agencies to report monthly water production data and, beginning Oct. 15, to provide an estimate of the gallons of water used per person per day (GPCD) in their service areas.

The regulations are expected to take effect as early as Aug. 1, though State Board members acknowledged that some water agencies may need more time to take formal action at the local level to make their local measures consistent with the regulations.

The State Board acted on the regulation after a daylong meeting in which water agencies, associations and others provided comments. How the regulations would be enforced and whether agencies should be required to report estimated GPCD were key topics of discussion, with ACWA and others suggesting changes to proposed regulations.

ACWA Deputy Executive Director for Government Relations Cindy Tuck said in her remarks that ACWA is pleased the State Board is taking decisive action to help address the deepening drought, but would like to see changes to ensure that enforcement is handled at the local level, and that the regulations would not affect or limit a water supplier's existing enforcement authority.

Board members noted on the record that their intent is that prohibitions on certain activities will be enforced at the local level. They decided, however, not to foreclose the possibility of enforcement at the state level. Pursuant to ACWA's suggestion, the State Board did include language clarifying that the regulations do not preclude agencies from exercising their own authorities locally.

ACWA also suggested that the State Board delete the requirement that water agencies report estimated GPCD each month due to the difficulty in developing accurate data. After lengthy discussion, the State Board agreed that the GPCD reporting requirement should be delayed to allow the Department of Water Resources to develop additional guidance on how GPCD should be calculated.

The final regulation was modified to specify that the GPCD reporting requirement would not take effect until Oct. 15. DWR staff committed at the State Board meeting to complete the GPCD guidance before this date.

Language also was added to clarify that the regulations do not apply to wholesale water suppliers and to specify that the prohibition on outdoor water use on hardscapes does not apply to the use of water to wash solar panels. Both issues were raised by ACWA in its comment letter.

ACWA's written comments are available [here](#).

The final regulations prohibit the following outdoor water uses:

- The direct application of potable water to driveways and sidewalks.
- Watering of outdoor landscapes that cause runoff to adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures.
- Using a hose to wash a vehicle, unless the hose is fitted with a shut-off nozzle.
- Using potable water in a fountain or decorative water feature, unless the water is recirculated.

State Board staff indicated the final regulatory package will be submitted to the Office of Administrative Law, which has 10 days to approve it. Staff expects the regulations to go into effect on or about Aug. 1.

State Board staff will be posting the final documents within the next few days and will notify the public when they hear from the Office of Administrative Law that the package has been approved.

Staff also indicated they will prepare materials to help water agencies communicate with their customers.

Questions Members with questions about the proposed regulations may direct them to Cindy Tuck, ACWA Deputy Executive Director for Government Relations, at cindyt@acwa.com or (916) 441-4545.