

INDIVIDUAL PROHIBITIONS

P.1. Who do the prohibitions apply to?

A. The prohibitions apply to all Californians. The prohibitions against runoff in outdoor landscapes, washing motor vehicles with a running hose (no shut off), hosing down sidewalks and driveways, and running fountains that do not re-circulate water are a minimum level of effort that every resident of the State is responsible for.

P.2. Is there an exemption to the prohibitions to protect public health and safety?

A. Yes, the regulations state that the prohibitions apply “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.” The regulations do not include a specific definition of what constitutes an immediate health and safety need, but generally speaking, a health and safety exception should be applied in good faith where a reasonable person would conclude that the application of water is necessary to address public health and safety. Pressure washing a sidewalk or driveway for aesthetic purposes, for example, would not be a health and safety need.

P.3. Are agencies prevented from enacting or enforcing water prohibitions that are more stringent than the state regulations?

A. No, the regulations represent a minimum level of effort and everyone is encouraged to do more.

P.4. What is meant by “sidewalk” in the prohibition section of the regulations?

A. A sidewalk is commonly considered to be a walkway designated for pedestrian travel.

P. 5 Are there any exceptions for water use on other surfaces?

A. Yes, performing maintenance such as pressure washing houses , cleaning gutters or solar panels are exempt from the regulation in Stage 2 as long as the hose you are using has a shut off valve.

P.6 Who do I report violations of the prohibitions to?

A. Violations of the individual prohibitions can be reported to McKinleyville CSD or other local agencies were the violation occurred. The State Water Board is currently developing a locator tool that will assist the public in identifying the water supplier serving the area of alleged violation. That tool will not be available for several weeks.

P.7 What are the specific prohibitions required by MCSD Ordinance 10 Stage 2?

A. MCSD Board of Directors approved Ordinance 10 Stage 2 on August 6, 2014 authoring by state statute these mandatory prohibitions:

- Unattended automatic watering of any lawn, garden, landscaped area, tree, shrub or other plant except between the hours of 12:00 AM and 4:00 AM,
- Washing sidewalks, driveways, parking areas, tennis courts, patios or other exterior paved areas

except by public agency for the purpose of public safety,

- 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,
- Use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculation system,
- Watering any portion of a golf course other than the tees and greens except where private well or recycled water supply is used,
- Fire hydrant water unless authorized by the District, except by fire protection agencies for fire suppression purposes, or for other authorized uses including storm drain maintenance, and street sweeping purposes. Water/sewer flushing and fire flow testing are authorized only if coordinated and performed at the same time and
- The use of a hose that dispenses potable water to wash a motor vehicle or for any other purpose, except where the hose is fitted with a shutoff nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.

WATER SUPPLIER ACTIONS

S.1. What would be a sufficient “comparable” level of conservation under the regulations?

A. The regulations anticipate that the outdoor irrigation restrictions can result in up to a 20% reduction in outdoor water use. The expectation is that the imposition of conservation measures, other than the 2-day per week default provision should achieve a similar or better level of savings. MCSD will not be mandating 2 day per week irrigation restriction but require automated irrigation systems to only run between 12:00 and 4:00 a.m.

S.2. Do the regulations apply to wholesale water suppliers?

A. No, the regulations do not apply to wholesale water suppliers. If a supplier provides both retail and wholesale services, the regulations would apply to the retail component of the service.

S.3. Do the regulations override local conservation programs?

A. The regulations do not override local conservation programs, but they may cause a water supplier to increase the level of effort to achieve water savings. The regulations specifically require water suppliers to implement their water shortage contingency plans to a level that imposes mandatory outdoor irrigation restrictions. Many communities are currently calling for voluntary restrictions. The regulations would increase this level of effort.

S.4. If a water supplier has implemented a drought contingency plan that restricts outdoor irrigation to 3 days per week, are they in compliance with the regulations?

A. Yes, the regulations require water suppliers to implement the stage of their water shortage contingency plans where outdoor irrigation restrictions are mandatory. The regulations recognize that everyone’s plans are different, reflecting unique local conditions and do not specify what the specific restrictions must be as long as they are mandatory.

S.5 Do the regulations apply to Investor Owned Utilities that are regulated by California Public Utilities Commission?

A. Yes, the regulations apply to Investor Owned Utilities in the same manner that they apply to public water agencies. Implementing certain aspects of the regulations will require approval from the California Public Utilities Commission (CPUC), but that approval will come in the form of letters from CPUC staff, which will be issued on a ministerial basis. As indicated above, the prohibitions apply to all Californians regardless of their source of water (recycled water excepted).

S.6 Are water suppliers serving fewer than 3000 connections required to comply with the reporting requirements for water production data?

A. No, the reporting requirements only apply to urban water suppliers that serve greater than 3000 connections but the State Mandated minimum prohibitions still apply.

S.7 Are well water supplies governed by the state or local restrictions?

A. No, at this time well water is not regulated by these restrictions. If you are irrigating with well water you will be required to post your property with signage stating that. Signs will be available from MCSD at cost.

S.8 What determines the action stage?

S.9 A. Are well water supplies governed by the state or local restrictions?

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ENFORCEMENT

E.1. Can both law enforcement and water agencies issue citations for an offence under the regulations?

A. The infraction citation may be issued by a peace officer or any employee of a local agency that is charged with enforcing statutes, regulations, and ordinances pertaining to water use, if the local agency has adopted an ordinance empowering them to do so. This means that the precise individuals within an agency authorized to issue the infractions would vary depending upon what, if any, relevant ordinance the agency has adopted. MCSD Ordinance 10 authorizes all MCSD staff and General Manager to issue citations by authority of state water statute.

E.2. Who will be held responsible for non-compliance with the prohibitions in rental units?

A. Just as with a traffic ticket, it is the person that is actually engaging in the prohibited activity.

E.3 Are local agencies required to enforce the new prohibitions using the infraction authority authorized through the regulation?

A. No, the infraction authority provides an additional tool available to local entities to use or not. MCSD will utilize media, internet, public education and individual interaction to encourage compliance with

mandatory prohibitions and will reserve citation as a last resort.

GENERAL

G.1. How do the newly adopted regulations affect tribal lands?

A. These regulations follow existing precedent on tribal/state relations. They do not apply to federally or tribally-owned water suppliers or users on tribal trust lands of federally recognized tribes. To the extent some tribal lands may be serviced by non-tribal public water suppliers, the suppliers must comply with the regulations.

Below are the requirements of both stage 1 (voluntary) and stage 2 (mandatory) water conservation steps.

Stage 1 - Voluntary Conservation (up to 20% reduction). Achieve up to 20% reduction in water usage compared to the corresponding billing period in the previous calendar year (prior to declaration of the most recent water shortage emergency) by encouraging voluntary conservation, enforcement of water wasting regulations and water conservation regulations, requesting customers to make conscious efforts to conserve water, request restaurants to serve water only upon request, encourage private sector to use alternate source and encourage night irrigation. Voluntary actions include:

Water conservation is requested of all customers.
Installation and use of water efficient indoor devices.
Use of hose-end shutoff nozzles on all garden and utility hoses.
Refrain from washing cars, boats, trailers, or other vehicles except by hose with shutoff nozzle and bucket.
Installation of low-flow shower heads, low flush water closets, and faucet aerators.
Promptly repair all leaks in plumbing fixtures, water lines, and sprinkler systems.

Stage 2 - Mandatory Conservation (up to 30% reduction)

d. From and after the date that the Board of Directors, by resolution, determines that Stage 2, Mandatory Conservation actions are to be implemented, in addition to the voluntary action is Stage 1, the following uses are declared to be non-essential:

Unattended automatic watering of any lawn, garden, landscaped area, tree, shrub or other plant except between the hours of 12:00 AM and 3:00 AM.
Washing sidewalks, driveways, parking areas, tennis courts, patios or other exterior paved areas except by public agency for the purpose of public safety.
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.

Use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculation system.

Watering any portion of a golf course other than the tees and greens except where private well or recycled water supply is used.

Fire hydrant water unless authorized by the District, except by fire protection agencies for fire suppression purposes, or for other authorized uses including storm drain maintenance, and street sweeping purposes. Water/sewer flushing and fire flow testing are authorized only if coordinated and performed at the same time.

The use of a hose that dispenses potable water to wash a motor vehicle or for any other purpose, except where the hose is fitted with a shutoff nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.