



# City of Palo Alto

## City Council Staff Report

(ID # 4973)

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**Report Type: Action Items**

**Meeting Date: 8/4/2014**

**Summary Title: Implementation of Dry Year Conservation Measures**

**Title: Adoption of a Resolution Implementing Outdoor Water Use Restrictions in Compliance with the State Water Resources Control Board's July 15, 2014 Emergency Drought Regulations**

**From: City Manager**

**Lead Department: Utilities**

### **Recommendation**

Staff recommends that Council adopt a Resolution (Attachment A) implementing outdoor water use restrictions in compliance with the State Water Resources Control Board's July 15, 2014 emergency drought regulations.

### **Executive Summary**

In response to the Governor's January 17, 2014 drought emergency proclamation, the State Water Resources Control Board (SWRCB) at its July 15<sup>th</sup>, 2014 meeting approved emergency regulations to ensure water agencies, their customers, and state residents increase conservation in urban settings, with a specific emphasis on outdoor irrigation (Attachment B). The decision by the SWRCB prohibits, statewide, specific actions regarding water use and also requires that urban water suppliers such as the City of Palo Alto implement all requirements and actions of the stage of their Water Shortage Contingency Plan (part of their Urban Water Management Plan) that impose mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

### **Background**

On January 17<sup>th</sup>, 2014, in response to the ongoing dry conditions, Governor Brown issued a drought emergency proclamation and asked for all Californians to reduce water use by 20%. On April 25<sup>th</sup>, 2014 Governor Brown issued an Executive Order directing the SWRCB to adopt emergency drought regulations, as it deems necessary.

The City of Palo Alto purchases 100% of its potable water supplies from the San Francisco Public Utilities Commission (SFPUC) Regional Water System (RWS). Like many water systems in the State, the RWS is affected by the ongoing dry conditions, and on January 31, 2014, the SFPUC

asked its retail and wholesale<sup>1</sup> customers to voluntarily curtail water consumption by 10%. The City of Palo Alto responded to the voluntary request and has reduced consumption by approximately 17% for usage from February through June 2014, as compared to the same period in 2013. Staff has been monitoring this and other drought-related outcomes that may impact both the Water and Electric Enterprises. The City has a long standing commitment to water conservation and recently stepped up efforts in response to the dry year conditions. Some examples include:

1. Recent doubling of rebates for outdoor irrigation efficiency, including turf grass replacement, irrigation hardware, and laundry to landscape gray-water systems.
2. Delivering Home Water Reports to residents.
3. Advanced water metering pilot for access to real-time data.
4. Delivering water use reports to businesses.
5. Providing landscape water budget reports to large landscape irrigation customers.
6. Evaluating increased recycled water opportunities.
7. Increased public outreach about water supply situation, ways to conserve and available programs.

On July 15, 2014, in response to ongoing dry conditions and concerns that conservation efforts were not achieving desired results statewide, the SWRCB adopted emergency regulations. The emergency regulations, effective August 1, 2014, prohibit all Californians from using potable water for activities such as driveway washing, irrigation that results in runoff, or in decorative fountains (with certain limited exceptions), and require urban water suppliers to activate the sections of their Water Shortage Contingency Plans that restrict outdoor irrigation. Violations could result in penalties of up to \$500 per day for individuals and could include larger fines for water agencies that fail to implement outdoor irrigation restrictions.

### **Discussion**

The action by the SWRCB imposes requirements on all agencies in the state, regardless of their individual water supply situation. The SFPUC, the City's wholesale water supplier, has requested customers voluntarily reduce consumption by 10% and the SFPUC wholesale customers are on track to meet that goal. The SFPUC has not declared a water shortage emergency nor triggered mandatory cutbacks to its wholesale customers.

However, the action by the SWRCB imposes requirements on the City to initiate measures, specifically, elements of its Water Shortage Contingency Plan, which normally would only be triggered after certain milestones have been met. These milestones could include a declaration

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<sup>1</sup> The Wholesale Customers are the 24 cities and water districts, and two private utilities that purchase water wholesale from the San Francisco regional water system. These entities provide water to 1.7 million people, businesses and community organizations in Alameda, Santa Clara and San Mateo counties.

of a system-wide shortage by the SFPUC pursuant to California Water Code Section 350<sup>2</sup>, followed by a City Council declaration of a local water shortage emergency.

Since the City's ability and flexibility to respond to local water shortage emergencies is captured in the Palo Alto Municipal Code ("PAMC" or "Municipal Code") and the City's 2010 Urban Water Management Plan (approved by City Council on June 13, 2011 - Staff Report 1688) , responding to the regulatory action by the SWRCB presents unique challenges. Nevertheless, staff is proposing a modified process that complies with the SWRCB's emergency regulations and maintains the Council's discretion to craft water conservation measures that are responsive to local conditions.

#### Statewide Prohibited Activities

Specifically, Section 864 of the SWRCB's emergency regulations prohibits certain activities. The City has permanent water use restrictions in place (PAMC Section 12.32.010, "Water Use Regulations") that already cover two out of the four activities that are part of SWRCB's emergency regulations. The City does not currently prohibit washing down sidewalks and driveways or expressly require a recirculating system if potable water is used in a fountain or decorative water feature. A comparison of the SWRCB emergency regulations prohibiting certain water uses and the City's existing Municipal Code restrictions is provided in Table 1.

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<sup>2</sup> Water Code section 350 specifies an entity "...may declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

Table 1: SWRCB Emergency Regulations Compared to the City’s Existing and Proposed Water Use Regulations

Prohibitions in SWRCB Emergency Regulations	City of Palo Alto’s Existing and Proposed Water Use Regulations
Section 864 (a)(1): <i>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</i>	PAMC Section 12.32.010(a): <i>Potable water shall not be allowed to flood or run off into gutters: driveways, sidewalks, streets or other un-landscaped areas.</i>
Section 864 (a)(2): <i>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</i>	PAMC Section 12.32.010(b): <i>No use of water by means of a hose to wash cars, boats, trailers, buses or other vehicles or to wash sidewalks, building structures, other hard-surfaced areas or parts thereof without an operating automatic shut-off valve. Use of a hose for such purposes should be avoided whenever possible.</i>
Section 864 (a)(3): <i>The application of potable water to driveways and sidewalks, 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.</i>	Prohibition proposed as part of this report
Section 864 (a)(4): <i>The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.</i>	Prohibition proposed as part of this report <sup>3</sup>
Does not address	PAMC Section 12.32.010(c): <i>Potable water for consolidation of backfill and other nondomestic uses in construction shall not be used if other water sources such as reclaimed water are available, as determined by the director of utilities or his or her designee. Applicants for hydrant permits from the city of Palo Alto shall be deemed to have consented to restrictions on water use which may be imposed by the director of utilities or his or her designee.</i>
Does not address	PAMC Section 12.32.010(d): <i>Any broken or defective plumbing, sprinklers, watering or irrigation systems which permit the escape or leakage of water shall be repaired or replaced as soon as possible, but no later than the date established by the director of utilities, or his or her designee, as reasonable after observation of the broken or defective system.</i>

<sup>3</sup> Pursuant to the California Water Conservation in Landscaping Act (Cal. Govt. Code § 65591 *et seq.*), cities must adopt a Model Ordinance, the California Model Water Efficient Landscape Ordinance (WELO), or equivalent local plan that is “at least as effective” as the WELO, which Palo Alto has adopted a local plan that satisfies this requirement (see PAMC Section 12.32.040 of the Municipal Code) The WELO includes a requirement that recirculating water systems shall be used for all water features, but only applies to new development or remodels that meet certain criteria. The prohibition proposed as part of this report would apply more broadly - to all fountains and decorative water features, not just new construction and categories of remodels.

Violations of Chapter 12.32 of the City's Municipal Code are punishable as a misdemeanor or an infraction. The City Manager and his designated employees are also specifically authorized to enforce Chapter 12.32 via written warnings, followed by the installation of water flow restrictors at customer expense, for the most serious violations.

### Mandates for Urban Water Suppliers

The SWRCB's emergency regulations also require urban water suppliers, such as Palo Alto, to "implement all requirements and actions of the stage of its water shortage contingency plan that imposes [sic] mandatory restrictions on outdoor irrigation"<sup>4</sup>. Urban water suppliers are also required to submit a monthly monitoring report to the SWRCB that includes the amount of potable water produced in the prior month, and the gallons of water used per capita in its service territory.

The City's 2010 UWMP specifies, via its Water Shortage Contingency Plan, what actions the City could take in response to different stages of water shortage emergencies. As stated in the City's UWMP, "there is a need for some flexibility in selecting the exact strategy to be used to respond to a particular water shortage situation."<sup>5</sup> Thus, although all four of the different stages are listed below, staff's expectation is that the exact requirements to be implemented during each stage would be directed by Council in response to local conditions.

Staff's proposal includes the elements that restrict outdoor irrigation taken from Stage II of the City's Water Shortage Contingency Plan. These outdoor irrigation restrictions are directly responsive to the current situation, in which the state has adopted emergency water regulations and directed outdoor irrigation restrictions, but neither the City nor its wholesale supplier has declared a local water shortage emergency.

### Water Shortage Stages

**Stage I** (5% to 10% supply reductions) calls for a low level of informational outreach and enforcement of the permanent water use ordinances.

**Stage II** (10% to 20%) there will be a stepped up outreach effort and the adoption of some additional water use restrictions. Drought rate schedules may be implemented.

**Stage III** (20% to 35%) calls for increased outreach activities and additional emergency water use restrictions. Drought rates in each block would increase from those in Stage II. Fines and penalties would be applied to users in violation of water usage restrictions. In some cases, water flow restriction devices would be installed on customers' meters.

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<sup>4</sup> Sec. 865 (b)(1)

<sup>5</sup> 2010 UWMP, p. 108.

**Stage IV** (35% to 50%) requires very close management of the available water supplies. Allocations of water for each customer will be introduced. Informational outreach activities would be operating at a very high level. Severe water use restrictions and a restrictive penalty schedule would be implemented.

The SWRCB emergency regulations specify that water agencies will implement their water shortage contingency plan to a level where outdoor irrigation restrictions are mandatory. Irrigation restrictions for the City begin in Stage II, and the City's 2010 UWMP states that landscape irrigation shall not be allowed between 10:00 a.m. and 6:00 p.m., except for drip irrigation, soaker hoses and hand watering. (See Appendix H of the City's UWMP).

To comply with the SWRCB directive, staff is recommending City Council adopt a Resolution implementing the sections of Stage II of the City's Water Shortage Contingency Plan that pertain to outdoor irrigation, and adding prohibitions on the application of water to driveways and sidewalks, and use of potable water in a fountain or other decorative water feature.

#### Reporting

The SWRCB is in the process of preparing templates for monthly reports that urban water suppliers must submit by the 15<sup>th</sup> of each month. At a minimum, the reports will likely include the items below:

1. The amount of potable water produced or purchased from wholesalers in the preceding calendar month with a comparison to the same calendar month in 2013.
2. Beginning October 15, 2014, an estimate of the gallons of water per person per day used by residential customers.

#### **Timeline**

The SWRCB regulations are in effect starting August 1<sup>st</sup>, 2014. Following Council approval, staff will coordinate with different City departments to ensure law enforcement and other involved staff (eg. Utilities, Public Works and Building) are informed of the SWRCB's request to increase enforcement of water use violations, and are prepared to issue warning citations and fines if necessary. The regulations will remain in effect for 270 days after the SWRCB files them with the State Office of Administrative Law, unless the SWRCB extends the regulations due to continued drought conditions. The term of the City's Resolution will remain in effect for the 270 day period, or as extended by the SWRCB.

#### **Resource Impact**

Staff anticipates this new requirement may require additional staff time or may require hiring new part-time outreach. It may also require hiring new or paying overtime for existing staff for enforcement activities. Staff anticipates additional costs will be covered by the Water Fund reserves.

**Policy Implications**

The City has permanent water use restrictions in place and has already increased messaging and water conservation efforts in response to the dry conditions. The recommended action is consistent with those efforts and the strategies outlined in the 2010 UWMP and expires 270 days from the date the SWRCB files the emergency regulations with the State Office of Administrative Law, approximately April 30, 2015, unless the SWRCB takes action to extend the regulations.

**Environmental Review**

Council's adoption of the proposed Resolution is categorically exempt from CEQA under CEQA Guidelines 15307 (Actions by Regulatory Agencies for Protection of Natural Resources).

**Attachments:**

- Attachment A: Resolution July 15, 2014 Emergency Drought Regulations (PDF)
- Attachment B: SWRCB Emergency Regulations (PDF)

NOT YET APPROVED

Resolution No. \_\_\_\_\_

Resolution of the Council of the City of Palo Alto Implementing Outdoor  
Water Use Restrictions in Compliance with the State Water Resources  
Control Board's July 15, 2014 Emergency Drought Regulations

R E C I T A L S

A. On January 17, 2014, Governor Edmund G. Brown Jr. issued Proclamation No. 1-17-2014 declaring a State of Emergency to exist in California due to severe drought conditions and calling on Californians to reduce their water usage by 20 percent.

B. On April 25, 2014, the Governor issued an Executive Order to strengthen the state's ability to manage water and directed the State Water Resources Control Board (SWRCB) under its authority in California Water Code Section 1058.5 to adopt emergency regulations as it deems necessary to address water shortage conditions.

C. On July 15, 2014, the State Water Resources Control Board adopted California Code of Regulations, Title 23, Sections 863, 864, and 865, emergency regulations finding a drought emergency in California and imposing water conservation measures on individuals and water suppliers.

D. Section 864 applies to all Californians and prohibits certain activities in promotion of water conservation, many of which are already required by Palo Alto Municipal Code 12.32.010.

E. Section 865 requires mandatory outdoor irrigation restrictions and reporting by water suppliers, including urban water suppliers like the City of Palo Alto.

F. The City of Palo Alto receives 100% of its potable supplies from the San Francisco Public Utilities Commission (SFPUC).

G. The SFPUC has requested a 10% voluntary water consumption reduction in response to the drought and their determination of available supplies in the regional water system.

H. The SFPUC has not declared a water shortage emergency nor imposed mandatory cutbacks upon Palo Alto or any of SFPUC's wholesale customers.

I. The City of Palo Alto has responded to SFPUC's voluntary water consumption reduction request and has achieved an approximate 17% reduction in water use relative to 2013.

NOT YET APPROVED

J. The City's Municipal Code and Urban Water Management Plan (approved by the City Council on June 13, 2011) include a Water Shortage Contingency Plan and other tools to encourage responsible management of the City's water resources.

K. The City supports the SWRCB's efforts to encourage conservation, with an emphasis on outdoor water use, to the extent it may do so within the context of its Council-approved Urban Water Management Plan and the Palo Alto Municipal Code.

The Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. The following outdoor water use restrictions are hereby adopted, in compliance with the State Water Resources Control Board's July 15, 2014 emergency drought regulations (collectively, the "Outdoor Water Use Restrictions"):

- a. No outdoor irrigation of ornamental landscapes or turf with potable water is permitted between the hours of 10am and 6pm, except for drip irrigation, soaker hoses and hand watering;
- b. The application of potable water to driveways and sidewalks 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; and
- c. The use of potable water in a fountain or other decorative water feature is prohibited, except where the water is part of a recirculating system.

SECTION 2. The Council finds that the Outdoor Water Use Restrictions implemented as a result of this action were taken from Stage II of the City's Water Shortage Contingency Plan, which is itself a part of the City's Urban Water Management Plan, approved by the Department of Water Resources July 8th, 2014. The Outdoor Water Use Restrictions are intended to complement the City's existing and permanent water use restrictions, codified in Palo Alto Municipal Code Section 12.32.010.

SECTION 3. The Council finds that adoption of the Outdoor Water Use Restrictions meets the requirements of California Code of Regulations, Title 23, Section 865(b)(1).

SECTION 4. The Outdoor Water Use Restrictions will remain in effect for the 270 day period specified in SWRCB Resolution No. 2014-0038, or as extended by the SWRCB.

SECTION 5. Council directs staff to further promote water conservation by preparing and submitting to the SWRCB the monitoring reports described in California Code of Regulations, Title 23, Section 865(d). Council also directs staff to monitor compliance and to explore increased enforcement in the event the desired response is not being achieved.

NOT YET APPROVED

SECTION 6. Council's adoption of the proposed Outdoor Water Use Restrictions is categorically exempt from CEQA under CEQA Guidelines 15307 (Actions by Regulatory Agencies for Protection of Natural Resources).

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Senior Deputy City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Utilities

\_\_\_\_\_  
Director of Administrative Services

ATTACHMENT B

**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.

Carnahan, David

CITY OF PALO ALTO, CA  
CITY CLERK'S OFFICE

**From:** Deborah Goldeen <palamino@pacbell.net>  
**Sent:** Saturday, July 26, 2014 9:26 PM  
**To:** Elvert, Catherine  
**Cc:** Council, City  
**Subject:** Re: water

14 JUL 28 AM 8:28

Thank you for your thoughtful reply. I am, however, left with the impression that since the 17% savings seems to be coming out of a small percentage of households, mine being one of them, that I 1) should make much less effort and start watering my plants because it's really the city's responsibility to make these slackers do their fair share and 2) that city administration, your work included, is being irresponsible to a degree that is a little scary. I lived in Palo Alto in 1976/77/78. The response from the city during that last drought was very, very different and much more effective.

The SCWD monthly drought report I guess made somebody happy, but not me. I don't know what the point of it was, although it was nice to see that Los Altos Hills (Purissima District) has, of all things, been socially responsible and drastically cut its water usage.

I've lived here for 50 years and I know just how much rain we did not get last winter. NWS is predicting a 50/50 chance that we will get a wetter than average winter next year. I don't think those are very good odds. Droughts can go on for decades. You just don't know.

Deb Goldeen

On Jul 18, 2014, at 10:12 AM, Elvert, Catherine <Catherine.Elvert@CityofPaloAlto.org> wrote:

> Ms. Goldeen,

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> Thank you for your message. The City is very aware of California's current water supply situation and is closely monitoring ongoing conditions. We are engaging in many actions to help Palo Alto stretch its water supplies, actively promoting efficiency measures for residents, businesses and at City facilities. We have significantly expanded our outreach and programs to educate the community about ways to conserve water.

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> The first tier of Palo Alto's residential water rates includes usage up to 6 hundred cubic feet (ccf), or about 4,500 gallons per month. The second tier rate would go into effect when a residential account holder used more than 6 ccf/month, or about 148 gallons per day. The first tier charge is \$4.99 per ccf and the second tier is \$7.58 per ccf. The increase in cost from tier 1 to tier 2 is 52% per ccf.

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> Our water supplier, the San Francisco Public Utilities Commission (SFPUC), has asked its wholesale customers, including Palo Alto, for a 10% voluntary water use reduction. Our community has successfully responded to this request. To encourage more conservation, the City has increased its rebate amounts (our landscape rebates are the highest in the Country), offered new water efficiency programs (including the Home Water Reports), received two grants for innovative water-saving technologies and significantly expanded customer outreach. The resulting 17% cumulative savings through May exceeds the 10% reduction goal.

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> You may be interested in viewing this Santa Clara Valley Water District (SCVWD) Monthly Drought Status Report<[http://www.valleywater.org/uploadedFiles/Newsroom-other\\_pages/Drought2014/Drought%20Monthly%20Report\\_070614\\_BA.pdf?n=3269](http://www.valleywater.org/uploadedFiles/Newsroom-other_pages/Drought2014/Drought%20Monthly%20Report_070614_BA.pdf?n=3269)> (first edition) for water savings achieved

county-wide and for each individual water retailer (pages 12 and 19) in Santa Clara County. This ongoing monthly report includes information on current water supply conditions, the methodology for calculating savings, short-term and long-term water use efficiency strategies. More information on Palo Alto's water supply through SFPUC, drought updates and links to efficiency programs can be found at [www.cityofpaloalto.org/water](http://www.cityofpaloalto.org/water)<<http://www.cityofpaloalto.org/water>>

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> This week, the State Water Resources Control Board passed a resolution implementing emergency regulations intended to increase water conservation. The final resolution can be found online here<[http://www.swrcb.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2014/rs2014\\_0038\\_regs.pdf](http://www.swrcb.ca.gov/board_decisions/adopted_orders/resolutions/2014/rs2014_0038_regs.pdf)>. We are currently reviewing implementation and enforcement of additional water use restrictions for Palo Alto. Early next month, we will present the City Council with a proposed resolution for how we plan to comply with the emergency regulations.

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> The City of Palo Alto will continue its community outreach and education efforts to encourage all to use water as efficiently as possible, particularly during the drought. Thank you for your conscientious involvement.

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> Sincerely,

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> Catherine

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> Catherine Elvert

> Communications Manager

> City of Palo Alto Utilities

> 250 Hamilton Ave.

> Palo Alto, CA 94301

> Office: (650) 329-2417

> Cell: (650) 833-9433

> [catherine.elvert@cityofpaloalto.org](mailto:catherine.elvert@cityofpaloalto.org)<<mailto:catherine.elvert@cityofpaloalto.org>>

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> -----Original Message-----

> From: Deborah Goldeen [<mailto:palamino@pacbell.net>]

> Sent: Tuesday, July 15, 2014 10:39 PM

> To: Elvert, Catherine; Council, City

> Subject: water

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> This evening, I asked a neighbor of mine if he was conserving water. He said, "No, but my sons don't shower very often so we probably don't use all that much." I said, "Are you watering your landscaping?" He said, "yes." I said, "When I water in the summer, we use 300 gallons a day, but I've stopped and our household of four is using 80 gallons a day." He said, "I don't really know how many gallons a day we use."

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> Later in the evening, I told this story to the life guard at lap swim. He shrugged his shoulders and said, "There isn't any penalty so why should we conserve?"

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> Palo Alto's "tiered" rates don't kick in until you start using over 500 gallons a day and then it only increases your rate by about 12%. County of Santa Cruz has got it's residents to cut back by 30% because if you use over a certain amount, they charge up the wazoo. What's up with the City of Palo Alto?

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> Deb Goldeen - 2130 Birch St., 06, 321-7375

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> Catherine Elvert

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