



# RIVERSIDE PUBLIC UTILITIES

## Board Memorandum

**BOARD OF PUBLIC UTILITIES**

**DATE: JUNE 13, 2022**

**SUBJECT: REVIEW AND IMPLEMENTATION OF THE STATE WATER RESOURCES CONTROL BOARD'S EMERGENCY DROUGHT REGULATIONS**

**ISSUES:**

Receive an update on the State Water Resources Control Board's Emergency Drought Regulations and consider a recommendation to City Council for implementation for compliance with such regulations.

**RECOMMENDATIONS:**

That the Board of Public Utilities provide a recommendation to the City Council regarding implementation of actions to comply with the State Water Resources Control Board's emergency drought regulations.

**LEGISLATIVE HISTORY:**

Drought Timeline from 2014-2022:

- 2014 – Governor Brown declared a State of Emergency due to drought.
- July 2014 – The State Water Resources Control Board (SWRCB) adopted Resolution No. 2014-0038, which added to the Board's regulations through the emergency rulemaking process, requirements for monthly reporting of urban water use (now permanent reporting) and prohibiting certain wasteful water use practices during the drought.
- 2015 – Governor Brown signed Executive Order mandating statewide cutbacks on urban water use.
- April 2017 – Governor Brown signed Executive Order B-40-17, rescinding the drought emergency declaration while retaining prohibitions on wasteful water use practices. These expired at a State level in November 2017, but Council has made the prohibitions on wasteful water use permanent as part of the City's Water Conservation Ordinance.
- 2019 – Drought conditions return and are further exacerbated in 2021.
- July 2021 – Governor Newsom declared a drought emergency and issued Executive Order N-10-21 urging residents to voluntarily reduce water usage by 15% comparing monthly use to the same month in 2020.

- January 2022 – The SWRCB adopted an emergency regulation (SWRCB Resolution No. 2022-0002) prohibiting wasteful water use practices that were similarly implemented in 2017, and already enforced by the City’s Water Conservation Ordinance.
- March 2022 – Governor Newsom issued Executive Order N-7-22 ordering the SWRCB to consider adopting an emergency regulation for urban water conservation requiring water providers to implement Level 2 shortage response actions and banning the irrigation of non-functional turf in the commercial, industrial, and institutional sectors.
- May 2022 – The SWRCB adopted new emergency drought regulations requiring urban water providers to implement the demand reduction actions described in their Water Shortage Contingency Plan for a Level 2 (10-20%) shortage and prohibiting the irrigation of non-functional turf in the commercial, industrial, and institutional sectors.

## **BACKGROUND:**

California is in a severe drought with the most recent three years being the driest on record. Though the State received above average rainfall in December 2021, January, February, and March of 2022 have been the driest on record, erasing those gains from the end of 2021. On April 1, 2022, California’s snowpack was down to 38% of average and has continued to drop.

Due to persistent and extreme drought conditions, Governor Newsom issued Executive Order N-7-22 on March 28, 2022, ordering the State Water Resources Control Board to adopt an emergency regulation for urban water conservation. The emergency regulation requires water providers to implement Level 2 demand reduction actions (10-20% reduction) and prohibit the use of potable water to irrigate non-functional turf (solely ornamental in use) in the commercial, industrial, and institutional sectors. This element of the regulation includes a potential fine of up to \$500 per day for non-compliance. The regulation, however, does not prohibit the use of water to the extent necessary to ensure the health of trees and other perennial non-turf plantings or the watering of the non-functional turf if it is a low water use variety (using only 40% of the water required by cool-season turfgrass) and is demonstrated to be watered appropriately.

## **DISCUSSION:**

The City of Riverside’s (City) water shortage levels and associated shortage demand reduction actions can be found in the Water Conservation Ordinance (Chapter 14.22 of the Riverside Municipal Code). The Water Conservation Ordinance (WCO) is the mechanism for implementing aspects of the City’s Water Shortage Contingency Plan, which is a more comprehensive document that references the WCO and contains pre-planned guidance for managing and mitigating a water shortage. It is a roadmap for how to proceed through various levels of shortage. If a water shortage is anticipated or RPU is faced with an actual water shortage, shortage responses will be implemented, including protocols on how customers will be informed of an expected or actual shortage and demand reduction actions that will be asked of them.

### **Implementation of Level 2 Demand Reduction Actions**

The SWRCB emergency drought regulation will require water providers to implement Level 2 shortage response actions identified in the supplier’s water shortage contingency plan for a shortage level of 10-20% on the State’s standard shortage levels. Locally, this corresponds to Riverside’s Stage 2 (<15% demand reduction) – Minimum Water Shortage Level.

Though the City will have enough supply to meet demand and anticipates sufficient water supply for the next five dry years, at this time, only minor provisions have been made for water suppliers that can meet very strict criteria for an exemption. Unfortunately, the City, along with most water suppliers, do not meet the strict exemption criteria set by the State. The majority of the water suppliers in California will thus be required to implement the State's emergency drought regulations.

For the City, the following demand reduction actions will be asked of customers:

- Non-agricultural properties can only be irrigated between the hours of 6:00 PM and 10:00 AM to avoid losses to evaporation
- Non-agricultural properties may be watered no more than three times per week
- All automatic irrigation timers shall be adjusted to the irrigation time restrictions and changing weather patterns, and shall completely eliminate run-off
- Use of graywater and recycled water for irrigation is permitted on any day and time
- All leaks, improperly adjusted sprinklers, or other water appurtenances requiring repair or adjustment shall be corrected within 72 hours of notification by the City.
- Construction operations receiving water from a construction meter or water truck shall not use water unnecessarily for any purpose, other than as required by regulatory agencies. Construction projects requiring watering for new landscaping materials shall adhere to the designated non-agricultural irrigation requirements set forth above.
- Common sense wasteful water practices (like hosing driveways or watering during rain events) detailed in the Water Conservation Ordinance are always prohibited regardless of shortage level.

The intent of these reduction actions is for customers to be able to achieve a 10-20% reduction in water use by adjusting some of their outdoor watering practices. The City and the SWRCB encourage the watering of trees and perennial shrubs and ask customers to prioritize tree health over irrigating turf.

#### Prohibition of Irrigation of Non-Functional Turf

In addition to implementing the demand reduction actions described above, the emergency drought regulation also restricts the use of potable water to irrigate non-functional turf in the commercial, industrial, and institutional sectors (CII). This includes non-functional turf in homeowners associations (HOAs). Non-functional turf is defined as turf that is solely ornamental and not regularly used for human recreational purposes or for civic community events. It does not include sports fields and turf that are regularly used for human recreational purposes or community events. The emergency regulation also does not prohibit the use of water 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. There is also a carveout for CII customers that have non-functional turf that is a low water use variety. If the non-functional grass is a variety that uses only 40% of cool-season turf grass and is watered appropriately, they may be exempted from the regulation. It will be up to customers to contact their water providers to request the exemption.

#### What Actions can the City of Riverside consider taking?

The issue of how and if the City should participate in any future statewide drought mandates has been discussed publicly at recent Board of Public Utilities and Water Committee meetings. During the last drought in 2015, the City filed legal action for relief from mandated demand cutbacks because the State had not appropriately analyzed restrictions on water agencies that were

dependent upon groundwater sources. However, during the pendency of that lawsuit, the City complied with the State's drought restrictions.

There is certainly a local water rights and local control issue to this perspective; however, there is growing data that indicates local groundwater basins are affected by lower precipitation, reduced imported water being used by customers that overlie the basin and the reduction of permeable surfaces across the basin. Therefore, staff recommends that the Board recommend that the City Council implement the demand reduction actions listed above and initiate an enhanced customer communication campaign to help customers use water wisely.

### Customer Communication

To date, the City has issued information on water use efficiency and expanded rebate programs to customers through social media, back-of-bill informational items, special events, and e-blasts. Additionally, the City has launched the "Don't Doubt the Drought" campaign, featuring a dedicated landing page on the City's and RPU's websites, providing customers with updates regarding the drought, as well as water use efficiency tips and available assistance programs. Building on these efforts, the City will add information on the emergency regulation requirements and provide additional educational materials on using water wisely, particularly outdoors. Additionally, a link to Western Municipal Water District's drought response webpage will be provided. Targeted information will be provided for commercial, industrial, and institutional customers that are subject to watering restrictions per the State's emergency drought regulation. Enhanced rebates and assistance programs on turf replacement, particularly for non-functional turf, are available and will be highlighted.

In order to properly educate and create awareness across the community, staff is developing a plan for multiple public meetings to gather public questions and feedback on this important issue. These meetings will also provide an opportunity to communicate information about Riverside's water future and what it needed to meet these challenges.

### Enforcement

Staff proposes an enforcement plan that responds to complaints and provides residents with educational materials and appropriate notifications to correct any egregious water waste on their property. The City's Code Enforcement Division, in coordination with RPU, will ensure proper notice is provided to residents to allow them to make the necessary adjustments and reduce water waste. As provided for in Chapter 1.17 of the Riverside Municipal Code, the proposed enforcement approach includes:

- A first notice, which provides a warning and encourages compliance with the mandatory restrictions as well as provides information on rebates programs and helpful tips to reduce water waste;
- Should the violation continue, a second notice will be issued that explains the severity of the violations and what will occur if the violation is not corrected; and
- Lastly, should the violation continue after the second notice, Code Enforcement staff may issue fines.

### **STRATEGIC PLAN ALIGNMENT:**

The implementation of the SWRCB's emergency drought regulations contributes to **Strategic Priority 4 - Environmental Stewardship** and **Goal 4.2:** Sustainably manage local water resources to maximize reliability and advance water reuse to ensure safe, reliable, and affordable

water to our community.

This project aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – Riverside is actively engaged with the statewide drought and is providing timely and reliable information to inform policymakers on potential actions that may need to be taken to protect and serve the public interest.
2. **Equity** – Using water efficiently helps manage the City’s water resources and helps every member of the community have equal access to the benefits of this shared and limited resource.
3. **Fiscal Responsibility** – The efficient use of water helps keep rates down by reducing the need to develop new supplies of water or buying expensive imported water.
4. **Innovation** – Riverside is keeping abreast of all drought and regulatory updates to respond to and prepare for any potential impacts to the community. It is collaborating with regional water providers to ensure cohesive messaging that meet the needs of the region’s residents.
5. **Sustainability & Resiliency** – Managing the City’s water and using it efficiently ensures water supplies remain sustainable and resilient through climate change challenges.

**FISCAL IMPACT:**

Implementation of demand reduction actions are projected to negatively impact revenues. The potential impacts are currently being analyzed. Conservation programs and outreach will be absorbed within approved budgets.

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**Attachments:**

1. State Water Resources Control Board’s Emergency Regulation
2. Riverside’s Water Shortage Contingency Plan
3. Presentation