



RIVERSIDE PUBLIC UTILITIES

Board Memorandum

BOARD OF PUBLIC UTILITIES

DATE: MAY 8, 2023

SUBJECT: UPDATE ON THE STATE DROUGHT AND EMERGENCY DROUGHT REGULATIONS

ISSUE:

Receive an update on the state drought and emergency drought regulations.

RECOMMENDATION:

That the Board of Public Utilities receive an update on the state drought and 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 use of potable water to irrigate non-functional turf in HOAs and commercial, industrial, and institutional (CII) sectors to remain in effect until June 2023.
- December 2022 – The SWRCB readopted emergency regulation prohibiting wasteful water use practices.
- March 2023 – Governor Newsom rescinded the emergency drought regulation requiring water providers to implement demand reduction actions but retained the watering ban on non-functional turf.

BACKGROUND:

While recent rain and snow have exceeded the state’s historical peaks, the Department of Water Resources states, “It will take more than a single wet year for California to fully recover from the last three years – the driest ever recorded in state history.” For that reason, the prohibition of certain wasteful water use practices will remain in place, as well as the prohibition of the use of potable water to irrigate non-functional turf in HOAs and the commercial, industrial, and institutional (CII) sectors. On March 24, 2023, Governor Newsom rescinded the regulation requiring urban water suppliers to implement the demand reduction actions described in their Water Shortage Contingency Plan for a Level 2 shortage.

DISCUSSION:

Prohibitions on wasteful water practices

The prohibited uses of water are those similarly implemented during the 2012-2016 drought and have been codified and enforced by the City’s Water Conservation Ordinance (e.g., irrigating during rain, irrigation run-off, washing hard surfaces with potable water). For the City, these prohibited water uses are permanent and in place regardless of drought conditions.

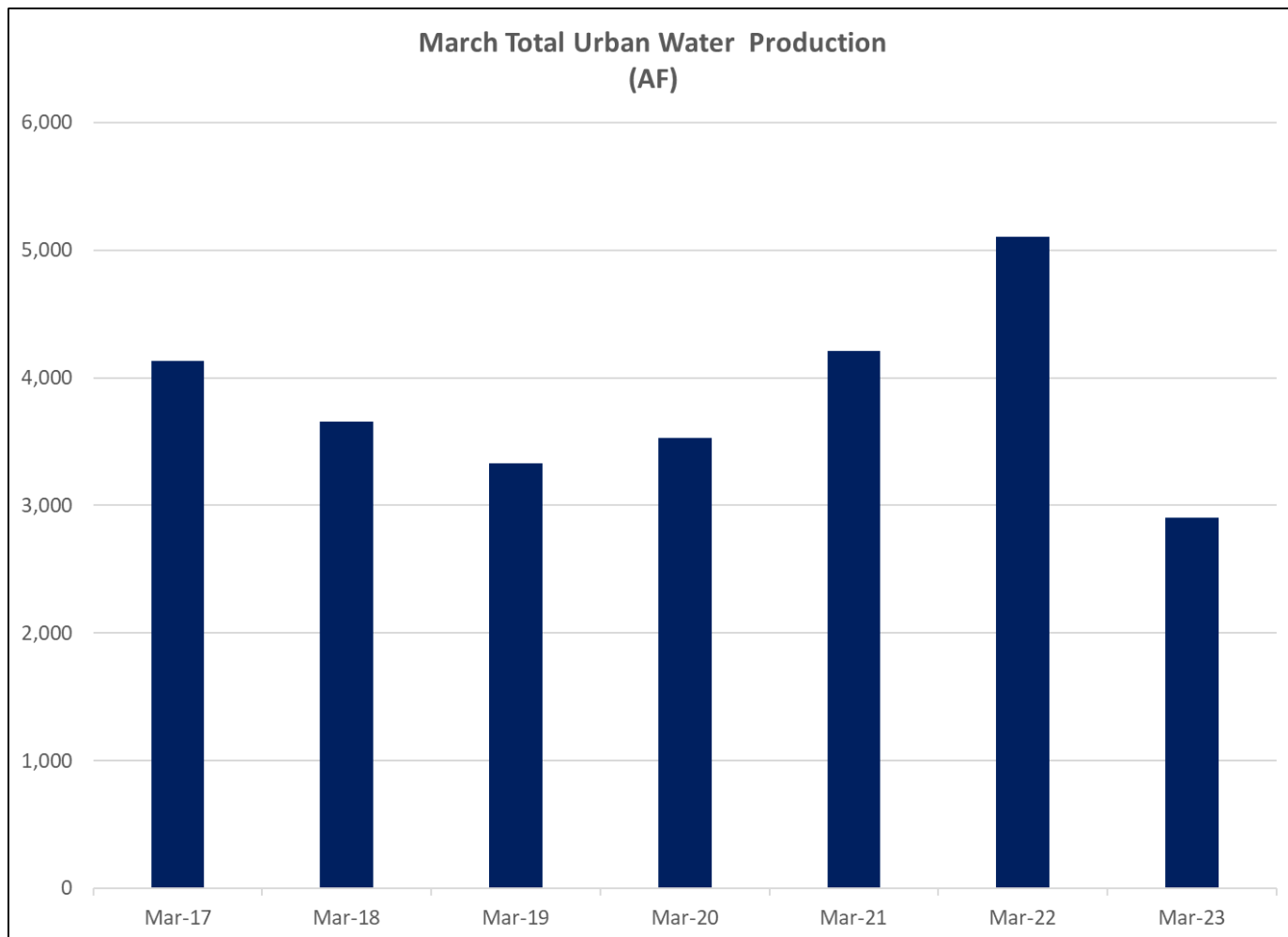
Level 2 demand reduction actions

The State Water Resources Control Board (SWRCB) emergency drought regulation requires urban water suppliers to implement the demand reduction actions described in their Water Shortage Contingency Plan for a Level 2 (10-20%) shortage and the prohibition on the use of potable water to irrigate non-functional turf in HOAs and CII sectors was adopted in May 2022, but was recently rescinded by Governor Newsom on March 24, 2023. However, the non-functional turf element of the regulation remains in effect until June 2023. No specific enforcement is required for this regulation by the SWRCB; instead, it is left at the discretion of local agencies or governments.

For March 2023, RPU customers reduced their consumption by 31% compared to the same month in 2021 as shown in the table below.

Reporting Month	Mar -21	Mar -23
County Under Drought Declaration	No	Yes
Water Shortage Contingency Plan Level	1	2
Residential Use Percentage	59.45%	56.46%
CII Water (AF)	1,482	1,350
Commercial Agricultural Water (AF)	67	50
Total Potable Water Production (AF)	4,274	2,957
Estimated R-GPCD (Residential and CII only)	84	57
Target Savings	-	15%
Actual Savings	-	31%
Recycled Water (AF)	5	5.6

Water reduction calculations comparing March month-to-month comparisons do not depict the full conservation picture since March 2023 received over 3 inches more of precipitation than the same month in the prior year. The attached chart taken from prior published Water Production reports shows the trend and changes in production over the last 7-year period.



Moving forward

Although the State emergency regulations will be rescinded later this year, the State is moving forward with permanent changes to address climate change impacts on California’s water system. The SWRCB is currently in a rule-making process to adopt long-term standards for the efficient use of water for urban retail water suppliers, known as the “Making Water Conservation a California Way of Life.” The standards will require urban water suppliers to meet permanent efficiency targets and assist customers in becoming more efficient water users through efficiency programs, rebates, and best management practices.

Attached is a letter sent by Utilities General Manager Corbin to SWRCB staff prior to the official rule-making process comment period to identify issues important to Riverside.

STRATEGIC PLAN ALIGNMENT:

Tracking of the state’s drought conditions and 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 provides timely and reliable information to inform the Board and public.
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.
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:

There is no fiscal impact associated with this report.

Prepared by:	David Garcia, Utilities Assistant General Manager/Water
Approved by:	Todd M. Corbin, Utilities General Manager
Approved by:	Rafael Guzman, Assistant City Manager
Approved as to form:	Phaedra A. Norton, City Attorney

Certifies availability

of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/City Treasurer

Attachments:

1. Water Production Report
2. Letter to SWRCB
3. Presentation