

RESPONSE TO EMERGENCY WATER CONSERVATION REGULATIONS

Bear Valley Community Services District

Board Meeting

August 14, 2014



EMERGENCY WATER CONSERVATION REGULATIONS

Chronology:

- January 2014: Governor declares State of Emergency due to drought – reduce water demand by 20%
- April 2014: Governor issues executive order – redouble efforts to reduce water demand
- July 2014: California Water Resources Control Board adopted Resolution No. 2014-0038 – drought conditions warrant emergency regulations



EMERGENCY WATER CONSERVATION REGULATIONS

- New Article 22.5 (Sections 863, 864, and 865) of Title 23 of the California Code of Regulations
- Effective July 28, 2014
- Expires April 25, 2015 (9 months)



EMERGENCY WATER CONSERVATION REGULATIONS

Section 864: (Prevent Water Waste)

Requires the following :

- 1) no runoff of outdoor landscape irrigation using potable water;
- 2) washing of vehicles only with a hose fitted with a shut-off nozzle;
- 3) no application of potable water to driveways and sidewalks; and
- 4) the use of potable water as part of a fountain or water feature only where the device has a recirculating water system.

Violations: may be cited as an infraction punishable by a fine of up to \$500 per day.



EMERGENCY WATER CONSERVATION REGULATIONS

Section 865. (Conserve Water)

Water “distributors ” (i.e., less than 3000 customers):

Either limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days a week or implement “*another mandatory measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.*”

Note: “comparable reduction” to two days a week of watering apparently was intended to mean a **20% reduction** in consumption over 2013 levels.



What does the District need to do?

- Adopt a mandatory measure or measures intended to reduce consumption by 20%
- BVCSD Code § 7-4-4(B)
 - Stage Two Condition: Water use should be reduced by not less than 20%



What does Stage Two mean for customers?

Under a Stage Two Condition:

- All of the “voluntary” water reduction measures in Stage One (§ 7-4-6(A)) would apply as mandatory measures.
- This would include 3 measures similar to Regulation 864: (1) no runoff of outdoor landscape irrigation using potable water; (2) washing of vehicles only with a hose fitted with a shut-off nozzle; and (3) no application of potable water to driveways and sidewalks.



What does Stage Two mean for customers?

- All of the water reduction measures in Stage Two (§ 7-4-6(B)) would apply:
 - Landscape irrigation only between 5 pm and 8 am
 - No landscape irrigation on Sunday
 - No District potable water may be used for grading or compacting
 - Potable metered water may only be used for construction between 7 am and 5 pm
 - Wash vehicles only with a bucket or hose w/nozzle



What does Stage Two mean for customers?

Code § 7-4-10:

Special water conservation rates apply during Stage Two Condition (i.e., 20% surcharge).



Enforcement of Regulations Against Customers

District retains discretion:

- Violations of Regulation 864 – infraction
- Violations of District Code – misdemeanor
 - Need “wobbler” allowing reduction to infraction
 - Need administrative citation chapter (fines)
- Alternate Remedies:
 - 7-4-14(A): water use curtailment plan
 - 7-4-14(B): flow restrictor, discontinue service, etc.



Enforcement of State Emergency Regulations Against District

- District is required to implement mandatory water conservation measures under Emergency Regulation Section 865(e)
- No process established by WRCB to monitor conservation compliance by small water distributors
- No penalties or sanctions if District water conservation measures fail to reduce water consumption by 20% below 2013 levels



Recommendation

- Adopt Resolution Declaring a Stage 2 Condition
- Continue Public Outreach & Education
- Seek Voluntary Compliance to Achieve 20% Reduction

