

EL DORADO IRRIGATION DISTRICT

SUBJECT: Consider adopting a resolution to renew and update the drought emergency declaration and reaffirm a Stage 1 Water Alert requesting up to 15 percent voluntary conservation.

PREVIOUS BOARD ACTION

June 14, 2021 – Board adopted the 2021 Drought Action Plan.

June 28, 2021 – Board adopted a resolution declaring a drought emergency and a Stage 1 Water Alert Districtwide, and authorized the General Manager, subject to subsequent Board ratification, to declare a Stage 4 Water Emergency for Outingdale customers when necessary.

July 26, 2021 – Board ratified Resolution No. 2021-009 to maintain the drought emergency and ratified the General Manager’s declaration of a Stage 4 Water Emergency for Outingdale customers.

October 25, 2021 – Board ratified Resolution No. 2021-009 to maintain a drought emergency and declared a return to Stage 1 Water Alert for Outingdale customers.

At every regular Board meeting since the adopted Resolution No. 2021-009, the Board has ratified Resolution 2021-009.

BOARD POLICIES (BP), ADMINISTRATIVE REGULATIONS (AR), AND BOARD AUTHORITY

BP 5010 Water Supply Management

SUMMARY OF ISSUE

On March 28, 2022, Governor Newsom issued Executive Order N-7-22, which ordered the State Water Resources Control Board (SWRCB), by May 25, 2022, to consider adopting emergency regulations for urban water conservation that would require each urban water supplier to implement, at a minimum, water shortage response actions for a shortage level of up to 20 percent (Level 2) by a date to be set by the SWRCB. SWRCB staff has released proposed draft water conservation emergency regulations to implement the Governor’s directives, and those regulations are scheduled to be considered by the SWRCB for adoption at the SWRCB’s May 24, 2022 board meeting. The proposed regulations would require each urban water supplier to implement, by June 10, 2022, at a minimum, the demand reduction actions identified in the supplier’s water shortage contingency plan for a shortage level of 10 percent to 20 percent (Level 2).

The District’s Stage 1 voluntary actions requesting 15 percent conservation currently in effect are consistent with these new proposed regulations. Therefore, no movement to the District’s Stage 2 is required. Staff developed a resolution to renew and update the Board’s declared drought emergency, to reflect ongoing drought conditions in 2022.

BACKGROUND/DISCUSSION

Due to local water supply conditions, the District has been under a Stage 1 Water Alert since June 28, 2021 and has requested voluntary conservation of up to 15 percent compared with 2020 demand levels. The Governor also subsequently in 2021 declared a statewide drought emergency and similarly called on Californians to reduce water usage by 15 percent.

After a highly variable weather year that saw heavy precipitation and snow events early, followed by an extended dry period, and then some late season rain and snow, the District's water supply picture is much improved compared to this time last year. However, much of the state continues to experience drought conditions and many of the State's key water supply reservoirs, notably Shasta and Oroville, remain well below average. The overall worsening State-wide drought conditions prompted the Governor's recent executive order calling on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out, and called on the SWRCB to consider adopting emergency regulations to respond to the executive order.

SWRCB staff has prepared a draft emergency regulation to implement the Governor's recent executive order. The SWRCB is scheduled to consider adopting the regulation on May 24, 2022. The regulation, if approved, would be effective June 10, 2022.

Some of the key requirements of the regulation are highlighted below, followed by District staff discussion:

- *Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.*
 - District staff has reviewed the annual requirements for the water supply and demand assessment and will submit the assessment by June 1, 2022. The report will show the District has adequate water supply to meet expected demand this year.
- *Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten to twenty percent (Level 2).*
 - *Notwithstanding subdivision (1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section*
- *To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.*

In 2021, the District updated its most recent Drought Action Plan update and subsequently included it in the 2020 Urban Water Management Plan to serve as the District's Water Shortage Contingency Plan. Water Code Section 10632(a)(3) called on suppliers to identify six standard water shortage levels from the normal reliability (10, 20, 30, 40, 50 and greater than 50 percent shortage) in their Water Shortage Contingency Plan. Rather than identify six standards for water shortage levels, EID cross-referenced the six standards with the District's existing four shortage levels identified in our Drought Action Plan, for consistency with past droughts and ease of implementation. As Table 2 of the Drought Action Plan indicates, EID's Stage 1 and Stage 2 drought action levels corresponds to the State's shortage Level 2 (10 percent to 20 percent).

Table 2		
State Mandated Shortage Levels	EID Drought Action Plan Levels	
Stage 1: 0 – 10%	Stage 1 – Water Alert	0 – 15%
Stage 2: 10 – 20%	Stage 1 – Water Alert Stage 2 – Water Warning	0 – 15% 15 – 30%
Stage 3: 20 – 30%	Stage 2 – Water Warning	15 – 30%
Stage 4: 30 – 40%	Stage 3 – Water Crisis	30 – 50%
Stage 5: 40 – 50%	Stage 3 – Water Crisis	30 – 50%
Stage 6: >50%	Stage 4 – Water Emergency	>50%

The SWRCB proposed emergency regulation (Attachment B) requires water suppliers to implement demand reduction actions for a shortage level of ten to twenty percent (Level 2). Given the District’s favorable local water supply conditions, staff is proposing to maintain the existing Stage 1 Water Alert, implementing the voluntary conservation actions identified in the Drought Action Plan for Stage 1 to achieve 15% conservation. The District has sufficient water supplies, and thanks to recent precipitation could meet unrestricted demand during 2022 if necessary. Maintaining a Stage 1 Water Alert is prudent to guard against additional dry years and our current drought stage is consistent with the requirements of the proposed emergency regulation.

The proposed regulations also would mandate that irrigation of “non-functional turf” with potable water is not allowed in the “commercial, industrial, and institutional” (CII) sector, unless the use of such water is 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. Therefore, the District will notify our CII customers of this new proposed regulation, should it be adopted by SWRCB.

Below are the key voluntary conservation measures included in Stage 1 that remain in effect. Staff will also continue to communicate other general guidelines and water efficiency practices that our customers can implement to help achieve additional water savings.

Water Efficiency

1) Voluntary:

- a) Apply irrigation water during evening and early morning hours only (7 PM to 10 AM);
- b) Inspect irrigation system for leaks and then repair or replace;
- c) Adjust sprinkler run times to avoid runoff; and
- d) Avoid pursuing construction of new swimming pools or rehabilitation that would require filling with potable water.

Other General Guidelines

- Adjust sprinklers to prevent overspray.
- Stress your lawn and save your trees. Reduce the number of days of outside irrigation and/or reduce sprinkler cycle run times. By reducing your watering times by two minutes across the board you can achieve an instant savings of 20 percent (for every 10 minutes that your sprinklers are currently scheduled).
- Ensure ponds, waterway, decorative basins and swimming pools are equipped with water recirculation devices.
- Do not hose off sidewalks, driveways and other impervious hardscapes, 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.
- Use hoses equipped with a control nozzle capable of completely shutting off the flow of water.
- Turn off irrigation during or within 48 hours of measurable precipitation.

In anticipation of the SWRCB adopting the proposed emergency regulations on May 24, 2022, District staff requests that the Board consider adopting a resolution to maintain a drought emergency and reaffirm the existing Stage 1 Water Alert District-wide, requesting up to 15 percent customer conservation.

BOARD OPTIONS

Option 1: Adopt a resolution renewing and updating the drought emergency declaration and reaffirm a Stage 1 Water Alert requesting up to 15 percent voluntary conservation.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

RECOMMENDATION

Option 1


ATTACHMENTS

Attachment A: Proposed Resolution

Attachment B: SWRCB Staff Working Draft Regulation



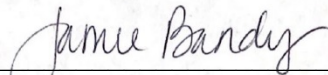
Brian Mueller
Engineering Director



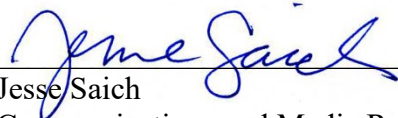
Elizabeth Leeper
Senior Deputy General Counsel



Dan Corcoran
Operations Director



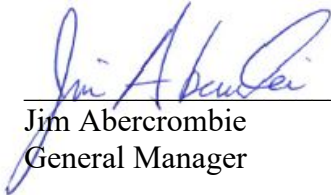
Jamie Bandy
Finance Director



Jesse Saich
Communications and Media Relations Manager



Brian Poulsen
General Counsel



Jim Abercrombie
General Manager

1 **RESOLUTION OF THE BOARD OF DIRECTORS OF**
2 **EL DORADO IRRIGATION DISTRICT RENEWING THE DECLARATION OF A**
3 **DROUGHT EMERGENCY AND STAGE 1 WATER ALERT DISTRICT-WIDE**

4 WHEREAS, El Dorado Irrigation District (District) has experienced dry and critically dry
5 conditions since 2020; and

6 WHEREAS, on May 10, 2021, Governor Gavin Newsom proclaimed that a drought
7 emergency existed in El Dorado County; and

8 WHEREAS, on June 14, 2021, the Board adopted the District’s 2021 Drought Action Plan; and

9 WHEREAS, the District's adopted 2021 Drought Action Plan provides for an incremental,
10 multi-stage drought response, summarized as follows:

- 11 • In a declared Stage 1 Water Supply Alert, customers are called on to voluntarily
12 reduce water usage by up to 15%;
- 13 • In a declared Stage 2 Water Supply Warning, a combination of voluntary and
14 mandatory actions are intended to reduce water usage by up to 30%;
- 15 • In a declared Stage 3 Water Supply Crisis, mandatory actions and/or water
16 rationing are intended to reduce water usage by up to 50%; and
- 17 • If water supplies are still insufficient, a Water Supply Emergency is declared
18 and mandatory rationing is imposed to reduce water usage by more than 50%; and

19 WHEREAS, on June 15, 2021, the State Water Resources Control Board (SWRCB) sent
20 notices of water unavailability to post-1914 water right holders in the Bay-Delta watershed,
21 including the District, urging them to stop diverting to preserve dwindling water supply for both
22 this year and the next; and

23 WHEREAS, on June 28, 2021, the District’s Board of Directors adopted Resolution 2021-
24 009 declaring a drought emergency and a Stage 1 Water Alert District-wide, and authorized the
25 General Manager, subject to subsequent Board ratification, to declare a Stage 4 Water Emergency
26 for Outingdale customers when necessary; and

27 WHEREAS, on July 26, 2021, the District’s Board of Directors ratified Resolution No.
2021-009 to maintain the drought emergency and ratified the General Manager’s declaration of a
Stage 4 Water Emergency for Outingdale customers; and

WHEREAS, in August of 2021, the SWRCB issued curtailment orders, curtailing the
District’s water rights and those curtailments remained in place until late October of 2021; and

1 WHEREAS, on October 25, 2021, the District's Board of Directors ratified Resolution No.
2 2021-009 to maintain a drought emergency and declared a return to Stage 1 Water Alert for
3 Outingdale customers; and

4 WHEREAS, on March 21, 2022, the SWRCB sent a notice to water right holders warning of
5 the potential for even earlier water right curtailments in 2022 than those issued in 2021; and

6 WHEREAS, on March 28, 2022, Governor Gavin Newsom issued Executive Order N-7-22,
7 which required the SWRCB, by May 25, 2022, to consider adopting emergency regulations that
8 include all of the following:

- 9 a. A requirement that each urban water supplier, as defined in section 10617 of the Water
10 Code, shall submit to the Department of Water Resources a preliminary annual water
11 supply and demand assessment consistent with section 10632.1 of the Water Code no later
12 than June 1, 2022, and submit a final annual water supply and demand assessment to the
13 Department of Water Resources no later than the deadline set by section 10632.1 of the
14 Water Code; and
- 15 b. A requirement that each urban water supplier that has submitted a water shortage
16 contingency plan to the Department of Water Resources implement, at a minimum, the
17 shortage response actions adopted under section 10632 of the Water Code for a shortage
18 level of ten to twenty percent (Level 2), by a date to be set by the Water Board; and
- 19 c. A definition of "non-functional turf" (that is, a definition of turf that is ornamental and not
20 otherwise used for human recreation purposes such as school fields, sports fields, and
21 parks); and
- 22 d. A ban on irrigation of non-functional turf in the commercial, industrial, and institutional
23 sectors except as it may be required to ensure the health of trees and other perennial non-
24 turf plantings.

25 WHEREAS, the SWRCB staff has prepared a draft water conservation emergency regulation
26 to comply with the Governor's order, and the SWRCB will consider its adoption on May 24, 2022;
27 and

WHEREAS, if approved the new regulation would be in effect beginning June 10, 2022; and

WHEREAS, Public Resources Code section 21080(b)(4) and CEQA Guidelines section
15269(c) exempt from CEQA any actions that are necessary to prevent or mitigate an emergency; and

1 WHEREAS, CEQA Guidelines section 15359 defines “emergency” as “a sudden, unexpected
2 occurrence, involving a clear and imminent danger, demanding immediate action to prevent or
3 mitigate loss of, or damage to life, health, property, or essential public services;” and

4 WHEREAS, District Board Policy 2050 authorizes the District’s General Manager to act “in
5 emergency situations where no Board Policies or Administrative Regulations exist;” and

6 WHEREAS, District Board Policy 3060 authorizes the District’s General Manager to
7 approve all contracts or procurements or change orders with values of up to and including
8 \$100,000; and

9 WHEREAS, in the event of an emergency requiring immediate contract or procurement
10 action, District Board Policy 3060 authorizes the District’s General Manager to “approve any and
11 all contracts necessary to abate the emergency after first informing the President of the Board of
12 Directors and scheduling an emergency meeting of the Board of Directors at the earliest possible
13 opportunity;” and

14 WHEREAS, District Board Policy 3060 requires the District’s General Manager to bring any
15 and all contracts or procurements with values exceeding \$100,000, approved during an emergency,
16 to the Board of Directors for ratification at the first meeting of the Board immediately following
17 the emergency; and

18 WHEREAS, District Administrative Regulation 3061.05, subdivision E, provides for single
19 source procurement for good cause, which may include when “emergency or extraordinary
20 circumstances require immediate action that cannot be delayed for obtaining bids or proposals;”
21 and

22 WHEREAS, Water Code sections 350 et seq. authorize the Board of Directors to declare a
23 water supply emergency whenever it finds and determines, during a noticed public hearing, that
24 the ordinary demands and requirements of water consumers cannot be satisfied without depleting
25 the District’s water supplies; and

26 WHEREAS, the District previously published notice of a public hearing to consider a water
27 supply emergency, pursuant to Water Code section 351 and Government Code section 6061, on
June 21, 2021; and

WHEREAS, on June 28, 2021, the District’s Board of Directors adopted Resolution 2021-
009 declaring a drought emergency, and at every regular Board meeting since the Board adopted
Resolution No. 2021-009, the Board has ratified Resolution 2021-009; and

1 WHEREAS, in response to the proposed SWRCB water conservation emergency regulations,
2 which will require the District to implement, at a minimum, the shortage response actions adopted
3 for a shortage level of ten to twenty percent (Level 2), it is appropriate for the Board of Directors
4 to renew and update its drought emergency declaration; and

5 WHEREAS, Water Code section 10632 identifies six standard water shortage levels from the
6 normal reliability (10, 20, 30, 40, 50 and greater than 50 percent shortage), with Level 2 of the six
7 standard water shortage levels corresponding to a shortage level of ten to twenty percent; and

8 WHEREAS, the District's Drought Action Plan describes four shortage levels, Stage 1, Stage
9 2, Stage 3, and Stage 4, and cross-references the six standard water shortage levels identified in
10 Water Code section 10632; and

11 WHEREAS, the State's standard Level 2 (10% to 20% shortage), corresponds to both Stage
12 1 (up to 15% shortage) and Stage 2 (up to 30% shortage) in the District's Drought Action Plan;
13 and

14 WHEREAS, the District is currently implementing a Stage 1 Water Alert and has requested
15 that customers take voluntary conservation actions to achieve up to 15% conservation; and

16 WHEREAS, given the District's favorable local water supply conditions and given that the
17 District's Stage 1 Water Alert corresponds to the Level 2 shortage level required in the emergency
18 regulations, it is appropriate for the District to remain at a Stage 1 Water Alert.

19 NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Directors
20 of the El Dorado Irrigation District as follows:

- 21 1. The Board renews and continues its declaration of a drought emergency and a
22 Stage 1 Water Alert, as first declared in Resolution 2021-009.
- 23 2. The Board finds and declares that the ongoing and current drought conditions
24 continue to constitute an emergency within the meaning of CEQA Guidelines
25 section 15359, District Board Policies 2050 and 3060, and District
26 Administrative Regulation 3061.05, subdivision E.
- 27 3. The Board finds and determines, consistent with Water Code section 350, that
a water shortage emergency condition continues to exist within all or part of
the District's service area and that the ordinary demands and requirements of
District customers cannot be satisfied without depleting District supplies.

- 1 4. Consistent with the Governor’s Executive Order N-7-22 and the SWRCB’s
2 proposed water conservation emergency regulations, the Board renews the
3 declaration of a Stage 1 Water Alert District-wide.
- 4 5. The Board finds and declares that the adoption of this Resolution and all of
5 the delegations, authorizations, and directions to the General Manager and
6 District staff specified in paragraph 7, below, satisfy the requirements and
7 criteria of Public Resources Code section 21080(b)(4), and CEQA Guidelines
8 section 15269(c).
- 9 6. The foregoing findings and declarations are based upon all written, oral, and
10 visual evidence, including both facts and professional opinions, presented to
11 the Board at the meetings held since June of 2021 and in consideration of this
12 Resolution.
- 13 7. The Board hereby delegates, authorizes, and directs the District General
14 Manager and his designees to take all actions reasonably deemed necessary to
15 respond to the continuing emergency conditions declared herein, including but
16 not limited to the following specific actions:
 - 17 a. Implement the Stage 1 Water Alert actions, as detailed in the Drought Action
18 Plan.
 - 19 b. Enter into professional services and construction contracts as reasonably
20 deemed necessary to expedite the preservation and enhancement of water
21 supply availability for the District's customers.
 - 22 c. Report to and seek ratification of the Board for any actions taken in excess of
23 normal authority or authority expressly granted by this Resolution, at the first
24 regular Board meeting held after each such action.
 - 25 d. Report to the Board at least monthly, and more often if necessary, on the
26 current status of the drought conditions, responsive actions taken, weekly
27 water usage data, and the need, if any, for further Board actions.
8. This Resolution shall take effect immediately upon adoption. Subject to the ratification
required by District Board Policy 3060, this Resolution shall remain in full
force and effect until rescinded by a subsequent Resolution of the Board of Directors.

1 The foregoing Resolution was introduced at a regular meeting of the Board of Directors of the
2 EL DORADO IRRIGATION DISTRICT, held on the 23rd day of May 2022, by Director who
3 moved its adoption. The motion was seconded by Director and a poll vote taken which stood as
4 follows:

4 AYES:

5 NOES:

6 ABSENT:

7 ABSTAIN:

8 The motion having a majority of votes “Aye”, the resolution was declared to have been
9 adopted, and it was so ordered.

10 _____
Lori Anzini, President
Board of Directors
EL DORADO IRRIGATION DISTRICT

11 ATTEST:

12 _____
13 Jennifer Sullivan
14 Clerk to the Board
EL DORADO IRRIGATION DISTRICT

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16
17 (SEAL)

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I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT hereby certify that the foregoing resolution is a full, true and correct copy of a Resolution of the Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a regular meeting of the Board of Directors held on the 23rd day of May 2022.

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

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PROPOSED EMERGENCY REGULATION TEXT

Version: May 13, 2022

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 996. Urban Drought Response Actions

(a) As used in this section:

(1) “Commercial, industrial and institutional” refers to commercial water users, industrial water users, and institutional water users as respectively defined in Water Code, section 10608.12, subdivisions (e), (i), and (j), and includes homeowners’ associations, common interest developments, community service organizations, and other similar entities but does not include the residences of these entities’ members or separate interests.

(2) “Common interest development” has the same meaning as in section 4100 of the Civil Code.

(3) “Community service organization or similar entity” has the same meaning as in section 4110 of the Civil Code.

(4) “Homeowners’ association” means an “association” as defined in section 4080 of the Civil Code.

(5) “Non-functional turf” means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events.

(6) “Separate interest” has the same meaning as in section 4185 of the Civil Code.

(7) “Turf” has the same meaning as in section 491.

(8) “Urban water supplier” has the same meaning as Water Code section 10617.

(9) “Water shortage contingency plan” means the plan required by Water Code section 10632.

- (b) Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.
- (c) (1) Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten to twenty percent (Level 2).
- (2) Notwithstanding subdivision (1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section.
- (d) Each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources shall, by June 10, 2022, and continuing until the supplier has implemented the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten to twenty percent (Level 2), implement at a minimum the following actions:
- (1) Initiate a public information and outreach campaign for water conservation and promptly and effectively reach the supplier's customers, using efforts such as email, paper mail, bill inserts, customer app notifications, news articles, websites, community events, radio and television, billboards, and social media.
- (2) Implement and enforce a rule or ordinance limiting landscape irrigation to no more than two days per week and prohibiting landscape irrigation between the hours of 10:00 a.m. and 6:00 p.m.
- (3) Implement and enforce a rule or ordinance banning, at a minimum, the water uses prohibited by section 995. Adoption of a rule or ordinance is not required if the supplier has authority to enforce, as infractions, the prohibitions in section 995 and takes enforcement against violations.
- (e) (1) To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.
- (2) Notwithstanding subdivision (e)(1), the use of water is not prohibited by this section 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.

- (f) The taking of any action prohibited in subdivision (e) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.
- (g) A decision or order issued under this section by the Board, or an officer or employee of the Board, is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.


Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, and 4185, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 491, 1122, 10608.12, 10617, 10632, and 10632.1, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976.

Drought Emergency

Reaffirming a Stage 1 Water Alert

MAY 23, 2022



Previous Board Action

- June 14, 2021 – Board adopted the 2021 Drought Action Plan.
- June 28, 2021 – Board adopted resolution declaring a drought emergency and a Stage 1 Water Alert Districtwide, and authorized the General Manager, subject to subsequent Board ratification, to declare a Stage 4 Water Emergency for Outingdale customers when necessary.

Previous Board Action

- July 26, 2021 – Board ratified Resolution No. 2021-009 to maintain the drought emergency and ratified the General Manager’s declaration of a Stage 4 Water Emergency for Outingdale customers.
- October 25, 2021 – Board ratified Resolution No. 2021-009 to maintain a drought emergency and declared a return to Stage 1 Water Alert for Outingdale customers.
- At every regular Board meeting since the adopted Resolution No. 2021-009, the Board has ratified Resolution 2021-009.

Summary of Issue

- March 28, 2022: Governor Newsom issued Executive Order (EO) N-7-22 ordering the State Water Resources Control Board (SWRCB) to consider adopting emergency regulations requiring urban water suppliers to implement water shortage response actions for a shortage level of up to twenty percent.
- April 20, 2022: SWRCB released proposed draft water conservation emergency regulations to implement the Governor's directives including the demand reduction actions identified in the supplier's water shortage contingency plan for a shortage level of ten to twenty percent (Level 2).
- The District's Stage 1 actions currently in effect are consistent with these new proposed regulations. Therefore, no movement to the District's Stage 2 is required.

Background / Discussion

- The District has been under a Stage 1 Water Warning since June 28, 2021 and has requested voluntary conservation of up to 15% compared with 2020 demand levels.
- The Governor declared a statewide drought emergency in 2021 and called on Californians to reduce water usage by 15%.
- The SWRCB staff prepared a draft emergency regulation to comply with EO 2-7-22; SWRCB is expected to adopt on 5/24/2022.

Background / Discussion

- Key requirements of the SWRCB regulation:
 - *Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.*
 - District staff has reviewed the annual requirements for the water supply and demand assessment and will submit the assessment by June 1, 2022.
 - The report will show the District has adequate water supply to meet expected demand this year.

Background / Discussion

- Key requirements of the SWRCB regulation:
 - *Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten to twenty percent (Level 2).*
 - *To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.*
 - *Except when water is 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.*

DROUGHT STAGES CROSSWALK

State Mandated Shortage Levels	EID Drought Action Plan Levels	
Stage 1: 0 – 10%	Stage 1 – Water Alert	0 – 15%
Stage 2: 10 – 20%	Stage 1 – Water Alert Stage 2 – Water Warning	0 – 15% 15 – 30%
Stage 3: 20 – 30%	Stage 2 – Water Warning	15 – 30%
Stage 4: 30 – 40%	Stage 3 – Water Crisis	30 – 50%
Stage 5: 40 – 50%	Stage 3 – Water Crisis	30 – 50%
Stage 6: >50%	Stage 4 – Water Emergency	>50%

Background / Discussion

- The SWRCB working draft regulation requires water suppliers to implement demand reduction actions for a shortage level of **10% to 20%** (Level 2).
- Staff is proposing to maintain the existing Stage 1 Water Alert.
 - **Voluntary** 15% conservation.
- Proposed regulations mandate that irrigation of “non-functional turf” with potable water is not allowed in the “commercial, industrial, and institutional” (CII) sector.
- District will notify our CII customers of this new proposed regulation

Background / Discussion

Water Efficiency Voluntary Guidelines:

- Apply irrigation water during evening and early morning hours only (7 PM to 10 AM).
- Inspect irrigation system for leaks and then repair or replace.
- Adjust sprinkler run times to avoid runoff.
- Avoid pursuing construction of new swimming pools or rehabilitation that would require filling with potable water.

Background / Discussion

Other General Guidelines:

- Adjust sprinklers to prevent overspray.
- Stress your lawn and save your trees. Reduce the number of days of outside irrigation and/or reduce sprinkler cycle run times. By reducing your watering times by two minutes across the board you can achieve an instant savings of 20 percent (for every 10 minutes that your sprinklers are currently scheduled).
- Ensure ponds, waterway, decorative basins and swimming pools are equipped with water recirculation devices.

Background / Discussion

Other General Guidelines:

- Do not hose off sidewalks, driveways and other impervious hardscapes, 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.
- Use hoses equipped with a control nozzle capable of completely shutting off the flow of water.
- Turn off irrigation during or within 48 hours of measurable precipitation.

Board Options

Option 1: Adopt a resolution renewing and updating the drought emergency declaration and reaffirm a Stage 1 Water Alert District-wide, requesting up to 15% voluntary conservation.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommendation

Option 1