

# PROPOSED RESOLUTION

Resolution W-5041  
DWA

AGENDA ID #13920 (Rev. 1)

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DIVISION OF WATER AND AUDITS  
Water and Sewer Advisory Branch

RESOLUTION W-5041  
May 7, 2015

### RESOLUTION

**(RES. W-5041) RESOLUTION ORDERING WATER UTILITY COMPLIANCE WITH THE RESTRICTIONS SET FORTH HEREIN TO ACHIEVE A 25 PERCENT REDUCTION IN POTABLE URBAN WATER USE CONSISTENT WITH RESTRICTIONS IMPOSED BY THE STATE WATER RESOURCES CONTROL BOARD'S RESOLUTION NO. 2015-0032, ADOPTED MAY 5, 2015.**

### SUMMARY

On April 1, 2015, Governor Edmund Brown Jr. issued Executive Order (B-29-15) (EO) directing the California Public Utilities Commission (Commission) and the State Water Resources Control Board (Water Board) to: (1) impose restrictions to achieve a statewide 25% reduction in potable urban water usage, as compared with the amount used in 2013, through February 2016. These restrictions should take into consideration the relative per capita water usage of each water suppliers' service area such that those with high per capita use are required to achieve proportionately greater reductions than those with less use; and (2) to direct urban water suppliers/utilities to develop rate structures and other pricing mechanisms, including surcharges, fees, penalties, or other mechanisms, to maximize 25% water conservation. Both the Commission and the Water Board were directed to adopt emergency regulations, pursuant to Water Code Section 1058.5, as it deems necessary to implement this directive.

On April 7, 2015 the Water Board issued a draft regulatory concept, inviting feedback from interested stakeholders. On April 18, 2015, the Water Board incorporated the feedback and issued a proposal. This proposal was updated on April 28, 2015. The final Emergency Regulation was adopted by the Water Board at its

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meeting on May 5, 2015 by Resolution No. 2015-0032. The Emergency Regulation and accompanying Fact Sheets are available at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/emergency\\_mandatory\\_regulations.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/emergency_mandatory_regulations.shtml)

This Resolution sets forth the Commission's proposed regulatory framework consistent with the Emergency Regulation and the Executive Order.

## **PROPOSED EMERGENCY REGULATIONS TO ACHIEVE 25% CONSERVATION STANDARD**

### **1. End-User Requirements in Promotion of Water Conservation**

On April 9, 2015, the Commission issued Resolution W-5034 setting forth the continuing 2014 Emergency Regulation and the new 2015 Emergency Regulation. Resolution W-5034 paralleled for the Commission jurisdictional water utilities the same regulations the Water Board imposed for the water suppliers and end-users under its jurisdiction. Since the establishment of those end-user restrictions, the Water Board has adopted additional restrictions. The Commission proposes adding the same restrictions for the water utilities. The following uses are prohibited:

- a. The irrigation with potable water of ornamental turf on public street medians; and
- b. The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission.

All commercial, industrial and institutional properties not served by a water utility meeting the requirements of Water Code section 10617 or section 350 shall either:

- a. Limit outdoor irrigation or ornamental landscapes or turf with potable water to no more than two days per week; or

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- b. Reduce potable water usage by 25% for the months of June 2015 through February 2016 as compared to the amount used for the same months in 2013.

## **2. Mandatory Actions by Water Utilities**

In furtherance of the promotion of water conservation each Class A and B water utility shall:

- a. Provide prompt notice to a customer whenever the utility obtains information that indicates that a leak may exist within the end-users exclusive control.
- b. Prepare and submit to the Water 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 Class A or B utility 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. The monitoring report shall specify the population served by the Class A or B utility, the percentage of water produced that is used for the residential sector, descriptive statistics on water conservation compliance and enforcement efforts, the number of days that outdoor irrigation is allowed, monthly commercial sector use, monthly industrial sector use, and monthly institutional sector use. The monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves.
- c. To meet the requirements of the Governor's April 1, 2015 Executive Order, each class A and B water utility shall, for each district serving more than 3,000 service connections, implement a customer water use reduction program designed to reduce its total potable water production by the percentage identified as its conservation standard in this subdivision. Each Class A and B water utility's conservation standard considers its service area's relative per capita water usage. This usage data is based upon three months of summer

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residential gallons-per-capita-per-day (R-GPCD) for July through September 2014.

- d. Each Class A and B water utility whose source of supply does not include groundwater or water imported from outside the hydrologic region in which the water utility is located, and that has a minimum of four years' reserved supply available may, submit for Division of Water and Audit (DWA) approval via a Tier 2 Advice Letter a request to reduce its total water usage by 4% for each month as compared to the amount used in the same month in 2013. Any such request shall be accompanied by information showing that the utility's sources of supply do not include groundwater or water imported from outside the hydrologic region and that the utility has a minimum of four years' reserved supply available.
- e. Each Class A and B water utility, as identified below by its average July-September 2014 R-GPCD, shall reduce its total water usage by the specified percentage as compared to the amount used in the same month in 2013.
- July-September 2014 R-GPCD was less than 65 shall reduce its total water usage by 8 percent.
  - July-September 2014 R-GPCD was between 65 or more but less than 80, shall reduce its total water usage by 12 percent.
  - July-September 2014 R-GPCD was between 80 or more but less than 95, shall reduce its total water usage by 16 percent.
  - July-September 2014 R-GPCD was between 95 or more but less than 110, shall reduce its total water usage by 20 percent.
  - July-September 2014 R-GPCD was between 110 or more but less than 130, shall reduce its total water usage by 24 percent.
  - July-September 2014 R-GPCD was between 130 or more but less than 170, shall reduce its total water usage by 28 percent.

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- July-September 2014 R-GPCD was between 170 or more but less than 215, shall reduce its total water usage by 32 percent.
  - July-September 2014 R-GPCD was greater than 215 or more shall reduce its total water usage by 36 percent.
- f. Beginning June 1, 2015, each Class A and B water utility shall comply with the water usage reductions set forth above. For Commission jurisdictional water utilities that must file Schedule 14.1 tariffs, those utilities are to prepare for and file Advice Letters to establish the Schedule 14.1 tariffs to comply with the reductions above as soon as practicable.
- g. Compliance with the requirements set forth above shall be measured monthly by the Board and assessed on a cumulative basis.
- h. Each Class A or B water utility that provides 20 percent or more of its total potable water production for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (a), may subtract the amount of water supplied for commercial agricultural use from its water production total, provided that the utility complies with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order. Each Class A and B water utility that serves 20 percent or more of its potable water production for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (a), shall certify that the agricultural uses it serves meet the definition of Government Code section 51201, subdivision (a), and shall report its total water production pursuant to subdivision (b)(2), identifying the total amount of water supplied for commercial agricultural use.
- i. Each Class C and D water utility, and districts with 3,000 or less service connections, that is not covered by the applicable restrictions for Class A or B water utilities, shall take one or more of the following two actions to achieve a

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25% reduction in potable water consumption relative to the amount consumed in 2013:

- 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
- Implement another mandatory conservation measure or measures (e.g. file Tariff Rule 14.1 and add Schedule 14.1;

And

- Shall submit a report by December 15, 2015, to the Water Board, on a form provided by the Board, that includes:

- (1) Total potable water production, by month, from June through November 2015 and total potable water production, by month, for June through November 2013.

The Water Board, through its Executive Director, or his designee, may require the submittal of additional information beyond that required to be reported pursuant to the other provisions of the Water Board's Emergency Regulation. The failure to provide the information requested within 30 days or any additional time extension granted is a violation subject to civil liability of up to \$500 per day for each day the violation continues pursuant to Water Code Section 1846.

## **SAFETY**

The Commission is issuing this Resolution to conserve potable water by restricting its use for outside watering and irrigation and by limiting the use of potable water for inside use to ensure that California has sufficient water supplies, including safe and adequate drinking water, during this drought to provide for the safety and welfare of its citizens.

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## COMMENTS

As provided by Rule 14.6 (a) of the Commission's Rules of Practice and Procedure and Public Utilities Code section 311 (g)(2), the 30-day public review and comment period has been reduced given the unforeseen emergency situation being addressed by this Resolution. Comments are due Monday, May 4, 2015. No reply comments will be allowed. Comments were received from the City of Visalia, Keene Water System, California-American Water and from the California Water Association. To the extent changes were necessary, they have been incorporated herein.

## FINDINGS AND CONCLUSIONS

1. On April 1, 2015, Governor Edmond G. Brown Jr. issued an Executive Order (B-29-15) (EO) ordering that all 2014 and 2015 Emergency Regulations to date were to remain in full force and effect. Resolution W-5034, issued April 9, 2015, by the California Public Utilities Commission (Commission), issued Emergency Regulations for its jurisdictional water utilities to ensure full compliance with the Executive Order.
2. The EO also ordered further reductions in potable water usage through February 2016. The EO directed the Commission and the State Water Resources Control Board (Water Board) to impose restrictions to achieve a statewide 25% reduction in potable water usage and to direct the suppliers and utilities to develop rate structures and other pricing mechanisms to achieve this 25% water conservation.
3. On April 18, 2015, and as updated On April 28, 2015, the Water Board issued a proposal for the public water agencies under its authority, and this Resolution is the Commission's proposal for compliance by its jurisdictional investor-owned water utilities.

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4. On May 5, 2015, the Water Board adopted the final Emergency Regulations.
5. Consistent with the April 1, 2015, EO, two additional end-user water use restrictions are proposed by the Water Board and the Commission: no irrigation with potable water of ornamental turf on public medians and no irrigation with potable water outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission.
6. All Class A and B water utilities shall do the following:
  - Provide prompt notice to a customer whenever the utility obtains information that indicates that a leak may exist with the end-users exclusive control.
  - Prepare and submit to the Water Board by the 15<sup>th</sup> of each month a monitoring report on forms provided by the Board.
  - As identified below by its average July-September 2014 R-GPCD, shall reduce its total water usage by the specified percentage as compared to the amount used in the same month in 2013.
  - July-September 2014 R-GPCD was less than 65 shall reduce its total water usage by 8 percent.
  - July-September 2014 R-GPCD was between 65 or more but less than 80, shall reduce its total water usage by 12 percent.
  - July-September 2014 R-GPCD was between 80 or more but less than 95, shall reduce its total water usage by 16 percent.
  - July-September 2014 R-GPCD was between 95 or more but less than 110, shall reduce its total water usage by 20 percent.



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- July-September 2014 R-GPCD was between 110 or more but less than 130, shall reduce its total water usage by 24 percent.
  - July-September 2014 R-GPCD was between 130 or more but less than 170, shall reduce its total water usage by 28 percent.
  - July-September 2014 R-GPCD was between 170 or more but less than 215, shall reduce its total water usage by 32 percent.
  - July-September 2014 R-GPCD was greater than 215 or more shall reduce its total water usage by 36 percent.
7. Each Class C and D water utility, and districts with 3,000 or less service connections, that are not covered by the applicable restrictions for Class A or B water utilities, shall take one or more of the following two actions to achieve a 25% reduction in potable water consumption relative to the amount consumed in 2013:
- 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
  - Implement another mandatory conservation measure or measures (e.g. file Tariff Rule 14.1 and add Schedule 14.1;
- And
- Shall submit a report by December 15, 2015, to the Water Board, on a form provided by the Board, that includes:
    - (2) Total potable water production, by month, from June through November 2015 and total potable water production, by month, for June through November 2013.
8. These emergency regulations are necessary to preserve sufficient potable water to ensure safe drinking water for Californians.

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9. As provided by Rule 14.6(a) of the Commission's Rules of Practice and Procedure and Public Utilities Code section 311(g)(2), the 30-day public review and comment period has been reduced given the unforeseen emergency situation being addressed by this Resolution.

### THEREFORE, IT IS ORDERED THAT:

1. All water utilities under the jurisdiction of the California Public Utilities Commission shall comply with the Emergency Regulations as adopted by the State Water Resources Control Board by Resolution No. 2015-0032 at its meeting of May 5, 2015.
2. All Class A and B water utilities shall, for districts serving more than 3,000 service connections, implement a water use reduction program designed to reduce total potable water use by the conservation standards set forth in the State Water Resources Control Board's breakdown of water utilities into residential per capita water use, in order to equitably and effectively achieve a 25% aggregate statewide reduction in potable urban water use.
3. All Class C and D water utilities, and districts with 3,000 or less service connections, shall take actions as set forth in this Resolution to comply with the applicable State Water Resources Control Board's Emergency Regulations.
4. Compliance with the water-use restrictions set forth in this Resolution is effective June 1, 2015. For water utilities that must file Schedule 14.1 tariffs, those utilities shall prepare and file Advice Letters to establish the Schedule 14.1 tariffs as soon as practicable.

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5. All water utilities shall comply with all monitoring and reporting requirements as established by the State Water Resources Control Board.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on May 7, 2015; the following Commissioners voting favorably thereon:

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TIMOTHY J. SULLIVAN  
Executive Director



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## PROPOSED RESOLUTION

Resolution W-5041  
DWA

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