

Water Conservation Emergency Regulations Frequently Asked Questions

INDIVIDUAL PROHIBITIONS

P.1. Who do the prohibitions apply to?

A. The prohibitions apply to all Californians. The prohibitions against runoff in outdoor landscapes, washing motor vehicles with a running hose (no shut off), hosing down sidewalks and driveways, and running fountains that do not recirculate water are a minimum level of effort that every resident of the State is responsible for.

P.2. Is there an exemption to the prohibitions to protect public health and safety?

A. Yes, the regulations state that the prohibitions apply “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.” The regulations do not include a specific definition of what constitutes an immediate health and safety need, but generally speaking, a health and safety exception should be applied in good faith where a reasonable person would conclude that the application of water is necessary to address public health and safety. Pressure washing a sidewalk or driveway for aesthetic purposes, for example, would not be a health and safety need.

P.3. Are locals prevented from enacting or enforcing water prohibitions that are more stringent than the regulations?

A. No, the regulations represent a minimum level of effort and everyone is encouraged to do more.

P.4. What is meant by “sidewalk” in the prohibition section of the regulations?

A. A sidewalk is commonly considered to be a walkway designated for pedestrian travel.

P. 5 Are public water parks considered a water feature under the individual prohibitions?

A. No, water parks themselves generally serve a recreational (play) purpose and are not decorative under the new regulation. Given the severity of the current drought, communities should strongly consider turning off water for spray parks and other functional recreational water features that do not recirculate water, however, their use is not strictly prohibited under the regulation.

P.6 Who do I report violations of the prohibitions to?

A. Violations of the individual prohibitions can be reported to the local water supplier or other local agency. The State Water Board is currently developing a locator tool that will assist the public in identifying the water supplier serving the area of alleged violation. That tool will not be available for several weeks.

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WATER SUPPLIER ACTIONS

S.1. What would be a sufficient “comparable” level of conservation under the regulations?

A. The regulations anticipate that the outdoor irrigation restrictions can result in up to a 20% reduction in outdoor water use. The expectation is that the imposition of conservation measures, other than the 2-day per week default provision should achieve a similar or better level of savings.

S.2. Do the regulations apply to wholesale water suppliers?

A. No, the regulations do not apply to wholesale water suppliers. If a supplier provides both retail and wholesale services, the regulations would apply to the retail component of the service.

S.3. Do the regulations override local conservation programs?

A. The regulations do not override local conservation programs, but they may cause a water supplier to increase the level of effort to achieve water savings. The regulations specifically require water suppliers to implement their water shortage contingency plans to a level that imposes mandatory outdoor irrigation restrictions. Many communities are currently calling for voluntary restrictions. The regulations would increase this level of effort.

S.4. If a water supplier has implemented a drought contingency plan that restricts outdoor irrigation to 3 days per week, are they in compliance with the regulations?

A. Yes, the regulations require water suppliers to implement the stage of their water shortage contingency plans where outdoor irrigation restrictions are mandatory. The regulations recognize that everyone’s plans are different, reflecting unique local conditions and do not specify what the specific restrictions must be as long as they are mandatory.

S.5 Do the regulations apply to Investor Owned Utilities that are regulated by California Public Utilities Commission?

A. Yes, the regulations apply to Investor Owned Utilities in the same manner that they apply to public water agencies. Implementing certain aspects of the regulations will require approval from the California Public Utilities Commission (CPUC), but that approval will come in the form of letters from CPUC staff, which will be issued on a ministerial basis. As indicated above, the prohibitions apply to all Californians regardless of their source of water (recycled water excepted).

S.6 Are water suppliers serving fewer than 3000 connections required to comply with the reporting requirements for water production data?

A. No, the reporting requirements only apply to urban water suppliers that serve greater than 3000 connections.

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ENFORCEMENT

E.1. Can both law enforcement and water agencies issue citations for an offence under the regulations?

A. The infraction citation may be issued by a peace officer or any employee of a local agency that is charged with enforcing statutes, regulations, and ordinances pertaining to water use, if the local agency has adopted an ordinance empowering them to do so. This means that the precise individuals within an agency authorized to issue the infractions would vary depending upon what, if any, relevant ordinance the agency has adopted.

E.2. Who will be held responsible for non-compliance with the prohibitions in rental units?

A. Just as with a traffic ticket, it is the person that is actually engaging in the prohibited activity.

E.3 Are local agencies required to enforce the new prohibitions using the infraction authority authorized through the regulation?

A. No, the infraction authority provides an additional tool available to local entities to use or not.

GENERAL

G.1. How do the newly adopted regulations affect tribal lands?

A. These regulations follow existing precedent on tribal/state relations. They do not apply to federally or tribally-owned water suppliers or users on tribal trust lands of federally recognized tribes. To the extent some tribal lands may be serviced by non-tribal public water suppliers, the suppliers must comply with the regulations.