

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

OFFICE OF ENFORCEMENT

ALTERNATIVE COMPLIANCE ORDER

In the Matter of Urban Water Conservation by
West Kern Water District

1. On January 17, 2014, Governor Edmund G. Brown Jr. (Governor Brown) issued Proclamation No. 1-17-2014, declaring a State of Emergency to exist in California under the Emergency Services Act due to severe drought conditions. The Proclamation, among other things, called on all Californians to reduce their water usage by 20 percent.
2. On April 25, 2014, Governor Brown issued a Proclamation of a Continued State of Emergency due to drought conditions, based on the need to strengthen the state's ability to manage water and habitat effectively in drought conditions.
3. On April 1, 2015, Governor Brown issued Executive Order B-29-15 (Executive Order) to strengthen the state's ability to manage water and habitat effectively in drought conditions. The Executive Order calls on all Californians to redouble their efforts to conserve water, and directs the State Water Resources Control Board (State Water Board) to impose restrictions on urban water suppliers to achieve a statewide 25 percent reduction in potable urban water usage through February 2016. The Executive Order further requires commercial industrial and institutional users to implement water efficiency measures, prohibits irrigation with potable water of ornamental turf in public street medians and prohibits irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems.
4. On May 5, 2015, the State Water Board adopted Resolution 2015-0032, an Emergency Regulation for Statewide Urban Water Conservation (Emergency Regulation) pursuant to Water Code section 1058.5. The Emergency Regulation adds a new section to title 23 of the California Code of Regulations intended to safeguard urban water supplies in the event of continued drought, minimize the potential for waste and unreasonable use of water, and achieve the 25 percent statewide potable water usage reduction ordered by Governor Brown in the Executive Order. The Emergency Regulation was approved by the Office of Administrative Law and became effective on May 18, 2015.
5. The Emergency Regulation requires each urban water supplier to "reduce its total potable water production by the percentage identified as its conservation standard." California Code Regulations, title 23, section 865(c)(1).
6. Section 865(b)(2) requires urban water suppliers to prepare and submit to the State Water Board by the 15th of each month a monitoring report detailing the total amount of potable water produced compared to the amount produced in the same calendar month in 2013.
7. Section 866(a) allows the Executive Director of the State Water board, or the Executive Director's designee, to issue conservation orders requiring additional actions by the supplier to come into compliance with its conservation standard. Section 866(b) allows the Executive Director of the State Water Board, or the Executive Director's designee, to issue orders requesting information from the supplier concerning water production, water use and/or water conservation. State Water Board Executive Director Thomas Howard has delegated authority under Sections 866(b) to State

Water Board Chief Deputy Director Caren Trgovcich, who in turn has delegated these authorities to Director of the State Water Board's Office of Enforcement Cris Carrigan.

8. If an urban water supplier believes that the applicable conservation standard is unachievable due to firm commercial and industrial water use and residential use reductions that would affect public health and safety, Paragraph 16 of Resolution 2015-0032 allows an urban water supplier to submit a request, accompanied by supporting information or documentation, for alternate enforceable methods of compliance with the conservation standard.
9. The drought conditions that formed the basis for the Executive Order and Emergency Regulations continue to exist and will likely continue to exist for the foreseeable future.
10. The West Kern Water District (the District) has a conservation target, pursuant to Section 865(c), of 28 percent savings over its water usage in 2013. The District is cumulatively 5.9 percent behind its conservation standard.
11. On August 7, 2015 the State Water Board Office of Enforcement issued an Informational Order pursuant to its authority outlined in Section 866(b) of the Emergency Regulations to determine what actions the District had taken to comply with its conservation standard.
12. The District met with State Water Board Staff from the Office of Enforcement to review its response to the Informational Order, discuss its water conservation program, and identify areas of potential water use savings.
13. The District has submitted a request for alternative compliance. After reviewing the documentation submitted, the State Water Board has determined that an Alternative Compliance Order is warranted. This Order is issued under Section 866(a).
14. In lieu of meeting the applicable conservation standard, the State Water Board mandates that the District take the actions described below.
15. Recipients of Alternative Compliance Orders pursuant to Resolution 2015-0032 may petition the State Water Board for reconsideration. (Water Code § 1122; 23 CCR §§ 768 et seq., 866(a)(2))

IT IS HEREBY ORDERED:

1. This Order is effective on the date shown below. All submittal requirements are based on the effective date of this Order.
2. The District shall:
 - (A) Reduce outdoor irrigation to two days per week and maintain the District's prohibition on watering between the hours of 10:00am and 6:00pm,
 - (B) Prominently display the following items on the home page of the District's website:
 - (1) A water waste reporting phone number and email address,
 - (2) An outdoor watering schedule,
 - (3) A link to <http://saveourwaterrebates.com>,
 - (C) Increase outreach efforts towards the District's residential customers by offering at least seven (7) water use audits per month. The District shall maintain communications with audited customers and document which audit recommendations are implemented,
 - (D) Pursue completion of the District's "Educational Xeriscape Landscaping Project,"

- (E) Develop, within thirty (30) days, a plan for engaging with the District's top fifteen (15) industrial water customers to maximize water use efficiency. The plan shall include, but is not limited to the following actions:
- i) Contact each customer in person or by phone to discuss
 - (1) The customer's water use,
 - (2) Immediate and long-term opportunities for water efficiency and savings,
 - (3) Available rebates,
 - ii) Establish a timetable that includes the following actions:
 - (1) The expedited training of District personnel to conduct industrial water use audits,
 - (2) An implementation date for industrial water use audits that will be conducted by District personnel,
- (F) Immediately implement or participate in a rebate program targeted at the replacement of appliances and devices in the CII sector, and
- (G) Hire or allocate at least one (1) new or existing part-time employee, within forty-five (45) days, dedicated to conducting outreach to the CII sector.
3. The District shall continue to report the monthly conservation data required for all water suppliers pursuant to Section 865(b)(2) of the Emergency Regulation.
 4. The District shall develop and submit a report by October 15, 2015, and every month afterward until February 15, 2016, detailing the previous month's efforts to comply with each of the mandates listed above in Section 2. The report shall be submitted via e-mail to Matthew Buffleben, at Matthew.Buffleben@waterboards.ca.gov no later than the 15th of the month, for every month within the reporting period.
 5. The District is required to take the actions mandated above. Failure to comply with this Order subjects the party to enforcement action including, but not limited to, civil liability of up to \$500 per day for each day the violation continues pursuant to Water Code section 1058.5.
 6. Reservation of Enforcement Authority and Discretion: Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including, but not limited to, the authority to bring enforcement against water suppliers who are in violation of Water Code section 1052, the Emergency Regulations or any applicable law.

STATE WATER RESOURCES CONTROL BOARD



*Christian M. Carrigan, Director
Office of Enforcement*

Dated: September 18, 2015