

SWRCB Issues Emergency Regulation and Governor Proposes Conservation Enforcement Legislation

Pursuant to [Governor Brown's April 1, 2015 Executive Order](#), the State Water Resources Control Board ("State Board") issued a Notice of Proposed Emergency Regulation ("Proposed Emergency Regulation") on April 28, 2015, which is the final version available for public comment.

This Proposed Regulation considers the almost 300 comments received on the [Draft Emergency Regulation](#) and initiates the formal emergency rulemaking process that should result in an Emergency Regulation, anticipated to be adopted by the State Board in its May 5-6th, 2015 meeting. Comments are due on the Proposed Emergency Regulation by May 4, 2015 at 10:00 a.m. and can be submitted either electronically to commentletters@waterboards.ca.gov or in writing to the State Water Resources Control Board in Sacramento.

The State Board had received significant input on the fairness and equity of the Draft Emergency Regulation's proposed conservation framework, which assigns urban water suppliers to one of nine tiers of water reduction based upon three months of summer residential gallons-per-capita-per-day data ("R-GPCD"). While the Proposed Emergency Regulation is largely the same as the prior draft, the State Board specifically requests feedback as to whether the conservation framework should be modified to double the number of tiers and use two percent increments instead of four percent.

Additionally, the Proposed Emergency Regulation continues to offer the two exceptions in the Draft Regulation, but requests feedback on expanding to include a third. First, urban water suppliers who deliver more than 20 percent of their total water production to commercial agriculture may be able to modify the amount of water subject to their conservation standard. Second, urban water suppliers that have a reserve supply of surface water—which does not include groundwater or imported water—that could last at least four years may be eligible for placement into the four percent reserve tier. The State Board specifically requests feedback on whether the second exception should be expanded to allow water suppliers whose supplies include groundwater to apply for inclusion in the four percent reserve tier, if it also can be demonstrated that they have at least four years of supply, do not rely upon imported water, and their groundwater

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supplies recharge naturally.

Also, on April 28, 2015, Governor Brown announced he will propose legislation to help local officials better enforce conservation requirements and will direct state agencies to streamline environmental review of local water supply projects.

The proposed legislation will give new enforcement authority to local entities that do not currently have it and increase potential penalties against the waste of water. The proposed measures include:

- Establishing a new penalty of up to \$10,000 per violation for infractions of the drought conservation regulations.
- Allowing penalties to be issued administratively by wholesale and retail water agencies, as well as city and county governments.
- Enabling these entities to enforce local water restrictions against water waste.
- Allowing local public agencies to deputize staff to issue water conservation-related warnings and citations.

Under the proposed legislation, any monetary penalties from this enforcement will be used for local conservation efforts.

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