



CITY OF BEVERLY HILLS

PUBLIC WORKS SERVICES DEPARTMENT

MEMORANDUM

**TO:** PUBLIC WORKS COMMISSION

**FROM:** Debby Figoni, Water Conservation Administrator  
 Josette Descalzo, Environmental Compliance & Sustainability Program Manager  
 Michelle Tse, Planning & Research Analyst

**DATE:** June 02, 2016

**SUBJECT:** UPDATE ON WATER CONSERVATION POLICIES AND PROGRAMS

**ATTACHMENT:**

1. State Water Resources Control Board Monthly Report – April 2016
2. Monthly Consumption Report to Date
3. State Water Resources Control Board – Drought Emergency Water Conservation Regulations – dated May 18, 2016
4. Metropolitan Water District – Water Device Rebate Program
5. Metropolitan Water District – Turf Removal Rebate Program

This report is to provide an update on staff activities related to the City’s water conservation program and outreach efforts.

**City Water Usage Reductions for April 2016 (preliminary)**

The following table shows water consumption for the City during the last several months. As of the third week in May of 2016, the City used approximately 577.6 Acre Feet (“AF”) compared to 1,047 AF for the entire month of May in 2013; if we keep on this schedule, this could equate to a 22.3% reduction. For comparison purposes, the table below shows the average water AF usage per day during each month.

**Table 1: Summary of Beverly Hills Water Use Reductions Submitted to the State Water Resources Control Board**

Month	2013 Usage (Acre Feet)	2015/16 Usage (Acre Feet)	2013 Average Usage Per Day (Acre Feet)	2015/16 Average Usage Per Day (Acre Feet)	Percentage Reduction Compared to 2013
May-15	1047.3	869.6	33.78	28.1	17.0%
Jun-15	1077.4	841.7	35.91	28.1	21.9%
Jul-15	1185.5	929.0	38.24	30.0	21.6%
Aug-15	1184.4	976.6	38.21	31.5	17.5%
Sep-15	1156.0	918.8	38.53	30.6	20.5%

**Table 1: Summary of Beverly Hills Water Use Reductions Submitted to the State**

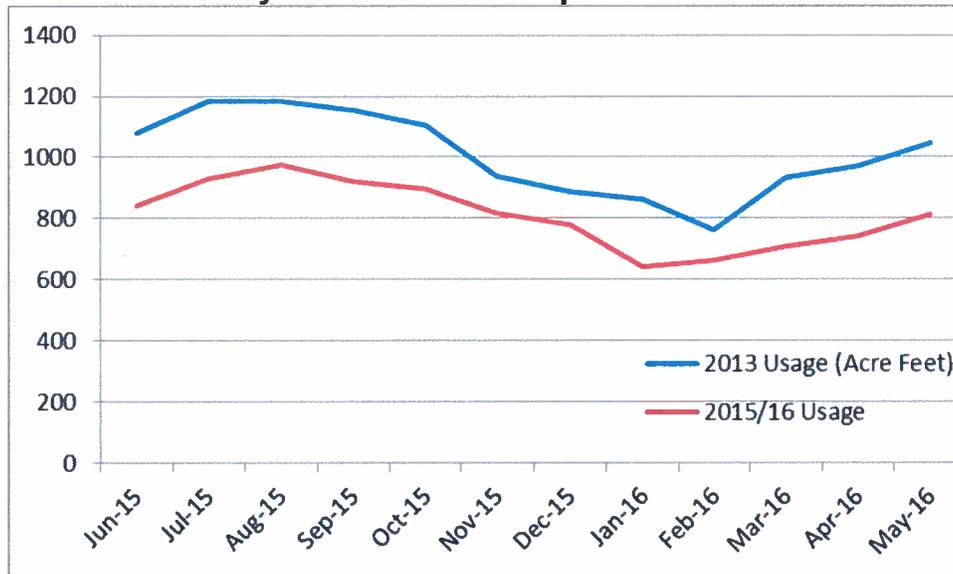
Month	2013 Usage (Acre Feet)	2015/16 Usage (Acre Feet)	2013 Average Usage Per Day (Acre Feet)	2015/16 Average Usage Per Day (Acre Feet)	Percentage Reduction
Oct-15	1105.5	897.4	35.7	28.9	22.2%
Nov-15	939.2	814.7	31.3	27.2	13.3%
Dec-15	888.6	779.3	28.7	25.1	12.3%
Jan-16	862.2	638.8	27.8	20.6	25.9%
Feb-16	762.9	663.6	27.3	22.9	13.0%
Mar-16	932.4	707.0	30.1	22.8	24.2%
Apr-16	969.0	742.5	32.3	24.8	23.4%
May-16*	1047.3	813.6	33.8	26.2	22.3%

**Resources Control Board (cont.)**

\* This is a projection based on data for the first 3 weeks of May. Complete data for the month of May will be available in June 2016.

Table 2 shows the City's water usage trend by volume over the past year compared to year 2013. For almost all of 2016, the City's conservation percentage has been in the mid-twenties.

**Table 2: Beverly Hills Water Consumption 2015/16 versus 2013**



**City's Water Conservation Outreach and Enforcement Efforts**

Staff continues to focus efforts on notifying customers of potential leaks on their properties, conducting site visits and working with customers with surcharge issues. The Leak Program continues to be a great success. Calls are being made to customers with a flow of one gallon

per minute or more and letters are being sent to customers with higher continuous water flows. Informational materials such as the leak letters and flyers have proven to be great tools for those with continuous flow issues. Both residents and businesses are grateful for the City's assistance and continue to promptly resolve their water issues.

The surcharge fees have made some customers look at their water use for the first time. Many did not realize how often they were watering their landscape or that they had small leaks at their properties. One business called the Water Conservation Administrator about their high water bill. Staff investigated the situation and found their maintenance staff was excessively watering their small, drought tolerant landscape four days a week. By adjusting their irrigation, they reduced their monthly water use by 60%.

During the month of May, the Water Conservation Administrator conducted 11 site visits with residential high water users, customers with potential leaks and residents requesting landscape and irrigation assistance. She also communicated with 45 potentially large leak customers and 33 customers with appeals, conservation or surcharge questions.

Additionally, a total of 29 outdoor water conservation cases were reported from May 1<sup>st</sup> to May 23<sup>rd</sup> of 2016. No Notices of Violation (NOV) were issued this past month. Please note that a NOV is a pre-requisite to the issuance of a criminal misdemeanor citation (used for continued violations). Staff has driven the streets early in the morning to observe customers watering on the wrong day. While there are many residents doing this, many of them are still staying within their 30% reduction target zone.

#### **Adopted State Water Resources Control Board Conservation Regulations and Next Steps**

On May 18, 2016, the State Water Resources Control Board ("State Water Board") adopted a statewide water conservation approach that will be in effect through January 2017. The recent regulations will continue to prohibit many outdoor watering and water wasting activities and replaces the prior percentage reduction-based water conservation standard with a locally determined conservation target to be established by water suppliers. A copy of the approved State Water Board regulations is included as Attachment 3. The present 32% conservation mandate will no longer be applicable under the new State Water Board conservation regulations. Instead, a self-certified conservation target is to be based on a projected water supply deficit for the next three years assuming the State is still under drought conditions. Staff is working with MWD to project a new conservation target and will be submitting the self-certified target to the State Water Board by the June 22, 2016, deadline. The State Water Board directs water suppliers to begin taking steps to meeting their self-certified target by June 1, 2016.

If the City does not submit its self-certified goal, the State Water Board will impose the default conservation goals of 32% based on the existing tier structure, which is derived by the water supplier's residential gallons per capita per day usage from July to September of 2014.

This item and long-term conservation plans will be presented at the June 6, 2016, City Council Study Session for information and discussion; and at the June 21, 2016, Council Study Session, staff will present the target goal prior to submitting it to the State Water Board.

Staff has been working with the Conservation Subcommittee of the Public Works Commission (Chair Aronberg and Vice Chair Wolfe) to evaluate how to approach the framework and improve the programs for ongoing water conservation regulations and meeting the requirements of Senate Bill X7-7, which sets an overall goal of reducing per capita use by 20% by December 31,

2020. One of the items being evaluated is to adopt a Water Efficiency Ordinance, which will prohibit outdoor water wasting activities such as:

- 1) Irrigation runoff to the streets
- 2) Irrigation within 48 hours after a rainfall
- 3) Irrigation of medians using potable water
- 4) Washing vehicles without a shutoff nozzle
- 5) Wash down of driveways and sidewalks
- 6) The use of potable water in fountains or decorative water feature without a recirculating system

In addition, the proposed ordinance will define “unreasonable water use,” set water wasting criteria, enforcement and fines. The proposed ordinance framework will also include an Emergency Drought section that will have a stricter criteria for “unreasonable water use,” enforcement and fines.

As part of this series of discussions, staff and the Conservation Subcommittee will further discuss transition strategies as the City shifts from penalty surcharge to fines for unreasonable water users.

#### **Public Education Programs and Outreach**

In May, staff presented water Conservation programs to the Health & Safety Commission. Conservation content is being incorporated into the annual Water Quality Report. The Water Wise Landscaping Workshops are being promoted throughout Beverly Hills and West Hollywood. The Beverly Hills Courier wrote a positive article endorsing positive changes in landscape and leak repair at one of the homes in the City. The article also promoted the City's conservation programs.

Low flow showerheads have arrived and are being installed in several apartment buildings throughout the City. Outreach promoting these devices will take place in the coming month.

#### **Penalty Surcharges and Appeals Process Update**

The Conservation Subcommittee (Chair Aronberg and Vice Chair Wolfe) continue to work with staff to re-evaluate the penalty surcharge appeals process, the State's new conservation targets and the best conservation programs to ensure water efficiency.

# ATTACHMENT 1

## Monthly Consumption Report Submitted to the State Water Resources Control Board – April 2016

Report made on May 12 2016 4:55 PM by Debby Figoni  
 Supplier Beverly Hills City of (640)  
 Reporting Month 0416  
 Stage/Mandatory Stage D Yes  
 Days Outside Irrigation 2  
 Number Complaints 2  
 Number Follow-ups 47  
 Number Warnings 7  
 Number Penalties 0

Enforcement Comments During the month of April, there were 2 public complaints. There were 47 reported cases of water waste. Additionally, the Water Conservation Administrator conducted 21 site visits with residential high water users, customers with potential leaks and residents requesting landscape and irrigation assistance. She also communicated with 52 large potential leak customers. Ninety-percent of these leaks have been repaired and the additional 10% are in progress for repair. There were no notices of violation issues in March 2016, but the City had 7 written warnings (mailed letters and/or door hangers).

Water Production in 0416 742.0 AF  
 2013 Same Month Production 969.3 AF  
 CII Water 177.5 AF  
 Commercial Water Agricultural 0 AF  
 Commercial Water 2013 Agricultural 0 AF  
 Non-revenue Water 51.9 AF  
 Residential Use Percentage 69 %

Qualification Comments Monthly production is calculated from local production and Metropolitan Water District (MWD) purchases. The percentage of residential use is calculated using the volume of water consumed by residential accounts compared to monthly production. Because the City of Beverly Hills uses a 60-day billing cycle, percentage of residential use reflects consumption based on the April 2015 ratio. Commercial, industrial, and institutional use is calculated as a percentage of monthly production, using the formula  $100 - [\text{Percent Residential Use in April 2015}] - [\text{Percent Non-Revenue Water}]$ . Non-revenue water is estimated to be 7% of total monthly production. This percent residential use estimate will be updated once April 2016 data becomes available.

Population 42157  
 Estimated R-GPCD 132.1

Implementation Comments Created educational outreach flyers educating customers on how to find leaks, how to water trees and efficient irrigation for your lawn. Still posting 125 water conservation light pole banners on major streets including Wilshire Boulevard and Rodeo Drive. Increased calls to customers with continuous water flow issues resulting in millions of gallons of reduced water waste. Water Loss Issues: Reservoir 6 draining for repair = 140,000 gallons.

Recycled Water 0 AF

# ATTACHMENT 2

## All Accounts, Volume Consumed

Table 1, below, details total volume of consumption per month for every account in the entire Beverly Hills and West Hollywood service area, comparing the previous twelve months of available data to a 2013 baseline. The percent change is calculated to show increases or decreases in consumption per account type. A negative percentage indicates a reduction in consumption whereas a positive percentage indicates an increase. Volume is represented in acre feet units.

Table 1, All Accounts

		<b>Water Consumption by Account Type</b>											
		Units: AF      Prepared: 5/24/2016											
Accounts	Year	Jan-16	Feb-16	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15
Single-Family Residential Accounts	2013	345.6	362.4	446.6	496.1	556.7	579.2	620.3	637.2	603.2	556.3	483.3	456.5
	2015/16	301.7	278.3	436.1	449.2	454.9	435.1	456.9	476.5	449.9	432.6	394.0	328.0
	% Change	-13%	-23%	-2%	-9%	-18%	-25%	-26%	-25%	-25%	-22%	-18%	-28%
Multi-Family Residential Accounts	2013	202.9	185.8	209.0	205.7	215.2	210.7	222.5	223.9	216.7	221.8	207.3	208.9
	2015/16	169.5	157.0	194.7	186.8	186.3	177.4	186.2	189.5	184.0	188.5	174.2	175.8
	% Change	-16%	-15%	-7%	-9%	-13%	-16%	-16%	-15%	-15%	-15%	-16%	-16%
Commercial Accounts	2013	171.2	160.3	181.0	178.6	195.7	197.6	212.9	212.8	199.9	199.3	178.4	178.6
	2015/16	164.0	155.3	192.6	186.3	188.3	182.6	201.9	209.9	199.7	198.7	168.4	162.4
	% Change	-4%	-3%	6%	4%	-4%	-8%	-5%	-1%	0%	0%	-6%	-9%
Municipal Accounts	2013	25.0	26.9	36.5	40.4	42.9	44.6	49.2	51.2	47.6	42.6	34.2	31.8
	2015	19.3	17.1	28.3	28.2	27.4	25.3	28.0	29.9	28.9	29.3	24.8	21.9
	% Change	-22%	-36%	-22%	-30%	-36%	-43%	-43%	-42%	-39%	-31%	-27%	-31%
Fire Service Accounts	2013	-	-	0.2	0.6	0.7	0.7	0.8	1.1	1.3	1.4	1.4	1.3
	2015/16	0.9	0.9	1.4	1.7	1.7	1.8	1.8	1.0	0.9	0.9	1.0	1.0
	% Change	N/A	N/A	787%	169%	126%	142%	129%	-10%	-31%	-34%	-32%	-25%
Estimated Non-Revenue Water	2013	117.6	27.6	59.2	47.8	36.1	44.4	79.9	58.1	87.1	80.1	34.6	11.4
	2015	**16.7	55.0	42.8	68.6	11.0	19.5	54.3	69.8	55.1	47.3	52.3	90.1
	*2013 Total	862.2	762.9	932.4	969.3	1,047.3	1,077.4	1,185.5	1,184.4	1,156.0	1,101.5	939.2	888.6
	*2015/16 Total	638.8	663.6	895.9	920.8	869.6	841.7	929.0	976.6	918.5	897.4	814.7	779.3
	% Change	-26%	-13%	-4%	-5%	-17%	-22%	-22%	-18%	-21%	-19%	-13%	-12%

\*Data for final three rows do not come from City of Beverly Hills billing data, but rather Metropolitan Water District invoices, the same official conservation data submitted to the State each month. Aggregate data for State reporting and parsed data for internal system analysis rely on different sources and methodologies. As such, monthly totals by year in the bottom rows do not equal the sum of consumption in the rows above, that difference is determined to be non-revenue water.

**All Accounts, Consumption by Customer Type as a Percentage of Total Consumption**

Table 2, below, indicates consumption as a percentage of total per month for all accounts in the entire Beverly Hills and West Hollywood service area.

Table 2, All Accounts

		<b>Water Consumption by Account Type</b>				Units: AF      Prepared: 5/24/2016							
Accounts	Year	Jan-16	Feb-16	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15
Single-Family Residential Accounts	2013	40%	47%	48%	51%	53%	54%	52%	54%	52%	51%	51%	51%
	2015/16	47%	42%	49%	49%	52%	52%	49%	49%	49%	48%	48%	42%
Multi-Family Residential Accounts	2013	24%	24%	22%	21%	21%	20%	19%	19%	19%	20%	22%	24%
	2015/16	27%	24%	22%	20%	21%	21%	20%	19%	20%	21%	21%	23%
Commercial Accounts	2013	20%	21%	19%	18%	19%	18%	18%	18%	17%	18%	19%	20%
	2015/16	26%	23%	21%	20%	22%	22%	22%	21%	22%	22%	21%	21%
Municipal Accounts	2013	3%	4%	4%	4%	4%	4%	4%	4%	4%	4%	4%	4%
	2015/16	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%
Fire Service Accounts	2013	0.0%	0.0%	0.0%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.2%
	2015/16	0.1%	0.1%	0.2%	0.2%	0.2%	0.2%	0.2%	0.1%	0.1%	0.1%	0.1%	0.1%
Estimated Non-Revenue Water	2013	14%	4%	6%	5%	3%	4%	7%	5%	8%	7%	4%	1%
	2015/16	*-3%	8%	5%	7%	1%	2%	6%	7%	6%	5%	6%	12%
2013 Total		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
2015/16 Total		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

**City of Beverly Hills Water Accounts, Volume Consumed and Percent Reduced**

Table 3, below, details the total volume of consumption per month for all accounts where the City of Beverly Hills is a customer, comparing the previous twelve months of available data to a 2013 baseline. The percent change is calculated to show increases or decreases in consumption per account type. A negative percentage indicates a reduction in consumption whereas a positive percentage would indicate an increase. Volume is represented in acre feet units.

Table 3, Accounts Where City of Beverly Hills is a Customer

		<b>Water Consumption by Account Type</b>				Units: AF		Prepared: 5/24/2016					
Accounts	Year	Jan-16	Feb-16	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15
City of Beverly Hills	2013	17.0	19.0	27.6	31.2	32.3	33.7	37.3	38.9	35.9	32.2	24.7	21.9
Accounts	2015	11.5	9.5	18.7	19.5	19.1	17.9	19.9	20.7	19.4	19.7	16.4	14.1
	% Change	-32%	-50%	-32%	-37%	-41%	-47%	-47%	-47%	-46%	-39%	-34%	-36%

## Total Water Consumption, Purchased and Produced

Table 4, below, summarizes total consumption since January of 2013. Column 3, Percent Change Compared to Same Month 2013, compares 2015 and 2016 consumption data to a 2013 baseline. Negative percentages represent a reduction in consumption whereas positive percentages represent an increase. Volume is represented in acre feet units.

Table 4, Water Consumption Summary

Date	Consumption (Acre Feet)	Percent Change Compared to Same Month 2013	Residential Gallons Per Day Per Capita
Jan 2013	862.2		161.2
Feb	762.9		158
Mar	932.4		174.4
Apr	969.3		187.3
May	1047.3		185.4
Jun	1077.4		208.2
Jul	1185.5		221.7
Aug	1184.4		221.5
Sep	1156		223.4
Oct	1101.5		206
Nov	939.2		181.5
Dec	888.6		166.2
Jan 2015	806	-6.52%	142.7
Feb	782	2.50%	153.3
Mar	895.9	-3.91%	158.6
Apr	920.8	-5.00%	154.2
May	869.6	-16.97%	140.9
Jun	841.7	-21.88%	147.5
Jul	929	-21.64%	157.5
Aug	976.6	-17.54%	163.1
Sep	918.5	-20.54%	160.9
Oct	897.4	-18.53%	152.2
Nov	814.7	-13.26%	146.9
Dec	779.3	-12.30%	155.4
Jan 2016	633.8	-25.91%	106.7
*Feb	663.6	-13.02%	122.0
Mar	707.0	-24.17%	126.9
Apr	742.0	-23.45%	132.1

\* February 2016, a 29-day period due to the leap year, is compared to February 2013, a 28-day period. The State Water Resources Control Board has indicated that the leap year will be taken into account, but has not yet provided the City with a revised conservation percentage.

Adjusting for the leap year, the City estimates a 16.0% February 2016 conservation percentage.

# ATTACHMENT 3

## ADOPTED TEXT OF EMERGENCY REGULATION

### Article 22.5. Drought Emergency Water Conservation.

#### Sec. 863. Findings of Drought Emergency.

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) On April 1, 2015, the Governor issued an Executive Order that, in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February, 2016; require commercial, industrial, and institutional users to implement water efficiency measures; prohibit irrigation with potable water of ornamental turf in public street medians; and prohibit irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems;

(4) On November 13, 2015, the Governor issued an Executive Order that directs the State Board to, if drought conditions persist through January 2016, extend until October 31, 2016 restrictions to achieve a statewide reduction in potable usage;

(5) On May 9, 2016, the Governor issued an Executive Order that directs the State Board to adjust and extend its emergency water conservation regulations through the end of January 2017 in recognition of the differing water supply conditions for many communities;

~~(56)~~ The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist; and

~~(67)~~ The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to prevent waste and unreasonable use of water and to further promote conservation.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 102, 104, 105, and 275, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

#### Sec. 864. End-User Requirements in Promotion of Water Conservation.

(a) To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, 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:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks;

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;

(5) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;

(6) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;

(7) The irrigation with potable water of ornamental turf on public street medians; and

(8) 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 and the Department of Housing and Community Development.

(b) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

(c) ~~Immediately upon~~ Upon this subdivision taking effect, all commercial, industrial and institutional properties that use a water supply, any portion of which is from a source other than a water supplier subject to section 864.5 or 865 of this article, shall either:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days per week; or

(2) Target potable water use reductions commensurate with those required of the nearest urban water supplier under section 864.5 or, if applicable, section 865. Where this option is chosen, these properties shall implement the reductions on or before July 1, 2016.

~~\_\_\_\_\_ (2) Reduce potable water usage supplied by sources other than a water supplier by 25 percent for the months of June 2015 through October 2016 as compared to the amount used from those sources for the same months in 2013.~~

(d) The taking of any action prohibited in subdivision (a) or (e), or the failure to take any action required in subdivision (b) or (c), 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.

(e)(1) To prevent the waste and unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:

(A) Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivision (a) of the Civil Code; or

(B) Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code.

(2) As used in this subdivision:

(A) "Architectural or landscaping guidelines or policies" includes any formal or informal rules other than the governing documents of a common interest development.

(B) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.

(C) "Common interest development" has the same meaning as in section 4100 of the Civil Code.

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

(E) "Governing documents" has the same meaning as in section 4150 of the Civil Code.

(F) "Separate interest" has the same meaning as in section 4185 of the Civil Code.

(3) If a disciplinary proceeding or other proceeding to enforce a rule in violation of subdivision (e)(1) is initiated, each day the proceeding remains pending shall constitute a separate violation of this regulation.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, 4150, 4185, and 4735, Civil Code; Sections 102, 104, 105, 275, 350, and 10617, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

#### Sec. 864.5. Self-Certification of Supply Reliability for Three Additional Years of Drought.

(a) To prevent the waste and unreasonable use of water and to meet the requirements of the Governor's May 9, 2016 Executive Order, each urban water supplier shall:

(1) Identify and report no later than June 22, 2016, on a form provided by the Board, the conservation standard that the supplier will be required to meet under this section;

(2) Identify and report no later than June 22, 2016, on a form provided by the Board, the data and underlying analysis relied upon by the supplier to determine the conservation standard reported pursuant to this subdivision including, but not limited to identification of each source of supply the supplier intends to rely on and the quantity of water available under that source of supply given the assumptions of this section;

(3) Certify, no later than June 22, 2016, that the conservation standard reported pursuant to this subdivision is based on the information and assumptions identified in this section;

(4) Post, within two weeks of submittal to the board, the data and underlying analysis relied upon by the supplier to determine the conservation standard reported pursuant to this subdivision to a publicly-accessible webpage; and

(5) Beginning June 1, 2016, reduce its total potable water production by the percentage identified as its conservation standard in this section each month, compared to the amount used in the same month in 2013.

(b) Each urban water supplier's conservation standard pursuant to this section shall be the percentage by which the supplier's total potable water supply is insufficient to meet the total potable water demand in the third year after this section takes effect under the following assumptions:

(1) The next three years' precipitation is the same as it was in water years 2013-2015;

(2) No temporary change orders that increase the availability of water to any urban water supplier are issued in the next three years;

(3) The supplier's total potable water demand for each of the next three years will be the supplier's average annual total potable water production for the years 2013 and 2014;

(4) The supplier's total potable water supply shall include only water sources of supply available to the supplier that could be used for potable drinking water purposes;

(5) Each urban water supplier's conservation standard shall be calculated as a percentage and rounded to the nearest whole percentage point.

(c) The Board will reject conservation standards that do not meet the requirements of this section.

(d) Beginning June 1, 2016, each urban water supplier shall comply with the conservation standard it identifies and reports pursuant to this section.

(e) Compliance with the conservation standard reported pursuant to this section shall be measured monthly and assessed on a cumulative basis through January 2017.

(f) If a wholesaler and all of its urban water supplier customers agree, in a legally-binding document, those suppliers and wholesaler may submit to the board, in lieu of the individualized self-certified conservation standard applicable pursuant to section 864.5 or section 865, an aggregated conservation standard, with all supporting documentation required for individualized self-certified conservation standards by section 864.5.

(g) Each urban water wholesaler shall calculate, to the best of its ability, and no later than June 8, 2016, the volume of water that it expects it would deliver to each urban water supplier in each of the next three years under the assumptions identified in subdivision (b), and post that calculation, and the underlying analysis, to a publicly-accessible webpage.

(h) Submitting any information pursuant to this section that the person who submits the information knows or should have known is materially false is a violation of this regulation, punishable by civil liability of up to five hundred dollars (\$500) for each day in which the violation occurs. Every day that the error goes uncorrected constitutes a separate violation. Civil liability for the violation is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(i) Any urban water supplier that does not comply with this section shall comply with the applicable conservation standard identified in section 865.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 102, 104, 105, 275, 350, 1846, 10617 and 10632, Water Code; Light v. State Water Resources Control Board (2014) 226 Cal.App.4th 1463.

Sec. 865. Mandatory Actions by Water Suppliers.

(a) As used in this section article:

(1) "Distributor of a public water supply" has the same meaning as under section 350 of the Water Code, except it does not refer to such distributors when they are functioning solely in a wholesale capacity, but does apply to distributors when they are functioning in a retail capacity.

(2) "R-GPCD" means residential gallons per capita per day.

(3) "Total potable water production" means all potable water that enters into a water supplier's distribution system, excluding water placed into storage and not withdrawn for use during the reporting period, or water exported outside the supplier's service area.

(4) "Urban water supplier" means a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(5) "Urban water wholesaler" means a wholesaler of water to more than one urban water supplier.

(6) "Water year" means the period from October 1 through the following September 30. Where a water year is designated by year number, the designation is by the calendar year number in which the water year ends.

(b) In furtherance of the promotion of water conservation each urban water supplier shall:

(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-user's exclusive control.

(2) Prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier 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 urban water supplier, 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, and monthly commercial, industrial and 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)(1) To prevent the waste and unreasonable use of water and to meet the requirements of the Governor's ~~November 13, 2015~~ May 9, 2016 Executive Order, each urban water supplier that fails to identify a conservation standard as required under section 864.5, or that has a conservation standard rejected by the Board under section

864.5, shall reduce its total potable water production by the percentage identified as its conservation standard in this subdivision. Each urban water supplier's conservation standard considers its service area's relative per capita water usage.

~~(2) Each urban water supplier whose source of supply does not include groundwater or water imported from outside the hydrologic region in which the water supplier is located, and that has a minimum of four years' reserved supply available, may submit to the Executive Director for approval a request that, in lieu of the reduction that would otherwise be required under paragraphs (3) through (10), the urban water supplier shall reduce its total potable water production by 4 percent 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 supplier's sources of supply do not include groundwater or water imported from outside the hydrologic region and that the supplier has a minimum of four years' reserved supply available.~~

~~(32) Each urban water supplier whose average July-September 2014 R-GPCD was less than 65 shall reduce its total potable water production by 8 percent for each month as compared to the amount used in the same month in 2013.~~

~~(43) Each urban water supplier whose average July-September 2014 R-GPCD was 65 or more but less than 80 shall reduce its total potable water production by 12 percent for each month as compared to the amount used in the same month in 2013.~~

~~(54) Each urban water supplier whose average July-September 2014 R-GPCD was 80 or more but less than 95 shall reduce its total potable water production by 16 percent for each month as compared to the amount used in the same month in 2013.~~

~~(65) Each urban water supplier whose average July-September 2014 R-GPCD was 95 or more but less than 110 shall reduce its total potable water production by 20 percent for each month as compared to the amount used in the same month in 2013.~~

~~(76) Each urban water supplier whose average July-September 2014 R-GPCD was 110 or more but less than 130 shall reduce its total potable water production by 24 percent for each month as compared to the amount used in the same month in 2013.~~

~~(87) Each urban water supplier whose average July-September 2014 R-GPCD was 130 or more but less than 170 shall reduce its total potable water production by 28 percent for each month as compared to the amount used in the same month in 2013.~~

~~(98) Each urban water supplier whose average July-September 2014 R-GPCD was 170 or more but less than 215 shall reduce its total potable water production by 32 percent for each month as compared to the amount used in the same month in 2013.~~

~~(109) Each urban water supplier whose average July-September 2014 R-GPCD was 215 or more shall reduce its total potable water production by 36 percent for each month as compared to the amount used in the same month in 2013.~~

~~(d)(1) Beginning June 1, 2015, each urban water supplier that does not submit a self-certification in compliance with section 864.5 shall comply with the conservation standard specified in subdivision (c), with any modifications to the conservation standard pursuant to subdivision (f) applying beginning March 1, 2016.~~

~~(2) Compliance with the requirements of this subdivision shall be measured monthly and assessed on a cumulative basis through October 2016/January 2017.~~

~~(e)(1) Each urban water supplier that provides potable water for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (b), may subtract the amount of water provided for commercial agricultural use from its~~

potable water production total, provided that any urban water supplier that subtracts any water provided for commercial agricultural use from its total potable water production shall:

(A) Impose reductions determined locally appropriate by the urban water supplier, after considering the applicable urban water supplier conservation standard specified in subdivision (c), for commercial agricultural users meeting the definition of Government Code section 51201, subdivision (b) served by the supplier;

(B) Report its total potable water production pursuant to subdivision (b)(2) of this section, the total amount of water supplied for commercial agricultural use, and shall identify the reduction imposed on its commercial agricultural users and each recipient of potable water for commercial agricultural use;

(C) Certify that the agricultural uses it serves meet the definition of Government Code section 51201, subdivision (b); and

(D) Comply with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order for all commercial agricultural water served by the supplier that is subtracted from its total potable water production.

(2) Submitting any information pursuant to subdivision (e)(1)(B) or (C) of this section that is found to be materially false by the Board is a violation of this regulation, punishable by civil liability of up to five hundred dollars (\$500) for each day in which the violation occurs. Every day that the error goes uncorrected constitutes a separate violation. Civil liability for the violation is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(f) In consideration of the differences in climate affecting different parts of the state, growth experienced by urban areas and significant investments that have been made by some suppliers towards creating new, local, drought-resilient sources of potable water supply, an urban water supplier's conservation standard identified in subdivision (c) shall be reduced by an amount, not to exceed eight (8) percentage points total, as follows:

(1) For an urban water supplier whose service area evapotranspiration (ET<sub>o</sub>) for the months of July through September exceeds the statewide average evapotranspiration, as determined by the Board, for the same months by five (5) percent or more, the supplier's conservation standard identified in subdivision (c) shall be reduced:

(A) By two (2) percentage points if the supplier's service area evapotranspiration exceeds the statewide average by five (5) percent or more but less than ten (10) percent;

(B) By three (3) percentage points if the supplier's service area evapotranspiration exceeds the statewide average by ten (10) percent or more but less than twenty (20) percent;

(C) By four (4) percentage points if the supplier's service area evapotranspiration exceeds the statewide average by twenty (20) percent or more.

(D) Statewide average evapotranspiration is calculated as the arithmetic mean of all urban water suppliers' service area default evapotranspiration values for the months of July through September. Default service area evapotranspiration will be based on the California Irrigation Management System (CIMIS) ET<sub>o</sub> Zones Map zone for which the supplier's service area has the greatest area of overlap. In lieu of applying its default service area evapotranspiration, a supplier may use specific data from CIMIS stations within its service area that have at least a five-year period of record, or a three year continuous period of record, to identify a more specifically-applicable evapotranspiration

for its service area. If no CIMIS station exists within the supplier's service area, a weather station of comparable accuracy, meeting the preceding period of record requirements, may be used. To qualify for the in-lieu climate adjustment, the supplier shall submit the following data to the Board by March 15, 2016 for each station: station ID; station location; and monthly average evapotranspiration, in inches per month, for July, August, and September for either the five-year period of record or the three-year continuous period of record.

(2) To account for water efficient growth experienced in the state since 2013, urban water suppliers' conservation standards shall be reduced by the product of the percentage change in potable water production since 2013 and the percentage reduction in potable water use required pursuant to subdivision (c), rounded to the nearest whole percentage point. Change in potable water production since 2013 shall be calculated as the sum of the following:

(A) The number of additional permanent residents served since January 1, 2013, multiplied by the average residential water use per person for that supplier's service area during the months of February through October, 2015, in gallons; and

(B) The number of new commercial, industrial and institutional connections since January 1, 2013, multiplied by the average commercial, industrial and institutional water use per connection for that supplier's service area during the months of February through October, 2015, in gallons.

(C) To qualify for the growth credit the supplier shall submit to the Board the following data by March 15, 2016: the number of additional permanent residents served since January 1, 2013 and the number of new commercial, industrial and institutional connections since January 1, 2013.

(3) For an urban water supplier that supplies, contracts for, or otherwise financially invests in, water from a new local, drought-resilient source of supply, the use of which does not reduce the water available to another legal user of water or the environment, the conservation standard identified in subdivision (c) shall be reduced:

(A) By one (1) percentage point if the supplier's qualifying source of supply is one (1) percent or more but less than two (2) percent of the supplier's total potable water production;

(B) By two (2) percentage points if the supplier's qualifying source of supply is two (2) percent or more but less than three (3) percent of the supplier's total potable water production;

(C) By three (3) percentage points if the supplier's qualifying source of supply is three (3) percent or more but less than four (4) percent of the supplier's total potable water production;

(D) By four (4) percentage points if the supplier's qualifying source of supply is four (4) percent or more but less than five (5) percent of the supplier's total potable water production;

(E) By five (5) percentage points if the supplier's qualifying source of supply is five (5) percent or more but less than six (6) percent of the supplier's total potable water production;

(F) By six (6) percentage points if the supplier's qualifying source of supply is six (6) percent or more but less than seven (7) percent of the supplier's total potable water production;

(G) By seven (7) percentage points if the supplier's qualifying source of supply is seven (7) percent or more but less than eight (8) percent of the supplier's total potable water production;

(H) By eight (8) percentage points if the supplier's qualifying source of supply is eight (8) percent or more of the supplier's total potable water production.

(I) To qualify for this reduction the supplier must certify, and provide documentation to the Board upon request demonstrating, the percent of its total potable water production that comes from a local, drought-resilient source of supply developed after 2013, the supplier's investment in that local, drought-resilient source of supply, and that the use of that supply does not reduce the water available to another legal user of water or the environment. To qualify for this reduction an urban water supplier shall submit the required certification to the Board by March 15, 2016.

(J) Certifications that do not meet the requirements of subdivision (f)(3)(I), including certifications for which documentation does not support that the source of supply is a local, drought-resilient source of supply, the use of which does not reduce the water available to another legal user of water or the environment, will be rejected. Submitting a certification or supporting documentation pursuant to subdivision (f)(3)(I) that is found to be materially false by the Board is a violation of this regulation, punishable by civil liability of up to five hundred dollars (\$500) for each day in which the violation occurs. Every day that the error goes uncorrected constitutes a separate violation. Civil liability for the violation is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(4) No urban water supplier's conservation standard pursuant to this section shall drop below eight (8) percent as a consequence of the reductions identified in this subdivision. ~~No reduction pursuant to this subdivision shall be applied to any urban water supplier whose conservation standard is four (4) percent based on subdivision (e)(2).~~

~~(g)(1) To prevent waste and unreasonable use of water and to promote water conservation, each distributor of a public water supply that is not an urban water supplier shall take one or more of the following actions:~~

~~(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-user's exclusive control; and~~

~~———(A) 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~~

~~———(B) Reduce by 25 percent its total potable water production relative to the amount produced in 2013.~~

~~(2) Each distributor of a public water supply that is not an urban water supplier shall submit~~ Submit a report by ~~September~~ December 15, 2016, on a form provided by the Board, that ~~either confirms compliance with subdivision (g)(1)(A) or identifies total~~ total potable water production, by month, from ~~December, 2015 through August~~ November, 2016, and total potable water production, by month, for the same months in 2013, and any actions taken by the supplier to encourage or require its customers to conserve water.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 102, 104, 105, 275, 350, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

Sec. 866. Additional Conservation Tools.

(a)(1) To prevent the waste and unreasonable use of water and to promote conservation, when a water supplier does not meet its conservation standard required by section 864.5 or section 865 the Executive Director, or the Executive Director's designee, may issue conservation orders requiring additional actions by the supplier to come into compliance with its conservation standard.

(2) A decision or order issued under this article 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.

(b) The Executive Director, or his designee, may issue an informational order requiring water suppliers, or commercial, industrial or institutional properties that receive any portion of their supply from a source other than a water supplier subject to section 864.5 or 865, to submit additional information relating to water production, water use or water conservation. 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.

(c) Orders issued under previous versions of this ~~subdivision~~section shall remain in effect and shall be enforceable as if adopted under this version. Changes in the requirements of this article do not operate to void or excuse noncompliance with orders issued before those requirements were changed.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 100, 102, 104, 105, 174, 186, 187, 275, 350, 1051, 1122, 1123, 1825, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

# ATTACHMENT 4



# ATTACHMENT 5

**METROPOLITAN WATER DISTRICT - Beverly Hills**

Turf Removal Rebate Program - May 2016

<b>RESIDENTIAL</b>	<b>Jun-15</b>	<b>Jul-15</b>	<b>Aug-15</b>	<b>Sep-15</b>	<b>Oct-15</b>	<b>Nov-15</b>	<b>Dec-15</b>	<b>Jan-16</b>	<b>Feb-16</b>	<b>Mar-16</b>	<b>Apr-16</b>	<b>May-16</b>						<b>Total</b>
Pending Applications	25	29	18	10	5	5	3	2	1	3	2	0						103
Total SF of Projects	41,750	45,548	24,716	11,816	4,378	5,399	5,635	2035	1786	3531	1341	0						147,935
<b>Building Type</b>																		
Single Family Detached	23	27	16	10	5	5	3	2	0	3	2	0						96
Multi-tenant	2	2	2	0	0	0	0	0	1	0	0	0						7