

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 25, 2023

Jonathan Morse
Sr. Manager Rates & Regulatory
California-American Water Company
520 Capitol Mall Ste. 630
Sacramento, CA 95814

Dear Mr. Morse,

The Water Division of the California Public Utilities Commission has approved California-American Water Company's Advice Letter No. 1414, filed on June 26, 2023, regarding Rule and Schedule 14.1.1 Stage 1 Activation for the Monterey Service Area.

Enclosed is a copy of the advice letter with an effective date of June 26, 2023 for the utility's files.

Please contact Bradley Leong at BL4@cpuc.ca.gov or 415-703-2307, if you have any questions.

Thank you.

Enclosures

**CALIFORNIA PUBLIC UTILITIES COMMISSION
DIVISION OF WATER AND AUDITS**

Advice Letter Cover Sheet

Utility Name: California American Water

Date Mailed to Service List: June 26, 2023

District: Monterey Service Area

CPUC Utility #: U210W

Protest Deadline (20th Day): July 17, 2023

Advice Letter #: 1414

Review Deadline (30th Day): July 27, 2023

Tier 1 2 3 Compliance

Requested Effective Date: June 26, 2023

Authorization

Description: Rule and Schedule 14.1.1 Stage 1 Activation
- Monterey

Rate Impact: \$See AL
See AL%

The protest or response deadline for this advice letter is 20 days from the date that this advice letter was mailed to the service list. Please see the "Response or Protest" section in the advice letter for more information.

Utility Contact: Jonathan Morse

Utility Contact: Amber Cadigan

Phone: 916-568-4237

Phone: 916-568-4242

Email: Jonathan.Morse@amwater.com

Email: Amber.Cadigan@amwater.com

DWA Contact: Tariff Unit

Phone: (415) 703-1133

Email: Water.Division@cpuc.ca.gov

DWA USE ONLY

<u>DATE</u>	<u>STAFF</u>	<u>COMMENTS</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

APPROVED

WITHDRAWN

REJECTED

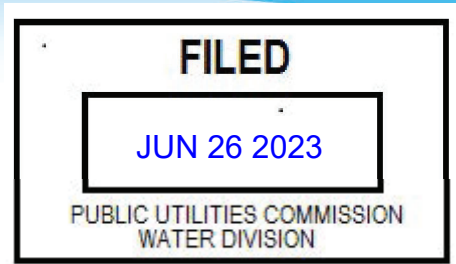
Signature: _____

Comments: _____

Date: _____



June 26, 2023



520 Capitol Mall, Suite 630
Sacramento, CA 95814

P (916) 568-4242
www.amwater.com

ADVICE LETTER NO. 1414

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

California-American Water Company (California American Water) (U210W) submits this advice letter, including the following attached tariffs applicable to the Monterey Service Areas California American Water's Central Division.

Purpose:

This advice letter filing requests to activate the Stage 1 water use restrictions as described in the Water Shortage Contingency Plan in Section D of Rule 14.1.1 and Schedule 14.1.1.

Background:

California American Water activated Stage 2 of Rule and Schedule 14.1.1 through Advice Letter 1376 filed on July 28, 2022; and approved by the Commission on August 1, 2022. Stage 2 was triggered based on orders from the Governor and the Monterey Peninsula Water Management District ("MPWMD") action on May 26, 2022. Each of these is discussed below.

Governor Newsom's Proclamation and Executive Order:

On October 19, 2021, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to drought for the entire state and urged Californians to step up their water conservation efforts as the western U.S. was faced with a third dry year. The Proclamation, which is still in effect, asked local water suppliers to activate water shortage contingency plans at a level appropriate for local supply conditions.

On March 28, 2022, Governor Gavin Newsom issued Executive Order N-7-22, calling on all Californians to limit water use and use water more efficiently, and asking the State Water Resources Control Board to consider adopting emergency regulations that require calling on water providers to activate their customized Water Shortage Contingency Plans and move to "Level 2." The Executive Order comes after the driest first three months of a year in recorded California history and follow drought-related proclaimed states of emergency that continue today in all counties across the state.

Water Shortage Contingency Plans, required by state law, are developed by local water utilities to navigate drought and each plan is customized based on an agency's unique infrastructure and management. Triggering Level 2 of these plans involves implementing water conservation actions, like mandatory watering/irrigation schedules, to prepare for a water shortage level of up to 20 percent.

MPWMD Action

On May 26, 2022 the MPWMD Board of Directors approved Resolution 2022-15, which activated Stage 2 of their Rule 163 effective June 1, 2022. Rule 163 is MPWMD's conservation rules and procedures, which align with California American Water's Rule and Schedule 14.1.1.

MPWMD moved from Stage 2 to Stage 1 on April 17, 2023. As stated in MPWMD's April 17, 2023 Board Packet, Governor Newsom issued Executive Order No. N-5-23 on March 24, 2023. The Order rescinded paragraphs of Executive Order No. N-7-22 requiring the State Water Board to direct urban water suppliers to implement Level 2 of their water shortage contingency plans in response to unprecedented drought in California. Therefore, Stage 2 automatically sunset without further action of the Board when the regulatory order was cancelled.

Consistent with MPWMD's action described above, California American Water requests moving from Stage 2 to Stage 1 of the Water Shortage Contingency Plan as authorized in Rule and Schedule 14.1.1.

California American Water will notify customers via their bills and update its website.

Customer bill text message: Due to significant winter rainfall received in the state of California and the Central Coast, and consistent with the Governor's Executive Order and the Monterey Peninsula Water Management District decision of support, California American Water will be moving to stage 1 of Rule 14.1.1 watering limits. For more details visit: <https://www.amwater.com/caaw/Conservation/District-Resources/Monterey>

Request:

California American Water requests the activation of Stage 1 of the Water Shortage Contingency Plan as authorized per Rule 14.1.1 and Schedule 14.1 for California American Water's Monterey service area.

Tier Designation:

These tariffs are submitted pursuant to General Order No.96-B and this advice letter is submitted with a Tier 1 designation.

Effective Date:

California American Water requests an effective date of June 26, 2023.

NOTICE:

Pursuant to Section 4.3 of General Order No. 96-B, a copy of this advice letter is being provided to those entities listed in the attached "SERVICE LIST PURSUANT TO SECTION 4.3 OF G.O. NO. 96-B." Per guidance from the California Public Utilities Commission's Water Division, during the COVID-19 pandemic, advice letters will only be delivered electronically to the service list.

PROTEST OR RESPONSES:

Anyone may submit a response or protest for this AL. When submitting a response or protest, **please include the utility name and advice letter number in the subject line.**

A **response** supports the filing and may contain information that proves useful to the Commission in evaluating the AL. A **protest** objects to the AL in whole or in part and must set forth the specific grounds on which it is based. These grounds¹ are:

1. The utility did not properly serve or give notice of the AL;
2. The relief requested in the AL would violate statute or Commission order, or is not authorized by statute or Commission order on which the utility relies;
3. The analysis, calculations, or data in the AL contain material error or omissions;
4. The relief requested in the AL is pending before the Commission in a formal proceeding;
or
5. The relief requested in the AL requires consideration in a formal hearing, or is otherwise inappropriate for the AL process; or
6. The relief requested in the AL is unjust, unreasonable, or discriminatory, provided that such a protest may not be made where it would require relitigating a prior order of the Commission.
7. A protest may not rely on policy objections to an AL where the relief requested in the AL follows rules or directions established by statute or Commission order applicable to the utility. A protest shall provide citations or proofs where available to allow staff to properly consider the protest.

DWA must receive a response or protest via email (**or** postal mail) within 20 days of the date the AL is filed. When submitting a response or protest, **please include the utility name and advice letter number in the subject line.**

The addresses for submitting a response or protest are:

Email Address:

Water.Division@cpuc.ca.gov

Mailing Address:

CA Public Utilities Commission
Division of Water and Audits
505 Van Ness Avenue
San Francisco, CA 94102

On the same day the response or protest is submitted to DWA, the respondent or protestant shall send a copy of the protest to California American Water at:

Email Address:

amber.cadigan@amwater.com

sarah.leeper@amwater.com

jonathan.morse@amwater.com

Mailing Address:

520 Capitol Mall, Suite 630
Sacramento, CA 95838
555 Montgomery Street, Suite 816
San Francisco, CA 94111
520 Capitol Mall, Suite 630
Sacramento, CA 95838

¹ G.O. 96-B, General Rule 7.4.2

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform DWA, within the 20 day protest period, so that a late filed protest can be entertained. The informing document should include an estimate of the date the proposed protest might be voted on.

REPLIES

The utility shall reply to each protest and may reply to any response. Any reply must be received by DWA within five business days after the end of the protest period, and shall be served on the same day on each person who filed the protest or response to the AL.

The actions requested in this advice letter are not now the subject of any formal filings with the California Public Utilities Commission, including a formal complaint, nor action in any court of law.

This filing will not cause the withdrawal of service, nor conflict with other schedules or rules.

If you have not received a reply to your protest within 10 business days, please contact Amber Cadigan at (916) 568-4242.

CALIFORNIA-AMERICAN WATER COMPANY

/s/ Amber Cadigan

Amber Cadigan
Rates & Regulatory Analyst

CENTRAL DIVISION SERVICE LIST
CALIFORNIA-AMERICAN WATER COMPANY

BY MAIL:

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c/o Community Development Department
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California Public Utilities Commission
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CENTRAL DIVISION SERVICE LIST
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**CALIFORNIA-AMERICAN WATER COMPANY
ADVICE LETTER 1414
SUPPORTING DOCUMENTATION FOR STAFF**

**Rule and Schedule 14.1.1 Monterey
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ITEM: DISCUSSION ITEM**13. REPORT ON RESCISSION OF STAGE 2 WATER CONSERVATION IN RESPONSE TO EXECUTIVE ORDER N-5-23**

Meeting Date:	April 17, 2023	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Stephanie Locke	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378**

SUMMARY: Governor Newsom issued Executive Order No. N-5-23 on March 24, 2023. The Order rescinded paragraphs of Executive Order No. N-7-22 requiring the State Water Board to direct urban water suppliers to implement Level 2 of their water shortage contingency plans in response to unprecedented drought in California. The District (and California American Water) proactively triggered Stage 2 Water Conservation (Voluntary Reduction in Use) on June 1, 2022. Stage 2 automatically sunset without further action of the Board when the regulatory order was cancelled.

As a result of Executive Order No. N-5-23, Stage 1 Water Conservation (Prohibition on Water Waste) remains in effect. MPWMD Rule 162 is attached as **Exhibit 13-A**. Stage 1 is the lowest level of conservation and requires adherence to a long list of Water Waste rules, including the following:

- Water must only be served upon request of the customer in all restaurants/food service and there must be notification either on the table or on the menu of this requirement.
- All leaks, breaks, or other malfunctions in a water user's plumbing or a water distribution system must be repaired within 72 hours of notification that a leak exists. Exceptions may be granted by the General Manager for corrections which are not feasible or practical.
- Drinking water used for irrigation or other outdoor purposes must not be allowed to run to waste.
- Potable water should not be used for washing driveways, patios, parking lots, tennis courts, or other hard surfaced areas, except in cases where health or safety are at risk and the surface is cleaned with a Water Broom or other water efficient device or method. Water should be used only when traditional brooms are not able to clean the surface in a satisfactory manner.

- Irrigation must be done before 9 a.m. or after 5 p.m. on Saturdays and Wednesdays only, except for irrigation overseen by a professional gardener or landscaper who is available on Site and that is not exceeding a maximum two watering days per week. Limited hand-watering with a positive-action shut off nozzle or another efficient hand irrigation method is allowed on other days as long as water is not running to waste.
 - Irrigation using water from a well is exempt from the watering day restriction if irrigation is done in an efficient manner. Well irrigators located in urban areas are encouraged to display signage that indicates the water used for irrigation is from a well.
- Rental property managers/owners are required to provide tenants with information about the water conservation requirements, including the Water Waste and Non-Essential Water Use regulations of the District.
- If using a hose to hand water, a positive action shut-off nozzle is required.

RECOMMENDATION: No action is required. This report was provided for information only.

BACKGROUND: On April 18, 2022, the board adopted Resolution 2022-15 triggering [Rule 163 Stage 2 Water Conservation: Voluntary Reduction in Use](#) on June 1, 2022. Stage 2 was activated by the “Regulatory Trigger” (Rule 163-A-4) when a water system is directed to reduce use by a governmental or regulatory agency. Governor Newsom in Executive Order N-7-22 directed the State Water Board to consider adopting an emergency regulation requiring urban water suppliers to implement Level 2 demand reduction and to ban irrigation of “non-functional turf” in commercial, industrial, and institutional sectors.

Implementation of Stage 2 was coordinated with Cal-Am. In addition to increased enforcement of the always-present Water Waste rules, there were efforts to increase information and outreach including new water efficiency workshops for the public, promotion of the rebate program, and conservation equipment available for free that could be picked up at the District and Cal-Am’s offices. In addition, staff is met with key members of the Monterey County Hospitality Association to review the existing hotel and restaurant requirements. Finally, non-residential and Common Interest Developments (condos) with non-functional turf were notified of the State’s requirement to cease irrigation, other than to provide water for trees in the turf areas.

EXHIBIT

13-A MPWMD Rule 162

13-B Governor’s Executive Order

RULE 162 - STAGE 1 WATER CONSERVATION: PROHIBITION ON WATER WASTE

- A. Trigger. Stage 1 shall remain in effect at all times and shall apply to all Water Users subject to modification by the Board.
- B. Water Waste Prohibitions. Water Waste shall mean the indiscriminate, unreasonable, or excessive running or dissipation of water. Water Waste shall include, but not be limited, to the following:
1. Waste caused by correctable leaks, breaks or malfunctions. All leaks, breaks, or other malfunctions in a Water User's plumbing or distribution system must be repaired within 72 hours of notification that a leak exists. Exceptions may be granted by the General Manager for corrections which are not feasible or practical.
 2. Indiscriminate or excessive water use which allows excess to run to waste.
 3. Washing driveways, patios, parking lots, tennis courts, or other hard surfaced areas with Potable water, except in cases where health or safety are at risk and the surface is cleaned with a Water Broom or other water efficient device or method. Water should be used only when traditional brooms are not able to clean the surface in a satisfactory manner.
 4. Power or pressure washing buildings and structures with Potable water, except when preparing surfaces for paint or other necessary treatments or when abating a health or safety hazard.
 5. Irrigation between 9 a.m. and 5 p.m. on any day, and irrigation on any day other than Saturdays and Wednesdays, except for irrigation overseen by a professional gardener or landscaper who is available on Site and that is not exceeding a maximum two watering days per week. This prohibition applies to hand watering with a hose, and irrigation systems whether spray, drip, or managed by a Smart Controller. Limited hand watering of plants or bushes with a small container or a bucket is permitted on any day at any time. Subsurface Graywater Irrigation Systems may also be operated at any time. An exemption may be given to a Non-Residential establishment whose business requires water in the course of its business practice (e.g. golf courses, nurseries, recreational space, among others) with notification by the business owner to the District, and subject to the approval of the General Manager.

Irrigation using water from a Well is exempt from the watering day restriction if irrigation is done in an efficient manner. Well irrigators located in urban areas are encouraged to display signage that indicates the water used for irrigation is from a Well or other Source of Supply on the Site.
 6. Hand watering by a hose, during permitted hours, without a quick acting Positive Action Shut-Off Nozzle.

7. Irrigating during rainfall and for 48 hours after Measurable Precipitation.
8. Use of water for irrigation or outdoor purposes in a manner inconsistent with California's Model Water Efficient Landscape Ordinance (Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, and any successor regulations) where applicable, or in a manner inconsistent with local regulations.
9. Operation of fountains, ponds, lakes or other ornamental use of Potable water without recycling, and except to the extent needed to sustain aquatic life, provided such animals are of significant value and have been actively managed.
10. Individual private washing of cars with a hose except with the use of a Positive Action Shut-Off Nozzle.
11. Washing commercial aircraft, cars, buses, boats, trailers or other commercial vehicles with Potable water, except at water efficient commercial or fleet vehicle or boat washing facilities where equipment is properly maintained to avoid wasteful use.
12. In-Bay or Conveyor Car Washes permitted and constructed prior to January 1, 2014, that do not recycle and reuse at least 50 percent of the wash and rinse water. In-Bay or Conveyor Car Washes that were permitted and constructed after January 1, 2014, that do not either: (1) use and maintain a water recycling system that recycles and reuses at least 60 percent of the wash and rinse water; or (2) use Recycled Water provided by a water supplier for at least 60 percent of its wash and rinse water.
13. Charity car washes.
14. Use of Potable water for street cleaning.
15. Failure to meet MPWMD Regulation XIV water efficiency standards for an existing Non-Residential User after having been given a reasonable amount of time to comply.
16. Serving drinking water to any customer unless expressly requested, by a restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale.
17. Visitor-Serving Facilities that fail to adopt and promote towel and linen reuse programs and provide written notice in the rooms, whereby towels and linens are changed every three days or as requested by action of the guest.
18. Washing of livestock with a hose except with the use of a Positive Action Shut-Off Nozzle.

19. Transportation of water from the Monterey Peninsula Water Resource System without prior written authorization from the MPWMD.
 20. Delivery, receipt, and/or use of water from an unpermitted Mobile Water Distribution System.
 21. Unreasonable or excessive use of Potable water for dust control or earth compaction without prior written approval of the General Manager where Non-Potable Water or other alternatives are available or satisfactory.
 22. Use of unmetered fire hydrant water by individuals other than for fire suppression or utility system maintenance purposes, except upon prior approval of the General Manager.
 23. Water use in excess of a Water Ration.
 24. Non-compliance with Regulations XIV and XV.
- C. The following activities shall not be cited as Water Waste:
1. Flow resulting from firefighting or essential inspection of fire hydrants;
 2. Water applied to abate spills of flammable or otherwise hazardous materials, where water application is the appropriate methodology;
 3. Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available;
 4. Storm run-off;
 5. Flow from fire training activities during Stage 1 Water Conservation through Stage 3 Water Conservation;
 6. Reasonable quantities of water applied as dust control as required by the Monterey Bay Air Resources District, except when prohibited;
 7. When a Mobile Water Distribution System Permit is not obtained by a State licensed Potable water handler by reason of an emergency or health related situation, authorization for the Mobile Water Distribution System Permit shall be sought from the District by submittal of a complete application compliant with Rule 21, within five working days following commencement of the emergency or health related event.

- D. Prohibitions against Water Waste and Non-Essential Water Use shall be enforced by the District and its designated agents, unless indicated otherwise. All notices and assessments of Water Waste and/or excess water use charges made by a Water Distribution System Operator shall be reported to the District within thirty (30) days.
- E. Each occurrence of Water Waste or Non-Essential Water Use that continues after the Water User has had reasonable notice to cease and desist that type of water use shall constitute a Flagrant Violation.
- F. Repeated occurrences of Water Waste or Non-Essential Water Use, which continue or occur after the Water User has had a reasonable notice to cease and desist that type of water use, or which continues or occurs after the Water User has had a reasonable opportunity to cure any defect causing that type of water use, shall provide cause for the placement of a Flow Restrictor with a maximum flow rate of six (6) CCF/month within the water line or Water Meter. Exemptions to the installation of a Flow Restrictor as a means to enforce the Water Ration shall occur when there are provable risks to the health, safety and/or welfare of the Water User. An exemption shall be made for Master Meters serving three or more Multi-Family Households or Master Meters serving both Residential and Non-Residential Users by substituting an excess water use charge equivalent to the appropriate Water Meter size, Rationing stage, and 4th offense amount times the number of Dwelling Units located on the Water Meter during each month in which a violation of the Water Ration occurs. The Responsible Party shall be liable for payment of all excess water use charges.
- G. Water Waste Fines shall be assessed as shown in Table XV-5. Table XV-5 may be amended by Resolution of the Board. Amendments to this table shall be concurrently made to the Fees and Charges Table found in Rule 60.
- H. In addition to Water Waste fines and fees described in this Rule 162, enforcement of all District Rules and Regulations is subject to District Regulation XI and may include an Administrative Compliance Order, a Cease & Desist Order, or other remedy available to the District under its Regulation XI.

Rule added by Ordinance No. 92 (1/28/99); amended by Ordinance No. 119 (3/21/05); Ordinance No. 125 (9/18/2006); Ordinance No. 134 (8/18/2008); Ordinance No. 135 (9/22/2008); Ordinance No. 137 (12/8/2008); Resolution No. 2009-17 (12/14/2009); Ordinance No. 142 (1/28/2010); deleted by Ordinance No. 169 (2/17/2016); Rule added by Ordinance No. 169 (2/7/2016); Ordinance No. 177 (9/18/2017); Ordinance No. 179 (8/20/2018)

**Table XV-5
Water Waste Fines**

First offense	No fee: Written notice and opportunity to correct the situation
Fine for first Flagrant Violation	\$100*
Fine for second Flagrant Violation within two (2) months	\$250*
Fine for third and subsequent Flagrant Violations within twelve (12) months	\$500*
Fine for Administrative Compliance Order or Cease & Desist Order	Up to \$2,500 per day* for each ongoing violation, except that the total administrative penalty shall not exceed one hundred thousand dollars (\$100,000.00) exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations
Late payment charges	Half of one percent of the amount owed per month
*Fines triple for customers using over 500,000 gallons/year	

Table XV-5 added by Ordinance No. 169 (2/17/2016)

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-3-23

WHEREAS on April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed States of Emergency due to drought conditions that continue today and exist across California; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and these impacts continue to affect groundwater basins, local water supplies, and ecosystems, resulting in continuing drought in the State; and

WHEREAS the ongoing drought continues to have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS early, substantial rains in October and December 2021 gave way to the driest January-February-March period in over 100 years in California, leading the October 2021 to September 2022 water year to end with statewide precipitation at 76 percent of average, with statewide reservoir storage at 69 percent of average, and with Lake Oroville—the State Water Project's largest reservoir—at 64 percent of average; and

WHEREAS in January 2023, the State experienced one of the wettest three-week periods on record, yielding a snowpack that was at 205 percent of average on February 1, 2023, yet to date February has been drier than average; and

WHEREAS the current snowpack has not reduced stresses upon the State's water resources, including low storage levels, depleted aquifers, and diminished local water supplies; and

WHEREAS the State can expect continued swings between extreme wet and extreme dry periods that can present risks of severe flooding and extreme drought in the same year; and

WHEREAS California must adapt to a hotter, drier future in which a greater share of rain and snowfall during the wetter months will be absorbed by dry soils, consumed by plants, and evaporated into the air, leaving less water for communities, species, and agriculture; and

WHEREAS the frequency of hydrologic extremes experienced in the State is indicative of an overarching need to continually reexamine policies to promote resiliency in a changing climate; and

WHEREAS Californians continue to make progress conserving water, with urban water users conserving 17.1 percent statewide in December 2022 compared to December 2020 and agricultural producers continuing to invest in more efficient irrigation; and

WHEREAS despite this progress, the uncertainty of precipitation during the remainder of the winter and spring, and the potential of dry conditions next

winter and of drought conditions extending to a fifth year, make it necessary for the State to continue water-conservation measures and drought-resilience actions to extend available supplies, protect water reserves, and maintain critical flows for fish and wildlife; and

WHEREAS as directed in "California's Water Supply Strategy: Adapting to a Hotter, Drier Future," the State plans to stretch water supplies by storing, recycling, de-salting, and conserving the water it will need to keep up with the increasing pace of climate change; and

WHEREAS multiple regions of the State, such as the Klamath Basin and the Colorado River system, face severe water shortage conditions, and groundwater basins in the Central Valley continue to be depleted from years of drought and overdraft; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS capturing and storing storm and snowpack runoff underground to recharge aquifers is an important strategy to help regions stabilize water supplies in the face of hydrologic extremes; and

WHEREAS state agencies have created streamlined permitting pathways to enable groundwater recharge that augments natural aquifer recharge, while protecting the environment and other water users, but more opportunities exist to facilitate groundwater recharge; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my State of Emergency Proclamations dated April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, and Executive Orders N-10-21 (July 8, 2021) and N-7-22 (March 28, 2022), remain in full force and effect, except as modified by those proclamations and orders and herein. State agencies shall

continue to implement all directions from those proclamations and orders and accelerate implementation where feasible.

2. To maximize the extent to which winter precipitation recharges underground aquifers, the Department of Water Resources, the State Water Resources Control Board (Water Board), and the Department of Fish and Wildlife shall continue to collaborate on expediting permitting of recharge projects and shall work with local water districts to facilitate recharge projects.
3. Paragraph 4 of my State of Emergency Proclamation dated May 10, 2021 and Paragraph 4 of my State of Emergency Proclamation dated July 8, 2021 are withdrawn, and each is replaced with the following text:

To ensure adequate water supplies for purposes of health, safety, the environment, or drought resilient water supplies, the Water Board shall consider modifying requirements for reservoir releases or diversion limitations in Central Valley Project or State Water Project facilities to: (i) conserve water upstream later in the year in order to protect cold water pools for salmon and steelhead, (ii) enhance instream conditions for fish and wildlife, (iii) improve water quality, (iv) protect carry-over storage, (v) ensure minimum health and safety water supplies, or (vi) provide opportunities to maintain or to expand water supplies north and south of the Delta. The Water Board shall require monitoring and evaluation of any such changes to inform future actions. For any actions taken pursuant to this paragraph and any approvals granted in furtherance of this paragraph, Water Code Section 13247 and Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are suspended. Nothing in this Paragraph affects or limits the validity of actions already taken or ongoing under Paragraph 4 of my May 10, 2021 Proclamation or Paragraph 4 of my July 8, 2021 Proclamation.

4. Paragraph 9 of Executive Order N-7-22 is withdrawn and replaced with the following text:

To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:

- a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

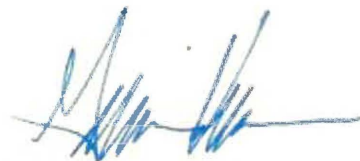
This Paragraph shall not apply to permits for wells (i) that will provide less than two acre-feet per year of groundwater for individual domestic users, (ii) that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code, or (iii) that are replacing existing, currently permitted wells with new wells that will produce an equivalent quantity of water as the well being replaced when the existing well is being replaced because it has been acquired by eminent domain or acquired while under threat of condemnation.

5. No later than April 28, 2023, state agencies shall send me their recommendations for what further actions, if any, are necessary for on-going emergency drought response, and their views on whether any existing provisions in my proclamations and executive orders related to the drought emergency are no longer needed to prepare for and mitigate the effects of the drought conditions.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 13th day
of February 2023.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State