GOVERNOR BROWN'S EXECUTIVE ORDER PERTAINING TO THE ONGOING CALIFORNIA DROUGHT

April 2015

EXECUTIVE ORDER

- California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins

- The severe drought conditions continue to present urgent challenges including:

  - drinking water shortages
  - diminished water for agricultural production
  - degraded habitat for many fish and wildlife species
  - increased wildfire risk, and
  - threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta

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EXECUTIVE ORDER

- The distinct possibility exists that the current drought will stretch into a fifth straight year in 2016…and beyond
- New expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought
- The magnitude of the severe drought conditions continues to present threats *beyond the control* of the services, personnel, equipment, and facilities *of any single local government* and require the combined forces of a mutual aid region or regions to combat

EXECUTIVE ORDER

- *Conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope*

Reservoir Conditions

Ending At Midnight - April 19, 2015

CURRENT RESERVOIR CONDITIONS

Graph Updated 04/20/2015 08:45 AM

Northern Sierra Precipitation: 8-Station Index, April 20, 2015
Percent of Average for this Date: 75%
MSC - Mount Shasta City
SHA - Shasta Dam
MNR - Mineral
QRD - Quincy
BCM - Brush Creek
SRR - Sierraville RS
BYM - Blue Canyon
PCF - Pacific House
1982-1983 (wettest)
88.5
2005-2006 Daily Precip.
80.1
Average (1922-1998)
50.0
2012-2013 Daily Precip.
44.3
Current Daily Precip:33.0
2013-2014 Daily Precip.
31.3
1923-1924 (driest)
17.1
19.0
1976-1977 (2nd driest & driest thru Aug)
Cumulative Daily/Monthly Precipitation (inches)
Total Water Year Precipitation
Oct 1
Nov 1
Dec 1
Jan 1
Feb 1
Mar 1
Apr 1
May 1
Jun 1
Jul 1
Aug 1
Sep 1
Oct 1
Water Year (October 1 - September 30)

San Joaquin Precipitation: 5-Station Index, April 20, 2015
Percent of Average for this Date: 40%
CVT - Calaveras Big Trees
HTH - Hetch Hetchy
YSV - Yosemite Headquarters
NFR - North Fork RS
HNT - Huntington Lake
1982-1983 (wettest)
77.4
2005-2006 Daily Precip.
56.3
Average (1956-2005)
40.8
2012-2013 Daily Precip.
26.5
2013-2014 Daily Precip.
20.4
Current Daily Precip: 14.5
1976-1977
15.4
1923-1924 (driest)
14.8
Cumulative Daily/Monthly Precipitation (inches)
Total Water Year Precipitation
0
5
10
15
20
25
30
35
40
45
50
55
60
65
70
75
80
85
90
Oct 1
Nov 1
Dec 1
Jan 1
Feb 1
Mar 1
Apr 1
May 1
Jun 1
Jul 1
Aug 1
Sep 1
Oct 1
Water Year (October 1 - September 30)

Northern Section - Trinity through Feather & Truckee
Water Content (Percent of April 1 Avg)
250
200
150
100
50
0
Dec01 Dec11 Dec21 Dec31 Jan10 Jan20 Jan30 Feb09 Feb19 Feb29 Mar10 Mar20 Mar30 Apr09 Apr19 Apr29 May09 May19 May29 Jun08 Jun18 Jun28 Jul08 Jul18 Jul28 Jul31
Dry 76-77
Wet 82-83
Prev 13-14
Curr 14-15
Average
Central Section - Yuba & Tahoe through Merced & Walker
Water Content (Percent of April 1 Avg)
250
200
150
100
50
0
Dec01 Dec11 Dec21 Dec31 Jan10 Jan20 Jan30 Feb09 Feb19 Feb29 Mar10 Mar20 Mar30 Apr09 Apr19 Apr29 May09 May19 May29 Jun08 Jun18 Jun28 Jul08 Jul18 Jul28 Jul31
Dry 76-77
Wet 82-83
Prev 13-14
Curr 14-15
Average
Southern Section - San Joaquin through Kern and Owens
Water Content (Percent of April 1 Avg)
250
200
150
100
50
0
Dec01 Dec11 Dec21 Dec31 Jan10 Jan20 Jan30 Feb09 Feb19 Feb29 Mar10 Mar20 Mar30 Apr09 Apr19 Apr29 May09 May19 May29 Jun08 Jun18 Jun28 Jul08 Jul18 Jul28 Jul31
Dry 76-77
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Average

EXECUTIVE ORDER

EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY

- Conservation
- Enforcement
- Technology
- Government Response

SAVE WATER

- State Water Resources Control Board (Water Board) shall impose restrictions to achieve a 25% reduction in **potable**, urban water (per capita use rate) <u>through February 28, 2016</u>
  - September 2014 R-GPCD comparisons
  - Areas with higher use to achieve proportionally *greater reductions* than those areas with low usage

R-GPCD Range (Sept 2014)	No. of Suppliers within Range	Conservation Standard
Under 55	18	10%
55-110	126	20%
110-165	132	25%
Over 165	135	35%

  - CPUC requested to take similar actions with IOU's

REVISED CONSERVATION TARGETS

R-GPCD Range*			# of Suppliers	Conservation Standard
1	reserved		0	4%
2	0	64.99	23	8%
3	65	79.99	21	12%
4	80	94.99	42	16%
5	95	109.99	41	20%
6	110	129.99	51	24%
7	130	169.99	73	28%
8	170	214.99	66	32%
9	215	612.00	94	36%

*July-August-September 2014 benchmarks

SAVE WATER

- DWR shall lead a state-wide initiative to replace 50 million square feet of lawns and ornamental turf with drought tolerant landscape
  - ~1,150 acres or 3,500 acre feet
  - ~20 ***billion*** square feet => 1.3 million acre feet
- Statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices

SAVE WATER

- Water Board shall impose new restrictions on such properties as school campuses, golf courses and cemeteries to immediately implement water efficiency measures to reduce **potable** water usage by 25%

- Prohibit irrigation with **potable** water of ornamental turf on public street medians

- Prohibit irrigation with **potable** water of newly construction homes and buildings that is not delivered by drip or micro-spray systems

SAVE WATER

- The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms to maximize water conservation including, but not limited, to:
  - Surcharges
  - Fees
  - Penalties
  - Override Proposition 218?

SAVE WATER

Small Water Suppliers

There are over 2,600 small water suppliers (less than 3,000 service connections) that provide water to over 1.5 million Californians

- Under the existing Emergency Regulation, these suppliers are required to either limit outdoor irrigation to no more than two times per week or to institute measures that achieve a 20% reduction in use
    - To date, small suppliers have not been required to report their water production to the Board, but are expected to have the data available on request
- Small suppliers are now required to contribute to achieving the statewide 25% potable urban water use reduction called for in the Executive Order.

SAVE WATER

- Update the State Model Water Efficient Landscape Ordinance
  - Increase water efficiency standards for new and existing landscapes
    - more efficient irrigation systems
    - greywater usage
    - onsite storm water capture
    - limiting the portion of landscapes that can be covered in turf
- The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings

ENFORCEMENT

- The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement *on a permanent basis*

- The Water Board shall require:
  - More frequent reporting of water diversion and use by water right holders
  - Conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring
  - Bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water

ENFORCEMENT

- Mandatory reports on the implementation and enforcement of local ordinances are due by December 31, 2015
  - DWR shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance
- To determine if urban water suppliers are meeting required use reductions, *water production data*, as reported by each individual water supplier for the months of June 2015 through February 2016, will be compared to the same period(s) in 2013-2014
  - Given the severity of the current drought, the State Water Board will assess suppliers' compliance for both monthly and cumulative water usage reductions
- DWR shall provide technical assistance and *give priority in grant funding* to public agencies for actions necessary to comply with local ordinances

ENFORCEMENT

- **Small Water Suppliers**
  - Small suppliers would now be directed to provide a one-time report to the State Water Board, 180 days after the effective date of the new emergency regulation, addressing at a minimum:
    - Potable water production from June-November 2013 and June-November 2015;
    - The number of days per week outdoor irrigation is allowed and other restrictions implemented to achieve a 25% water use reduction; and
    - Specific restrictions on CII sector use.
  - Compliance would be based upon whether small suppliers submitted the required data and met the 25% water use reduction requirement.

ENFORCEMENT

- Other Actions:
  - The State Water Board will also consider adding requirements for large landscape users (e.g. commercial, industrial, institutional) not served by either type of water supplier discussed above to help achieve the overall 25% statewide reduction in potable urban water use.

ENFORCEMENT

- Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016

- These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available

ENFORCEMENT

- The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans

- The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports

ENFORCEMENT

- Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought

- The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available

- The Department will provide technical assistance to water suppliers in preparing the plans

ENFORCEMENT

- Local water agencies in high and medium priority groundwater basins *shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program*.

- The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.

ENFORCEMENT

- The State Water Board has a variety of tools available to enforce its regulations:
  - Informal enforcement such as warning letters
    - Generally not be accompanied by monetary penalties
  - Formal enforcement
    - Cease and Desist Orders (CDO)
      - CDO's contain a description of the specific actions, and a timeline for implementing them, required for the recipient to return to compliance.
      - Non-compliance with a CDO during a drought emergency can result in fines up to $10,000/day for each day of non-compliance

ENFORCEMENT

- The tools will be used alone, or in combination, to address the following compliance problems:
  - Failure of water suppliers to file reports as required by the regulation
  - Failure to implement prohibitions and restrictions
  - Failure of water suppliers to meet the assigned water use reduction target

NEW TECHNOLOGIES

- The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture.

- This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as:
  - renewable energy-powered desalination
  - integrated on-site reuse systems
  - water use monitoring software
  - irrigation system timing and precision technology

STREAMLINE GOVERNMENT RESPONSE

- The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of **potable** water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a **potable** water source have been exhausted

- State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including:

  - Water recycling facilities
  - Reservoir improvement projects
  - Surface water treatment plants
  - Desalination plants
  - Stormwater capture, and
  - Greywater systems.

- Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days

STREAMLINE GOVERNMENT RESPONSE

- The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento-San Joaquin delta estuary

- The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015

- The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages.

PROPOSED SCHEDULE

Governor issues Drought Executive Order	April 1, 2015
Notice announcing release of draft regulatory framework and request for public comment	April 7, 2015
Notice announcing release of draft regulation for informal public comment	April 17, 2015
Emergency rulemaking formal notice	April 28, 2015
Board hearing and adoption	May 5 or 6, 2015

HOW YOU CAN HELP

To meet a mid-May to June 1 timeline for implementation of the emergency regulation, interested persons and organizations will be requested to provide input within one week of a document's release. To assist the Board in most thoughtfully addressing this dire situation, please consider the following general questions as you prepare your comments:

1. Are there other approaches to achieve a 25% statewide reduction in potable urban water use that would also impose a greater responsibility on water suppliers with higher per capita water use than those that use less?

2. How should the regulation differentiate between tiers of high, medium and low per capita water users?

3. Should water suppliers disclose their list of actions to achieve the required water reductions?

HOW YOU CAN HELP

4. Should these actions detail specific plans for potable water use reductions in the commercial, industrial, and institutional (CII) sectors?

5. Should additional information be required in the monthly conservation reports for urban water suppliers to demonstrate progress towards achieving the required water reductions?

6. How and when should compliance with the required water reductions be assessed?

7. What enforcement response should be considered if water suppliers fail to achieve their required water use reductions?

HOW TO PROVIDE INPUT

- Information including discussion drafts, draft regulations and related materials will be available on the State Water Board's website at:
  - http://www.waterboards.ca.gov/waterrights/water issues/programs/drought/emergency mandatory regulations.shtml .

Clear and concise written comment and questions can be sent to Jessica Bean at jessica.bean@ waterboards.ca.gov.

STANISLAUS COUNTY 2015 – 2016 LEGISLATIVE PRIORITIES

April 2015

GENERAL WATER POLICY

- Support policies that appropriately protect unimpaired river flows for rivers running through Stanislaus County. Seek all necessary technical and policy assistance in implementing new laws related to groundwater management. Advocate for favorable criteria in the development of any water, parks or resources bond grant funds that may become available through current or future voter-approved bonds.
- Issue: Water is a precious commodity for Stanislaus County with rivers and reservoirs a vital part of the water supply system.
- Action: Oppose any law or regulation that inappropriately increases unimpaired flows or that does not appropriately address non-flow alternatives. Support policies that appropriately protect unimpaired river flows for rivers running through Stanislaus County. Support the relicensing of the Don Pedro Project.

GROUNDWATER MANAGEMENT

- Issue: Enactment of the ***Sustainable Groundwater Management Act of 2014*** mandates the formation of local Groundwater Sustainability Agencies within a two-year timeframe and the development and completion of Groundwater Sustainability Plans (GSP's) within a five to seven year planning horizon. This level of planning is likely to be very expensive and, as of this writing, no financial assistance from the state has been identified.
- Action: Closely monitor and engage in any proposed legislation pertaining to the Sustainable Groundwater Management Act, *or new legislation*, that addresses groundwater resources that may affect the citizens of Stanislaus County. Also engage in and promote the passage of any appropriate legislation that addresses financial assistance for the development, creation and implementation of GSP's.

GROUNDWATER RECHARGE

- Issue: Groundwater recharge is an extremely important element of managing a sustainable groundwater supply; however, managed groundwater recharge is not recognized in state water law as a beneficial use. Many, if not most, of the groundwater sub-basins cannot achieve sustainable groundwater management without managed aquifer recharge programs.

- Action: Closely monitor and engage in any proposed legislation pertaining to the concept of groundwater recharge and, in particular, the notion of groundwater recharge as a legally defensible "beneficial use" of water in the state.

STORM WATER

- Issue: The State Water Resources Control Board controls and periodically changes permit requirements for Small Municipal Separate Storm Water Systems (MS4s). New proposals will add additional measures to regulate trash in stormwater, costing millions to implement.

- Action: Support storm water and urban runoff regulation which cost-effectively protects the environment and local communities and provides appropriate funding for implementation. Oppose new regulations which create unfunded mandates, are not cost-effective or place an undue financial burden on the local community.

LEVEES

- Issue: Stanislaus County is home to many levees in need of significant repair and improvement. There are approximately 75-80 miles of levees in the County. Other flood control measures are needed to protect the residents and property of the County.

- Action: Support any budget, legislative or administrative action to provide funding for repairing and upgrading levees and/or to support flood control efforts in Stanislaus County, provided such actions do not create a new or increased level of financial or legal risk to Stanislaus County and that ownership of the levee does not transfer to the County.

FLOOD CONTROL – ORESTIMBA CREEK

- Issue: Orestimba Creek, on the west side of Stanislaus County, floods and creates millions of dollars of annualized damages to the community with significant negative impact on the local economy, especially the City of Newman.

- Action: Support any budget, legislative or administrative action that would appropriately fund the Orestimba Flood Control Project through the Preconstruction Engineering and Design (PED) and also construction phases. Support City of Newman efforts to become the 'Non-Federal Sponsor for Project Engineering and Design (PED) and Construction phases of the US Army Corps of Engineers Orestimba Creek Flood Control Project.

FEDERAL LEGISLATIVE PROJECTS

- **Tuolumne River Regional Park (TRRP): $1.8 million**

- **$1.8** million will provide for development of a two-lane access road in the TRRP Gateway Parcel, including a Finding of Conformance to the existing Master Environmental Impact Report (MEIR), creation of Construction Documents with construction of approximately 2,300 feet of local access roadway within the Gateway Parcel a gateway connection to 10th Street and a Pedestrian Bridge over Dry Creek.

FEDERAL LEGISLATIVE PROJECTS

- **North Valley Regional Recycled Water Program (NVRRWP): $25 million**

- The Cities of Modesto, Turlock and Ceres, and the Del Puerto Water District are seeking an initial $25 million in funding to develop and establish the North Valley Regional Recycled Water Program (NVRRWP). The total estimated cost for all program projects is $100 million. Funding would allow NVRRWP the ability to provide 32,900 acre-feet per year of recycled water to the drought-impacted west side of Stanislaus and San Joaquin Counties. This provides enough water to irrigate 10,966 acres of prime agricultural land, restore 572 jobs, generate $29 million in total annual income, and provide $67.5 million in total annual economic output to an area with historically twice the national unemployment rate.

DISCUSSION

Any Questions?