END OF STATE MANDATED WATER CONSERVATION IN DROUGHT-STRICKEN CALIFORNIA

Thu Nov 10th, 2016 | Categories: Environmental Law |

Governor Jerry Brown's administration has dropped all mandatory water conservation targets, allowing cities, water districts, and private water companies across the state to set their own targets.

The State Water Board's recently updated emergency water conservation regulations give urban water agencies the ability to set their own conservation standards based on a "stress test" of supply reliability. As a result of this autonomy, the majority of urban water agencies in the state set their conservation target to zero for the rest of 2016.

Our California water attorneys have learned that the Board is prepared to re-impose new mandatory water restrictions if needed in 2017.

Each water provider is required by the State Water Board to pass a "stress test" that demonstrates it has enough water either in reservoirs, groundwater storage, or under contracts with other agencies to get by in case the drought continues for another three years. Water agencies, particularly in Southern California and around Sacramento, had complained bitterly about the statewide rules, saying that they were costing hundreds of millions of dollars in lost water sales, and did not accurately reflect each community's water supply conditions.

Governor Brown also made permanent a series of water wasting rules it had temporarily put in place in July 2014. Those rules ban watering lawns within 48 hours of rain, hosing off sidewalks and driveways, washing cars with hoses not equipped with a shut-off nozzle, watering lawns in a manner that causes runoff, and using ornamental fountains unless the water is recirculated.

Prohibitions also remain against homeowners' associations or local governments taking action against homeowners who reduce or stop watering lawns. These prohibitions against water waste are now permanent in California based on Executive Order B-37-16, issued May 9, 2016.

What Impact Will This Decision Have on Californians?

Dropping the statewide conservation targets will have an immediate impact on businesses and residents in California. In June 2015, each community was given a water conservation target — from 8 to 36 percent — based on its per capita water use, with fines for failure to meet the targets. Under the new rules, each community will set its own conservation target.

These targets were reported to the state water board by June 15, 2016. After receiving the targets, the State Water Board released the information that 84% of water agencies chose to impose on themselves a conservation target of zero. In theory, that means that these water agencies are prepared for a continuing drought for the next three years. These agencies have calculated that their water supply will match demand and therefore, they no longer need to continue state-mandated conservation targets.

Some water agencies will continue to limit their water use voluntarily. In Southern California, Mayor Eric Garcetti set a target in his Sustainable City Plan to limit use to 104 gallons per capita per day. Los Angeles anticipates its water will come from a combination of

local and imported sources, including groundwater, recycled water, the Los Angeles Aqueduct and water purchased from the Metropolitan Water District.

The State Water Board announced in August that the state's water conservation had fallen to 21.5 percent savings for June compared to the prior June's conservation of 27.5%. Cumulatively, local water suppliers have saved 1.75 million acre feet in the 13 months since mandatory conservation goals began – enough water to supply 8.8 million people for a year. The cumulative average savings June 2015-June 2016 is 24.2 percent.