San Bernardino Municipal Water Department Water Shortage Contingency Plan

NOVEMBER 2022

San Bernardino Municipal Water Department





SAN BERNARDINO MUNICIPAL WATER DEPARTMENT



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Prepared by Water Systems Consulting, Inc.



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ACRONYMS & ABBREVIATIONS

AWIA American Water Infrastructure Association

BTAC Basin Technical Advisory Committee

CWC California Water Code

CII Commercial, Industrial, and Institutional

DWR California Department of Water Resources

DRA Drought Risk Assessment
ERP Emergency Response Plan

GW Groundwater

IRUWMP Integrated Regional Urban Water Management Plan

LHMP Local Hazard Mitigation Plan
RRA Risk and Resilience Assessment

SBBA San Bernardino Basin Area

SBMWD San Bernardino Municipal Water Department

SWP State Water Project

UWMP Urban Water Management Plan
WSCP Water Shortage Contingency Plan

WATER SHORTAGE CONTINGENCY PLAN

San Bernardino Municipal Water Department

This Water Shortage Contingency Plan is a strategic plan that the San Bernardino Municipal Water Department uses to prepare for and respond to water shortages.

The Water Shortage Contingency Plan (WSCP) is a strategic plan Bernardino Municipal Water Department (SBMWD/Department) uses to prepare for and respond to foreseeable and unforeseeable water shortages. A water shortage occurs when water supply available is insufficient to meet the normally expected customer water use at a given point in time. A shortage may occur due to a number of reasons, such as water supply quality changes, climate change, drought, regional power outage, and catastrophic events (e.g., earthquake). Additionally, the State of California (State) may declare a statewide drought emergency and mandate that water suppliers reduce demands. The WSCP serves as the operating manual that SBMWD will use to prevent catastrophic service disruptions through proactive, rather than reactive, mitigation of water shortages. This WSCP provides a process for an annual water supply and demand assessment and structured steps designed to respond to actual conditions. This level of detailed planning and preparation provides accountability and predictability that will help SBMWD maintain reliable supplies and reduce the impacts of any supply shortages and/or interruptions.

This WSCP was updated in October 2022 to transition the Department's WSCP stages to match the State of California Department of Water Resources (DWR) six standard stages and to provide the Department with additional flexibility in responding to State drought response mandates with actions appropriate for the local water supply conditions. This WSCP is a standalone document that can be modified as needed. This document is compliant with the California Water Code (CWC) Section 10632 and incorporated guidance from DWR's Urban Water Management Plan Guidebook.

IN THIS SECTION

- Water Service Reliability
- Annual Water Supply and Demand Assessment
- Supply Shortage Stages and Response Actions

The WSCP describes the following:

- 1. **Water Service Reliability Analysis:** Summarizes SBMWD's water supply analysis and reliability, and identifies any key issues that may trigger a shortage condition.
- 2. **Annual Water Supply and Demand Assessment Procedures:** Describes the key data inputs, evaluation criteria, and methodology for assessing the system's reliability for the coming year and the steps to formally declare any water shortage stages and response actions.
- 3. **Water Shortage Stages:** Establishes water shortage stages to clearly identify and prepare for shortages.
- 4. **Shortage Response Actions:** Describes the response actions that may be implemented or considered for each stage to reduce gaps between supply and demand.
- Communication Protocols: Describes communication protocols under each stage to ensure customers, the public, and government agencies are informed of shortage conditions and requirements.
- 6. **Compliance and Enforcement:** Defines compliance and enforcement actions available to administer demand reductions.
- 7. **Legal Authority:** Lists the legal documents that grant SBMWD the authority to declare a water shortage and implement and enforce response actions.
- 8. **Financial Consequences of WSCP Implementation:** Describes the anticipated financial impact of implementing water shortage stages and identifies mitigation strategies to offset financial burdens.
- 9. **Monitoring and Reporting:** Summarizes the monitoring and reporting techniques to evaluate the effectiveness of shortage response actions and overall WSCP implementation. Results are used to determine if additional shortage response actions should be adjusted.
- 10. **WSCP Refinement Procedures:** Describes the factors that may trigger updates to the WSCP and outlines how to complete an update.
- 11. **Plan Adoption, Submittal, and Availability:** Describes the process for the WSCP adoption, submittal, and availability after each revision.

1.0 Water Service Reliability Analysis

As part of the 2020 Integrated Regional Urban Water Management Plan (IRUWMP), SBMWD completed a water supply reliability analysis for normal, single-dry, and five-year consecutive dry year periods from 2025-2045. A Drought Risk Assessment (DRA) was also performed to analyze supply reliability under five consecutive years of drought from 2021-2025. As described in **Chapter 3** of the 2020 IRUWMP, the effects of a local drought are not immediately recognized since the region uses local groundwater basins to simulate a large reservoir for long-term storage. SBMWD is able to pump additional groundwater from the San Bernardino Basin Area (SBBA) to meet increased demands in dry years and participates in efforts to replenish the basins with imported and local water through regional recharge programs. Additionally, SBMWD implements several ongoing water conservation measures. Regional recharge programs and conservation help to optimize and enhance the use of regional water resources. **Based on the 2020 IRUWMP analysis, SBMWD's water supply is reliable and not expected to see impactful change under drought conditions.**

Even though localized drought conditions should not affect supply, other shortages may occur due to a number of reasons, such as water supply quality changes, regional power outage, State mandates for water use efficiency standards, and catastrophic events (e.g., earthquake). Therefore, SBMWD will use this WSCP as appropriate to address shortages and other supply emergencies.

2.0 Annual Water Supply and Demand Assessment

As an urban water supplier, SBMWD must prepare and submit an Annual Water Supply and Demand Assessment (Annual Assessment). The Final Annual Assessment will be due by July 1 of every year, as indicated by California Water Code (CWC) Section 10632.1. The Annual Assessment is an evaluation of the near-term outlook for supplies and demands to determine whether the potential for a supply shortage exists and whether there is a need to trigger a WSCP shortage stage and response actions in the current calendar year to maintain supply reliability. This process will take place at the same time each year based on known circumstances and information available to SBMWD at the time of analysis and can be updated or revised at any time if circumstances change.

SBMWD will establish and convene an internal WSCP Team to conduct the Annual Assessment each year. The WSCP may include the following staff:

- General Manager
- Director of Water Utility
- Operations Manager
- Water Utility Operations Superintendent
- > Engineering
- Water Conservation Manager
- Finance Division

The Annual Assessment procedure, including key data inputs and evaluation criteria, is summarized in **Table 1.** The Annual Assessment procedure and timeline, along with how it integrates with the regional Annual Assessment completed by Department's wholesaler, San Bernardino Valley Municipal Water District, that is conducted in parallel, is shown graphically in **Figure 1**.

Table 1. Annual Assessment Procedure

TIMING	ASSESSMENT ACTIVITIES	PROCEDURE, KEY DATA INPUTS, EVALUATION CRITERIA AND OTHER CONSIDERATIONS	STAFF RESPONSIBLE
JAN - FEB	Estimate unconstrained demands for coming year	Demands will be estimated based on water sales forecasts from annual budget or prior year demands plus any anticipated changes	Water Conservation Manager, Finance Division
JAN - FEB	Estimate available supplies for the year, considering the following year will be dry	The Basin Technical Advisory Committee (BTAC) evaluates change in groundwater storage each year and discusses allocation of available supplies. The SBBA is sustainably managed to provide long-term supply reliability and is not anticipated to be impacted in dry years. In the unlikely event that local supplies are reduced, SBMWD will coordinate with the BTAC to identify available supplies for the coming year.	General Manager, Director of Water Utility
JAN - FEB	Consider potential constraints that may impact supply delivery	Identify any known regional or SBMWD infrastructure issues that may pertain to nearterm water supply reliability, including repairs, construction, and environmental mitigation measures that may temporarily constrain capabilities, as well as any new projects that may add to system capacity. Identify any facilities out of service due to water quality problems, equipment failure, etc. that may impact normal water deliveries.	Director of Water Utility, Water Utility Operations Superintendent
		Identify any potential or emerging impacts to groundwater quality, such as emerging regulatory constraints that may limit use of available supplies for potable needs.	
FEB	Convene WSCP Team to conduct Annual Assessment	Compare supplies and demands and discuss any constraints that may impact supply delivery. If the potential for a shortage exists, determine which shortage response stage and actions are recommended to reduce/eliminate the shortage. Additionally, if the State declares a drought	WSCP Team
		state of emergency and requires demand reductions, the WSCP Team will determine	

TIMING	ASSESSMENT ACTIVITIES	PROCEDURE, KEY DATA INPUTS, EVALUATION CRITERIA AND OTHER CONSIDERATIONS	STAFF RESPONSIBLE
		which water shortage stage and response actions are needed to comply with the State mandate.	
JUNE	Board of Directors	If the potential for a shortage exists or the State has mandated demand reductions, the results of the Annual Assessment will be presented to the SBMWD Water Board, including the recommended shortage stage and response actions. The Water Board may order the implementation of a shortage stage and will adopt a resolution declaring the applicable water shortage stage.	General Manager Water Board
ON- GOING	Implement WSCP actions, if needed	Relevant members of SBMWD staff will implement shortage response actions associated with the declared water shortage stage	WSCP Team, Customer Relations, Information Technology
BY JULY 1	Submit Retail Annual Assessment	Send Final Retail Annual Assessment to DWR	WSCP Team

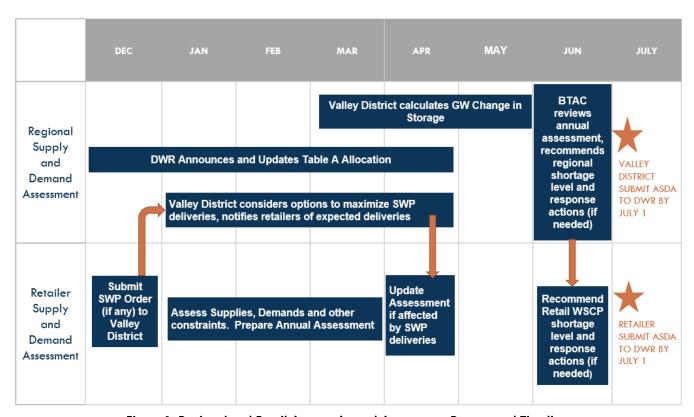


Figure 1. Regional and Retail Agency Annual Assessment Process and Timeline

3.0 Water Shortage Stages

With the exception of a catastrophic failure of infrastructure, SBMWD does not foresee imposing a water shortage stage due to a supply shortage. SBMWD may impose a water shortage stage to encourage efficient water use and to comply with State drought mandates, such as those that occurred in 2014 and again in 2022 with Governor Newsom's Executive Order N-7-22 (EO N-7-22), which required that urban water suppliers implement demand reduction actions listed in the supplier's state standard shortage stage 2. This section provides information on the water shortage stages and response actions that SBMWD may implement.

The CWC outlines six standard water shortage stages that correspond to a shortage compared to normal year availability. The six standard water shortage stages correspond to progressively increasing estimated shortage conditions (up to 10-, 20-, 30-, 40-, 50-percent, and greater than 50-percent shortage compared to the normal reliability condition) and align with the response actions that a water supplier would implement to meet the severity of the impending shortages. To align with CWC, SBMWD uses six (6) shortage stages to identify and respond to potential water shortage conditions, which are demonstrated in Table 2 below. At a minimum, SBMWD encourages efficient water use year-round, regardless of a supply shortage.

Table 2: DWR 8-1 Water Shortage Contingency Plan Stages

SHORTAGE STAGE	PERCENT SHORTAGE RANGE (NUMERICAL VALUE AS A PERCENT)	WATER SHORTAGE CONDITION
1	Up to 10%	Permanent Water Use Efficiency Standards
2	Up to 20%	Water Supply Alert
3	Up to 30%	Water Supply Warning
4	Up to 40%	Threatened Water Supply Condition
5	Up to 50%	Critical Water Shortage
6	>50%	Water Shortage Emergency

Stage 1 – Permanent Water Use Efficiency Standards

Due to continuous conservation efforts to preserve San Bernardino's water supply in the region's arid climate, Stage 1 will be maintained at all times. All water customers are advised to use water wisely, to prevent the waste or unreasonable use of water, and to reduce water consumption to that necessary for ordinary domestic and commercial purposes.

Stage 2 - Water Supply Alert

A Water Shortage Stage 2 – Water Supply Alert shall be in effect when the Department determines there is a potential water supply shortage condition of up to twenty percent (20%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures listed in Table 3 in addition to the permanent water conservation measures implemented in Stage 1.

Stage 3 - Water Supply Warning

A Water Shortage Stage 3 – Water Supply Warning shall be in effect when the Department determines there is a potential water supply shortage condition of up to thirty percent (30%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures listed in Table 3 in addition to the permanent water Stage 1 conservation measures and water conservation measures implemented in Stage 2.

Stage 4 – Threatened Water Supply Condition

A Water Shortage Stage 4 – Threatened Water Supply Condition shall be in effect when the Department determines there is a potential water supply shortage condition of up to forty percent (40%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures listed in **Table 3** in addition to the permanent water Stage 1 conservation measures and water conservation measures implemented in Stages 2-3.

Stage 5 – Critical Water Supply Condition

A Water Shortage Stage 5 – Critical Water Shortage shall be in effect when the Department determines there is a potential water supply shortage condition of up to fifty percent (50%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures listed in **Table 3** in addition to the permanent water Stage 1 conservation measures and water conservation measures implemented in Stages 2-4.

Stage 6 – Water Shortage Emergency

A Water Shortage Stage 6 – Water Shortage Emergency shall be in effect when the Department determines there is a potential water supply shortage condition of over fifty percent (50%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures listed in **Table 3** in addition to the permanent water Stage 1 conservation measures and water conservation measures implemented in Stages 2-5.

4.0 Shortage Response Actions

This section was completed pursuant to CWC Section 10632(a)(4) and 10632.5(a) and describes the response actions that will be implemented or considered for each stage to minimize social and economic impacts to the community. Shortage response actions per water shortage stage are also listed in the Department's Rules and Regulation No. 27 – Water Use Efficiency Standards provided in **Attachment 1**. Refer to Section 6.0 for the issuances of permits by the General Manager for uses of water otherwise prohibited under the shortage response actions or Rule and Regulation No. 27.

These shortage response actions align with defined shortage levels, and include, at a minimum, all the following:

- Locally appropriate supply augmentation actions.
- Locally appropriate demand reduction actions to adequately respond to shortages.
- · Locally appropriate operational changes.
- Additional, mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions.
- An estimate of the extent to which the gap between supplies and demand will be reduced by implementation of each action.

In accordance with CWC 10632(b) SBMWD analyzes and defines decorative water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from recreational water features such as swimming pools and spas.

4.1 Supply Augmentation

Supply augmentation is defined as any action designed to increase the existing supply availability such as the use of emergency storage or acquiring additional transfer water. **Table 3** identifies the supply augmentation actions SBMWD can take in the event of a water shortage condition. SBMWD has water exchange and transfer agreements with several of the surrounding agencies on an as-needed basis. During water shortage conditions, SBMWD may be able to obtain supplemental water supply through these connections, if available.

Table 3: DWR 8-3R Supply Augmentation & Other Actions

All	Exchanges	0-100%	SBMWD has water exchange and transfer agreements with several of the surrounding agencies on an as-needed basis.
SHORTAGE STAGE	SUPPLY AUGMENTATION METHODS AND OTHER ACTIONS BY WATER SUPPLIER	HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP?	ADDITIONAL EXPLANATION OR REFERENCE

4.2 Demand Reduction

Demand reduction methods are actions invoked by a water agency to reduce consumption, such as expanding public information campaigns, offering water use evaluations, or prohibitions on end uses. DWR defines prohibitions on end uses as measures to address areas that are the responsibility of the end users, such as a broken sprinkler or leaking faucet.

In addition to prohibitions on end uses, SBMWD offers various rebates to encourage conservation (e.g., turf removal, efficient irrigation, ultra-low flush toilet replacements, etc.) and has a water rate structure that promotes water efficiency. Table 4 summarizes all demand reduction actions.

Table 4: DWR 8-2 Demand Reduction Actions

SHORTAGE STAGE	DEMAND REDUCTION ACTIONS	HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP?	ADDITIONAL EXPLANATION OR REFERENCE	PENALTY, CHARGE, OR OTHER ENFORCEMENT
1	Landscape – Limit landscape irrigation to specific times	0-5%	Customers are encouraged to maintain spray irrigation between the hours of 6:00 p.m. and 10:00 a.m.	No
1	Landscape - Limit landscape irrigation to specific days	0-5%	Customers are encouraged to limit spray irrigation to four days per week.	No
1	Other ¹	NA ²	Watering and preservation of trees is encouraged.	No
1	Other water feature or swimming pool restriction	0-1%	Customers are encouraged to utilize pool and/or spa covers when not in use to minimize water loss due to evaporation.	No
1	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	0-1%	Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair are to be corrected within a timely manner.	Yes
1	Landscape - Restrict of prohibit runoff from landscape irrigation.	0-5%	The application of water for irrigation in a manner that causes excessive run off is prohibited. Water flowing from an irrigation system onto an adjacent property is considered excessive run off.	Yes
1	Other ¹	0-1%	No water provided by the Department shall be used for the purposes of washing down impervious areas without the use of an automatic shut-off nozzle, except to maintain public health and safety standards.	Yes
1	Water Features - Restrict water use for decorative water features, such as fountains	0-1%	Decorative water fountains or other decorative water features must recirculate water.	Yes
1	Landscape - Other landscape restriction or prohibition	0-5%	The application of water provided by the Department for irrigation of outdoor landscapes during or within 48 hours after one-quarter inch (1/4") of rainfall is prohibited.	Yes
1	CII - Lodging establishments must offer opt out of linen service	0-1%	All hotels/motels shall provide their guests with the option not to have towels and linens laundered daily. The hotel/motel must prominently display notice of the option in each room.	Yes
1	CII - Other restriction of prohibition	0-1%	The serving of drinking water other than upon request is prohibited, in eating or drinking establishments including but not limited to restaurants, hotels, cafes, cafeterias, bars or any other place where food or drink are served.	Yes

SHORTAGE STAGE	DEMAND REDUCTION ACTIONS	HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP?	ADDITIONAL EXPLANATION OR REFERENCE	PENALTY, CHARGE, OR OTHER ENFORCEMENT
1	Offer Water Use Surveys	0-5%	The Department will provide water use evaluations at no charge to customers upon request. The Department may provide historical water use data to commercial and industrial facilities for use in developing water use efficiency recommendations for these facilities.	No
1	Other ¹	0-5%	The Department will encourage efficient outdoor water use and discourage daily irrigation to promote water use efficiency.	No
1	Expand Public Information Campaign	0-10%	The Department will implement outreach and education programs encouraging indoor and outdoor water use efficiency.	No
1	Provide Rebates for Plumbing Fixtures and Devices, Turf Replacement, and Landscape Irrigation Efficiency	0-10%	The Department will implement indoor and outdoor rebate programs for customers for appliances, fixtures, irrigation, and other water reduction measures.	No
1	Improve Customer Billing	0-2%	The Department will maintain tiered water rates for residential single-family properties to encourage efficient use of water.	No
1	Other ¹	0-1%	The Department will monitor reports of water waste.	No
1	Implement or Modify Drought Rate Structure or Surcharge	0-5%	The Department reserves the right to implement Drought Surcharge Rates for all customers in the event of a local or state drought emergency mandate upon approval of the Water Board.	Yes
1	Other ¹	0-50%	The Department reserves the right to impose emergency water conservation actions as directed by executive order, or local or state mandate.	Yes
1	Landscape - Other landscape restriction or prohibition	0-10%	The Department reserves the right to prohibit or limit outdoor irrigation at any time depending on the severity of a statewide or local water shortage emergency.	Yes
2	Landscape - Limit landscape irrigation to specific times	0-5%	Spray irrigation shall only be permitted between the hours of 6:00 p.m. and 10:00 a.m. This standard does not apply to watering of landscapes by hand with the use of a hose fitted with an automatic shut-off nozzle.	Yes
2	Landscape - Other landscape restriction or prohibition	0-5%	Spray irrigation shall be limited to four (4) days per week and fifteen (15) minute irrigation cycles per station per day.	Yes
2	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	0-1%	Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair must be corrected within five (5) business days of Department notification.	Yes

SHORTAGE STAGE	DEMAND REDUCTION ACTIONS	HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP?	ADDITIONAL EXPLANATION OR REFERENCE	PENALTY, CHARGE, OR OTHER ENFORCEMENT
2	Other ¹	0-1%	Washing of vehicles is not permitted except with an automatic shut-off device, or at a commercial car washing facility designated for vehicle washing.	Yes
2	Other ¹	0-1%	No water provided by the Department shall be used for the purposes of washing down impervious areas without the use of high-pressure wash equipment, except to maintain public health and safety standards.	Yes
2	CII - Other restriction or prohibition	0-10%	The Department shall request the City Manager to direct Parks and Recreation and all City Facilities to limit irrigation to four days per week or reduce irrigation water use by twenty percent (20%) as compared to average usage from benchmark year of 2013. The continued irrigation of city trees and other non-turf plants is encouraged.	No
2	CII - Other restriction or prohibition	0-10%	The Department shall request golf courses to limit irrigation to four days per week or reduce irrigation water use by twenty percent (20%) as compared to average usage from benchmark year of 2013. The continued irrigation of city trees and other non-turf plants is encouraged.	No
2	Expand Public Information Campaign	0-5%	The Department shall expand its public information campaign on water supply conditions and encourage increased indoor and outdoor water use efficiency.	No
3	Landscape - Limit landscape irrigation to specific times	0-5%	Spray irrigation shall only be permitted between the hours of 6:00 p.m. and 8:00 a.m. This standard does not apply to watering of landscapes by hand with the use of a hose fitted with an automatic shut-off nozzle.	Yes
3	Landscape - Limit landscape irrigation to specific days	0-5%	Spray irrigation shall be limited to three (3) days per week on Mondays, Wednesdays, and Fridays.	Yes
3	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	0-1%	Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair must be corrected within three (3) business days of Department notification.	Yes
3	Landscape - Other landscape restriction or prohibition	0-5%	The application of water provided by the Department for irrigation of outdoor landscapes during or within forty-eight (48) hours after one-eighth inch (1/8") of rainfall is prohibited.	Yes

SHORTAGE STAGE	DEMAND REDUCTION ACTIONS	HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP?	ADDITIONAL EXPLANATION OR REFERENCE	PENALTY, CHARGE, OR OTHER ENFORCEMENT
3	Water Features - Restrict water use for decorative water features, such as fountains	0-1%	Customers are encouraged to not empty, refill, or add water to decorative water features, including ponds, fountains, and artificial lakes.	No
3	CII – Other CII restriction or prohibition	0-1%	Customers are encouraged to retrofit non-recirculating systems at car washes and commercial laundry facilities to recirculating systems.	No
3	Landscape - Other landscape restriction or prohibition	0-1%	Medians and bordering parkways located within the right-of-way are prohibited to use potable water to irrigate non-functional grass turf. Bordering parkways are considered the strips of non-functional ornamental turf adjacent to the street on non-residential properties. Continued watering of trees and other plants in medians and parkways is permitted.	Yes
3	CII - Other restriction or prohibition	0-10%	The Department shall request the City Manager to direct Parks and Recreation and all City facilities to limit irrigation to three days per week or reduce irrigation water use by thirty percent (30%) as compared to average usage from benchmark year of 2013. The continued irrigation of city trees and other non-turf plants is encouraged.	No
3	CII - Other restriction or prohibition	0-10%	The Department shall request golf courses to limit irrigation to three days per week or reduce irrigation water use by thirty percent (30%) as compared to average usage from benchmark year of 2013. The continued irrigation of city trees and other non-turf plants is encouraged.	No
4	Landscape - Limit landscape irrigation to specific times	0-5%	Spray irrigation shall only be permitted between the hours of 8:00 p.m. and 8:00 a.m. This standard does not apply to watering of landscapes by hand with the use of a hose fitted with an automatic shut-off nozzle.	Yes
4	Landscape - Other landscape restriction or prohibition	0-5%	Spray irrigation is limited to Mondays, Wednesdays and Fridays, and 10 minutes per station per day.	Yes
4	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	0-1%	Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair must be corrected within forty-eight (48) hours of Department notification.	Yes
4	Landscape - Other landscape restriction or prohibition	0-5%	The application of water provided by the Department for irrigation of outdoor landscapes during or within seventy-two (72) hours after one-eighth inch (1/8") of rainfall is prohibited.	Yes

SHORTAGE STAGE	DEMAND REDUCTION ACTIONS	HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP?	ADDITIONAL EXPLANATION OR REFERENCE	PENALTY, CHARGE, OR OTHER ENFORCEMENT
	Other water feature or swimming pool restriction	0-1%	Customers are encouraged to not empty, refill, or add water to recreational water features.	No
	Water Features - Restrict water use for decorative water features, such as fountains	0-1%	Emptying, refilling, or adding water to decorative water features is prohibited. Exceptions may be made to sustain biological life, such as fish, or for municipally owned or operated ponds.	Yes
4	Other ¹	NA ²	Continued watering and additional precaution for the preservation of trees is highly encouraged.	No
	Expand Public Information Campaign	0-15%	The Department shall expand targeted communications focusing on CII customers with highest water use and single-family residential customers with tier 3 usage to provide conservation resources and educational opportunities such as workshops, classes, and other public-facing community events.	No
	Provide Rebates for Plumbing Fixtures and Devices, Turf Replacement, and Landscape Irrigation Efficiency	0-10%	The Department will expand its indoor and outdoor rebate programs to assist customers with mandatory conservation efforts.	No
	CII - Other restriction or prohibition	0-10%	The Department shall request the City Manager to direct Parks and Recreation and all City facilities to limit irrigation to three days per week or reduce irrigation water use by forty percent (40%) as compared to average usage from benchmark year of 2013.	No
	CII - Other restriction or prohibition	0-10%	The Department shall request golf courses to limit irrigation to three days per week or reduce irrigation water use by forty percent (40%) as compared to average usage from benchmark year of 2013.	No
	Pools and Spas - Require covers for pools and spas	0-1%	The Department shall request the City Manager to direct Public Works to utilize pool covers for all City outdoor swimming pool facilities.	No
1	Other ¹	0-1%	The Department shall request the City Manager to direct Public Works to pause operation of City splash pad facilities that do not recirculate water.	No
	Landscape - Limit landscape irrigation to specific times	5-20%	All irrigation including drip and hand watering shall only take place on Mondays and Fridays between the hours of 8:00 p.m. and 8:00 a.m.	Yes

SHORTAGE STAGE	DEMAND REDUCTION ACTIONS	HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP?	ADDITIONAL EXPLANATION OR REFERENCE	PENALTY, CHARGE, OR OTHER ENFORCEMENT
5	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	0-1%	Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair must be corrected within twenty-four (24) hours of Department notification.	Yes
5	Other ¹	0-1%	The washing of cars, trucks or other vehicles is not permitted except at commercial vehicle washing facilities.	Yes
5	Other water feature or swimming pool restriction	0-1%	Refilling, or adding water to recreational water features is prohibited.	Yes
5	CII - Other restriction or prohibition	0-10%	The Department shall request the City Manager to direct Parks and Recreation and all City facilities to limit irrigation to two days per week or reduce potable water provided by fifty percent (50%) as compared to average usage from benchmark year of 2013.	No
5	CII - Other restriction or prohibition	0-10%	The Department shall request golf courses to limit irrigation to two days per week or reduce potable water provided by fifty percent (50%) as compared to average usage from benchmark year of 2013.	No
5	Other - Prohibit use of potable water for construction and dust control	0-1%	Upon direction of the General Manager, the use of potable water for construction site preparation purposes is prohibited, other than to maintain necessary fire and safety standards.	Yes
6	Landscape - Prohibit certain types of landscape irrigation	0-20%	Upon direction of the General Manager, all potable landscape irrigation may be prohibited.	Yes
6	Moratorium or Net Zero Demand Increase on New Connections	0-1%	No new construction meter permits shall be issued by the Department. All existing construction meters may be removed and/or locked.	Yes

Notes:

¹ Demand Reduction Actions marked as "other" do not fall into a specific demand reduction category as listed by the State of California Department of

Water Resources (DWR).

² NA refers to "Not Applicable." The continued watering and preservation of trees is included as a best practice but will not contribute to the reduction of the shortage gap, if present.

4.3 Operational Changes and Additional Mandatory Restrictions

Operational changes are defined as actions taken by the Department to change the way in which existing supplies are used within its service area. During shortage conditions, operations may be affected by supply augmentation or demand reduction actions. SBMWD will consider its operational procedures when it completes its Annual Assessment. Any additional mandatory restrictions implemented in response to the declaration of a shortage response stage, beyond the actions listed in Table 3 and Table 4, are listed in SBMWD's Rules and Regulation No. 27 – Water Use Efficiency Standards provided in Attachment 1.

4.4 Emergency Response Plan

In 2020, SBMWD completed a Risk and Resilience Assessment (RRA) and Emergency Response Plan (ERP) in accordance with America's Water Infrastructure Act (AWIA) of 2018. The purpose of the RRA and ERP is to meet the AWIA compliance requirements and plan for long-term resilience of SBMWD's infrastructure. The RRA assessed SBMWD's water system to identify critical assets and processes that may be vulnerable to human and natural hazards, and to identify measures that can be taken to reduce risk and enhance resilience from service disruption for the benefit of customers. The RRA identifies and characterizes both infrastructure-specific and system-wide vulnerabilities and threats and quantifies the consequences of disruption. The RRA also identifies various options (and constraints) in addressing and mitigating risk and provides various recommendations to increase reliability of SBMWD's system. Since critical pieces of infrastructure and specific vulnerabilities are detailed in the RRA and ERP, the contents of the documents are for confidential use by SBMWD staff only. However, SBMWD can confirm that these plans meet the requirements set forth by AWIA and evaluate seismic risks and mitigation actions to SBMWD's infrastructure.

In the event of a water shortage emergency resulting from equipment failure, power outage, or other catastrophe, SBMWD is prepared to purchase emergency water supplies from nearby agencies while repairs or other remedial actions are underway. SBMWD may also implement its six-stage plan for conservation, as described above, with either voluntary or mandatory reductions depending on the severity of the shortage. For severe disasters (Stage 6), mandatory water use reductions are specified.

4.5 Seismic Risk Assessment and Mitigation Plan

Disasters, such as earthquakes, can and will occur without notice. In addition to the AWIA RRA and ERP, SBMWD has a 2019 Local Hazard Mitigation Plan (LHMP) that includes an assessment of seismic risk and mitigation for water facilities.¹

The LHMP ranked SBMWD's facilities by their importance to the production and delivery of drinking water, and then used this ranking to develop an estimate of potential economic impacts that could be caused by the high priority hazards. The LHMP also identified a set of hazard mitigation actions that are intended to reduce the impact of hazards, including:

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 $^{^{1}\} https://www.sbmwd.org/DocumentCenter/View/8398/2019-SBMWD-Local-Hazard-Mitigation-Plance and the content of the conten$

- Design new facilities and upgrade existing facilities to withstand an 8.0 earthquake.
- > Adopt cost-effective codes and standards to protect life, properties, and critical infrastructure.

4.6 Shortage Response Action Effectiveness

The Department's consultant, Water Systems Consulting (WSC), estimated the effectiveness of shortage response actions in **Table 3** and **Table 4** where data pertaining to such actions were available. It is expected that effectiveness of the response actions is also a result of effective communication and outreach efforts.

5.0 Communication Protocols

SBMWD prioritizes effective communication, especially in times of a water shortage emergency. SBMWD routinely communicates to customers regarding the announcement of new or ongoing water shortage stages. Communication actions may include, but are not limited to, bill inserts, handouts, informative flyers, and direct mail pieces to customers, news releases, community presentations, email notifications, social media outreach, and website content. SBMWD continues to provide reminders about shortage stages and encourages wise water use at all times.

6.0 Compliance and Enforcement

SBMWD continuously promotes wise water use to prevent the waste or unreasonable use of water. It is unlikely that the Department would implement drought surcharge rates and penalties for excessive use unless absolutely necessary to engage unresponsive customers and/or to maintain compliance with State-mandated water shortage declarations. Note the Department maintains authority in all water shortage stages to expedite and impose maximum daily penalties and/or restrict or discontinue service for failure to comply with the conservation standards, depending on the severity of the water waste.

The Department focuses much of its drought response on education, informing customers of ways to reduce water use, and serving as an informational resource to the public. However, there are times when additional measures must be utilized to protect the water supply. The Department has measures in place to address violations of the water use efficiency standards outlined in Rule and Regulation No. 27 included as **Attachment 1** depending on the water shortage condition. These measures may result in the imposition of surcharges, fines, water use restrictions, and/or termination of water service depending on the water shortage condition. Enforcement of violations are set forth for water shortage contingency stages 1-4 and 5-6 separately below.

Enforcement in Water Shortage Contingency Stages 1-4

Step 1 (1st Violation) – A warning letter shall be issued to the customer/owner describing the
water waste issue and notice of potential fines for continuing water waste, providing a
Department customer service contact for conservation information and assistance. Provides
customer/owner seven (7) calendar days to remedy the water waste situation and comply with
conservation restrictions.

- Step 2 (2nd Violation) The Department may conduct a customer/owner site visit or phone call
 to discuss nature of the water waste and potential solutions. A second Notice of Violation letter
 may be issued allowing seven (7) calendar days to remedy the water waste situation and
 comply with conservation restrictions.
- 3. **Step 3 (3rd Violation)** A third Notice of Violation letter informing customer/owner of financial penalty and allowing seven (7) calendar days to remedy water waste situation and comply with conservation restrictions. A one hundred dollar (\$100.00) penalty may be assessed.
- 4. Step 4 (Subsequent Violations) Additional penalties may be assessed increasing incrementally by one hundred dollars (\$100.00) per occurrence, up to a limit of five hundred dollars (\$500.00) per incident. Customer/owner shall receive a separate notice per each subsequent violation and will have seven (7) calendar days after each notification to remedy the water waste situation and comply with conservation restrictions.
- 5. Step 5 (Other Enforcement Measures) The provisions of this section shall be applied in addition to any other penalties provided in this rule and shall be applied at the discretion of the General Manager. The Department maintains authority in all water shortage stages to expedite the issuance of the maximum daily penalties and/or to restrict or discontinue water supplied to a service for failure to comply with the conservation standards, depending on the severity of the water waste.

Enforcement in Water Shortage Contingency Stages 5-6

- Step 1 (1st Violation) A warning letter shall be issued to the customer/owner describing the
 water waste issue and notice of potential fines for continuing water waste, providing a
 Department customer service contact for conservation information and assistance. Provides
 customer/owner three (3) calendar days to remedy the water waste situation and comply with
 conservation restrictions.
- 2. **Step 2 (2nd Violation)** The Department may conduct a customer/owner site visit or phone call to discuss nature of the water waste and potential solutions. A second Notice of Violation letter may be issued allowing three (3) calendar days to remedy the water waste situation and comply with conservation restrictions.
- 3. **Step 3 (3rd Violation)** A third Notice of Violation letter informing customer/owner of financial penalty and allowing three (7) calendar days to remedy water waste situation and comply with conservation restrictions. A three hundred dollar (\$300.00) penalty may be assessed.
- 4. Step 4 (Subsequent Violations) Additional penalties may be assessed increasing incrementally by one hundred dollars (\$100.00) per occurrence, up to a limit of five hundred dollars (\$500.00) per incident. Customer/owner shall receive a separate notice per each subsequent violation and will have three (3) calendar days after each notification to remedy the water waste situation and comply with conservation restrictions.
- 5. Step 5 (Other Enforcement Measures) The provisions of this section shall be applied in addition to any other penalties provided in this rule and shall be applied at the discretion of the

General Manager. The Department maintains authority in all water shortage stages to expedite the issuance of the maximum daily penalties and/or to restrict or discontinue water supplied to a service for failure to comply with the conservation standards, depending on the severity of the water waste.

The General Manager may grant permits for uses of water otherwise prohibited under the shortage response actions or Rule and Regulation No. 27 if they determine that these standards herein would either:

- > Cause an undue hardship to the water user or the public
- > Cause an emergency condition affecting the health, sanitation, fire protection, or safety of the water use to the public

Such exceptions may be granted only upon written request. Upon granting an exception, the General Manager may impose conditions they determine to be appropriate.

7.0 Legal Authorities

A Drought Contingency Plan and Water Conservation Policy were first adopted by SBMWD in 1991. More recently, on November 22, 2022, the City of San Bernardino Water Board passed Resolution 2022-031, which amended the Department's WSCP to adopt the following water shortage stages also outlined in Section 3 of the Department's Rule and Regulation No. 27 included as **Attachment 1**; (1) Permanent Water Use Efficiency Standards, (2) Water Supply Alert, (3) Water Supply Warning, (4) Threatened Water Supply Condition, (5) Critical Water Shortage, and (6) Water Shortage Emergency.

7.1 Water Shortage Emergency Declaration

In accordance with CWC Section Division 1, Section 350 – SBMWD shall declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

7.2 Local/Regional Emergency Declaration

If a water shortage is imminent, SBMWD shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency.

8.0 Financial Consequences of WSCP

To ensure SBMWD's customers comply with Rule and Regulation No. 27 and CWC Chapter 3.3 (Excessive Residential Water Use During Drought), additional costs may be incurred to monitor and enforce response actions. The incurred cost may vary depending on the shortage stage and duration of the water shortage emergency.

The projected impact on water sales for a one-year period under a Stage 2 water shortage condition would result in an overall decrease in water sales revenue of approximately ten-percent. A decrease in water sales revenue of this magnitude would not adversely impact the financial operations of SBMWD.

Under a Stage 3 water shortage condition, SBMWD seeks to achieve up to a thirty-percent reduction in water use and assess financial penalties on usage in excess of those amounts. If customers achieve the target reductions, the reduction in revenue to SBMWD would be between twenty and thirty percent.

A one-year period under a Stage 4 water shortage condition would reduce sales revenue by approximately thirty to forty-percent given the current rate structure. Adequate reserves are available to cover both water shortage stage 2 and 3 scenarios described above. However, a thirty-percent reduction in water sales revenue would necessitate a water rate increase if the Stage 3 condition continued beyond the initial one-year period.

9.0 Monitoring and Reporting

The water savings from implementation of the WSCP will be determined based on monthly production reports which are reviewed and compared to production reports and pumping statistics from prior months and the same period of prior years. Under shortage conditions, these production reports could be prepared as often as daily. At first, the cumulative consumption for the various sectors (e.g., residential, commercial, etc.) will be evaluated for reaching the target level of demand reduction. Then, if needed, individual accounts will be monitored. Weather and other possible influences may be accounted for in the evaluation.

10.0 WSCP Refinement Procedures

The WSCP is best prepared and implemented as an adaptive management plan. SBMWD will utilize results obtained from their monitoring and reporting program to evaluate any needs for revisions. Potential changes to the WSCP that would warrant an update include, but are not limited to, any changes to trigger conditions for new water shortage stages, changes to the shortage stage structure, and/or changes to shortage response actions.

Any prospective changes to the WSCP must be presented to the SBMWD Water Board for discretionary approval. Once discretionary approval has been granted, SBMWD will hold a public hearing, acquire and review any comments, and adopt the updated WSCP. Notices for refinement and the public hearing date will be published in the local newspaper in advance of any public meetings.

11.0 Plan Adoption, Submittal and Availability

SBMWD's 2022 WSCP was made available for public review in **October 2022** and a public hearing was held on **November 22**, **2022** to receive public input on the draft plan.

The SBMWD Water Board adopted the WSCP at a public hearing on **November 22**, **2022**. The resolution of adoption is included as **Attachment 2**.

This WSCP was submitted to DWR through the WUEData portal within 30 days of adoption.

This WSCP was made available to the public on the Department's web site within 30 days of adoption.

If SBMWD identifies the need to amend this WSCP, it will follow the same procedures for notification to cities, counties, and the public as those that were used for this WSCP.

References

- California Department of Water Resources. (2021). *Urban Water Management Plan Guidebook 2020.* Sacramento: California Department of Water Resources.
- Texas Living Waters Project. (2018). Water Conservation by the Yard: A Statewide Analysis of Outdoor Water Savings Potential. Austin: Texas Living Waters Project, Sierra Club, National Wildlife Federation. Retrieved from Texas Living Waters Project.
- United States Environmental Protection Agency, Office of Water. (2002). Cases in Water Conservation: How Efficiency Programs Help Water Utilities Save Water and Avoid Costs. United States Environmental Protection Agency.

Attachment 1: SBMWD Rule and Regulation No. 27

Attachment 2: Adoption Resolution

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

1350 South "E" Street San Bernardino, CA 92408 P.O. Box 710, 92402

RULE AND REGULATION NO. 27 WATER USE EFFICIENCY STANDARDS

1.0 PURPOSE AND IMPLEMENTATION

The following Rules and Regulations are effective in the City of San Bernardino and were established by resolution of the City of San Bernardino Water Board (Water Board). To preserve local water supplies, promote the efficient use of water, and to comply with State of California mandates, the City of San Bernardino Municipal Water Department (SBMWD/Department) shall implement the following procedure in response to drought or water supply shortage declarations or similar service interruptions in the delivery of water to its customers in accordance with the Department's state mandated Water Shortage Contingency Plan (WSCP). The full contents the WSCP shall be made available on the Department's website SBMWD.org. During any drought, water shortage condition or State mandate described herein, the Department's General Manager may declare any one of six response stages with ratification by the Water Board at the soonest regular Water Board meeting.

A declaration of a non-permanent Water Shortage Contingency Stage may result from:

- A. Interruption of service through major plant failure.
- B. Interruption of water supply replenishment from various resources.
- C. Rainfall level at twenty-five percent (25%) or more below baseline levels for a period of at least six months.
- D. A natural disaster or other emergency event.
- E. Regulations and/or emergency mandates imposed by the State Water Resources Control Board (SWRCB), the Department of Water Resources (DWR), and/or executive order(s) from the Governor's office.

All Rules and Regulations herein set forth are subject at all times to change or abolition by action of the Water Board as the respective and controlling authority of the Department. Copies of the Rules and Regulations in effect will be kept on file and up to date in the offices of the Department. Consumers or others contemplating any expenditure or activities governed by these rules and regulations should assure themselves that they have the latest and correct information by contacting the Department.

2.0 EXCEPTIONS

The water use efficiency standards outlined herein are not applicable to water usage necessary for public health and safety or for essential governmental services. The Department reserves the right to waive any water restriction penalty when, in its discretion, such consumption is required to maintain an adequate level or public health or safety.

The General Manager may grant exemptions for uses of water otherwise prohibited under the provisions of this Rule and Regulation if they determine that these standards would cause an undue hardship to the water user, the public; or cause an emergency condition affecting the health, sanitation, fire protection, or safety of the water use to the public. Such exemptions may be granted only upon written request. Upon granting an exemption, the General Manager may impose conditions they determine to be just and proper.

3.0 WATER SHORTAGE CONTINGENCY STAGES AND ACTIONS

3.1 Stage 1 (Permanent Water Use Efficiency Standards)

Due to continuous conservation efforts to preserve San Bernardino's water supply in the region's arid climate, Stage 1 will be maintained at all times. All water customers are advised to use water wisely, to prevent the waste or unreasonable use of water, and to reduce water consumption to that necessary for ordinary domestic and commercial purposes. The following actions shall be in effect at all times.

- A. Stage 1 water use efficiency standards:
 - (1) Customers are encouraged to limit spray irrigation between the hours of 10:00 a.m. and 6:00 p.m.
 - (2) Customers are encouraged to limit spray irrigation to four days per week.

- (3) Watering and preservation of trees is encouraged.
- (4) Customers are encouraged to utilize pool and/or spa covers when not in use to minimize water loss due to evaporation.
- (5) Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair are to be corrected within a timely manner.
- (6) The application of water for irrigation in a manner that causes excessive run off is prohibited. Water flowing from an irrigation system onto an adjacent property is considered excessive run off.
- (7) No water provided by the Department shall be used for the purposes of washing down impervious areas without the use of an automatic shut-off nozzle, except to maintain public health and safety standards.
- (8) Decorative water fountains or other decorative water features must recirculate water.
- (9) The application of water provided by the Department for irrigation of outdoor landscapes during or within 48 hours after one-quarter inch (1/4") of rainfall is prohibited.
- (10) All hotels/motels shall provide their guests with the option not to have towels and linens laundered daily. The hotel/motel must prominently display notice of the option in each room.
- (11) The serving of drinking water other than upon request is prohibited, in eating or drinking establishments including but not limited to restaurants, hotels, cafes, cafeterias, bars or any other place where food or drink are served.
- (12) The Department will provide water use evaluations at no charge to customers upon request. The Department may provide historical water use data to commercial and industrial facilities for use in developing water use efficiency recommendations for these facilities.
- (13) The Department will encourage efficient outdoor water use and discourage daily irrigation to promote water use efficiency.
- (14) The Department will implement outreach and education programs encouraging indoor and outdoor water use efficiency.
- (15) The Department will implement indoor and outdoor rebate programs for customers for appliances,

- fixtures, irrigation, and other water reduction measures.
- (16) The Department will maintain tiered water rates for residential single-family properties to encourage efficient use of water.
- (17) The Department will monitor reports of water waste.
- (18) The Department reserves the right to implement Drought Surcharge Rates for all customers in the event of a local or state drought emergency mandate upon approval of the Water Board.
- (19) The Department reserves the right to impose emergency water conservation actions as directed by executive order, or local or state mandate.
- (20) The Department reserves the right to prohibit or limit outdoor irrigation at any time depending on the severity of a statewide or local water shortage emergency.

3.2 Stage 2 (Water Supply Alert)

Stage 2 shall be in effect when the Department determines there is a potential water supply shortage condition of up to twenty-percent (20%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a Stage 2 water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures in addition to the permanent water conservation measures implemented in Stage 1.

- A. Stage 2 water use efficiency standards shall include all actions identified in Stage 1 in addition to:
 - (1) Spray irrigation shall only be permitted between the hours of 6:00 p.m. and 10:00 a.m. This standard does not apply to watering of landscapes by hand with the use of a hose fitted with an automatic shut-off nozzle.
 - (2) Spray irrigation shall be limited to four (4) days per week and fifteen (15) minute irrigation cycles per station per day.
 - (3) Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair must be corrected within five (5) business days of Department notification.
 - (4) Washing of vehicles is not permitted except with an automatic shut-off device, or at a commercial

- car washing facility designated for vehicle washing.
- (5) No water provided by the Department shall be used for the purposes of washing down impervious areas without the use of high-pressure wash equipment, except to maintain public health and safety standards.
- (6) The Department shall request the City Manager to direct Parks and Recreation and all City Facilities to limit irrigation to four days per week or reduce irrigation water use by twenty-percent (20%) as compared to average usage from benchmark year of 2013. The continued irrigation of city trees and other non-turf plants is encouraged.
- (7) The Department shall request golf courses to limit irrigation to four days per week or reduce irrigation water use by twenty-percent (20%) as compared to average usage from benchmark year of 2013. The continued irrigation of city trees and other non-turf plants is encouraged.
- (8) The Department shall expand its public information campaign on water supply conditions and encourage increased indoor and outdoor water use efficiency.

3.3 Stage 3 (Water Supply Warning)

Stage 3 shall be in effect when the Department determines there is a potential water supply shortage condition of up to thirty-percent (30%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures in addition to the permanent water conservation measures and water conservation implemented in Stage 2.

- A. Stage 3 water use efficiency standards shall include all actions identified in Stage 1 and 2 in addition to:
 - (1) Spray irrigation shall only be permitted between the hours of 6:00 p.m. and 8:00 a.m. This standard does not apply to watering of landscapes by hand with the use of a hose fitted with an automatic shut-off nozzle.

- (2) Spray irrigation shall be limited to three (3) days per week on Mondays, Wednesdays, and Fridays.
- (3) Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair must be corrected within three (3) business days of Department notification.
- (4) The application of water provided by the Department for irrigation of outdoor landscapes during or within forty-eight (48) hours after one-eighth inch (1/8") of rainfall is prohibited.
- (5) Customers are encouraged to not empty, refill, or add water to decorative water features, including ponds, fountains, and artificial lakes.
- (6) Customers are encouraged to retrofit non-recirculating systems at car washes and commercial laundry facilities to recirculating systems.
- (7) Medians and bordering parkways located within the right-of-way are prohibited to use potable water to irrigate non-functional grass turf. Bordering parkways are considered the strips of non-functional ornamental turf adjacent to the street on non-residential properties. Continued watering of trees and other plants in medians and parkways is permitted.
- (8) The Department shall request the City Manager to direct Parks and Recreation and all City facilities to limit irrigation to three days per week or reduce irrigation water use by thirty-percent (30%) as compared to average usage from benchmark year of 2013. The continued irrigation of city trees and other non-turf plants is encouraged.
- (9) The Department shall request golf courses to limit irrigation to three days per week or reduce irrigation water use by thirty-percent (30%) as compared to average usage from benchmark year of 2013. The continued irrigation of city trees and other non-turf plants is encouraged.

3.4 Stage 4 (Threatened Water Supply Condition)

Stage 4 shall be in effect when the Department determines there is a potential water supply shortage condition of up to forty-percent (40%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare

a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures in addition to the permanent water Stage 1 conservation measures and water conservation measures implemented in Stages 2-3.

- A. Stage 4 water use efficiency standards shall include all actions identified in Stage 1 through 3 in addition to:
 - (1) Spray irrigation shall only be permitted between the hours of 8:00 p.m. and 8:00 a.m. This standard does not apply to watering of landscapes by hand with the use of a hose fitted with an automatic shut-off nozzle.
 - (2) Spray irrigation is limited to Mondays, Wednesdays and Fridays, and 10 minutes per station per day.
 - (3) Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair must be corrected within forty-eight (48) hours of Department notification.
 - (4) The application of water provided by the Department for irrigation of outdoor landscapes during or within seventy-two (72) hours after one-eighth inch (1/8") of rainfall is prohibited.
 - (5) Customers are encouraged to not empty, refill, or add water to recreational water features.
 - (6) Emptying, refilling, or adding water to decorative water features is prohibited. Exceptions may be made to sustain biological life, such as fish, or for municipally owned or operated ponds.
 - (7) Continued watering and additional precaution for the preservation of trees is highly encouraged.
 - (8) Department shall expand targeted communications focusing on CII customers with highest water use and single-family residential customers with tier 3 usage to conservation resources and educational opportunities such as workshops, classes, and other public-facing community events.
 - (9) The Department will expand its indoor and outdoor rebate programs to assist customers with mandatory conservation efforts.
 - (10) The Department shall request the City Manager to direct Parks and Recreation and all City facilities to limit irrigation to three days per

- week or reduce irrigation water use by forty-percent (40%) as compared to average usage from benchmark year of 2013.
- (11) The Department shall request golf courses to limit irrigation to three days per week or reduce irrigation water use by forty-percent (40%) as compared to average usage from benchmark year of 2013.
- (12) The Department shall request the City Manager to direct Public Works to utilize pool covers for all City outdoor swimming pool facilities.
- (13) The Department shall request the City Manager to direct Public Works to pause operation of City splash pad facilities that do not recirculate water.

3.5 Stage 5 (Critical Water Supply Condition)

Stage 5 shall be in effect when the Department determines there is a potential water supply shortage condition of up to fifty-percent (50%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures in addition to the permanent water Stage 1 conservation measures and water conservation measures implemented in Stages 2-4.

- A. Stage 5 water use efficiency standards shall include all actions identified in Stage 1 through 4 in addition to:
 - (1) All irrigation including drip and hand watering shall only take place on Mondays and Fridays between the hours of 8:00 p.m. and 8:00 a.m.
 - (2) Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair must be corrected within twenty-four (24) hours of Department notification.
 - (3) The washing of cars, trucks or other vehicles is not permitted except at commercial vehicle washing facilities.
 - (4) Refilling, or adding water to recreational water features is prohibited.
 - (5) The Department shall request the City Manager to direct Parks and Recreation and all City facilities to limit irrigation to two days per week or reduce potable water provided by fifty-

- percent (50%) as compared to average usage from benchmark year of 2013.
- (6) The Department shall request golf courses to limit irrigation to two days per week or reduce potable water provided by fifty-percent (50%) as compared to average usage from benchmark year of 2013.
- (7) Upon direction of the General Manager, the use of potable water for construction site preparation purposes is prohibited, other than to maintain necessary fire and safety standards.

3.6 Stage 6 (Water Shortage Emergency)

Stage 6 shall be in effect when the Department determines there is a potential water supply shortage condition of over fifty-percent (50%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures in addition to the permanent water Stage 1 conservation measures and water conservation measures implemented in Stages 2-5.

- B. Stage 6 water use efficiency standards shall include all actions identified in Stage 1 through 5 in addition to:
 - (1) Upon direction of the General Manager, all potable landscape irrigation may be prohibited.
 - (2) No new construction meter permits shall be issued by the Department. All existing construction meters may be removed and/or locked.

4.0 ENFORCEMENT IN WATER SHORTAGE CONTINGENCY STAGES 1-4

4.1 Step 1 (1st Violation):

A warning letter shall be issued to the customer/owner describing the water waste issue and notice of potential fines for continuing water waste, providing a Department customer service contact for conservation information and assistance. Provides customer/owner seven (7) calendar days to remedy the water waste situation and comply with conservation restrictions.

4.2 Step 2 (2nd Violation):

The Department may conduct a customer/owner site visit or phone call to discuss nature of the water waste and potential solutions. A second Notice of Violation letter may be issued allowing seven (7) calendar days to remedy the water waste situation and comply with conservation restrictions.

4.3 Step 3 (3rd Violation):

A third Notice of Violation letter informing customer/owner of financial penalty and allowing seven (7) calendar days to remedy water waste situation and comply with conservation restrictions. A one hundred dollar (\$100.00) penalty may be assessed.

4.4 Step 4 (Subsequent Violations):

Additional penalties may be assessed increasing incrementally by one hundred dollars (\$100.00) per occurrence, up to a limit of five hundred dollars (\$500.00) per incident. Customer/owner shall receive a separate notice per each subsequent violation and will have seven (7) calendar days after each notification to remedy the water waste situation and comply with conservation restrictions.

4.5 Step 5 (Other Enforcement Measures):

The provisions of this section shall be applied in addition to any other penalties provided in this rule and shall be applied at the discretion of the General Manager. The Department maintains authority in all water shortage stages to expedite the issuance of the maximum daily penalties and/or to restrict or discontinue water supplied to a service for failure to comply with the conservation standards, depending on the severity of the water waste.

5.0 ENFORCEMENT IN WATER SHORTAGE CONTINGENCY STAGES 5-6

5.1 Step 1 (1st Violation):

A warning letter shall be issued to the customer/owner describing the water waste issue and notice of potential fines for continuing water waste, providing a Department customer service contact for conservation information and assistance. Provides customer/owner three (3) calendar days to remedy the water waste situation and comply with conservation restrictions.

5.2 Step 2 (2nd Violation):

The Department may conduct a customer/owner site visit or phone call to discuss nature of the water waste and potential solutions. A second Notice of Violation letter may be issued allowing three (3) calendar days to remedy the water waste situation and comply with conservation restrictions.

5.3 Step 3 (3rd Violation):

A third Notice of Violation letter informing customer/owner of financial penalty and allowing three (3) calendar days to remedy water waste situation and comply with conservation restrictions. A three hundred dollar (\$300.00) penalty may be assessed.

5.4 Step 4 (Subsequent Violations):

Additional penalties may be assessed increasing incrementally by one hundred dollars (\$100.00) per occurrence, up to a limit of five hundred dollars (\$500.00) per incident. Customer/owner shall receive a separate notice per each subsequent violation and will have three (3) calendar days after each notification to remedy the water waste situation and comply with conservation restrictions.

5.5 Step 5 (Other Enforcement Measures):

The provisions of this section shall be applied in addition to any other penalties provided in this rule and shall be applied at the discretion of the General Manager. The Department maintains authority in all water shortage stages to expedite the issuance of the maximum daily penalties and/or to restrict or discontinue water supplied to a service for failure to comply with the conservation standards, depending on the severity of the water waste.

6.0 PAYMENT OF PENALTIES

All penalties imposed under this Rule and Regulation shall be added to the customer water bill or as a lien on the owner's property and become payable at the same time and in the same manner as such bills or by such other method of collection and payment as established by the Department.

7.0 RIGHT TO HEARING

Any customer/owner shall have a right to a hearing with the General Manager of the Department, or their designee, on a notice of violation, the assessment of a surcharge or penalty, or the denial and/or lock out of a construction meter, upon written request to the Department. Customer/owner's written request for a hearing must be received by the Department within ten (10) calendar days from the date of notice of

violation, or customer/owner's right to a hearing shall be deemed waived.

Customer/owner shall be deemed notified of a violation, penalty, or denial and/or lockout of a meter upon

- (1) the personal delivery of the notice to customer or
- (2) the date of lock out and/or denial of construction meter. If personal delivery is not given, the date on which the notice is placed in the regular mail shall be deemed the date of notification.

Customer/owner's timely written request for a hearing shall automatically stay the imposition of a penalty until the General Manager or their designee renders a decision; except that denial of a construction meter request or lock out of an existing construction meter shall remain in effect until the General Manager or their designee renders a decision.

The decision of the General Manager or their designee may be appealed to the Water Board, provided that the customer files a written notice of appeal with the Department within seven (7) calendar days of notification of the decision.

Approved by the Water Board: November 22, 2022

Effective Date: November 22, 2022

Supercedes:

RESOLUTION NO. 2022-031

RESOLUTION OF THE WATER BOARD OF THE CITY OF SAN BERNARDINO, CALIFORNIA, TO ADOPT THE AMENDED SAN BERNARDINO MUNICIPAL WATER DEPARTMENT WATER SHORTAGE CONTINGENCY PLAN

- **WHEREAS,** in accordance with Section 603 of the City Charter, the Water Board is responsible for oversight and management of the City's water supply, recycled water, wastewater collection and treatment functions; and
- WHEREAS, the California Urban Water Management Planning Act, Water Code Section 10610 et seq. (the UWMP Act), mandates that every urban supplier of water providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000-acre feet of water annually, prepare and adopt, in accordance with prescribed requirements, a Water Shortage Contingency Plan (WSCP); and
- WHEREAS, San Bernardino Municipal Water Department (SBMWD/Department) meets the definition of an urban water supplier for purposes of the UWMP Act; and
- WHEREAS, in accordance with the UWMP Act the Water Board approved the Department's 2020 WSCP on June 21, 2021, which outlined water shortage levels and response actions to mitigate effects of each stage of potential water supply shortage; and
- WHEREAS, on March 8, 2022, the Water Board approved rate structure changes defined in Department Rule and Regulation No. 21 that eliminated water shortage supply rate surcharges and water use efficiency standards outlined as Water Shortage Response Actions in Levels 2, 2A, and 3 of the Department's 2020 WSCP approved on June 21, 2022; and
- **WHEREAS,** on May 25, 2022, the State Water Resources Control Board (SWRCB) adopted emergency regulations that included a requirement that urban water suppliers implement, at a minimum, all Level 2 WSCP water shortage response actions; and
- WHEREAS, amendments to the Department's current WSCP are needed to maintain consistency with SBMWD operations and to comply with the SWRCB emergency regulations; and
- **WHEREAS**, the UWMP Act specifies the requirements and procedures for adopting such WSCPs and WSCP amendments; and
- WHEREAS, pursuant to recent amendments to the UWMP Act, urban water suppliers are required to adopt and electronically submit their WSCPs to the California Department of Water Resources and California State Library no later than 30 days after adoption; and
- WHEREAS, the Department has prepared an updated WSCP in accordance with the UWMP Act, and in accordance with applicable legal requirements, has undertaken certain coordination, notice, public involvement, public comment, and other procedures in relation to its WSCP; and

- WHEREAS, in accordance with the UWMP Act, the Department has prepared its updated 2022 WSCP with its own staff, with the assistance of consulting professionals, and has utilized and relied upon industry standards and the expertise of industry professionals in preparing WSCP updates, and has also utilized the California Department of Water Resources Guidebook for Urban Water Suppliers to Prepare 2020 Urban Water Management Plans, in preparing the WSCP; and
- WHEREAS, in accordance with applicable law, including Water Code sections 10608.26 and 10642, and Government Code section 6066, a Notice of a Public Hearing regarding the Department's amended WSCP was published within the jurisdiction of the Department on October 27, 2022, and November 3, 2022; and
- WHEREAS, in accordance with applicable law, including but not limited to Water Code sections 10608.26 and 10642, a public hearing was held on November 22, 2022 at 9:30 AM, or soon thereafter, in the Department boardroom and via web-conference and livestream accessible via YouTube at https://bit.lylYouTubeSBWater, in order to provide members of the public and other interested entities with the opportunity to be heard in connection with proposed adoption of the amended 2022 WSCP and issues related thereto; and
- WHEREAS, pursuant to said public hearing on the WSCP update, the Department, among other things, encouraged the active involvement of diverse social, cultural, and economic members of the community within the Department's service area with regard to the preparation of the WSCP, encouraged community input regarding Department's WSCP; and
- WHEREAS, the Water Board has reviewed and considered the purposes and requirements of the UWMP Act, the contents of the amended WSCP, and the documentation contained in the administrative record in support of the amended WSCP, and
- **WHEREAS**, the Water Board desires to adopt the amended WSCP in order to comply with the UWMP Act and statewide conservation regulations.

BE IT RESOLVED BY THE WATER BOARD OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

- **SECTION 1.** The above recitals are true and correct and are incorporated herein by this reference.
- **SECTION 2.** The WSCP attached hereto and incorporated herein as Exhibit "A" is hereby adopted as amended by changes incorporated by the Water Board as a result of input received (if any) at the public hearing and ordered filed with the Secretary of the Water Board.
- **SECTION 3.** The General Manager is hereby authorized and directed to include a copy of this Resolution in the Department's WSCP.
- **SECTION 4.** The General Manager is hereby authorized and directed, in accordance with Water Code sections 10621(d) and 10644(a)(l)-(2), to electronically submit a copy of the amended WSCP to the California Department of Water Resources no later than thirty (30) days after adoption.
- **SECTION 5.** The General Manager is hereby authorized and directed, in accordance with Water Code section 10644(a), to submit a copy of the WSCP to the California State Library, and

to any city or county within which the Department provides water supplies no later than thirty (30) days after adoption.

SECTION 6. The General Manager is hereby authorized and directed, in accordance with Water Code section 10645, to make the amended WSCP available for public review at the Department's offices during normal business hours and on the Department's website no later than thirty (30) days after filing a copy of the WSCP with the California Department of Water Resources.

SECTION 7. The General Manager is hereby authorized and directed, in accordance with Water Code Section 10635(c), to provide that portion of the WSCP prepared pursuant to Water Code Section 10635(a) to any city or county within which the San Bernardino Municipal Water Department provides water supplies no later than sixty (60) days after submitting a copy of the WSCP with the California Department of Water Resources.

SECTION 8. The General Manager is hereby authorized and directed to implement the WSCP in accordance with the UWMP Act and to provide recommendations to the Water Board regarding the necessary budgets, procedures, rules, regulations, or further actions to carry out the effective and equitable implementation of the WSCP.

SECTION 9. CEQA. The Water Board finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 10. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 11. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the Water Board and signed by the President of the Water Board and attested by the Deputy City Clerk & Ex Officio Secretary of the Water Board this 22nd day of November 2022.

Toni Callicott, President

City of San Bernardino Water Board

Attest:

Robin Ohama (Nov 22, 2022 12:55 PST)

Robin Ohama

Deputy City Clerk & Ex Officio Secretary of the Water Board

CERTIFICATION

STATE OF CALIFORNIA) COUNTY OF SAN BERNARDINO) ss CITY OF SAN BERNARDINO)

I, Robin Ohama, Deputy City Clerk & Ex Officio Secretary of the Water Board, hereby certify that the attached is a true copy of Resolution No. adopted at a regular meeting held on the <u>22nd</u> day of <u>November</u>, 2022 by the following vote:

Water Board:	AYES	<u>NAYS</u>	<u>ABSTAIN</u>	ABSENT
CALLICOTT	<u>X</u>	-	5.	>======================================
HENDRIX	<u>X</u>		<u>~</u>	2
MLYNARSKI	<u>X</u>	-		1
BRICKLEY	<u>X</u>	. 		
JOHNSON	<u>X</u>	·		

WITNESS my hand and official seal of the City of San Bernardino this 22nd day of November 2022.

Robin Ohama
Robin Ohama (Nov 22, 2022 12:55 PST)

Robin Ohama Deputy City Clerk & Ex Officio Secretary of the Water Board