

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

OFFICE OF ENFORCEMENT

CONSERVATION ORDER

In the Matter of Urban Water Conservation by

City of Riverbank

1. On January 17, 2014, Governor Edmund G. Brown Jr. (Governor Brown) issued Proclamation 1-17-2014 (Proclamation), declaring a State of Emergency to exist in California under the Emergency Services Act due to severe drought conditions. The Proclamation, among other things, called on all Californians to reduce their water usage by 20 percent.
2. On April 25, 2014, Governor Brown issued a Proclamation of a Continued State of Emergency due to drought conditions, based on the need to strengthen the state's ability to manage water and habitat effectively in drought conditions.
3. On April 1, 2015, Governor Brown issued Executive Order B-29-15 (Executive Order) to strengthen the state's ability to manage water and habitat effectively in drought conditions. The Executive Order calls on all Californians to redouble their efforts to conserve water, and directs the State Water Resources Control Board (State Water Board) to impose restrictions on urban water suppliers to achieve a statewide 25 percent reduction in potable urban water usage through February 2016. The Executive Order further requires commercial, industrial, and institutional users to implement water efficiency measures, prohibits irrigation with potable water of ornamental turf in public street medians, and prohibits irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems.
4. On May 5, 2015, the State Water Board adopted Resolution 2015-0032, an Emergency Regulation for Statewide Urban Water Conservation (Emergency Regulation) pursuant to Water Code section 1058.5. The Emergency Regulation adds a new section to title 23 of the California Code of Regulations intended to safeguard urban water supplies in the event of continued drought, minimize the potential for waste and unreasonable use of water, and achieve the 25 percent statewide potable water usage reduction ordered by Governor Brown in the Executive Order. The Emergency Regulation was approved by the Office of Administrative Law and became effective on May 18, 2015.
5. The Emergency Regulation requires each urban water supplier to "reduce its total potable water production by the percentage identified as its conservation standard." California Code of Regulations, title 23, section 865(c)(1).
6. Section 865(b)(2) requires urban water suppliers to prepare and submit to the State Water Board by the 15th of each month a monitoring report detailing the total amount of potable water produced compared to the amount produced in the same calendar month in 2013.
7. Section 866(a) allows the Executive Director of the State Water Board, or the Executive Director's designee, to issue Conservation Orders requiring additional actions by the supplier to come into compliance with its conservation standard. Section 866(b) allows the Executive Director of the State Water Board, or the Executive Director's designee, to issue orders requesting information from the supplier concerning water production, water use, and/or water conservation. State

Water Board Executive Director Thomas Howard has delegated authority under sections 866(a) and (b) to State Water Board Chief Deputy Director Caren Trgovcich, who in turn has delegated these authorities to Director of the State Water Board's Office of Enforcement Christian Carrigan.

8. The drought conditions that formed the bases for the Executive Order and Emergency Regulations continue to exist and will likely continue to exist for the foreseeable future.
9. The City of Riverbank's (City) conservation target, pursuant to section 865(c), is 32 percent. According to the monitoring reports filed with the State Water Board monthly since June 2015, the City is 18.2 percent behind its conservation standard as of October 2015.
10. On August 7, 2015, the State Water Board Office of Enforcement issued a Notice of Violation and Informational Order pursuant to its authority outlined in section 866(c) of the Emergency Regulations, to determine what actions the City had taken to comply with its conservation standard.
11. On October 21, 2015, representatives of the City met with Office of Enforcement staff to review its response to the Informational Order, discuss its water conservation program, and identify areas of potential water use savings.
12. The circumstances described above indicate that the City has not met its monthly conservation standard, and is not on track to meet the standard by February 2016.
13. To help ensure that the City meets its conservation target of 32 percent by February 2016, the State Water Board mandates that the City take the actions described below.
14. Recipients of conservation orders issued pursuant to section 866(a) may petition the State Water Board for reconsideration. (Water Code § 1122; Cal. Code Regs., tit. 23, §§ 768 et seq., & 866(a)(2).)

IT IS HEREBY ORDERED:

1. This Order is effective on the date shown below. All submittal requirements are based on the effective date of this Order.
2. The City shall:
 - (A) Immediately and diligently pursue a new billing system, which will include updated customer bills that will allow customers to evaluate their water use from year to year. The new billing system shall be implemented no later than June 30, 2016;
 - (B) Within ninety (90) days, the City shall identify the highest water users in its service area and conduct specialized outreach to that group of water users by offering at least seven (7) water use audits per month. The City shall maintain communications with audited customers and document which audit recommendations are implemented;
 - (C) Continue to implement an active leak-detection and repair program, and diligently pursue a plan towards determining what volume of non-revenue water is lost to leaks every year, and reduce this volume to an amount consistent with industry best practices;
 - (D) Expedite the current program to replace meters on all water users;

- (E) Immediately implement a mandatory outdoor irrigation conservation program that limits outdoor irrigation to one (1) day per week and prohibits the use of landscape irrigation systems until May 1, 2016;
 - (F) Hire or allocate one (1) new or existing part-time employee dedicated to enforcing the City's outdoor water restrictions within one hundred twenty (120) days; and,
 - (G) Hire or allocate one (1) new or existing part-time employee that will be dedicated to coordinating and implementing the City's water conservation program within one hundred twenty (120) days.
3. The City shall continue to report the monthly conservation data required for all water suppliers pursuant to section 865(b)(2) of the Emergency Regulation.
 4. The City shall develop and submit a report by February 15, 2016, and March 15, 2016, detailing the previous month's efforts to comply with each of the mandates listed above in section 2, pursuant to section 866(b) of the Emergency Regulation. The report shall include the estimated non-revenue water, including unbilled authorized consumption, apparent losses, and real losses. The report shall be submitted via email to Dr. Matthew Buffleben, at Matthew.Buffleben@waterboards.ca.gov no later than the 15th of the month, for every month within the reporting period.
 5. The City is required to take the actions mandated above. Failure to comply with this Order subjects the party to enforcement action including, but not limited to, civil liability of up to \$500 per day for each day the violation continues pursuant to Water Code section 1058.5.
 6. Reservation of Enforcement Authority and Discretion: Nothing in this Order is intended to, or shall be construed to, limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including, but not limited to, the authority to bring enforcement against water suppliers who in violation of Water Code section 1052, the Emergency Regulations, or any applicable law.

STATE WATER RESOURCES CONTROL BOARD



Christian M. Carrigan, Director
Office of Enforcement

Dated: 12/17/2015