

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
Indian Wells Valley Water District

1. On January 17, 2014, Governor Edmund G. Brown Jr. (Governor Brown) issued Proclamation No. 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 Regulations, title 23, section 865(c)(1).
6. Section 865(b)(2) requires urban water suppliers to prepare and submit a monitoring report to the State Water Board by the 15th of each month 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 Cris 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. Indian Wells Valley Water District (the District) has a conservation target, pursuant to Section 865(c), of 36% savings over its water usage in 2013. The District is cumulatively 15% behind its conservation standard.
10. On July 29, 2015 the State Water Board Office of Enforcement issued an Information Order pursuant to its authority outlined in Section 866(b) of the Emergency Regulations, to determine what actions the District had taken to comply with its conservation standard.
11. On August 5, 2015 the District met with State Water Board Staff from the Office of Enforcement to review its response to the Information Order, discuss its water conservation program, and identify areas of potential water use savings.
12. The circumstances described above indicate that the District has not met its monthly conservation standard, and is not on track to meet the standard through February 2016.
13. To help ensure that the District meets its conservation target of 36% by February 2016, the State Water Board mandates that the District take the actions described below.
14. This Conservation Order mandates the District to create and fully implement a water conservation program.
15. Recipients of conservation orders issued pursuant to Section 866(a) may petition the State Water Board for reconsideration. (Water Code § 1122; 23 CCR §§ 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 District shall:
 - (A) Immediately implement an outreach program that focuses on increasing conservation awareness. As part of this program, the District shall urge customers to limit outdoor irrigation runtimes.
 - (B) Develop a plan to deploy advanced metering infrastructure within forty-five (45) days. The plan shall include a budget and timeline that results in full deployment of advanced meters.
 - (C) Identify and request, within thirty (30) days, to meet with its twenty (20) highest water users, and identify conservation measures those users may implement. The District shall contact audited customers within thirty (30) days to ensure audit recommendations are implemented.
 - (D) Increase outreach efforts towards customers that use evaporative coolers (swamp coolers) including, but not limited to, information on evaporative cooler maintenance in customer bills, brochures, and on the District's website.
 - (E) Increase outreach efforts towards the District's commercial, industrial, and institutional customers, including but not limited to, hospitals, shopping centers, and apartment complexes. The District shall document which audit recommendations are implemented.
 - (F) If funding becomes available, remove the square-foot limit on the turf removal program to allow for more customers to take advantage of rebates.

- (G) Develop an outreach program that includes public education on the value and application of mulch to reduce the amount of water used to irrigate trees.
 - (H) Immediately implement or participate in an active rebate program that offers rebates. The District shall implement or participate in a rebate program for high-efficient toilets and other indoor water efficient devices. The District shall include these rebate programs into its outreach and advertising materials. The District shall contact its electric service provider to request that the electric service provider's rebate programs are effectively marketed to the district's customers.
 - (I) Hire or allocate one (1) new or existing part-time employee dedicated to enforcing the District's outdoor water restrictions within sixty (60) days.
 - (J) Implement a leak-detection and repair program immediately. The District shall determine what volume of non-revenue water is lost to leaks every year, and reduce this volume to an amount consistent with industry best practices.
3. The District 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 District shall develop and submit a report by September 15, 2015, and every month afterward until February 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 be submitted via e-mail to 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 District 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: August 31, 2015