



MEMORANDUM

June 6, 2022

Attn: Jennifer Burke
Santa Rosa Water Director, Technical Advisory Committee Chair

RE: State Board Emergency Drought Regulation

Dear Chair Burke,

On March 28, 2022, Governor Newsom issued Executive Order N-7-22 directing the State Water Resources Control Board (State Board) to consider adopting additional emergency regulations for urban water conservation. Based on directives detailed in the executive order, on May 24, 2022, the State Board adopted an emergency regulation that included the following requirements:

- Urban water suppliers shall submit a preliminary annual water supply and demand assessment by June 1, 2022, and a final annual water supply and demand assessment by the July 1, 2022 deadline as set by Water Code section 10632.1
- Urban water suppliers are to implement shortage response actions as detailed in their adopted water shortage contingency plans for a shortage level of up to twenty percent (Level 2) by June 10, 2022.
- The use of potable water is prohibited for irrigation of non-functional turf at commercial, industrial, and institutional sites.

The emergency regulation is expected to take effect on or around June 10, 2022, depending on the Office of Administrative Law process. It will remain in effect for one year from the effective date, unless the State Board acts to end, modify, or readopt it. The emergency regulations pertaining to urban retail water suppliers are applicable to those defined in the Water Code as having 3,000 or more connections, or 3,000 ac-ft or greater in water sales annually. The requirement for an annual water supply and demand assessment was anticipated and already being coordinated between Sonoma Water and its retail water contractors, so the preliminary data submittal is not overly burdensome. Similarly, Sonoma Water and its contractors in the Partnership have been implementing Level 2 shortage response actions since last summer.

The State Board defined non-functional turf as turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. It does not include sports fields, or turf used for other similar recreational activities. It also does not apply to commercial, industrial, and institutional turf landscapes irrigated with recycled water. Caveats were also provided to allow irrigation if necessary to ensure the health of trees or other



perennial plants, and for non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration. The applicability to commercial, industrial, and institutional sites includes homeowner's associations, common interest developments, community service organizations, and other similar entities but does not include the residences of these entities' members or separate interests. Enforcement of the non-functional turf ban is to be carried out by State Board staff, although the regulation does not preclude local agencies from exercising their authority as it exists or as may be adopted.

The regulation includes some additional minor caveats related to the items above, although the applicability to the Partnership is negligible. A copy of the State Board's adopted resolution and emergency regulation text is online at https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/regs/emergency_regulation.html. This online resource page also includes a soon to be updated FAQ document about the emergency regulation.