



## **IN BRIEF**

SB 814 is about making sure all Californians share in the efforts to conserve water during California’s worst drought in recorded history.

## **THE PROBLEM**

California is experiencing the worst drought in modern history. According to the Public Policy Institute of California, “the three-year period between fall 2011 and fall 2014 was the driest since recordkeeping began in 1895.”

In response, since 2014, pursuant to an Executive Order, the State Water Resources Control Board’s (the “Board”) has prohibited certain residential water uses through emergency regulations. The state’s 411 water agencies are in charge of enforcing the restrictions. In general, residential water users can be – and are – fined \$500 a day for the following:

- Using a hose to wash a car without an automatic shutoff valve
- Washing down a driveway or sidewalk
- Watering outdoor landscaped areas within 48 hours of it raining
- Watering outdoor landscapes on the wrong day or during the wrong period of the day, as established by local rules

It’s unknown how many residential water users have been fined, but according to data collected by the Board, between June 2015/June 2016, water suppliers issued an average of over 7,500 penalties per month for water waste.

On May 5, 2016, Governor Brown issued an updated Executive Order, making permanent the prohibited water uses that have been in place since 2014. While \$500 fines can be assessed for water waste residential water users who consume an excessive amount of water are not subject to any fines. This is due to the fact that the state has not compelled water agencies to fine excessive water users. On its own accord, East Bay MUD developed an ordinance to target and fine

excessive water users. For the majority of the drought, they have been the only water agency to take action to curb excessive water use.

The large majority of Californians have made great strides to conserve water and meet the mandatory statewide water conservation goal of 25%, but there is a segment of residential water users who appear to be using as much water as they want, whenever they want. This is a clear inequity in California’s efforts to conserve water during the state’s worst drought in recorded history.

Recent winter storms provided much needed precipitation for some parts of the state, but as of June 2016 at least 60% of the state continues to be in a severe drought, and many reservoirs and groundwater basins are running low.

## **BACKGROUND**

Although it’s not known exactly how many excessive water users there are across the state, the Center for Investigative Reporting, in its reporting, has been able to determine that there at least 365 households in the state that use over 1 million gallons of water a year.

According to the data collected by the Center for Investigative Reporting, in Los Angeles alone, at least 92 households used 4.2 million gallons in one year, an amount that could supply enough water for at least 30 families. At least 73 households used more than 3 million gallons in a year and 14 households used more than 6 million gallons in a year. One household used over 12 million gallons in one year.

One local water supplier – the East Bay Municipal Utility District (EBMUD) – has already established a policy to go after excessive water users. EBMUD has identified over 1,000 homes that meet their definition of excessive water use, which is about 1,000 gallons per day, four times the average use EBMUD’s service area. EBMUD imposes fines for exceeding the limit and, in accordance with existing law, also publicly discloses who the excessive users are. The highest excessive use residential water user in EBMUD’s service territory used over 11,000 gallons a day.

The policy seems to have worked. According to EBMUD, 2/3 of homes initially identified as excessive users have since cut their water use by about 20%. In some instances, the identification of excessive users helped those users identify leaks that were previously undetected. EBMUD noted that other factors, such as cooler weather, may have contributed to the water use reduction.

## **THE SOLUTION**

During the worst drought in recorded history, SB 814 is intended to prevent the unreasonable use or the waste of water to protect water resources in the interest of the people and for the public welfare. SB 814 will require both public and private urban retail water suppliers – agencies that directly provide potable municipal water to more than 3,000 users – to levy fines against residential excessive water users that are individually metered or sub-metered. Specifically:

- The bill prohibits excessive water use and requires water suppliers do one of two things:
  1. Establish a rate structure that includes water budgets or rate surcharges for excessive water use.
  2. Establish an excessive use ordinance.
- If a water supplier elects to adopt an excessive water ordinance, the water supplier must set a definition of excessive use in terms of gallons or hundreds of cubic feet of water. When establishing the definition of excessive use, a water supplier may – but isn't required to – consider the following factors:
  - Average daily water use,
  - Full-time occupancy of residences,
  - Amount of landscaped land on a property,
  - The evapotranspiration rate,
  - Seasonal changes in the weather.
- The ordinance must include a fine or administrative penalty of up to \$500 for each hundred cubic feet –

748 gallons – above the excessive use definition. Water suppliers may take other actions, such as issuing warnings, before assessing a fine, which will be assessed on a residential customer's regular bill. Each water supplier will be required to have a process for non-payment that must be reasonably consistent with each water supplier's existing process for customer non-payment.

- Every water supplier will be required to have an appeal process for assessed fines whereby a customer may contest an excessive water use fine.
- The bill will only take effect when the Governor has declared a state of emergency based on drought conditions and an urban retail water supplier has moved to stage of action that requires mandatory water conservation. The bill would also apply when the Governor declares a local drought or when a water supplier – on their own accord – imposes mandatory water use reductions.
- Water suppliers whose customers are not all on metered connection are exempt until all the connections are metered.

## **SUPPORT**

California League of Conservation Voters  
Clean Water Action  
Sierra Club of California  
East Bay Municipal Utilities District  
(updated 6-8-16)

## **FOR MORE INFORMATION**

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