

Update on California drought regulations

April 29, 2015

In January 2014, California Governor Jerry Brown declared a drought state of emergency in response to one of the most severe droughts on record. There have been three Executives Orders since that time. The most recent Order issued on April 1, 2015 requires mandatory water reductions for the first time in state history.

Based on the April Executive Order, the State Water Board has been directed to reduce potable urban water usage by 25 percent by mid-May to June 1. In order to meet this goal, the Board is using its expedited emergency regulation power to implement the new reduction requirements and is expected to vote on adoption of the new regulations at its Board hearing on May 5 or 6, 2015.

The rulemaking package will include:

- Mandatory 25 percent reduction in potable urban water use;
- Commercial, industrial and institutional potable water use reductions;
- Prohibition on using potable water for irrigation of ornamental turf in street medians and;
- Prohibition on using potable water for irrigation outside of new home construction without drip or micro-spray systems.

Controversial rate structures and other pricing mechanisms (e.g., tiered rates) will be taken up in the coming weeks as well but may be handled as a separate issue.

In addition to the forthcoming mandated reduction, on March 17 the Water Board adopted emergency conservation regulations. The 2015 emergency conservation regulation prohibits:

- Using potable water to wash sidewalks and driveways;
- Allowing runoff when irrigating with potable water;
- Using hoses with no shutoff nozzles to wash cars;
- Using potable water in decorative water features that do not recirculate the water and;
- New irrigating outdoors during and within 48 hours following measureable rainfall.

California's Public Policy and Regulation team is monitoring the developments closely. Should you or your clients have specific needs, please reach out to Darryl Sragow.

Your Key Contacts



Darry A. Sragow
Senior Counsel, Los Angeles
D +1 213 892 2925
darry.sragow@dentons.com



John R. Russell, IV
Principal, Washington, DC
D +1 202 408 6392
john.russell@dentons.com