

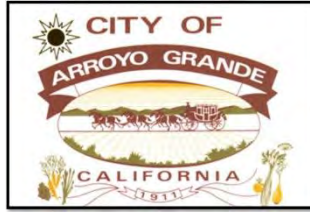
Draft Water Shortage Contingency Plan

MAY 2023

CITY OF ARROYO GRANDE



This page is intentionally blank for double-sided printing.



CITY OF ARROYO GRANDE

Draft Water Shortage Contingency Plan

MAY 2023

Prepared by Water Systems Consulting, Inc



This page is intentionally blank for double-sided printing.

TABLE OF CONTENTS

| | | |
|-------|---|----|
| 1.0 | Water Shortage Contingency Plan..... | 4 |
| 1.1 | Water Supply Reliability Analysis..... | 5 |
| 1.2 | Annual Water Supply and Demand Assessment..... | 6 |
| 1.2.1 | Key Data Inputs and Evaluation Criteria..... | 6 |
| 1.2.2 | Annual Assessment Procedures | 8 |
| 1.3 | Six Standard Water Shortage Levels | 9 |
| 1.4 | Shortage Response Actions | 12 |
| 1.4.1 | Demand Reduction | 12 |
| 1.4.2 | Supply Augmentation | 17 |
| 1.4.3 | Operational Changes | 18 |
| 1.4.4 | Additional Mandatory Restrictions | 18 |
| 1.4.5 | Emergency Response Plan..... | 19 |
| 1.4.6 | Seismic Risk Assessment and Mitigation Plan | 20 |
| 1.4.7 | Shortage Response Action Effectiveness..... | 20 |
| 1.5 | Communication Protocols | 23 |
| 1.6 | Compliance and Enforcement..... | 24 |
| 1.7 | Legal Authorities..... | 25 |
| 1.8 | Financial Consequences of WSCP | 25 |
| 1.9 | Monitoring and Reporting..... | 26 |
| 1.10 | WSCP Refinement Procedures..... | 26 |
| 1.11 | Special Water Feature Distinction..... | 27 |
| 1.12 | Plan Adoption, Submittal, and Availability | 27 |
| 1.13 | Resources and References | 28 |
| | Attachment 1: Municipal Code Chapter 13.07 | 29 |
| | Attachment 2: 2019 San Luis Obispo County Multi-Jurisdictional Hazard Mitigation Plan | 30 |
| | Attachment 3: Adoption Resolution | 31 |

LIST OF TABLES

| | |
|--|----|
| Table 1-1. Key Data Inputs for the Annual Assessment. | 8 |
| Table 1-2. DWR 8-1 Water Shortage Contingency Plan Levels..... | 10 |
| Table 1-3. Water Shortage Contingency – Mandatory Prohibitions | 18 |
| Table 1-4. Estimated Savings by Shortage Level..... | 21 |
| Table 1-5. DWR 8-3 Demand Reduction Actions | 22 |
| Table 1-6. Water Shortage Contingency – Penalties and Charges..... | 24 |

ACROYNMS & ABBREVIATIONS

2020 UWMP GUIDEBOOK

| | |
|----------------|---|
| AF | Acre Foot |
| AWIA | America's Water Infrastructure Act |
| AWWA | American Water Works Association |
| CALWARN | California Water/Wastewater Agency Response Network |
| CITY | City of Arroyo Grande |
| CWC | California Water Code |
| DRA | Drought Risk Assessment |
| DWR | California Department of Water Resources |
| ERP | Emergency Response Plan |
| LRRP | Low Reservoir Response Plan |
| NCMA | Northern Cities Management Area |
| NIMS | National Incident Management System |
| RRA | Risk and Resilience Assessment |
| SEMS | Standardized Emergency Management System |
| SMGB | Santa Maria Valley Groundwater Basin |
| SWRCB | State Water Resources Control Board |
| TAC | Technical Advisory Committee |
| UWMP | Urban Water Management Plan |
| WSAB | Water Shortage Appeals Board |
| WSCP | Water Shortage Contingency Plan |

This page is intentionally blank for double-sided printing.

1.0 Water Shortage Contingency Plan

This Water Shortage Contingency Plan (WSCP) is a detailed plan for how the City of Arroyo Grande (City) intends to predict and respond to foreseeable and unforeseeable water shortages. A water shortage occurs when the water supply is reduced to a level that cannot support typical demand at any given time or reduction in demand is otherwise needed.

This WSCP is used to provide guidance to the City, staff, and the public by identifying anticipated shortages and response actions to allow for efficient management of any water shortage with predictability and accountability. The WSCP is a detailed proposal for how the City intends to act in the case of an actual water shortage condition. This WSCP is not intended to provide absolute direction but rather to provide options to manage water shortages. Official water shortage declarations by the City may include any combination of components described in this WSCP.

Water shortages can be triggered by a hydrologic limitation in supply (i.e., a prolonged period of below normal precipitation), limitations or failure of supply and treatment infrastructure, compliance with State mandates for water use efficiency, or a combination of conditions. Hydrologic or drought limitations tend to develop and abate more slowly, whereas infrastructure failure tends to happen quickly and relatively unpredictably. Water supplies may be interrupted or reduced significantly in several ways, such as during a drought that limits supplies, an earthquake that damages water delivery or storage facilities, a regional power outage, or a toxic spill that affects water quality.

This WSCP describes the following:

Water Supply Reliability Analysis: Summarizes the City's water supply analysis and reliability and identifies the key issues that may trigger a shortage condition.

Annual Water Supply and Demand Assessment Procedures: Describes the key data inputs, evaluation criteria, and methodology for assessing the system's reliability for the coming year and the steps to formally declare any water shortage levels and response actions.

Six Standard Shortage Levels: Establishes water shortage levels to clearly identify and prepare for shortages.

Shortage Response Actions: Describes the response actions that may be implemented or considered for each level to reduce gaps between supply and demand as well as minimize social and economic impacts to the community.

Communication Protocols: Describes communication protocols under each level to ensure customers, the public, and local government agencies are informed of shortage conditions and requirements.

Compliance and Enforcement: Defines compliance and enforcement actions available to administer demand reductions.

Legal Authority: Lists the legal documents that grant the City the authority to declare a water shortage and implement and enforce response actions.

Financial Consequences of WSCP Implementation: Describes the anticipated financial impact of implementing water shortage levels and identifies mitigation strategies to offset financial burdens.

Monitoring and Reporting: Summarizes the monitoring and reporting techniques to evaluate the effectiveness of shortage response actions and overall WSCP implementation. Results are used to determine if shortage response actions should be adjusted.

WSCP Refinement Procedures: Describes the factors that may trigger updates to the WSCP and outlines how to complete an update.

Special Water Features Distinctions: Defines considerations and definitions for water use for decorative features versus pools and spas.

Plan Adoption, Submittal, and Availability: Describes the WSCP adoption process, submittal, and availability after each revision.

This WSCP was prepared in conjunction with the City's 2022 Urban Water Management Plan (UWMP) (Water Systems Consulting Inc. 2023) and is a standalone document that can be modified as needed. This document is compliant with the California Water Code (CWC) Section 10632 and incorporated guidance from the State of California Department of Water Resources (DWR) UWMP Guidebook 2020 (Department of Water Resources 2020) and the American Water Works Association (AWWA) Manual of Water Supply Practices (M60) Drought Preparedness and Response (American Water Works Association (AWWA) 2019).

1.1 Water Supply Reliability Analysis

This section is consistent with CWC Section 10632(a)(1) and describes the key findings of the water supply reliability analysis conducted pursuant to CWC Section 10635, which is presented in Chapter 7 of the City's 2022 UWMP. As part of the 2022 UWMP, water suppliers must perform long-term (2025-2045) water service reliability assessment to evaluate reliability under normal, single dry year, and five-year consecutive dry year periods and a short-term (2021-2025) Drought Risk Assessment (DRA) to evaluate reliability under a five-year consecutive dry year period. Water supply reliability reflects the City's ability to meet the water needs of its customers with water supplies under varying conditions. The analysis considers plausible hydrological and regulatory variability, infrastructure capacity, climate conditions, and other factors that affect the City's water supply and demand. The City expects to meet demands under all water year scenarios while continuing to promote conservation.

The DRA analyzes historical data to allow the City to view patterns and more reliably determine if there could be any water shortages within a given time frame. The DRA looks at historical consumption data by customer class, populated from billing records, and historical supply data by source from production reports. Next, future demand and supply estimates for the planning period are analyzed to determine if there are any gaps between supply and demand. As

mentioned above, the City does not anticipate a supply shortage. The City is committed to promoting conservation to increase its resiliency and subsequent reliability.

1.2 Annual Water Supply and Demand Assessment

As established by CWC Section 10632.1, urban water suppliers must conduct an Annual Water Supply and Demand Assessment (Annual Assessment) and submit an Annual Water Shortage Assessment Report to DWR beginning by July 1, 2022, and every year after. The City prepared and submitted its first Annual Water Shortage Report as required. The Annual Assessment is an evaluation of the short-term outlook for supplies and demands to determine whether the potential for a supply shortage exists and whether there is a need to trigger a WSCP shortage level and response actions to maintain supply reliability. The annual report should report the anticipated shortage level, triggered shortage response actions, compliance and enforcement actions, and communication actions that will be implemented to mitigate the shortage identified in the Annual Assessment.

1.2.1 Key Data Inputs and Evaluation Criteria

City staff monitor the current shortage situation, the amount of available water supply, and other inputs shown below on a monthly basis. The respective water shortage condition dictates the degree at which shortage response actions are implemented at any time in the City. Some of the potential reasons to change stages are listed as follows:

- Advancement to subsequent stage
 - Emergency condition, such as failure of pumping equipment, etc., that requires a percentage of water consumption reduction greater than that of the current stage.
 - Regulatory action that requires a percentage reduction or compliance with a water consumption standard.
 - Failure to maintain target water consumption reduction goal of a given stage.
- Withdrawal to previous stage
 - Emergency condition has been decreased in severity or resolved, so that the previous target goal may be utilized.
 - Regulatory action or standard has been resolved or modified.
 - Water consumption reductions have been above that necessary to meet target goals of the current stage.

The City is responsible for supplying water for the health and safety needs of the community. If the City projects a potential supply shortage in the future, actions will be taken to encourage conservation, alternative supply management may be evaluated or implemented, or the City Council may declare a water supply shortage condition.

Key data inputs and their sources for the Annual Assessments are summarized in **Table 1-1** and described in detail in **Section 1.2.2**. Evaluation criteria that can be used to determine and declare severity of supply shortages may include any, or combinations, of the following:

- Historic rainfall: reflects changes to supply due to reduced supply availability or changes to water usage patterns influenced by weather
- Groundwater Conditions- reflects status of groundwater conditions, which may include groundwater levels and quality
- Surface Water Conditions- reflects status of Lopez Lake storage conditions and related stages of the Low Reservoir Response Plan (LRRP)
- Existing infrastructure capabilities and plausible constraints: reflects limited production and distribution capacity due to a variety of factors potentially including, but not limited to, man-made or natural catastrophic events
- Customer demands: reflects current year and one projected single dry year conditions for comparison to available supplies
- State mandates: reflects State orders and mandatory compliance with water use efficiency standards
- Other locally applicable evaluation criteria as necessary

A shortage emergency may be declared when it is demonstrated that conditions threaten the ability to provide water for public health, safety, and welfare of the community. Furthermore, compliance with State mandates for water use efficiency can be declared during drought or in preparation for future droughts, such as in response to the Governor's drought declarations in the 2012-2016 drought with a subsequent Executive Order B-37-16 and related legislation for Making Conservation a California Way of Life. The City's current ordinances and related municipal code are described further in Sections 1.4 and 1.7.

Short-term and long-term supply shortages may be caused by constrained production capacity or natural or man-made catastrophic emergencies and include, but are not limited to, the following events: power outages, winter storms, wildfires, earthquakes, structural failures, contamination, and bomb threats. These types of emergencies may limit the City's immediate ability to provide adequate water service to meet the requirements for human consumption, sanitation, and fire protection. Impacts of such emergencies vary in duration; thus, consumption reduction measures and prohibitions may differ for short-term and long-term shortages.

Table 1-1. Key Data Inputs for the Annual Assessment.

| Key Data Input | Source |
|--|---|
| Rainfall | Monthly rainfall data. Rainfall sources for the City include weather stations at the SLO County Public Works Volunteer Precipitation Gauge Station (Arroyo Grande Creek #736) and Arroyo Grande Corp Yard Station #177.1. |
| Groundwater conditions | Production data, water levels, input from the Northern Cities Management Area (NCMA) groundwater monitoring program and annual reports |
| Surface water conditions | Delivery data, storage levels, input from Zone 3 Technical Advisory Committee (TAC) and Monthly Operations Reports. |
| Infrastructure capabilities and plausible constraints | Production data, input from the City's Public Works Department staff. |
| Customer demands | Customer billing data, Water equivalency table, 2022 UWMP projections, input from the City's Public Works Department staff. |
| State mandates | Executive Orders from the Governor, State Water Resources Control Board (SWRCB) orders and policies, input from the City's Water Division staff. |

1.2.2 Annual Assessment Procedures

City staff will perform the Annual Assessment each year and submit it to DWR by the deadline of July 1st, or on a more frequent basis if necessary. Steps to conduct the Annual Assessment are as follows:

1. City Staff gather the key inputs, compile historical data, and analyze potential supply and demand gaps.
2. Staff provide insight on demand trends, water supply conditions, and production capacity.
3. Based on water supply and water demand information, the City Council may order, by resolution, that the appropriate water shortage stage be implemented or terminated in accordance with the applicable provisions of this WSCP and the relevant provisions of the City's municipal code, the Government Code, and the CWC. Findings and recommendations are presented to the City Council.
4. The City Council will declare the level of shortage required at the implementation or termination of each level and the declaration shall remain in effect until the City Council declares otherwise.

5. When a resolution of the City Council has been issued to change the water stage, the public will be notified through publication of the resolution in the local newspaper, on the City's website, and in billing statements.
6. The City will develop and/or implement appropriate communication protocols and applicable response actions.
7. The Annual Assessment started in 2022 with the first Annual Assessment Report submitted to DWR by July 1, 2022.

1.3 Six Standard Water Shortage Levels

This section summarizes how the City's water shortage levels from Municipal Code 13.07 are consistent with CWC Section 10632(a)(2). Shortage levels indicate the gap between supply and demand compared to normal year conditions. **Table 1-2** shows the City's shortage stages and their representative shortages. As shown in **Table 1-2**, the water shortage stages include consideration of water shortages up to a Shortage Level 2, which includes a greater than 50% shortage range as required by the CWC. Each stage includes supply conditions and percent of normal water supply, which may vary based on the nature of water supply emergency. The percent of normal supply ranges, percent demand reduction target ranges, and shortage criteria shown in **Table 1-2** are not currently incorporated in the Municipal Code but may be if approved or amended by City Council. Due to the dynamic nature of supply and demand conditions, the City intends to evaluate these shortage criteria and utilize adaptive management of supplies and shortage response actions to appropriately address a given shortage condition. The implementation of a shortage level is dependent on the cause, severity, and anticipated duration of the water supply shortage. Therefore, **Table 1-2** provides potential ranges and criteria as guidelines to determine a shortage and appropriate responses, but ultimately a combination of shortage criteria could trigger use of a combination of water shortage response actions to address a shortage as discussed in **Section 1.4**.

Table 1-2. DWR 8-1 Water Shortage Contingency Plan Levels

| Shortage Level | Potential Percent of Normal Supply Shortage Range | Percent Demand Reduction Target Range | Shortage Criteria |
|----------------|---|---------------------------------------|--|
| 1 | 0-30% | 0-15% | <ul style="list-style-type: none"> - Total water supply at or below 2,500 AFY considering adaptive management of groundwater levels, stored Lopez water, and/or supplemental supplies available; and/or - Lopez Reservoir <15,000 AF in storage; and/or - 3 of the previous 4 quarters of sentry well level readings below the deep well index trigger level of 7.5 feet; and/or - Mandatory SWRCB water use reduction |
| 1B | 31-35% | 16-35% | <ul style="list-style-type: none"> - Total water supply at or below 2,300 AFY considering adaptive management of groundwater levels, stored Lopez water, and/or supplemental supplies available; and/or - Lopez Reservoir <10,000 AF in storage; and/or - 6 quarterly continuous events of sentry well level readings below the deep well index trigger level of 7.5 feet; and/or - Mandatory SWRCB water use reduction |
| 2 | >36% | >36%, 50% & >50% | <ul style="list-style-type: none"> - Total water supply at or below 2,000 AFY considering adaptive management of groundwater levels, stored Lopez water, and/or supplemental supplies available; and/or - Lopez Reservoir <5,000 AF in storage; and/or - SMGB seawater intrusion; and/or - Catastrophic or emergency supply interruption |

New to the CWC, water suppliers must now adopt water shortage levels that equivalently address six standard water shortage levels. DWR standardized six shortage levels to provide a consistent regional and statewide approach to measure water supply shortage conditions. The six shortage levels correspond to 10-, 20-, 30-, 40-, 50-percent, and greater than 50 percent shortage compared to the normal reliability conditions. However, a water supplier may use its own shortage levels if a crosswalk is included relating its existing shortage levels to the six standard levels. A crosswalk between the City's water shortage stages and the six standard levels is shown in **Figure 1-1**.

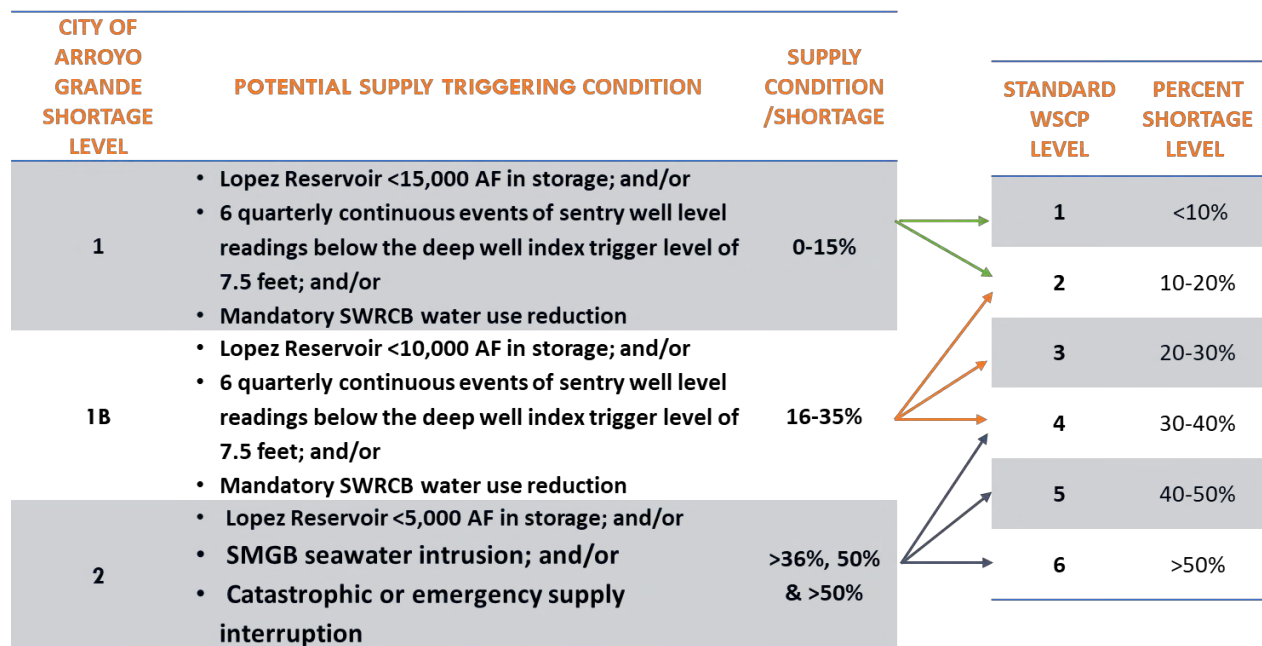


Figure 1-1: WSCP Crosswalk to DWR's Six Standard Shortage Levels

1.4 Shortage Response Actions

This section is in accordance with CWC Section 10632(a)(4) and 10632.5(a) and describes the response actions that may be implemented or considered for each shortage level with emphasis to minimize social and economic impacts to the community. The City expects to mitigate supply shortages through a variety of response actions including demand reduction actions, supply augmentation, operational changes, and mandatory prohibitions.

This WSCP identifies various actions to be considered by the City during water shortage conditions. In the event of a water shortage, the City will evaluate the cause of the shortage to help inform which response actions should be implemented. Depending on the nature of the water shortage, the City can elect to implement a combination of response actions to mitigate the shortage and reduce gaps between supply and demand. It should be noted that all actions listed for Level 1 apply to Level 1B and Level 2. Likewise, Level 1B actions apply to Level 2. If necessary, the City may enact additional actions that are not listed in this WSCP. The following sections discuss the potential response actions for each of the City's water shortage levels.

1.4.1 Demand Reduction

In the event of a water shortage, the City may implement voluntary and mandatory compliance measures to induce water conservation. The City's Municipal Code Chapter 13.07 includes prohibitions on various wasteful water uses and potential restricted use of City water during a declared water supply shortage (**Attachment 1**). The City's methods include supplementing its water conservation program during WSCP implementation with progressively reduced water use allocations for various customer types as higher stages of the WSCP are implemented. In addition to the Municipal Code Chapter 13.07 provisions summarized below, the City may choose to utilize different shortage criteria (see **Table 1-2**) or measures that are listed in **Table 1-5**, or other measures deemed appropriate, at various shortage levels. The City's first priority in the implementation of these regulations and restrictions will be the preservation of water to satisfy domestic consumptive needs, for adequate fire protection, and to preserve the health, safety, and welfare of the customers of the City.

Municipal Code Chapter 13.07.030- 13.07.080

Implementation of stages of action

A. Stage 1 Water Shortage Emergency and Historical Use Water Restrictions

1. After holding a noticed public hearing in accordance with the requirements of Water Code Section 350 et seq., the City Council may, by resolution, declare a Stage 1 Water Shortage Emergency based upon a determination that Triggering Conditions exist or there have been impacts to the City's water supply, and/or it has been determined that it is imminent that the City's water supply has or will become so limited that an emergency water shortage condition exists as far as the available water supply being less than projected demand necessitating the institution of reductions in water usage based upon Historical Use, as further set forth in subsection 2, below.

Triggering Conditions may include, but not be limited to; a determination that the water level at the Lopez Reservoir is at or below 15,000 acre feet; there have been six (6) quarterly continuous events of sentry well level readings below the deep well index trigger level of 7.5 feet; and/or the imposition of mandatory reductions in water use by the City by the State Water Resources Control Board.

2. Upon adoption of a Stage 1 Water Shortage Emergency resolution, all residential customers will be assigned a baseline amount of water, based upon the amount of water used during the same billing period of the previous year prior to the adoption of the resolution. All residential customers shall reduce water usage by a percentage amount set forth in the resolution, which percentages may be modified or amended by the City Council as deemed necessary and appropriate. The percentage of required conservation shall increase depending on the billing Tier of the residential customer's water use as provided in the City's tiered water rate structure. The resolution shall include provisions for the imposition of mandatory financial penalties if the amount of water in each Tier is exceeded, which penalties may also be modified or amended by the City Council as deemed necessary and appropriate based upon a determination of the severity of the Water Shortage Emergency.

The following shall be used as a general framework for the resolution establishing the baseline units for billing Tiers and penalties, subject to such revisions deemed necessary in order to achieve the desired water savings:

Residential customers in Tier 1 shall be required to reduce consumption by the lowest percentage. Residential customers in Tier 2 shall be required to reduce consumption by a larger percentage than those in Tier 1. Residential Customers in Tier 3 shall be required to reduce consumption by an even larger percentage than those in Tier 1 and Tier 2. For example, Tier 1 customers may initially be required to conserve 10%, Tier 2 customers 20% and Tier 3 30%. As the emergency worsens, the City Council, may by resolution, increase the percentage reduction deemed necessary in order to achieve the projected amount of water savings established as necessary.

B. Stage 1B Water Shortage Emergency—Implementation of Additional Restrictions based upon the existence of Triggering Conditions

1. After holding a noticed public hearing in accordance with the requirements of Water Code Section 350 et seq., the City Council may, by resolution, find and determine that failure to adopt and impose additional restrictions on water use and deny new or additional water service connections for projects that do not participate in a water demand offset program, would place the community in a condition that is dangerous to the health, safety and welfare of its citizens due to the severe impact on the City's water supply, if it is determined that any specified Triggering Conditions exist.

Based upon such a determination, the City Council may declare a Stage 1B Water Shortage Emergency that will provide that when Triggering Conditions exist additional restrictions on water use, including but not limited to denial of new or additional water service connections for projects that do not participate in a water demand offset program, will be imposed in order to protect the public health, safety and welfare of the community.

The resolution may provide that the certification by the City Manager and Public Works Director that the Triggering Conditions set forth in subsection 2 below exist, which shall result in the immediate imposition of additional regulations and restrictions on the use of water in order to provide for the protection of the public's health, safety and welfare, as set forth in the resolution.

2. If any one of the following water supply Triggering Conditions are determined to exist, the additional water use restrictions contained in subsection 4 below shall immediately be imposed.
 - a. The interruption of local water deliveries, the water delivery system or additional mandated reductions in water use by the State Water Resources Control Board.
 - b. The water level at the Lopez Reservoir is at or below 10,000 acre feet.
 - c. There have been six quarterly continuous events of sentry well level readings in the Santa Maria Ground Water Basin below the deep well index trigger level of 7.5 feet, or indications of sea water intrusion are detected.
3. In the event that any of the foregoing Triggering Conditions are determined to exist, the Public Works Director and City Manager shall Certify to its existence, immediately notify the City Council of such determination, post the Certification of the existence of the condition on the City website, and make additional notifications to alert the public that the additional Stage 1B restrictions are being implemented.
4. The following additional regulations and restrictions shall apply in addition to the restriction imposed in the Stage 1 Water Shortage Emergency:
 - a. Irrigation of City-owned non-sports field turf areas shall be reduced to 25% of the water used for such irrigation in a year as specified in the adopting resolution.
 - b. The required residential customer water reductions established in Stage 1 pursuant to Section A 2, above, shall be increased by five (5) percent for each of the three water rate tiers.
 - c. There shall be no new or additional water connections for any project that does not have all required planning project approvals and entitlements at the time of the Certification that a Triggering Condition exists. Smaller projects of less than four residential units or less than 5,000 sq. feet of commercial space shall be exempt from this restriction. Notwithstanding this restriction, development projects may continue to be processed.
 - d. The City Council may provide that the restriction contained in subsection c. above, will not apply to any project that participates in the City's approved water

demand offset program by providing water savings that offset their project's water demand by a ratio of 1:1.5.

5. The foregoing Stage 1B additional regulations and restrictions contained in this Section shall no longer apply upon Certification by the Public Works Director and the City Manager that the water level at the Lopez Reservoir is at or above 15,000 acre feet and increasing, and none of the other Triggering Conditions exist, or upon a determination by the City Council that these additional water use regulations and restrictions are no longer necessary to protect the City's water supply.

C. Stage 2 Water Shortage Emergency and Household Allocation Water Restrictions.

1. After holding a noticed public hearing in accordance with the requirements of Water Code Section 350 et seq., the City Council may declare, by resolution, a Stage 2 Water Shortage Emergency based upon a determination that Triggering Conditions exist or that the projected City's water supply condition is or will become equal to or less than amounts that have been determined necessary to meet basic minimum household health and safety requirements, and restrictions and limits through the implementation of water allocations are necessary for continued water use that is reliable and sustainable by providing a minimum supply for the most essential purposes for human consumption, sanitation, and fire protection during the emergency situation, in order to protect the public health, safety and welfare.

Triggering Conditions may include, but not be limited to: a determination that the water level at the Lopez Reservoir is at or below 5,000 acre feet; and/or seawater intrusion is occurring in the Santa Maria Groundwater Basin; and/or there has been a catastrophic or emergency interruption in the City's water supply.

2. Upon adoption of a Stage 2 Water Shortage Emergency, restrictions and limits shall be imposed through the implementation of Household Allocations of water units for residential customers. All residential customers will be allocated units of water deemed necessary for an average household size (1 unit of water is equal to 100 cubic feet or 748 gallons). Any residential customer using over the assigned baseline unit amount may be subject to citation and shall be subject to the imposition of mandatory financial penalties, which shall be set forth in the resolution adopted by the City Council and be based upon the severity of the Water Shortage Emergency. Each household shall be allowed 12 units of water per two month billing period (which is equivalent to 150 gallons per household per day). Households with over 5 people will be allowed 20 units of water per two-month billing period (250 gallons per day). Households with over 7 people will be allowed 28 units of water per two-month billing period (350 gallons per day). The allocations contained herein may be adjusted by the City Council by resolution.

Commercial Properties and Customers with Irrigation Meters

During a Stage 1 Water Shortage Emergency commercial water customers shall not be subject to mandatory penalties for use except for those with irrigation meters as provided below.

Any customer with an irrigation meter account shall reduce water use by such percentages specified in the resolution declaring the Water Shortage Emergency, which percentage reductions may be increased by the City Council by resolution upon a determination that additional reductions are necessary. The resolution shall also establish mandatory financial penalties for failing to meet required water use reductions.

During a Stage 2 Water Shortage Emergency commercial water customers shall not use potable water for irrigation of outdoor landscaping. All irrigation meters shall be shut off and billing will be suspended.

Additional Requirements and Restrictions during Stage 1, Stage 1B or Stage 2 Water Shortage Emergency

Upon adoption of a resolution declaring a Stage 1, Stage 1B or Stage 2 Water Shortage Emergency the following shall apply:

1. Commercial, industrial or irrigation meter customers shall immediately follow any directive issued or declared by the City's Water Department to conduct water use audits, prepare water conservation plans and immediately repair any identified water system leaks, including leaks attributable to faulty pipes or fixtures. Commercial customers shall not violate any other water use restrictions intended to preclude excessive water usage, as adopted by the City.
2. Residential customers shall not violate any water use/allocation or other water rationing regulation implemented by resolution of the City Council, including such regulations intended to preclude excessive water usage and specifying maximum water usage limitations, as otherwise provided by this Chapter.

Adjustments in Water Consumption Reduction Amounts, and Other Exceptions

A. During a declared Water Shortage Emergency the Director, upon application made in writing by a customer on a form promulgated by the water department and accompanied by supporting documentation, shall be authorized to modify the percentage of water consumption reduction that is required by the customer, upon the customer's production of substantial evidence demonstrating the existence of unusual circumstances, including but not limited to the household having been vacant during a portion of the comparison year billing period, resulting in the baseline water amount assigned to the household being lower than what would normally have been experienced.

B. The percentage of reduction in water consumption may also be adjusted if the existence of one or more of the following circumstances are shown and that are particular to that customer and which are not generally shared by other water department customers:

1. Failure to approve the requested exception would cause a condition having an adverse effect on the health, sanitation, fire protection, or safety of the customer.

2. Alternative restrictions to which the customer is willing to adhere are available that would achieve the same level of demand reduction as the restriction for which an exception is being sought and such alternative restrictions are enforceable by the water department.

3. Circumstances concerning the customer's property have changed since the implementation of the subject restriction warranting a change in the customer's water usage allocation or required percentage of reduction in consumption.

C. In order to qualify for an exception, a customer may be required at the Director's determination, to first complete a self-water audit pursuant to standards and procedures promulgated by the water department. This audit shall be made part of the customer's exception application and water conservation measures indicated by the audit may be incorporated as conditions of approval to an exception in addition to any other conditions of approval imposed by the Director in connection with the Director's approval of the customer's exception application.

Water Shortage Appeals Board (WSAB)

A. Upon adoption of a resolution declaring a Water Shortage Emergency, the Utility Billing Adjustment Committee shall be empowered to act as the Water Shortage Appeal Board (WSAB). Thereafter, the Water Shortage Appeal Board will remain available to convene for as long as the Water Shortage Emergency remains in effect.

B. Any customer who considers an action taken by the Director or an enforcement official under the provisions of this Chapter, including action on adjustments to water consumption reduction amounts, and on exception application, or the assessment of administrative penalties which have been erroneously taken or issued, may appeal that action or penalty to the Water Shortage Appeals Board in the following manner:

1. The appeal shall be made in writing, shall state the nature of the appeal specifying the action or penalty that is being appealed and the basis upon which the action or penalty is alleged to be in error. Penalty appeals shall include a copy of the bill or any applicable notice of violation;

2. An appeal, to be effective, must be received by the Director not later than ten business days following the date of the notice of violation or the date that the Director took the action which is the subject of the appeal;

3. The Director shall schedule the appeal for consideration by the WSAB. The WSAB shall hear the appeal within ninety days of the date of the appeal and issue its decision within thirty days of the date of the hearing;

4. In ruling on appeals, the WSAB shall strictly apply the provisions of this Chapter, and shall not impose or grant terms and conditions not authorized by this Chapter.

5. Decisions of the WSAB shall be subject to appeal to the City Council in accordance with the procedures in Chapter 1.12 of this Code, including the requirement that decisions be first taken up with the City Manager.

1.4.2 Supply Augmentation

The City is pursuing Central Coast Blue as a local and drought-resistant supplemental supply, as discussed in **Section 6** of the City's 2022 UWMP. Given the City's sufficient planned supply

with Central Coast Blue, the City has no immediate plan to augment supply with any additional, long-term sources in response to shortages.

1.4.3 Operational Changes

During shortage conditions, operations may be affected by demand reduction responses. Operational changes to address a short-term water shortage may be implemented based on the severity of the reduction goal. The City will maximize its supply by implementing operational strategies and demand reduction measures. As part of the Annual Assessment process, the City will consider their operational procedures at the time of a shortage to identify changes that can be implemented to address water shortage on a short-term basis, include but not limited to:

- Expeditious leak repair
- Decrease Line Flushing
- Reduce System Water Loss

1.4.4 Additional Mandatory Restrictions

In addition to the mandatory conservation and rationing measures imposed in Stages 1 through 2, the following water waste prohibitions are in effect at all times and will remain in effect during any declared water shortage emergency.

Table 1-3. Water Shortage Contingency - Mandatory Prohibitions

| Prohibitions | Mandatory Prohibition Stage |
|--|------------------------------------|
| All use of water which results in excessive gutter runoff. | None, Stage 1, 1B & 2 |
| Use of water for cleaning driveways, patios, parking lots, sidewalks, streets, or other such uses except as necessary to protect public health or safety. | None, Stage 1, 1B & 2 |
| Outdoor water use for washing vehicles shall be attended and have hand-controlled watering devices. | None, Stage 1, 1B & 2 |
| Outdoor irrigation between the hours of 10 AM and 4 PM. | None, Stage 1, 1B & 2 |
| Limited days for outdoor irrigation | None, Stage 1, 1B & 2 |
| Use of potable water for compaction or dust control purposes in construction activities. | None, Stage 1, 1B & 2 |
| Hotel, motel or other commercial lodging establishment shall offer their patrons the option to forego the daily laundering of towels, sheets and linens. | None, Stage 1, 1B & 2 |

Prohibitions

Mandatory Prohibition Stage

| | |
|--|-----------------------|
| Emptying and refilling of swimming pools and commercial spas is prohibited except to prevent structural damage and/or to protect public health or safety. | None, Stage 1, 1B & 2 |
|--|-----------------------|

| | |
|---|-----------------------|
| Restaurants or other commercial food service establishments shall not serve water except upon the request of a patron. | None, Stage 1, 1B & 2 |
|---|-----------------------|

1.4.5 Emergency Response Plan

In the event of a sudden and catastrophic loss of water supply, the City has written an Emergency Response Plan (ERP) to guide the City's employees during disasters such as earthquakes, floods, wild land fires, dam failures, and terrorism. In addition to the emergency response guidelines established for City personnel, the Plan includes a Memorandum of Understanding between cities within San Luis Obispo County to offer assistance as available to neighboring cities during time of disaster.

The ERP contains detailed action items to the following list of events that might result in a drastic loss in supply.

1. Structural Damage from an Explosive Device
2. Power Outage
3. Natural Event (Flood)
4. Natural Event (Winter Storm)
5. Natural Event (Hurricane/Tropical Storm)
6. Natural Event (Earthquake)

The City is a member of the California Water/Wastewater Agency Response Network (CalWARN) to support and promote statewide emergency preparedness, disaster response, and mutual assistance processes for public and private water and wastewater utilities. The CalWARN Program provides its member utilities with:

- A standard omnibus mutual assistance agreement and process for sharing emergency resources among Signatories statewide.
- The resources to respond and recover more quickly from a disaster.
- A mutual assistance program consistent with other statewide mutual aid programs and the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS).
- A forum for developing and maintaining emergency contacts and relationships.
- New ideas from lessons learned in disasters.

In the event of a power outage, the City's response strategy is to first determine if the reason for the outage is local to the plant or regional, then estimate the time to return power. This will provide the City with the significance of the situation and will help assess the need to secure additional fuel for generators. The treatment process would be operated to minimize the effects of the power loss. The problem should be remedied as quickly as possible, however, if the supply cannot be returned and an eventual loss of supply occurs, customers shall be notified of how to proceed.

The first response in the event of an earthquake is to perform a system audit to determine the extent of damage to utilities, piping, and processes. This audit will allow the City to concentrate staff and resources on issues that need to be addressed immediately. Additional staff will be required for sampling, analysis, equipment repair, manual equipment and process operation, and communication. A report of the damage will be issued to the Incident Commander followed by a list of supplies that are necessary for repairs.

In the event of an emergency that interrupts use of a surface water source, the City will be able to provide an average flow of 300 gallons per capita per day from the City well water.

In 2021, the City completed a Risk and Resilience Assessment (RRA) and Emergency Response Plan (ERP) in accordance with America's Water Infrastructure Act (AWIA) of 2018. The purpose of the RRA and ERP is to meet the AWIA compliance requirements and plan for long-term resilience of the City's infrastructure. The RRA assesses the City's water system to identify critical assets and processes that may be vulnerable to human and natural hazards, and to identify measures that can be taken to reduce risk and enhance resilience from service disruption for the benefit of customers. The RRA identifies and characterizes both infrastructure-specific and system-wide vulnerabilities and threats and quantifies the consequences of disruption. The RRA also identifies various options (and constraints) in addressing and mitigating risk. The RRA, in conjunction with the ERP, charts a course for water system resilience. The RRA also provided various recommendations to increase reliability of the City's system. Since critical pieces of infrastructure and specific vulnerabilities are detailed in the RRA and ERP, the contents of the document are confidential and for use by the City's staff only. However, the City can confirm that these plans meet the requirements set forth by AWIA and evaluate seismic risks and mitigation actions to the City's infrastructure.

In the event of a water shortage emergency resulting from equipment failure, power outage, or other catastrophe the City may implement its water shortage levels, as described above, with either voluntary or mandatory reductions depending on the severity of the shortage. For severe disasters, mandatory water use reductions are specified.

1.4.6 Seismic Risk Assessment and Mitigation Plan

Disasters, such as earthquakes, can and will occur without notice. The RRA and ERP analyze all critical City facilities for a seismic event and address mitigation strategies. Furthermore, the 2019 San Luis Obispo County Multi-Jurisdictional Hazard Mitigation Plan (**Attachment 2**) contains necessary Seismic Risk Assessment and Mitigation Plan procedures.

1.4.7 Shortage Response Action Effectiveness

The City's primary mechanism of measuring water use and, subsequently, water use reduction, is through the use of water meters. Therefore, to measure actual reductions in water use in the course of carrying out a water supply shortage contingency plan, the City may perform water meter readings for individual connections.

Potable water production figures are recorded daily at the City Corporation Yard. The daily data is compiled into monthly reports and annual reports sent to the SWRCB and San Luis Obispo

County. The City also maintains copies of all reports prepared. These reports can be used to compare monthly and annual water consumption to determine the efficiency of implemented water conservation measures. If the City determines that the desired level of water conservation is not being reached, additional conservation measures can be implemented with the direction of City Council.

Although it is difficult to estimate the volume of savings for each action, the City expects to meet required reductions through a combination of response actions in conjunction with outreach and communication efforts to the extent necessary to mitigate any impacts from a water shortage. Estimates of the effectiveness for actions have been included in **Table 1-4** and **Table 1-5**. It is assumed that a given required shortage to be addressed can be met by quantifiable measures and the remainder of shortage can be addressed by unquantifiable measures, operations changes and additional mandatory restrictions.

Table 1-4. Estimated Savings by Shortage Level

| Level | SUPPLY CONDITION/SHORTAGE, % | Supply/ Demand Target ¹ , AF | Required Savings ¹ , AF | Estimated Savings from Quantifiable Actions ² , AF | Estimated Savings from Unquantifiable Actions, AF |
|-----------|------------------------------------|--|--|--|--|
| 1 | 0%-10% Reduction | 2,319 | 232 | 76 | 156 |
| 1B | 11%-35% Reduction | 1,507 | 812 | 812 | 0 |
| 2 | 36%->50% Reduction | 1,136 | 1,183 | 1,183 | 0 |

1. For required savings estimation purposes, it is assumed the supply and demand in 2020 (2,319 AF) would need to be reduced by 35% in Level 1B and 51% in Level 2. Required savings may be met through a combination of quantifiable and unquantifiable actions. The City will only implement measures to the extent necessary to mitigate a water shortage, although estimates may indicate a greater savings is obtainable. It is anticipated that required savings will be met through quantifiable shortage response actions and through other unquantifiable actions, including outreach efforts.
2. Quantifiable savings are estimated based on various published sources and are provided as a guide. The degree of implementation of actions can vary in each stage and can result in a wide range of savings. For a list of all the City's specific shortage response actions and their maximum potential savings, refer to **Table 1-5**.

Table 1-5. DWR 8-3 Demand Reduction Actions

| Shortage Level | Demand Reduction Actions | How much is this going to reduce the shortage gap? | Additional Explanation or Reference | Penalty, Charge, or Other Enforcement |
|-----------------------|---|---|---|--|
| 1 | Landscape - Restrict or prohibit runoff from landscape irrigation | 20 AF | All use of water which results in excessive gutter runoff. | Yes |
| 1 | Other - Prohibit use of potable water for washing hard surfaces | 0.04 AF | Use of water for cleaning driveways, patios, parking lots, sidewalks, streets, or other such uses except as necessary to protect public health or safety. | Yes |
| 1 | Other - Require automatic shut of hoses | 0.04 AF | Outdoor water use for washing vehicles shall be attended and have hand-controlled watering devices. | Yes |
| 1 | Landscape - Limit landscape irrigation to specific times | 26 AF | Outdoor irrigation between the hours of 10 AM and 4 PM. | Yes |
| 1 | Landscape - Limit landscape irrigation to specific days | 26 AF | Limited days for outdoor irrigation | Yes |
| 1 | Other - Prohibit use of potable water for construction and dust control | 1 AF | Use of potable water for compaction or dust control purposes in construction activities. | Yes |

| Shortage Level | Demand Reduction Actions | How much is this going to reduce the shortage gap? | Additional Explanation or Reference | Penalty, Charge, or Other Enforcement |
|----------------|---|--|---|---------------------------------------|
| 1 | CII - Lodging establishment must offer opt out of linen service | 1 AF | Hotel, motel or other commercial lodging establishment shall offer their patrons the option to forego the daily laundering of towels, sheets and linens. | Yes |
| 1 | Pools - Allow filling of swimming pools only when an appropriate cover is in place. | 2.4 AF | Emptying and refilling of swimming pools and commercial spas is prohibited except to prevent structural damage and/or to protect public health or safety. | Yes |
| 1 | CII - Lodging establishment must offer opt out of linen service | 0.18 AF | Restaurants or other commercial food service establishments shall not serve water except upon the request of a patron. | Yes |
| 1B | Other | 812 AF | Water allocations by customer class and usage tier. | Yes |
| 2 | Other | 1,183 AF | Water allocations by customer class and usage tier. | Yes |

1.5 Communication Protocols

This section is in accordance with CWC Section 10632(a)(5) and describes the communication protocols and procedures to inform customers, the public, and state and local officials of any current or predicted water shortages. When a shortage level is enacted or changed, a notice is sent to all water customers and the City's website (<https://www.thinkh2onow.com/>) is updated. Based on the severity of the shortage condition, the City website contains various brochures and links to ways water customers can conserve water indoors and outdoors. When the City moves to severely restricted water supply, notices are provided containing the mandatory water restrictions to all visitor serving facilities.

1.6 Compliance and Enforcement

Any violation of the conservation regulations and restrictions on water use may result in termination of water service until the violation is corrected, and until all appropriate fees and penalties are paid in full. **Table 1-6** lists the specifics of the penalties and in what stages they may occur in addition to the water conservation requirements contained in City Municipal Code Section 13.05 as described below.

Violation of any provision of City Municipal Code Section 13.05 may result in termination of water service until such violation is corrected, and until penalties are paid in full and will be subject to the following administrative procedure:

1. Written notice to the alleged offender, including the furnishing of informational material and advice where appropriate;
2. Recovery of all city staff costs, including overhead, or any second or greater offense within any one-year period;
3. Additional civil administrative penalties for any third or greater offense within any one-year period;
4. The right to appeal first to the utility billing adjustment committee and then to the city council.

In addition to, and completely separate from, the civil enforcement provisions of the ordinance codified in the City's Municipal Code, any person who knowingly and willfully violates the provisions of this chapter shall be guilty of a criminal misdemeanor as provided in the general penalty provisions of this code. All previous attempts by the City to obtain compliance by the defendant may be introduced as evidence of the offender's knowledge and willfulness.

Table 1-6. Water Shortage Contingency - Penalties and Charges

| Penalty/Charge ¹ | Stage When Penalty Takes Effect |
|--|---------------------------------|
| Imposition of increasingly significant penalties so as to create a meaningful incentive to reduce water use. | None, 1, 1B & 2 |
| Criminal misdemeanor for any person who knowingly and willfully violates the provisions in the City's Municipal code, and may result in the installation of a flow restriction device or disconnection of the customer's property from the City's water service system at the customer's cost. | None, 1, 1B & 2 |

| Penalty/Charge ¹ | Stage When Penalty Takes Effect |
|--|---------------------------------|
| In addition to any penalties, misdemeanor criminal prosecution and the installation of a water flow restrictor, during a Water Shortage Emergency the Director may disconnect a customer's water service for willful violations of mandatory restrictions and regulations in the City's Municipal Code. | None, 1, 1B & 2 |
| A person or entity that as a result of violations of Municipal Code Chapter 13.07 has a flow restrictor installed or water service disconnected is responsible for payment of charges for installing and/or removing the flow-restricting device and for disconnecting and/or reconnecting service in accordance with the City's fee schedule then in effect. The charge for installing and/or removing any flow restricting device must be paid before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates. | 1, 1B & 2 |
| ¹ The foregoing penalties may also be modified or amended by the City Council as deemed necessary and appropriate based upon a determination of the severity of the Water Shortage Emergency. | |

1.7 Legal Authorities

The City's Ordinance 669 was adopted on February 24, 2015. The City adopted Resolution 4659 on May 26, 2015 and Resolution 4766 on November 22, 2016 in order to further implement Ordinance 669. The City adopted a Stage 1 Water Shortage Emergency through Resolution 5119 on October 12, 2021. Therefore, Ordinance 669, Resolution 4659, Resolution 4766, and Resolution 5119 effectively comprise the City's Water Conservation and Emergency Water Shortage Restrictions and Regulations. A copy of the City's existing Municipal Code Chapter 13.07, representing the codified ordinances and resolutions is provided in **Attachment 1**.

Under State law, the City is authorized after declaration of a water shortage emergency to restrict the water uses and to prohibit the waste or use of the City's water during such periods for any purpose other than domestic use, sanitation, fire protection or such other uses as may be determined by the City Council.

The City shall coordinate with San Luis Obispo County, within which it provides water supply services, for the possible proclamation of a local emergency, as defined in Section 8558 of the Government Code.

1.8 Financial Consequences of WSCP

The majority of the operating costs for most water agencies are fixed rather than a function of the amount of water sold. As a result, when significant conservation programs are undertaken, it

is frequently necessary to raise water rates because the revenue generated is based on lower total consumption while the revenue required is basically fixed. In order to counteract the financial impact of conservation, the City may institute an increase in the rate structure so that lower projected water consumption would generate a new rate based on the revenue needed by the City's Water Enterprise fund.

1.9 Monitoring and Reporting

This section is in accordance with CWC Section 10632(a)(9) and describes the reporting requirements and monitoring procedures to implement the WSCP and track and evaluate the response actions effectiveness.

As described in **Section 1.2**, the City intends to track its supplies and project demands on an annual basis, and if supply conditions described in **Table 1-2** are projected, the City will enact a water shortage stage. Monitoring demands is essential to ensure the WSCP response actions are adequately meeting reductions and decreasing the supply/demand gap. This will help to analyze the effectiveness of the WSCP or identify the need to activate additional response actions.

The water savings from implementation of the WSCP will be determined based on monthly production reports which will be compared to the supply from prior months, the same period of the prior year, and/ or the allocation. At first, the cumulative consumption for the various sectors (e.g., residential, commercial, etc.) will be evaluated for reaching the target demand reduction level. Then, if needed, individual accounts will be monitored. Weather and other possible influences may be accounted for in the evaluation.

1.10 WSCP Refinement Procedures

This section is consistent with CWC Section 10632 (a)(10). The WSCP is best prepared and implemented as an adaptive management plan. The City will use results obtained from monitoring and reporting procedures (described in **Section 1.9**) to evaluate any needs for revisions. The WSCP is used to provide guidance to the City Council, staff, and the public by identifying response actions to allow for efficient management of any water shortage with predictability and accountability.

To maintain a useful and efficient standard of practice in water shortage conditions, the requirements, criteria, and response actions need to be continually evaluated and improved upon to ensure that its shortage risk tolerance is adequate, and the shortage response actions are effective and up to date based on lessons learned from implementing the WSCP. Potential changes to the WSCP that could warrant an update include, but are not limited to, any changes to shortage level triggers, changes to the shortage level structure, and/or changes to the response actions. Any prospective changes to the WSCP would need to be presented at a public hearing, staff would obtain any comments and the City Council would adopt the updated WSCP. The steps to formally amend the WSCP are discussed in **Section 1.12**.

Potential refinements will be documented and integrated in the next WSCP update. If new response actions are identified by staff or public, these could be advertised as voluntary actions until these are formally adopted as mandatory.

1.11 Special Water Feature Distinction

The CWC Section 10623 (b) now requires that suppliers analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code. Non-pool or non-spa water features may use or be able to use recycled water, whereas pools and spas must use potable water for health and safety considerations so limitations to pools and spas may require different considerations compared to non-pool or non-spa water features. As described previously for Stages 1, 1B and 2, emptying and refilling of swimming pools and commercial spas is prohibited except to prevent structural damage and/or to protect public health or safety.

1.12 Plan Adoption, Submittal, and Availability

This section was completed pursuant to CWC Section 10632(a)(c).

This WSCP was presented for adoption to the City Council at the **Month XX, 202X** City Council meeting. Notifications were sent to all necessary Cities, Counties, and Cities 60 days prior to the **Month XX, 202X** public board meeting. To comply with the notice to the public, the City published notices in the local newspaper two weeks in advance with 5 days between publications. Copies of the 60-day notices and public hearing newspaper notices are provided in the City's 2022 UWMP Appendix B. The WSCP was also made available in advance of the public hearing.

The WSCP was formally adopted on **Month XX, 202X** by the City Council through **Resolution XX-XX**, included as **Attachment 3**. The WSCP was made available to all staff, customers, and any affected cities, counties, or other members of the public at the City and online within 30 days of the adoption date.

1.13 Resources and References

American Water Works Association (AWWA). 2019. "Manual of Water Supply Practices, Drought Preparedness and Response."

Department of Water Resources. 2020. "Urban Water Management Plan Guidebook 2020."

Water Systems Consulting Inc. 2023. "City of Arroyo Grande 2022 UWMP."

This page is intentionally blank for double-sided printing.

Attachment 1: Municipal Code Chapter 13.07

This page is intentionally blank for double-sided printing.

Chapter 13.07 - EMERGENCY WATER SHORTAGE RESTRICTIONS AND REGULATIONS

*Footnotes:**--- (2) ---*

Editor's note— Ord. No. 682, § 1, adopted Feb. 14, 2017, amended Ch. 13.07 in its entirety to read as herein set out. Former Ch. 13.07, §§ 13.07.010—13.07.090, pertained to similar subject matter, and derived from Ord. No. 669, § 3, adopted Feb. 24, 2015; Ord. No. 670, § 1, adopted May 26, 2015.

13.07.010. - Definitions.

"City" refers to the city of Arroyo Grande.

"Customer" shall refer to any account customer of the city of Arroyo Grande water department as well as to any consumer of city water who may not be a city of Arroyo Grande water department account customer.

"Director" refers to the city of Arroyo Grande Public Works Director or his or her designee.

"Historical use" refers to the establishment of a baseline amount of water that is equal to the amount of water used in the same billing period for a specifically identified previous year, and which will subject the customer to mandatory financial penalties if specified percentages of water savings are not met, as further set forth in a resolution adopted by the city council.

"Household allocation" refers to the establishment of a water allocation amount, to be established by resolution of the city council, and which allocation amount, if exceeded, is subject to mandatory financial penalties that escalate based upon the level of water use and as further set forth in the resolution.

"Triggering conditions" refers to specified water supply conditions that may result in declaring a water shortage emergency stage of action.

"Water" refers to water produced and served by the city of Arroyo Grande water department.

"Water department" refers to the city of Arroyo Grande Public Works Department Utilities Division.

(Ord. No. 682, § 1, 2-14-2017)

13.07.020 - Water shortage emergency stages of action.

- A. The provisions of this chapter provide for stages of action that will be undertaken in response to water supply shortages and related triggering conditions, consistent with the city of Arroyo Grande's Urban Water Management Plan. It provides for the imposition of regulations and restrictions, including but not limited to requirements to reduce consumption of water, that are necessary in order to protect the health, safety and welfare of the community.

The stages of action have been created in recognition of the fact that the city's water supply consists of a combination of water from the Lopez Reservoir and groundwater sources, and that a variety of specific factors can result in the need to implement a stage of action, as well as the potential for unanticipated interruptions of local water deliveries, the water delivery system or the imposition of additional state mandated reductions in water use.

- B. The provisions of this Chapter relating to emergency water shortage restrictions and regulations are in addition to the water conservation requirements contained in Section 13.05.030. Those water conservation requirements shall be permanent and this stage of action shall apply at all times and shall be known as Stage 0.
- C. The other provisions of this chapter relating to additional stages of action shall be implemented and take effect upon adoption of a resolution by the city council as further provided in Section 13.07.030, based upon the recommendations of city staff and its analysis of the city's water supply conditions and the existence of triggering conditions, as further provided in this chapter. In addition to the permanent water conservation requirements that constitute Stage 0, the additional stages of action shall be referred to as a Stage 1 water shortage emergency, a Stage 1B water shortage emergency, or a Stage 2 water shortage emergency.
- D. Upon adoption, resolutions providing for a stage of action shall remain in effect for the duration of the water shortage emergency conditions, but may be modified by the city council to impose additional measures to a stage of action as necessary to address the need to preserve the city's water supply to the maximum extent possible in order to protect the health, safety and welfare of the community.
- E. During a declared stage of action, if it is deemed in the city's interest in order to better monitor water usage, the billing period may be adjusted by city staff to provide for monthly billing, instead of bi-monthly billing.
- F. Upon adoption of a resolution declaring a stage of action, the provisions of this chapter and any restrictions set forth in the resolution, shall apply to all persons using or consuming water provided by the city inside and outside of the city, regardless of whether any person using such water has a contract for water service with the city.
- G. If any other provision of the Arroyo Grande Municipal Code, whether enacted prior to or subsequent to the enactment of this chapter, is inconsistent with the provisions of this chapter, the provisions of this chapter shall supersede and control for the duration of the declared water shortage emergency set forth in the resolution of the city council.

(Ord. No. 682, § 1, 2-14-2017)

13.07.030 - Implementation of stages of action.

The stages of action may be implemented by the city council as follows:

- A. Stage 1 water shortage emergency and historical use water restrictions.
 - 1. After holding a noticed public hearing in accordance with the requirements of Water Code Section 350 et seq., the city council may, by resolution, declare a Stage 1 water shortage emergency based upon a determination that triggering conditions exist or there have been impacts to the city's water supply, and/or it has been determined that it is imminent that the city's water supply has or will become so limited that an emergency water shortage condition exists as far as the available water supply being less than projected demand necessitating the institution of reductions in water usage based upon historical use, as further set forth in subsection 2, below.

Triggering conditions may include, but not be limited to: a determination that the water level at the Lopez Reservoir is at or below fifteen thousand (15,000) acre feet; there have been six quarterly continuous events of sentry well level readings below the deep well index trigger level of seven and one-half feet; and/or the imposition of mandatory reductions in water use by the city by the state water resources control board.

2. Upon adoption of a Stage 1 water shortage emergency resolution, all residential customers will be assigned a baseline amount of water, based upon the amount of water used during the same billing period of the previous year prior to the adoption of the resolution. All residential customers shall reduce water usage by a percentage amount set forth in the resolution, which percentages may be modified or amended by the city council as deemed necessary and appropriate. The percentage of required conservation shall increase depending on the billing tier of the residential customer's water use as provided in the city's tiered water rate structure. The resolution shall include provisions for the imposition of mandatory financial penalties if the amount of water in each tier is exceeded, which penalties may also be modified or amended by the city council as deemed necessary and appropriate based upon a determination of the severity of the water shortage emergency.

The following shall be used as a general framework for the resolution establishing the baseline units for billing tiers and penalties, subject to such revisions deemed necessary in order to achieve the desired water savings:

Residential customers in Tier 1 shall be required to reduce consumption by the lowest percentage. Residential customers in Tier 2 shall be required to reduce consumption by a larger percentage than those in Tier 1. Residential customers in Tier 3 shall be required to reduce consumption by an even larger percentage than those in Tier 1 and Tier 2. For example, Tier 1 customers may initially be required to conserve ten (10) percent, Tier 2 customers twenty (20) percent and Tier 3 customers thirty (30) percent. As the emergency worsens, the city council may, by resolution, increase the percentage reduction deemed necessary in order to achieve the projected amount of water savings established as necessary.

B. Stage 1B Water Shortage Emergency—Implementation of additional restrictions based upon the existence of triggering conditions.

1. After holding a noticed public hearing in accordance with the requirements of Water Code Section 350 et seq., the city council may, by resolution, find and determine that failure to adopt and impose additional restrictions on water use and deny new or additional water service connections for projects that do not participate in a water demand offset program, would place the community in a condition that is dangerous to the health, safety and welfare of its citizens due to the severe impact on the city's water supply, if it is determined that any specified triggering conditions exist.

Based upon such a determination, the city council may declare a Stage 1B Water Shortage Emergency that will provide that when triggering conditions exist additional restrictions on water use, including but not limited to denial of new or additional water service connections for projects that do not participate in a water demand offset program, will be imposed in order to protect the public health, safety and welfare of the community.

The resolution may provide that the certification by the city manager and public works director that the triggering conditions set forth in subsection 2 below exist, which shall result in the immediate imposition of additional regulations and restrictions on the use of water in order to provide for the protection of the public's

health, safety and welfare, as set forth in the resolution.

2. If any one of the following water supply triggering conditions are determined to exist, the additional water use restrictions contained in subsection 4 below shall immediately be imposed.
 - a. The interruption of local water deliveries, the water delivery system or additional mandated reductions in water use by the state water resources control board.
 - b. The water level at the Lopez Reservoir is at or below ten thousand (10,000) acre feet.
 - c. There have been six quarterly continuous events of sentry well level readings in the Santa Maria Ground Water Basin below the deep well index trigger level of seven and one-half feet, or indications of sea water intrusion are detected.
 3. In the event that any of the foregoing triggering conditions are determined to exist, the public works director and city manager shall certify to its existence, immediately notify the city council of such determination, post the certification of the existence of the condition on the city website, and make additional notifications to alert the public that the additional Stage 1B restrictions are being implemented.
 4. The following additional regulations and restrictions shall apply in addition to the restriction imposed in the Stage 1 Water Shortage Emergency:
 - a. Irrigation of city-owned non-sports field turf areas shall be reduced to twenty-five (25) percent of the water used for such irrigation in a year as specified in the adopting resolution.
 - b. The required residential customer water reductions established in Stage 1 pursuant to Section A 2, above, shall be increased by five percent for each of the three water rate tiers.
 - c. There shall be no new or additional water connections for any project that does not have all required planning project approvals and entitlements at the time of the certification that a triggering condition exists. Smaller projects of less than four residential units or less than five thousand (5,000) sq. feet of commercial space shall be exempt from this restriction. Notwithstanding this restriction, development projects may continue to be processed.
 - d. The city council may provide that the restriction contained in subsection c. above, will not apply to any project that participates in the city's approved water demand offset program by providing water savings that offset their project's water demand by a ratio of 1:1.5.
 5. The foregoing Stage 1B additional regulations and restrictions contained in this section shall no longer apply upon certification by the public works director and the city manager that the water level at the Lopez Reservoir is at or above fifteen thousand (15,000) acre feet and increasing, and none of the other triggering conditions exist, or upon a determination by the city council that these additional water use regulations and restrictions are no longer necessary to protect the city's water supply.
- C. Stage 2 Water Shortage Emergency and Household Allocation Water Restrictions.
1. After holding a noticed public hearing in accordance with the requirements of Water Code Section 350 et seq., the city council may declare, by resolution, a Stage 2 Water Shortage Emergency based upon a determination that triggering conditions exist or that the projected city's water supply condition is or will become equal to or less than amounts that have been determined necessary to

meet basic minimum household health and safety requirements, and restrictions and limits through the implementation of water allocations are necessary for continued water use that is reliable and sustainable by providing a minimum supply for the most essential purposes for human consumption, sanitation, and fire protection during the emergency situation, in order to protect the public health, safety and welfare.

Triggering conditions may include, but not be limited to: a determination that the water level at the Lopez Reservoir is at or below five thousand (5,000) acre feet; and/or seawater intrusion is occurring in the Santa Maria Groundwater Basin; and/or there has been a catastrophic or emergency interruption in the city's water supply.

2. Upon adoption of a Stage 2 Water Shortage Emergency, restrictions and limits shall be imposed through the implementation of household allocations of water units for residential customers. All residential customers will be allocated units of water deemed necessary for an average household size (one unit of water is equal to one hundred (100) cubic feet or seven hundred forty-eight (748) gallons). Any residential customer using over the assigned baseline unit amount may be subject to citation and shall be subject to the imposition of mandatory financial penalties, which shall be set forth in the resolution adopted by the city council and be based upon the severity of the water shortage emergency. Each household shall be allowed twelve (12) units of water per two month billing period (which is equivalent to one hundred fifty (150) gallons per household per day). Households with over five people will be allowed twenty (20) units of water per two-month billing period (two hundred fifty (250) gallons per day). Households with over seven people will be allowed twenty-eight (28) units of water per two-month billing period (three hundred fifty (350) gallons per day). The allocations contained herein may be adjusted by the city council by resolution.

(Ord. No. 682, § 1, 2-14-2017)

13.07.040 - Reserved.

13.07.050 - Commercial properties and customers with irrigation meters.

During a Stage 1 Water Shortage Emergency commercial water customers shall not be subject to mandatory penalties for use except for those with irrigation meters as provided below.

Any customer with an irrigation meter account shall reduce water use by such percentages specified in the resolution declaring the water shortage emergency, which percentage reductions may be increased by the city council by resolution upon a determination that additional reductions are necessary. The resolution shall also establish mandatory financial penalties for failing to meet required water use reductions.

During a Stage 2 Water Shortage Emergency commercial water customers shall not use potable water for irrigation of outdoor landscaping. All irrigation meters shall be shut off and billing will be suspended.

(Ord. No. 682, § 1, 2-14-2017)

13.07.060 - Additional requirements and restrictions during Stage 1, Stage 1B or Stage 2 Water Shortage Emergency.

Upon adoption of a resolution declaring a Stage 1, Stage 1B or Stage 2 Water Shortage Emergency the following shall apply:

1. Commercial, industrial or irrigation meter customers shall immediately follow any directive issued or declared by the city's water department to conduct water use audits, prepare water conservation plans and immediately repair any identified water system leaks, including leaks attributable to faulty pipes or fixtures. Commercial customers shall not violate any other water use restrictions intended to preclude excessive water usage, as adopted by the city.
2. Residential customers shall not violate any water use/allocation or other water rationing regulation implemented by resolution of the city council, including such regulations intended to preclude excessive water usage and specifying maximum water usage limitations, as otherwise provided by this chapter.

(Ord. No. 682, § 1, 2-14-2017)

13.07.070 - Adjustments in water consumption reduction amounts, and other exceptions.

- A. During a declared water shortage emergency the director, upon application made in writing by a customer on a form promulgated by the water department and accompanied by supporting documentation, shall be authorized to modify the percentage of water consumption reduction that is required by the customer, upon the customer's production of substantial evidence demonstrating the existence of unusual circumstances, including but not limited to the household having been vacant during a portion of the comparison year billing period, resulting in the baseline water amount assigned to the household being lower than what would normally have been experienced.
- B. The percentage of reduction in water consumption may also be adjusted if the existence of one or more of the following circumstances are shown and that are particular to that customer and which are not generally shared by other water department customers:
 1. Failure to approve the requested exception would cause a condition having an adverse effect on the health, sanitation, fire protection, or safety of the customer.
 2. Alternative restrictions to which the customer is willing to adhere are available that would achieve the same level of demand reduction as the restriction for which an exception is being sought and such alternative restrictions are enforceable by the water department.
 3. Circumstances concerning the customer's property have changed since the implementation of the subject restriction warranting a change in the customer's water usage allocation or required percentage of reduction in consumption.
- C. In order to qualify for an exception, a customer may be required at the director's determination, to first complete a self-water audit pursuant to standards and procedures promulgated by the water department. This audit shall be made part of the customer's exception application and water conservation measures indicated by the audit may be incorporated as conditions of approval to an exception in addition to any other conditions of approval imposed by the director in connection with the director's approval of the customer's exception application.

(Ord. No. 682, § 1, 2-14-2017)

13.07.080 - Water Shortage Appeals Board (WSAB).

- A. Upon adoption of a resolution declaring a water shortage emergency, the utility billing adjustment committee shall be empowered to act as the water shortage appeal board (WSAB). Thereafter, the water shortage appeal board will remain available to convene for as long as the water shortage emergency remains in effect.
- B. Any customer who considers an action taken by the director or an enforcement official under the provisions of this chapter, including action on adjustments to water consumption reduction amounts, and on exception application, or the assessment of administrative penalties which have been erroneously taken or issued, may appeal that action or penalty to the water shortage appeals board in the following manner:
 - 1. The appeal shall be made in writing, shall state the nature of the appeal specifying the action or penalty that is being appealed and the basis upon which the action or penalty is alleged to be in error. Penalty appeals shall include a copy of the bill or any applicable notice of violation;
 - 2. An appeal, to be effective, must be received by the director not later than ten business days following the date of the notice of violation or the date that the director took the action which is the subject of the appeal;
 - 3. The director shall schedule the appeal for consideration by the WSAB. The WSAB shall hear the appeal within ninety (90) days of the date of the appeal and issue its decision within thirty (30) days of the date of the hearing;
 - 4. In ruling on appeals, the WSAB shall strictly apply the provisions of this chapter, and shall not impose or grant terms and conditions not authorized by this chapter.
 - 5. Decisions of the WSAB shall be subject to appeal to the city council in accordance with the procedures in Chapter 1.12 of this code, including the requirement that decisions be first taken up with the city manager.

(Ord. No. 682, § 1, 2-14-2017)

13.07.090 - Penalties and enforcement.

- A. Penalties. The purpose of the mandatory penalties assessed pursuant to this chapter and set forth in a resolution of the city council declaring a water shortage emergency is to assure compliance by the customer through the imposition of increasingly significant penalties so as to create a meaningful incentive to reduce water use. In acknowledgment of the fact that the city's water is scarce and irreplaceable commodity and that this chapter is intended to equitably distribute that commodity among water department customers and to assure that, to the extent feasible, city water is conserved and used only for purposes deemed necessary for public health and safety, such mandatory penalties are not to be construed as creating a "water pricing" structure pursuant to which customers may elect to pay for additional water at significantly higher rates.

- B. A customer's repeated use of excessive water during a water shortage emergency may result in criminal prosecution as a misdemeanor, and may result in the installation of a flow restriction device or disconnection of the customer's property from the city's water service system at the customer's cost, as further set forth here. Flow restriction devices shall not be installed on residences that have fire sprinkler systems.
- C. Misdemeanor. In addition to, and completely separate from, the civil penalties for excessive water use, any person who knowingly and willfully violates the provisions of this chapter during a water shortage emergency shall be guilty of a criminal misdemeanor as provided in the general penalty provisions of this code. In accordance with Section 1.16.010, such misdemeanor violations may, at the discretion of the city attorney, be initially charged or subsequently prosecuted as an infraction. All previous attempts by the city to obtain compliance by the defendant may be introduced as evidence of the offender's knowledge and willfulness.
- D. Discontinuing Service. In addition to any penalties, misdemeanor criminal prosecution and the installation of a water flow restrictor, during a water shortage emergency the director may disconnect a customer's water service for willful violations of mandatory restrictions and regulations in this chapter and Chapter 13.05. Upon disconnection of water service, a written notice shall be served upon the customer which shall state the time, place, and general description of the prohibited or restricted activity and the method by which reconnection can be made.
- E. Cost of Flow Restrictor and Disconnecting Service. A person or entity that as a result of violations of this chapter has a flow restrictor installed or water service disconnected is responsible for payment of charges for installing and/or removing the flow-restricting device and for disconnecting and/or reconnecting service in accordance with the city's fee schedule then in effect. The charge for installing and/or removing any flow restricting device must be paid before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

(Ord. No. 682, § 1, 2-14-2017)

Attachment 2: 2019 San Luis Obispo County Multi-Jurisdictional Hazard Mitigation Plan

Available at <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Elements/Local-Hazard-Mitigation-Plan.aspx>

This page is intentionally blank for double-sided printing.

Attachment 3: Adoption Resolution

To be included in Final WSCP