

Decision No. 85959

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the operations,
practices, service, equipment,
facilities, rules, regulations,
and contracts relating to WATER
CONSERVATION in existing and new
residential, commercial, industrial,
public authority, and agricultural
classes of service.

Case No. 10114
(Filed June 8, 1976)

(Appearances are listed in Appendix A.)

EMERGENCY INTERIM OPINION

Status of Proceeding

On June 8, 1976, after a winter of practically no rain in northern California the Commission issued Decision No. 85940 by which it instituted this investigation into the subject of water conservation by the utilities under its jurisdiction. In Decision No. 85940 the Commission stated that, in 1972, total residential use of water in California was about 3.4 million acre-feet. Of this amount 1.9 million acre-feet were used in the interior of dwellings, 1.4 million acre-feet of which were used in bathrooms. The Commission, after discussing the possibilities of water savings, ordered the water utilities, within 30 days and free of initial charge, to procure, provide, and distribute to their customers water conservation kits consisting of plastic toilet tank displacement bottles, plastic shower flow restrictors, and nontoxic vegetable dye tablets. (The dye tablets were for the purpose of identifying leaky toilets.)

As an alternative to the above requirements, the water utilities were permitted to notify the Commission of an equally cost-effective program, of their inability to comply with the order, or their desire to be heard.

Seventy water utilities protested the order and 22 formally petitioned for rehearing. By Decision No. 86218 dated July 13, 1976, the Commission suspended the operation of the previous order and granted rehearing. After a prehearing conference on August 30, 1976, five days of hearings were held in October in Los Angeles and San Francisco before Examiner Boneysteele. At the hearings testimony was taken from 23 witnesses, 9 of whom were representatives of manufacturers of water-saving devices, 13 were utility owners or employees, and 1 was a Deputy Director of the Department of Water Resources (DWR).

At the hearings 35 residential water conservation devices were described and the staff arranged for the testing of 24 of them by personnel from 11 interested utilities. The staff undertook to evaluate the water conservation programs of other agencies and arrangements were made through the auspices of the California-Nevada Section of the American Water Works Association to coordinate the conservation programs of investor-owned water utilities with those publicly owned. Hearing days have been set for early March of 1977 for the purpose of receiving the reports of the interim tests and studies.

Implied in this schedule was the assumption that the water situation in California, as a result of the dry winter of 1975-1976, was serious but not critical, and that, should a reasonably adequate amount of rain fall in the winter of 1976-1977, the Commission's study of the subject of water conservation could proceed at a deliberate pace. Such assumption has proved to be overoptimistic. As of early February of 1977, only one rainstorm of any consequence has passed

over the northern portion of the state. The rainfall situation in southern California is somewhat better but that area is heavily dependent on water imported from the north. It now appears that, because of the drought conditions, a most severe water supply crisis is impending. The water situation appears to be of sufficient gravity to dictate interim emergency consideration now, rather than waiting until after the scheduled March hearings.

Recognizing that the report of the utility-staff studies are not complete, the Commission believes that it has in this record sufficient data upon which to formulate an intelligent emergency interim conservation program for immediate use by the utilities under its jurisdiction. The Commission also has, on an informal basis, the staff's preliminary evaluation of the interim tests of water conservation devices and of other water conservation programs.

Summary of Hearings

At the hearings, virtually all of the participating utility respondents agreed that water conservation was desirable in principle. The only exception was Rossmoor Water Company, serving the Orange County communities of El Toro, Mission Viejo, and Laguna Hills. Rossmoor Water Company was concerned that the salinity of its water was such that a significant reduction in water discharged to sewers would increase the salinity of the water reclaimed by its waste water affiliate, Rossmoor Sanitation, Inc. The resultant increase in salinity could result in the Regional Water Quality Control Board's prohibiting the use of the reclaimed water for irrigation. The reclaimed water would need to be replaced with scarce and expensive fresh water, and the utility, having no other means of disposition except land disposal, would be required to install desalinization facilities. All of the utilities endorsed the concept of educational campaigns directed towards encouraging careful use of water.

California Water Service Company (CWS) and the utilities represented by the California Water Association (CWA) recommended that water conservation campaigns should be instituted. Both groups were amenable to distributing conservation kits at their offices, but questioned whether a significant proportion of kits distributed directly to customers at their homes would actually be installed. CWA was also concerned about the installation, by customers, of flow restrictors requiring a disassembly of plumbing fittings and fixtures. Both pointed out that the major use of water, and opportunity for saving, was for landscape irrigation outside purposes. The CWA also recommended that the Class D water utilities^{1/} be exempted from a mandatory conservation program.

Representatives of San Jose Water Works and Campbell Water Company testified that their water supplier, the Santa Clara Valley Water Conservation District, was conducting a water conservation program, including a test distribution of conservation kits. These two utilities indicated their preference of supporting the Districts' program rather than instituting duplicate parallel programs.

A representative of American-Standard Company, a large plumbing fixture manufacturer, questioned the efficacy of any water-saving devices used in existing toilets. The American-Standard Company representative testified that, in his opinion, high water pressure was the major cause of water waste. High pressures resulted in excessive water flow through valves and fixtures and also caused toilet valves to leak. He suggested that all residential systems should operate at no more than 20 pounds per square inch (psi) pressure, with 50 psi as the ideal water pressure.

^{1/} Class D water utilities are those with annual gross revenues of \$50,000 or less.

The Deputy Director of DWR testified that the current thinking of his agency was that plastic water dams inserted in the toilet tank were superior to the use of plastic bottles or other displacement devices, since a dam can save five to seven times the volume of water than can be saved with bottles. He reported that the DWR was proposing a pilot study of residential water and energy conservation devices and had applied to the United States Environmental Protection Agency (EPA) for a federal grant of approximately \$600,000 for the distribution, in the San Diego area, of approximately 300,000 kits consisting of low-flush toilet dams and low-flow shower head inserts. The DWR representative requested the Commission not to make any order requiring the installation of water-saving devices until after June 30, 1977.^{2/}

Practical Considerations

The present grave water supply situation, unless alleviated by spring rains, will reach crisis proportions by late summer. For this reason based on the record as developed to date, and using our own common sense, the Commission will prescribe a comprehensive water conservation program without waiting for further hearings.

In formulating such a program, we are mindful that California is a vast state, with a variety of climates, ranging from one extreme to the other. Recorded temperatures have ranged from as low as minus 45°F to as high as 134°F. Annual precipitation at one measuring station has exceeded 161 inches, while other points have gone for more than a year without measurable rains.^{3/}

^{2/} Our staff informs us that the DWR study has not been funded and results most likely will not be available on June 30, 1977.

^{3/} U.S. Department of Commerce Publication, Climatology of the United States No. 60-4, Climate of California, June 1970.

Another practical consideration is that, of the 400 water utilities subject to the jurisdiction of the Commission, 80 Class A, B, and C utilities serve 96 percent of the customers. The remaining 320 Class D water utilities, those having annual gross revenues of less than \$50,000, serve the remaining four percent.^{4/}

Recognizing these considerations, we will design our order to be sufficiently flexible to account for the fact that some utilities may require only minor conservation measures while others may find it necessary to employ drastic measures. Most of the utilities that vary from the median climatic conditions are to be found away from the more heavily populated areas and are more likely to fall into the Class D classification. Based on these considerations, we will, with one exception as discussed below, exempt Class D utilities from the mandatory requirements of this order. Such an exclusion has the additional advantage in that it will free the smaller utilities, many, if not most of which are one-person operations, from the necessity of undertaking extensive programs and allowing them to deal with their individual water situations in a more pragmatic manner.

The exclusion of Class D water utilities will, in accordance with the managerial principle conceived by Vilfredo Pareto, free our staff from the detail involved in securing compliance from the 80 percent of the water utilities serving only four percent of the customers and concentrate on the 20 percent serving 96 percent of the customers (the vital few).^{5/}

The exclusion of Class D water utilities from most of the mandatory requirements of this decision is not intended to discourage their voluntary compliance. Class D water utilities voluntarily complying with any of the requirements of this decision may recover their costs in the same manner as provided for the larger water utilities.

^{4/} As of December 31, 1974, water utilities under Commission jurisdiction served 1,170,787 customers, 47,021 of whom were served by the 320 Class D utilities.

^{5/} Juran, Joseph M., Managerial Breakthrough, McGraw-Hill Book Company, New York, 1964.

Distribution of Conservation Kits

An obvious immediate action to take is to reinstitute, for the reasons set forth in Decision No. 85940, but with one significant modification, and for only Class A, B, and C water utilities, the requirement that the affected utilities distribute the water conservation kits required by Decision No. 85940. To avoid wasteful and ineffectual distribution of the kits, however, we will provide that the kits may be supplied to those customers requesting kits, rather than excluding from distribution only those indicating a desire not to receive them. In an attempt to get as wide a distribution as possible we will direct the affected utilities to publicize the availability of the kits and the importance of their installation and use.

In prescribing the use of plastic displacement bottles, we note the presentation of the various purveyors of toilet dams and other devices as made in the first series of hearings. Our staff informs us that the results of the interim tests and staff review of results of similar tests made by the Washington Suburban Sanitary Commission of Hyattsville, Maryland, indicated that dams could cause more water use if not properly installed. Accordingly, we believe it more prudent, at this time, to confine our requirement to the more simply installed bottles and await the formal presentation of the staff-utility interim tests, and possibly the results of the DWR tests, before requiring the distribution of more complex devices.

We will therefore require the distribution, in such manner as the utilities deem appropriate, of water conservation kits consisting of plastic bottles, shower restrictors, and dye tablets. Such kits shall meet the specifications set forth in Appendix B. Utilities desiring to distribute an equally cost effective kit may do so upon authorization from the Executive Director of the Commission.

Rationing Plans and Alternate Water Sources

We note that one of our larger regulated water utilities and several of the large publicly owned water systems have already instituted water rationing plans. Should the drought continue, many more will face that necessity. The staff of our Hydraulic Branch by a letter dated May 26, 1976, File No. 627, requested all California regulated public water utilities to determine whether their water systems could furnish an adequate supply for the remainder of the year 1976.

The utilities were also requested, should they anticipate water shortages, to advise the Commission of the steps they had initiated, or plan to initiate, to conserve water and develop additional supplies. If they believed water rationing or a moratorium on new connections to be necessary, they were to furnish the Commission with a draft of their specific plans, and the date when they anticipated the need to implement such a plan.

Considering the gravity of the California water situation as it appears at present, we believe that this year a similar inquiry should be made, but this time having the force of a formal Commission order. ✓

In planning for additional or alternate supplies, investor-owned utilities should give consideration to coordinating their effort with those other investor or publicly owned systems and evaluate the feasibility of water exchange and mutual aid agreements. ✓

The experience of the Commission with the enforcement of water-rationing plans is that utility service personnel do not receive the enforcement respect that the public normally extends to a police officer or to a deputy sheriff. A water shortage is a community problem, and it is reasonable for a utility, and its customers, to call for the assistance of the community in enforcing water-saving measures. Attached to this decision as Appendix C is a draft of a local ordinance recommended by the DWR. Class A, B, and C utilities submitting draft ✓

water-rationing plans should accompany such plans with draft of a proposed ordinance designed to enforce the plan. (The Commission prefers that local ordinances provide for insertion of a flow restrictor at the meter rather than disconnection as a penalty.) The utility will be expected to seek enactment of a suitable ordinance. In this effect the Commission will extend its good offices in explaining the need of such ordinances to city councils and county boards of supervisors.

By Resolution No. W-1946, dated July 13, 1976, the Commission authorized regulated water utilities to implement a standard rationing plan by means of a tariff filing. (A copy of this standard plan is attached to this decision as Appendix E.) Should a utility desire to implement a different rationing plan, upon proper showing such plan could be established by a separate tariff filing. Where appropriate the plan should incorporate increasingly restrictive conditions as water availability decreases. Also, where appropriate, plans should recognize the special requirements of specific large customers such as canneries and golf courses, and attempt to effect significant reductions in water use consistent with the least adverse effect on employment or property.

Because of the widely varying climatic and service conditions in California we will not attempt to prescribe a uniform standard plan in this decision.

Sections 350 through 358 of the Water Code set forth procedures to be followed before the governing body of a distributor of a public water supply, whether publicly or privately owned, may adopt restrictions on the delivery and consumption of water. These procedures include a hearing after notice published pursuant to Section 6061 of the Government Code. Before implementing the Commission's standard rationing plan, or proposing their own plan, water utilities should consult Sections 350 through 358 of the Water Code and hold a public hearing, conducted by the proprietor or local manager of the utility.

Continuity of Service

The attention of all respondent water utilities, specifically including Class D utilities, is directed to Section II.2. of General Order No. 103, entitled "Continuity of Service". Should any actual interruption of water service occur, respondents must follow the procedures set out in that section, including telephone or telegraph notice to the Commission as soon as possible after the interruption.

Absence of Civil Liability

Some of the respondent water utilities expressed fears that they may be subjected to suits for damages because of the distribution of water conservation kits. The concern was that customers might damage their toilets or shower heads in installing the bottles or shower heads and hold the utility responsible for encouraging their installation. There also is the possibility that reduced flow from toilets might cause clogging of sewer laterals where slope is barely adequate to convey waste.

It is also quite possible that operation of rationing programs may lead some customers to conclude that they have suffered damages as a result of such plans.

The urgent necessity of reducing the demand for water to the point where it will match the available supply is so compelling that these objections must be disregarded. The installation of bottles in a toilet is a very simple procedure. The installation of flow restrictors in shower heads, while involving unscrewing and replacing the shower head, is no more complex than replacing a faucet washer, and is a task that almost any homeowner or apartment manager can, and at today's plumbers' wages, does, routinely perform. The kits should be accompanied by adequate instructions, particularly with a warning that the use of bottles should not be used at locations where the sewer laterals lack adequate slope.

It is not our intention to cause any civil liability because of the operation of a rationing program. It is inevitable that there will be disputes over the operation of the plans. The plans therefore may contain language similar to the following so as to provide a mechanism for resolving disputes:

"Any person aggrieved by any action taken or threatened to be taken pursuant to this plan shall have the right to first petition the Public Utilities Commission staff, and such petition may include a request for interim relief. Any person not satisfied with the decision of the staff, which shall be by a letter from the Executive Director of the Commission, shall then have the right to file a formal complaint with the Commission and may include a request for interim relief. No other action at law or in equity shall accrue against the utility because of, or as a result of, any matter of thing done or threatened to be done pursuant to the provisions of this plan."

This Commission has the authority to limit liability of a public utility provided that the limitation is taken into account in the setting of utility rates. (Waters v Pacific Telephone (1974) 12 C 3d 1, 6-7.) We will take any provision limiting liability into consideration in future rate filings.

Consumer Involvement and Education

Many of the water systems in California, particularly the larger ones, have been conducting public relations and publicity programs intended to promote more efficient use of water. It is, of course, extremely difficult to evaluate the effectiveness of such programs when conducted on a routine basis. If the 1977 California water crisis turns out to be as bad as now envisioned, however, public understanding and cooperation in water saving programs will be essential. Respondent water utilities should, therefore, initiate programs of consumer involvement and education. These programs should encourage customers to request water conservation kits and should provide advice on how to install and use the water conservation devices. The programs should also advise customers how to eliminate wasteful use of water and make suggestions as to how to reduce beneficial use. Programs should explain the reasons for any rationing program and ways to comply with the least hardship. Materials for such programs are available from the American Water Works Association. The programs of the agencies and utilities set forth in Appendix F can serve as examples. To avoid wasteful duplication of effort, the Commission will allow such programs to be conducted in cooperation with other investor or publicly owned systems.

In addition to publicity programs utilities should attempt to enlist the support and assistance of civic and fraternal groups as well as working with the schools in their service area.

We expect that utility operators will be sufficiently burdened in coping with meeting the problems of the drought that the submission of reports on this or other conservation measures would be a non-productive effort. All utilities are placed on notice, however, that the Commission, in considering requests for rate or other relief, whether made by advice letter or application, will examine compliance with this decision most carefully.

Leaks, Unaccounted for Water, and Pressure Reduction

An obvious source of water saving is the location and detection of leaks. Usually this is an economic trade-off. If the cost of water saved through detection of leaks in a water utility's system exceeds the cost of finding and repairing the leaks, the economic incentive is usually sufficient to induce the utility to conduct a continuing leak-detection program. In metered systems there is obviously no incentive for the utility to discover leaks on the customers' premises, although, as a matter of good citizenship, most utilities encourage customers to be alert in correcting leaks. Under the present situation, however, the physical reality of a limited supply takes precedence over the economics of correcting leaks. The Commission will expect all respondents to conduct diligent leak detection and mitigation programs, both on the utilities' systems and, where practical, on customers' premises. Since very little time is needed to identify and correct the more obvious leaks, this program should be initiated immediately.

Besides leaks, water is often taken from hydrants by construction contractors and governmental agencies. Water is also used for training of fire crews. Utilities will be expected to examine such usages and, where possible, work with these users to reduce or, if possible, suspend such uses. If appropriate, these measures can be incorporated in rationing plans.

Since it is pressure that pushes water through and out of a system, it follows that a reduction in pressure would result in a reduction of the amount of water leaving the system, whether through valves or through leaks. Our General Order No. 103 prescribes that normal operating pressures should be not less than 40 psi nor more than 125 psi. Testimony in this case, and the informal opinion of our staff is that, for the purpose of promoting

water conservation, water pressure should not exceed 80 psi, and the optimum value is around 50 psi. The Commission recognizes that operating water pressure must, in many systems, vary considerably because of differences in elevation. Utilities should, however, where operating configurations permit, reduce pressure so as not to exceed 80 psi at the meter.

The Commission is not, with these measures, going to require reports of compliance for the reasons expressed in our discussion of customer involvement and education. As with that topic, however, we will examine closely the compliance record of individual utilities in connection with future requests for rate or other relief. We will also consider possible mandatory pressure reduction later as this proceeding develops.

Advice Letter Tariff Filings

The Commission recognizes that there will be expenses incurred by respondent utilities in the course of complying with this emergency order. Respondent utilities will therefore be authorized to propose rates designed to recover any reasonable expenses incurred in complying with this order by means of an appropriate advice letter showing pursuant to General Order No. 96-A. The Commission may, in some instances, however, wish to examine estimates of revenue losses at a public hearing. ✓

Continuation of Proceeding ✓

As implied by the title of this emergency interim opinion and order, the Commission envisages this proceeding as a continuing one. At the hearings set for March 2, 3, and 4, we will receive the staff's report of the utility-staff studies during the hiatus in this proceeding. In addition to an evaluation of the water conservation programs of other agencies, a report on the interim testing of conservation devices, and additional recommendations concerning the topics discussed in this opinion, the staff proposes that, at the scheduled and subsequent hearings, the following topics should be considered:

1. Metering - Utilities to justify continuation of flat rates.
2. Rate Design - Establishment of level quantity rates.
3. Seasonal Surcharge - Seasonal surcharge to discourage use in water-short months.
4. Built in measures - Promotion of water conservation ordinances requiring low use fixtures and appliances, 50 psi pressure regulators, insulated hot water piping, low water use plantings.
5. Operating Pressure - Proposal to reduce prescribed maximum pressure at service connection to a maximum of 80 psi.
6. Unaccounted for Water - Requirement of systematic plan to reduce unaccounted for water, including mandatory leak surveys.
7. Alternate Water Sources - Utilities to report on feasibility of using alternate water sources. Class A utilities to evaluate joint utility-municipal reclamation of waste water.

Findings and Conclusions

1. Because of extremely low rainfall for two successive years, a water supply crisis is impending.
2. The impending water supply crisis requires immediate emergency action by the Commission.
3. The order in Decision No. 85940, modified to exclude Class D water utilities from distribution of water conservation kits and limiting distribution of kits to customers requesting such kits, should be reinstated.

4. All respondent water utilities should forecast available supplies of water for the remainder of 1977 and submit to the Commission their conclusions as to the prospects of meeting predicted demands with the forecasted available water or from additional available supplies. ✓

5. All respondent water utilities anticipating a water shortage should submit water rationing plans and, except for Class D water utilities, drafts of local ordinances designed to provide for enforcement of the plan by local law enforcement agencies.

6. Respondent Class A, B, and C water utilities should initiate programs designed to educate customers to the need for water conservation efforts and to involve them in such efforts. Such programs should be authorized to be conducted in cooperation with other investor or publicly owned systems.

7. Respondent Class A, B, and C water utilities should conduct diligent leak detection and mitigation programs.

8. Respondent Class A, B, and C water utilities should, where operating configurations permit, reduce operating pressure to 80 psi at the customers' meters.

9. Rather than requiring detailed compliance reports during the impending water crisis period, the Commission should consider compliance with this decision in connection with requests for rate or other relief from this Commission.

10. The plans and programs called for by this order should remain in effect until modified or canceled by further order of the Commission.

11. All respondent water utilities should be authorized to recover any reasonable expenses or revenue losses incurred by complying with this decision by means of an appropriate advice letter showing pursuant to General Order No. 96-A. The Commission may, in some instances, wish to examine estimates of revenue losses at a public hearing. ✓

12. Because of the emergency water situation the effective date of this order should be the date hereof.

EMERGENCY INTERIM ORDER

IT IS ORDERED that:

1. Respondent Class A, B, and C water utilities shall procure, provide, and distribute to their customers, free of initial charge, water conservation kits, meeting specifications set forth in Appendix B, consisting of two plastic toilet tank displacement bottles, one plastic shower flow restrictor, and two non-toxic vegetable dye tablets, or in the alternative to notify the Commission within thirty days of the effective date of this order of the utility's equally cost-effective water conservation program, or the reasons for its inability to institute such measures. Variances from, or exceptions to, the requirement to distribute water conservation kits may be granted, on a case-by-case basis, by the Executive Director of the Commission.

2. Respondent Class A, B, and C water utilities shall notify their customers, through bill inserts (note Appendix D) or other suitable means, that water conservation kits will be distributed to those customers indicating to the utility a desire to receive the conservation kit.

3. Respondent Class A, B, and C water utilities shall distribute the water conservation kits in an efficient manner most suitable to the particular needs of each individual utility. It is suggested that the water conservation devices also be made available at the utilities' offices and that utility personnel, such as meter readers, in conjunction with civic groups and public service organizations be utilized for purposes of effectively distributing the devices to utility customers.

4. Respondent Class A, B, and C water utilities shall provide and distribute the above-mentioned water conservation kits or equivalent to their customers within sixty days of the effective date of this order and thereafter to report to this Commission within thirty days the progress and status of their distribution efforts. ✓

5. All respondent water utilities shall forecast the probable availability of water to supply their systems for the remainder of the year 1977 and submit to the Commission, within sixty days of the effective date of this order, their conclusions as to the prospects of meeting predicted demands with the forecasted available water or from additional available supplies. Such conclusions shall be accompanied by supporting data and calculations and plans for coordination of water supplies with other investor or publicly owned systems. Should a study indicate an anticipated water shortage that cannot be met by developing additional supplies it should be accompanied by a draft of a water-rationing plan, which plan may be either the standard plan attached to this decision as Appendix E, or a plan designed to meet the specific needs of the utility. Each letter of transmittal should state the date when the utility anticipates that it will be necessary to implement the plan. Each rationing plan, except those submitted by Class D water utilities, shall be accompanied by a draft of a local ordinance designed to provide for enforcement of the plan by local law enforcement agencies. ✓

6. Respondent Class A, B, and C water utilities shall, within sixty days of the effective date of this order, initiate programs of consumer involvement and education as described in the above opinion under the heading "Consumer Involvement and Education". Such programs may be conducted in cooperation with other investor or publicly owned water systems.

7. Respondent Class A, B, and C water utilities shall, after the effective date of this order, conduct diligent leak detection and mitigation programs, both on the utilities' systems, and where practical, on the customers' premises.

8. Respondent Class A, B, and C water utilities shall, where ✓ operating configurations permit, and as soon as can reasonably be accomplished, reduce operating pressure to a maximum of 80 psi at customers' meters.

9. Compliance by respondent water utilities with the provisions of this order will be carefully examined in connection with requests for rate or other relief from this Commission.

10. The plans and programs called for by this order shall remain in effect until modified or canceled by further order of the Commission.

11. All respondent water utilities are hereby authorized to ✓ propose rates designed to recover any reasonable expenses or revenue losses incurred by complying with this order by means of an appropriate advice letter showing pursuant to General Order No. 96-A. ✓ The Commission may, in some instances, wish to examine estimates of revenue losses at a public hearing.

12. Case No. 10114 is continued.

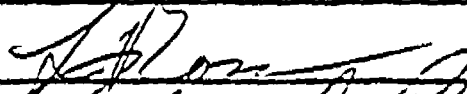
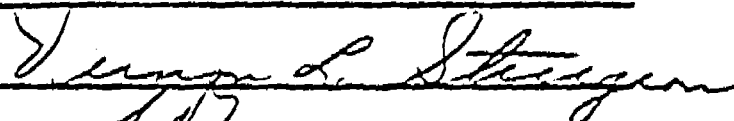
13. The Acting Executive Director is directed to mail a copy of this order to all respondents.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 10th
day of FEBRUARY, 1977.



President



Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

LIST OF APPEARANCES

Respondents: Harold R. Farr, for Tahoe Park Water Co.; George C. Baron, for Tahoe Paradise Water and Gas Co.; Ed. F. Catey and Ralph D. Lindberg, for California Water Service Company; Kathy Graham, Attorney at Law, and Kermit R. Kubitz, for Pacific Gas and Electric Company; Jay Weinhardt, for San Jose Water Works; Brobeck, Phleger & Harrison, by Robert N. Lowry, Attorney at Law, for Angora Water Company, Azusa Valley Water Company, California Cities Water Company, County Water Company, Del Este Water Company, Dominguez Water Corporation, Kavanaugh Vista Water Company, Park Water Company, Pomona Valley Water Company, Rossmoor Water Company, San Gabriel Valley Water Company, Southwest Water Company, Suburban Water Systems, Water West Corporation, and Southern California Water Company; Homer H. Hyde, for The Campbell Water Co.; Eugene L. Freeland, Attorney at Law, for California-American Water Co.; Francis H. Ferraro, for Kavanaugh Vista Water Company; R. E. Woodbury, H. Clinton Tinker, Robert H. Barnes, Jr., Attorneys at Law, by R. E. Woodbury, for Southern California Edison Company; Walker Hannon, for Suburban Water Systems; William Vann Kastler, Attorney at Law, for Lost Hills Water Company; Heller, Ehrman, White & McAuliffe, by Paul Alexander, Attorney at Law, for Citizens Utilities Company of California; John E. Skelton, Attorney at Law, for San Gabriel Valley Water Company; Randell J. Vogel, for Southwest Suburban Water; Robert A. Northon, for Apple Valley Ranchos Water Co.; William V. Caveney, for Southern California Water Co.; J. William Zastrow, for Peerless Water Co.; Albert A. Webb Associates, by R. H. Knaggs, for Mira Loma Water Company, Erskine Creek Water Co., Park Avenue Water Co., Bass Lake Water Company, and Smithson Springs Water Company; William E. Gerber, for Ponderosa Water Co.; and Thad C. Binkley, for Sierra Highlands Water Company.

Interested Parties: Daniel Young and Evan Davies, for Water-Save Inc.; Frank Bienville, Attorney at Law, for American Water Conservation Co.; Janet Spiegelman and Charles M. Crawford, for Metropolitan Water Saving Co., Inc.; Charlotte L. Montgomery, for Ny-Del Corp.; Vaughn Feather, for Eden Enterprise; Graham & James, by Boris H. Lakusta and David L. Marchant, Attorneys at Law, for California Hotel & Motel Association; Mel de Ford and M. G. Andren, for Displacement Systems Corporation; Melvin M. Schwartz, for the Department of Water Resources; George Johnson, for Econo-Flush; Joseph Stanley Hughes, for Omniproducts of Calif., Inc.; Keith Marz, for JKM 5000 Ltd.; Cecil Helms, for Conservation Systems; and Brobeck, Phleger & Harrison, by Robert N. Lowry, Attorney at Law, for California Water Association.

Commission Staff: Peter Arth, Jr., and Thomas F. Grant, Attorneys at Law, and Melvin E. Mezek.

APPENDIX B

Specifications for Conservation Kits

Toilet Tank Bottle

The 32 oz. bottle of rectangular or circular cross section shall be made of high density polyethylene. A plastic cap and suitable weights such as sand or pebbles are to be included.

Shower Restrictor

The fixed orifice restrictor for retrofitting into existing shower stall piping shall limit water flow to a value between 3.0 and 3.5 gpm when inlet water conditions are 50 psi static and 100°F. It shall be made of stable material which will possess shape retention at 212°F for at least one hour and shall be designed to resist buildup of lime and to minimize noise level.

Dye Tablet

The dye tablet shall consist of an approximately $\frac{1}{2}$ -inch diameter tablet containing a blue dye readily soluble in water and shall not stain toilet fixtures or possess toxicity as defined in Part 150, Code of Federal Regulations, Sec. 1500.3 (Standards established by Federal Consumer Product Safety Commission).

General

The manufacturers are to have their products certified as to meeting the above specifications by a recognized laboratory. The Executive Director of the Commission is authorized to grant deviations from these specifications.

APPENDIX C
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ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR
RATIONING WATER DURING A WATER SHORTAGE EMERGENCY AND
ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF

BE IT ORDAINED BY the (governing body) of _____
as follows:

Section 1. The (governing body) of _____ has
declared that a water shortage emergency condition prevails in the
area served by the _____ of _____ due to
conditions prevailing throughout the State of California and
especially in the service area of the _____.
This ordinance is intended to allocate equitably the water available
to the _____ of _____ during
such emergency to the end that sufficient water will be available for
human consumption, sanitation, and fire protection.

The specific uses regulated or prohibited in this Ordinance are
nonessential, if allowed would constitute wastage of water and should
be prohibited pursuant to the Water Code Section 350 et seq., Water
Code Section 71640 et seq., and the common law.

The actions taken hereinafter are exempt from the provisions of
the California Environmental Quality Act of 1970 as projects under-
taken as immediate action necessary to prevent or mitigate an
emergency pursuant to Section 15071(c) of the State EIR Guidelines.

APPENDIX C
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Section 2. Definitions. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. (Define agency)

B. "Customer" is any person using water supplied by the _____ (agency).

C. "Director" is the Director of the _____ (agency).

D. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

E. "Water" is water from the _____ (agency).

Section 3. Application. The provisions of this ordinance shall apply to all customers using water both in and outside the _____ (agency), regardless of whether any customer using water shall have a contract for water service with the _____ (agency).

Section 4. Certain uses regulated. From and after the time this ordinance becomes effective, or is implemented as is hereinafter provided, until the _____ day of _____, a voluntary system of water rationing shall apply to all irrigation in the _____ of _____ as follows:

A. On the even numbered days of any calendar month during which this ordinance is in effect, irrigation, sprinkling, or watering of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens,

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vegetables, flowers, or any other vegetation and washing of sidewalks, driveways, porches, or other outdoor surfaces shall be permitted on the west (north) side of _____ only.

B. On the odd numbered days of any calendar month during which this ordinance is in effect, irrigation, sprinkling, or watering of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation and washing of sidewalks, driveways, porches, or other outdoor surfaces shall be permitted on the east (south) side of _____ only.

No fine or penalty shall be imposed and no water service shall be terminated for failure to observe the provisions of this section.

Section 5. Mandatory regulations. From and after the _____ day of _____ in each year in which this ordinance is made effective, no person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation or wash any sidewalk, driveway, porch, or other outdoor surface except as follows:

A. Such irrigation, sprinkling, watering, and washing down shall be permitted on the west (north) side of _____ on even numbered days of the calendar.

B. Such irrigation, sprinkling, watering, and washing down shall be permitted on the east (south) side of _____ on odd numbered days of the calendar.

Section 6. Large water users. The requirement of Sections 4 and 5 of this ordinance to the contrary notwithstanding, no person whose historic monthly average water use for the period _____ through _____ exceeds one million

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gallons per month, hereinafter called "large water users", shall irrigate, sprinkle, or water any shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation except on days assigned in each week during which this ordinance is in effect, said days to be assigned by the Director after consultation with the individual large water users.

Section 7. Site design review. While this ordinance is in effect, no planting or landscaping required by the site design review process or other _____ action shall be implemented unless the _____ determines that the health, safety, or welfare of the public might be endangered.

Section 8. Further prohibition. No person or customer shall cause or permit any water furnished to him or her by the _____ to run to waste in any gutter or otherwise.

Section 9. Director may prohibit swimming pool filling and irrigation. Whenever the Director determines that the water available to the _____ Water _____ is insufficient to permit any swimming pool filling, irrigation, watering, or sprinkling and that all water then available to said department should be used solely for human consumption, sanitation, and fire protection, he may order and direct that swimming pool filling, irrigation, watering, or sprinkling shall not be permitted by any person or customer. While such order is in effect, no person or customer shall fill any swimming pool, irrigate, sprinkle, or water any shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation. Violations shall be punished as provided in Section 10 of this ordinance.

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The Director shall use every available means to inform customers that such order is in effect.

Section 10. Fines and Penalties. Except as otherwise provided herein, violations of any provision of this ordinance shall be punished as follows:

<u>Violation</u>	<u>Classification</u>	<u>Penalty</u>
First violation	Infraction	\$ 10
Second violation	Infraction	\$ 30
Third violation and subsequent violations within a 6-month period	Misdemeanor	\$100

The Director shall forthwith disconnect the water services of any^{a/} person or customer cited for a misdemeanor under this section. Such service shall be restored only upon payment of the turn-on charge fixed by the (governing body) as provided in the _____ of _____ (ordinance) code. Each day any violation of this ordinance is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 11. Enforcement.

A. Each (appropriate law enforcement officer) of the _____ shall, in connection with his duties imposed by law, diligently enforce the provisions of this ordinance.

B. The Director and all employees of the _____ of Water _____, Public Works Department, and Fire Department have the duty and are authorized to enforce the provisions

^{a/} The Public Utilities Commission prefers that insertion of a flow restrictor at the meter be substituted for disconnection as a penalty.

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of this ordinance and shall have all the powers and authority contained in California Penal Code Section 836.5, including the power to issue written notice to appear.

Section 12. When ordinance is effective.

A. The provisions of this ordinance shall be in full force and effect only upon adoption by this (governing body) of a declaration that a water emergency condition prevails pursuant to California Water Code Section 350 and following. This ordinance is hereby declared to be effective during 197__ pursuant to the declaration contained in Resolution No. _____.

B. The provisions of this ordinance shall be of no further force or effect after October 15 of any year in which a water shortage emergency is declared or when the (governing body) determines that a water shortage no longer exists, whichever occurs first. The (governing body) may extend the effective date of the ordinance in any year by adopting a resolution to that effect.

Section 13. The _____ Clerk is hereby directed to publish this ordinance for the period and in the manner required by the _____ Charter.

ORDER PUBLISHED this _____ day of _____, 197__.

ADOPTED this _____ day of _____, 197__ (by the following vote:)

(AYES:)

(NOES:)

(ABSENT:)

Signed: _____

Attest: _____
_____ Clerk

APPENDIX D

(Suggested form for bill insert)

WATER SAVING OFFER

Saving water saves energy and saves money too!

Water-saving devices with appropriate instructions will be distributed to you upon request. Toilet water saving bottles, shower flow control insert, and toilet leak test kits will be hung on your door or you may pick the devices up at the _____ office.

☐ Please check box if you want the water conservation kit distributed to you.

Please check box if appropriate, fill in address, and return this card with your water bill or bring it to the _____ office.

My street address is: _____

APPENDIX E

FORM NO. _____

NOTICE TO CUSTOMERS

INTENTION TO INITIATE WATER RATIONING

Due to the continuing drought and the possibility that our water supply may prove inadequate to avoid outages unless conservation and rationing measures are taken, the following will be observed:

Hoses shall not be used in the washing of vehicles, boats, walks, pavements, etc.

Lawn and landscape irrigation shall be restricted to cool periods at night or evening, and shall be timed to avoid over-watering and runoff.

Customers are urged to avoid unnecessary water use in all ways possible, and to practice recognized conservation measures such as repairing leaky faucets and using full loads in dishwashers or washing machines.

Noncompliance with the restrictions may result in the installation of a restrictive device in your service line, after one warning notice.

APPENDIX F

Consumer Involvement and Education Programs

Washington Suburban Sanitary Commission
4017 Hamilton Street
Hyattsville, MD 20781

California-American Water Company
9841 Airport Boulevard, Suite 830
Los Angeles, CA 90045

California Water Service Company
1720 N. First Street
San Jose, CA 95112

East Bay Municipal Utility District
P.O. Box 24055
Oakland, CA 94623

Marin Municipal Water District
220 Nellen Avenue
Corte Madera, CA 94925

North Marin County Water District
P.O. Box 146
Novato, CA 94947

Southern California Water Company
3625 W. Sixth Street
Los Angeles, CA 90020

Note: The Commission staff considers
the Washington Suburban Sanitary
Commission to have developed
the most extensive conservation
and consumer involvement programs.