



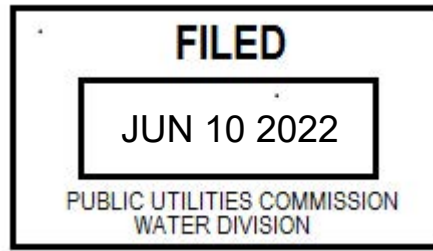
Liberty Utilities (Apple Valley Ranchos Water) Corp.

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Apple Valley, CA 92308-6533

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Advice Letter No. 266-W

June 10, 2022

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Liberty Utilities (Apple Valley Ranchos Water) Corp. (U 346-W) (“Liberty Apple Valley”) hereby transmits for filing revised copies of the attached tariff sheets applicable to water service in its service territory.

Summary

Liberty Apple Valley requests authority to move from Stage 1 to Stage 2 of Schedule 14.1 Water Shortage Contingency Plan with Staged Mandatory Reductions, Restrictions, and Drought Surcharges for all service areas, including Apple Valley and Yermo.

In addition, Liberty Apple Valley proposes minor modifications to its Schedule 14.1, reflecting updates in its Water Shortage Contingency Plan to incorporate language for local and state agencies’ restrictions regarding current drought conditions and conservation mandates in its service territory.

Background

Governor Gavin Newsom proclaimed a State of Emergency on April 21, 2021, May 21, 2021, July 8, 2021, and October 19, 2021, declaring drought conditions in all counties in the State of California. These counties included: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba, Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz. The October proclamation added the remaining counties of: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, and Ventura. Liberty Apple Valley service areas are in the San Bernardino County.

On March 28, 2022, Governor Gavin Newsom issued Executive Order (“EO”) N-7-22, calling on each urban water supplier to implement actions to reduce water usage by 20-30 percent, depending on local conditions.¹ The EO also directs the State Water Resources Control Board (“Water Board”) to consider adopting emergency regulations prohibiting watering “non-functional turf”, or turf grass that serves only ornamental purposes, in the commercial, industrial, and institutional sectors during the ongoing drought emergency to conserve water supplies.

On May 24, 2022, the Water Board adopted Emergency Regulations that require urban water suppliers to implement Level 2 demand reduction actions by June 10, 2022 and that prohibit the irrigation of non-functional turf in commercial, industrial, and institutional as well as home-

¹ <https://www.gov.ca.gov/wp-content/uploads/2022/03/March-2022-Drought-EO.pdf>.

owner association sectors.² The Water Board defines non-functional turf as grass that is solely ornamental and is not regularly used for recreational purposes or community events. The statewide Emergency Regulations adopted may remain in effect up to one year, unless rescinded earlier, or extended by the Water Board.

On December 8, 2021, Liberty Apple Valley filed Advice Letter 259-W to update its Schedule 14.1 and Rule 14.1. The Commission approved Advice Letter 259-W on January 7, 2022.

Discussion

In response to EO N-7-22 to reduce water usage by 20-30% and the Water Board's Emergency Regulations to implement Level 2 demand reduction actions, Liberty Apple Valley requests authority to activate Schedule 14.1, Stage 2 for its Apple Valley and Yermo service areas.

Activation of Stage 2 will require achieving 20% mandatory water reduction, using the 2020 usage as the baseline and impose drought surcharges on customers when applicable.

All outdoor irrigation is limited to (2) two days per week and is prohibited between the hours of 8 a.m. and 7 p.m.

All restrictions will require customers to reduce usage by 20 percent compared to the amount they used in 2020.

These restrictions are designed to strongly encourage those customers with high per capita usage to achieve proportionally greater reduction than those with low usage.

To help achieve the water conservation goals from all customers, Liberty Apple Valley customers who use more than its allocation (compared to 2020) may be charged a drought surcharge, as outlined in the Customer Notice in accordance with Schedule No. 14.1.

Liberty Apple Valley requests to make minor modifications to its Schedule 14.1 to include language that aligns with the requirements of wholesalers, state, and local agencies' mandates regarding conversation.

The proposed updates to the Water Shortage Contingency Plan include flexibility as to when drought surcharges would apply. The context of Schedule 14.1 remains intact.

Copies of the EO N-7-22, Water Board's Emergency Regulations, and Customer Notice are attached to this advice letter as Attachment A, Attachment B, and Attachment C.

Public Meeting

As required by Section 351 of the California Water Code, Liberty Apple Valley will conduct one virtual public meeting to help customers understand this filing, mandatory water use restrictions, associated enforcement mechanisms, and to provide information on conservation rebates, programs, and other tools Liberty Apple Valley offers to help customers reduce their water use. Liberty Apple Valley is committed to hearing the concerns of its customers.

The public meeting will be held virtually on June 28, 2022 at 6pm. The public meeting notice will be published in the local newspaper as well as direct mailed to customers. See Attachment C

² [State Water Board adopts emergency water conservation regulation \(ca.gov\)](#), dated May 24, 2022.

for a copy of the customer notice.

Liberty Apple Valley will follow all guidelines including customer outreach and noticing guidelines specified in the Commission's Water Division's Standard Practice U-40-W on Instructions for Water Conservation Rationing and Service Connection Moratoria which include customer outreach and noticing before the implementation of each rationing stage.

Tier Designation

This advice letter is submitted with a Tier 2 designation.

Effective Date

Liberty Apple Valley is requesting that this filing become effective July 12, 2022.

Notice and Service

Customer Notice – During the month of June 2022, Liberty Apple Valley will be providing customer notice of this request through direct mailings as well as newspaper notices and a public meeting.

Service List - In accordance with General Order 96-B, General Rule 4.3 and 7.2, and Water Industry Rule 4.1, a copy of this advice letter will be mailed or electronically transmitted on June 10, 2022 to competing and adjacent utilities and other utilities or interested parties having requested such notification.

Response or Protest

Anyone may respond to or protest this advice letter. A response supports the filing and may contain information that proves useful to the Commission in evaluating the advice letter. A protest objects to the advice letter in whole or in part and must set forth the specific grounds on which it is based. These grounds are:

- (1) The utility did not properly serve or give notice of the advice letter;
- (2) The relief requested in the advice letter would violate statute or Commission order or is not authorized by statute or Commission order upon which the utility relies;
- (3) The analysis, calculations, or data in the advice letter contain material error or omissions;
- (4) The relief requested in the advice letter is pending before the Commission in a formal proceeding;
- (5) The relief requested in the advice letter requires consideration in a formal hearing or is otherwise inappropriate for the advice letter process; or
- (6) The relief requested in the advice letter is unjust, unreasonable, or discriminatory, provided that such a protest may not be made where it would require re-litigating a prior order of the Commission.

A protest shall provide citations or proofs where available to allow staff to properly consider the protest. A response or protest must be made in writing or by electronic mail and must be received by the Division of Water within 20 days of the date this advice letter is filed. The address for mailing or delivering a protest is:

Tariff Unit, Water Division, 3rd floor
California Public Utilities Commission
505 Van Ness Avenue, San Francisco, CA 94102
Water.division@cpuc.ca.gov

On the same date the response or protest is submitted to the Water Division, the respondent or protestant shall send a copy by mail (or e-mail) to Liberty Apple Valley, addressed to:

Tiffany Thong
Manager, Rates and Regulatory Affairs
Liberty Utilities
9750 Washburn Road
P. O. Box 7002
Downey, CA 90241
Fax: (562) 861-5902
E-Mail: AdviceLetterService@libertyutilities.com

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform the Division of Water and Audits within the 20-day protest period so that a late filed protest can be entertained. The informing document should include an estimate of the date the proposed protest might be voted on.

If you have not received a reply to your protest within 10 business days, contact Tiffany Thong at Tiffany.Thong@libertyutilities.com.

Very truly yours,

LIBERTY UTILITIES (APPLE VALLEY RANCHOS WATER) CORP.

/s/ Tiffany Thong

Tiffany Thong
Manager, Rates and Regulatory Affairs

Attachments

TT/as

cc: Hani Moussa, Public Advocates Office, Hani.Moussa@cpuc.ca.gov
Public Advocates Office, PublicAdvocatesWater@cpuc.ca.gov

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
1175-W	SCHEDULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES Sheet 4	1136-W
1176-W	SCHEDULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES Sheet 8	1140-W
1177-W	TABLE OF CONTENTS Sheet 1	1174-W

SCHEDULE NO. 14.1 Page 4
WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES

Stage 2 – 20% Mandatory Reduction Stage

Stage 2 is a “Moderate Shortage” and will be implemented if the Stage 1 restrictions are deemed insufficient to achieve reductions due to water supply shortages or to achieve identified water usage goals established by an authorized government agency or official.

In addition to the restrictions identified in Stage 1, the following restrictions, allocations, and drought emergency surcharges are in effect:

1. Outdoor irrigation is restricted to no more than two (2) days per week. Watering or outdoor irrigation of outside plants, lawn, landscape, and turf areas with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than ten (10) minutes of watering per day per station.
2. All leaks, breaks, or other malfunctions in the customer’s plumbing fixtures and/or irrigation system must be repaired within three (3) business days of written notification by the utility, unless other arrangements are made with the utility.
3. The use of potable water to refill residential swimming pools or outdoor spas more than one foot or initial filling with potable water except when existing pools are drained to repair leaks.
4. All customers will have their baseline established by using the system wide average use for the year identified in Stage 1.
5. The customer’s allocation will be based upon the year identified in Stage 1, less 20%.
6. No allocation will be less than eight (8) Ccf per month or sixteen (16) Ccf per bi-monthly period, unless directed otherwise by an authorized government agency.
7. All usage in excess of residential customer’s allocation may be charged at the regular Schedule No. PR-1-R rate plus a drought emergency surcharge rate that is calculated from the Tier 1 quantity rate multiplied by a factor of 1.0. (C)
8. All usage for non-residential customers served under Tariff Schedule No. PR-1-NR may be charged at the regular Schedule No. PR-1-NR quantity rate plus a drought emergency surcharge rate that is calculated as the quantity rate multiplied by a factor of 0.15. (C)
9. If feasible, customer’s allocation may be based on a customer’s consumption during a historical base period and will include a percentage reduction designed to meet necessary water use reductions. In addition to the normal rate paid for the unit of water, a drought surcharge may be charged to a customer for each unit of water used over the established allocation for the billing period. (C)

(Continued)

Advice Letter No. 266-W
Decision No.

Issued by
Edward N. Jackson
PRESIDENT

Date Filed
Effective
Resolution No.

SCHEDULE NO. 14.1 Page 8
WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES

Special Conditions (continued)

4. All monies collected by the utility through Drought Emergency Surcharges shall not be accounted for as income but shall be accumulated in the 2022 Drought Revenue Memorandum Account (2022 DRMA) and used to offset the lost revenues associated with implementation of voluntary and mandatory conservation efforts in accordance with Rule No. 14.1 and Schedule No. 14.1. (T)
(T)
(T)
(N)

5. All expenses incurred by the utility to implement Rule No. 14.1, and Schedule No. 14.1, and requirements of the Water Board that have not been considered in a General Rate Case or other proceeding shall be accumulated by the utility in a separate memorandum account, authorized in Resolution No. W-4976, for disposition as directed or authorized from time to time by the Commission.

TABLE OF CONTENTS

The following listed tariff sheets contain all effective rates and rules affecting the charges and service of the utility, together with other pertinent information:

<u>Subject Matter of Sheet:</u>		<u>CPUC Sheet No.</u>
Title Page		900-W
Table of Contents		1174-W, 1165-W (T)
Preliminary Statement	845-W, 533-W, 1069-W, 624-W, 914-W, 1104-W, 902-W, 1070-W, 1071-W, 1072-W, 1073-W, 1074-W, 1075-W, 1076-W, 1077-W, 1078-W, 1079-W, 934-W, 1080-W, 994-W, 996-W, 1044-W, 1105-W, 1046-W, 1047-W, 1166-W, 1169-W, 1170-W	
Service Area Map-Apple Valley Ranchos		1131-W
Service Area Map-Yermo		846-W
<u>Rate Schedules:</u>		
Schedule No. 1	Residential General Metered Service-Apple Valley	1098-W, 1158-W, 1159-W
Schedule No. 1 YE-R	Residential General Metered Service-Yermo	1100-W, 1083-W
Schedule No. 2	Gravity Irrigation Service	1099-W, 1084-W
Schedule No. 3	Non-Residential General Metered Service-Apple Valley	1101-W, 1160-W, 1161-W
Schedule No. 3 YE-NR	Non-Residential General Metered Service-Yermo	1102-W, 1086-W
Schedule No. 4	Non-Metered Fire Services	1103-W, 1087-W
Schedule No. 5	Fire Flow Testing Charge	850-W
Schedule No. LC	Late Payment Charge	1028-W
Schedule 14.1	Water Shortage Contingency Plan	1133-W through 1135-W, 1172-W, 1137-W through 1139-W, 1173-W (T)
Schedule UF	Surcharge to Fund PUC Reimbursement Fee	1031-W (T)
Schedule CAP	Customer Assistance Program	1093-W, 1094-W
Schedule No. CAP-SC	Customer Assistance Program Sur-Charge	1095-W
<u>LIST OF CONTRACTS AND DEVIATION:</u>		
<u>Rules:</u>		
No. 1	Definitions	999-W, 1000-W
No. 2	Description of Service	159-W
No. 3	Application for Service	13-W, 553-W
No. 4	Contracts	361-W
No. 5	Special Information Required on Forms	1022-W, 1023-W, 1001-W, 1002-W
No. 6	Establishment and Re-establishment of Credit	362-W
No. 7	Deposits	711-W, 730-W
No. 8	Notices	1003-W through 1006-W
No. 9	Rendering and Payment of Bills	689-W through 691-W, 1033-W
No. 10	Disputed Bills	1007-W, 1008-W
No. 11	Discontinuance and Restoration of Services	1029-W, 1010-W through 1019-W
No. 12	Information Available to Public	366-W, 367-W
No. 13	Temporary Service	368-W, 369-W
No. 14	Continuity of Service	370-W
No. 14.1	Water Conservation and Rationing Plan	1141-W through 1152-W
No. 15	Main Extensions	386-W through 392-W, 529-W, 1044-W, 1045-W, 564-W, 396-W through 398-W, 983-W, 984-W
No. 16	Service Connections, Meters, and Customer Facilities	399-W through 405-W

(Continued)

Attachment A
Executive Order N-7-22

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at SaveOurWater.com provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

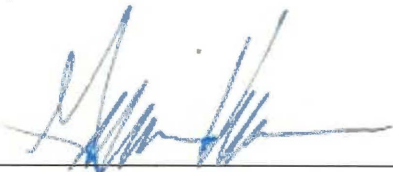
Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

Attachment B
State Water Board Resolution No. 2022-0018



Media Release

State Water Board adopts emergency water conservation regulation

Regulation to boost water savings starting in June

May 24, 2022

Contact: [Edward Ortiz](#), Public Information Officer

SACRAMENTO – In response to Governor Gavin Newsom’s March 28 [Executive Order](#) the State Water Resources Control Board adopted an [emergency water conservation regulation](#) today that will ensure more aggressive conservation by local water agencies across the state.

The new regulation bans irrigating turf at commercial, industrial, and institutional properties, such as grass in front of or next to large industrial or commercial buildings. The ban does not include watering turf that is used for recreation or other community purposes, water used at residences or water to maintain trees. The regulation also requires all urban water suppliers to implement conservation actions under Level 2 of their Water Shortage Contingency Plans.

In March 2022, the state’s urban retail water suppliers reported average water use statewide that was nearly 19% greater than in March 2020, lowering the state’s cumulative water savings since July 2021 to 3.7%. Yesterday, Governor Newsom convened leaders from the state’s largest urban water suppliers imploring them to take more aggressive action to combat drought.

“The severity of this drought requires all Californians to save water in every possible way,” said Joaquin Esquivel, chair of the State Water Board. “The regulation compels water systems and local authorities to implement a range of additional critical conservation measures as we enter the hot and dry summer months.”

Level 2 water shortage contingency plans are meant to address up to a 20% shortage of water supplies. In addition to implementing Level 2 actions, the regulation requires urban water suppliers to fast-track supply and demand assessments to plan for potential extended dry conditions.

Level 2 actions often include things such as:

- Limiting outdoor irrigation to certain days or hours
- Increasing patrolling to identify water waste



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

STATE WATER RESOURCES CONTROL BOARD

1001 I Street, Sacramento, CA 95814 • Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 • www.waterboards.ca.gov



- Enforcing water-use prohibitions
- Increasing communication about the importance of water conservation

Some water suppliers already have imposed strong new restrictions on customers' water use in accordance with their drought management plans. However, about half of the state's 436 water suppliers (both urban water retailers and wholesalers) have not yet activated Level 2, and 36 have not submitted drought plans. The emergency regulation will require suppliers without drought plans to take certain conservation actions, such as conducting outreach to customers about conservation, restricting outdoor irrigation to two days a week and enforcing against wasteful water practices.

The approved regulation will be submitted to the Office of Administrative Law (OAL) for approval, which typically occurs within 10 calendar days. The ban on non-functional turf becomes effective upon OAL approval and the Level 2 requirements for urban water suppliers are proposed to take effect on June 10, 2022.

The regulation will give suppliers new options to reduce water waste if they choose to use them. A violation of the non-functional turf irrigation provision, for example, would be an infraction and subject to a fine of up to \$500.

People who see water waste should report it at [savewater.ca.gov](https://www.savewater.ca.gov).

The State Water Board's mission is to preserve, enhance and restore the quality of California's water resources and drinking water for the protection of the environment, public health and all beneficial uses, and to ensure proper allocation and efficient use for present and future generations.

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0018**

**TO ADOPT AN EMERGENCY REGULATION
TO REDUCE WATER DEMAND AND IMPROVE WATER CONSERVATION**

WHEREAS:

1. On April 21, May 10, July 8, and October 19, 2021, Governor Newsom issued proclamations that a state of emergency exists statewide due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
2. These proclamations urge Californians to reduce their water use.
3. On March 28, 2022, Governor Newsom signed an Executive Order directing the State Water Resources Control Board (State Water Board or Board) to consider adopting emergency regulations to increase water conservation. The Executive Order includes a request that the Board require urban water suppliers to implement Level 2 of their water shortage contingency plans, establish water shortage response actions for urban water suppliers that have not submitted water shortage contingency plans, taking into consideration model actions that the Department of Water Resources, and establish a ban on the irrigation of non-functional turf by entities in the commercial, industrial, and institutional sectors.
4. Many Californians and urban water suppliers have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought requires additional conservation actions from urban water suppliers, residents, and the commercial, industrial, and institutional sectors.
5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend limited water supplies through this summer and into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers added flexibility to manage their systems effectively over time. The more water that is conserved now, the less likely it is that a community will experience dire shortages that may require water rationing or other emergency actions.
6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for irrigation of lawns and outdoor landscaping irrigation. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

7. The use of potable water to irrigate turf on commercial, industrial, or institutional properties that is not regularly used for human recreational purposes or for civic or community events can be reduced in commercial, industrial, and institutional areas to protect local water resources and enhance water resiliency.
8. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign ([SaveOurWater.com](https://www.saveourwater.com)), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response.
9. [SaveWater.CA.Gov](https://www.savewater.ca.gov) is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Board and relevant local water supplier.
10. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.
11. On March 28, 2022, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
12. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”
13. On May 13, 2022, the State Water Board issued public notice that it will consider the adoption of the regulation at the Board’s regularly scheduled May 24, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
14. The emergency regulation exempts suppliers from enforcing connection moratoria, if their Level 2 demand management actions call for them, because new residential connections are critical to addressing the state’s housing supply shortage. However, the Board recognizes connections for other projects may not be appropriate given the shortage conditions and urges water suppliers to carefully evaluate new development projects for their water use impacts.

15. Disadvantaged communities may require assistance responding to Level 2 conservation requirements, including irrigation restrictions, temporary changes to rate structures, and prohibited water uses. State shortage contingency plans aimed at increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation. This assistance should include but not be limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
16. The Board directs staff to consider the following in pursuing any enforcement of section 996, subdivision (e): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
17. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 16. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 996, as appended to this resolution as an emergency regulation that applies to urban water suppliers, as defined by Water Code section 10617.
2. State Water Board staff shall submit the regulation to the Office of Administrative Law (OAL) for final approval.
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.

4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulation.
6. The State Water Board directs staff to, by January 1, 2023, survey urban water suppliers on their experience protecting trees and tree cover during drought, with attention to disadvantaged communities. The survey shall inquire about challenges encountered, strategies used, costs, and successes in protecting trees.
7. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 24, 2022.

AYE: Chair E. Joaquin Esquivel
 Vice Chair Dorene D'Adamo
 Board Member Sean Maguire
 Board Member Laurel Firestone

 NAY: None

 ABSENT: Board Member Nichole Morgan

 ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board

ADOPTED EMERGENCY REGULATION TEXT

Version: May 24, 2022

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 996. Urban Drought Response Actions

(a) As used in this section:

(1) “Commercial, industrial and institutional” refers to commercial water users, industrial water users, and institutional water users as respectively defined in Water Code, section 10608.12, subdivisions (e), (i), and (j), and includes homeowners’ associations, common interest developments, community service organizations, and other similar entities but does not include the residences of these entities’ members or separate interests.

(2) “Common interest development” has the same meaning as in section 4100 of the Civil Code.

(3) “Community service organization or similar entity” has the same meaning as in section 4110 of the Civil Code.

(4) “Homeowners’ association” means an “association” as defined in section 4080 of the Civil Code.

(5) “Non-functional turf” means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events.

(6) “Plant factor” has the same meaning as in section 491.

(7) “Separate interest” has the same meaning as in section 4185 of the Civil Code.

(8) “Turf” has the same meaning as in section 491.

(9) “Urban water supplier” has the same meaning as Water Code section 10617.

(10) “Water shortage contingency plan” means the plan required by Water Code section 10632.

(b) Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section

10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.

(c) (1) Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2).

(2) Notwithstanding subdivision (c)(1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section.

(3) Notwithstanding subdivision (c)(1), an urban water supplier may implement the actions identified in subdivision (d) in lieu of implementing the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code section 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), provided the supplier meets all of the following:

(i) The supplier's annual water supply and demand assessment submitted to the Department of Water Resources demonstrates an ability to maintain reliable supply until September 30, 2023.

(ii) The supplier does not rely on, for any part of its supply, the Colorado River, State Water Project, or Central Valley Project, and no more than ten (10) percent of its supply comes from critically overdrafted groundwater basins as designated by the Department of Water Resources.

(iii) The supplier's average number of gallons of water used per person per day by residential customers for the year 2020 is below 55 gallons, as reported to the Board in the Electronic Annual Report.

(d) Each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources shall, by June 10, 2022, and continuing until the supplier has implemented all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), implement at a minimum the following actions:

(1) Initiate a public information and outreach campaign for water conservation and promptly and effectively reach the supplier's customers, using efforts such as email, paper mail, bill inserts, customer app notifications, news articles, websites, community events, radio and television, billboards, and social media.

(2) Implement and enforce a rule or ordinance limiting landscape irrigation with potable water to no more than two (2) days per week and prohibiting landscape irrigation with potable water between the hours of 10:00 a.m. and 6:00 p.m.

(3) Implement and enforce a rule or ordinance banning, at a minimum, the water uses prohibited by section 995. Adoption of a rule or ordinance is not required if the supplier has authority to enforce, as infractions, the prohibitions in section 995 and takes enforcement against violations.

- (e) (1) To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.
- (2) Notwithstanding subdivision (e)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.
- (3) Notwithstanding subdivision (e)(1), an urban water supplier may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.
- (f) The taking of any action prohibited in subdivision (e) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.
- (g) A decision or order issued under this section by the Board, or an officer or employee of the Board, is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, and 4185, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 377, 491, 1122, 10608.12, 10617, 10632, and 10632.1, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976.

Si necesita asistencia en español, tenemos representantes de servicio al cliente disponibles para ayudarle cuando lo solicite, por favor llame al número 1-800-481-9190.

**NOTICE OF WATER SHORTAGE CONTINGENCY PLAN AND PUBLIC MEETING
LIBERTY UTILITIES (APPLE VALLEY RANCHOS WATER) CORP.**

Liberty Utilities (Apple Valley Ranchos Water) Corp. (“Liberty”) filed an Advice Letter with the California Public Utilities Commission (CPUC) to activate Stage 2 in its Schedule No. 14.1 Water Shortage Contingency Plan with Staged Mandatory Reductions, Restrictions, and Drought Surcharges for its service areas, including Apple Valley and Yermo.

Schedule 14.1 provides information on reductions, restrictions, water allocations, enforcement measures, and surcharges that will help to achieve reductions due to water supply shortages or to achieve identified water usage goals established by an authorized government agency or official.

On March 28, 2022, Governor Newsom issued Executive Order (“EO”) N-7-22, calling on each urban water supplier to implement actions to reduce water usage by 20-30 percent, depending on local conditions. The EO also directs the State Water Resources Control Board (“Water Board”) to consider adopting emergency regulations prohibiting watering “non-functional turf”, or turf grass that serves only ornamental purposes, in the commercial, industrial, and institutional sectors during the ongoing drought emergency to conserve water supplies.

On May 24, 2022, the Water Board adopted Emergency Regulations that require urban water suppliers to implement Level 2 demand reduction actions by June 10, 2022 and that prohibit the irrigation of non-functional turf in commercial, industrial, and institutional as well as home-owner association sectors. The Water Board defines non-functional turf as grass that is solely ornamental and is not regularly used for recreational purposes or community events.

In response to the Governor's EO and the Water Board’s adopted Emergency Regulations to implement Level 2 reductions of non-essential water use, Liberty will implement Stage 2 of its Schedule 14.1 Water Shortage Contingency Plan for its Apple Valley and Yermo service areas, requiring 20% reduction in customer usage.

All restrictions will require customers to reduce usage as compared to the amount they used in 2020.

All outdoor irrigation is limited to (2) two days per week and is prohibited between the hours of 8 a.m. and 7 p.m. and potentially to no outdoor watering later in the year should a local water agency or local city ordinance limit all non-essential outdoor watering.

These restrictions are designed to strongly encourage those customers with high per capita usage to achieve proportionally greater reduction than those with low use.

In order to achieve the water conservation goals from all customers, Liberty customers who use more than their allocation (compared to 2020) may be charged a drought surcharge, as listed below in accordance with Schedule 14.1.

PUBLIC MEETING

Liberty will host a virtual public meeting to help customers understand this filing, mandatory water use restrictions, associated enforcement mechanisms, and to provide information on conservation rebates, programs, and other tools Liberty offers to help customers reduce their water use. The meeting can be accessed with the information below.

Date:	June 28, 2022
Time:	6 p.m.
Link	https://register.gotowebinar.com/register/7050037094891879181

To register for the meeting, scan the QR code on your smart phone or tablet or visit the link above.



MANDATORY WATER USE REDUCTIONS, RESTRICTIONS, AND DROUGHT EMERGENCY SURCHARGES

The Water Board has established the following mandatory restrictions for all water users. No customers shall use utility-supplied water for non-essential or unauthorized uses as defined below:

- a. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flow onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
- b. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
- c. The use of potable water for washing buildings, structures, sidewalks, walkways, patios, tennis courts, or other hard-surfaced, non-porous areas.
- d. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
- e. The use of potable water for watering outside plants, lawn, landscape, and turf area during certain hours prohibited by applicable laws, during and up to 48 hours after measurable rainfall (0.1" or more).
- f. The utility will promptly notify customers when aware of leaks within the customer's control. The failure to promptly repair any leaks, breaks, or other malfunction resulting in water waste in a customer's domestic or outdoor water system after notification by the utility, unless other, specific arrangements are made with and agreed to by the utility.
- g. The serving of water, other than upon request, in eating and drinking establishments, including but not limited to restaurants, hotels, cafes, bars, or other public places where food or drink are served and/or purchased.
- h. Hotels/motels must provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option in each guestroom.
- i. The use of potable water for irrigation of ornamental turf on public street medians.
- j. The use of potable water for irrigation outside of newly constructed homes and buildings that is not delivered by drip or micro spray systems.
- k. Commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water use in an amount consistent with the mandated reduction.
- l. Further reduction in or the complete prohibition of any other use of water declared non-essential, unauthorized, prohibited, or unlawful by an authorized government or regulatory agency or official.
- m. Use of potable water for watering streets with trucks, or other vehicles, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public.

The following stages will be implemented as needed to achieve the annual mandated reduction.

Stage 1

- Outdoor irrigation is restricted to no more than three days per week:

Addresses Ending In:	Watering Days
Even Numbers (0, 2, 4, 6, 8)	Monday, Wednesday, and Saturday
Odd Numbers (1, 3, 5, 7, 9)	Tuesday, Thursday, and Sunday

- Failure to comply with these restrictions may result in the installation of a flow restrictor device along with associated fees for installation and removal.
- Failure to comply with these restrictions may result in the installation of a real-time measurement device on the customer’s service line. The cost of the device, including installation, shall be billed to the customer.
- If conditions warrant, Liberty will change the number of watering days, the specific day of watering, and the length of watering after first notifying its customers, in accordance with Rule 14.1.
- Each subsequent stage will be implemented if the preceding stage allocations and drought emergency surcharges are deemed insufficient to achieve reductions due to water supply shortages or to achieve identified water usage goals established by an authorized government agency or official.

Stages 2 - 6

In addition to the restrictions identified in Stage 1, the following allocations and drought emergency surcharges are in effect for Stages 2 – 6.

- All residential customers will have their baseline established using the average residential customer usage in 2020.
- Residential customers’ allocations will be based on the average 2020 baseline less the percentage applicable to each stage.

Stage 2	Average 2020 less 20%
Stage 3	Average 2020 less 30%
Stage 4	Average 2020 less 40%
Stage 5	Average 2020 less 50%
Stage 6	Average 2020 less 55%

- Residential customers’ monthly allocations will be set as follows.

Stages 2 - 6	8 Ccf/Month	November, December, January, February, March, April, and May
Stage 2	12 Ccf/Month	June, July, August, September, and October
Stage 3	11 Ccf/Month	June, July, August, September, and October
Stage 4	9 Ccf/Month	June, July, August, September, and October
Stages 5 - 6	8 Ccf/Month	June, July, August, September, and October

- All usage in excess of the residential customers allocations may be charged at the regular rate plus a drought emergency surcharge as follows.

Stage 2	Tier 1 rate
Stage 3	1-1/2 times Tier 1 rate
Stage 4	2 times the Tier 1 rate
Stage 5	2-1/2 times the Tier 1 rate
Stage 6	3 times the Tier 1 rate

- Non-residential customers may be charged at the regular rate plus a drought emergency surcharge on all water use as follows.

Stage 2	15% of the Quantity rate
Stage 3	30% of the Quantity rate
Stage 4	45% of the Quantity rate
Stage 5	60% of the Quantity rate
Stage 6	75% of the Quantity rate

FLOW RESTRICTOR CHARGES

The charge for installation and removal of a flow-restricting device shall be \$30 during normal business hours, and \$150 outside normal business hours. The flow restrictor will remain installed for a minimum of 7 days.

EXEMPTION AND APPEALS PROCESS

- Any customer who seeks a variance from any of the provisions of this voluntary water conservation and mandatory plan shall notify the utility in writing, explaining in detail the reason for such a variation. The utility shall respond to each request in writing.
- The appeals form is available online at the utility's website, www.libertyutilities.com, the Liberty office located at 21760 Ottawa Road, Apple Valley, CA 92308 or by calling 1-760-247-6484.
- If the customer disagrees with such disposition, the customer shall have the right to file a complaint with the California Public Utilities Commission.
- Except as set forth in this section, no person shall have any right or claim in law or in equity against the utility, or any of its employees, or the Commission because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of the voluntary water conservation and mandatory rationing plan.

SPECIAL CONDITIONS

1. The active stage of Schedule 14.1 is to remain in effect until a Tier 2 advice letter is filed with the Commission to activate a different stage or when Schedule 14.1 is deactivated.
2. Drought Emergency Surcharges must be separately identified on each bill.
3. All bills are subject to reimbursement fee set forth on Schedule No. UF.
4. All monies collected by the utility through Drought Emergency Surcharges shall not be accounted for as income, but shall be accumulated in the 2022 Drought Revenue Memorandum Account (2022 DRMA) and used to offset the lost revenues associated with implementation of voluntary and mandatory conservation efforts in accordance with Rule 14.1 and Schedule 14.1.
5. All expenses incurred by the utility to implement Rule 14.1, and Schedule 14.1, and requirements of the Water Board that have not been considered in a General Rate Case or other proceeding shall be accumulated by the utility in a separate memorandum account, authorized in Resolution No. W-4976, for disposition as directed or authorized from time to time by the Commission.

If you need additional information, or a copy of the advice letter, you may visit our website at www.LibertyUtilities.com or contact Liberty's Customer Service at 760-247-6484.

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