

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



July 18, 2022

Kiki Carlson
Regulatory Affairs Manager
Suburban Water Systems
1325 N. Grand Ave., Ste. 100
Covina, CA 91724-4044

Dear Ms. Carlson,

The Water Division of the California Public Utilities Commission has approved Suburban Water Systems' Advice Letter No. 369, filed on June 16, 2022, regarding Activation Stage 2 surcharge of Schedule No. 14.1 and minor update to Rule No. 14.1.

Enclosed are copies of the following revised tariff sheets, effective July 20, 2022, for the utility's files:

P.U.C. Sheet	
No.	Title of Sheet
1854-W	Schedule No. 14.1, Page 1, Water Shortage Contingency Plan
1855-W	Schedule No. 14.1, Page 2, Water Shortage Contingency Plan
1856-W	Schedule No. 14.1, Page 3, Water Shortage Contingency Plan
1857-W	Schedule No. 14.1, Page 4, Water Shortage Contingency Plan
1858-W	Schedule No. 14.1, Page 5, Water Shortage Contingency Plan
1859-W	Schedule No. 14.1, Page 6, Water Shortage Contingency Plan
1860-W	Schedule No. 14.1, Page 7, Water Shortage Contingency Plan
1861-W	Rule No. 14.1 (Continued), Page 2, Water Shortage Contingency Plan
1862-W	Rule No. 14.1 (Continued), Page 8, Water Shortage Contingency Plan
1863-W	Table of Contents
1864-W	Table of Contents (Continued)

Please contact Eustace Ednacot at ERE@cpuc.ca.gov or 415-703-1492, if you have any questions.

Thank you.

Enclosure

Schedule No. 14.1

WATER SHORTAGE CONTINGENCY PLAN

A. APPLICABILITY

This schedule applies to all water customers served under all tariff schedules authorized by the California Public Utilities Commission ("CPUC") for Suburban Water Systems ("Suburban") service areas. It is only effective in times of implementation of the Water Shortage Contingency Plan ("Plan") enforcement stages, as required by Rule No. 14.1, and only for the period noted in the Special Conditions section below.

B. GENERAL INFORMATION

1. All expenses incurred by Suburban to implement Rule No. 14.1, and Schedule No. 14.1, and requirements of the California State Water Resources Control Board ("Water Board") that have not been considered in a General Rate Case or other proceeding shall be accumulated by Suburban in a separate memorandum account, authorized in Resolution No. W-4976, for disposition as directed or authorized from time to time by the CPUC.
2. All monies collected by Suburban through drought surcharges shall be recorded in the appropriate Water Revenue Adjustment Mechanism ("WRAM") Balancing Accounts.
3. To the extent that any provision in this Schedule No. 14.1 is inconsistent with Rule No. 14.1, the provisions in this Schedule No. 14.1 shall apply.
4. This Schedule No. 14.1 shall remain dormant until activated by the CPUC authorization via a Tier 2 advice letter.
5. Once the Schedule No. 14.1 is activated, Suburban is authorized to implement additional Stages of the Schedule No. 14.1 by filing a Tier 2 advice letter.
6. When this Schedule No. 14.1 is activated, it shall remain in effect until Suburban files a Tier 2 advice letter to deactivate a specific stage of the Plan and such is authorized by the CPUC.

(Continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 369-W

Craig D. Gott
Name

Date Filed 06/16/2022

Decision No.

President
Title

Effective 07/20/2022

Resolution No.

Schedule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

C. SPECIAL CONDITIONS

1. Water use violation penalties must be separately identified on each bill.
2. Drought surcharges must be separately identified on each bill.
3. All bills are subject to the reimbursement fee set forth on Schedule No. UF.

D. STAGES

1. Stage 1 of the Plan enacts water conservation requirements established in Rule No. 14.1 Section D. The non-essential or unauthorized water uses in Section D are in effect at all times.
2. Stage 2 First Enforcement Stage of the Plan - A Stage 2 Plan condition exists when it is determined that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction from Stage 1 is necessary to make more efficient use of water and appropriately respond to existing water conditions. Stage 2 of the Plan will be enacted upon a determination that water usage should be further reduced from then current levels, that a temporary water emergency exists necessitating implementation or that the requirements of Stage 1 are insufficient in complying with the necessary reduction.
3. Stage 3 Second Enforcement Stage of the Plan - A Stage 3 Plan Condition exists when it is determined that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction from Stage 2 is necessary to make more efficient use of water and appropriately respond to existing water conditions. Stage 3 will be enacted upon a determination that water usage should be reduced further from then current levels, that a temporary water emergency exists necessitating implementation or that the requirements in Stages 1 and 2 are insufficient in complying with the necessary reduction.
4. Stage 4 Third Enforcement Stage of the Plan - A Stage 4 Plan condition is also referred to as an "Emergency" condition. A Stage 4 condition exists when it is determined that a critical water shortage emergency exists, or that the measures in Stages 1 through 3 are insufficient in complying with a necessary reduction.

(Continued)

(To be inserted by utility)

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(To be inserted by Cal. P.U.C.)

Advise Letter No. 369-W

Craig D. Gott

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Decision No.

President

Effective 07/20/2022

Title

Resolution No.

Schedule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

E. WATER USE VIOLATION PENALTIES

1. When an Enforcement Stage of the Plan has been activated by Commission authorization, the water use restrictions of Rule No. 14.1 become subject to penalties imposed by Suburban. Suburban will first work closely with local law enforcement and public agencies charged with enforcing the mandatory water use restrictions. However, should the utility find that the local agency is not effectively enforcing the mandatory use restrictions, the utility, after written warnings, such as door hangers and letters, may begin to issue penalties. If a customer is seen violating the water use restrictions, as outlined in Rule No. 14.1 and the Special Conditions below, the customer will be subject to the following penalty structure:
 - a. First violation: Written notice, including explanation of penalty for subsequent violation.
 - b. Second violation – if Suburban verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the first violation, Suburban shall provide the customer with a second written notice of violation. In addition, Suburban is authorized to take the following actions:
 - i. Apply the following waste of water penalties, which are in addition to any other charges authorized by this Schedule No. 14.1 or other Suburban tariffs:
 - If Stage 1 is in effect, \$25
 - If Stage 2 is in effect, \$50
 - If Stage 3 is in effect, \$100
 - If Stage 4 is in effect, \$200
 - c. Third violation – if Suburban verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the second violation, Suburban shall provide the customer with a third written notice of violation. Suburban is authorized to take the following actions:
 - i. Apply the following waste of water penalties, which are in addition to any other charges authorized by this Schedule No. 14.1 or other Suburban tariffs:

(Continued)

(To be inserted by utility)

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Decision No.

President
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Effective 07/20/2022

Resolution No.

Schedule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

E. WATER USE VIOLATION PENALTIES, Third Violation (Continued)

- If Stage 1 is in effect, \$25
- If Stage 2 is in effect, \$50
- If Stage 3 is in effect, \$100
- If Stage 4 is in effect, \$200

d. Fourth violation – if Suburban verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the third violation, Suburban shall provide the customer with a fourth written notice of violation. In addition to actions set forth in previous violations prescribed above, Suburban is authorized to install a flow restrictor on the customer's service line. Suburban shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow restrictor.

e. Egregious violation – after providing the customer with one notice of egregious violation, either by direct mail or door hanger, which documents the egregious use of potable water for non-essential, wasteful uses and explains that failure to correct the violation may result in the installation of a flow restrictor on the customer's service line, Suburban shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow restrictor.

2. Flow restrictor conditions – The installation of a flow restrictor on a customer's service line is subject to the following conditions:

- i. The device shall be capable of providing the premises with a minimum of 3 Ccf per person, per month, based upon the U.S. Census calculation of the average number of people in a household in the area.
- ii. The device may only be removed by Suburban.
- iii. Any tampering with the device may result in the discontinuation of the customer's water service and the customer being charged for any damage to Suburban's equipment or facilities and any required service visits.

(Continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 369-W

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Decision No.

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Resolution No.

Schedule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

Flow restrictor conditions (Continued)

- iv. After the removal of the device, if Suburban verifies that the customer is using potable water for non-essential, wasteful uses, Suburban may install another flow restrictor without prior notice. This device shall remain in place until water supply conditions warrant its removal. If, despite the installation of the device, Suburban verifies that the customer is using potable water for non-essential and, unauthorized wasteful uses, then Suburban may discontinue the customer's water service, as provided in its Rule No. 11.
3. Separate offenses for separate water use restrictions will each start at the first violation stage.
The water use violation penalties are in addition to the regular rate schedule charges.

APPLICABLE DROUGHT SURCHARGE RATES

1. A drought surcharge rate will be added to all residential metered service bills based on the following table. For all other customer classes, no drought surcharge will be imposed.

Drought surcharge rates are but one component of a mix of Suburban conservation tools to meet its conservation target. The switch-points for Stages 2 and 3 are based on 85% of Suburban's current 20 Ccf switch-point, and Stage 4 is based on 70% of the current 20 Ccf switch-point. Suburban's quantity rate drought surcharge for Stage 2 is based on 50% of the numeric average of all tier 2 rates for all service areas. Suburban's quantity rate drought surcharge for Stage 3 is based on 100% of the numeric average of all tier 2 rates for all services areas. The quantity rate drought surcharge for Stage 4 is based on 150% of the numeric average of all tier 2 rates for all services areas. The reduction in water use from these surcharges are in addition to other planned conservation programs and water use reductions already achieved. Drought surcharge switch-points are the same for 5/8 x 3/4-inch and 3/4-inch meters in order to be consistent with standard tariffed rates.

(Continued)

(To be inserted by utility)

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Decision No.

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Effective 07/20/2022

Title

Resolution No.

Schedule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

APPLICABLE DROUGHT SURCHARGE RATES (Continued)

STAGE 2 Residential Metered Service Customers Drought Surcharge/Ccf/Month			
Meter Size	Non-LIRA Customers	LIRA Customers	For Monthly Usage in Excess of
5/8 x 3/4-inch meter	\$2.00	\$1.00	17 ccf
3/4-inch meter	\$2.00	\$1.00	17 ccf
1-inch meter	\$2.00	\$1.00	24 ccf
1 1/2-inch meter	\$2.00	\$1.00	60 ccf
2-inch meter	\$2.00	\$1.00	198 ccf
3-inch meter	\$2.00	\$1.00	273 ccf

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STAGE 3 Residential Metered Service Customers Drought Surcharge/Ccf/Month			
Meter Size	Non-LIRA Customers	LIRA Customers	For Monthly Usage in Excess of
5/8 x 3/4-inch meter	\$4.00	\$2.00	17 ccf
3/4-inch meter	\$4.00	\$2.00	17 ccf
1-inch meter	\$4.00	\$2.00	24 ccf
1 1/2-inch meter	\$4.00	\$2.00	60 ccf
2-inch meter	\$4.00	\$2.00	198 ccf
3-inch meter	\$4.00	\$2.00	273 ccf

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STAGE 4 Residential Metered Service Customers Drought Surcharge/Ccf/Month			
Meter Size	Non-LIRA Customers	LIRA Customers	For Monthly Usage in Excess of
5/8 x 3/4-inch meter	\$6.00	\$3.00	14 ccf
3/4-inch meter	\$6.00	\$3.00	14 ccf
1-inch meter	\$6.00	\$3.00	20 ccf
1 1/2-inch meter	\$6.00	\$3.00	49 ccf
2-inch meter	\$6.00	\$3.00	163 ccf
3-inch meter	\$6.00	\$3.00	225 ccf

(Continued)

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Resolution No.

Schedule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

F. ENFORCEMENT

1. Letter/Penalties: From second violation of the same restriction within a one year period and onwards, a violation letter will be posted on property and mailed to the billing address, if different from the service address.
2. Aging of violation: Violations will accrue for the period of one year and be considered corrected and expunged one year after the violation occurs. The purpose of this rule is to prevent discrete violations from accruing in the event of a multi-year enforcement of the Water Contingency Plan.

G. FLOW RESTRICTOR REMOVAL CHARGE

The charge for removal of a flow-restrictor device and/or reconnecting water service shall be:

\$100 during normal business hours, and \$150 during outside normal business hours.

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 369-W

Craig D. Gott

Date Filed 06/16/2022

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Decision No. _____

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Resolution No. _____

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

B. DEFINITIONS (Continued)

2. "Commission" means the California Public Utilities Commission.
3. "Conservation" means normal actions necessary to reduce the purchase, production, or consumption of potable water, including applicable Best Management Practices, while maintaining customary levels of service and public health and safety.
4. "Flow Restrictor" means a device placed into the water distribution system by Suburban that restricts the volume of flow to the customer with a minimum of three hundred cubic feet ("ccf"; one ccf = 748 gallons) per person, per month, based upon the U.S. Census calculation of the average number of people in a household in the area.
5. "Measurable rainfall" means any amount of precipitation of more than one-tenth of an inch (0.1")
6. "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water provided by Suburban.
7. "Potable water" means water that is suitable for drinking.
8. "Recycled water" means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.
9. "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. (N)
|
|
(N)

C. WATER SHORTAGE CONTINGENCY PLAN

Wasteful water use practices, as outlined in Section D of this Rule, are prohibited at all times except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency. Notwithstanding these prohibitions, Suburban may elect to enact additional prohibited uses as needed. No customer shall use Suburban supplied water for non-essential or prohibited uses as identified by the Commission or Suburban.

1. Prior to, or in response to, a declaration of emergency issued by a government agency or the need to reduce usage in an effort to stay within governmental or court ordered restrictions; Suburban may request, via a Tier 2 advice letter, a Schedule No. 14.1 – Staged Water Shortage Contingency Plan Tariff. Suburban may also request in the advice letter a lost revenue and/or conservation implementation cost memorandum account(s) to record related variances from that previously considered in a General Rate Case or other proceeding.

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(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 369-W

Craig D. Gott

Date Filed 06/16/2022

Name

Decision No.

President

Effective 07/20/2022

Title

Resolution No.

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

G. STAGE 2 - WATER SHORTAGE CONTINGENCY PLAN

1. A Stage 2 condition exists when it is determined that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Stage 2 of the Water Shortage Contingency Plan will be enacted upon a determination that water usage should be further reduced from then current levels, that a temporary water emergency exists necessitating implementation or that the requirements in Stage 1 are insufficient in complying with the necessary reduction; and/or that a government agency requests implementation of this stage to meet physical supply limitations.
2. Additional Water Shortage Contingency Plan Measures: In addition to the non-essential or unauthorized uses of water identified in Stage 1, the following water use restriction requirements apply during Stage 2 of the Water Shortage Contingency Plan, except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency:
 - a. Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification from Suburban.
 - b. Prohibit the irrigation of non-functional turf at commercial, industrial, and institutional sites. (N)
 - c. Notwithstanding subdivision 2.b above, 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.
 - d. Notwithstanding subdivision 2.b above, 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. (N)
3. Rates: Suburban shall implement a Commission-approved Schedule No. 14.1 Staged Water Shortage Contingency Plan.

(Continued)

(To be inserted by utility)

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Advise Letter No. 369-W

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Date Filed 06/16/2022

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Decision No.

President

Effective 07/20/2022

Title

Resolution No.

Suburban Water Systems
1325 N. Grand Ave., Ste. 100
Covina, CA 91724-4044

Revised
Canceling Revised

Cal. P.U.C. Sheet No. 1863-W

Cal. P.U.C. Sheet No. 1852-W

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(To be inserted by utility)

Issued by

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Advice Letter No. 369-W

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Date Filed 06/16/2022

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Resolution No.

**CALIFORNIA PUBLIC UTILITIES COMMISSION
DIVISION OF WATER AND AUDITS**

Advice Letter Cover Sheet

Utility Name: Suburban Water Systems	Date Mailed to Service List: June 16, 2022
District: n/a	Protest Deadline (20th Day): July 6, 2022
CPUC Utility #: U – 339-W	Review Deadline (30th Day): July 16, 2022
Advice Letter #: 369-W	Requested Effective Date: July 20, 2022
Tier: <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> Compliance	Rate Impact: n/a
Authorization: State Water Board Resolution No. 2022-0018, Emergency Regulatory to Reduce Water Demand and Improve Water Conservation	
Description: Activation Stage 2 surcharge of Schedule No. 14.1 and minor update to Rule No. 14.1	

The protest or response deadline for this advice letter is 20 days from the date that this advice letter was mailed to the service list. Please see the "Response or Protest" section in the advice letter for more information.

Utility Contact: Kiki Carlson
Phone: (626) 543-2553
Email: kcarlson@swwc.com

Utility Contact: Carmelitha Bordelon
Phone: (626) 543-2547
Email: cbordelon@swwc.com

DWA Contact: Tariff Unit
Phone: (415) 703-1133
Email: Water.Division@cpuc.ca.gov

DWA USE ONLY

<u>DATE</u>	<u>STAFF</u>	<u>COMMENTS</u>
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[] APPROVED

[] WITHDRAWN

[] REJECTED

Signature: _____

Comments: _____

Date: _____



**Suburban
Water Systems**

A SouthWest Water Company

1325 N. Grand Ave. Ste. 100, Covina, CA 91724-4044
Phone: 626.543.2500, Fax: 626.331.4848
www.swwc.com

U-339-W

VIA EMAIL

ADVICE LETTER NO. 369-W

June 16, 2022

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Suburban Water Systems (“Suburban”) hereby transmits for filing the following changes in its tariff schedules applicable to its service area and which are attached hereto:

CPUC Sheet No.	Title of Sheet	Canceling CPUC Sheet No.
1854-W – 1860-W	Schedule No. 14.1	1507-W – 1513-W
1861-W	Rule No. 14.1 (Continued)	1492-W
1862-W	Rule No. 14.1 (Continued)	1498-W
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Suburban requests authority to move from Stage 1 to Stage 2 of Schedule No. 14.1 Water Shortage Contingency Plan, and to modify the drought surcharge amounts in Stages 2 and 3. Additionally, Suburban proposes minor updates to its Rule No. 14.1 as it relates to the emergency regulations to prohibit watering “non-functional turf.”

Background

The California Public Utilities Commission (Commission) established Drought Procedures in Resolution No. 4976 (February 27, 2014), prescribing the process by which to establish Rule No. 14.1 for voluntary conservation measures, and Schedule No. 14.1 for mandatory rationing measures.

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. EO N-7-22 also directed the State Water Resources Control Board (State Water Board) to consider adopting emergency regulations to prohibit watering “non-functional turf”, or turf that serves only ornamental purposes, in the commercial, industrial, and institutional sectors during the ongoing drought emergency to conserve water supplies. (see Attachment B)

On May 24, 2022, the State Water Board adopted Resolution No. 2022-0018, Emergency Regulation to Reduce Water Demand and Improve Water Conservation which requires 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 State Water Board defines non-functional turf as grass that is solely ornamental and is not regularly used for recreational purposes or community events. The state-wide emergency regulations adopted may remain in effect for up to one year, unless rescinded earlier, or extended by the State Water Board. (see Attachment C)

In response to EO N-7-22 to reduce water usage by 20-30% and the State Water Board's Emergency Regulation to implement Level 2 demand reduction actions, Suburban is seeking to activate Schedule No. 14.1, Stage 2 for its customers in San Jose Hills and Whittier/La Mirada service areas.

Activation of Stage 2 of Schedule No. 14.1 will require Suburban to impose drought surcharges to all its residential customers when applicable. Suburban proposes to reduce penalty amounts by 50% from current levels in Schedule No. 14.1. if it were calculated the same methodology as previously implemented during the emergency drought period. Similarly the lower penalty amounts for low income customers are also proposed to be reduced by 50% from current levels.

Customer Outreach and Noticing

Suburban will follow all guidelines including customer outreach and noticing guidelines specified in the CPUC's Division of Water and Audit'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.

Suburban will notify its customers of the triggered Stage 2 activation of Schedule No. 14.1 through bill messages, bill inserts, direct mailing or electronic notification. Additionally, Suburban will provide periodic bill messages regarding updates on the status of water conservation.

Public Meeting

As required by Section 351¹ of the California Water Code, Suburban will hold a virtual public meeting on July 13, 2022 for all customers to inform and help customers understand the Water Shortage Contingency and Staged Mandatory Water Conservation and Rationing plan. Please see Attachment D for the Public Notice.

Suburban has been in Stage 1 of Schedule No. 14.1 since July 18, 2016. Suburban currently has a Mandatory Conservation Memorandum Account which was originally established on August 14, 2014 and will continue to track in this account the incremental costs, such as mailing and printing of bill inserts, and other operating and administrative costs, associated with the compliance in implementing Rule No. 14.1 and Schedule No. 14.1.

Tier Designation and Effective Date

Pursuant to General Order (GO) 96-B, Water Industry Rule 7.3.2(5), this advice letter is submitted with a Tier 2 designation.

Suburban requests that this advice letter become effective on July 20, 2022.

Protest and Responses

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:

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 on which the utility relies;
- (3) The analysis, calculations, or data in the advice letter contain material error or omissions;

¹ Excepting in the event of a wildfire or a breakage or failure of a dam, pump, pipeline, or conduit causing an immediate emergency, the declaration [of a Schedule 14.1 stage activation] shall be made only after a public hearing at which consumers of the water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to said governing board.

- (4) The relief requested in the advice letter is pending before the Commission in a formal proceeding; or
- (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 relitigating 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 Water Division 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 any protest or response is submitted to the Water Division, the respondent or protestant must serve a copy of the protest or response to:

Suburban Water Systems, Kiki Carlson, Regulatory Affairs Manager, 1325 N. Grand Ave., Suite 100, Covina, CA 91724-4044, and email to kcarlson@swwc.com

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform the Water Division, within the 20 days 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.

Replies: The utility shall reply to each protest and may reply to any response. Each reply must be received by the Division of Water and Audits within 5 business days after the end of the protest period and shall be served on the same day to the person who filed the protest or response.

This filing will not cause the withdrawal of service, nor conflict with other schedules or rules.

In compliance with General Rule 4.3 and 7.2 and Water Industry Rule 4.1 of General Order 96-B, a copy of this advice letter has been mailed or electronically transmitted to all interested and affected parties as detailed in Attachment A.

Sincerely,

/s/Kiki Carlson

Kiki Carlson
Regulatory Affairs Manager

Enclosures

SUBURBAN WATER SYSTEMS
Distribution List

Attachment A

Page 1 of 3

Director Of Public Works
City of Whittier
13230 E. Penn Street
Whittier, CA 90602

City Clerk
City of West Covina
1444 W. Garvey Ave. South
West Covina, CA 91790

City Attorney
City of Whittier
13230 E. Penn Street
Whittier, CA 90602

City Clerk
City of La Mirada
P.O. Box 828
La Mirada, CA 90638

Michael Gualtieri
La Habra Heights County Water District
P.O. Box 628
La Habra, CA 90633-0628

City Attorney
City of Baldwin Park
14406 E. Pacific Ave.
Baldwin Park, CA 91706

City Clerk
City of Industry
P.O. Box 3366
Industry, CA 91744

County Clerk
Orange County
10 Civic Center Plaza, 3rd. Floor
Santa Ana, CA 92701

City Clerk
City of Covina
125 East College Blvd.
Covina, CA 91723

City Attorney
City of Covina
125 East College Blvd.
Covina, CA 91723

Director of Public Works
City of Buena Park
6650 Beach Blvd.
Buena Park, CA 90621

City of Santa Fe Springs
Department of Public Works
11710 E. Telegraph Road
Santa Fe Springs, CA 90670

Bill Robinson
Upper San Gabriel Valley M.W.D.
1146 East Louisa Avenue
West Covina, CA 91790-1346

City Attorney
City of La Habra
P.O. Box 337
La Habra, CA 90633

City Attorney
City of West Covina
1444 West Garvey Ave. South
West Covina, CA 91790

City Clerk
City of Baldwin Park
14406 E. Pacific Ave.
Baldwin Park, CA 91706

The Prinden Corporation
P.O. Box 712
Park Ridge, NJ 07656-0712

Orchard Dale County Water District
13819 East Telegraph Road
Whittier, CA 90604

SUBURBAN WATER SYSTEMS

Distribution List

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City Attorney
City of La Mirada
P.O. Box 828
La Mirada, CA 90638

County Counsel
Orange County
10 Civic Center Plaza, 3rd. Floor
Santa Ana, CA 92701

City Clerk
City of Glendora
116 East Foothill Blvd.
Glendora, CA 91741

City Clerk
City of Walnut
P.O. Box 682
Walnut, CA 91788-0682

Jandy Macias, General Manager
Valley County Water District
JMacias@vcwd.org

City Attorney
City of Buena Park
pbobko@rwglaw.com

Rowland Water District
gsanchez@rwd.org

California Domestic Water Company
lnoriega@caldomestic.com

City Clerk
City of La Habra
cc@lahabracal.gov

City of Buena Park
Attn: Water Department
mgrisso@buenapark.com

County Clerk
Los Angeles County
12400 Imperial Hwy, Room 2001
Norwalk, CA 90650

City Clerk
City of La Puente
15900 East Main St.
La Puente, CA 91744

City Attorney
City of Glendora
116 East Foothill Blvd.
Glendora, CA 91741

City Attorney
City of Walnut
P.O. Box 682
Walnut, CA 91788-0682

Ed Jackson
Liberty Utilities
AdviceLetterService@LibertyUtilities.com

City Attorney
City of Industry
mvadon@bwslaw.com

Valencia Heights Water Co.
dmichalko@vhwc.org

Walnut Valley Water District
cfleming@wvwd.com

California Advocates Office Water Branch
California Public Utilities Commission
PublicAdvocatesWater@cpuc.ca.gov

City Clerk
City of La Puente
sgarcia@lapuente.org

SUBURBAN WATER SYSTEMS

Distribution List

Page 3 of 3

Chris Banner
South Hills Country Club
2655 S. Citrus Street
West Covina, CA 91791
cbanner@southhillscountryclub.org

Jeff Boand
O'Donnell Chevrolet – Buick
1312 Golden Vista Drive
West Covina, CA 91791
jboand007@aol.com

Ronald Moore
Golden State Water Company
Regulatory Affairs Department
630 E. Foothill Blvd.
San Dimas, CA 91709
RKMoore@gswater.com

The Public Advocates Office
California Public Utilities Commission
Richard.Raushmeier@cpuc.ca.gov
Hani.Moussa@cpuc.ca.gov

Audrey F. Jackson
Golden State Water Company
AFJackson@gswater.com

City of Azusa
Assistant Director – Water Operations
Imacias@AzusaCa.Gov

Schedule No. 14.1

WATER SHORTAGE CONTINGENCY PLAN

A. APPLICABILITY

This schedule applies to all water customers served under all tariff schedules authorized by the California Public Utilities Commission ("CPUC") for Suburban Water Systems ("Suburban") service areas. It is only effective in times of implementation of the Water Shortage Contingency Plan ("Plan") enforcement stages, as required by Rule No. 14.1, and only for the period noted in the Special Conditions section below.

B. GENERAL INFORMATION

1. All expenses incurred by Suburban to implement Rule No. 14.1, and Schedule No. 14.1, and requirements of the California State Water Resources Control Board ("Water Board") that have not been considered in a General Rate Case or other proceeding shall be accumulated by Suburban in a separate memorandum account, authorized in Resolution No. W-4976, for disposition as directed or authorized from time to time by the CPUC.
2. All monies collected by Suburban through drought surcharges shall be recorded in the appropriate Water Revenue Adjustment Mechanism ("WRAM") Balancing Accounts.
3. To the extent that any provision in this Schedule No. 14.1 is inconsistent with Rule No. 14.1, the provisions in this Schedule No. 14.1 shall apply.
4. This Schedule No. 14.1 shall remain dormant until activated by the CPUC authorization via a Tier 2 advice letter.
5. Once the Schedule No. 14.1 is activated, Suburban is authorized to implement additional Stages of the Schedule No. 14.1 by filing a Tier 2 advice letter.
6. When this Schedule No. 14.1 is activated, it shall remain in effect until Suburban files a Tier 2 advice letter to deactivate a specific stage of the Plan and such is authorized by the CPUC.

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(To be inserted by utility)

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Advise Letter No. 369-W

Craig D. Gott
Name

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Decision No.

President
Title

Effective

Resolution No.

Schedule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

C. SPECIAL CONDITIONS

1. Water use violation penalties must be separately identified on each bill.
2. Drought surcharges must be separately identified on each bill.
3. All bills are subject to the reimbursement fee set forth on Schedule No. UF.

D. STAGES

1. Stage 1 of the Plan enacts water conservation requirements established in Rule No. 14.1 Section D. The non-essential or unauthorized water uses in Section D are in effect at all times.
2. Stage 2 First Enforcement Stage of the Plan - A Stage 2 Plan condition exists when it is determined that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction from Stage 1 is necessary to make more efficient use of water and appropriately respond to existing water conditions. Stage 2 of the Plan will be enacted upon a determination that water usage should be further reduced from then current levels, that a temporary water emergency exists necessitating implementation or that the requirements of Stage 1 are insufficient in complying with the necessary reduction.
3. Stage 3 Second Enforcement Stage of the Plan - A Stage 3 Plan Condition exists when it is determined that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction from Stage 2 is necessary to make more efficient use of water and appropriately respond to existing water conditions. Stage 3 will be enacted upon a determination that water usage should be reduced further from then current levels, that a temporary water emergency exists necessitating implementation or that the requirements in Stages 1 and 2 are insufficient in complying with the necessary reduction.
4. Stage 4 Third Enforcement Stage of the Plan - A Stage 4 Plan condition is also referred to as an "Emergency" condition. A Stage 4 condition exists when it is determined that a critical water shortage emergency exists, or that the measures in Stages 1 through 3 are insufficient in complying with a necessary reduction.

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Resolution No.

Schedule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

E. WATER USE VIOLATION PENALTIES

1. When an Enforcement Stage of the Plan has been activated by Commission authorization, the water use restrictions of Rule No. 14.1 become subject to penalties imposed by Suburban. Suburban will first work closely with local law enforcement and public agencies charged with enforcing the mandatory water use restrictions. However, should the utility find that the local agency is not effectively enforcing the mandatory use restrictions, the utility, after written warnings, such as door hangers and letters, may begin to issue penalties. If a customer is seen violating the water use restrictions, as outlined in Rule No. 14.1 and the Special Conditions below, the customer will be subject to the following penalty structure:
 - a. First violation: Written notice, including explanation of penalty for subsequent violation.
 - b. Second violation – if Suburban verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the first violation, Suburban shall provide the customer with a second written notice of violation. In addition, Suburban is authorized to take the following actions:
 - i. Apply the following waste of water penalties, which are in addition to any other charges authorized by this Schedule No. 14.1 or other Suburban tariffs:
 - If Stage 1 is in effect, \$25
 - If Stage 2 is in effect, \$50
 - If Stage 3 is in effect, \$100
 - If Stage 4 is in effect, \$200
 - c. Third violation – if Suburban verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the second violation, Suburban shall provide the customer with a third written notice of violation. Suburban is authorized to take the following actions:
 - i. Apply the following waste of water penalties, which are in addition to any other charges authorized by this Schedule No. 14.1 or other Suburban tariffs:

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Schedule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

E. WATER USE VIOLATION PENALTIES, Third Violation (Continued)

- If Stage 1 is in effect, \$25
- If Stage 2 is in effect, \$50
- If Stage 3 is in effect, \$100
- If Stage 4 is in effect, \$200

d. Fourth violation – if Suburban verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the third violation, Suburban shall provide the customer with a fourth written notice of violation. In addition to actions set forth in previous violations prescribed above, Suburban is authorized to install a flow restrictor on the customer's service line. Suburban shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow restrictor.

e. Egregious violation – after providing the customer with one notice of egregious violation, either by direct mail or door hanger, which documents the egregious use of potable water for non-essential, wasteful uses and explains that failure to correct the violation may result in the installation of a flow restrictor on the customer's service line, Suburban shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow restrictor.

2. Flow restrictor conditions – The installation of a flow restrictor on a customer's service line is subject to the following conditions:

- i. The device shall be capable of providing the premises with a minimum of 3 Ccf per person, per month, based upon the U.S. Census calculation of the average number of people in a household in the area.
- ii. The device may only be removed by Suburban.
- iii. Any tampering with the device may result in the discontinuation of the customer's water service and the customer being charged for any damage to Suburban's equipment or facilities and any required service visits.

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Schedule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

Flow restrictor conditions (Continued)

- iv. After the removal of the device, if Suburban verifies that the customer is using potable water for non-essential, wasteful uses, Suburban may install another flow restrictor without prior notice. This device shall remain in place until water supply conditions warrant its removal. If, despite the installation of the device, Suburban verifies that the customer is using potable water for non-essential and, unauthorized wasteful uses, then Suburban may discontinue the customer's water service, as provided in its Rule No. 11.
3. Separate offenses for separate water use restrictions will each start at the first violation stage.
The water use violation penalties are in addition to the regular rate schedule charges.

APPLICABLE DROUGHT SURCHARGE RATES

1. A drought surcharge rate will be added to all residential metered service bills based on the following table. For all other customer classes, no drought surcharge will be imposed.

Drought surcharge rates are but one component of a mix of Suburban conservation tools to meet its conservation target. The switch-points for Stages 2 and 3 are based on 85% of Suburban's current 20 Ccf switch-point, and Stage 4 is based on 70% of the current 20 Ccf switch-point. Suburban's quantity rate drought surcharge for Stage 2 is based on 50% of the numeric average of all tier 2 rates for all service areas. Suburban's quantity rate drought surcharge for Stage 3 is based on 100% of the numeric average of all tier 2 rates for all services areas. The quantity rate drought surcharge for Stage 4 is based on 150% of the numeric average of all tier 2 rates for all services areas. The reduction in water use from these surcharges are in addition to other planned conservation programs and water use reductions already achieved. Drought surcharge switch-points are the same for 5/8 x 3/4-inch and 3/4-inch meters in order to be consistent with standard tariffed rates.

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Schedule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

APPLICABLE DROUGHT SURCHARGE RATES (Continued)

STAGE 2 Residential Metered Service Customers Drought Surcharge/Ccf/Month			
Meter Size	Non-LIRA Customers	LIRA Customers	For Monthly Usage in Excess of
5/8 x 3/4-inch meter	\$2.00	\$1.00	17 ccf
3/4-inch meter	\$2.00	\$1.00	17 ccf
1-inch meter	\$2.00	\$1.00	24 ccf
1 ½-inch meter	\$2.00	\$1.00	60 ccf
2-inch meter	\$2.00	\$1.00	198 ccf
3-inch meter	\$2.00	\$1.00	273 ccf

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STAGE 3 Residential Metered Service Customers Drought Surcharge/Ccf/Month			
Meter Size	Non-LIRA Customers	LIRA Customers	For Monthly Usage in Excess of
5/8 x 3/4-inch meter	\$4.00	\$2.00	17 ccf
3/4-inch meter	\$4.00	\$2.00	17 ccf
1-inch meter	\$4.00	\$2.00	24 ccf
1 ½-inch meter	\$4.00	\$2.00	60 ccf
2-inch meter	\$4.00	\$2.00	198 ccf
3-inch meter	\$4.00	\$2.00	273 ccf

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STAGE 4 Residential Metered Service Customers Drought Surcharge/Ccf/Month			
Meter Size	Non-LIRA Customers	LIRA Customers	For Monthly Usage in Excess of
5/8 x 3/4-inch meter	\$6.00	\$3.00	14 ccf
3/4-inch meter	\$6.00	\$3.00	14 ccf
1-inch meter	\$6.00	\$3.00	20 ccf
1 ½-inch meter	\$6.00	\$3.00	49 ccf
2-inch meter	\$6.00	\$3.00	163 ccf
3-inch meter	\$6.00	\$3.00	225 ccf

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Schedule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

F. ENFORCEMENT

1. Letter/Penalties: From second violation of the same restriction within a one year period and onwards, a violation letter will be posted on property and mailed to the billing address, if different from the service address.
2. Aging of violation: Violations will accrue for the period of one year and be considered corrected and expunged one year after the violation occurs. The purpose of this rule is to prevent discrete violations from accruing in the event of a multi-year enforcement of the Water Contingency Plan.

G. FLOW RESTRICTOR REMOVAL CHARGE

The charge for removal of a flow-restrictor device and/or reconnecting water service shall be:

\$100 during normal business hours, and \$150 during outside normal business hours.

(To be inserted by utility)

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(To be inserted by Cal. P.U.C.)

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Effective _____

Title

Resolution No. _____

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

B. DEFINITIONS (Continued)

2. "Commission" means the California Public Utilities Commission.
3. "Conservation" means normal actions necessary to reduce the purchase, production, or consumption of potable water, including applicable Best Management Practices, while maintaining customary levels of service and public health and safety.
4. "Flow Restrictor" means a device placed into the water distribution system by Suburban that restricts the volume of flow to the customer with a minimum of three hundred cubic feet ("ccf"; one ccf = 748 gallons) per person, per month, based upon the U.S. Census calculation of the average number of people in a household in the area.
5. "Measurable rainfall" means any amount of precipitation of more than one-tenth of an inch (0.1")
6. "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water provided by Suburban.
7. "Potable water" means water that is suitable for drinking.
8. "Recycled water" means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.
9. "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. (N)
|
|
(N)

C. WATER SHORTAGE CONTINGENCY PLAN

Wasteful water use practices, as outlined in Section D of this Rule, are prohibited at all times except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency. Notwithstanding these prohibitions, Suburban may elect to enact additional prohibited uses as needed. No customer shall use Suburban supplied water for non-essential or prohibited uses as identified by the Commission or Suburban.

1. Prior to, or in response to, a declaration of emergency issued by a government agency or the need to reduce usage in an effort to stay within governmental or court ordered restrictions; Suburban may request, via a Tier 2 advice letter, a Schedule No. 14.1 – Staged Water Shortage Contingency Plan Tariff. Suburban may also request in the advice letter a lost revenue and/or conservation implementation cost memorandum account(s) to record related variances from that previously considered in a General Rate Case or other proceeding.

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(To be inserted by utility)

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(To be inserted by Cal. P.U.C.)

Advise Letter No. 369-W

Craig D. Gott

Date Filed

Name

Decision No.

President

Effective

Title

Resolution No.

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

G. STAGE 2 - WATER SHORTAGE CONTINGENCY PLAN

1. A Stage 2 condition exists when it is determined that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Stage 2 of the Water Shortage Contingency Plan will be enacted upon a determination that water usage should be further reduced from then current levels, that a temporary water emergency exists necessitating implementation or that the requirements in Stage 1 are insufficient in complying with the necessary reduction; and/or that a government agency requests implementation of this stage to meet physical supply limitations.
2. Additional Water Shortage Contingency Plan Measures: In addition to the non-essential or unauthorized uses of water identified in Stage 1, the following water use restriction requirements apply during Stage 2 of the Water Shortage Contingency Plan, except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency:
 - a. Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification from Suburban.
 - b. Prohibit the irrigation of non-functional turf at commercial, industrial, and institutional sites. (N)
 - c. Notwithstanding subdivision 2.b above, 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.
 - d. Notwithstanding subdivision 2.b above, 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. (N)
3. Rates: Suburban shall implement a Commission-approved Schedule No. 14.1 Staged Water Shortage Contingency Plan.

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(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

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Title

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Resolution No.

Suburban Water Systems
1325 N. Grand Ave., Ste. 100
Covina, CA 91724-4044

Revised
Canceling Revised

Cal. P.U.C. Sheet No. 1863-W
Cal. P.U.C. Sheet No. 1852-W

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(Continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice Letter No. 369-W

Craig D. Gott

Date Filed _____

Decision No. _____

Name
President
Title

Effective _____

Resolution No. _____

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(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 369-W	Craig D. Gott	Date Filed
	Name	
Decision No.	President	Effective
	Title	
		Resolution No.

Attachment B
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](https://www.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

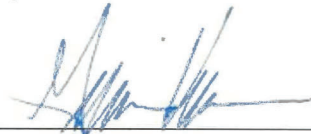
Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water 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 C
State Water Board
Resolution No. 2022-0018

**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

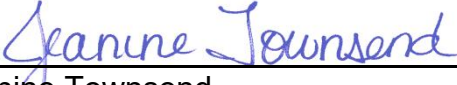
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 24, 2022.

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.

Attachment D
Public Notice

Si necesita asistencia en Español, tenemos representantes de servicio al cliente disponibles para ayudarle cuando lo solicite, por favor llame al número 1-800-203-5430.

PUBLIC NOTICE

NOTICE OF STAGE 2 MANDATORY WATER CONSERVATION

Suburban Water Systems (SWS) filed an Advice Letter no. 369-W with the California Public Utilities Commission (CPUC) to move from Stage 1 to Stage 2 of its Schedule No. 14.1, a Water Shortage Contingency Plan with Staged Mandatory Reductions and Drought Surcharges (Plan) for all of its Residential customers in San Jose Hills (SJH) and Whittier/La Mirada (WLM) service areas.

Schedule No. 14.1 provides information on mandatory restrictions, enforcement measures and surcharges that will help to achieve reductions due to water supply shortages or to achieve identified water 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 Executive Order also directs the Water Board to consider adopting emergency regulations to prohibit watering “non-functional turf,” or turf 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 State Water Resources Control Board (State Board) adopted Resolution No. 2022-0018, Emergency Regulations to Reduce Water Demand and Improve Water Conservation which requires urban water suppliers to implement Level 2 demand reduction actions by June 10, 2022; and **prohibit the irrigation of non-functional turf in commercial, industrial and institutional as well as Home-Owner Association sectors. However, the use of water is not prohibited 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.** Furthermore, 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.** The State Water Board defines **non-functional turf** as grass that is solely ornamental and is not regularly used for 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.** The state-wide emergency regulations adopted may remain in effect for up to one year, unless rescinded earlier, or extended by the State Water Board.

In response to the Governor’s EO and the State Board’s adopted Emergency Regulations to implement Level 2 reductions of non-essential water use, SWS will implement Stage 2 of its Schedule No. 14.1 Water Shortage Contingency Plan, in its SJH and WLM service areas requesting 20% reduction in customer usage.

If approved by the CPUC, the Stage 2 of the proposed Plan will become effective on **July 20, 2022**. SWS will host an online public meeting to help customers understand this filing and associated enforcement mechanism and provide information on conservation programs, and other tools SWS offers to help customers reduce their water use. The meeting date, time, and link are as follows:

Date	July 13, 2022
Time	7:00 P.M – 8:00 P.M Pacific Time (US and Canada)
Topic	Suburban Water Systems’ PPH Stage 2 Water Conservation
Virtual meeting link	https://us02web.zoom.us/j/86502168008?pwd=Z1MzZ25YVlpNRHY0S05tMFpBSWdsdz09
Webinar ID	865 0216 8008
Passcode	670893
Or Telephone	Dial (for higher quality, dial a number based on your current location): US: +1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 646 876 9923 or +1 301 715 859

Other than the proposed reduction in surcharge amounts in Stages 2 and 3, there are no other requested modifications to SWS’ Tariff Schedule No. 14.1:

Stage 1: Water Conservation – Non Essential or Unauthorized Water Use

Non-essential and prohibited use restrictions are in effect at all times until the CPUC authorizes deactivation.

- a. Outdoor Irrigating Restrictions (Stage 1)
 - i. Irrigating ornamental landscapes with potable water is limited to no more than three (3) days per week, on a schedule established and posted by Suburban on its website or otherwise provided to customers by bill message, bill insert, direct mail, or email, or as follows:
 1. Customer with even-numbered addresses may irrigate on Mondays, Wednesdays, and Saturdays.
 2. Customers with odd-numbered addresses may irrigate on Tuesdays, Thursday, and Sundays.
 3. For governmental entities irrigating parks, any given station may be watered only three (3) times per week.
 4. Customers without a street address may irrigate on Saturdays, Tuesdays, and Thursdays.
 5. Notwithstanding the foregoing restrictions, irrigation of special landscape areas or commercial nurseries may occur as needed, provided that the customer who wishes to irrigate a special landscape area or commercial nursery presents Suburban with a plan to achieve water use reductions commensurate with those that would be achieved by complying with foregoing restrictions.
 6. Notwithstanding the foregoing restrictions, when a city, a county, or other local public agency in one of Suburban’s service areas duly adopts restrictions on the number of days or hours of the day that customers may irrigate which are different than those adopted by Suburban, Suburban may enforce the city, county, or other local public agency’s restrictions.
 - ii. Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.
 - iii. Watering or irrigating of any lawn, landscape, or other vegetated area with potable water during and for 48 hours following measurable rainfall is prohibited.
 - iv. The foregoing restrictions do not apply to:
 1. Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation system;

2. Irrigating ornamental landscapes with the use of a hand-held bucket or similar container, with a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use or monitored, or for the express purpose of adjusting or repairing an irrigation system. Landscape that is irrigated with recycled water.
- b. Excessive water flow or run-off.
Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited.
 - c. Washing vehicles.
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 is prohibited. Use of water for washing commercial aircraft, cars, buses, boats, trailers or other commercial vehicles at any time is prohibited, except at commercial or fleet vehicle or boat washing facilities operated at a fixed location where equipment using water is properly maintained to avoid wasteful use.
 - d. Washing down hard or paved surfaces.
Use of potable water for washing buildings, structures, driveways, patios, parking lots, tennis courts, or other hard surfaced areas is prohibited, except in cases where health and safety are at risk.
 - e. Re-circulating water required for water fountains and decorative features. Operating a water fountain or other decorative feature that does not use re-circulated water is prohibited.
 - f. Commercial businesses, including restaurants and other food service providers can only serve drinking water to customers on request.
 - g. Hotel/motel operators must provide guests with the option of choosing not to have towels and linens laundered daily. Information about this option must be prominently displayed.
 - h. Unmetered water from fire hydrants cannot be used for any reason other than fire suppression or Suburban's system maintenance purposes.
 - i. Waste caused by correctable leaks, breaks or malfunctions.
This loss of potable water may be cited for water waste after a five-day period has passed in which the leak or malfunction could have been corrected.
 - j. There cannot be unreasonable or excessive use of potable water for dust control or earth compaction.
 - k. Operation of commercial car washes that do not recycle the potable water used as required by the California Water Code Sections 10950-10953 is prohibited.
 - l. Other wasteful practices may be identified from time to time by the Commission, Suburban, or governmental agency.

Stage 2: Water Shortage Contingency Plan

1. A Stage 2 condition exists when it is determined that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions.
2. Additional Water Shortage Contingency Plan Measures: In addition to the non-essential or unauthorized uses of water identified in Stage 1, the following water use restriction requirements apply during Stage 2 of the Water Shortage Contingency Plan, except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency:
 - a. Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two

(72) hours of notification from Suburban.

3. Rates: Suburban shall implement a Commission-approved Schedule No. 14.1 Staged Water Shortage Contingency Plan.

Stage 3: Water Shortage Contingency Plan

A Stage 3 Water Shortage Contingency Plan condition exists when it is determined that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions.

Plan measures: In addition to the prohibited uses of water identified in Stage 1, and 2, the following additional water restrictions apply during a declared Stage 3 Water Shortage Contingency Plan except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency:

- a. Watering Days: Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two (2) days per week. Maintenance of vegetation, including trees and shrubs, watered by use of a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device is permitted. The watering days restriction does not apply to the following categories of use, unless Suburban has determined that recycled water is available and may be applied to the use:
 - i. Maintenance of existing landscape necessary for fire protection;
 - ii. Maintenance of existing landscape for soil erosion control;
 - iii. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
 - iv. Recycled water is in use.

This overall provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour.

1. Requirements imposed by Stage 1 and Stage 2 shall remain in force during Stage 3.
2. Customers shall not use potable water for dust control purposes except by prior approval.
3. Rates: Suburban shall continue to implement Commission approved Schedule No. 14.1 – Staged Water Shortage Contingency Plan.

Stage 4: Water Shortage Contingency Plan

A Stage 4 Water Shortage Contingency Plan condition is also referred to as an “Emergency” Condition. A Stage 4 condition exists when it is determined that a critical water shortage emergency exists or that the measures in Stage 1 through 3 are ineffective in complying with a necessary reduction and/or that a governmental agency requests implementation of this stage to meet physical supply limitations.

All requirements imposed by Stages 1 through 3, except for rates, shall remain in force during Stage 4. In addition, the following water conservation requirements apply during Stage 4 except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency:

- a. Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired immediately upon notification from Suburban unless other arrangements are made with Suburban.
- b. Flow restrictors.

Suburban is authorized to install a flow restrictor on the customer's service line. The installation of a flow restrictor is subject to the following conditions:

- i. The device shall be capable of providing the premise with a minimum of 3 Ccf per person, per month, based upon the U.S. Census calculation of the average number of people in a household in the area.
 - ii. The device may only be removed by Suburban, and only after a minimum three-day period has elapsed.
 - iii. Any tampering with the device may result in the discontinuation of the customer's water service and the customer being charged for any damage to Suburban's equipment or facilities and any required service visits.
 - iv. After the removal of the device, if Suburban verifies that the customer is using potable water for non-essential, wasteful uses, Suburban may install another flow restrictor without prior notice. This device may remain in place until water supply conditions warrant its removal. If, despite the installation of the device, Suburban verifies that the customer is using potable water for non-essential and unauthorized wasteful uses, then Suburban may discontinue the customer's water service as provided in its Rule No. 11.
- c. Flow restrictor removal charges.
The charge to customers for removal of a flow restrictor installed pursuant to this rule is \$100 during normal business hours, and \$150 for the device to be removed outside of normal business hours.
- d. Rates: Suburban shall continue to implement the Commission approved Schedule No. 14.1 – Staged Water Shortage Contingency Plan.

ENFORCEMENT

1. Each Stage of this rule establishes certain restrictions on the use of potable water. Violating the restrictions set forth in a particular Stage while it is in effect is declared a non-essential, wasteful use of potable water.
2. Suburban will work closely with local law enforcement and public agencies charged with enforcing the mandatory water use restrictions.
3. When it is verified by Suburban personnel or a Suburban contractor that a customer is using water for any non-essential or unauthorized use as defined in Stages 1 through 4 above, Suburban will provide the customer with a written notice of violation. Suburban may then begin to issue penalties in accordance with its Water Shortage Contingency Plan Schedule No. 14.1.
4. After a series of written notices and penalties, Suburban may elect to install a flow restrictor on a customer's service line. The customer will be notified that the flow restrictor may be installed for the duration of the enforcement stage of the Water Contingency Plan.
5. The flow restrictor shall not restrict water delivery by greater than 50% of normal flow and shall be capable of providing the premise with a minimum of 3 Ccf/person/month based upon the U.S. Census calculations of the average number of people in a household in the area. The restricting device may only be removed by Suburban after a minimum three-day period has elapsed, and only after payment of the appropriate removal charge as set forth in Schedule No. 14.1.
6. Tampering with the flow restrictor further violations of prohibited uses may result in discontinuance of water service under Rule 11.

APPEAL PROCEDURE

1. Any customer who seeks a variance from any of the provisions of this water conservation and water use restriction plan, including any health and safety exceptions, or seeks a remedy to any of the actions of Suburban in regards to this plan, shall notify Suburban in writing, explaining in detail the reason for such a variance or remedy. Suburban shall respond to each such request in writing.
2. Any customer not satisfied with Suburban's response, the customer shall have the right to file a formal complaint with the Commission. Except as set forth in this Section, no person shall have any right or claim in law or in equity, against Suburban because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of this water shortage contingency plan.

WATER USE VIOLATION PENALTIES

If a customer is seen violating the water use restrictions, as outlined in Rule No. 14.1 and the Special Conditions below, the customer will be subject to the following penalty structure:

- a. First violation: Written notice, including explanation of penalty for subsequent violation.
- b. Second violation – if Suburban verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the first violation, Suburban shall provide the customer with a second written notice of violation. In addition, Suburban is authorized to take the following actions:
 - i. Apply the following waste of water penalties, which are in addition to any other charges authorized by this Schedule No. 14.1 or other Suburban tariffs:
 - If Stage 1 is in effect, \$25
 - If Stage 2 is in effect, \$50
 - If Stage 3 is in effect, \$100
 - If Stage 4 is in effect, \$200
- c. Third violation – if Suburban verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the second violation, Suburban shall provide the customer with a third written notice of violation. Suburban is authorized to take the following actions:
 - i. Apply the following waste of water penalties, which are in addition to any other charges authorized by this Schedule No. 14.1 or other Suburban tariffs:
 - If Stage 1 is in effect, \$25
 - If Stage 2 is in effect, \$50
 - If Stage 3 is in effect, \$100
 - If Stage 4 is in effect, \$200
- d. Fourth violation – if Suburban verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the third violation, Suburban shall provide the customer with a fourth written notice of violation. In addition to actions set forth in previous violations prescribed above, Suburban is authorized to install a flow restrictor on the customer's service line. Suburban shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow restrictor.
- e. Egregious violation – after providing the customer with one notice of egregious violation, either by direct mail or door hanger, which documents the egregious use of potable water for non-essential, wasteful uses and explains that failure to correct the violation may result in the installation of a flow restrictor on the customer's service line, Suburban shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow restrictor.

APPLICABLE DROUGHT SURCHARGE RATES

A drought surcharge rate will be added to all residential metered service bills based on the table below. For all other customer classes, no drought surcharge will be imposed.

Meter Size	STAGE 2 Residential Metered Service Customers Drought Surcharge/Ccf/Month		
	Non-LIRA Customers	LIRA Customers	For Monthly Usage in Excess of
5/8 x 3/4-inch meter	\$2.00	\$1.00	17 ccf
3/4-inch meter	\$2.00	\$1.00	17 ccf
1-inch meter	\$2.00	\$1.00	24 ccf
1-1/2-inch meter	\$2.00	\$1.00	60 ccf
2-inch meter	\$2.00	\$1.00	198 ccf
3-inch meter	\$2.00	\$1.00	273 ccf

Meter Size	STAGE 3 Residential Metered Service Customers Drought Surcharge/Ccf/Month		
	Non-LIRA Customers	LIRA Customers	For Monthly Usage in Excess of
5/8 x 3/4-inch meter	\$4.00	\$2.00	17 ccf
3/4-inch meter	\$4.00	\$2.00	17 ccf
1-inch meter	\$4.00	\$2.00	24 ccf
1-1/2-inch meter	\$4.00	\$2.00	60 ccf
2-inch meter	\$4.00	\$2.00	198 ccf
3-inch meter	\$4.00	\$2.00	273 ccf

Meter Size	STAGE 4 Residential Metered Service Customers Drought Surcharge/Ccf/Month		
	Non-LIRA Customers	LIRA Customers	For Monthly Usage in Excess of
5/8 x 3/4-inch meter	\$6.00	\$3.00	14 ccf
3/4-inch meter	\$6.00	\$3.00	14 ccf
1-inch meter	\$6.00	\$3.00	20 ccf
1-1/2-inch meter	\$6.00	\$3.00	49 ccf
2-inch meter	\$6.00	\$3.00	163 ccf
3-inch meter	\$6.00	\$3.00	225 ccf