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# 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:

|                             |  |
|-----------------------------|--|
| <b>Date</b>                 | <b>July 13, 2022</b>   |
| <b>Time</b>                 | <b>7:00 P.M – 8:00 P.M Pacific Time (US and Canada)</b>  |
| <b>Topic</b>                | Suburban Water Systems’ PPH Stage 2 Water Conservation   |
| <b>Virtual meeting link</b> | <a href="https://us02web.zoom.us/j/86502168008?pwd=Z1MzZ25YVlpNRHY0S05tMFpBSWdsdz09">https://us02web.zoom.us/j/86502168008?pwd=Z1MzZ25YVlpNRHY0S05tMFpBSWdsdz09</a>  |
| <b>Webinar ID</b>           | 865 0216 8008  |
| <b>Passcode</b>             | 670893   |
| <b>Or Telephone</b>         | Dial (for higher quality, dial a number based on your current location):<br>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.

| <b>STAGE 2</b><br>Residential Metered Service Customers<br>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                        |

| <b>STAGE 3</b><br>Residential Metered Service Customers<br>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                        |

| <b>STAGE 4</b><br>Residential Metered Service Customers<br>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                        |