



One Water & Stewardship Committee

Update on Making Conservation a California Way of Life Regulatory Rule-making

Item #6f

April 8, 2024

Item 6f
Update on
Making
Conservation
a California
Way of Life
Regulatory
Rule-making

Subject

Update on Regulatory Rule-making Process

Purpose

Provide update on regulatory rule-making process and Metropolitan's efforts in support of member and retail agencies

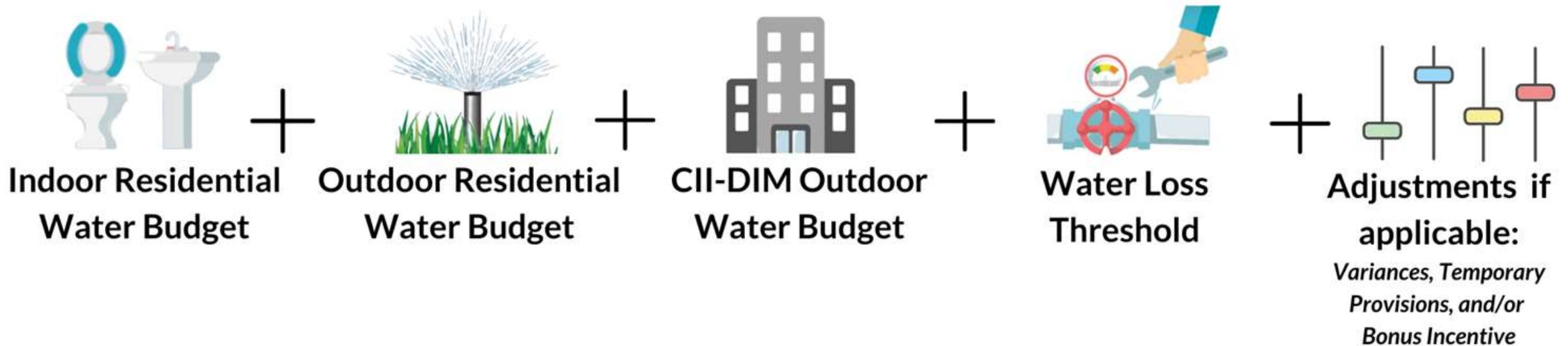
AB 1668 (Friedman)
& SB 606
(Hertzberg)_2018

Four Primary Goals of the Legislation

1. Use Water More Wisely
 - Create, adopt, report, and enforce water budget-based method for quantifying urban retail water supplier water use targets
2. Eliminate Water Waste
3. Strengthen Local Drought Resilience
4. Improve Agricultural Water Use Efficiency & Drought Planning

Calculating the Urban Water Use Objective

Providers cannot exceed the SUM of the standards



*Agriculture and indoor CII not part of objective; indoor CII is covered by other BMP requirements.

Indoor Standard.

Calculated by multiplying the indoor standard by population and the number of days in the year

Indoor Standards Passed by Legislature:

Date	Standard
2020	55 GPCD
2025	47 GPCD
2030	42 GPCD

Residential Outdoor Standard.

Outdoor standard is a function of available rainwater, landscape square footage, and the landscape efficiency factor

Standard calculation is based on a **Landscape Efficiency Factor (LEF)**

Date	Standard
2025-2035	0.80 LEF
2035-2040	0.63 LEF
2040	0.55 LEF

- New Developments = 0.55 (or current MWELO ETAF value)
- Special Landscape Areas (SLA) = 1.0 LEF

CII Standards & Performance Measures.

Commercial, industrial and institutional accounts are separated into two different regulations – one is standards based for accounts with **dedicated irrigation meters** and one is **performance measure** based.

Standard for Dedicated Irrigation Meters:

Date	Standard
2028-2035	0.80 LEF
2035-2040	0.63 LEF
2040	0.45 LEF

New Developments = 0.45 (or current MWEL0 ETAF value)

Special Landscape Areas (SLA) = 1.0 LEF

Water Loss Standard.

- The standard for water loss due to leaks in the water system pipes is based on a loss standard of gallons per connection per day
- This standard applies only to retail water loss

Bonus Incentive for Potable Recycled Water.

- Volume of potable reuse water delivered from an augmented source to residential and commercial users
- Amount of bonus cannot exceed percentage of total water use objective
 - 15% for potable reuse water from an existing facility
 - 10% for potable reuse water from a future facility

MWD
Comments on
First Draft
Regulation

1. Outdoor Standard

- Inability to meet standards and requirements
- Theoretical data used to inform real world practices
- Turf replacement gains needed to meet standard
- ✓ *Updated regulation – 5-year timeline extension*

2. CII

- Administrative burden without water savings
- Onus on supplier to force change and participation
- ✓ *Updated regulation – simplification of CII requirements*

MWD
Comments on
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Regulation

3. Complexity, Cost, and the need for Flexibility

- Does not match legislative intent
- Does not acknowledge wholesaler role in program administration
- ✓ *Updated regulation – specific call-out for regional programs*

4. Variances

- Data burden on suppliers
- ✓ *Updated regulation – variance threshold changed from cumulative to individual*

MWD Participation in Rule- making Efforts

- Workgroup representation along with other member agency staff
 - DWR
 - SWRCB pre-rulemaking workshops
 - SWRCB interested parties working groups
- Participation and Collaboration with other industry partners
 - ACWA/CMUA
 - CUWA
 - CalWEP
 - WaterReuse

Coordination with Member Agencies

- Presentations and coordination throughout regulation development process to keep MAs informed of changes
 - Water Use Efficiency Conservation Coordinator Meetings
 - Member Agency Managers Meetings
 - Legislative Affairs Coordinators Meetings
- Five previous comment letters submitted after discussion with MAs and other interested parties

Next Steps.

Task	Start date	End Date
First public comment period	Aug 18, 2023	Oct 17, 2023
Public workshop	Oct 4, 2023	
First comment letter due	Oct 17, 2023	
Second comment period	Mar 12, 2024	Mar 27, 2024
Second workshop	March 20, 2024	
Second comment letter due	March 27, 2024	
Adoption hearing	<i>Summer 2024</i>	
Rulemaking becomes effective	<i>January 1, 2025</i>	

State Board Enforcement -Timeline

Jan. 1, 2024** (FY 22/23 water use)

- The State Board may issue **informational orders** to an urban retail supplier that does not meet its Urban Water Use Objective (UWUO).

Jan. 1, 2025 (FY 23/24 water use)

- The State Board may issue **written notices** to an urban retail supplier that does not meet its UWUO.

Jan. 1, 2026 (FY 24/25 water use)

- The State Board may issue a **conservation order** to an urban retail supplier that does not meet its UWUO.

Nov. 1, 2027

- The State Board may impose **civil liability** (fine) for a violation of the regulation



*** The State Board has acknowledged that the regulation will not be finalized by this date. Suppliers will have a modified reporting template for 2024. The State Board indicated verbally they will not take enforcement until the regulation is final.*

