



Notice and Agenda of a Regular Meeting

Wednesday, May 25, 2022 at 5:00 p.m.

This meeting is available via teleconference
To join the Zoom meeting, use this link:

<https://us02web.zoom.us/j/88208695795?pwd=bm94K2RpaStSOUNsU3Z5NVhnT0JxUT09>

Meeting ID: 882 0869 5795 • Passcode: 697560

One tap mobile: +16699009128,,88208695795#,,,,*697560#

Dial in:

1 (669) 900-9128 US (San Jose) • Meeting ID: 882 0869 5795

View presentation material at <http://www.passwateralliance.com/>

Participating agencies:

City of Banning	Mission Springs Water District
Banning Heights Mutual Water Company	Morongo Band of Mission Indians
Beaumont Basin Watermaster	Riverside County - EDA / RCFCD
Beaumont Cherry Valley Water District	San Gorgonio Pass Water Agency
Cabazon Water District	South Mesa Water Company
City of Calimesa	Yucaipa Valley Water District
High Valleys Water District	

1. Call to Order - Roll Call
2. Public Comments

3. Consent Calendar
 - A. Approval of Alliance Meeting Minutes from March 23, 2022
4. Discussion Items
 - A. San Gorgonio Pass Subbasin Groundwater Sustainability Plan
Presentation by Terry Erlewine, Provost & Pritchard
 - B. California State Water Resources Control Board Meeting Agenda Item 3, *“Consideration of a Proposed Resolution Regarding a Drought-Related Emergency Regulation for Water Conservation”* (attachments)
 - C. Discussion on Chromium 6 and impacts of draft regulations
 - D. Update on procurement issues
5. Comments and Updates by the Elected Official or Agency Representative
 - A. City of Banning – David Happe (Kyle Pingree)
 - B. Banning Heights Mutual Water Company - _____
 - C. Beaumont Basin Watermaster - Art Vela
 - D. Beaumont Cherry Valley Water District - Daniel Slawson
 - E. Cabazon Water District – Diana Morris
 - F. City of Calimesa - Wynona Duvall
 - G. High Valleys Water District - Sam Hughes (Stan Houghton)
 - H. Mission Springs Water District - Russ Martin
 - I. Morongo Band of Mission Indians - John Covington
 - J. Riverside County EDA / Flood Control District - Jason Uhley
 - K. San Gorgonio Pass Water Agency – Robert Ybarra (Mickey Valdivia)
 - L. South Mesa Water Company - George Jorritsma
 - M. Yucaipa Valley Water District - Joyce McIntire
6. Suggested Presentations and Topics for Future Meetings
7. Future Meeting Dates
 - A. July 27, 2022 at 5:00 pm
 - B. September 28, 2022 at 5:00 pm
 - C. January 25, 2023 at 5:00 pm
8. Adjournment

Meeting Minutes

March 23, 2022

**MEETING MINUTES OF THE
San Gorgonio Pass Regional Water Alliance
March 23, 2022 at 5:00 p.m.**

Meeting Attendees

Agency	Representative	
City of Banning		Absent
Banning Heights Mutual Water Company		Absent
Beaumont Basin Watermaster	Dan Jaggers	Present
Beaumont-Cherry Valley Water District	Daniel Slawson Dan Jaggers Robert Rasha	Present
Cabazon Water District	Diana Morris Alan Davis	Present
City of Calimesa	Wynona Duvall	Present
High Valleys Water District	Stan Houghton Sam Hughes	Present
Mission Springs Water District	Russ Martin	Present
Morongo Band of Mission Indians		Absent
Riverside County EDA / Flood Control	Juliana Adams	Present
San Gorgonio Pass Water Agency	Ron Duncan	Present
South Mesa Water Company		Absent
Yucaipa Valley Water District	Joyce McIntire Nyles O'Harra	Present

1. Call to Order - Roll Call

Daniel Slawson called to order the regular meeting of the San Gorgonio Pass Regional Water Alliance at 5:02 p.m. on January 26, 2022. Roll call was conducted of the attendees and is reflected in the list of meeting participants above.

2. Public Comments

No public comments were provided.

3. Consent Calendar

- A. Approval of Alliance Meeting Minutes from January 26, 2022 – A motion was made by Joyce McIntire and seconded by Wynona Duvall to approve the meeting minutes.

APPROVED	VOTE
City of Banning	absent
Banning Heights Mutual Water Company	absent
Beaumont Basin Watermaster	YES
Beaumont-Cherry Valley Water District	YES
Cabazon Water District	YES
City of Calimesa	YES
High Valleys Water District	YES
Mission Springs Water District	abstain
Morongo Band of Mission Indians	absent
Riverside County EDA / Flood Control	YES
San Geronio Pass Water Agency	YES
South Mesa Water Company	absent
Yucaipa Valley Water District	YES

5. Comments and Updates by the Elected Official or Agency Representative

- A. City of Banning – Absent.
- B. Banning Heights Mutual Water Company – Absent.
- C. Beaumont Basin Watermaster – Dan Jagers advised that a workshop activity has begun to review mission statement and future plans. Concerns to be addressed include Basin management and water loss. The next meeting will be held April 13 at 11 a.m.
- D. Beaumont Cherry Valley Water District - Daniel Slawson reported that staff earned an achievement award for excellence in accounting. Work is continuing on Master Drainage Line 16 to capture stormwater for recharge. The City of Beaumont is moving forward on recycled water.

Mr. Jagers added that capital improvement projects are moving forward but materials are difficult to procure which is causing delays. Any agency dealing with emergencies may have need to borrow from neighbors, and BCVWD is open to participating. Well drilling and other contracts are more costly and fewer bids are being submitted.

The Chromium 6 draft standards have just been released, Jagers continued. Science appears to be sound in this reset, but the standards seem to be set at the same level. BCVWD and other agencies will be affected, and treatment is costly, he explained. He offered to post the information on the BCVWD website,

and responded to a question from Mr. Slawson regarding impact to Sustainable Groundwater Plans. Mr. Ron Duncan suggested requesting Lance Eckhart be contacted to respond. Mr. Jagers also recommended speaking to Steve Bigley of the Coachella Valley Water District.

Ms. Duvall asked what the solution would be if BCVWD did not have meters to provide to new development. Jagers said that BCVWD has some in stock, but they are becoming more scarce. Other agencies may not have that buying power, he noted. Mr. O'Harra echoed the procurement issues. Jagers pointed out that impacts to construction schedule affects project grant funding. Ms. Morris noted that grant agreements may be negotiated in those cases.

Jagers also noted recent difficulty in purchasing a specialty vehicle. Ms. Duvall suggested retaining this on the agenda for update at the next meeting.

- E. Cabazon Water District – Diana Morris reported that Alan Davis has been reappointed to the Board. There are 792 residential lots that were subdivided in 1925 and are now ready to start developing, she advised.
 - F. City of Calimesa – Wynona Duvall said she would be meeting with the planning manager next week and will report next meeting.
 - G. High Valleys Water District – Stan Houghton advised that they are also experiencing procurement difficulties and commented on the fragility of the systems. All Board seats have been filled. Sam Hughes read the names of the new Board members: Jessie Williams, and John Kalani. Some projects are underway, and grants are being sought, he noted.
 - H. Mission Springs Water District – Russ Martin advised that construction on the new regional wastewater treatment facility will soon begin. Growth in the City of Desert Hot Springs, both residential and a new Amazon warehouse, are creating a need for expanded services. Martin invited all to the groundbreaking ceremony on June 1.
 - I. Morongo Band of Mission Indians – Absent.
 - J. Riverside County EDA / Flood Control District – Juliana Adams advised that she will be heading a newly created Emergency Management and Government Affairs Division. The group will be prepared for the next winter season. She explained some reorganization of staff within the division.
- Mr. Jagers indicated he appreciated Flood Control's response and commitment of the staff to assure that educated decisions are made.
- K. San Geronio Pass Water Agency – Ron Duncan commented on the efforts of BCVWD on flood control. Water allocation went from 15 percent back down to 5 percent, and there is a possibility it may go to zero, he cautioned. SGPWA meetings are the second and fourth Mondays and include a comprehensive water management report, he noted. Mr. Jagers added that Mr. Eckhart provides a PowerPoint that can be obtained.

Work is ongoing on a Calimesa land deal for the backbone pipeline from Highland Springs to Cabazon, and SGPWA is working with Cabazon on the grant process to get some repairs made.

Duncan indicated that a representative from SGPWA would continue to attend, and commented on the regional collaboration.

L. South Mesa Water Company – Absent.

M. Yucaipa Valley Water District – Joyce McIntire reported that the 2022 Groundwater and Surface Water Monitoring for the YVWD Maximum Benefit Monitoring Program in the San Timoteo and Yucaipa Management Zone was approved by the Board, and she provided some detail on the program functions.

Info Report in San Bernardino County Interstate 10 / Dunlap crossing project is complete. The pipeline takes sewer flows from the northwest under the 10 connecting to existing infrastructure. It was done by the bore and jack process and the HDPE pipeline was installed without closing the freeway.

7. Suggested Presentations and Topics for Future Meetings

Alliance members expressed interest in the following meeting topics:

- Supply issues and how agencies are affected
- Chromium 6
- Drought response actions and presentation from Lance Eckhart, SGPWA
- Briefing on San Geronio Pass Groundwater Sustainability Plan
- Update and Discussion Regarding Funding for the Sites Reservoir Project
- Discussion Regarding Funding for the Delta Conveyance Project
- Discussion Regarding Funding for the Regional Cabazon/Banning Backbone Project

8. Future Meeting Dates

- May 25, 2022 at 5:00 p.m.
- July 27, 2022 at 5:00 p.m.
- September 28, 2022 at 5:00 p.m.
- January 23, 2023 at 5:00 p.m.

9. Adjournment

Daniel Slawson adjourned the meeting at 5:58 p.m.

Item 4-B

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION
OFFICE OF RESEARCH PLANNING AND PERFORMANCE
MAY 24, 2022**

ITEM 3

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION REGARDING A DROUGHT-RELATED EMERGENCY REGULATION FOR WATER CONSERVATION

DISCUSSION

On April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, Governor Newsom proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions.

On March 28, 2022, in Executive Order N-7-22, the Governor affirmed that the orders and provisions contained in the four Proclamations from 2021 remain in full force and effect, except as modified by those Proclamations, and called on all Californians to reduce water use and directed specific State agencies to take actions in support of water conservation. Immediate action is needed to ensure water suppliers and all Californians are taking sufficient actions to conserve water and preserve the State's water supply.

Executive Order N-7-22 directs the State Water Board to consider adopting an emergency regulation by May 25, 2022, that requires urban water suppliers to submit preliminary supply and demand assessments to the Department of Water Resources by June 1, 2022; that requires urban water suppliers to implement Level 2 demand reduction actions by a date determined by the State Water Board; and that defines "non-functional turf" and bans the irrigation of non-functional turf in commercial, industrial, and institutional sectors. Emergency regulations adopted under Water Code section 1058.5 may remain in effect for up to one year, unless rescinded earlier, or extended by the State Water Board.

POLICY ISSUE

Should the State Water Board adopt the proposed resolution and accompanying regulation?

FISCAL IMPACT

Reduced water sales due to demand reductions, and increased communication costs may lead to one-time fiscal impacts for the water sector, statewide, of approximately \$400 million.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed resolution adopting the emergency regulation.

D R A F T

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2022-

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.

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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.

D R A F T

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.

D R A F T

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 allow urban water suppliers to include information on efforts to maintain trees through the monthly conservation reporting form that urban water suppliers submit to the Board.
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.

Jeanine Townsend
Clerk to the Board

PROPOSED EMERGENCY REGULATION TEXT

Version: May 13, 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) “Separate interest” has the same meaning as in section 4185 of the Civil Code.

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

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

(9) “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, the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten to twenty percent (Level 2).
- (2) Notwithstanding subdivision (1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section.
- (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 the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten to twenty 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 to no more than two days per week and prohibiting landscape irrigation 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.

- (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, 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.