

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Joint Application of Southern California Edison
Company (U338E) and San Diego Gas & Electric
Company (U902E) to Find the 2014 SONGS Units 2
and 3 Decommissioning Cost Estimate Reasonable and
Address Other Related Decommissioning Issues.

A.14-12-007
(Filed December 10, 2014)

And Related Matters,

A.15-01-014
A.15-02-006

**MOTION BY CITIZENS OVERSIGHT TO
ORDER A HALT TO NONESSENTIAL ONGOING WORK AND ORDER
MANDATORY WATER REDUCTIONS IN DECOMMISSIONING PLANS**

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Document Number : A14-12-007-COPS-007

April 6, 2015

INTRODUCTION

1 This motion is filed according to the rules specified by the California Public Utilities Commission
2 (CPUC) Rules of Practice and Procedure¹, Rule 11.1.

3 The Application A.14-12-007, entitled, “Joint Application of Southern California Edison Company
4 (U338E) and San Diego Gas & Electric Company (U902E) to Find the 2014 SONGS [(San Onofre
5 Nuclear Generating Station)] Units 2 and 3 Decommissioning Cost Estimate Reasonable and Address
6 Other Related Decommissioning Issues,”² (“Annual Application”) filed December 10, 2014, and first
7 published on January 16, 2015 in the Daily Calendar³ of the CPUC.

8 Two other applications may also be affected by this motion, one by Southern California Edison
9 (SCE), designated A.15-01-014⁴ and a similar application submitted by San Diego Gas & Electric
10 (SDG&E) for the same time period and for the same work, designated A.15-02-006⁵.

ABOUT US

11 Citizens' Oversight (also known as “Citizens' Oversight Projects,” or “COPS”) is a 501(c)3
12 Delaware Corporation with primary offices in California, and with members who live in the service
13 areas affected by the decommissioning of the San Onofre Nuclear Generating Station (SONGS). COPS
14 is a party in the proceedings cited above, and was a party in the 2012 Nuclear Decommissioning
15 Triennial Cost Proceeding “NDCTP” (A.12-12-012/013). The primary mission of COPS is improved
16 citizen engagement of governmental institutions.

UNPRECEDENTED DROUGHT

17 On January 17, 2014, Governor Brown submitted “Governor’s Proclamation No. 1-17-2014” which
18 declared a “Drought State of Emergency” regarding water supplies in California.⁶ This winter, the state

1 “Rules Of Practice And Procedure”, revised 4/1/2014

<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M089/K380/89380172.PDF>

2 <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M143/K524/143524821.PDF>

3 Daily Calendar, Tuesday, December 16, 2014 –

<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M143/K299/143299161.PDF>

4 <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M146/K035/146035278.PDF> “Application of Southern California Edison Company (U 338-E) for a Commission Reasonableness Review of 2014 SONGS 2&3 Expenses”

5 <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M146/K375/146375397.PDF> “Application Of San Diego Gas & Electric Company (U 902-E) For A Reasonableness Determination And Recovery Of Its 2014 O&M And Non-O&M SONG Costs”

6 Governor’s Proclamation No. 1-17-2014 <http://gov.ca.gov/news.php?id=18379> “Governor Brown Declares Drought State Of Emergency” (Attached as EXHIBIT 1)

1 received some rain and snow, but the snowpack is now at historic lows, with the Sierra snowpack at 5%
2 of the average. On March 17, 2015, the State Water Resources Control Board adopted an expanded
3 emergency regulation to safeguard the state’s remaining water supplies.⁷

4 On April 1, 2015, California Governor Brown released “Executive Order B-29-15”⁸ (Order)
5 announcing “Statewide Mandatory Water Reductions” due to the unprecedented drought and startling
6 lack of snowpack⁹. According to their press release, the “Governor has directed the State Water
7 Resources Control Board to implement mandatory water reductions in cities and towns across
8 California to reduce water usage by 25 percent.”¹⁰

9 The Order also says that “The California Public Utilities Commission is requested to take similar
10 action with respect to investor-owned utilities providing water service.”

11 In paragraph 25, the Order suggests that petitions for amendments to power plant certifications
12 issued by the Energy Commission for the purpose of securing alternate water supply necessary for
13 continued power plant operation should receive special fast-track processing. Thus, even operating
14 power plants are affected by this order.

15 In essence, this unprecedented drought is now stretching into a sixth year, and all Californians are
16 being asked to do their part to help alleviate the shortage by saving water, state government is
17 increasing enforcement against water waste, encouraging new investment in new technologies, and
18 streamlining government response.

THE DECOMMISSIONING PROJECT WILL REQUIRE WATER

19 The project to dismantle the SONGS and return the site to a state such that the site can be used for
20 general purpose use will require the use of water, perhaps a significant amount. The exact amount of
21 water, whether it is potable or recycled waste water, has not be fully described by SCE in the Post
22 Shutdown Activities Report (PSDAR) or in the Decommissioning Cost Estimate (DCE).

23 For example, as buildings are pulled apart and concrete is pulverized, a spray of water is typically
24 used to keep the dust from rising into the air. This may be extremely important as the concrete may also
25 be radioactive, and therefore there is a desire to limit such dust. When structures are removed and

7 See press release as EXHIBIT 2 and regulation text as EXHIBIT 3,

http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2015/rs2015_0013.pdf

8 See Executive Order B-29-15 Attached as EXHIBIT 5

9 See full text of Executive Order B-29-15 as EXHIBIT 5

10 <http://ca.gov/drought/topstory/top-story-29.html> “Governor Brown Directs First Ever Statewide Mandatory Water Reductions” See EXHIBIT 4

1 grading performed, water is added to the soil to get it to compact properly. If additional dry cask
2 overpacks or underground concrete structures are constructed, either using the Areva NUHOMS design
3 or the Holtec UMAX system, water must be combined with cement to cause it to chemically harden¹¹.

4 As the site and structures are either demolished or constructed, a significant quantity of water will
5 be required. The water budget for the project has not been carefully defined, reviewed, nor approved.

THE DECOMMISSIONING PROJECT IS NOT URGENT

6 Decommissioning SONGS Units 2 and 3 can be delayed without any serious drawback to the
7 project. In fact, such a delay may be better from a worker and environmental safety standpoint, because
8 the delay will mean that some radioactive isotopes with short half-lives will decay prior to the start of
9 the project. Thus, workers will be exposed to a lower dose of radioactivity if the work is delayed.

10 Delaying the project does not reduce the amount of energy produced, as would the delay of the
11 construction of a new power plant. There is no impact to the supply of electrical power if the project is
12 delayed.

13 Delay of the decommissioning project will definitely mean that less water will be required during
14 this severe and unprecedented drought, since the project can be commenced when there is adequate
15 water supply.

WATER USE IS WITHIN CPUC JURISDICTION

16 SCE wants the CPUC to restrict its review to the monetary cost of the project, and ignore other
17 factors. Effective water conservation is a quality factor which may (and not necessarily) increase costs
18 slightly, but it is essential during these unprecedented drought conditions. Effective water conservation
19 is not the purview of the Nuclear Regulatory Commission (NRC) which deals only with radiological
20 safety. The NRC does not regulate which options to use which are considered equally safe. These
21 options may have cost implications and also water conservation implications. Therefore, water
22 conservation is within the jurisdiction of the CPUC, and the timing of the project is within the
23 jurisdiction of the CPUC.

11 Concrete hardens as a result of the chemical reaction between cement and water, known as “hydration.” For every pound of cement, about 0.25 pounds of water is needed to fully complete the hydration reactions. Thus for a one-ton cement structure, 500 pounds of water is required, and will be chemically combined with the cement.

THE MOTION

1 Citizens' Oversight therefore moves:

- 2 1. That the Administrative Law Judge (ALJ) take judicial notice of the Governor's Proclamation
3 No. 1-17-2014, Executive Order B-29-15, and the other documents provided in the Exhibits of
4 this motion, mandating that Californians take steps to save water.
- 5 2. That the ALJ and Commission order the joint utilities (SCE and SDG&E) to provide an
6 amended decommissioning project plan including the estimated water resources required to
7 complete the project, when these resources will be required, from where these resources will
8 come, and what type of water (potable vs. recycled) is required, with the goal of reducing the
9 overall requirement for potable water. Any options in this action plan which include cost
10 tradeoffs should be included in the review of the decommissioning project in this proceeding.
11 As this portion of the plan is not radiological and is not governed by the NRC, this portion of
12 the plan should be submitted to the CPUC for approval as part of the instant proceeding.
- 13 3. That the ALJ and Commission impose a moratorium on any decommissioning work at the site
14 which requires water, including demolition of structures, grading, and construction of any new
15 concrete structures in the Independent Spent Fuel Storage Installation (ISFSI), except for any
16 work that is required to stabilize the plant and bring it to "Cold and Dark" status, and to
17 maintain the spent fuel pool. This moratorium should persist while drought conditions continue.
18 The moratorium may be lifted when water supplies return to normal levels (i.e. snowpack at or
19 above average levels and reservoirs back to at least average levels.) Lifting of the moratorium
20 should require an explicit action of the Commission.
- 21 4. That the ALJ and Commission order SCE to cease irrigation of any ornamental landscaping on
22 the site, as these plants are likely to be removed in the decommissioning project anyway.
23 Landscaping associated with the ISFSI may continue with recycled water.
- 24 5. That the water budget and plan should become a part of this and future SONGS
25 decommissioning proceedings and future Nuclear Decommissioning Triennial Cost Proceedings
26 (NDCTPs). The CPUC is not only concerned with cost, but also with water resources in these
27 projects.
- 28 6. That all water used on the site for decommissioning must be recycled, unless a valid reason

1 exists to do otherwise and such is approved in advance. Adequate records shall be kept to
2 substantiate that fact. SCE and its contractors must be subject to fines if they are caught using
3 municipal water when recycled water is to be used. (Citizens' Oversight was contacted by
4 residents in San Diego who witnessed potable water being used in the Sunrise Powerlink project
5 when recycled water was supposed to be used for construction of the footings of the
6 transmission line towers. We hope to thwart a similar violation of trust in the SONGS
7 Decommissioning project).

CONCLUSION

8 Therefore, Citizens' Oversight moves as described above and requests that the ALJ and
9 Commission act on the motion with due diligence and appropriate haste, noting that time is of the
10 essence.

11 Respectfully Submitted

12 --s/--

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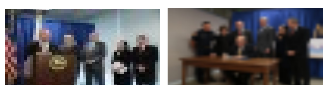
19 April 6, 2015

EXHIBIT 1

GOVERNOR BROWN DECLARES DROUGHT STATE OF EMERGENCY



1-17-2014



SAN FRANCISCO – With California facing water shortfalls in the driest year in recorded state history, Governor Edmund G. Brown Jr. today proclaimed a State of Emergency and directed state officials to take all necessary actions to prepare for these drought conditions.

“We can’t make it rain, but we can be much better prepared for the terrible consequences that California’s drought now threatens, including dramatically less water for our farms and communities and increased fires in both urban and rural areas,” said Governor Brown. “I’ve declared this emergency and I’m calling all Californians to conserve water in every way possible.”

In the State of Emergency declaration, Governor Brown directed state officials to assist farmers and communities that are economically impacted by dry conditions and to ensure the state can respond if Californians face drinking water shortages. The Governor also directed state agencies to use less water and hire more firefighters and initiated a greatly expanded water conservation public awareness campaign (details at saveourh2o.org).

In addition, the proclamation gives state water officials more flexibility to manage supply throughout California under drought conditions.

State water officials say that California’s river and [reservoirs](#) are below their record lows. Manual and electronic readings record the snowpack’s statewide water content at about 20 percent of normal average for this time of year.

The Governor’s drought State of Emergency follows a series of actions the administration has taken to ensure that California is prepared for record dry conditions. In May 2013, Governor Brown issued an [Executive Order](#) to direct state water officials to expedite the review and processing of voluntary transfers of water and water rights. In December, the Governor formed a [Drought Task Force](#) to review expected water allocations, California’s preparedness for water scarcity and whether conditions merit a drought declaration. Earlier this week, the Governor toured the Central Valley and spoke with growers and others impacted by California’s record dry conditions.

Photo captions and the full text of the emergency proclamation are below:

1.) Governor Brown announces Drought State of Emergency with Natural Resources Agency Secretary John Laird, Department of Water Resources Director Mark Cowin, Water Resources Control Board Chair Felicia Marcus and Governor’s Office of Emergency Services Director Mark Ghilarducci (left to right). Photo Credit: Justin Short, Office of the Governor.

2.) Governor Brown signs proclamation declaring Drought State of Emergency. From left to right: CAL FIRE Director Chief Ken Pimlott, Department of Food and Agriculture Secretary Karen Ross, Secretary Laird, Director Cowin, Chair Marcus and Director Ghilarducci. Photo Credit: Justin Short, Office of the Governor.

For high resolution copies of these photos, please contact Danella Debel, Office of the Governor at Danella.Debel@gov.ca.gov.

A PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS the State of California is experiencing record dry conditions, with 2014 projected to become the driest year on record; and

WHEREAS the state's water supplies have dipped to alarming levels, indicated by: snowpack in California's mountains is approximately 20 percent of the normal average for this date; California's largest water reservoirs have very low water levels for this time of year; California's major river systems, including the Sacramento and San Joaquin rivers, have significantly reduced surface water flows; and groundwater levels throughout the state have dropped significantly; and

WHEREAS dry conditions and lack of precipitation present urgent problems: drinking water supplies are at risk in many California communities; fewer crops can be cultivated and farmers' long-term investments are put at risk; low-income communities heavily dependent on agricultural employment will suffer heightened unemployment and economic hardship; animals and plants that rely on California's rivers, including many species in danger of extinction, will be threatened; and the risk of wildfires across the state is greatly increased; and

WHEREAS extremely dry conditions have persisted since 2012 and may continue beyond this year and more regularly into the future, based on scientific projections regarding the impact of climate change on California's snowpack; and

WHEREAS the magnitude of the severe drought conditions presents threats beyond the control of the services, personnel, equipment and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist in California due to water shortage and drought conditions with which local authority is unable to cope.

NOW, THEREFORE, I, EDMUND G. BROWN JR., 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, section 8625 of the California Government Code **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in the State of California due to current drought conditions.

IT IS HEREBY ORDERED THAT:

1.State agencies, led by the Department of Water Resources, will execute a statewide water conservation campaign to make all Californians aware of the drought and encourage personal actions to reduce water usage. This campaign will be built on the existing Save Our Water campaign (www.saveourh20.org) and will coordinate with local water agencies. This campaign will call on Californians to reduce their water usage by 20 percent.

2.Local urban water suppliers and municipalities are called upon to implement their local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season. Local water agencies should also update their legally required urban and agricultural water management plans, which help plan for extended drought conditions. The Department of Water Resources will make the status of these updates publicly available.

3.State agencies, led by the Department of General Services, will immediately implement water use reduction plans for all state facilities. These plans will include immediate water conservation actions, and a moratorium will be placed on new, non-essential landscaping projects at state facilities and on state highways and roads.

4. The Department of Water Resources and the State Water Resources Control Board (Water Board) will expedite the processing of water transfers, as called for in Executive Order B-21-13. Voluntary water transfers from one water right holder to another enables water to flow where it is needed most.
5. The Water Board will immediately consider petitions requesting consolidation of the places of use of the State Water Project and Federal Central Valley Project, which would streamline water transfers and exchanges between water users within the areas of these two major water projects.
6. The Department of Water Resources and the Water Board will accelerate funding for water supply enhancement projects that can break ground this year and will explore if any existing unspent funds can be repurposed to enable near-term water conservation projects.
7. The Water Board will put water right holders throughout the state on notice that they may be directed to cease or reduce water diversions based on water shortages.
8. The Water Board will consider modifying requirements for reservoir releases or diversion limitations, where existing requirements were established to implement a water quality control plan. These changes would enable water to be conserved upstream later in the year to protect cold water pools for salmon and steelhead, maintain water supply, and improve water quality.
9. The Department of Water Resources and the Water Board will take actions necessary to make water immediately available, and, for purposes of carrying out directives 5 and 8, Water Code section 13247 and Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are suspended on the basis that strict compliance with them will prevent, hinder, or delay the mitigation of the effects of the emergency. Department of Water Resources and the Water Board shall maintain on their websites a list of the activities or approvals for which these provisions are suspended.
10. The state's Drinking Water Program will work with local agencies to identify communities that may run out of drinking water, and will provide technical and financial assistance to help these communities address drinking water shortages. It will also identify emergency interconnections that exist among the state's public water systems that can help these threatened communities.
11. The Department of Water Resources will evaluate changing groundwater levels, land subsidence, and agricultural land following as the drought persists and will provide a public update by April 30 that identifies groundwater basins with water shortages and details gaps in groundwater monitoring.
12. The Department of Water Resources will work with counties to help ensure that well drillers submit required groundwater well logs for newly constructed and deepened wells in a timely manner and the Office of Emergency Services will work with local authorities to enable early notice of areas experiencing problems with residential groundwater sources.
13. The California Department of Food and Agriculture will launch a one-stop website (www.cdfa.ca.gov/drought) that provides timely updates on the drought and connects farmers to state and federal programs that they can access during the drought.
14. The Department of Fish and Wildlife will evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.
15. The Department of Fish and Wildlife will work with the Fish and Game Commission, using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist.
16. The Department of Water Resources will take necessary actions to protect water quality and water supply in the Delta, including installation of temporary barriers or temporary water supply connections as needed, and will coordinate with the Department of Fish and Wildlife to minimize impacts to affected aquatic species.
17. The Department of Water Resources will refine its seasonal climate forecasting and drought prediction by advancing new

methodologies piloted in 2013.

18. The California Department of Forestry and Fire Protection will hire additional seasonal firefighters to suppress wildfires and take other needed actions to protect public safety during this time of elevated fire risk.

19. The state's Drought Task Force will immediately develop a plan that can be executed as needed to provide emergency food supplies, financial assistance, and unemployment services in communities that suffer high levels of unemployment from the drought.

20. The Drought Task Force will monitor drought impacts on a daily basis and will advise me of subsequent actions that should be taken if drought conditions worsen.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of January, 2014.

EDMUND G. BROWN JR.,
Governor of California

ATTEST:

DEBRA BOWEN,
Secretary of State

###

EXHIBIT 2

State Water Board Expands and Extends Emergency Water Conservation Regulations

Contact: George Kostyrk
gkostyrko@waterboards.ca.gov

For Immediate Release
March 17, 2015

SACRAMENTO -- As California enters a fourth year of severe drought, the State Water Resources Control Board Tuesday adopted an expanded emergency regulation to safeguard the state's remaining water supplies. While Californians have made great strides to conserve water, more effort is needed.

"We are experiencing the lowest snowpack and the driest January in recorded history, and communities around the state are already suffering severely from the prior three years of drought," said State Water Board Chair Felicia Marcus. "If the drought continues through next winter and we do not conserve more -- the consequences could be even more catastrophic than they already are. Today's action is just a tune-up and a reminder to act, and we will consider more significant actions in the weeks to come."

While communities and water suppliers have saved substantial amounts of water since the water conservation [emergency regulation](#) was first adopted in July 2014, there are many more opportunities for Californians to conserve in even greater amounts. The expanded emergency regulation captures some of these opportunities while continuing to give urban water suppliers flexibility to take actions that reflect their local conditions as long as they meet the minimum requirements. The State Water Board strongly encourages water suppliers to do much more than the minimum required by the regulation.

Today's action incorporates lessons learned from implementation of the emergency regulation approved in 2014 and feedback from urban water suppliers and the public.

Prohibited Water Use

Under today's action, the prohibitions on potable water use, first adopted in 2014, will continue, and new prohibitions will go into effect. All Californians are now prohibited from:

- washing down sidewalks and driveways;
- watering outdoor landscapes in a manner that causes excess runoff;
- washing a motor vehicle with a hose, unless the hose is fitted with a shut-off nozzle;
- operating a fountain or decorative water feature, unless the water is part of a recirculating system; and
- irrigating turf or ornamental landscapes during and 48 hours following measurable precipitation (new).

(New) Prohibitions affecting commercial businesses include:

- restaurants and other food service establishments can only serve water to customers on request; and
- operators of hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option.

Water Agency Requirements

The biggest change for urban water suppliers is the creation of a floor, or minimum standard, for outdoor irrigation restrictions. Outdoor irrigation represents 50 to 80 percent of all water use for some communities in the state. Irrigating outdoor ornamental landscapes is a questionable use of a limited resource when some communities are running out of water in this fourth consecutive year of drought. Urban water

suppliers must now limit the number of days per week that customers can irrigate outdoors. The limit must either be specified in their drought contingency plans; or if their plan contains no specific limit, irrigation is limited to no more than two days per week.

Water agencies will also be required to notify customers when they are aware of leaks that are within the customer's control. Finally, monthly reporting requirements will be expanded to include the limit on days for outdoor irrigation and a description of compliance and enforcement efforts.

For smaller water suppliers, the expanded regulation clarifies that if they choose to implement alternate mandatory measures, in lieu of limiting outdoor irrigation to twice a week; those measures should be designed to achieve a 20 percent reduction in water consumption.

Local agencies can fine property owners up to \$500 a day for failure to implement conservation requirements and the State Water Board can issue cease and desist orders against water agencies that don't impose mandatory conservation measures upon their retail customers. Water agencies that violate cease and desist orders are subject to civil liability of up to \$10,000 a day.

"In a drought this severe, we need to think differently about our daily water use, and need to sacrifice emerald green lawns and other water use luxuries," Marcus said. "At a time when hundreds of thousands of acres of farmland lie fallow, thousands are out of work, communities are running out of water, and fish and wildlife are devastated, and when locally stored urban water supplies are shrinking, we need to step up the pace of conservation. Water agencies should be motivating customers to take even more responsibility for the amount of water used in homes, backyards, businesses, parks and everywhere else."

Following Board adoption, the regulation will be submitted to the Office of Administrative Law, which has 10 days to approve or deny the regulation. If approved by the Office of Administrative Law, the regulation will take effect immediately and remain in effect for 270 days from that date.

For more information, please visit the [Emergency Water Conservation](#) website.

Governor Brown has called on all Californians to reduce their water use by 20 percent and prevent water waste – visit [SaveOurWater.com](#) to find out how everyone can do their part, and visit [Drought.CA.Gov](#) to learn more about how California is dealing with the effects of the drought.

###

EXHIBIT 3

- 1 Insert this file after this sheet:
- 2 STATE WATER RESOURCES CONTROL BOARD RES. 2015-0013 EMERGENCY REGULATIONS FOR STATEWIDE URBAN WATER
- 3 CONSERVATION.pdf

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2015-0013**

**TO ADOPT AN EMERGENCY REGULATIONS FOR
STATEWIDE URBAN WATER CONSERVATION**

WHEREAS:

1. On April 25, 2014, Governor Edmund G. Brown Jr. issued an executive order (April 2014 Proclamation) to strengthen the State's ability to manage water and habitat effectively in drought conditions, and called on all Californians to redouble their efforts to conserve water. The April 2014 Proclamation finds that the continuous severe drought conditions present urgent challenges across the State, including water shortages in communities and for agricultural production, increased wildfires, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity, if drought conditions continue into 2015. The April 2014 Proclamation also suspends the environmental review required by the California Environmental Quality Act to allow the emergency regulation and other actions to take place as quickly as possible;
2. The April 2014 Proclamation refers to the [Governor's Proclamation No. 1-17-2014](#), issued on January 17, 2014, declaring a drought State of Emergency to exist in California due to severe drought conditions (January 2014 Proclamation). The January 2014 Proclamation finds that dry conditions and lack of precipitation present urgent problems to drinking water supplies and cultivation of crops, which put farmers' long-term investments at risk. The conditions also threaten the survival of animals and plants that rely on California's rivers, including many species in danger of extinction. The January 2014 Proclamation also calls on all Californians to reduce their water usage by 20 percent;
3. On December 22, 2014, in light of the continued lack of rain, Governor Brown issued [Executive Order B-28-14](#), which extends the California Environmental Quality Act suspension through May 31, 2016 for Water Code section 13247 and certain activities identified in the January 2014 and April 2014 proclamations;
4. Drought conditions are continuing. As of March 3, 2015, snow water equivalents for the Northern, Central, and Southern Sierra regions were at 16 percent, 20 percent, and 21 percent of normal for that date, respectively. Additionally, most reservoirs are less than 60 percent full and January 2015 was one of the driest months ever recorded in California history. Moreover, many communities face the prospect of needing emergency drinking water supplies;
5. The likelihood that any additional precipitation will significantly reduce the severity of drought conditions this year is extremely low;
6. 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";

7. On July 15, 2014, the State Water Board adopted an emergency regulation to support water conservation ([Resolution No. 2014-0038](#)), and that regulation became effective July 28, 2014 upon approval by the Office of Administrative Law (OAL);
8. The current emergency regulation will expire on April 25, 2015;
9. The current emergency regulation has supported Californians' water conservation efforts, with over 119 billion gallons saved from August 2014 through January 2015;
10. Many Californians have taken bold steps over the years and in this year to reduce water use; nevertheless, the dire nature of the current drought requires additional conservation actions from residents and businesses. Some severely-affected communities have implemented water rationing, limiting water use in some cases to only 50 gallons per person per day, foregoing showers, laundry, toilet flushing, and all outdoor watering;
11. Water conservation is the easiest, most efficient and most cost-effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved this summer is water available later in the season or next year, giving water suppliers the flexibility to manage their systems efficiently;
12. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water;
13. Most urban water suppliers have placed restrictions on outdoor watering, but the State Water Board has nevertheless received many reports of excessive water use;
14. Education and 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;
15. Public information and awareness is critical to achieving conservation goals, and the Save Our Water campaign, 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 (<http://saveourwater.com>);
16. Other parts of the world have faced social and economic hardship due to severe drought. Californians must continue to make lifestyle changes, including landscape choices that conserve even more water;
17. On March 6, 2015, the State Water Board issued public notice that it would consider the adoption of the emergency regulation at the Board's regularly-scheduled March 17, 2015 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;
18. As discussed above, the State Water Board is adopting the emergency regulation because of the continuing emergency drought conditions, the need for prompt action, and the need to act before the current emergency regulation expires on April 25, 2015; and

19. 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 the enforcement discretion in enforcing the regulation to the extent authorized. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board re-adopts California Code of Regulations, title 23, sections 863, 864, and 865, as appended to this resolution as an emergency regulation;
2. State Water Board staff will submit the regulation to the 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 270 days 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 staff to provide the Board with monthly updates on the implementation of the emergency regulation and its effect;
6. The State Water Board directs staff to condition funding upon compliance with the emergency regulation, to the extent feasible;
7. The State Water Board directs staff to work with the DWR and the Save Our Water campaign to disseminate information regarding the emergency regulations; and
8. The State Water Board directs staff to update the electronic reporting portal to include data fields for local agencies to report on compliance and enforcement activities.

THEREFORE BE IT FURTHER RESOLVED THAT:

9. The State Water Board commends Californians who heeded the call for conservation and have helped to save over 119 billion gallons from August 2014 through January 2015. The State Water Board calls upon Californians to redouble their conservation efforts in the face of a fourth year of severe drought. For homeowners and businesses that have delayed removing turf, planting drought-tolerant landscapes, or installing efficient irrigation systems, the time to act is now;

10. The State Water Board calls upon water suppliers to ensure that they have adequate personnel and financial resources to implement conservation requirements not only for 2015, but also for another year of drought should it occur. Water suppliers that face budget shortfalls due to reduced sales should take immediate steps to raise necessary revenues in a way that actively promotes continued conservation. In Resolution No. 2014-0038, the State Water Board called on all urban water suppliers to evaluate their rate structures and begin to implement needed changes as part of planning for another dry year. These efforts should be continued and redoubled;
11. Disadvantaged communities may require assistance in increasing water conservation and State agencies should look for opportunities to provide assistance in promoting water conservation;
12. The State Water Board calls upon all water suppliers to take further actions to increase water conservation, such as by:
 - a. providing customers with timely and easy-to-understand information on the average
 - b. number of gallons they use each month and each day within their billing period; accelerating the completion of projects that will conserve potable water by making use of non-potable supplies, such as recycled water and stormwater collection projects; and
 - c. accelerating projects to fix leaks, and to conduct a system-wide water loss audit as soon as possible;
13. The State Water Board calls upon the restaurant and hospitality industry to take further actions to increase water conservation, such as by utilizing water efficient pre-rinse spray valves for dish washing and training staff on the new regulation so that the minimum amount of water is used to wash towels and linens; and
14. The State Water Board directs staff to develop a statewide portal for reporting water waste.

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 March 17, 2015.

AYE: Chair Felicia Marcus
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc
 Board Member Steven Moore
 Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board

ADOPTED TEXT OF EMERGENCY REGULATION

Article 22.5. Drought Emergency Water Conservation

Sec. 863 Findings of Drought Emergency

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;

(4) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

(5) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

Sec. 864 ~~Prohibited Activities~~ End-User Requirements in Promotion of Water Conservation

(a) To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks; ~~and~~

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system-;

(5) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall; and

(6) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

(b) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

~~(b)~~(c) The taking of any action prohibited in subdivision (a) or the failure to take any action required in subdivision (b) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

Sec. 865 Mandatory Actions by Water Suppliers

(a) The term “urban water supplier,” when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that ~~imposes~~includes mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed, or shall amend its water shortage contingency plan to include mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed and implement these restrictions within forty-five (45) days. Urban water suppliers with approved alternate plans as described in subdivision (b)(2) are exempted from this requirement.

~~(2) As an alternative to subdivision (b)(1) a~~An urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan that restricts the number of days that outdoor irrigation of ornamental landscapes and turf with potable water is allowed, or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within ~~thirty-fourty-five (3045)~~ days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week ~~or shall implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.~~

(d) In furtherance of the promotion of water conservation each urban water supplier shall:

(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-users exclusive control.

(2) Prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring report

shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. ~~Beginning October 15, 2014, †~~The monitoring report shall specify the population served by the urban water supplier, the percentage of water produced that is used for the residential sector, descriptive statistics on water conservation compliance and enforcement efforts, and the number of days that outdoor irrigation is allowed. The monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves. ~~In its initial monitoring report, each urban water supplier shall state the number of persons it serves.~~

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within ~~thirty~~ forty-five (3045) days, take one or more of the following actions:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(2) Implement another mandatory conservation measure or measures intended to achieve a ~~comparable~~ 20 percent reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105; 350; 10617; 10632.

EXHIBIT 4

GOVERNOR BROWN DIRECTS FIRST EVER STATEWIDE MANDATORY WATER REDUCTIONS



4-1-2015

SACRAMENTO - Following the lowest snowpack ever recorded and with no end to the drought in sight, Governor Edmund G. Brown Jr. today announced actions that will save water, increase enforcement to prevent wasteful water use, streamline the state's drought response and invest in new technologies that will make California more drought resilient.

"Today we are standing on dry grass where there should be five feet of snow. This historic drought demands unprecedented action," said Governor Brown. "Therefore, I'm issuing an executive order mandating substantial water reductions across our state. As Californians, we must pull together and save water in every way possible."

High resolution photos of previous snow surveys are available [here](#).

For more than two years, the state's experts have been managing water resources to ensure that the state survives this drought and is better prepared for the next one. Last year, the Governor proclaimed [adrought state of emergency](#). The state has taken steps to make sure that water is available for human health and safety, growing food, fighting fires and protecting fish and wildlife. Millions have been spent helping thousands of California families most impacted by the drought pay their bills, put food on their tables and have water to drink.

The following is a summary of the executive order issued by the Governor today.

Save Water

For the first time in state history, the Governor has directed the State Water Resources Control Board to implement mandatory water reductions in cities and towns across California to reduce water usage by 25 percent. This savings amounts to approximately 1.5 million acre-feet of water over the next nine months, or nearly as much as is currently in Lake Oroville.

To save more water now, the order will also:

- Replace 50 million square feet of lawns throughout the state with drought tolerant landscaping in partnership with local governments;
- Direct the creation of a temporary, statewide consumer rebate program to replace old appliances with more water and energy efficient models;
- Require campuses, golf courses, cemeteries and other large landscapes to make significant cuts in water use; and
- Prohibit new homes and developments from irrigating with potable water unless water-efficient drip irrigation systems are used, and ban watering of ornamental grass on public street medians.

Increase Enforcement

The Governor's order calls on local water agencies to adjust their rate structures to implement conservation pricing, recognized as an effective way to realize water reductions and discourage water waste.

Agricultural water users - which have borne much of the brunt of the drought to date, with hundreds of thousands of fallowed acres, significantly reduced water allocations and thousands of farmworkers laid off - will be required to report more water use information to state regulators, increasing the state's ability to enforce against illegal diversions and waste and unreasonable use of water under today's order. Additionally, the Governor's action strengthens standards for Agricultural Water Management Plans submitted by large agriculture water districts and requires small agriculture water districts to develop similar plans. These plans will help ensure that agricultural communities are prepared in case the drought extends into 2016.

Additional actions required by the order include:

- Taking action against water agencies in depleted groundwater basins that have not shared data on their groundwater supplies with the state;
- Updating standards for toilets and faucets and outdoor landscaping in residential communities and taking action against communities that ignore these standards; and
- Making permanent monthly reporting of water usage, conservation and enforcement actions by local water suppliers.

Streamline Government Response

The order:

- Prioritizes state review and decision-making of water infrastructure projects and requires state agencies to report to the Governor's Office on any application pending for more than 90 days.
- Streamlines permitting and review of emergency drought salinity barriers - necessary to keep freshwater supplies in upstream reservoirs for human use and habitat protection for endangered and threatened species;
- Simplifies the review and approval process for voluntary water transfers and emergency drinking water projects; and
- Directs state departments to provide temporary relocation assistance to families who need to move from homes where domestic wells have run dry to housing with running water.

Invest in New Technologies

The order helps make California more drought resilient by:

- Incentivizing promising new technology that will make California more water efficient through a new program administered by the California Energy Commission.

The full text of the executive order can be found [here](#).

For more than two years, California has been dealing with the effects of drought. To learn about all the actions the state has taken to manage our water system and cope with the impacts of the drought, visit [Drought.CA.Gov](#).

Every Californian should take steps to conserve water. Find out how at [SaveOurWater.com](#).

Photo captions can be found below:

- 1.)Governor Brown delivers remarks. Photo Credit: California Department of Water Resources.
- 2.)Governor Brown and Frank Gehrke, California Department of Water Resources. Photo Credit: California Department of Water Resources.
- 3.)Phillips Station. Photo Credit: California Department of Water Resources.

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EXHIBIT 5

Executive order B-29-15

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. 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.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.

26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive 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.

I FURTHER DIRECT 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 to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

