

WATER CONSERVATION AND WATER SUPPLY SHORTAGE PLAN



Long Beach Water

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1 RESOLUTION NO. WD-1354

2
3 A RESOLUTION OF THE BOARD OF WATER
4 COMMISSIONERS OF THE CITY OF LONG BEACH
5 AMENDING AND RESTATING THE WATER
6 CONSERVATION AND WATER SUPPLY SHORTAGE PLAN
7 AND RESCINDING RESOLUTION NO. WD-1286
8

9 WHEREAS, a reliable, minimum supply of quality potable water is essential
10 to the welfare of the people and economy of the City of Long Beach ("City"); and

11 WHEREAS, responsible management of water supplies in non-shortage
12 conditions is wise and prudent for both water supply reliability and environmental
13 stewardship; and

14 WHEREAS, effective and equitable management of limited water supplies
15 during a water supply shortage minimizes the impact on the people and economy of the
16 City; and

17 WHEREAS, water conservation is an important component of California's
18 water policy for the future; and

19 WHEREAS, all reasonable efforts to conserve water should continue to be
20 a high priority; and

21 WHEREAS, on September 21, 1995, the Board of Water Commissioners of
22 the City of Long Beach ("Board") adopted Resolution No. WD-1071 entitled "A Resolution
23 of the Board of Water Commissioners of the City of Long Beach Restating The
24 Emergency Water Conservation Plan and Rescinding Resolution Nos. WD-990, WD-994,
25 WD-1005 and WD-1020"; and

26 WHEREAS, on November 3, 2005, the Board adopted Resolution No. WD-
27 1209 entitled "A Resolution of the Board of Water Commissioners of the City of Long
28 Beach Adopting a Water Conservation and Water Supply Shortage Plan, and Rescinding

1 Resolution No. WD-1071"; and

2 WHEREAS, on June 21, 2007, the Board adopted Resolution No. WD-1232
3 entitled "A Resolution of the Board of Water Commissioners of the City of Long Beach
4 Amending and Restating the Water Conservation and Water Supply Shortage Plan and
5 Rescinding Resolution WD-1209"; and

6 WHEREAS, on December 17, 2009, the Board adopted Resolution No.
7 WD-1266 entitled "A Resolution of the Board of Water Commissioners of the City of Long
8 Beach Amending and Restating the Water Conservation and Water Supply Shortage
9 Plan (the "Plan"), and Rescinding Resolution No. WD-1232"; and

10 WHEREAS, on July 7, 2011, the Board adopted Resolution No. WD-1286
11 entitled "A Resolution of the Board of Water Commissioners of the City of Long Beach
12 Amending and Restating the Water Conservation and Water Supply Shortage Plan, and
13 Rescinding Resolution No. WD-1266"; and

14 WHEREAS, the Board wishes to continue to educate, support and enforce
15 reasonable water conservation at all times not just during periods of imminent shortage or
16 drought; and

17 WHEREAS, the Board now wishes to amend and restate the Water
18 Conservation and Water Supply Shortage Plan;

19 NOW, THEREFORE, the Board of Water Commissioners of the City of
20 Long Beach resolves as follows:

21 Section 1. Scope.

22 There is hereby established a Water Conservation and Water Supply
23 Shortage Plan ("Plan").

24 Section 2. Objectives.

25 The objectives of the Plan are:

26 A. To prevent water supply shortages through aggressive and effective
27 water management programs such as conjunctive use, water conservation, water
28 education and use of reclaimed water;

1 B. To minimize the impact of a water supply shortage on the City's
2 population and economy;

3 C. To provide first for public health and fire protection and other
4 essential services, then to provide for the economic health of the City, and then to
5 provide for other uses of water; and

6 D. To ensure that water users who conserve water during normal-year
7 hydrology and wet-year hydrology are not disadvantaged by the Plan during
8 shortages.

9 Section 3. Notice.

10 When an Imminent Water Supply Shortage, a Stage 1 Water Supply
11 Shortage, a Stage 2 Water Supply Shortage, or a Stage 3 Water Supply Shortage is
12 declared by the Board, the Long Beach Water Department ("Department") shall provide
13 notice to its customers. Said Notice shall include:

14 A. The effective date of the declaration;

15 B. The Prohibited Use of Water (PUoW) associated with the relevant
16 supply shortage;

17 C. Information about rate increases, if any, resulting from the
18 declaration; and

19 D. The importance of their taking additional voluntary actions to
20 conserve water.

21 This Notice shall be published pursuant to California Government Codes
22 Section 6063.

23 The Department will continue to educate its customers for the duration of
24 the water supply shortage. The Department will communicate effectively with its diverse
25 customer base.

26 Section 4. Prohibited Uses of Water at All Times.

27 The following uses of water are prohibited at all times:

28 A. Permitting the excess use, loss or escape of water through breaks,

1 leaks or other malfunctions in the water user's plumbing or distribution system for
2 any period of time after such escape of water should have reasonably been
3 discovered and corrected;

4 B. Irrigating landscape with potable water at any time other than the
5 hours after 4:00 p.m. and before 9:00 a.m. The hours as established shall take
6 effect after notice of said changes are published in a local newspaper of general
7 circulation, pursuant to California Government Code Section 6063;

8 C. Irrigating landscape or any other use of water in a manner that
9 results in unreasonable runoff or waste, as determined by the General Manager of
10 the Long Beach Water Department or the General Manager's designee
11 (collectively, the "General Manager") (unless otherwise specified by the Board),
12 where water flows onto adjacent property, non-irrigated areas, private and public
13 walks, roadways, parking lots or structures;

14 D. Irrigating landscape during measurable rainfall in Long Beach, or at
15 any time within forty-eight (48) hours afterwards, as reported by the National
16 Weather Service;

17 E. Washing driveways, sidewalks, parking areas, patios, other outdoor
18 impermeable surface areas, kitchens or objects such as kitchen non-skid mats
19 with a hose unless using a water-conserving pressurized cleaning device as
20 defined herein. A water-conserving pressurized cleaning device shall discharge
21 water at a minimum of 1,000 pounds per square inch or rated at using less than
22 three (3) gallons of water per minute. A simple spray nozzle does not qualify as a
23 water-conserving pressurized cleaning device;

24 F. Washing a vehicle with a hose when the hose does not have a water
25 shut-off nozzle or device attached to it or allowing a hose to run continuously while
26 washing a vehicle;

27 G. Operating a fountain or other water feature that does not re-circulate
28 the water;

1 H. A hotel or motel failing to provide its customers the option of
2 choosing not to have towels and linens laundered daily and/or failing to
3 prominently display notice of this option in each bathroom and sleeping room
4 using clear and easily understood language. The Department shall make suitable
5 displays available;

6 I. Restaurants and all other commercial, industrial, institutional food
7 preparation sites using pre-rinse heads having flow-rates greater than 1.5 gallons
8 of water per minute;

9 J. Operating a commercial laundry system installed after November 3,
10 2006, that does not recirculate wash and/or rinse water;

11 K. Operating a conveyor type car wash system that does not recirculate
12 the wash and/or rinse water;

13 L. Installing a single-pass cooling systems in a building requesting a
14 water connection after November 3, 2006;

15 M. Using potable water, rather than reclaimed water, after the General
16 Manager has provided to the customer an analysis showing that reclaimed water
17 is a cost-effective alternative to potable water and the customer has had ninety
18 (90) days to make the conversion to reclaimed water;

19 N. Irrigating landscape using reclaimed water to the point that the
20 landscape becomes saturated and irrigation waters flow from the landscape.

21 Section 5. Imminent Water Supply Shortage.

22 A. The Board shall declare an Imminent Water Supply Shortage by
23 resolution when the Board determines, in its sole discretion, that a declaration will
24 help to avoid or lessen the impact of an imminent water supply shortage. The type
25 of event which may prompt the Board to declare an Imminent Water Supply
26 Shortage may include, among other factors, a finding that its wholesale water
27 provider calls for extraordinary water conservation.

28 B. In addition to the prohibited uses of water identified in Section 4, the

1 following uses of water are prohibited during a declared Imminent Water Supply
2 Shortage:

3 (1) Serving drinking water to any customer in a restaurant or
4 other public place where food is served, sold, or offered for sale unless
5 expressly requested by the customer. The Department shall make suitable
6 displays, alerting customers to this restriction, available to restaurants and
7 these types of other public places;

8 (2) Irrigating landscape with potable water any day other than
9 Tuesday, Thursday, or Saturday, except for very short periods of time for
10 the expressed purpose of adjusting or repairing the irrigation system;

11 (3) Irrigating landscape with potable water for:

12 (i) More than twenty (20) minutes per authorized day if using
13 stream rotator-type or gear driven sprinkler heads rated at emitting less
14 than one (1) gallon per minute under recommended operating pressure; or

15 (ii) More than ten (10) minutes per authorized day if using
16 sprinkler heads rated at emitting one (1) or more gallons of water per
17 minute under recommended operating pressure;

18 Section 6. Stage 1 Water Supply Shortage.

19 A. The Board may, in its sole discretion, declare by resolution that a
20 Stage 1 Water Supply Shortage exists and that the actions outlined in this Section
21 are necessary in order to meet the Objectives of this Plan. The type of event
22 which may prompt the Board to declare a Stage 1 Water Supply Shortage
23 includes, among other factors, is a reduced allocation of water by the
24 Department's wholesale water provider.

25 B. Prohibited Uses of Water in a Stage 1 Water Supply Shortage. In
26 addition to the prohibited uses of water identified in Sections 4 and 5, the following
27 uses of water are prohibited during a Stage 1 Water Supply Shortage:

28 (1) Irrigating landscape with potable water any day other than

1 Tuesday or Saturday, beginning on the first day of October through the end
2 of the last day of the following March, except for very short periods of time
3 for the expressed purpose of adjusting or repairing the irrigation system;

4 (2) Leaving a residential swimming pool and/or spa uncovered
5 when not in use;

6 (3) Other prohibited uses as determined by the Board, in its sole
7 discretion, after notice to customers.

8 Section 7. Stage 2 Water Supply Shortage.

9 A. The Board may, in its sole discretion, declare by resolution that a
10 Stage 2 Water Supply Shortage exists and that the actions outlined in this Section
11 are necessary in order to meet the Objectives of this Plan.

12 B. Prohibited Uses of Water in a Stage 2 Water Supply Shortage. In
13 addition to the prohibited uses of water identified in Sections 4, 5 and 6, the
14 following uses of water are prohibited during a declared Stage 2 Water Supply
15 Shortage:

16 (1) Irrigating landscape with potable water any day other than
17 Tuesday or Saturday, except for very short periods of time for the
18 expressed purpose of adjusting or repairing the irrigation system;

19 (2) Other prohibited uses as determined by the Board, in its sole
20 discretion, after notice to customers.

21 Section 8. Stage 3 Water Supply Shortage.

22 A. The Board may, in its sole discretion, declare by resolution that a
23 Stage 3 Water Supply Shortage exists and that the actions outlined in this Section
24 are necessary in order to meet the Objectives of this Plan.

25 B. Prohibited Uses of Water in a Stage 3 Water Supply Shortage. In
26 addition to the prohibited uses of water identified in Sections 4, 5, 6 and 7,
27 additional restrictions or prohibitions on the use of water may be imposed by the
28 Board at its sole discretion.

1 Section 9. Water Rates.

2 The Board may adjust water rates during a Board declared Stage 1, Stage
3 2, or Stage 3 Water Shortage subject to the then current Resolution fixing the Rates and
4 Charges for Water and Sewer Service. Any increase in rates approved by the Board
5 shall be subject to a public protest hearing as provided for in the California Constitution
6 Article XIII.

7 Section 10. Sudden Catastrophic Water Supply Shortage.

8 When the General Manager determines that a sudden event has, or
9 threatens to, significantly diminish the reliability or quality of the City's water supply, then
10 the General Manager may declare a Catastrophic Water Supply Shortage and impose
11 whatever emergency water allocation or conservation actions necessary to protect the
12 reliability and quality of the City's water supply and in order to meet the Objectives of this
13 Plan, until the emergency passes or the Board takes other action.

14 Section 11. Issuance of a Notice of Violation.

15 A. A "Customer" as defined in the Long Beach Water Department
16 Rules, Regulations, and Charges Governing Potable Water, Reclaimed Water,
17 Sewer Service and the Water Conservation and Water Supply Shortage Plan
18 ("Department Rules, Regulations and Charges"), shall be the party in violation of
19 this Plan when water associated with the Customer's account is used in a
20 prohibited manner. For each separate and distinct violation of this Plan, the
21 Customer may be served a Notice of Violation in accordance with the Department
22 Rules, Regulations and Charges.

23 B. Each and every day a violation exists constitutes a separate
24 and distinct offense.

25 C. Warning Letter: Prior to receiving a Notice of Violation, Customer
26 shall first be served a Warning letter, in accordance with the Department Rules,
27 Regulations, and Charges.

28 D. The amount of the PUoW Charge shall be as established by the City

1 of Long Beach Board of Water Commissioners by Resolution and listed in the
2 Department Rules, Regulations, and Charges.

3 Section 12. Reduce or Terminate Water Service.

4 Depending on the severity of the prohibited use of water and the
5 seriousness of the water supply shortage or imminent water supply shortage, the
6 General Manager may cause the installation of a flow restriction device or may
7 have the water service terminated. The General Manager shall give fourteen (14)
8 days' notice that these actions may be taken unless, in the General Manager's
9 discretion, the severity of the misuse or the severity of the shortage mandates a
10 shorter period of time, in which case the number of days for notice shall be at the
11 General Manager's sole discretion.

12 The Customer shall pay the cost of restricting the flow or terminating the
13 service and shall pay the cost of re-installing full service, prior to the restoration of full
14 service.

15 Section 13. Satisfaction of the PUoW.

16 Upon service of a Notice of Violation and PUoW Charge, the
17 Customer shall do the following:

18 A. Remedy the violation(s) no later than the date as specified on
19 the Notice. Correcting the violation(s) shall not excuse or discharge
20 payment of the PUoW Charge.

21 B. Pay the PUoW Charge no later than thirty (30) days from the
22 date of issuance of the citation as specified on the Notice. Payment of a
23 PUoW Charge shall not excuse or discharge the failure to correct the
24 violation(s), nor shall it bar further enforcement action by the Department.
25 Late charges shall be imposed for PUoW payments made after the payment
26 due date. The late charge shall be assessed per standard Department
27 practices, and will be imposed in addition to any outstanding PUoW Charge.

28 Section 14. Appeal of Notice of Violation.

1 Any recipient of a PUoW Charge may appeal said violation in
2 accordance with the Water Department Rules, Regulations, and Charges.

3 Section 15. Hearing Procedure.

4 The hearing of any appeal of a Notice of Violation shall be conducted in
5 accordance with the Department Rules, Regulations, and Charges,

6 Section 16. Dismissal of Notice of Violation.

7 The General Manager may dismiss a Notice of Violation at any time if it is
8 determined to have been issued in error or upon good cause.

9 Section 17. Reservation of Rights.

10 The rights of the Department shall be cumulative to any other right of the
11 Department stated in this Plan, the Department Rules, Regulations and Charges, the
12 Long Beach Municipal Code, or as provided for under State or Federal law.

13 Section 18. Exceptions.

14 The prohibited uses of water in this Plan are not applicable to that use of
15 water necessary, as determined by the General Manager, for public health and safety or
16 for essential governmental services such as police, fire, and other similar emergency
17 services.

18 Section 19. General Provisions.

19 A. Nothing contained in this Plan shall be construed to require the
20 Department to curtail the supply of water to any Customer when, in the discretion
21 of the General Manager, that water is required by that customer to maintain an
22 adequate level of public health and safety.

23 B. Any term not defined in this Plan which is defined in the then current
24 Department Rules, Regulations and Charges shall have the meaning stated
25 therein.

26 C. This Plan shall apply to all customers and property receiving water
27 from the Department wherever situated, and shall also apply to all property and
28 facilities owned, maintained, operated or under the jurisdiction of the various

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1 officials, boards, departments, bureaus or agencies of the City.

2 D. If any section, subsection, sentence, clause or phrase in this Plan or
3 the application of it to any person or circumstances is for any reason held invalid,
4 the validity of the remainder of this Plan or the application of such provision to
5 other persons or circumstances shall not be affected. The Board declares that it
6 would have passed this Plan and each section, subsection, sentence, clause, and
7 phrase in it irrespective of the fact that one or more sections, subsections,
8 sentences, clauses, or phrases or the application of them to any person or
9 circumstances be held invalid.

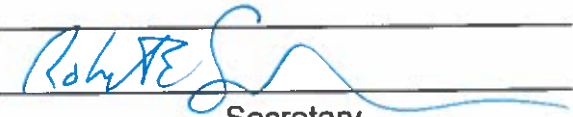
10 Section 20. Approval of this Resolution.

11 On the effective date of this Resolution all prior Resolutions including
12 Resolution No. WD-1286 relating to the Water Conservation and Water Supply Shortage
13 plans of the Long Beach Water Department are hereby rescinded and superseded.

14 The Secretary of the Board of Water Commissioners shall certify to the
15 passage of this Resolution and cause a copy of the Resolution to be published pursuant
16 to Government Code Section 6061. This Resolution shall take effect thirty (30) days after
17 the Secretary's certification.

18 I hereby certify that this Resolution was adopted by the Board of Water
19 Commissioners of the City of Long Beach at its meeting on June 2, _____, 2016
20 by the following vote:

21	Ayes:	Commissioners:	<u>SHANNON; CORDERO;</u>
22			<u>SALTZGAVER; MARTINEZ</u>
23	Noes:	Commissioners:	<u>NONE</u>
24	Absent:	Commissioners:	<u>LEVINE</u>

25 _____
26 _____
27 
28 Secretary
Board of Water Commissioners