



**SECTION 28**

**WATER USE DURING WATER SHORTAGE EMERGENCY CONDITION**

Drought conditions require that all customers reduce their use of EBMUD water supplies until further notice to ensure availability of the public water supply for critical uses. This regulation defines the water use reduction goals based on customer account type, specifies the water uses that are prohibited during the drought, and provides guidelines on effective water use practices to help customers conserve.

**A. WATER USE REDUCTION GOALS**

1. Customers must reduce water use by a specified percentage from their past practice. The water use reduction goals are shown in the chart below.

**TABLE 1  
CUSTOMERS' WATER USE REDUCTION GOALS**

<b>Customer Type</b>	<b>Water Use Reduction</b>
Single Family Residential	19%
Multi-family Residential	11%
Irrigation	30%
Commercial	12%
Institutional	9%
Industrial	5%

2. Effective Date of Water Use Goals. The goals are effective for billing periods beginning May 13, 2008, and continuing until amended or rescinded by the EBMUD Board of Directors.

3. Calculating Target Water Use Level for Individual Accounts. Each customer account's actual water use will be compared to a target level of water use for each billing period. The target level of use will be determined by applying the applicable percentage in the chart above to the customer's average use for the comparable billing period during the prior three years (Fiscal Years (FY) 2005, 2006 and 2007).

4. Enforcing the Water Use Reduction Goals. Due to the serious risks caused by drought, EBMUD has established these mandatory water use reduction goals to achieve a needed overall reduction in water use. EBMUD will assist customers in meeting their goals. When necessary, EBMUD will enforce customer compliance through actions to limit or eliminate customer access to the water supply (see Section D for enforcement procedures).



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#### **B. EMERGENCY REGULATIONS AND RESTRICTIONS ON WATER USE**

During the water shortage emergency condition declared by the Board of Directors, to conserve the public water supply to meet critical needs, all customers must comply with prohibitions on water uses described below. In addition, to help customers avoid exceeding their water use target, customers are asked to follow the water savings guidelines below.

##### 1. Water Uses Prohibited During the Drought Emergency

- a. Using water for decorative ponds, fountains and other water features that do not recirculate water is prohibited.
- b. Washing cars, boats, trailers, aircraft or other vehicles by hose without a shutoff nozzle is prohibited, except to wash such vehicles at commercial or fleet vehicle washing facilities operated at fixed washing locations.
- c. Washing sidewalks, walkways, driveways, patios, parking lots, or other hard-surfaced areas with water is prohibited, unless approved by EBMUD in writing for health and sanitation reasons.
- d. Irrigating lawn or garden areas on consecutive days or more frequently than three days per week is prohibited, except for potted plants.
- e. Watering lawns, gardens, or landscaping in a manner that causes excessive flooding or runoff in a gutter or other waterway, patio, driveway, walk or street is prohibited.
- f. Flushing sewers, hydrants, or washing streets with potable EBMUD water supplies is prohibited, except in cases of emergency and for essential operations.
- g. Using EBMUD potable water for construction is prohibited if a feasible alternative source of water for construction exists. All water for construction will require a permit issued by EBMUD.
- h. Using EBMUD potable water for soil compaction and dust control when a feasible alternative source is available is prohibited.

##### 2. Water Savings Guidelines

- a. Conserve water indoors. Most customers can do this by shortening showers and using less bath water, running only full loads of laundry and dishes, and keeping a close eye on faucet use. Additionally, customers are encouraged to reduce use of kitchen garbage disposals through composting or curbside green waste collection and not to use toilets as wastebaskets. Customers also may want to consider upgrading to more water-efficient plumbing fixtures and appliances.



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- b. Promptly repair leaks indoors and outside.
- c. Use covers on swimming pools and home spas (hot tubs) and avoid draining, refilling and topping off using EBMUD water supplies.
- d. Encourage all restaurants and other food service facilities to serve water to customers only upon request.
- e. Encourage gyms, spas and similar facilities to ask patrons to conserve water while showering and using wash basins.
- f. Encourage all food preparation establishments, such as restaurants and cafeterias, to install and use high-efficiency pre-rinse spray nozzles in their kitchens.
- g. Encourage all hotels and motels to provide customers with information about how to choose not to have towels and linens laundered daily.
- h. Irrigate less outdoors. Most customers can cut outdoor watering 30% without affecting long-term plant health by irrigating for shorter periods before dawn or at dusk, no more than two days per week.

**C. RESTRICTIONS ON NEW CONNECTIONS, ANNEXATIONS AND SURPLUS WATER SALES**

1. New water service connection applications must comply with city and county adopted landscape ordinances and EBMUD water service regulations for new connections that require new service connections to: (i) install only climate-appropriate plantings with efficient irrigation systems; and (ii) specifically limit the percentage of area that can have seeded lawns or sod (Sections 29-Prohibiting Wasteful Use of Water and 31-Water Efficiency Requirements).
2. No territory located outside of EBMUD's ultimate service boundary will be annexed except small boundary adjustments found by the Board to be in the best interests of the District or annexations and water service because of health risks. Annexations will be permitted within the ultimate service boundary only when the new developments comply with city and county adopted landscape ordinances and with EBMUD water service regulations that require new connections to install only climate-appropriate plantings with efficient irrigation systems and specifically limit the percentage of area that can have seeded lawns or sod (Sections 29-Prohibiting Wasteful Use of Water and 31-Water Efficiency Requirements).
3. Sale of surplus water under interruptible contracts is prohibited during the water shortage emergency condition, except where water is used intermittently for emergency, firefighting or related purposes.



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#### **D. ENFORCEMENT**

1. EBMUD may, after two warnings (one written), visit a premises to investigate whether the account holder has taken all feasible steps to meet the water use reduction goal. If the District determines that the customer is willfully violating the emergency regulations and restrictions on water use as set forth in Sections 28, 29 and 31, then charges for the investigation shall be paid by the customer, and the Manager of Customer and Community Services may authorize installation of a flow-restricting device on the service line. If a further willful violation is observed by District staff, the Manager of Customer and Community Services may authorize discontinuation of service. Charges for installation of flow-restricting devices or for restoring service shall be paid by the customer. To the extent that this Section 28 imposes stricter water conserving measures than other District Regulations, Policies, Procedures or rules, this Section 28 shall control.
2. EBMUD may immediately revoke a permit to use water from a hydrant when water is observed being used in violation of the emergency regulations or restrictions on water use.
3. EBMUD may immediately install a flow restricting device or discontinue service of any customer who violates the conditions for a new service connection.

#### **E. CALCULATION PROCEDURES FOR WATER USE ALLOCATION**

1. An important component of the drought rate structure is the individual Water Use Allocation for every customer based on a percentage of the account's baseline water use, which is the average of past consumption from applicable monthly or bimonthly billing periods in Fiscal Years (FY) 2005, 2006, and 2007. The drought surcharge will be applied to water consumed in excess of the customer's individual Water Use Allocation in accordance with Schedule L of the Schedule of Rates and Charges to Customers of the District, the Drought Emergency Rate Schedule for Water Service.
2. Baseline water use will be the average of prior consumption (in 100 cubic feet (Ccf or CU. FT.) units) generally from the customer's past water bills from FY05-07 for consistent billing cycles. Baseline water use will be calculated for each billing cycle. For bimonthly customers, there will be six different baseline water uses, one for each billing cycle.
3. Recycled and raw water customers, private fire service, and hydrant meter customers will not be assigned Water Use Allocations due to their special circumstances.
4. Single-Family and Multi-Family Residential Accounts that use 100 gallons per day (gpd), which is equivalent to four (4) 100 cubic feet (Ccf or CU. FT.) units per month, or less are exempt from the 10% drought rate increase and the drought surcharge in accordance with the Drought Emergency Rate Schedule L.



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TABLE 2  
CUSTOMER'S INDIVIDUAL WATER USE ALLOCATION

Customer Class	Water Use Goal	Water Use Allocation Drought Surcharge applies to consumption above:
Single-Family Residential (SFR)	81%	90%
Multi-Family Residential (MFR)	89%	94%
Irrigation (IRR)	70%	85%
Commercial (COM)	88%	94%
Industrial (IND)	95%	97%
Institutional (INS)	91%	95%

**F. WATER USE ALLOCATION ADJUSTMENT PROCESS FOR DROUGHT SURCHARGE**

1. A Water Use Allocation Adjustment request may be filed by a District customer. A customer should not file an adjustment request if he or she expects the account's usage to be within the allocation set by the District.
2. An adjustment request must be made in writing to the Manager of Customer and Community Services using the "Request for Water Use Allocation Adjustment for Drought Surcharge Form" provided by the District and include appropriate documentation. The Manager of Customer and Community Services will determine if the request meets the requirements for adjusting the customer's Water Use Allocation listed below and may approve the adjustment to the allocation based on the information provided by the customer and an analysis of the request by District staff. A request for an allocation adjustment denied by the Manager of Customer and Community Services may be appealed in writing to the General Manager.
3. Water Use Allocation Adjustment requests will be considered by the District based on the following grounds for Residential and for non-Residential Customers.
4. Single-Family Residential (SFR) and Multi-Family Residential (MFR) Customers – Grounds for Water Use Allocation Adjustment:
  - a. Substantiated medical requirements. Customer must provide a written statement from a physician providing the amount of water needed each day for treatment of a medical condition.
  - b. Change in occupancy. Customer must document the increase in the number of occupants living in the dwelling unit and the date this change occurred. Adjustments will be based on the average water usage per person as determined by the District. The District reserves the right to ask for additional documentation.



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c. Other factors. These other factors include, but are not limited to, customers that have implemented all available conservation measures and as a result are unable to meet their allocation. Such factors may also include customers who have an increase in needed outdoor watering that is not reflected in their baseline use due to replacement and/or additions to landscaping, addition of a swimming pool, or other similar items installed or contracted for installation prior to May 31, 2008. For all SFR and MFR Water Use Allocation Adjustment requests other than medical and change in occupancy, customers must provide the following documentation to have a change in their allocation considered:

i. Customer must complete a District provided water savings self-audit kit and return it to the District.

ii. The District will review the results of the self-audit kit to verify that the customer does not have any leaks and is doing all he or she can to use water efficiently.

iii. If it is determined by the District that the customer is using water as efficiently as possible, then the request for a Water Use Allocation Adjustment will be considered and adjustments will be made that are appropriate to the need.

5. Non-Residential Customers – Grounds for Water Use Allocation Adjustment:

a. Water use allocation would cause an undue hardship. Undue hardship would include, but not be limited to, adverse economic impacts such as a loss of production, loss of jobs, and similar factors. Customer must document the hardship and District staff may confirm through a field visit that the customer is using water in an efficient manner and determine the appropriate increase to the water allocation.

b. Water use allocation would cause an emergency condition. Emergency conditions include, but are not limited to, conditions affecting the health, sanitation, fire protection, and/or safety of the customer or the public. Customer must provide specific information and District staff may confirm through a field visit that the customer is using water in an efficient manner and determine the appropriate increase to the water allocation.