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# WATER SHORTAGE CONTINGENCY PLAN

CITY OF SAN JOSE



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## **WATER SHORTAGE CONTINGENCY PLAN**

This document provides a plan of action during various stages of a water shortage, in compliance with Section 10632 of the California Water Code.

In response to the 2012-2016 drought, the Department of Water Resources (DWR) has updated Water Shortage Contingency Plan (WSCP) requirements. Updates in this 2020 WSCP include Annual Water Supply and Demand Assessment procedures, the standardization of water supply stages of action for the WSCP, and the quantification of how each contingency action affects supply and demand. Tables and figures are numbered to match DWR's content requirements.

The City's policy is to maximize the use of its resources, each to its best application, to maintain water supply under varying levels of availability, with a focus on ensuring public health and safety.

### **Water Supply Reliability Analysis**

Water supply reliability analyses conducted in Section 7 of the 2020 Urban Water Management Plan (UWMP) identifies constraints on water supply sources and evaluates each source's availability during a normal year, a single dry year, and a multi-year drought. These analyses show that supply resources are sufficient to meet demands in a normal year but the WSCP will need to be implemented to reduce demands in single dry years and in 5-year drought periods. SJMWS depends on surface water from San Francisco Public Utilities Commission (SFPUC), local and imported surface water from Valley Water, groundwater, and recycled water. Local and regional droughts are the primary issues that could cause a water shortage, and other causes may include source water quality issues, infrastructure damage, or a natural disaster. Each source has its own constraints; however, operationally shifting the proportion of each supply used within each service area would allow for management of changing supply availability.

The supply of imported water from SFPUC is constrained by hydrology, infrastructure, and institutional parameters. In general, the SFPUC supply depends on reservoir storage for water reliability. During dry periods, imported water through SFPUC is allocated using a water shortage allocation plan. Climate change may affect the reliability of this resource.

Valley Water supplies include local groundwater, surface water, and imported water as well as recycled and purified water. This source may be vulnerable to climate change, hydrologic variability, infrastructure failure, regulatory actions, or invasive species. In general, the reservoirs are sized for annual operations, and it can be challenging to capture all the available water. Several upcoming plans through the "Ensure Sustainability" strategy in Valley Water's Water Supply Master Plan can help improve water reliability. These include securing and optimizing the use of current supplies and infrastructure as well as expanding water recycling and long-term conservation. Future projects and initiatives can increase supply reliability in the future.

The Drought Risk Assessment (UWMP Section 7) assesses the ability of current supplies to meet demand during a multi-year drought. For a drought beginning in 2021 and lasting for five consecutive years, the analysis shows that it is necessary to implement the WSCP response actions to reduce water demands by up to 12% to offset a water supply shortfall starting in 2023.

## Annual Water Supply and Demand Assessment Procedures

Beginning in 2022, agencies must prepare and submit an annual water supply and demand assessment (Annual Assessment), pursuant to section 10632 (a)(2) of the Water Code. These annual assessments must be submitted to DWR by July 1 of each year.

Each year, beginning in January, staff will compile necessary data for the Annual Assessment. The item will go through the review process and proceed to the Director of Environmental Services, or approved designee, in Spring of each year for a formal approval. This report will summarize supply and demand from the previous year and will include an estimate of next year conditions.

The Annual Assessment will use the most recent available data to estimate the projected availability of surface water from SFPUC, local and imported surface water from Valley Water, groundwater, and recycled water as well as the expected demand for the next year. Projected supplies will be largely dependent on climate and water conditions during the previous water year and the projected imported water allocations. In the Annual Assessment, the supplies will be assessed for both a current year and a subsequent dry year, taking plausible constraints into account.

The Annual Assessment will include documentation of the projected supply and demand for the upcoming year and determination of whether supply will be sufficient. Supplies will be assessed by describing and quantifying the previous year's water supply and estimating the upcoming year's supplies. Groundwater use and basin conditions in the previous water year will be assessed to determine the availability of groundwater. The supply assessment may include new or updated data as may be relevant to current and planned supply levels, such as information on climatic conditions, groundwater levels and extraction, land use, imported water deliveries, recharge rates, and water quality data. Any infrastructure projects or conditions will also be factored into the Annual Assessment. The demand assessment will rely on agency reported totals by use category.

Unconstrained customer demand will be assessed by looking at historical growth, climate, and water demand over the previous water year. The previous year's use will be adjusted to account for new customer connections. If the planned use is greater than the dry year supply, the City should be prepared to enact the WSCP.

## Six Standard Water Shortage Levels

The 2015 WSCP outlined five stages of action, now called levels in 2020, that would be undertaken in response to San José City Council (Council) declaration of a water shortage. These levels focus on restrictions that would decrease water demand and depend upon the projected severity and duration of the water supply shortage. The 2015 WSCP included Stage 0, not indicating a water shortage but rather a constant stage to prevent water waste, and Stages 1 through 5, where at least 10, 25, 30, 40, and 50 percent of water demand is reduced, respectively.

The 2020 UWMP guidelines state that all WSCPs must include six water shortage levels corresponding to water shortage levels of up to 10 percent, up to 20 percent, up to 30 percent, up to 40 percent, up to 50 percent, and greater than 50 percent of total water supply. During the 2012 through 2016 drought, differences in state and local definitions led to uncertainty in public communication and state policy. The standardization is meant to aid communication and response action implementations across the state.

Water Code Section 10632(a)(3)(B) allows suppliers to retain existing water shortage response plan stages if the existing stages are directly related to the specified six levels. The six stages identified in 2015 can translate directly to the six new WSCP levels, as shown in **Figure 8-1**. The new levels are outlined in **Table 8-1**.

The 2015 WSCP Stage 0 includes baseline water conservation actions that are implemented when no water crisis has been declared. However, these demand reduction actions are comparable to or more restrictive than demand reduction actions implemented by surrounding water agencies during at least Level 1 (less than 10%). The 2015 Stage 0 has been adjusted to the new Level 1 (less than 10%), with the understanding that these restrictions will always be in place.

2015 UWMP Stage	Shortage Level		2020 WSCP Level	Shortage Level
0	0	→	1	Less than 10%
1	10-25%	→	2	10-20%
2	25-30%	→	3	20-30%
3	30-40%	→	4	30-40%
4	40-50%	→	5	40-50%
5	Greater than 50%	→	6	Greater than 50%

**Figure 8-1. 2015 Water Shortage Stages Translated to 2020 Water Shortage Levels.**

Table 8-1. Water Shortage Contingency Plan Levels		
Shortage Level	Percent Shortage Range	Shortage Response Actions <i>(Narrative description)</i>
1	Up to 10%	No shortage declared. Water waste prevention measures in place.
2	Up to 20%	10 percent shortage declared. Current water use may be tapping into groundwater reserves.
3	Up to 30%	25 percent shortage declared. Shortage conditions are worsening. Groundwater levels continue to decrease.
4	Up to 40%	30 percent shortage declared. Signs of multi-year drought.
5	Up to 50%	Greater than 40 percent shortage declared. Continued signs of multi-year drought.
6	>50%	Greater than 50 percent shortage. Water supply reserved for health and safety needs.

### Shortage Response Actions

Water shortages can be met by either augmenting the supply or decreasing the water demand. In the WSCP, proposed response actions must be implementable. Each action, the levels in which it is implemented, and the estimated percent by which it can decrease demand is summarized in **Table 8-2**.

Table 8-2. Demand Reduction Actions				
Shortage Level <sup>1</sup>	Demand Reduction Actions	How much is this going to reduce the shortage gap? Include volume units used (volume type or percentage)	Additional Explanation or Reference	Penalty, Charge, or Other Enforcement?
1	Other	5%	Various outreach strategies in San José Municipal Code aimed toward achieving long-term water conservation targets and prohibiting water waste.	Yes
1	Other	<1%	Leaks, broken water pipes, irrigation systems, and faucets must have repairs initiated within five working days. Repairs must be completed as soon as practical.	Yes
1	Other	<1%	Public use of water from hydrants is prohibited except under certain conditions	Yes
2,3,4	Landscape - Limit landscape irrigation to specific days	Varies; estimated 10-30% depending on schedule	No outdoor irrigation more than 1-4 days per week, according to schedule set by Council (depending on shortage level).	Yes
3	Water Features - Restrict water use for decorative water features, such as fountains	1%	Filling of non-recirculating decorative fountains with potable water is prohibited. Cannot operate a decorative fountain with potable water unless it is recirculating, non-misting, and lined.	Yes

Table 8-2. Demand Reduction Actions				
Shortage Level <sup>1</sup>	Demand Reduction Actions	How much is this going to reduce the shortage gap? Include volume units used (volume type or percentage)	Additional Explanation or Reference	Penalty, Charge, or Other Enforcement?
3	Landscape - Other landscape restriction or prohibition	1%	No filling ornamental lakes or ponds with potable water	Yes
3	Other - Prohibit use of potable water for washing hard surfaces	<1%	No potable water may be used to clean any exterior paved or hard-surfaced area, or the exterior of any building or structure - except with a bucket, without a city exemption	Yes
3	Other - Prohibit vehicle washing except at facilities using recycled or recirculating water	<1%	No washing of vehicles, except at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water	Yes
4	Landscape - Other landscape restriction or prohibition	1%	No new outdoor landscaping or plantings during May through October with operating overhead irrigation, with exceptions for drip irrigation and drought tolerant or native plants, plants/trees grown for consumption, other exceptions.	Yes
4	Other water feature or swimming pool restriction	1%	No refilling residential swimming pools or outdoor spas more than one foot; no initial filling or residential pools/spas with potable water	Yes
5	Other	1%	Customers must repair leaks within 48 hours of notification	Yes
5	Other water feature or swimming pool restriction	<1%	Filling of any swimming pool, fountain or spa is prohibited	Yes

Table 8-2. Demand Reduction Actions				
Shortage Level <sup>1</sup>	Demand Reduction Actions	How much is this going to reduce the shortage gap? Include volume units used (volume type or percentage)	Additional Explanation or Reference	Penalty, Charge, or Other Enforcement?
6	Landscape - Other landscape restriction or prohibition	40-50%	Council would adopt restriction prohibiting all landscape irrigation. Watering of public benefit facilities and recreational landscape subject to restriction	Yes
6	Other	3%	Enforceable mandatory water budget program	Yes

Notes:

<sup>1</sup> Each level adopted continues the restrictions associated with the prior level(s)

Outreach, education, and social pressures are expected to decrease demand, in addition to the restrictions implemented through the WSCP. In response to the new WSCP guidelines, the effectiveness of each action has been quantified for SJMWS using the best available data. It should be noted that the effectiveness of many shortage response actions has not been studied by the City, and existing studies may not be directly applicable to San José. These estimates are best used as guidelines to inform decision makers about which actions may contribute most to demand reductions.

The effectiveness of each action has been estimated based on available data, including the observed water demand reduction during the 2012 through 2016 drought, studies and literature reviews examining the effectiveness of individual and combined response actions, and calculations of demand decreases scaled to the regional population. There are few studies on the effectiveness of individual estimates. Historical demand data, both from SJMWS and case studies, show reductions during droughts that are a combined result of demand restrictions, public education, and social pressures. Each calculation relies on several assumptions, introducing a high level of uncertainty. For example, estimating cost savings from restricting at-home carwashes involves assumptions about how many SJMWS customers would wash their car at home in a non-drought month, equipment used at customer homes, and the volume of water per wash.

**Special Water Feature Distinction**

The WSCP distinguishes water features from swimming pools, for example, using designations such as “decorative water features” and “recreational water features” and provides response actions, enforcement actions, and monitoring programs for each, respectively. Per the San José Municipal Code, decorative fountains may not operate in Level 2 and swimming pools cannot be filled or refilled in Level 3.



### Locally Appropriate Supply Augmentation

Supply augmentation is managed on an ongoing basis by the wholesalers; San José does not have additional supply augmentation options (Table 8-3). A detailed explanation of water supply sources and their use is in Section 6 of the UWMP.

Table 8-3. Supply Augmentation and Other Actions			
Shortage Level	Supply Augmentation Methods and Other Actions by Water Supplier	How much is this going to reduce the shortage gap?	Additional Explanation or Reference
All	Other Actions (describe)	N/A	See note

Notes: San José does not have augmented supplies available as a retailer; supply augmentation for purchased supplies is managed by wholesalers. San José will focus on demand reduction actions as identified in Table 8-2.

### Locally Appropriate Demand Reduction by Level

The Water Code requires an analysis of mandatory prohibitions, penalties, and consumption reduction methods against specific water use practices, which may be considered excessive during water shortages.

The City can set forth water use violation fines and charges for removal of flow restrictors, establish the period during which mandatory conservation occurs, and enforce water use targets. In addition to the restrictions placed on metered water use, other unmetered water use practices can be limited during water shortages such as reduced distribution system flushing by SJMWS staff.

The City will enforce mandatory reduction programs as necessary to decrease consumption during a water shortage. Table 8-2 provides the details of restrictions and prohibitions on end uses, the levels in which they are implemented, the estimated demand reduction they will cause, and associated implementation of penalties, charges, or other enforcement methods. SJMWS currently has limits on consumption to discourage and/or prevent excessive use during times of supply shortage, as specified in the San José Municipal Code Chapter 15.10. Additional mandatory restrictions may be added to the plan or implemented as needed.

#### Level 1: Less than 10% Water Shortage

Level 1 mandatory conservation actions are listed in the San José Municipal Code Chapter 15.10 and are in force at all times to prohibit water waste. They are summarized below:

- No irrigating landscapes between 10 am and 8 pm, unless using a bucket, hand-carried container, or a hose with a shut-off nozzle (15.10.290A).
- Sprinklers cannot run more than 15 minutes per station per day (15.10.290B).
- No excessive water runoff is allowed (15.10.220A & B).
- Leaking or broken water pipes, irrigation systems, and faucets must have repairs initiated within five working days and repaired as soon as practical (15.10.210A & B).
- No cleaning of structures or paved surfaces with a hose without a positive shut-off nozzle (15.10.240).
- No cleaning of vehicles with a hose without a positive shut-off nozzle (15.10.250)

- Commercial car washes must use water recycling equipment, a bucket and hand-washing, or a hose with positive shut-off nozzle (15.10.255A, B, C).
- No serving water in food service establishments unless requested by the customer (15.10.230A).
- Restaurants that use pre-rinse spray valves must use ones that are low flow (15.10.230B).
- Hotels/motels must provide guests the option to decline daily linen washing (15.10.235).
- Potable water cannot be used for building or construction purposes, such as dust control, without written exception by City (15.10.260).
- Water cannot be used from a hydrant without prior City approval (15.10.270).
- Potable water cannot be used for irrigation purposes where a recycled water service is currently plumbed to the site (15.10.295).

***Level 2: 10 – 20 Percent Water Shortage***

This Level continues the ongoing mandatory conservation actions specified in San José Municipal Code Chapter 15.10. Additional use restrictions go into effect when the Council declares a ten percent or greater water shortage. Outdoor irrigation is limited to 0-4 days per week. The number of days per week that irrigation is allowed is according to a schedule set by Council Resolution.

***Level 3: 20 – 30 Percent Water Shortage***

This Level builds upon the restrictions in Level 1 and Level 2. Council may choose to change the number of days per week in which outdoor irrigation is permitted. Additional restrictions go into effect when the Council declares there is a twenty-five percent or greater water shortage. The following restrictions are also in place:

- Filling of non-recirculating decorative fountains with potable water is prohibited. Cannot operate a decorative fountain with potable water unless it is recirculating, non-misting, and lined.
- No filling ornamental lakes or ponds with potable water.
- No potable water may be used to clean any exterior paved or hard-surfaced area, or the exterior of any building or structure - except with a bucket, without a city exemption.
- No washing of vehicles, except at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.

***Level 4: 30 – 40 Percent Water Shortage***

Restrictions in Levels 1 through 3 remain in place. Additional restrictions occur when the Council declares a thirty percent or greater water shortage. The Council may choose to change the number of days per week in which outdoor irrigation is permitted. The following restrictions are also in place:

- No new outdoor landscaping or plantings during May through October with operating overhead irrigation, with exceptions for drip irrigation and drought tolerant or native plants, plants/trees grown for consumption, other exceptions.
- No refilling residential swimming pools or outdoor spas more than one foot; no initial filling or residential pools/spas with potable water
- Public use of water from hydrants is prohibited.

**Level 5: 40 – 50 Percent Water Shortage**

Restrictions in Levels 1 through 4 remain in place. Additional restrictions are also in place when the Council declares a forty percent or greater water shortage:

- Filling of any swimming pool, fountain or spa is prohibited.
- Leaks, broken water pipes, irrigation systems, and faucets must have repairs initiated be fixed within 48 hours. Repairs must be completed as soon as practical.

**Level 6: Greater than 50 Percent Water Shortage**

Restrictions in all previous levels are enforced. The following restrictions and prohibitions would be recommended by Council:

- No landscape irrigation allowed.
- Watering of public benefit facilities and recreational landscape is subject to restriction.
- Customers must repair leaks within 24 hours of notification.
- Enforceable mandatory water budget program.

**Retailer Emergency Response Plan**

Following is information about SJMWS' emergency response planning. Valley Water and SFPUC have undertaken their own emergency planning efforts, which can be found in their respective UWMP and WSCP.

**Catastrophic Supply Interruption**

A water supplier must prepare for a catastrophic interruption of water supplies. A catastrophic interruption constitutes a proclamation of a water shortage and could be any natural or man-made event. A catastrophic supply interruption can occur when the City loses one or more of its main water supplies. The likelihood of experiencing a simultaneous loss of more than one supply is low. For example, local power outages may limit use of groundwater, but may not affect delivery of supplies purchased from wholesalers.

If the available supply is insufficient to meet the demand and water quality requirements, an emergency notification will be sent to all water customers to inform them of the condition. The message will include the expected duration of the condition, and restrictions on water use for the duration of the condition. SJMWS has developed an Emergency Response Plan which will be implemented as necessary.

**Power Outage**

SJMWS's facilities have been designed to provide adequate supplies of water during normal and emergency operations. Reservoirs and emergency backup generators have been placed at elevations and locations which will maintain supplies to customers during power failures. SJMWS staff is on duty 24 hours a day to respond to emergency situations, following the Emergency Response Plan where necessary. SJMWS's facilities are designed such that water stored in reservoirs at the higher elevations and pressure zones may be drawn down to the lower pressure zones for emergency use.

The City can continue to supply treated water from the wholesalers to its distribution system in the event of a power outage. Some of the City areas (e.g., Edenvale and Coyote Valley) rely on groundwater supplies. Depending on the expected length of power outage, the City will evaluate the amount of storage available,

the amount of available supplies, and the projected demand to determine whether existing demands can be met while the outage persists. If not, the City will contact some of the customers (e.g., irrigation water users) to request that non-essential water use be curtailed until the outage is addressed. As most power outages tend to be localized, the City can use portable backup generators to provide power to supply sources where necessary, or can request mutual aid from adjacent water agencies for additional supply. Emergency connections are maintained with adjacent water utilities to provide limited supplies in the event of an emergency. Connections to San Jose Water Company are maintained in the Evergreen service area. Connections to the City of Santa Clara are maintained in the North San José/Alviso service area.

## Seismic Risk Assessment and Mitigation Plan

Earthquakes present the greatest threat to the ability to supply water to customers. An earthquake can cause various kinds of failure that are structural or mechanical, such as rupture of a pipeline in the distribution system or damage to a water storage facility. The City will assess the condition of the water distribution system and arrange to provide emergency water where needed (e.g., use of groundwater supplies in the event of non-availability of wholesale water supplies or vice versa) in accordance with its Emergency Response Plan and in coordination with the City's Emergency Operations Center, where activated. Santa Clara County's Local Hazard Mitigation Plan will also be consulted and references where applicable (<https://emergencymanagement.sccgov.org/partners>).

Distribution system integrity and damage assessment reports will be prepared. SJMWS will coordinate with the City's Fire Department and Emergency Operations Center to identify immediate water and/or firefighting needs. To the greatest extent possible, alternate water supply will be made available to customers in affected regions. Water can be pumped from one location and delivered to central areas for distribution by container if the distribution system has failed or is contaminated.

In an event of health hazard of the water supply and distribution system, the City will notify its customers and make arrangements to conduct tests to update the community on the status of its water supply to ensure that essential water needs are met.

## Communication Protocols

In the event of water shortage, SJWMS provides additional resources to ensure the timely dissemination of information to customers. The outreach may include social media posts, newspaper/digital advertisements, press releases, radio spots, television coverage, and blog posts. Information will be translated into multiple languages including Spanish and Vietnamese. SJWMS can utilize the WaterSmart “Group Messenger” software to communicate to over 9,000 customers via email.

For non-time sensitive communications, SJWMS may partner with community groups to promote conservation and distribute message. For example, in the past the City has partnered with the San José Earthquakes professional soccer team to promote water conservation at home games. The City would also coordinate and collaborate with water wholesalers and other local water retailers to distribute consistent messaging throughout the County and Bay Area. The City could also utilize on-bill messages or inserts to distribute messages directly to customers during the course of normal bimonthly billing.

SJWMS provides single-family residential accounts with WaterSmart Home Water Reports. WaterSmart allows SJWMS staff to interact with customers via a digital platform, which includes water conservation guidance, automated alerts, and group messaging.

**Table 8-4** shows the City’s communication protocols by water shortage level. Additional or revised communication protocols may be established when Council adopts a resolution declaring a specific water shortage level.

<b>Table 8-4. Communication Protocols by Shortage Level</b>	
Water Shortage Level	Communication Protocols
1	<ul style="list-style-type: none"> <li>• Continue messaging consistent with the “Conservation is a Way of Life” initiative.</li> <li>• Enforce San José Municipal Code Chapter 15.10.</li> <li>• The City Council may, by resolution, declare a state of water shortage whenever it finds that water shortages are expected.</li> <li>• Direct contact (via telephone or email) with local media about conditions.</li> <li>• Notification to stakeholders, elected officials, and other decision-makers regarding water shortage conditions, projections, actions to be taken, demand reduction goals, and implementation.</li> </ul>
2	<ul style="list-style-type: none"> <li>• Continue messaging consistent with the “Conservation is a Way of Life” initiative.</li> <li>• Communicate new restrictions to public.</li> <li>• Enforce San José Municipal Code Chapter 15.10.</li> <li>• SJMWS will monitor water production data monthly.</li> <li>• The City Council may, by resolution, declare a state of water shortage whenever it finds that water shortages are expected.</li> <li>• Direct contact (via telephone or email) with local media about conditions.</li> <li>• Notification to stakeholders, elected officials, and other decision-makers regarding water shortage conditions, projections, actions to be taken, demand reduction goals, and implementation.</li> </ul>
3	<ul style="list-style-type: none"> <li>• Continue messaging consistent with the “Conservation is a Way of Life” initiative.</li> <li>• Communicate new restrictions to public.</li> <li>• Enforce San José Municipal Code Chapter 15.10.</li> <li>• SJMWS will monitor water production data weekly or monthly.</li> <li>• The City Council may, by resolution, declare a state of water shortage whenever it finds that water shortages are expected.</li> <li>• Direct contact (via telephone or email) with local media about conditions.</li> <li>• Notification to stakeholders, elected officials, and other decision-makers regarding water shortage conditions, projections, actions to be taken, demand reduction goals, and implementation.</li> </ul>
4	<ul style="list-style-type: none"> <li>• Continue messaging consistent with the “Conservation is a Way of Life” initiative.</li> <li>• Communicate new restrictions to public.</li> <li>• Enforce San José Municipal Code Chapter 15.10.</li> <li>• SJMWS will monitor water production data daily to weekly where possible, and may communicate data to the Director of Environmental Services and/or City Council.</li> <li>• The City Council may, by resolution, declare a state of water shortage whenever it finds that water shortages are expected.</li> <li>• Direct contact (via telephone or email) with local media about conditions.</li> </ul>

Table 8-4. Communication Protocols by Shortage Level	
Water Shortage Level	Communication Protocols
	<ul style="list-style-type: none"> <li>Notification to stakeholders, elected officials, and other decision-makers regarding water shortage conditions, projections, actions to be taken, demand reduction goals, and implementation.</li> </ul>
5	<ul style="list-style-type: none"> <li>Continue messaging consistent with the “Conservation is a Way of Life” initiative.</li> <li>Communicate new restrictions to public.</li> <li>Enforce San José Municipal Code Chapter 15.10.</li> <li>SJMWS will monitor water production data daily to weekly where possible, and may communicate data to the Director of Environmental Services and/or City Council.</li> <li>The City Council may, by resolution, declare a state of water shortage whenever it finds that water shortages are expected.</li> <li>Direct contact (via telephone or email) with local media about conditions.</li> <li>Notification to stakeholders, elected officials, and other decision-makers regarding water shortage conditions, projections, actions to be taken, demand reduction goals, and implementation.</li> </ul>
6	<ul style="list-style-type: none"> <li>Continue messaging consistent with the “Conservation is a Way of Life” initiative.</li> <li>Communicate new restrictions to public.</li> <li>Enforce San José Municipal Code Chapter 15.10.</li> <li>SJMWS will monitor water production data daily to weekly where possible, and may communicate data to the Director of Environmental Services and/or City Council.</li> <li>The City Council may, by resolution, declare a state of water shortage whenever it finds that water shortages are expected.</li> <li>Direct contact (via telephone or email) with local media about conditions</li> <li>Notification to stakeholders, elected officials, and other decision-makers regarding water shortage conditions, projections, actions to be taken, demand reduction goals, and implementation.</li> </ul>

## Compliance and Enforcement

### *Demand Reduction through Public Outreach*

Public messaging is critical to WSCP implementation. For example, drought-specific messaging and outreach in 2015 helped Santa Clara County residents and businesses reduce water use by 35 percent during the peak of the drought (compared to 2013 water use). SJMWS's water conservation outreach actions and plans are discussed in more detail in Section 9 of the UWMP.

**Table 8-5** summarizes the methods that can be used by the City to enforce water use restrictions associated with a declared water shortage through public outreach.

Table 8-5. Consumption Reduction Methods Through Outreach		
Level	Consumption Reduction Methods by Water Supplier	Additional Explanation or Reference
All Levels	Expand Public Information Campaign	Public education/information programs
All Levels	Offer Water Use Surveys	Ongoing
All Levels	Provide Rebates on Plumbing Fixtures and Devices	Ongoing
All Levels	Provide Rebates for Landscape Irrigation Efficiency	Ongoing
All Levels	Provide Rebates for Turf Replacement	Ongoing
All Levels	Increase Water Waste Patrols	Ongoing
All Levels	WaterSmart Residential Home Water Reports	Ongoing
All Levels	Waterfluence Commercial Irrigation Water Use Software	Ongoing

### *Penalties, Charges, Other Enforcement of Prohibitions*

The City will enforce mandatory reduction programs as necessary to decrease consumption during a water shortage. San José Municipal Code Section 1.08.010 provides that the failure to comply with mandatory requirements of the Code or any other City ordinance can be criminally charged as a misdemeanor, unless excluded as an infraction. All mandatory conservation requirements can be misdemeanors, punishable by a fine of up to one thousand dollars (\$1,000.00) or up to six months in County jail, or both. In addition, the City has the ability to issue administrative citations for violations. Administrative citations for violating mandatory conservation requirements carry penalties as adopted by Council Resolution. In 2020, penalties for administrative citations issued for violating water use restrictions range from one hundred sixty dollars (\$160.00) to five hundred dollars (\$500.00), per Council Resolution No. 79844 (<https://records.sanjoseca.gov/Resolutions/RES79844.pdf>). When mandatory water use restrictions are implemented during a time of water shortage, the City will evaluate enforcement priorities and strategies, including penalties or fines, and citations for issuing warnings for violating a prohibition, followed by increasing levels of fines for repeated offenses and escalation of enforcement. The City Council may adopt additional penalties or charges as deemed appropriate.



Water use restrictions for Levels 1 through 5 are contained within the San José Municipal Code Chapter 15.10. Water use restrictions for Level 6 would be determined based on the specific water shortage amount, and would be adopted by Council. SJMWS customers are required to comply with any measures the Council adopts, including those described **Table 8-2**. Customers that do not comply with adopted water use restrictions are subject to the penalties and enforcement described above.

Any person may submit a written request for exception to the potable water use restrictions on a form provided by the City. On this form, the applicant must describe their reasoning and why no other water source is available. An exemption review fee must be submitted, and an exception is not guaranteed.

### ***Legal Authorities***

In the event of a water shortage, SJMWS shall declare a water shortage emergency in accordance with Water Code Chapter 3 Division 1. In the event of a water shortage, the City can proclaim a local emergency, as defined in the California Government Code, California Emergency Services Act (Article 2, Section 8558).

The San José Municipal Code exercises this authority and states that “The City Council may, by resolution, declare a state of water shortage whenever it finds that water supplies are expected to be inadequate to meet at least ninety percent of projected water demand, or whenever a minimum conservation level of ten percent or more has been established by the Santa Clara Valley Water District.” This process was implemented during the most recent drought. The City Council adopted a resolution declaring a 30 percent water shortage in April 2015. This allowed the City to implement the WSCP to reduce water use by 30 percent. Another resolution declaring a 20 percent water shortage was adopted by the City in June 2016 to return to a lower WSCP stage based on improving water supply conditions. In March 2017, the City Council adopted a resolution that declared an end to the water shortage.

### **Financial Consequences of WSCP**

During periods of water shortage, SJMWS revenue may be reduced when the WSCP is implemented due to decreased water demand leading to decreased revenues. The WSCP calls for an increase in water use reduction programs and efforts, such as expanded public information campaigns, water use surveys, and water waste patrols, which may result in increased costs. Additionally, SFPUC’s current retail water rates have a provision for a “drought surcharge” that automatically increases adopted rates in the event of a declared water shortage, so water purchase costs may also increase.

The City’s annual rate setting process proactively accounts for projected revenue decreases and increased spending during times of water shortage as well as revenue decreases resulting from past conservation. The costs associated with wholesale water purchases and operating the distribution system are variable in nature. Consequently, any increases in the water rate schedule due to a water shortage will be determined during an actual water shortage. Any required increase in the rate schedule will depend on operational expenditures, water revenue, and potential use of budget reserves.

During a water shortage, SJMWS staff will evaluate the situation and identify whether revenue shortfalls are anticipated based on the situation’s circumstances, including factors such as budget status, drought level, changes in wholesale water rates or surcharges, and projected water sales. Any proposed revision to adopted rate schedules would need to be submitted for approval by the City Council after completion of

any public noticing requirements. SJMWS maintains a rate stabilization reserve, which could be used to offset or minimize rate and revenue impacts.

## **Monitoring and Reporting**

SJMWS monitors customer water usage with bi-monthly meter reading and provides monthly regulatory reports. Water use, as well as water production will continue to be monitored and reported during a water shortage. During the 1987-1992 drought, SJMWS compiled water production data daily. All sources were monitored, and a monthly report was submitted to SJMWS Deputy Director and Valley Water. This process was found effective in keeping SJMWS within its water allotment.

In the event of a Level 2 or 3 water shortage, SJMWS would monitor water production at least monthly, and weekly where possible. During a Level 4, 5 or 6 water shortage, water production figures would be monitored daily or weekly where possible and reported to the SJMWS Deputy Director, and monthly reports may be communicated to the Director of Environmental Services Department and/or the City Council. The plan to be followed during a specific shortage period would be confirmed at the time of Council's water shortage declaration.

At each declared water shortage level, customer outreach efforts will increase, specifically targeting high users.

## **WSCP Refinement Procedures**

The WSCP can be refined as needed, both during a water shortage or in preparation of a future crisis. The Annual Water Supply and Demand Assessment provides SJMWS an opportunity to examine the previous year's water usage and evaluate the effectiveness of demand reduction measures. If water use monitoring shows that the current WSCP is insufficient to meet its demand reduction goals, the restrictions may be adjusted. Refinement may require an update to Chapter 15.10 of the San José Municipal Code and approval by the City Council.

## **Plan Adoption, Submittal, and Availability**

The last WSCP adoption coincided with the 2015 UWMP adoption. In accordance with Water Code Section 10642 and Government Code Section 6066, a public hearing must be held before the adoption of these plan updates. The draft plan was available online through the SJMWS website prior to its adoption, and the final version was posted and distributed within 30 days. Any future updates to the WSCP shall be approved by City Council.