



City of Big Bear Lake, Department of Water and Power
POLICY

Policy #2014-02
Water Conservation Policy

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Article II. **Background**

In 1989, the City of Big Bear Lake adopted a Water Conservation Program as part of the municipal code. Since that time, the City of Big Bear Lake, Department of Water and Power (BBLDWP or DWP) Board has adopted and amended a combination of measures to reduce water consumption, collectively known as the DWP Water Conservation Policy or Program, including regulations for efficient use of water on landscaping, limitations on the installation of turf, requirements for the installation and retrofitting of water-efficient plumbing fixtures, and regulation of other uses of water designed to eliminate water waste.

These guidelines are established to ensure that customers use available water wisely and take all reasonable steps to reduce their water use for nonessential uses. These guidelines are designed to increase the efficiency of water use throughout the DWP's Service Area. Customers are encouraged to carefully manage indoor and outdoor water use and eliminate water waste.

Article III. **Purpose**

The purpose of this Water Conservation Program is to allow the DWP to delay or avoid the need for measures such as water rationing or more restrictive water use regulations pursuant to a declared Water Shortage Emergency as authorized by Water Code Sections 350 et seq.

California Water Code Sections 375 et seq. permit public entities which supply retail water to adopt and enforce a Water Conservation Program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity. The Board hereby establishes a comprehensive Water Conservation Program for the DWP's Service Area within the Big Bear Valley pursuant to California Water Code Sections 375 et seq., based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortage.

Article IV. **Findings**

The Board finds and determines that a water shortage could result from the occurrence of one or more of the following conditions:

1. A general extended water supply shortage due to increased demand.
2. Reduction in water availability in the supply, storage or distribution facilities.
3. Prolonged drought conditions.
4. An unexpected or catastrophic event that prevents or interrupts adequate water deliveries.

The Board also finds and determines that the conditions prevailing in the Big Bear Valley area require that the water resources available be put to maximum beneficial use, and that the waste, unreasonable use, or unreasonable method of use of water be discouraged and that the conservation of such water be encouraged to achieve the maximum reasonable and beneficial use thereof in the interest of the customers of the DWP and for the public welfare.

Article V. **Application**

This Water Conservation Program shall apply to all persons who use any water provided by the DWP within the Big Bear Valley as a condition of water service.

1. It is only intended to further the conservation of water. It is not intended to implement any provision of federal, state or local statutes, ordinances or regulations relating to the protection of water quality or control of drainage or runoff.
2. Nothing herein is intended to limit the authority of the DWP to declare and respond to an emergency, including an emergency that affects the ability of the DWP to supply water.

Article VI. **Authorization**

The DWP's General Manager or a designated representative is hereby authorized and directed to implement the provisions of this Water Conservation Program.

Article VII. **Definitions**

1. Board. DWP Board of Commissioners.
2. Compost. The safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.
3. Customer. Any person, persons, association, corporation, government agency, or other entity supplied with water service from the DWP.
4. Drip irrigation. Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
5. Emitter. Any irrigation nozzle that is used to distribute water to landscape vegetation.
6. Ground Water. Any water that comes from springs or wells.
7. Irrigation. The process of providing supplemental water, to landscape plants and elements.
8. Landscape. All portions of a property except footprints of buildings or other structures, sidewalks, driveways, parking lots, decks, gravel or stone walks, other pervious or impervious hardscapes and other non-irrigated areas designated for non-development such as open spaces and existing native vegetation.
9. Landscape Element. Any and all unique features of a landscape.
10. Landscaping. The process of adding or subtracting vegetation or non-vegetative materials or their support structures (irrigation systems, walkways, retaining walls, etc.) to a landscape.
11. Low Flow (or Flush). Any plumbing fixture that meets or exceeds current flow (or flush) standards for that item.
12. MWELO. The State of California Model Water Efficient Landscape Ordinance

13. New Turf. Non-native or non-drought-tolerant lawn or grass, intentionally planted and grown from seed or sod that has never been irrigated using DWP water.
14. Perennial Yield. The maximum quantity of water, that can be produced from a ground water basin on an annual basis.
15. Plant Factor or Plant water use factor. Derived from the California Model Water Efficiency Landscape Ordinance, this term refers to the amount of water needed by plants based on the evapotranspiration rate. Very low water use: 0-0.1; Low water use: 0.1-0.3; Moderate water use: 0.4-0.6; High water use plants: .7-1.0. These factors are derived from the Water Use Classification of Landscape Species and may also be obtained by horticultural researchers from academic institutions or professional associations as approved by the Department of Water Resources.
16. Retrofit. Any change to an existing element.
17. Retrofit on Change of Service Program. A DWP program whereby the property owner is responsible for ensuring all plumbing fixtures are low flow after a change in water service occurs.
18. Service Area. For purposes of this Water Conservation Program, the DWP's Service Area, as defined by the San Bernardino Local Agency Formation Commission.
19. Sprinkler. A component of an Irrigation system that sprays water on a landscape vegetation.
20. Technical Review Team (TRT). A team of, at minimum, five individuals that will be comprised of Board members, DWP management staff, and one hydrogeologist or engineering consultant. Additional individuals may be added to the TRT when circumstance arises that requires specialized or additional expertise.
21. Turf. Non-native or non-drought-tolerant lawn or grass, intentionally planted and grown from seed or sod.
22. Water Conservation. Practices or activities which result in the use of water efficiently and in quantities considered less than average.
23. Water Conservation Program. A program designed within the meaning of Water Code Sections 375 et seq. to reduce the quantity of water used for the purpose of conserving the water supplies of a public entity.
24. Water Feature. Any landscape feature that utilizes standing or moving water as a main component. Standard examples are ponds, streams, and fountains.
25. Water Shortage Emergency. Any emergency within the meaning of Water Code Sections 350 et seq.
26. Weather Based Irrigation Controller. An automatic timing device used to remotely control valves that operate an irrigation system. Automatic controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather based) or soil moisture data.
27. WUCOLS. Water Use Classification of Landscape Species, an online database of the irrigation water needs for more than 3,500 plants used in California landscapes

28. Water-Use Efficiency. The use of water in a way that minimizes waste (i.e. use beyond which is needed to accomplish a task).
29. Winterize. Turning off water supply and draining the on-site pipes or plumbing to prevent damage to the system during the winter months due to freezing.
30. Xeriscape. A landscaping method that utilizes water-conserving techniques, such as use of drought-tolerant plants, mulch, and efficient irrigation.
31. Violation. To commit, cause, maintain or permit an action, or failure of action, that is inconsistent with the rules and regulations. Each day a violation exists may constitute a separate and distinct violation. Each rule or regulation which is violated also constitutes a separate violation. Any person, who commits, causes, or permits a violation of the rules and regulations, may be subject to the enforcement actions herein.

Article VIII. **Water Use Requirements**

The following measures shall apply to those who use any water supplied by the DWP. These regulations shall apply to all DWP customers as a condition of water service.

A. General Regulations

- A) Water shall be used reasonably and productively at all times.
- B) Customers are to repair all water leaks from any water line, faucet, toilet, etc. once detected.
- C) Customers are to water efficiently, eliminating runoff onto adjacent properties, public or private roadways, driveways, bare ground, and streets.
- D) There is to be no hose washing of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except when needed to protect public health and safety.
- E) Customers must use an automatic shut-off nozzle when using a hand-held hose for spraying, lawn watering, or structure washing.
- F) Washing vehicles must be done with a bucket and a hose with an automatic shut-off nozzle.
- G) There shall be no use of water from a fire hydrant, except for fire protection purposes and approved construction purposes.
- H) No outdoor watering shall occur between 9 a.m. and 6 p.m. April 1 through November 1, annually, with the exception of non-potable water, or per a DWP issued permit.
- I) There shall be no outdoor watering within 48 hours of measurable precipitation (0.25" or current state standards) at the property location.
- J) Outdoor watering shall occur on an alternate day schedule with even addresses watering on evenly numbered days of the month and odd addresses watering on odd numbered days.
- K) All new structures shall be equipped with low flow faucets, showerheads, toilets and urinals in compliance with current state standards. All dishwashers and clothes washers

must follow the U.S. Environmental Protection Agency's current guidelines.

B. Landscape Regulations

The purpose of this Section is to require all new, retrofitted, or modified landscaping to adhere to all BBLDWP, City, County, State or Federal regulations and guidelines. These measures will significantly reduce wasteful and inefficient consumption of water, and thus make the DWP's water resources available for the most beneficial uses including human consumption, sanitation, and fire protection.

It is the responsibility of the property owner to research and abide by all applicable local, County, State and Federal regulations.

(a) Local Agency Review

Some landscaping projects are subject to state regulations including, but not limited to, the Model Water Efficiency Landscape Ordinance (MWELO). The local agency, meaning a "city or county, including a charter city or charter county, ... is responsible for adopting and implementing the ordinance. The local agency is also responsible for the enforcement of this ordinance, including but not limited to, approval of permits and plan check or design review of a project."

The following projects are subject to MWELO, as implemented by the local agency (City of Big Bear Lake or County of San Bernardino):

- New construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building permit, plan check, or design review
- Rehabilitated project (associated with re-landscaping or replacement landscaping) greater than or equal to 2500 square feet requiring a building permit, plan check, or design review
- Existing landscape over one acre in size installed before December 1, 2015

The following may be subject to limited MWELO:

- Cemetery
- New Landscape 500 to 2500 square feet (new building or new development with associated landscaping) requiring a building permit, plan check, or design review
- Landscapes less than 2500 square feet and using graywater or rainwater to meet the landscape water needs

Exceptions: registered historical sites, an ecological restoration project that does not require a permanent irrigation system, a botanical garden or arboretum open to the general public.

The BBLDWP requires, as a condition of water service, that upon approval of the landscape documentation package, the local agency (City or County) and the project applicant:

- Submit a copy of the Water Efficient Landscape Worksheet to the BBLDWP.

- Submit documentation certifying that the landscape package has been approved and/or permits issued to the BBLDWP.

Upon completion of the project or installation of the landscaping, the project applicant shall ensure that a copy of the Certificate of Completion is submitted to the BBLDWP

(b) BBLDWP Review

The following projects are subject to review and approval by the BBLDWP and must follow the requirements set forth:

- Any new landscape area greater than or equal to 500 square feet that does not require a permit, plan check or design review by the local agency
- Rehabilitated landscape projects greater than or equal to 500 square feet that do not require a permit, plan check or design review by the local agency
- Any landscape project including any amount of turf

Property owners must submit a landscape documentation package to the DWP which includes the following elements:

- Date
- Project applicant
- Project address
- Total landscape area (square feet) including a breakdown of all plant material (by square feet). Plant material shall be clearly labeled by species, quantity or square feet and include (as applicable): turf, high, moderate, low and very low water use designations clearly marked.
- Project type (new rehabilitated, public, private, cemetery, homeowner installed)
- Water supply type (potable, recycled, well) and identify the local retail water provider (BBLDWP).
- Contact information for the property owner and project applicant (if different from the owner)
- Applicant signature and date with the statement “I agree to comply with the requirements of the BBLDWP, local agency, and State of California Laws in relation to this landscape.”

The DWP may establish fees for necessary review and inspections related to the requirements of this article. The regulations for these landscape plans are categorized by the principles of xeriscape as follows:

(i) Planning and Design

1. Landscapes must abide by all City, County or State regulations as applicable.
2. Landscape plants must be grouped by similar irrigation requirements.

3. The use of invasive plant species, such as those listed by the California Invasive Plant Council are strongly discouraged.
4. The surface area of all water features (ponds, fountains, streams) shall be included in the high-water use hydrozone area and/or calculated as the percentage contributing toward a “high water use plant.”
5. Decorative fountains and landscape water features must use recirculating systems.
6. Manual-shut-off valves (such as a gate valve, ball valve or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.
7. Pressure regulators shall be installed on the irrigation system to ensure dynamic pressure of the system is within the manufacturer’s recommended pressure range.
8. For non-residential projects with landscape areas of 1,000 square feet or more, private sub-meter(s) to measure landscape water use shall be installed.

(ii) Low Water-use Plants

1. For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the landscaped area, excluding edibles and areas using recycled water.
2. The square footage of high-water use plants (including but not limited to turf), on newly installed, rehabilitated or renovated residential landscapes, shall be limited to 1,000 square feet or 25% of the landscaped area, whichever is less.
3. For non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the landscaped area, excluding edibles and areas using recycled water.
4. Newly installed, rehabilitated or renovated non-residential properties may not have high water use plants.
5. Existing landscapes that already contain 1000 square feet, or more, of high-water use plants may not install additional high-water use plants.
6. Existing landscapes that contain less than 1,000 square feet of high-water use plants may add such plants for a total 25% of the landscaped area or 1,000 square feet, whichever is less.

(iii) Practical Turf

1. Turf is not allowed on slopes greater than 25%. Twenty five percent means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

2. Turf is prohibited in parkways less than 10 feet wide.
3. On landscapes that already contain turf or high water use plants, turf may be rearranged as long as the total square footage of high water use plants is reduced to 25% of the landscaped area (not to exceed 1,000 square feet), or the net reduced by 5%, whichever results in less turf/high water use plants.
4. The DWP may rebate customers for turf removal through a Turf Buyback Program based on approved budgets. Rebate conditions and amount shall be determined by the DWP. Turf buybacks shall be limited to turf removed or irrigation and maintenance ceased (with documented evidence) within the previous 12 months.
5. Customers who previously participated in the DWP's Turf Buyback Program, and who wish to install turf, may install turf according to the guidelines set forth. However, such customer must reimburse the DWP prior to the installation of new turf, for all previous Turf Buyback Program payments, except for turf installations irrigated by non-DWP water.

(iv) Efficient Irrigation

1. All irrigation systems must be shut off and winterized November 1 through April 1, annually.
2. An irrigation system stop and drain valve is required.
3. Irrigation systems must be set up to irrigate individual water-use zones in accordance with their individual needs.
4. All new, rehabilitated, or renovated landscapes with turf or above ground irrigation must use a weather-based irrigation controller (WBIC) with backup power that does not lose programming data in the event the primary power source is interrupted. WBICs must have the ability to accommodate all time and date restrictions employed by the DWP and must be equipped with one of the following: rain shut-off, soil moisture sensors, evapotranspiration adjustment capabilities or satellite/internet weather based data.
5. Sprinklers will only be allowed on turf and high-water use groundcovers. All other landscape plantings must be irrigated with efficient, low water-use devices (e.g., drip or bubbler emitters).
6. Areas less than 10-feet in width in any direction shall be irrigated with subsurface irrigation or other means that produce no runoff or overspray.
7. All irrigation emission devices must meet the most current requirements set in the ANSI standard at the time of installation (subject to change).

(v) Soil Improvement

1. Unless contradicted by a soils test, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil.

(vi) Mulch

1. A minimum 3-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

(vii) Appropriate Maintenance

1. All sprinkler, emitter, pipe or other system leaks must be repaired upon detection (not to exceed 30 days).
2. All irrigation systems must be tested and inspected before regular use each spring.
3. For previously existing turf/high water use areas that have been neglected or allowed to die (for landscape planning and turf buyback purposes), it will be assumed that this turf or high-water use plant area no longer exists. Exemptions may be granted on case-by-case basis in exceptional circumstances, as determined by the DWP.
4. Special conditions in which turf or high-water use plant areas have been damaged by natural disaster or circumstances beyond a customer's control will be evaluated on case-by-case basis and potentially approved for repair or reconstruction exceeding the limitations.
5. Existing irrigation systems may be used as long as they can be employed to maximize irrigation efficiency on the retrofitted landscape. If this is not possible, a new irrigation system must be installed.

Article IX. Retrofit on Change of Service Program

The purpose of this section is to set forth the rules and regulations of the Retrofit on Change of Service Program.

A. Retrofit Regulations

1. Retrofit. Upon a change of service, all faucets, showerheads, toilets and urinals shall be inspected by the property owner to determine whether these fixtures meet the retrofit standards set forth by local, State and Federal regulations. A change of service occurs whenever the property owner changes in the DWP's record. If the inspection reveals non-compliant fixtures, the property owner shall retrofit all such fixtures in accordance with the current retrofit standards.
 - a. Existing fixtures that meet the Federal Standard may not need to be replaced.

- b. If a fixture/fitting does not currently meet federal standards, it must be replaced with a fixture that meets current California standards.
 - c. The DWP encourages all customers to strive to meet California and WaterSense standards to save water and money whenever possible.
- 2. Toilet Rebate Program. The DWP may rebate customers for the replacement of toilets which no longer conform to state and federal standards based on currently approved budgets. Rebate conditions and amounts shall be determined by the DWP.
- 3. Certificate of Compliance. Within ninety (90) days of the change of service, the customer shall file with the DWP a written certification of compliance (“certificate of compliance”), signed under penalty of perjury, confirming that all faucets, showerheads, and toilets conform to the requirements herein. If the customer fails to provide a certificate of compliance within 90 days of the change in service, the DWP shall be authorized to implement the DWP’s failure to comply procedures.

(a) Compliance Inspections

Any certificate of compliance submitted to the DWP may be subject to verification through an inspection of the customer’s premises by DWP staff, as a condition of water service. Authority and permission to enter the premises for the purposes of verifying compliance with this section shall be granted by the customer to DWP staff upon request. Compliance inspections will consist of a complete survey of all faucets, showerheads, and toilets on the premises to evaluate whether they comply with the flow rates or flush volumes specified herein. If any customer refuses admittance to or hinders or prevents inspection of his or her premises, the DWP shall be authorized to implement the DWP’s failure to comply procedures.

(b) Exceptions

A property owner may file a written request for relief from the retrofit requirements whenever there are exceptional, unusual, or peculiar circumstances involved with the retrofitting the property in question. Such a request shall include all the information he or she deems necessary for evaluation and resolution of the request and shall be filed within thirty (30) days of the change in water service. The General Manager or designee shall review all requests for relief and may grant relief in instances when a property owner clearly demonstrates that he or she qualifies for an exemption. The General Manager or designee shall inform the property owner of the decision in writing. The property owner shall have the right to appeal the decision of the General Manager or designee. The appeal shall be heard by the Board within a reasonable time after the date of the appeal is submitted to the DWP. The DWP shall provide written notice, the time and date of said hearing to the property owner. At the hearing, the Board may affirm, reverse or modify the decision of the General Manager or designee. The decision of the Board shall be final.

Article X. **Technical Review Team**

The DWP shall convene a Technical Review Team (TRT) at minimum, once annually. The TRT shall address any potential water shortage, emergency, or drought condition as well as assist in preparing for the Water Supply and Demand Assessment (due on or before July 1 of each year, as required by California Water Code (CWC) Section 10632.1.), and the Drought Risk Assessment (as described in CWC §10635(b)) required every five years.

The TRT shall convene in the spring each year, allowing sufficient time for staff to prepare any necessary state reports. The TRT shall review and evaluate the status, condition, and availability of the DWP's ground water supplies. Members shall review the current state of the water supply including water levels in service area wells, the systems' ability to produce and distribute water to customers, the previous year assessment, potential impacts of the summer pumping period, potential project impacts, current drought conditions, and any changing trends in water demand. This information will also be evaluated in the context of the annual perennial yield as well as the "anticipated supply availability under a normal water year, single dry year, and droughts lasting at least five years, as well as more frequent and severe periods of drought."

The TRT shall advise the Board of Commissioners of its findings and recommendations including, but not limited to, water shortage levels or declaration of a water shortage emergency (as defined in the Water Shortage Contingency Plan), the Water Supply and Demand Assessment, Drought Risk Assessment and any other pertinent reports or actions.

In the event of a water shortage, emergency, or drought condition, BBLDWP may convene a TRT meeting at any time or on an on-going basis to address the situation.

Article XI. Violation

A violation of any requirement set forth in this Water Conservation Program shall be subject to the water service termination procedures as outlined in the Failure to Comply Procedures, as amended from time to time. In addition, any violation of the City of Big Bear Lake Municipal Code on Water Conservation and Landscaping is subject to the penalties as set forth.

Senate Bill 88 Chapter 27 (signed into law June 24, 2015) states that violation of a requirement of a water conservation program (adopted pursuant to Section 376) is a misdemeanor. A person convicted under this subdivision may be punished by imprisonment in the county jail for not more than 30 days, or by fine not exceeding one thousand dollars (\$1,000), or by both. SB 88 allows the DWP to hold a person civilly liable for violations of water conservation programs and regulations with an amount not to exceed \$10,000 plus \$500 for each additional day on which the violation continues.

Article XII. Severability

If any section, sub-section, sub-division, paragraph, sentence, clause, or phrase of this Policy is for any reason found to be invalid, such decision shall not affect the validity of all remaining portions of this Water Conservation Program. The Board hereby declares that it would have passed each section, sub-section, sub-division, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sub-divisions, paragraphs, sentences, clauses, or phrases are declared invalid. If any provision of this policy is found to be illegal,

unconstitutional, or unenforceable for any reason whatsoever, that provision shall be severed from the remaining provisions of this policy, which shall remain in full force and effect.

Article XIII. Effective Date

This policy shall become effective immediately upon the date of adoption.