

# WATER SHORTAGE CONTINGENCY PLAN



LONG BEACH

**Utilities**

Water · Gas · Sewer

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RESOLUTION NO. UT-1480

A RESOLUTION OF THE BOARD OF PUBLIC UTILITIES COMMISSIONERS OF THE CITY OF LONG BEACH ADOPTING A WATER SHORTAGE CONTINGENCY PLAN AND RESCINDING RESOLUTION NO. WD-1354

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

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

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

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

WHEREAS, the Board of Public Utilities Commissioners of the City of Long Beach (“Board”) wishes to continue to educate, support and enforce reasonable water conservation; and

WHEREAS, on June 2, 2016, the Board adopted Resolution No. WD-1354 entitled “A Resolution of the Board of Water Commissioners of the City of Long Beach Amending and Restating the Water Conservation and Water Supply Shortage Plan and Rescinding Resolution No. WD-1286”; and

WHEREAS, the Board now wishes to adopt a Water Shortage Contingency Plan consistent with California Water Code Section 10632(a)(3);

NOW, THEREFORE, the Board of Public Utilities Commissioners of the City of Long Beach resolves as follows:

1 Section 1. Scope. There is hereby established a Water Shortage  
2 Contingency Plan (“Plan”).

3 Section 2. Objectives. The objectives of the Plan are:

4 A. To prevent water supply shortages through aggressive and  
5 effective water management programs such as water conservation, water  
6 education and use of reclaimed water;

7 B. To minimize the impact of a water supply shortage on the  
8 City’s population and economy;

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

12 D. To ensure that water users who conserve water during  
13 normal-year hydrology and wet-year hydrology are not disadvantaged by  
14 the Plan during shortages.

15 Section 3. Notice. When a Level 1 Water Supply Shortage, a Level 2  
16 Water Supply Shortage, a Level 3 Water Supply Shortage, or a Level 4 Water Supply  
17 Shortage is declared by the Board, the Long Beach Public Utilities Department  
18 (“Department”) shall provide notice to its customers. Said Notice shall include:

19 A. The effective date of the declaration;

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

22 C. Information about rate increases, if any, resulting from the  
23 declaration; and

24 D. The importance of their taking additional voluntary actions to  
25 conserve water.

26 This Notice shall be published pursuant to California Government Code  
27 Section 6063.

28 The Department will continue to educate its customers for the duration of

1 the water supply shortage. The Department will communicate effectively with its diverse  
2 customer base.

3 Section 4. Prohibited Uses of Water at All Times. The following uses of  
4 water are prohibited at all times:

5 A. Permitting the excess use, loss or escape of water through  
6 breaks, leaks or other malfunctions in the water user's plumbing or  
7 distribution system for any period of time after such escape of water should  
8 have reasonably been discovered and corrected;

9 B. Irrigating landscape with potable water at any time other than  
10 the hours after 4:00 p.m. and before 9:00 a.m.;

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

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

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

- 1 F. Washing a vehicle with a hose when the hose does not have  
2 a water shut-off nozzle or device attached to it or allowing a hose to run  
3 continuously while washing a vehicle;
- 4 G. Operating a fountain or other water feature that does not re-  
5 circulate the water;
- 6 H. A hotel or motel failing to provide its customers the option of  
7 choosing not to have towels and linens laundered daily and/or failing to  
8 prominently display notice of this option in each bathroom and sleeping  
9 room using clear and easily understood language;
- 10 I. Restaurants and all other commercial, industrial, institutional  
11 food preparation sites using pre-rinse heads having flow-rates greater than  
12 1.5 gallons of water per minute;
- 13 J. Operating a commercial laundry system installed after  
14 November 3, 2006, that does not recirculate wash and/or rinse water;
- 15 K. Operating a conveyor type car wash system that does not  
16 recirculate the wash and/or rinse water;
- 17 L. Installing a single-pass cooling systems in a building  
18 requesting a water connection after November 3, 2006;
- 19 M. Using potable water, rather than reclaimed water, after the  
20 General Manager has provided to the customer an analysis showing that  
21 reclaimed water is a cost-effective alternative to potable water and the  
22 customer has had ninety (90) days to make the conversion to reclaimed  
23 water;
- 24 N. Irrigating landscape using reclaimed water to the point that the  
25 landscape becomes saturated and irrigation waters flow from the  
26 landscape; and
- 27 O. Other prohibited uses as determined by the Board, in its sole  
28 discretion, after notice to customers.

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Section 5. Level 1 Water Supply Shortage.

A. The Board may, in its sole discretion, declare by resolution that a Level 1 Water Supply Shortage exists and that the actions outlined in this Section are necessary in order to meet the objectives of this Plan.

B. In addition to the prohibited uses of water identified in Section 4, the following uses of water are prohibited during a declared Level 1 Water Supply Shortage:

1. Serving drinking water to any customer in a restaurant or other public place where food is served, sold, or offered for sale unless expressly requested by the customer;

2. Irrigating a residential or commercial landscape with potable water any day other than Tuesday, Thursday, or Saturday, except for very short periods of time for the expressed purpose of adjusting or repairing the irrigation system;

3. Irrigating landscape with potable water for more than ten (10) minutes per station or to the point of runoff, whichever occurs first; and

4. Other prohibited uses as determined by the Board, in its sole discretion, after notice to customers.

Section 6. Level 2 Water Supply Shortage.

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

B. In addition to the prohibited uses of water identified in Sections 4 and 5, the following uses of water are prohibited during a Level 2 Water Supply Shortage:

1. Irrigating a residential or commercial landscape with potable water any day other than Tuesday or Saturday, beginning on the

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

4 2. Leaving a commercial swimming pool or spa  
5 uncovered when not in use;

6 3. Failing to resolve leaks within seventy-two (72) hours of  
7 notification by the Department; and

8 4. Other prohibited uses as determined by the Board, in  
9 its sole discretion, after notice to customers.

10 Section 7. Level 3 Water Supply Shortage.

11 A. The Board may, in its sole discretion, declare by resolution  
12 that a Level 3 Water Supply Shortage exists and that the actions outlined in  
13 this Section are necessary in order to meet the objectives of this Plan.

14 B. In addition to the prohibited uses of water identified in  
15 Sections 4, 5 and 6, the following uses of water are prohibited during a  
16 declared Level 3 Water Supply Shortage:

17 1. Irrigating a residential or commercial landscape with  
18 potable water any day other than Tuesday or Saturday, except for very  
19 short periods of time for the expressed purpose of adjusting or repairing the  
20 irrigation system;

21 2. Failing to reduce institutional irrigation (e.g., parks and  
22 schools) 10 percent from customer baseline water use as determined by  
23 the Department;

24 3. Failing to reduce golf course potable water irrigation 10  
25 percent from customer baseline use as determined by the Department; and

26 4. Other prohibited uses as determined by the Board, in  
27 its sole discretion, after notice to customers.

28 Section 8. Level 4 Water Supply Shortage.

1           A.     The Board may, in its sole discretion, declare by resolution  
2           that a Level 4 Water Supply Shortage exists and that the actions outlined in  
3           this Section are necessary in order to meet the objectives of this Plan.

4           B.     In addition to the prohibited uses of water identified in  
5           Sections 4, 5, 6 and 7, additional uses of water may be prohibited by the  
6           Board at its sole discretion.

7           Section 9.   Water Rates.   The Board may adjust water rates during a  
8           Board declared Level 1, Level 2, Level 3 or Level 4 Water Shortage subject to the then  
9           current Resolution fixing the Rates and Charges for Water and Sewer Service. Any  
10          increase in rates approved by the Board shall be subject to a public protest hearing as  
11          provided for in the California Constitution Article XIII.

12          Section 10.   Sudden Catastrophic Water Supply Shortage.   When the  
13          General Manager determines that a sudden event has, or threatens to, significantly  
14          diminish the reliability or quality of the City’s water supply, then the General Manager  
15          may declare a Catastrophic Water Supply Shortage and impose whatever emergency  
16          water allocation or conservation actions necessary to protect the reliability and quality of  
17          the City’s water supply and in order to meet the objectives of this Plan, until the  
18          emergency passes or the Board takes other action.

19          Section 11.   Issuance of a Notice of Violation.

20          A.     “Customer” as defined in the Long Beach Public Utilities  
21          Department Rules, Regulations, and Charges Governing Potable Water,  
22          Reclaimed Water, Sewer Service (“Department Rules, Regulations and  
23          Charges”) and the Water Shortage Contingency Plan, shall be the party in  
24          violation of this Plan when water associated with the Customer’s account is  
25          used in a prohibited manner. For each separate and distinct violation of this  
26          Plan, the Customer may be served a Notice of Violation in accordance with  
27          the Department Rules, Regulations and Charges.

28          B.     Each and every day a violation exists constitutes a separate



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and distinct offense.

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

D. The amount of the PUoW Charge shall be as established by the City of Long Beach Board of Public Utilities Commissioners by Resolution and listed in the Department Rules, Regulations, and Charges.

Section 12. Reduce or Terminate Water Service.

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

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

Section 13. Satisfaction of the PUoW. Upon service of a Notice of Violation and PUoW Charge, the Customer shall do the following:

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

B. Pay the PUoW Charge no later than thirty (30) days from the date of issuance of the citation as specified on the Notice. Payment of a PUoW Charge shall not excuse or discharge the failure to correct the violation(s), nor shall it bar further enforcement action by the Department.

1 Late charges shall be imposed for PUoW payments made after the  
2 payment due date. The late charge shall be assessed per standard  
3 Department practices, and will be imposed in addition to any outstanding  
4 PUoW Charge.

5 Section 14. Appeal of Notice of Violation. Any recipient of a PUoW  
6 Charge may appeal said violation in accordance with the Department Rules, Regulations,  
7 and Charges.

8 Section 15. Hearing Procedure. The hearing of any appeal of a Notice of  
9 Violation shall be conducted in accordance with the Department Rules, Regulations, and  
10 Charges.

11 Section 16. Dismissal of Notice of Violation. The General Manager may  
12 dismiss a Notice of Violation at any time if it is determined to have been issued in error or  
13 upon good cause.

14 Section 17. Reservation of Rights. The rights of the Department shall be  
15 cumulative to any other right of the Department stated in this Plan, the Department Rules,  
16 Regulations and Charges, the Long Beach Municipal Code, or as provided for under  
17 State or Federal law.

18 Section 18. Exceptions. The prohibited uses of water in this Plan are not  
19 applicable to that use of water necessary, as determined by the General Manager, for  
20 public health and safety or for essential governmental services such as police, fire, and  
21 other similar emergency services.

22 Section 19. General Provisions.

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

27 B. Any term not defined in this Plan which is defined in the then  
28 current Department Rules, Regulations and Charges shall have the

1 meaning stated therein.

2 C. This Plan shall apply to all customers and property receiving  
3 water from the Department wherever situated, and shall also apply to all  
4 property and facilities owned, maintained, operated or under the jurisdiction  
5 of the various officials, boards, departments, bureaus or agencies of the  
6 City.

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

15 Section 20. Approval of this Resolution. On the effective date of this  
16 Resolution all prior Resolutions including Resolution No. WD-1354 of the Long Beach  
17 Public Utilities Department are hereby rescinded and superseded.

18 The Secretary of the Board of Public Utilities Commissioners shall certify to  
19 the passage of this Resolution and cause a copy of the Resolution to be published  
20 pursuant to Government Code Section 6061. This Resolution shall take effect thirty (30)  
21 days after the Secretary's certification.

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OFFICE OF THE CITY ATTORNEY  
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I hereby certify that this Resolution was adopted by the Board of Public Utilities Commissioners of the City of Long Beach at its meeting on June 22, 2023 by the following vote:

Ayes: Commissioners: GLORIA CORDERO, NAOMI RAINEY,  
GINA MAGUIRE, FRANK MARTINEZ,  
Noes: Commissioners: ROBERT SHANNON  
Absent: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
Secretary  
Board of Public Utilities Commissioners

CERTIFIED AS A TRUE AND CORRECT COPY  
EXECUTIVE ASSISTANT TO THE BOARD OF UTILITIES COMMISSIONERS  
CITY OF LONG BEACH, CALIFORNIA  
BY:   
DATE: 6/22/2023