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Newsbrief

What's New at Terreni Law Firm, LLC

Arriving with the dog days of summer are changes for water conservation and clean power!

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Quick Facts: The EPA's Clean Power Plan

Announced by President Obama on August 3, the EPA's final rule for the Clean Power Plan includes more ambitious emissions reductions and several changes that diverge from the initial proposal, issued earlier this year. The final rule includes the following:

- Power plant emissions will be reduced to 32% below 2005 levels
- States now have until 2018 to submit compliance plans, and until 2022 to begin implementing the plans
- States will receive credit for emissions reductions from nuclear power plants that are currently under construction and for increases in nuclear energy generation from plants that are already in operation. This change, pushed by Rep. Jim Clyburn and Sen. Lindsey Graham, will be a big boost to South Carolina's compliance.

The new regulation will have to overcome legal challenges, though. Within minutes of the President's announcement, Attorneys General from 16 states, including South Carolina, wrote a letter to the EPA requesting that it stay implementation of the new rule while they challenge it in Court.

Sources:

<http://www.scientificamerican.com/article/u-s-unveils-strengthened-clean-power-plan-to-combat-climate-change/>

California battles drought with strict conservation measures

2015 marks the fourth consecutive year of the worst drought experienced by the West Coast of the United States in over a millennium. Currently, 55% of the state is experiencing “exceptional drought conditions,” the most severe classification assignable by the US Drought Monitor. Last year, 2014, was the hottest year on record for the state of California, and, since 2011, the state has lost over 12 million acre-feet of water each year. Water has become one of the foremost challenges for the state, and the summer heat is increasing the strain.

The drought is prompting individuals to take action: recently, a string of videos depicting residents wasting water has been posted to YouTube in order to shame people into conserving, and some are going so far as to develop smartphone apps to report and shame water wasters. Others are promoting ideas such as skipping showers in an effort to minimize waste within the community.

But the most extreme measure was taken by Governor Jerry Brown, who issued an Executive Order on April 1, 2015, directing the State Water Board to “implement mandatory water reductions in cities and towns across California to reduce potable urban water usage by 25 percent statewide.” The Executive Order marks the first time in the history of California that water conservation was mandatory for residents. In accordance with the Order, the mandatory reduction rate has been enforced since the beginning of June. Residents are prohibited from using potable water for activities such as:

- Outdoor irrigation after rainfall
- Outdoor irrigation of ornamental turf on public street medians
- Decorative water features that are non-recirculating
- Washing cars using hoses without shutoff nozzles
- Outdoor irrigation of new home and building landscapes inconsistent with the California Building Standards Commission & Department of Housing and Community Development requirements

Water suppliers are also facing strict new rules, including achievement of an assigned designated conservation standard of between 4% and 36%. Suppliers are also required to report on their water use and compliance the new measures.

Some suppliers have taken a proactive approach and are providing customers with tools to monitor their usage in real time. The Long Beach Water Department has given 200 “smart meters” to customers as part of a pilot program which allows customers to view their usage on the internet. The smart meters update the customers’ usage every five minutes. The company itself can also see the usage statistics, and the data can be used to issue warnings and penalties for violations.

The State will monitor water suppliers’ compliance with the Order from June 2015 through February 2016, and will compare each month with the same period in 2013. Compliance will be checked both monthly and cumulatively at the end of the period.

In addition, the California Energy Commission has pledged \$2.3 million to fund a

project that will collect and consolidate data on water usage within the state.

South Carolinians have not yet been forced to take such extreme measures, but with the current summer being one of the hottest on record in the state's history, utilities have been voluntarily implementing conservation strategies. Residents in some areas of the state have been asked to limit lawn irrigation in order to conserve, and just across the state line in Charlotte, North Carolina, city residents are being encouraged to voluntarily restrict their usage of water both indoors and out.

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