

AMENDED IN ASSEMBLY JUNE 14, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1478

**Introduced by Committee on Natural Resources and Water
(Senators Pavley (Chair), Cogdill, Hollingsworth, Huff, Kehoe,
Lowenthal, Padilla, Simitian, and Wolk)**

(Principal coauthor: Assembly Member Caballero)

March 2, 2010

An act to amend Sections 10608.20 and 10608.26 of the Water Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1478, as amended, Committee on Natural Resources and Water. Water conservation: urban water management.

Existing law imposes various water use reduction requirements that apply to urban retail water suppliers and agricultural water suppliers. ~~The requirements include~~, *including* a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020. For the purpose of meeting this goal, an urban retail water supplier is required to develop urban water use targets and an interim water use target by July 1, 2011, and to take other related actions. Existing law requires an urban retail water supplier that supplies water to a United States Department of Defense military installation, for the purpose of preparing an implementation plan to comply with these water use reduction provisions, to consider specified requirements.

Existing law requires an urban water supplier to prepare and adopt, and update every 5 years, an urban water management plan. Existing law grants a specified extension to an urban retail water supplier for the adoption of an urban water management plan that is due in 2010,

to allow use of certain technical methodologies that the Department of Water Resources is required to develop for purposes of those water use reduction provisions. Existing law requires an urban retail water supplier that adopts an urban water management plan in 2010 that does not include those technical methodologies to amend the plan by July 1, 2011, as specified.

This bill would grant the extension for adoption of an urban water management plan that is due in 2010 to an urban wholesale water supplier to permit coordination between an urban wholesale water supplier and urban retail water suppliers. The bill would revise the requirements that apply to an urban retail water supplier that supplies water to that described military installation by requiring the supplier to consider the ~~prior~~ water conservation of that military installation for the purpose of preparing that implementation plan.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10608.20 of the Water Code is amended
2 to read:
3 10608.20. (a) (1) Each urban retail water supplier shall
4 develop urban water use targets and an interim urban water use
5 target by July 1, 2011. Urban retail water suppliers may elect to
6 determine and report progress toward achieving these targets on
7 an individual or regional basis, as provided in subdivision (a) of
8 Section 10608.28, and may determine the targets on a fiscal year
9 or calendar year basis.
10 (2) It is the intent of the Legislature that the urban water use
11 targets described in paragraph (1) cumulatively result in a
12 20-percent reduction from the baseline daily per capita water use
13 by December 31, 2020.
14 (b) An urban retail water supplier shall adopt one of the
15 following methods for determining its urban water use target
16 pursuant to subdivision (a):
17 (1) Eighty percent of the urban retail water supplier's baseline
18 per capita daily water use.
19 (2) The per capita daily water use that is estimated using the
20 sum of the following performance standards:

1 (A) For indoor residential water use, 55 gallons per capita daily
2 water use as a provisional standard. Upon completion of the
3 department's 2016 report to the Legislature pursuant to Section
4 10608.42, this standard may be adjusted by the Legislature by
5 statute.

6 (B) For landscape irrigated through dedicated or residential
7 meters or connections, water efficiency equivalent to the standards
8 of the Model Water Efficient Landscape Ordinance set forth in
9 Chapter 2.7 (commencing with Section 490) of Division 2 of Title
10 23 of the California Code of Regulations, as in effect the later of
11 the year of the landscape's installation or 1992. An urban retail
12 water supplier using the approach specified in this subparagraph
13 shall use satellite imagery, site visits, or other best available
14 technology to develop an accurate estimate of landscaped areas.

15 (C) For commercial, industrial, and institutional uses, a
16 10-percent reduction in water use from the baseline commercial,
17 industrial, and institutional water use by 2020.

18 (3) Ninety-five percent of the applicable state hydrologic region
19 target, as set forth in the state's draft 20x2020 Water Conservation
20 Plan (dated April 30, 2009). If the service area of an urban water
21 supplier includes more than one hydrologic region, the supplier
22 shall apportion its service area to each region based on population
23 or area.

24 (4) A method that shall be identified and developed by the
25 department, through a public process, and reported to the
26 Legislature no later than December 31, 2010. The method
27 developed by the department shall identify per capita targets that
28 cumulatively result in a statewide 20-percent reduction in urban
29 daily per capita water use by December 31, 2020. In developing
30 urban daily per capita water use targets, the department shall do
31 all of the following:

32 (A) Consider climatic differences within the state.

33 (B) Consider population density differences within the state.

34 (C) Provide flexibility to communities and regions in meeting
35 the targets.

36 (D) Consider different levels of per capita water use according
37 to plant water needs in different regions.

38 (E) Consider different levels of commercial, industrial, and
39 institutional water use in different regions of the state.

1 (F) Avoid placing an undue hardship on communities that have
2 implemented conservation measures or taken actions to keep per
3 capita water use low.

4 (c) If the department adopts a regulation pursuant to paragraph
5 (4) of subdivision (b) that results in a requirement that an urban
6 retail water supplier achieve a reduction in daily per capita water
7 use that is greater than 20 percent by December 31, 2020, an urban
8 retail water supplier that adopted the method described in paragraph
9 (4) of subdivision (b) may limit its urban water use target to a
10 reduction of not more than 20 percent by December 31, 2020, by
11 adopting the method described in paragraph (1) of subdivision (b).

12 (d) The department shall update the method described in
13 paragraph (4) of subdivision (b) and report to the Legislature by
14 December 31, 2014. An urban retail water supplier that adopted
15 the method described in paragraph (4) of subdivision (b) may adopt
16 a new urban daily per capita water use target pursuant to this
17 updated method.

18 (e) An urban retail water supplier shall include in its urban water
19 management plan ~~required due in 2010~~ pursuant to Part 2.6
20 (commencing with Section 10610) ~~due in 2010~~ the baseline daily
21 per capita water use, urban water use target, interim urban water
22 use target, and compliance daily per capita water use, along with
23 the bases for determining those estimates, including references to
24 supporting data.

25 (f) When calculating per capita values for the purposes of this
26 chapter, an urban retail water supplier shall determine population
27 using federal, state, and local population reports and projections.

28 (g) An urban retail water supplier may update its 2020 urban
29 water use target in its 2015 urban water management plan required
30 pursuant to Part 2.6 (commencing with Section 10610).

31 (h) (1) The department, through a public process and in
32 consultation with the California Urban Water Conservation
33 Council, shall develop technical methodologies and criteria for
34 the consistent implementation of this part, including, but not limited
35 to, both of the following:

36 (A) Methodologies for calculating base daily per capita water
37 use, baseline commercial, industrial, and institutional water use,
38 compliance daily per capita water use, gross water use, service
39 area population, indoor residential water use, and landscaped area
40 water use.

1 (B) Criteria for adjustments pursuant to subdivisions (d) and
2 (e) of Section 10608.24.

3 (2) The department shall post the methodologies and criteria
4 developed pursuant to this subdivision on its Internet Web site,
5 and make written copies available, by October 1, 2010. An urban
6 retail water supplier shall use the methods developed by the
7 department in compliance with this part.

8 (i) (1) The department shall adopt regulations for
9 implementation of the provisions relating to process water in
10 accordance with subdivision (l) of Section 10608.12, subdivision
11 (e) of Section 10608.24, and subdivision (d) of Section 10608.26.

12 (2) The initial adoption of a regulation authorized by this
13 subdivision is deemed to address an emergency, for purposes of
14 Sections 11346.1 and 11349.6 of the Government Code, and the
15 department is hereby exempted for that purpose from the
16 requirements of subdivision (b) of Section 11346.1 of the
17 Government Code. After the initial adoption of an emergency
18 regulation pursuant to this subdivision, the department shall not
19 request approval from the Office of Administrative Law to readopt
20 the regulation as an emergency regulation pursuant to Section
21 11346.1 of the Government Code.

22 (j) (1) An urban retail water supplier is granted an extension
23 to July 1, 2011, for adoption of an urban water management plan
24 pursuant to Part 2.6 (commencing with Section 10610) due in 2010
25 to allow the use of technical methodologies developed by the
26 department pursuant to paragraph (4) of subdivision (b) and
27 subdivision (h). An urban retail water supplier that adopts an urban
28 water management plan due in 2010 that does not use the
29 methodologies developed by the department pursuant to
30 subdivision (h) shall amend the plan by July 1, 2011, to comply
31 with this part.

32 (2) An urban wholesale water supplier whose urban water
33 management plan prepared pursuant to Part 2.6 (commencing with
34 Section 10610) was due and not submitted in 2010 is granted an
35 extension to July 1, 2011, to permit coordination between an urban
36 wholesale water supplier and urban retail water suppliers.

37 SEC. 2. Section 10608.26 of the Water Code is amended to
38 read:

1 10608.26. (a) In complying with this part, an urban retail water
2 supplier shall conduct at least one public hearing to accomplish
3 all of the following:

4 (1) Allow community input regarding the urban retail water
5 supplier's implementation plan for complying with this part.

6 (2) Consider the economic impacts of the urban retail water
7 supplier's implementation plan for complying with this part.

8 (3) Adopt a method, pursuant to subdivision (b) of Section
9 10608.20, for determining its urban water use target.

10 (b) In complying with this part, an urban retail water supplier
11 may meet its urban water use target through efficiency
12 improvements in any combination among its customer sectors. An
13 urban retail water supplier shall avoid placing a disproportionate
14 burden on any customer sector.

15 (c) For an urban retail water supplier that supplies water to a
16 United States Department of Defense military installation, the
17 urban retail water supplier's implementation plan for complying
18 with this part shall consider the ~~prior~~ water conservation of that
19 military installation under federal Executive Order 13514.

20 (d) (1) Any ordinance or resolution adopted by an urban retail
21 water supplier after the effective date of this section shall not
22 require existing customers as of the effective date of this section,
23 to undertake changes in product formulation, operations, or
24 equipment that would reduce process water use, but may provide
25 technical assistance and financial incentives to those customers to
26 implement efficiency measures for process water. This section
27 shall not limit an ordinance or resolution adopted pursuant to a
28 declaration of drought emergency by an urban retail water supplier.

29 (2) This part shall not be construed or enforced so as to interfere
30 with the requirements of Chapter 4 (commencing with Section
31 113980) to Chapter 13 (commencing with Section 114380),
32 inclusive, of Part 7 of Division 104 of the Health and Safety Code,
33 or any requirement or standard for the protection of public health,
34 public safety, or worker safety established by federal, state, or
35 local government or recommended by recognized standard setting
36 organizations or trade associations.

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