

AMENDED IN SENATE AUGUST 7, 2014

AMENDED IN SENATE JUNE 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2067

Introduced by Assembly Member Weber

February 20, 2014

An act to amend Sections 10608.42, 10621, 10631, and 10632 of the Water Code, relating to water management.

LEGISLATIVE COUNSEL'S DIGEST

AB 2067, as amended, Weber. Urban water management plans.

Existing law, the Urban Water Management Planning Act, requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan and to update its plan once every 5 years on or before December 31 in years ending in 5 and zero. The act requires the plan to, among other things, include a description of each water demand management measure that is currently being implemented, and an evaluation of specified water demand management measures that are not currently being implemented or scheduled for implementation.

The bill would instead require an urban retail water supplier and an urban wholesale water supplier to provide narratives describing the supplier's water demand management measures, as provided. The bill would require, for urban retail water suppliers, the narrative to address the nature and extent of each water demand management measure implemented over the past 5 years and describe the water demand management measures that the supplier plans to implement to achieve its water use targets. The bill would require each urban water supplier

to submit its 2015 plan to the Department of Water Resources by July 1, 2016.

Existing law imposes various water use reduction requirements that apply to urban retail water suppliers, including a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020. Existing law requires an urban retail water supplier to develop urban water use targets and to report to the Department of Water Resources its progress on meeting its urban water use target as a part of its urban water management plan. Existing law requires an urban wholesale water supplier to include in its urban water management plan an assessment of its measures, programs, and policies to help achieve the required water use reductions. Existing law requires, by December 31, 2016, the department to review the 2015 urban water management plans and report to the Legislature on the progress towards achieving the 20% reduction in urban water use.

The bill would extend the date by which the department is required to review the plans and report to the Legislature to July 1, 2017.

This bill would incorporate additional changes to Section 10631 of the Water Code proposed by SB 1420 that would become operative if this bill and SB 1420 are both enacted and this bill is enacted last.

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

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

- 1 SECTION 1. Section 10608.42 of the Water Code is amended
- 2 to read:
- 3 10608.42. (a) The department shall review the 2015 urban
- 4 water management plans and report to the Legislature by July 1,
- 5 2017, on progress towards achieving a 20-percent reduction in
- 6 urban water use by December 31, 2020. The report shall include
- 7 recommendations on changes to water efficiency standards or
- 8 urban water use targets to achieve the 20-percent reduction and to
- 9 reflect updated efficiency information and technology changes.
- 10 (b) A report to be submitted pursuant to subdivision (a) shall
- 11 be submitted in compliance with Section 9795 of the Government
- 12 Code.
- 13 SEC. 2. Section 10621 of the Water Code is amended to read:

1 10621. (a) Each urban water supplier shall update its plan at
2 least once every five years on or before December 31, in years
3 ending in five and zero, except as provided in subdivision (d).

4 (b) Every urban water supplier required to prepare a plan
5 pursuant to this part shall, at least 60 days before the public hearing
6 on the plan required by Section 10642, notify any city or county
7 within which the supplier provides water supplies that the urban
8 water supplier will be reviewing the plan and considering
9 amendments or changes to the plan. The urban water supplier may
10 consult with, and obtain comments from, any city or county that
11 receives notice pursuant to this subdivision.

12 (c) The amendments to, or changes in, the plan shall be adopted
13 and filed in the manner set forth in Article 3 (commencing with
14 Section 10640).

15 (d) Each urban water supplier shall update and submit its 2015
16 plan to the department by July 1, 2016.

17 SEC. 3. Section 10631 of the Water Code is amended to read:

18 10631. A plan shall be adopted in accordance with this chapter
19 that shall do all of the following:

20 (a) Describe the service area of the supplier, including current
21 and projected population, climate, and other demographic factors
22 affecting the supplier's water management planning. The projected
23 population estimates shall be based upon data from the state,
24 regional, or local service agency population projections within the
25 service area of the urban water supplier and shall be in five-year
26 increments to 20 years or as far as data is available.

27 (b) Identify and quantify, to the extent practicable, the existing
28 and planned sources of water available to the supplier over the
29 same five-year increments described in subdivision (a). If
30 groundwater is identified as an existing or planned source of water
31 available to the supplier, all of the following information shall be
32 included in the plan:

33 (1) A copy of any groundwater management plan adopted by
34 the urban water supplier, including plans adopted pursuant to Part
35 2.75 (commencing with Section 10750), or any other specific
36 authorization for groundwater management.

37 (2) A description of any groundwater basin or basins from which
38 the urban water supplier pumps groundwater. For basins that a
39 court or the board has adjudicated the rights to pump groundwater,
40 a copy of the order or decree adopted by the court or the board and

1 a description of the amount of groundwater the urban water supplier
2 has the legal right to pump under the order or decree. For basins
3 that have not been adjudicated, information as to whether the
4 department has identified the basin or basins as overdrafted or has
5 projected that the basin will become overdrafted if present
6 management conditions continue, in the most current official
7 departmental bulletin that characterizes the condition of the
8 groundwater basin, and a detailed description of the efforts being
9 undertaken by the urban water supplier to eliminate the long-term
10 overdraft condition.

11 (3) A detailed description and analysis of the location, amount,
12 and sufficiency of groundwater pumped by the urban water supplier
13 for the past five years. The description and analysis shall be based
14 on information that is reasonably available, including, but not
15 limited to, historic use records.

16 (4) A detailed description and analysis of the amount and
17 location of groundwater that is projected to be pumped by the
18 urban water supplier. The description and analysis shall be based
19 on information that is reasonably available, including, but not
20 limited to, historic use records.

21 (c) (1) Describe the reliability of the water supply and
22 vulnerability to seasonal or climatic shortage, to the extent
23 practicable, and provide data for each of the following:

24 (A) An average water year.

25 (B) ~~A single-dry~~ *single-dry* water year.

26 (C) ~~Multiple-dry~~ *Multiple-dry* water years.

27 (2) For any water source that may not be available at a consistent
28 level of use, given specific legal, environmental, water quality, or
29 climatic factors, describe plans to supplement or replace that source
30 with alternative sources or water demand management measures,
31 to the extent practicable.

32 (d) Describe the opportunities for exchanges or transfers of
33 water on a short-term or long-term basis.

34 (e) (1) Quantify, to the extent records are available, past and
35 current water use, over the same five-year increments described
36 in subdivision (a), and projected water use, identifying the uses
37 among water use sectors, including, but not necessarily limited to,
38 all of the following uses:

39 (A) Single-family residential.

40 (B) Multifamily.

- 1 (C) Commercial.
- 2 (D) Industrial.
- 3 (E) Institutional and governmental.
- 4 (F) Landscape.
- 5 (G) Sales to other agencies.
- 6 (H) Saline water intrusion barriers, groundwater recharge, or
- 7 conjunctive use, or any combination thereof.
- 8 (I) Agricultural.
- 9 (2) The water use projections shall be in the same five-year
- 10 increments described in subdivision (a).
- 11 (f) Provide a description of the supplier's water demand
- 12 management measures. This description shall include all of the
- 13 following:
 - 14 (1) (A) For an urban retail water supplier, as defined in Section
 - 15 10608.12, a narrative description that addresses the nature and
 - 16 extent of each water demand management measure implemented
 - 17 over the past five years. The narrative shall describe the water
 - 18 demand management measures that the supplier plans to implement
 - 19 to achieve its water use targets pursuant to Section 10608.20.
 - 20 (B) The narrative pursuant to this paragraph shall include
 - 21 descriptions of the following water demand management measures:
 - 22 (i) Water waste prevention ordinances.
 - 23 (ii) Metering.
 - 24 (iii) Conservation pricing.
 - 25 (iv) Public education and outreach.
 - 26 (v) Programs to assess and manage distribution system real loss.
 - 27 (vi) Water conservation program coordination and staffing
 - 28 support.
 - 29 (vii) Other demand management measures that have a significant
 - 30 impact on water use as measured in gallons per capita per day,
 - 31 including innovative measures, if implemented.
 - 32 (2) For an urban wholesale water supplier, as defined in Section
 - 33 10608.12, a narrative description of the items in clauses (ii), (iv),
 - 34 (vi), and (vii) of subparagraph (B) of paragraph (1), and a narrative
 - 35 description of its distribution system asset management and
 - 36 wholesale supplier assistance programs.
 - 37 (g) Include a description of all water supply projects and water
 - 38 supply programs that may be undertaken by the urban water
 - 39 supplier to meet the total projected water ~~use~~ use, as established
 - 40 pursuant to subdivision (a) of Section 10635. The urban water

1 supplier shall include a detailed description of expected future
 2 projects and programs that the urban water supplier may implement
 3 to increase the amount of the water supply available to the urban
 4 water supplier in average, ~~single dry, and multiple dry~~ *single-dry,*
 5 *and multiple-dry* water years. The description shall identify specific
 6 projects and include a description of the increase in water supply
 7 that is expected to be available from each project. The description
 8 shall include an estimate with regard to the implementation timeline
 9 for each project or program.

10 (h) Describe the opportunities for development of desalinated
 11 water, including, but not limited to, ocean water, brackish water,
 12 and groundwater, as a long-term supply.

13 (i) For purposes of this part, urban water suppliers that are
 14 members of the California Urban Water Conservation Council
 15 shall be deemed in compliance with the requirements of subdivision
 16 (f) by complying with all the provisions of the “Memorandum of
 17 Understanding Regarding Urban Water Conservation in
 18 California,” dated December 10, 2008, as it may be amended, and
 19 by submitting the annual reports required by Section 6.2 of that
 20 memorandum.

21 (j) Urban water suppliers that rely upon a wholesale agency for
 22 a source of water shall provide the wholesale agency with water
 23 use projections from that agency for that source of water in
 24 five-year increments to 20 years or as far as data is available. The
 25 wholesale agency shall provide information to the urban water
 26 supplier for inclusion in the urban water supplier’s plan that
 27 identifies and quantifies, to the extent practicable, the existing and
 28 planned sources of water as required by subdivision (b), available
 29 from the wholesale agency to the urban water supplier over the
 30 same five-year increments, and during various water-year types
 31 in accordance with subdivision (c). An urban water supplier may
 32 rely upon water supply information provided by the wholesale
 33 agency in fulfilling the plan informational requirements of
 34 subdivisions (b) and (c).

35 *SEC. 3.5. Section 10631 of the Water Code is amended to read:*
 36 10631. A plan shall be adopted in accordance with this chapter
 37 that shall do all of the following:

38 (a) Describe the service area of the supplier, including current
 39 and projected population, climate, and other demographic factors
 40 affecting the supplier’s water management planning. The projected

1 population estimates shall be based upon data from the state,
2 regional, or local service agency population projections within the
3 service area of the urban water supplier and shall be in five-year
4 increments to 20 years or as far as data is available.

5 (b) Identify and quantify, to the extent practicable, the existing
6 and planned sources of water available to the supplier over the
7 same five-year increments described in subdivision (a). If
8 groundwater is identified as an existing or planned source of water
9 available to the supplier, all of the following information shall be
10 included in the plan:

11 (1) A copy of any groundwater management plan adopted by
12 the urban water supplier, including plans adopted pursuant to Part
13 2.75 (commencing with Section 10750), or any other specific
14 authorization for groundwater management.

15 (2) A description of any groundwater basin or basins from which
16 the urban water supplier pumps groundwater. For ~~those basins for~~
17 ~~which~~ *that* a court or the board has adjudicated the rights to pump
18 groundwater, a copy of the order or decree adopted by the court
19 or the board and a description of the amount of groundwater the
20 urban water supplier has the legal right to pump under the order
21 or decree. For basins that have not been adjudicated, information
22 as to whether the department has identified the basin or basins as
23 overdrafted or has projected that the basin will become overdrafted
24 if present management conditions continue, in the most current
25 official departmental bulletin that characterizes the condition of
26 the groundwater basin, and a detailed description of the efforts
27 being undertaken by the urban water supplier to eliminate the
28 long-term overdraft condition.

29 (3) A detailed description and analysis of the location, amount,
30 and sufficiency of groundwater pumped by the urban water supplier
31 for the past five years. The description and analysis shall be based
32 on information that is reasonably available, including, but not
33 limited to, historic use records.

34 (4) A detailed description and analysis of the amount and
35 location of groundwater that is projected to be pumped by the
36 urban water supplier. The description and analysis shall be based
37 on information that is reasonably available, including, but not
38 limited to, historic use records.

1 (c) (1) Describe the reliability of the water supply and
2 vulnerability to seasonal or climatic shortage, to the extent
3 practicable, and provide data for each of the following:

- 4 (A) An average water year.
- 5 (B) ~~A single-dry~~ *single-dry* water year.
- 6 (C) ~~Multiple-dry~~ *Multiple-dry* water years.

7 (2) For any water source that may not be available at a consistent
8 level of use, given specific legal, environmental, water quality, or
9 climatic factors, describe plans to supplement or replace that source
10 with alternative sources or water demand management measures,
11 to the extent practicable.

12 (d) Describe the opportunities for exchanges or transfers of
13 water on a short-term or long-term basis.

14 (e) (1) Quantify, to the extent records are available, past and
15 current water use, over the same five-year increments described
16 in subdivision (a), and projected water use, identifying the uses
17 among water use sectors, including, but not necessarily limited to,
18 all of the following uses:

- 19 (A) Single-family residential.
- 20 (B) Multifamily.
- 21 (C) Commercial.
- 22 (D) Industrial.
- 23 (E) Institutional and governmental.
- 24 (F) Landscape.
- 25 (G) Sales to other agencies.
- 26 (H) Saline water intrusion barriers, groundwater recharge, or
27 conjunctive use, or any combination thereof.
- 28 (I) Agricultural.
- 29 (J) *Distribution system water loss.*

30 (2) The water use projections shall be in the same five-year
31 increments described in subdivision (a).

32 (3) (A) *For the 2015 urban water management plan update,*
33 *the distribution system water loss shall be quantified for the most*
34 *recent 12-month period available. For all subsequent updates, the*
35 *distribution system water loss shall be quantified for each of the*
36 *five years preceding the plan update.*

37 (B) *The distribution system water loss quantification shall be*
38 *reported in accordance with a worksheet approved or developed*
39 *by the department through a public process. The water loss*
40 *quantification worksheet shall be based on the water system*

1 *balance methodology developed by the American Water Works*
2 *Association.*

3 (4) (A) *If available and applicable to an urban water supplier,*
4 *water use projections may display and account for the water*
5 *savings estimated to result from adopted codes, standards,*
6 *ordinances, or transportation and land use plans identified by the*
7 *urban water supplier, as applicable to the service area.*

8 (B) *To the extent that an urban water supplier reports the*
9 *information described in subparagraph (A), an urban water*
10 *supplier shall do both of the following:*

11 (i) *Provide citations of the various codes, standards, ordinances,*
12 *or transportation and land use plans utilized in making the*
13 *projections.*

14 (ii) *Indicate the extent that the water use projections consider*
15 *savings from codes, standards, ordinances, or transportation and*
16 *land use plans. Water use projections that do not account for these*
17 *water savings shall be noted of that fact.*

18 (f) Provide a description of the supplier's water demand
19 management measures. This description shall include all of the
20 following:

21 ~~(1) A description of each water demand management measure~~
22 ~~that is currently being implemented, or scheduled for~~
23 ~~implementation, including the steps necessary to implement any~~
24 ~~proposed measures, including, but not limited to, all of the~~
25 ~~following:~~

26 ~~(A) Water survey programs for single-family residential and~~
27 ~~multifamily residential customers.~~

28 ~~(B) Residential plumbing retrofit.~~

29 ~~(C) System water audits, leak detection, and repair.~~

30 ~~(D) Metering with commodity rates for all new connections and~~
31 ~~retrofit of existing connections.~~

32 ~~(E) Large landscape conservation programs and incentives.~~

33 ~~(F) High-efficiency washing machine rebate programs.~~

34 ~~(G) Public information programs.~~

35 ~~(H) School education programs.~~

36 ~~(I) Conservation programs for commercial, industrial, and~~
37 ~~institutional accounts.~~

38 ~~(J) Wholesale agency programs.~~

39 ~~(K) Conservation pricing.~~

40 ~~(L) Water conservation coordinator.~~

- 1 ~~(M) Water waste prohibition.~~
- 2 ~~(N) Residential ultra-low-flush toilet replacement programs.~~
- 3 ~~(2) A schedule of implementation for all water demand~~
- 4 ~~management measures proposed or described in the plan.~~
- 5 ~~(3) A description of the methods, if any, that the supplier will~~
- 6 ~~use to evaluate the effectiveness of water demand management~~
- 7 ~~measures implemented or described under the plan.~~
- 8 ~~(4) An estimate, if available, of existing conservation savings~~
- 9 ~~on water use within the supplier's service area, and the effect of~~
- 10 ~~the savings on the supplier's ability to further reduce demand.~~
- 11 ~~(g) An evaluation of each water demand management measure~~
- 12 ~~listed in paragraph (1) of subdivision (f) that is not currently being~~
- 13 ~~implemented or scheduled for implementation. In the course of~~
- 14 ~~the evaluation, first consideration shall be given to water demand~~
- 15 ~~management measures, or combination of measures, that offer~~
- 16 ~~lower incremental costs than expanded or additional water supplies.~~
- 17 ~~This evaluation shall do all of the following:~~
- 18 ~~(1) Take into account economic and noneconomic factors,~~
- 19 ~~including environmental, social, health, customer impact, and~~
- 20 ~~technological factors.~~
- 21 ~~(2) Include a cost-benefit analysis, identifying total benefits and~~
- 22 ~~total costs.~~
- 23 ~~(3) Include a description of funding available to implement any~~
- 24 ~~planned water supply project that would provide water at a higher~~
- 25 ~~unit cost.~~
- 26 ~~(4) Include a description of the water supplier's legal authority~~
- 27 ~~to implement the measure and efforts to work with other relevant~~
- 28 ~~agencies to ensure the implementation of the measure and to share~~
- 29 ~~the cost of implementation.~~
- 30 *(1) (A) For an urban retail water supplier, as defined in Section*
- 31 *10608.12, a narrative description that addresses the nature and*
- 32 *extent of each water demand management measure implemented*
- 33 *over the past five years. The narrative shall describe the water*
- 34 *demand management measures that the supplier plans to implement*
- 35 *to achieve its water use targets pursuant to Section 10608.20.*
- 36 *(B) The narrative pursuant to this paragraph shall include*
- 37 *descriptions of the following water demand management measures:*
- 38 *(i) Water waste prevention ordinances.*
- 39 *(ii) Metering.*
- 40 *(iii) Conservation pricing.*

- 1 (iv) *Public education and outreach.*
2 (v) *Programs to assess and manage distribution system real*
3 *loss.*
4 (vi) *Water conservation program coordination and staffing*
5 *support.*
6 (vii) *Other demand management measures that have a*
7 *significant impact on water use as measured in gallons per capita*
8 *per day, including innovative measures, if implemented.*
9 (2) *For an urban wholesale water supplier, as defined in Section*
10 *10608.12, a narrative description of the items in clauses (ii), (iv),*
11 *(vi), and (vii) of subparagraph (B) of paragraph (1), and a*
12 *narrative description of its distribution system asset management*
13 *and wholesale supplier assistance programs.*
14 ~~(h)~~
15 (g) Include a description of all water supply projects and water
16 supply programs that may be undertaken by the urban water
17 supplier to meet the total projected water ~~use~~ *use*, as established
18 pursuant to subdivision (a) of Section 10635. The urban water
19 supplier shall include a detailed description of expected future
20 projects and ~~programs, other than the demand management~~
21 ~~programs identified pursuant to paragraph (1) of subdivision (f),~~
22 *programs* that the urban water supplier may implement to increase
23 the amount of the water supply available to the urban water supplier
24 in average, single-dry, and multiple-dry water years. The
25 description shall identify specific projects and include a description
26 of the increase in water supply that is expected to be available
27 from each project. The description shall include an estimate with
28 regard to the implementation timeline for each project or program.
29 ~~(i)~~
30 (h) Describe the opportunities for development of desalinated
31 water, including, but not limited to, ocean water, brackish water,
32 and groundwater, as a long-term supply.
33 ~~(j)~~
34 (i) For purposes of this part, urban water suppliers that are
35 members of the California Urban Water Conservation Council
36 shall be deemed in compliance with the requirements of
37 ~~subdivisions subdivision (f) and (g)~~ by complying with all the
38 provisions of the “Memorandum of Understanding Regarding
39 Urban Water Conservation in California,” dated December 10,

1 2008, as it may be amended, and by submitting the annual reports
2 required by Section 6.2 of that memorandum.

3 ~~(k) Urban~~

4 (j) ~~An urban water-suppliers supplier that-rely~~ *relies* upon a
5 wholesale agency for a source of water shall provide the wholesale
6 agency with water use projections from that agency for that source
7 of water in five-year increments to 20 years or as far as data is
8 available. The wholesale agency shall provide information to the
9 urban water supplier for inclusion in the urban water supplier's
10 plan that identifies and quantifies, to the extent practicable, the
11 existing and planned sources of water as required by subdivision
12 (b), available from the wholesale agency to the urban water supplier
13 over the same five-year increments, and during various water-year
14 types in accordance with subdivision (c). An urban water supplier
15 may rely upon water supply information provided by the wholesale
16 agency in fulfilling the plan informational requirements of
17 subdivisions (b) and (c).

18 SEC. 4. Section 10632 of the Water Code is amended to read:

19 10632. (a) The plan shall provide an urban water shortage
20 contingency analysis that includes each of the following elements
21 that are within the authority of the urban water supplier:

22 (1) Stages of action to be undertaken by the urban water supplier
23 in response to water supply shortages, including up to a 50 percent
24 reduction in water supply, and an outline of specific water supply
25 conditions that are applicable to each stage.

26 (2) An estimate of the minimum water supply available during
27 each of the next three water years based on the driest three-year
28 historic sequence for the agency's water supply.

29 (3) Actions to be undertaken by the urban water supplier to
30 prepare for, and implement during, a catastrophic interruption of
31 water supplies including, but not limited to, a regional power
32 outage, an earthquake, or other disaster.

33 (4) Additional, mandatory prohibitions against specific water
34 use practices during water shortages, including, but not limited to,
35 prohibiting the use of potable water for street cleaning.

36 (5) Consumption reduction methods in the most restrictive
37 stages. Each urban water supplier may use any type of consumption
38 reduction methods in its water shortage contingency analysis that
39 would reduce water use, are appropriate for its area, and have the

1 ability to achieve a water use reduction consistent with up to a 50
2 percent reduction in water supply.

3 (6) Penalties or charges for excessive use, where applicable.

4 (7) An analysis of the impacts of each of the actions and
5 conditions described in paragraphs (1) to (6), inclusive, on the
6 revenues and expenditures of the urban water supplier, and
7 proposed measures to overcome those impacts, such as the
8 development of reserves and rate adjustments.

9 (8) A draft water shortage contingency resolution or ordinance.

10 (9) A mechanism for determining actual reductions in water use
11 pursuant to the urban water shortage contingency analysis.

12 (b) Commencing with the urban water management plan update
13 due July 1, 2016, for purposes of developing the water shortage
14 contingency analysis pursuant to subdivision (a), the urban water
15 supplier shall analyze and define water features that are artificially
16 supplied with water, including ponds, lakes, waterfalls, and
17 fountains, separately from swimming pools and spas, as defined
18 in subdivision (a) of Section 115921 of the Health and Safety Code.

19 *SEC. 5. Section 3.5 of this bill incorporates amendments to*
20 *Section 10631 of the Water Code proposed by both this bill and*
21 *Senate Bill 1420. It shall only become operative if (1) both bills*
22 *are enacted and become effective on or before January 1, 2015,*
23 *(2) each bill amends Section 10631 of the Water Code, and (3)*
24 *this bill is enacted after Senate Bill 1420, in which case Section 3*
25 *of this bill shall not become operative.*

O