

AMENDED IN SENATE APRIL 6, 1995

SENATE BILL

No. 1011

Introduced by Senator Polanco

(Principal coauthor: Assembly Member McDonald)

(Coauthors: Senators Costa and Kelley)

(Coauthor: Assembly Member Ducheny)

February 24, 1995

An act to amend Sections 10610.2, 10610.4, 10611.5, 10615, 10620, 10621, 10631, 10632, 10633, 10641, 10642, 10644, 10650, 10652, 10653, and 10656 of, and to add Section 10616.5 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1011, as amended, Polanco. Urban water suppliers.

(1) The Urban Water Management Planning Act requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to more than 3,000 customers, or supplies more than 3,000 acre-feet of water annually, to prepare, adopt, and submit to the Department of Water Resources an urban water management plan. Existing law prescribes the contents of the plan and requires each urban water supplier to periodically update its plan at least once every 5 years.

This bill would revise the components required to be included in the plan and would require each urban water supplier to update its plan at least once every 5 years on or before December 31, in the years ending in 5 and 0.

(2) The act requires each urban water supplier to make the plan available for public inspection and to hold a public hearing on the plan.

This bill would require each urban water supplier to take appropriate actions to ensure the active involvement of a ~~broad spectrum of the population in~~ *diverse social, cultural, and economic elements of the population within* the service area ~~in~~ *prior to and during* the preparation of the plan.

(3) The act requires an action alleging failure to adopt a plan to be commenced within 18 months after adoption is required or within 18 months after commencement of urban water service by a supplier commencing that service after January 1, 1984.

This bill would delete the provision requiring the action to be commenced within 18 months after commencement of urban water service after January 1, 1984.

(4) The bill would require the department to prepare and submit to the Legislature, on or before December 31 in the years ending in 6 and 1, a report summarizing the status of the plans adopted pursuant to the act, as prescribed. The bill would define “demand management” and “recycled water,” revise the definition of “plan” and delete the definition of “conservation” for the purposes of the act. The bill would revise certain findings and declarations included in the act and make related changes.

(5) The bill would not apply to urban management plans filed before January 1, 1996.

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 10610.2 of the Water Code is
2 amended to read:

3 10610.2. The Legislature finds and declares as follows:

4 (a) The waters of the state are a limited and renewable
5 resource subject to ever increasing demands.

6 (b) The planning for, and efficient use of, urban water
7 supplies are of statewide concern; however, the planning



1 for that use and the implementation of those plans can
2 best be accomplished at the local level.

3 SEC. 2. Section 10610.4 of the Water Code is amended
4 to read:

5 10610.4. The Legislature finds and declares that it is
6 the policy of the state as follows:

7 (a) The management of urban water demands and
8 efficient use of water shall be actively pursued to protect
9 both the people of the state and their water resources.

10 (b) The management of urban water demands and
11 efficient use of urban water supplies shall be a guiding
12 criterion in public decisions.

13 (c) Urban water suppliers shall be required to develop
14 water management plans to actively pursue the efficient
15 use of available supplies.

16 SEC. 3. Section 10611.5 of the Water Code is amended
17 to read:

18 10611.5. “Demand management” means those water
19 conservation measures, programs, and incentives that
20 prevent the waste of water and promote the reasonable
21 and efficient use and reuse of available supplies.

22 SEC. 4. Section 10615 of the Water Code is amended
23 to read:

24 10615. “Plan” means an urban water management
25 plan prepared pursuant to this part. A plan shall describe
26 and evaluate sources of supply, reasonable and practical
27 efficient uses, reclamation and demand management
28 activities. The components of the plan may vary
29 according to an individual community or area’s
30 characteristics and its capabilities to efficiently use and
31 conserve water. The plan shall address measures for
32 residential, commercial, governmental, and industrial
33 water demand management as set forth in Article 2
34 (commencing with Section 10630) of Chapter 3. In
35 addition, a strategy and time schedule for
36 implementation shall be included in the plan.

37 SEC. 5. Section 10616.5 is added to the Water Code, to
38 read:

39 10616.5. ‘Recycled water’ means the reclamation and
40 reuse of wastewater for beneficial use.



1 SEC. 6. Section 10620 of the Water Code is amended
2 to read:

3 10620. (a) Every urban water supplier shall prepare
4 and adopt an urban water management plan in the
5 manner set forth in Article 3 (commencing with Section
6 10640).

7 (b) Every person that becomes an urban water
8 supplier shall adopt an urban water management plan
9 within one year after it has become an urban water
10 supplier.

11 (c) An urban water supplier indirectly providing
12 water shall not include planning elements in its water
13 management plan as provided in Article 2 (commencing
14 with Section 10630) that would be applicable to urban
15 water suppliers or public agencies directly providing
16 water, or to their customers, without the consent of those
17 suppliers or public agencies.

18 (d) (1) An urban water supplier may satisfy the
19 requirements of this part by participation in areawide,
20 regional, watershed, or basinwide urban water
21 management planning where those plans will reduce
22 preparation costs and contribute to the achievement of
23 conservation and efficient water use.

24 (2) Each urban water supplier shall coordinate the
25 preparation of its urban water shortage contingency plan
26 with other urban water suppliers and public agencies in
27 the area, to the extent practicable.

28 (e) The urban water supplier may prepare the plan
29 with its own staff, by contract, or in cooperation with
30 other governmental agencies.

31 SEC. 7. Section 10621 of the Water Code is amended
32 to read:

33 10621. (a) Each urban water supplier shall update its
34 plan at least once every five years on or before December
35 31, in years ending in five and zero.

36 (b) The amendments to, or changes in, the plan shall
37 be adopted and filed in the manner set forth in Article 3
38 (commencing with Section 10640).

39 SEC. 8. Section 10631 of the Water Code is amended
40 to read:



1 10631. A plan shall be adopted in accordance with this
2 chapter and shall do all of the following:

3 (a) Describe the service area of the supplier, including
4 current and projected population, climate, and other
5 demographic factors affecting the supplier's water
6 management planning. The projected population
7 estimates shall be in five-year increments to 20 years or
8 as far as data is available.

9 (b) Identify and quantify, to the extent practicable,
10 the existing or planned sources of water available to the
11 supplier over the same five-year increments as described
12 in subdivision (a).

13 (c) Describe the reliability of the water supply and
14 vulnerability to seasonal or climatic shortage, to the
15 extent practicable. For any water source that may not be
16 available at a consistent level of use, given specific legal,
17 environmental, or climatic factors, describe plans to
18 replace that source with alternative sources or water
19 demand management measures, to the extent
20 practicable.

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

23 (e) (1) Quantify, to the extent records are available,
24 past and current water use, and projected water use,
25 identifying the uses among water use sectors including,
26 but not necessarily limited to, all of the following uses:

- 27 (A) Single-family residential.
- 28 (B) Multifamily residential.
- 29 (C) Commercial.
- 30 (D) Industrial.
- 31 (E) Institutional.
- 32 (F) Landscape.
- 33 (G) Sales to other agencies.
- 34 (H) Groundwater recharge.
- 35 (I) Agricultural.

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

38 (f) Provide a description of the supplier's water
39 demand management measures. This description shall
40 include all of the following:



1 (1) A description of each water demand management
2 measure that is currently being implemented, or
3 scheduled for implementation, including the steps
4 necessary to implement any proposed measures. Urban
5 water suppliers that are members of the California Urban
6 Water Conservation Council and submit annual reports
7 to that council in accordance with the “Memorandum of
8 Understanding Regarding Urban Water Conservation in
9 California,” dated September 1991, may submit the
10 annual reports for the purposes of identifying water
11 demand management measures currently being
12 implemented, or scheduled for implementation,
13 including, but not limited to, all of the following:

14 (A) Interior and exterior water audits and incentive
15 programs for single-family residential, multifamily
16 residential, governmental, and institutional customers.

17 (B) Enforcement of plumbing fixture efficiency
18 standards and programs to retrofit less efficient fixtures.

19 (C) Distribution system water audits, leak detection,
20 and repair.

21 (D) Metering with commodity rates for all new
22 connections and retrofit of existing connections.

23 (E) Large landscape water audits and incentives.

24 (F) Landscape water conservation requirements for
25 new and existing commercial, industrial, institutional,
26 governmental, and multifamily developments.

27 (G) Public information.

28 (H) School education.

29 (I) Commercial and industrial water conservation.

30 (J) New commercial and industrial water use review.

31 (K) Conservation pricing for water service and
32 conservation pricing for sewer service, where the urban
33 water supplier also provides sewer service.

34 (L) Landscape water conservation for new and
35 existing single-family homes.

36 (M) Water waste prohibitions.

37 (N) Water conservation coordinator.

38 (O) Financial incentives to encourage water
39 conservation.

40 (P) Ultra-low-flush toilet replacement.



1 (2) A description of additional and alternative water
2 demand management measures that are being
3 implemented, or scheduled for implementation, that
4 were not described in paragraph (1).

5 (3) A schedule of implementation for all water
6 demand management measures proposed or described in
7 the plan.

8 (4) A description of the methods, if any, that the
9 supplier will use to evaluate the effectiveness of water
10 demand management measures implemented or
11 described under the plan.

12 (5) An estimate, if available, of existing conservation
13 savings on water use within the supplier's service area,
14 and the effect of such savings on the supplier's ability to
15 further reduce demand.

16 (g) An evaluation of each water demand management
17 measure listed in paragraph (1) of subdivision (f) that is
18 not currently being implemented or scheduled for
19 implementation. In the course of the evaluation, first
20 consideration shall be given to water demand
21 management measures, or combination of measures,
22 which offer lower incremental costs than expanded or
23 additional water supplies. This evaluation shall do all of
24 the following:

25 (1) Take into account economic and noneconomic
26 factors, including environmental, social, health, customer
27 impact, and technological factors.

28 (2) Include a cost-benefit analysis, identifying total
29 benefits, total costs, benefits to the water supplier, and
30 costs to the water supplier.

31 (3) Include a description of funding ~~availability~~
32 *available* to implement any planned water supply project
33 that would provide water at a higher unit cost.

34 (4) Include a description of the water supplier's legal
35 authority to implement the measure and efforts to work
36 with other relevant agencies to ensure the
37 implementation of the measure and to share the cost of
38 implementation.

39 SEC. 9. Section 10632 of the Water Code is amended
40 to read:



1 10632. The plan shall provide an urban water
2 shortage contingency analysis which includes each of the
3 following elements which are within the authority of the
4 urban water supplier:
5 (a) Stages of action to be undertaken by the urban
6 water supplier in response to water supply shortages, and
7 an outline of specific water supply conditions which are
8 applicable to each stage. Water supply shortage
9 conditions to be considered shall include both of the
10 following:
11 (1) Up to a 50 percent reduction in water supply for an
12 urban water supplier with increasing water use, and up
13 to a 30 percent reduction in water supply for an urban
14 water supplier with reduced water use.
15 (2) The driest three consecutive years on record for
16 the urban supplier.
17 (b) Actions to be undertaken by the urban water
18 supplier in the event of catastrophic interruption of water
19 supplies.
20 (c) Mandatory prohibitions against specific wasteful
21 practices.
22 (d) Consumption reduction methods in the most
23 restrictive stages. Each urban water supplier may use any
24 type of consumption reduction methods in its water
25 shortage contingency analysis that would reduce water
26 use, are appropriate for its area, and have the ability to
27 achieve a water use reduction of 50 percent.
28 (e) Penalties or charges for excessive use, where
29 applicable.
30 (f) An analysis of the impacts of the contingency
31 analysis on the revenues and expenditures of the urban
32 water supplier, and proposed measures to overcome
33 those impacts, such as the development of reserves and
34 rate adjustments.
35 (g) A draft water shortage contingency resolution or
36 ordinance.
37 (h) A mechanism for determining actual reductions in
38 water use pursuant to the urban water shortage
39 contingency analysis.



1 SEC. 10. Section 10633 of the Water Code is amended
2 to read:

3 10633. The plan shall provide information on
4 recycled water and its potential for use as a water source
5 in the service area of the urban water supplier. The
6 preparation of the plan shall be coordinated with local
7 water, wastewater, and planning agencies and shall
8 include all of the following:

9 (a) A description of the wastewater collection and
10 treatment systems in the supplier's service area,
11 including a quantification of the amount of wastewater
12 collected and treated and the methods of wastewater
13 disposal.

14 (b) A description of the recycled water currently
15 being used in the supplier's service area, including, but
16 not limited to, the type, place, and quantity of use.

17 (c) A description and quantification of the potential
18 uses of recycled water, including, but not limited to,
19 agricultural irrigation, landscape irrigation, wildlife
20 habitat enhancement, wetlands, industrial reuse,
21 groundwater recharge, and other appropriate uses, and
22 a determination with regard to the technical and
23 economic feasibility of serving those uses.

24 (d) The projected use of recycled water within the
25 supplier's service area at the end of 5, 10, 15, and 20 years.

26 (e) A description of actions, including financial
27 incentives, which may be taken to encourage the use of
28 recycled water where ~~appropriate~~ *fresh water is not*
29 *necessary*, and the projected results of these actions in
30 terms of acre-feet of recycled water used per year.

31 (f) A plan for optimizing the use of recycled water in
32 the supplier's service area, including actions to facilitate
33 the installation of dual distribution systems and to
34 promote recirculating uses.

35 SEC. 11. Section 10641 of the Water Code is amended
36 to read:

37 10641. An urban water supplier required to prepare
38 a plan may consult with, and obtain comments from, any
39 public agency or state agency or any person who has



1 special expertise with respect to water demand
2 management methods and techniques.

3 SEC. 12. Section 10642 of the Water Code is amended
4 to read:

5 10642. Each urban water supplier shall take
6 appropriate actions to ensure the active involvement of
7 ~~a broad spectrum of the population in the service area in~~
8 *diverse social, cultural, and economic elements of the*
9 *population within the service area prior to and during* the
10 preparation of the plan. Prior to adopting a plan, the
11 urban water supplier shall make the plan available for
12 public inspection and shall hold a public hearing thereon.
13 Prior to the hearing, notice of the time and place of
14 hearing shall be published within the jurisdiction of the
15 publicly owned water supplier pursuant to Section 6066
16 of the Government Code. A privately owned water
17 supplier shall provide an equivalent notice within its
18 service area. After the hearing, the plan shall be adopted
19 as prepared or as modified after the hearing.

20 SEC. 13. Section 10644 of the Water Code is amended
21 to read:

22 10644. (a) An urban water supplier shall file with the
23 department a copy of its plan no later than 30 days after
24 adoption. Copies of amendments or changes to the plans
25 shall be filed with the department within 30 days after
26 adoption.

27 (b) Plans filed under this section shall describe the
28 basis for the decision of the urban water supplier to add,
29 change, or retain demand management measures.

30 (c) The department shall prepare and submit to the
31 Legislature, on or before December 31, in the years
32 ending in six and one, a report summarizing the status of
33 the plans adopted pursuant to this part. The report
34 prepared by the department shall identify the
35 outstanding elements of the individual plans. The
36 department shall provide a copy of the report to each
37 urban water supplier that has filed its plan with the
38 department. The department shall also prepare reports
39 and provide data for any legislative hearings designed to



1 consider the effectiveness of plans submitted pursuant to
2 this part.

3 SEC. 14. Section 10650 of the Water Code is amended
4 to read:

5 10650. Any actions or proceedings to attack, review,
6 set aside, void, or annul the acts or decisions of an urban
7 water supplier on the grounds of noncompliance with this
8 part shall be commenced as follows:

9 (a) An action or proceeding alleging failure to adopt
10 a plan shall be commenced within 18 months after that
11 adoption is required by this part.

12 (b) Any action or proceeding alleging that a plan, or
13 action taken pursuant to the plan, does not comply with
14 this part shall be commenced within 90 days after filing
15 of the plan or amendment thereto pursuant to Section
16 10644 or the taking of that action.

17 SEC. 15. Section 10652 of the Water Code is amended
18 to read:

19 10652. The California Environmental Quality Act
20 (Division 13 (commencing with Section 21000) of the
21 Public Resources Code) does not apply to the preparation
22 and adoption of plans pursuant to this part or to the
23 implementation of actions taken pursuant to Section
24 10632. Nothing in this part shall be interpreted as
25 exempting from the California Environmental Quality
26 Act any project that would significantly affect water
27 supplies for fish and wildlife, or any project for
28 implementation of the plan, other than projects
29 implementing Section 10632, or any project for expanded
30 or additional water supplies.

31 SEC. 16. Section 10653 of the Water Code is amended
32 to read:

33 10653. The adoption of a plan shall satisfy any
34 requirements of state law, regulation, or order, including
35 those of the State Water Resources Control Board, for the
36 preparation of water management plans or conservation
37 plans; provided, that if the State Water Resources Control
38 Board requires additional information concerning water
39 conservation to implement its existing authority, nothing
40 in this part shall be deemed to limit the board in obtaining



1 that information. The requirements of this part shall be
2 satisfied by any urban water demand management plan
3 prepared to meet federal laws or regulations after the
4 effective date of this part, and which substantially meets
5 the requirements of this part, or by any existing urban
6 water management plan which includes the contents of
7 a plan required under this part.

8 SEC. 17. Section 10656 of the Water Code is amended
9 to read:

10 10656. An urban water supplier that does not prepare,
11 adopt, and submit its urban water management plan to
12 the department in accordance with this part, is ineligible
13 to receive drought assistance from the state until the
14 urban water management plan is submitted pursuant to
15 Article 3 (commencing with Section 10640) of Chapter 3.

16 SEC. 18. This act does not apply to any urban water
17 management plan filed before January 1, 1996.

