

AMENDED IN ASSEMBLY JUNE 22, 1995

AMENDED IN SENATE APRIL 6, 1995

**SENATE BILL**

**No. 1011**

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**Introduced by Senator Polanco**

(Principal coauthor: Assembly Member McDonald)

**(Coauthors: Senators Costa and Kelley)**

(Coauthor: Assembly Member Ducheny)

February 24, 1995

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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~~ *encourage* the active involvement of diverse social, cultural, and economic elements of the population within the service area 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~~ *due* 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 *preparation of its plan with other water suppliers that*  
28 *share a common source, water management agencies,*  
29 *and public agencies in the area, to the extent practicable.*

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

33 SEC. 7. Section 10621 of the Water Code is amended  
34 to read:

35 10621. (a) Each urban water supplier shall update its  
36 plan at least once every five years on or before December  
37 31, in years ending in five and zero.

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



1 SEC. 8. Section 10631 of the Water Code is amended  
2 to read:

3 10631. A plan shall be adopted in accordance with this  
4 chapter and shall do all of the following:

5 (a) Describe the service area of the supplier, including  
6 current and projected population, climate, and other  
7 demographic factors affecting the supplier's water  
8 management planning. The projected population  
9 estimates shall be *based upon data from the state,*  
10 *regional, or local service agency population projections*  
11 *within the service area of the urban water supplier and*  
12 *shall be* in five-year increments to 20 years or as far as data  
13 is available.

14 (b) Identify and quantify, to the extent practicable,  
15 the existing or planned sources of *surface water and*  
16 *ground* water available to the supplier over the same  
17 five-year increments as described in subdivision (a).

18 (c) Describe the reliability of the water supply and  
19 vulnerability to seasonal or climatic shortage, to the  
20 extent practicable. ~~For~~ *and provide data for each of the*  
21 *following:*

- 22 (1) *An average water runoff year.*
- 23 (2) *A normal water runoff year.*
- 24 (3) *A single dry water runoff year.*
- 25 (4) *Multiple dry water runoff years.*

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

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

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

- 40 (A) Single-family residential.



- 1 (B) Multifamily residential.
- 2 ~~(C)~~
- 3 (C) Commercial.
- 4 (D) Industrial.
- 5 (E) Institutional *and governmental*.
- 6 (F) Landscape.
- 7 (G) Sales to other agencies.
- 8 ~~(H) Groundwater recharge.~~
- 9 (H) Saline water intrusion barriers, groundwater
- 10 recharge, or conjunctive use, or any combination thereof.
- 11 (I) Agricultural.
- 12 (2) The water use projections shall be in the same
- 13 five-year increments as described in subdivision (a).
- 14 (f) Provide a description of the supplier’s water
- 15 demand management measures. This description shall
- 16 include all of the following:
- 17 (1) A description of each water demand management
- 18 measure that is currently being implemented, or
- 19 scheduled for implementation, including the steps
- 20 necessary to implement any proposed measures.—Urban
- 21 water suppliers that are members of the California Urban
- 22 Water Conservation Council and submit annual reports
- 23 to that council in accordance with the “Memorandum of
- 24 Understanding Regarding Urban Water Conservation in
- 25 California,” dated September 1991, may submit the
- 26 annual reports for the purposes of identifying water
- 27 demand management measures currently being
- 28 implemented, or scheduled for implementation,
- 29 including, but not limited to, all of the following:
- 30 (A) Interior and exterior water audits and incentive
- 31 programs for single-family residential, multifamily
- 32 residential, governmental, and institutional customers.
- 33 (B) Enforcement of plumbing fixture efficiency
- 34 standards and programs to retrofit less efficient fixtures.
- 35 (C) Distribution system water audits, leak detection,
- 36 and repair.
- 37 (D) Metering with commodity rates for all new
- 38 connections and retrofit of existing connections.
- 39 (E) Large landscape water audits and incentives.



1 (F) Landscape water conservation requirements for  
2 new and existing commercial, industrial, institutional,  
3 governmental, and multifamily developments.

4 (G) Public information.

5 (H) School education.

6 (I) Commercial and industrial water conservation.

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

8 (K) Conservation pricing for water service and  
9 conservation pricing for sewer service, where the urban  
10 water supplier also provides sewer service.

11 (L) Landscape water conservation for new and  
12 existing single-family homes.

13 (M) Water waste prohibitions.

14 (N) Water conservation coordinator.

15 (O) Financial incentives to encourage water  
16 conservation.

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

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

22 (3) A schedule of implementation for all water  
23 demand management measures proposed or described in  
24 the plan.

25 (4) A description of the methods, if any, that the  
26 supplier will use to evaluate the effectiveness of water  
27 demand management measures implemented or  
28 described under the plan.

29 (5) An estimate, if available, of existing conservation  
30 savings on water use within the supplier's service area,  
31 and the effect of such savings on the supplier's ability to  
32 further reduce demand.

33 (g) An evaluation of each water demand management  
34 measure listed in paragraph (1) of subdivision (f) that is  
35 not currently being implemented or scheduled for  
36 implementation. In the course of the evaluation, first  
37 consideration shall be given to water demand  
38 management measures, or combination of measures,  
39 which offer lower incremental costs than expanded or



1 additional water supplies. This evaluation shall do all of  
2 the following:

3 (1) Take into account economic and noneconomic  
4 factors, including environmental, social, health, customer  
5 impact, and technological factors.

6 (2) Include a cost-benefit analysis, identifying total  
7 ~~benefits, total costs, benefits to the water supplier, and~~  
8 ~~costs to the water supplier.~~ *benefits and total costs.*

9 (3) Include a description of funding available to  
10 implement any planned water supply project that would  
11 provide water at a higher unit cost.

12 (4) Include a description of the water supplier's legal  
13 authority to implement the measure and efforts to work  
14 with other relevant agencies to ensure the  
15 implementation of the measure and to share the cost of  
16 implementation.

17 *(h) Urban water suppliers that are members of the*  
18 *California Urban Water Conservation Council and*  
19 *submit annual reports to that council in accordance with*  
20 *the "Memorandum of Understanding Regarding Urban*  
21 *Water Conservation in California," dated September*  
22 *1991, may submit the annual reports identifying water*  
23 *demand management measures currently being*  
24 *implemented, or schedules for implementation, to satisfy*  
25 *the requirements of subdivisions (f) and (g).*

26 SEC. 9. Section 10632 of the Water Code is amended  
27 to read:

28 10632. The plan shall provide an urban water  
29 shortage contingency analysis which includes each of the  
30 following elements which are within the authority of the  
31 urban water supplier:

32 (a) Stages of action to be undertaken by the urban  
33 water supplier in response to water supply shortages,  
34 *including up to a 50 percent reduction in water supply,*  
35 and an outline of specific water supply conditions which  
36 are applicable to each stage. ~~Water supply shortage~~  
37 ~~conditions to be considered shall include both of the~~  
38 ~~following:~~

39 ~~(1) Up to a 50 percent reduction in water supply for an~~  
40 ~~urban water supplier with increasing water use, and up~~



1 ~~to a 30-percent reduction in water supply for an urban~~  
2 ~~water supplier with reduced water use.~~

3 ~~(2) The driest three consecutive years on record for~~  
4 ~~the urban supplier.~~

5 ~~(b)–~~

6 *(b) An estimate of the minimum water supply*  
7 *available during each of the next three water years based*  
8 *on the driest three-year historic sequence for the agency’s*  
9 *water supply.*

10 (c) Actions to be undertaken by the urban water  
11 supplier *to prepare for and implement*, in the event of  
12 catastrophic interruption of water supplies.

13 ~~(e) Mandatory prohibitions against specific wasteful~~  
14 ~~practices.~~

15 ~~(d)–~~

16 *(d) Additional, mandatory prohibitions against*  
17 *specific water use practices during water shortages,*  
18 *including, but not limited to, prohibiting the use of*  
19 *potable water for street cleaning.*

20 (e) Consumption reduction methods in the most  
21 restrictive stages. Each urban water supplier may use any  
22 type of consumption reduction methods in its water  
23 shortage contingency analysis that would reduce water  
24 use, are appropriate for its area, and have the ability to  
25 ~~achieve a water use reduction of 50 percent.~~

26 ~~(e)–achieve a water use reduction consistent with up~~  
27 ~~to a 50 percent reduction in water supply.~~

28 (f) Penalties or charges for excessive use, where  
29 applicable.

30 ~~(f)–~~

31 (g) An analysis of the impacts of the contingency  
32 analysis on the revenues and expenditures of the urban  
33 water supplier, and proposed measures to overcome  
34 those impacts, such as the development of reserves and  
35 rate adjustments.

36 ~~(g)–~~

37 (h) A draft water shortage contingency resolution or  
38 ordinance.

39 ~~(h)–~~



1 (i) A mechanism for determining actual reductions in  
2 water use pursuant to the urban water shortage  
3 contingency analysis.

4 SEC. 10. Section 10633 of the Water Code is amended  
5 to read:

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

12 (a) A description of the wastewater collection and  
13 treatment systems in the supplier’s service area,  
14 including a quantification of the amount of wastewater  
15 collected and treated and the methods of wastewater  
16 disposal.

17 (b) A description of the recycled water currently  
18 being used in the supplier’s service area, including, but  
19 not limited to, the type, place, and quantity of use.

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

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

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

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

38 SEC. 11. Section 10641 of the Water Code is amended  
39 to read:



1 10641. An urban water supplier required to prepare  
2 a plan may consult with, and obtain comments from, any  
3 public agency or state agency or any person who has  
4 special expertise with respect to water demand  
5 management methods and techniques.

6 SEC. 12. Section 10642 of the Water Code is amended  
7 to read:

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

23 SEC. 13. Section 10644 of the Water Code is amended  
24 to read:

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

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

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



1 department. The department shall also prepare reports  
2 and provide data for any legislative hearings designed to  
3 consider the effectiveness of plans submitted pursuant to  
4 this part.

5 SEC. 14. Section 10650 of the Water Code is amended  
6 to read:

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

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

14 (b) Any action or proceeding alleging that a plan, or  
15 action taken pursuant to the plan, does not comply with  
16 this part shall be commenced within 90 days after filing  
17 of the plan or amendment thereto pursuant to Section  
18 10644 or the taking of that action.

19 SEC. 15. Section 10652 of the Water Code is amended  
20 to read:

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

33 SEC. 16. Section 10653 of the Water Code is amended  
34 to read:

35 10653. The adoption of a plan shall satisfy any  
36 requirements of state law, regulation, or order, including  
37 those of the State Water Resources Control Board *and the*  
38 *Public Utilities Commission*, for the preparation of water  
39 management plans or conservation plans; provided, that  
40 if the State Water Resources Control Board *or the Public*



1 *Utilities Commission* requires additional information  
2 concerning water conservation to implement its existing  
3 authority, nothing in this part shall be deemed to limit the  
4 board *or the commission* in obtaining that information.  
5 The requirements of this part shall be satisfied by any  
6 urban water demand management plan prepared to  
7 meet federal laws or regulations after the effective date  
8 of this part, and which substantially meets the  
9 requirements of this part, or by any existing urban water  
10 management plan which includes the contents of a plan  
11 required under this part.

12 SEC. 17. Section 10656 of the Water Code is amended  
13 to read:

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

20 SEC. 18. This act does not apply to any urban water  
21 management plan ~~filed~~ *due* before January 1, 1996.

