

ASSEMBLY BILL

No. 2776

**Introduced by Committee on Water, Parks and Wildlife (Huffman
(Chair), Arambula, Blumenfield, Caballero, Bonnie Lowenthal,
Salas, and Yamada)**

March 1, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2776, as introduced, Committee on Water, Parks and Wildlife. 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 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.

This bill would grant that extension to an urban wholesale water supplier, as specified. 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 ~~subdivision (a)~~ *paragraph (1)* cumulatively
12 result in a 20-percent reduction from the baseline daily per capita
13 water use 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:

21 (A) For indoor residential water use, 55 gallons per capita daily
22 water use as a provisional standard. Upon completion of the
23 department’s 2016 report to the Legislature pursuant to Section
24 10608.42, this standard may be adjusted by the Legislature by
25 statute.

26 (B) For landscape irrigated through dedicated or residential
27 meters or connections, water efficiency equivalent to the standards

1 of the Model Water Efficient Landscape Ordinance set forth in
2 Chapter 2.7 (commencing with Section 490) of Division 2 of Title
3 23 of the California Code of Regulations, as in effect the later of
4 the year of the landscape’s installation or 1992. An urban retail
5 water supplier using the approach specified in this subparagraph
6 shall use satellite imagery, site visits, or other best available
7 technology to develop an accurate estimate of landscaped areas.

8 (C) For commercial, industrial, and institutional uses, a
9 10-percent reduction in water use from the baseline commercial,
10 industrial, and institutional water use by 2020.

11 (3) Ninety-five percent of the applicable state hydrologic region
12 target, as set forth in the state’s draft 20x2020 Water Conservation
13 Plan (dated April 30, 2009). If the service area of an urban water
14 supplier includes more than one hydrologic region, the supplier
15 shall apportion its service area to each region based on population
16 or area.

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

- 25 (A) Consider climatic differences within the state.
- 26 (B) Consider population density differences within the state.
- 27 (C) Provide flexibility to communities and regions in meeting
28 the targets.
- 29 (D) Consider different levels of per capita water use according
30 to plant water needs in different regions.
- 31 (E) Consider different levels of commercial, industrial, and
32 institutional water use in different regions of the state.
- 33 (F) Avoid placing an undue hardship on communities that have
34 implemented conservation measures or taken actions to keep per
35 capita water use low.

36 (c) If the department adopts a regulation pursuant to paragraph
37 (4) of subdivision (b) that results in a requirement that an urban
38 retail water supplier achieve a reduction in daily per capita water
39 use that is greater than 20 percent by December 31, 2020, an urban
40 retail water supplier that adopted the method described in paragraph

1 (4) of subdivision (b) may limit its urban water use target to a
2 reduction of not more than 20 percent by December 31, 2020, by
3 adopting the method described in paragraph (1) of subdivision (b).

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

10 (e) An urban retail water supplier shall include in its urban water
11 management plan required pursuant to Part 2.6 (commencing with
12 Section 10610) due in 2010 the baseline daily per capita water use,
13 urban water use target, interim urban water use target, and
14 compliance daily per capita water use, along with the bases for
15 determining those estimates, including references to supporting
16 data.

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

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

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

28 (A) Methodologies for calculating base daily per capita water
29 use, baseline commercial, industrial, and institutional water use,
30 compliance daily per capita water use, gross water use, service
31 area population, indoor residential water use, and landscaped area
32 water use.

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

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

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

5 (2) The initial adoption of a regulation authorized by this
6 subdivision is deemed to address an emergency, for purposes of
7 Sections 11346.1 and 11349.6 of the Government Code, and the
8 department is hereby exempted for that purpose from the
9 requirements of subdivision (b) of Section 11346.1 of the
10 Government Code. After the initial adoption of an emergency
11 regulation pursuant to this subdivision, the department shall not
12 request approval from the Office of Administrative Law to readopt
13 the regulation as an emergency regulation pursuant to Section
14 11346.1 of the Government Code.

15 (j) (1) An urban retail water supplier ~~shall be~~ *is* granted an
16 extension to July 1, 2011, for adoption of an urban water
17 management plan pursuant to Part 2.6 (commencing with Section
18 10610) due in 2010 to allow *the* use of technical methodologies
19 developed by the department pursuant to paragraph (4) of
20 subdivision (b) and subdivision (h). An urban retail water supplier
21 that adopts an urban water management plan due in 2010 that does
22 not use the methodologies developed by the department pursuant
23 to subdivision (h) shall amend the plan by July 1, 2011, to comply
24 with this part.

25 (2) *An urban wholesale water supplier whose urban water*
26 *management plan prepared pursuant to Part 2.6 (commencing*
27 *with Section 10610) was due and not submitted in 2010 is granted*
28 *an extension to July 1, 2011, to allow the use of technical*
29 *methodologies referenced in paragraph (1).*

30 SEC. 2. Section 10608.26 of the Water Code is amended to
31 read:

32 10608.26. (a) In complying with this part, an urban retail water
33 supplier shall conduct at least one public hearing to accomplish
34 all of the following:

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

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

39 (3) Adopt a method, pursuant to subdivision (b) of Section
40 10608.20, for determining its urban water use target.

1 (b) In complying with this part, an urban retail water supplier
 2 may meet its urban water use target through efficiency
 3 improvements in any combination among its customer sectors. An
 4 urban retail water supplier shall avoid placing a disproportionate
 5 burden on any customer sector.

6 (c) For an urban retail water supplier that supplies water to a
 7 United States Department of Defense military installation, the
 8 urban retail water supplier’s implementation plan for complying
 9 with this part shall consider the ~~United States Department of~~
 10 ~~Defense military installation’s requirements~~ *prior water*
 11 *conservation of that military installation* under federal Executive
 12 Order ~~13423~~ 13514 and any subsequent presidential executive
 13 order governing water conservation by federal agencies.

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

23 (2) This part shall not be construed or enforced so as to interfere
 24 with the requirements of Chapter 4 (commencing with Section
 25 113980) to Chapter 13 (commencing with Section 114380),
 26 inclusive, of Part 7 of Division 104 of the Health and Safety Code,
 27 or any requirement or standard for the protection of public health,
 28 public safety, or worker safety established by federal, state, or
 29 local government or recommended by recognized standard setting
 30 organizations or trade associations.