

AMENDED IN SENATE APRIL 22, 2009

AMENDED IN SENATE APRIL 20, 2009

AMENDED IN SENATE APRIL 14, 2009

SENATE BILL

No. 460

Introduced by Senator Wolk

(Principal coauthor: Assembly Member Yamada)

February 26, 2009

An act to add Part 2.11 (commencing with Section 10920) to Division 6 of the Water Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 460, as amended, Wolk. Water management plans.

The Urban Water Management Planning Act requires each urban water supplier to prepare and implement a water management plan for the efficient use of available water supplies. The Agricultural Water Management Planning Act requires every agricultural water supplier serving water directly to customers to prepare an informational report based on information from the last 3 irrigation seasons on its water management and conservation practices.

This bill would require urban water suppliers and agricultural water suppliers to include additional information in their respective reports, including for each plan a detailed description and analysis of a long-term plan to reduce water use.

The bill would require that the water suppliers submit their reports to an unspecified entity. The bill would create the unspecified entity and require it to develop an open and transparent process for the collection and analysis of the data submitted to it by the water suppliers, create and maintain a statewide database on water use, conservation,

and water use efficiency, and provide recommendations for improvements to water suppliers' plans to meet a statewide goal. The bill would also require the unspecified entity to submit an annual report to the Legislature.

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. (a) The Legislature finds and declares all of the
2 following:

3 (1) Water conservation and water use efficiency are central
4 elements of the state's strategy to enhance water reliability, restore
5 ecosystems, and respond to climate change and a growing
6 population.

7 (2) Water conservation and water use efficiency must be part
8 of a comprehensive solution that includes local resource
9 development and infrastructure improvements, including storage
10 and conveyance, as part of a statewide system that promotes
11 economic and environmental stability.

12 (3) Accomplishing water conservation and water use efficiency
13 goals will require statewide action by all water users, including
14 residential, commercial, industrial, and agricultural users, local
15 and regional planning agencies, state and federal agencies,
16 chambers of commerce, and business, commercial, and industrial
17 professional and trade associations.

18 (4) Conservation and water use efficiency programs must be
19 consistent with state law and should strengthen and not weaken
20 the water rights of California communities.

21 (b) Therefore, it is the intent of the Legislature to do all of the
22 following:

23 (1) Establish a statewide, transparent process to accomplish the
24 Governor's goal of a 20 percent per capita reduction in water usage
25 by 2020, which translates into an aggregate statewide goal of
26 saving 1.74 million acre-feet of water annually, and to otherwise
27 encourage conservation and water use efficiency.

28 (2) Encourage better management practices in urban areas that
29 reduce per capita water use consistent with the Governor's goal
30 on a statewide, aggregate basis.

(3) Encourage maximum water use efficiency in the commercial, institutional, industrial, and agricultural sectors to reduce overall water use while maintaining and improving economic output and productivity.

(4) Acknowledge that conservation, improved water use efficiency, and development of local resources, such as water reuse, recycling, desalination, and stormwater capture, all contribute to better water management and all should be credited against the goals established by local agencies under this legislation.

(5) Acknowledge that incentive-based programs will be more effective in improving water management than command and control approaches.

(6) Recognize that “one size does not fit all” and seek to allow local agencies the flexibility to tailor water use reduction efforts that account for variations in local circumstances, including local climate conditions, population growth, industrial composition, characteristics of local watersheds and groundwater basins, and previous conservation and water use efficiency efforts.

(7) Appreciate that success will depend upon creating an effective, transparent process for the reporting, monitoring, and analysis of data on water use and water conservation and efficiency measures and the progress of local agencies in meeting long-term conservation and water use efficiency goals.

(8) Water conservation and water use efficiency should be just one element of a comprehensive water supply solution for commercial, institutional, and industrial water users, urban water users and agricultural suppliers, and water users statewide.

SEC. 2. Part 2.11 (commencing with Section 10920) is added to Division 6 of the Water Code, to read:

PART 2.11. THE CALIFORNIA WATER USE EFFICIENCY
AND CONSERVATION ACT

CHAPTER 1. URBAN WATER SUPPLIERS

Article 1. Definitions

10920. Unless the context requires otherwise, the definitions set forth in this article govern the construction of this chapter.

10921. “Best management practices” means water use efficiency measures that are adopted by the California Urban Water Conservation Council.

10922. “Locally cost effective” means that the present value of the local benefits of implementing a best management practice is greater than or equal to the present value of the local cost of implementing that measure. The procedures for calculating local cost effectiveness shall be developed by the ____ pursuant to Section ____.

10923. “Water conservation” means any reduction in applied water use including preventing waste or accomplishing additional benefits with the same amount of water.

10924. “Water use efficiency” means using water more efficiently to reduce demand for a given level of production.

10925. “Urban water supplier” means either of the following:

(a) An urban retail water supplier, either publicly or privately owned, that directly provides municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of water annually.

(b) An urban wholesale water supplier, either publicly or privately owned, that provides more than 3,000 acre-feet of water annually at wholesale for municipal purposes.

Article 2. Reduction of Urban Water Use

10926. (a) Every urban water supplier that is required to prepare and adopt an urban water management plan pursuant to Section 10620 shall include all of the following in that plan:

(1) A detailed description and analysis of a long-term plan to reduce water use through conservation and water use efficiency measures, including commitments to achieving quantified water use reduction objectives no later than December 31, 2020.

(2) A full implementation of best management practices that are locally cost effective and technically feasible, and implementation of local resource projects.

(3) Per capita use reduction objectives for residential water use.

(4) Maximum efficiency gains for commercial, industrial, and institutional use.

(b) In addition, the plan shall also do both of the following:

1 (1) Consider the water-energy interface to maximize energy
2 efficiency gains associated with changing water use.

3 (2) Consider changes in patterns of beneficial uses, both indoors
4 and outdoors, that maintain quality of life while helping achieve
5 long-term goals.

6 10927. Every urban water supplier that is required to prepare
7 and adopt an urban water plan shall submit its plan to ____ for
8 evaluation and reconciliation. ____ shall evaluate the plans,
9 determine whether they will collectively accomplish the statewide
10 goal, and make recommendations for modifying the plans to
11 increase conservation and water use efficiency. Every urban water
12 supplier shall provide annual progress reports to ____ that identify,
13 as appropriate, modifications to the plans to help to accomplish
14 the statewide goal.

15 10928. Any improvements in water use efficiency achieved
16 by implementation of this part shall be considered to be water
17 conservation subject to the protections of Section 1011.

18 10929. Data relating to water use efficiency and reports
19 prepared pursuant to this chapter shall not be admissible as
20 evidence that any person has failed to comply with the provisions
21 of Section 2 of Article X of the California Constitution or Section
22 100 of this code. These data and reports shall not be used as part
23 of any action by the department or the board pursuant to Section
24 275.

25 10930. An urban water supplier's failure to meet any interim
26 milestone toward any water conservation or water efficiency goals
27 established pursuant to this part shall not be admissible as evidence
28 that any person has failed to comply with the provisions of Section
29 2 of Article X of the California Constitution or Section 100 of this
30 code. That failure shall not be used as part of any action by the
31 department or the board pursuant to Section 275.

32 10931. An urban water supplier that does not prepare, adopt,
33 and submit its plan to ____ in accordance with this part is ineligible
34 to receive funding pursuant to Division 24 (commencing with
35 Section 78500), or Division 26 (commencing with Section 79000),
36 or receive drought assistance until the plan is submitted pursuant
37 to this chapter.

CHAPTER 2. AGRICULTURAL WATER SUPPLIERS

Article 1. Definitions

10932. Unless the context requires otherwise, the definitions set forth in this article govern the construction of this chapter.

10933. “Agricultural water supplier” means a supplier, either publicly or privately owned, supplying more than ____ acre-feet of water annually for agricultural purposes. An agricultural water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers.

10934. “Efficient water management practices” means reasonable and economically justifiable programs to improve the delivery and use of water for agricultural purposes.

10935. “Locally cost effective” means that the present value of the local benefits of implementing a best management practice is greater than or equal to the present value of the local cost of implementing that measure. The procedures for calculating local cost effectiveness shall be developed by ____ pursuant to Section 10943.

Article 2. Agricultural Water Use

10936. An agricultural water supplier shall prepare and adopt an agricultural water management plan in the manner set forth in Section 10821 on or before December 31, _____. An agricultural water supplier that is a member of the Agricultural Water Management Council and submits a water management plan to the council in accordance with the Memorandum of Understanding Regarding Efficient Water Management Practices by Agricultural Water Suppliers in California, dated January 1, 1999, may submit the water management plan identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of this section.

10937. (a) Every agricultural water supplier’s agricultural water management plan shall include all of the following:

(1) A detailed description and analysis of a long-term plan to reduce water use through water use efficiency measures.

1 (2) A full implementation plan for efficient management
2 practices that are locally cost effective, appropriate, and technically
3 feasible, and for local resource projects.

4 (3) Maximum efficiency gains for agricultural use.

5 (b) The plan shall also consider the water-energy interface to
6 maximize energy efficiency gains associated with changing water
7 use.

8 10938. Every agricultural water supplier shall submit its plan
9 to ____ for evaluation and reconciliation. ____ shall evaluate the
10 plans, determine whether they will collectively accomplish the
11 statewide goal, and make recommendations for modifying the
12 plans to increase water use efficiency. Every agricultural water
13 supplier shall provide annual progress reports to ____ that identify,
14 as appropriate, modifications to the plans to help to accomplish
15 the statewide goal.

16 10939. Any improvements in water use efficiency achieved
17 by implementation of this part shall be considered to be water
18 conservation subject to the protections of Section 1011.

19 10940. Data relating to water use efficiency and reports
20 prepared pursuant to this chapter shall not be admissible as
21 evidence that any person has failed to comply with the provisions
22 of Section 2 of Article X of the California Constitution or Section
23 100 of this code. Those data and reports shall not be used as part
24 of any action by the department or the board pursuant to Section
25 275.

26 10941. An agricultural water supplier's failure to meet any
27 interim milestone toward any *water conservation* or water
28 efficiency goals established pursuant to this part shall not be
29 admissible as evidence that any person has failed to comply with
30 the provisions of Section 2 of Article X of the California
31 Constitution or Section 100 of this code. That failure shall not be
32 used as part of any action by the department or the board pursuant
33 to Section 275.

34 10942. An agricultural water supplier that does not prepare,
35 adopt, and submit its plan to ____ in accordance with this part is
36 ineligible to receive funding pursuant to Division 24 (commencing
37 with Section 78500), or Division 26 (commencing with Section
38 79000), or receive drought assistance until the plan is submitted
39 pursuant to this chapter.

1 CHAPTER 3. REPORTING, MONITORING, AND EVALUATION OF
2 PLANS
3

4 10943. There is in the State of California the _____. The _____
5 shall do all of the following:

6 (a) Develop an open and transparent process for the collection
7 and analysis of data required by this part.

8 (b) Develop standardized procedures for determining local cost
9 effectiveness.

10 (c) Create and maintain a statewide database on water use,
11 conservation, water use efficiency, and local resource development
12 throughout California.

13 (d) Receive and evaluate the long-term conservation and water
14 use efficiency plans submitted under this part.

15 (e) Assess whether the plans collectively will accomplish the
16 statewide conservation and water use efficiency goal.

17 (f) Provide recommendations for improvements to the plans to
18 help meet the statewide conservation and water use efficiency
19 goal.

20 (g) Submit an annual report to the Legislature on or before
21 December 31, _____, and each year thereafter.