

CALIFORNIA URBAN WATER MANAGEMENT PLANNING ACT

Established: AB 797, Klehs, 1983

Amended: AB 2661, Klehs, 1990

AB 11X, Filante, 1991

AB 1869, Speier, 1991

AB 892, Frazee, 1993

SB 1017, McCorquodale, 1994

AB 2853, Cortese, 1994

CALIFORNIA WATER CODE DIVISION 6 PART 2.6. URBAN WATER MANAGEMENT PLANNING

CHAPTER 1. GENERAL DECLARATION AND POLICY

10610. This part shall be known and may be cited as the "Urban Water Management Planning Act."

10610.2. The Legislature finds and declares as follows:

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

(b) The conservation and efficient use of urban water supplies are of statewide concern; however, the planning for that use and the implementation of those plans can best be accomplished at the local level.

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

(a) The conservation and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.

(b) The conservation and efficient use of urban water supplies shall be a guiding criterion in public decisions.

(c) Urban water suppliers shall be required to develop water management plans to achieve conservation and efficient use.

CHAPTER 2. DEFINITIONS

10611. Unless the context otherwise requires, the definitions of this chapter govern the construction of this part.

10611.5. "Conservation" means those measures that limit the amount of water used only to that which is reasonably necessary for the beneficial use to be served.

10612. "Customer" means a purchaser of water from a water supplier who uses the water for municipal purposes, including residential, commercial, governmental, and industrial uses.

10613. "Efficient use" means those management measures that result in the most effective use of water so as to prevent its waste or unreasonable use or unreasonable method of use.

10614. "Person" means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of such an entity.

10615. "Plan" means an urban water management plan prepared pursuant to this part. A plan shall describe and evaluate reasonable and practical efficient uses and reclamation and conservation activities. The components of the plan may vary according to an individual community or area's characteristics and its capabilities to efficiently use and conserve water. The plan shall address measures for residential, commercial, governmental, and industrial water management as set forth in Article 2 (commencing with Section 10630) of Chapter 3. In addition, a strategy and time schedule for implementation shall be included in the plan.

10616. "Public agency" means any board, commission, county, city and county, city, regional agency, district, or other public entity.

10617. "Urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems subject to Chapter 7 (commencing with Section 4010) of Part 1 of Division 5 of the Health and Safety Code.

CHAPTER 3. URBAN WATER MANAGEMENT PLANS

Article 1. General Provisions

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

(b) Every person that becomes an urban water supplier after December 31, 1984, shall adopt an urban water management plan within one year after it has become an urban water supplier.

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

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

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

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

10621. (a) Each urban water supplier shall periodically update its plan at least once every five years. After the review, it shall make any amendments or changes to its plan which are indicated by the review.

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

Article 2. Contents of Plans

10630. It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

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

(a) Include an estimate of past, current, and projected potable and recycled water use and, to the extent records are available, segregate those uses between residential, industrial, commercial, and governmental uses.

(b) (1) Identify conservation and reclamation measures currently adopted and being practiced.

(2) Urban water suppliers that are members of the California Urban Water Conservation Council and submit annual reports to that council in accordance with the "Memorandum of Understanding Regarding Urban Water Conservation in California," dated September 1991, may submit the annual reports for the purposes of identifying conservation measures as required by paragraph (1).

(c) Describe alternative conservation measures, including, but not limited to, consumer education, metering, water saving fixtures and appliances, pool covers, lawn and garden irrigation techniques, and low water use landscaping, that would improve the efficiency of water use with an evaluation of their costs and their environmental and other significant impacts.

(d) Provide a schedule of implementation for proposed actions as indicated by the plan.

(e) Provide an urban water shortage contingency plan that includes all of the following elements that are within the authority of the urban water supplier:

(1) Past, current, and projected water use and, to the extent records are available, a breakdown of those uses on the basis of single-family residential, multifamily residential, commercial, industrial, governmental, and agricultural use.

(2) An estimate of the minimum water supply available at the end of 12, 24, and 36 months, assuming the worst case water supply shortages.

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

(4) Mandatory provisions to reduce water use that include prohibitions against specific wasteful practices, such as gutter flooding.

(5) Consumption limits in the most restrictive stages. Each urban water supplier may use any type of consumption limit in its water shortage contingency plan that would reduce water use and is appropriate for its area. Examples of consumption limits that may be used include, but are not limited to, percentage reductions in water allotments, per capita allocations, an increasing block rate schedule for high usage of water with incentives for conservation, or restrictions on specific uses.

(6) Penalties or charges for excessive use.

(7) An analysis of the impacts of the plan on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.

(8) A draft water shortage contingency resolution or ordinance to carry out the urban water shortage contingency plan.

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

(f) Describe the frequency and magnitude of supply deficiencies, based on available historic data and future projected conditions comparing water supply and demand, including a description of deficiencies in time of drought and emergency and the ability to meet deficiencies.

(g) To the extent feasible, describe the method which will be used to evaluate the effectiveness of each conservation measure implemented under the plan.

(h) Describe the steps which would be necessary to implement any proposed actions in the plan.

(i) Describe findings, actions, and planning relating to all of the following:

(1) The use of internal and external water audits for single-family residential, multifamily residential, institutional, commercial, industrial, and governmental customers, and the use of incentive programs to encourage customer audits and program participation.

(2) The use of distribution system water audits.

(3) Leak detection and repair.

(4) The use of large landscape water audits.

(j) Describe actions and planning to eliminate the use of once-through cooling systems, nonrecirculating water systems, and nonrecycling decorative water fountains, and to encourage the recirculation of water if proper public health and safety standards are maintained.

(k) Describe actions and plans to enforce conservation measures.

(l) To the extent feasible, describe the amount of water saved through water conservation measures employed by user groups.

(m) Describe actions and planning to ensure the involvement of community members within the service area with regard to water management planning.

10632. (a) In addition to the elements required pursuant to Section 10631, a plan projecting a future use which indicates a need for expanded or additional water supplies shall be adopted in accordance with this chapter and shall include an evaluation of the following alternatives:

(1) Recycled water. The plan's evaluation of this alternative shall provide information on recycled water and its potential for use as a water source in the service area of the urban water supplier and shall include all of the following information:

(A) A description of the waste water collection and treatment systems in the supplier's service area, including a quantification of the amount of waste water collected and treated and the methods of waste water disposal.

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

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

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

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

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

- (2) Exchanges or transfer of water on a short-term or long-term basis.
- (3) Management of water system pressures and peak demands.
- (4) Issues relevant to meter retrofitting for all uses.
- (5) Incentives to alter water use practices, including fixture and appliance retrofit programs.
- (6) Public information and educational programs to promote wise use and eliminate waste.
- (7) Changes in pricing, rate structures, and regulations.

(b) The preparation of the plan shall be coordinated with local water, waste water, and planning agencies.

10633. The plan shall contain an evaluation of the alternative water management practices identified in Sections 10631 and 10632, taking into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors.

Evaluation of the elements in Section 10632 shall include a comparison of the estimated cost of alternative water management practices with the incremental costs of expanded or additional water supplies, and in the course of the evaluation first consideration shall be given to water management practices, or combination of practices, which offer lower incremental costs than expanded or additional water supplies, considering all the preceding evaluation factors.

Article 3. Adoption and Implementation of Plans

10640. Every urban water supplier required to prepare a plan pursuant to this part shall prepare its plan pursuant to Article 2 (commencing with Section 10630).

The supplier shall likewise periodically review the plan as required by Section 10621, and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

10641. (a) An urban water supplier required to prepare a plan may consult with, and obtain comments from, any public agency or state agency or any person who has special expertise with respect to water conservation and management methods and techniques.

(b) In order to assist urban water suppliers in obtaining needed expertise as provided for in subdivision (a), the department, upon request of an urban water supplier, shall provide the supplier with a list of persons or agencies having expertise or experience in the development of water management plans.

10642. Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. A privately owned water supplier shall provide an equivalent notice within its service area. After the hearing, the plan shall be adopted as prepared or as modified after the hearing.

10643. An urban water supplier shall implement its plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan.

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

Plans filed under this section shall describe the basis for the decision of the urban water supplier to add, change, or retain conservation measures.

The department shall annually prepare and submit to the Legislature a report summarizing the status of the plans adopted pursuant to this part. The report prepared by the department shall highlight the outstanding elements of individual plans. The department shall provide a copy of the report to each urban water supplier which has filed its plan with the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans submitted pursuant to this part.

10645. Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

CHAPTER 4. MISCELLANEOUS PROVISIONS

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

(a) An action or proceeding alleging failure to adopt a plan shall be commenced within 18 months after that adoption is required by this part, or within 18 months after commencement of urban water service by a supplier commencing that service after January 1, 1984.

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

10651. In any action or proceeding to attack, review, set aside, void, or annul a plan, or an action taken pursuant to the plan by an urban water supplier on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the supplier has not proceeded in a manner required by law or if the action by the water supplier is not supported by substantial evidence.

10652. The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the preparation and adoption of plans pursuant to this part or to the implementation of subdivision (e) of Section 10631. Nothing in this part shall be interpreted as exempting from the California Environmental Quality Act any project that would significantly affect water supplies for fish and wildlife, or any project for implementation of the plan, other than projects implementing subdivision (e) of Section 10631, or any project for expanded or additional water supplies.

10653. The adoption of a plan shall satisfy any requirements of state law, regulation, or order, including those of the State Water Resources Control Board, for the preparation of water management plans or conservation plans; provided, that if the State Water Resources Control Board requires additional information concerning water conservation to implement its existing authority, nothing in this part shall be deemed to limit the board in obtaining that information. The requirements of this part shall be satisfied by any water conservation plan prepared to meet federal laws or regulations after the effective date of this part, and which substantially meets the requirements of this part, or by any existing water management or conservation plan which includes the contents of a plan required under this part.

10654. An urban water supplier may recover in its rates the costs incurred in preparing its plan and implementing the reasonable water conservation measures included in the plan. Any best water management practice that is included in the plan that is identified in the "Memorandum of Understanding Regarding Urban Water Conservation in California" is deemed to be reasonable for the purposes of this section.

10655. If any provision of this part or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provision or application thereof, and to this end the provisions of this part are severable.

10656. An urban water supplier that does not submit an amendment to its urban water management plan pursuant to subdivision (a) of Section 10621 to the department by January 31, 1992, is ineligible to receive drought assistance from the state until the urban water management plan is submitted pursuant to Article 3 (commencing with Section 10640) of Chapter 3.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

uwmpln.cur -- revised 1/95