

AMENDED IN ASSEMBLY AUGUST 14, 2014

AMENDED IN SENATE APRIL 21, 2014

**SENATE BILL**

**No. 1420**

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**Introduced by Senator Wolk**

February 21, 2014

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An act to amend Sections 10631 and 10644 of the Water Code, relating to water management.

LEGISLATIVE COUNSEL'S DIGEST

SB 1420, as amended, Wolk. Water management: urban water management plans.

Existing law, the Urban Water Management Planning Act, requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan. Existing law requires an urban water management plan to quantify, past and current water use, and projected water use, identifying the uses among water use sectors, including, among others, commercial, agricultural, and industrial uses. Existing law requires an urban water supplier to submit copies of its plan and copies of amendments or changes to the plan to certain entities, including the Department of Water Resources.

This bill would require an urban water management plan to quantify and report on distribution system water loss. The bill would authorize water use projections to display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans, when that information is available and applicable to an urban water supplier. The bill would require the plan, or amendments to the plan, to be submitted electronically to the

department and include any standardized forms, tables, or displays specified by the department.

*This bill would incorporate additional changes to Section 10631 of the Water Code proposed by AB 2067 that would become operative if this bill and AB 2067 are both enacted and this bill is enacted last.*

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 10631 of the Water Code is amended to  
2 read:

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

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

12 (b) Identify and quantify, to the extent practicable, the existing  
13 and planned sources of water available to the supplier over the  
14 same five-year increments described in subdivision (a). If  
15 groundwater is identified as an existing or planned source of water  
16 available to the supplier, all of the following information shall be  
17 included in the plan:

18 (1) A copy of any groundwater management plan adopted by  
19 the urban water supplier, including plans adopted pursuant to Part  
20 2.75 (commencing with Section 10750), or any other specific  
21 authorization for groundwater management.

22 (2) A description of any groundwater basin or basins from which  
23 the urban water supplier pumps groundwater. For those basins for  
24 which a court or the board has adjudicated the rights to pump  
25 groundwater, a copy of the order or decree adopted by the court  
26 or the board and a description of the amount of groundwater the  
27 urban water supplier has the legal right to pump under the order  
28 or decree. For basins that have not been adjudicated, information  
29 as to whether the department has identified the basin or basins as  
30 overdrafted or has projected that the basin will become overdrafted

1 if present management conditions continue, in the most current  
2 official departmental bulletin that characterizes the condition of  
3 the groundwater basin, and a detailed description of the efforts  
4 being undertaken by the urban water supplier to eliminate the  
5 long-term overdraft condition.

6 (3) A detailed description and analysis of the location, amount,  
7 and sufficiency of groundwater pumped by the urban water supplier  
8 for the past five years. The description and analysis shall be based  
9 on information that is reasonably available, including, but not  
10 limited to, historic use records.

11 (4) A detailed description and analysis of the amount and  
12 location of groundwater that is projected to be pumped by the  
13 urban water supplier. The description and analysis shall be based  
14 on information that is reasonably available, including, but not  
15 limited to, historic use records.

16 (c) (1) Describe the reliability of the water supply and  
17 vulnerability to seasonal or climatic shortage, to the extent  
18 practicable, and provide data for each of the following:

- 19 (A) An average water year.
- 20 (B) ~~A single dry~~ *single-dry* water year.
- 21 (C) ~~Multiple dry~~ *Multiple-dry* water years.

22 (2) For any water source that may not be available at a consistent  
23 level of use, given specific legal, environmental, water quality, or  
24 climatic factors, describe plans to supplement or replace that source  
25 with alternative sources or water demand management measures,  
26 to the extent practicable.

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

29 (e) (1) Quantify, to the extent records are available, past and  
30 current water use, over the same five-year increments described  
31 in subdivision (a), and projected water use, identifying the uses  
32 among water use sectors, including, but not necessarily limited to,  
33 all of the following uses:

- 34 (A) Single-family residential.
- 35 (B) Multifamily.
- 36 (C) Commercial.
- 37 (D) Industrial.
- 38 (E) Institutional and governmental.
- 39 (F) Landscape.
- 40 (G) Sales to other agencies.

1 (H) Saline water intrusion barriers, groundwater recharge, or  
2 conjunctive use, or any combination thereof.

3 (I) Agricultural.

4 (J) Distribution system water loss.

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

7 (3) (A) For the 2015 urban water management plan update, the  
8 distribution system water loss shall be quantified for the most  
9 recent 12-month period available. For all subsequent updates, the  
10 distribution system water loss shall be quantified for each of the  
11 five years preceding the plan update.

12 (B) The distribution system water loss quantification shall be  
13 reported in accordance with a worksheet approved or developed  
14 by the department through a public process. The water loss  
15 quantification worksheet shall be based on the water system  
16 balance methodology developed by the American Water Works  
17 Association.

18 (4) (A) If available and applicable to an urban water supplier,  
19 water use projections may display and account for the water savings  
20 estimated to result from adopted codes, standards, ordinances, or  
21 transportation and land use plans identified by the urban water  
22 supplier, as applicable to the service area.

23 (B) To the extent that an urban water supplier reports the  
24 information described in subparagraph (A), an urban water supplier  
25 shall do both of the following:

26 (i) Provide citations of the various codes, standards, ordinances,  
27 or transportation and land use plans utilized in making the  
28 projections.

29 (ii) Indicate the extent that the water use projections consider  
30 savings from codes, standards, ordinances, or transportation and  
31 land use plans. Water use projections that do not account for these  
32 savings shall be noted of that fact.

33 (f) Provide a description of the supplier's water demand  
34 management measures. This description shall include all of the  
35 following:

36 (1) A description of each water demand management measure  
37 that is currently being implemented, or scheduled for  
38 implementation, including the steps necessary to implement any  
39 proposed measures, including, but not limited to, all of the  
40 following:

- 1 (A) Water survey programs for single-family residential and
- 2 multifamily residential customers.
- 3 (B) Residential plumbing retrofit.
- 4 (C) System water audits, leak detection, and repair.
- 5 (D) Metering with commodity rates for all new connections and
- 6 retrofit of existing connections.
- 7 (E) Large landscape conservation programs and incentives.
- 8 (F) High-efficiency washing machine rebate programs.
- 9 (G) Public information programs.
- 10 (H) School education programs.
- 11 (I) Conservation programs for commercial, industrial, and
- 12 institutional accounts.
- 13 (J) Wholesale agency programs.
- 14 (K) Conservation pricing.
- 15 (L) Water conservation coordinator.
- 16 (M) Water waste prohibition.
- 17 (N) Residential ultra-low-flush toilet replacement programs.
- 18 (2) A schedule of implementation for all water demand
- 19 management measures proposed or described in the plan.
- 20 (3) A description of the methods, if any, that the supplier will
- 21 use to evaluate the effectiveness of water demand management
- 22 measures implemented or described under the plan.
- 23 (4) An estimate, if available, of existing conservation savings
- 24 on water use within the supplier's service area, and the effect of
- 25 the savings on the supplier's ability to further reduce demand.
- 26 (g) An evaluation of each water demand management measure
- 27 listed in paragraph (1) of subdivision (f) that is not currently being
- 28 implemented or scheduled for implementation. In the course of
- 29 the evaluation, first consideration shall be given to water demand
- 30 management measures, or combination of measures, that offer
- 31 lower incremental costs than expanded or additional water supplies.
- 32 This evaluation shall do all of the following:
- 33 (1) Take into account economic and noneconomic factors,
- 34 including environmental, social, health, customer impact, and
- 35 technological factors.
- 36 (2) Include a cost-benefit analysis, identifying total benefits and
- 37 total costs.
- 38 (3) Include a description of funding available to implement any
- 39 planned water supply project that would provide water at a higher
- 40 unit cost.

1 (4) Include a description of the water supplier's legal authority  
2 to implement the measure and efforts to work with other relevant  
3 agencies to ensure the implementation of the measure and to share  
4 the cost of implementation.

5 (h) Include a description of all water supply projects and water  
6 supply programs that may be undertaken by the urban water  
7 supplier to meet the total projected water use, as established  
8 pursuant to subdivision (a) of Section 10635. The urban water  
9 supplier shall include a detailed description of expected future  
10 projects and programs, other than the demand management  
11 programs identified pursuant to paragraph (1) of subdivision (f),  
12 that the urban water supplier may implement to increase the amount  
13 of the water supply available to the urban water supplier in average,  
14 single-dry, and multiple-dry water years. The description shall  
15 identify specific projects and include a description of the increase  
16 in water supply that is expected to be available from each project.  
17 The description shall include an estimate with regard to the  
18 implementation timeline for each project or program.

19 (i) Describe the opportunities for development of desalinated  
20 water, including, but not limited to, ocean water, brackish water,  
21 and groundwater, as a long-term supply.

22 (j) For purposes of this part, urban water suppliers that are  
23 members of the California Urban Water Conservation Council  
24 shall be deemed in compliance with the requirements of  
25 subdivisions (f) and (g) by complying with all the provisions of  
26 the "Memorandum of Understanding Regarding Urban Water  
27 Conservation in California," dated December 10, 2008, as it may  
28 be amended, and by submitting the annual reports required by  
29 Section 6.2 of that memorandum.

30 (k) An urban water supplier that relies upon a wholesale agency  
31 for a source of water shall provide the wholesale agency with water  
32 use projections from that agency for that source of water in  
33 five-year increments to 20 years or as far as data is available. The  
34 wholesale agency shall provide information to the urban water  
35 supplier for inclusion in the urban water supplier's plan that  
36 identifies and quantifies, to the extent practicable, the existing and  
37 planned sources of water as required by subdivision (b), available  
38 from the wholesale agency to the urban water supplier over the  
39 same five-year increments, and during various water-year types  
40 in accordance with subdivision (c). An urban water supplier may

1 rely upon water supply information provided by the wholesale  
2 agency in fulfilling the plan informational requirements of  
3 subdivisions (b) and (c).

4 *SEC. 1.5. Section 10631 of the Water Code is amended to read:*

5 10631. A plan shall be adopted in accordance with this chapter  
6 that shall do all of the following:

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

14 (b) Identify and quantify, to the extent practicable, the existing  
15 and planned sources of water available to the supplier over the  
16 same five-year increments described in subdivision (a). If  
17 groundwater is identified as an existing or planned source of water  
18 available to the supplier, all of the following information shall be  
19 included in the plan:

20 (1) A copy of any groundwater management plan adopted by  
21 the urban water supplier, including plans adopted pursuant to Part  
22 2.75 (commencing with Section 10750), or any other specific  
23 authorization for groundwater management.

24 (2) A description of any groundwater basin or basins from which  
25 the urban water supplier pumps groundwater. ~~For those basins for~~  
26 ~~which~~ *that* a court or the board has adjudicated the rights to pump  
27 groundwater, a copy of the order or decree adopted by the court  
28 or the board and a description of the amount of groundwater the  
29 urban water supplier has the legal right to pump under the order  
30 or decree. For basins that have not been adjudicated, information  
31 as to whether the department has identified the basin or basins as  
32 overdrafted or has projected that the basin will become overdrafted  
33 if present management conditions continue, in the most current  
34 official departmental bulletin that characterizes the condition of  
35 the groundwater basin, and a detailed description of the efforts  
36 being undertaken by the urban water supplier to eliminate the  
37 long-term overdraft condition.

38 (3) A detailed description and analysis of the location, amount,  
39 and sufficiency of groundwater pumped by the urban water supplier  
40 for the past five years. The description and analysis shall be based

1 on information that is reasonably available, including, but not  
2 limited to, historic use records.

3 (4) A detailed description and analysis of the amount and  
4 location of groundwater that is projected to be pumped by the  
5 urban water supplier. The description and analysis shall be based  
6 on information that is reasonably available, including, but not  
7 limited to, historic use records.

8 (c) (1) Describe the reliability of the water supply and  
9 vulnerability to seasonal or climatic shortage, to the extent  
10 practicable, and provide data for each of the following:

11 (A) An average water year.

12 (B) ~~A single-dry~~ *single-dry* water year.

13 (C) ~~Multiple-dry~~ *Multiple-dry* water years.

14 (2) For any water source that may not be available at a consistent  
15 level of use, given specific legal, environmental, water quality, or  
16 climatic factors, describe plans to supplement or replace that source  
17 with alternative sources or water demand management measures,  
18 to the extent practicable.

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

21 (e) (1) Quantify, to the extent records are available, past and  
22 current water use, over the same five-year increments described  
23 in subdivision (a), and projected water use, identifying the uses  
24 among water use sectors, including, but not necessarily limited to,  
25 all of the following uses:

26 (A) Single-family residential.

27 (B) Multifamily.

28 (C) Commercial.

29 (D) Industrial.

30 (E) Institutional and governmental.

31 (F) Landscape.

32 (G) Sales to other agencies.

33 (H) Saline water intrusion barriers, groundwater recharge, or  
34 conjunctive use, or any combination thereof.

35 (I) Agricultural.

36 (J) *Distribution system water loss.*

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

39 (3) (A) *For the 2015 urban water management plan update,*  
40 *the distribution system water loss shall be quantified for the most*

1 recent 12-month period available. For all subsequent updates, the  
2 distribution system water loss shall be quantified for each of the  
3 five years preceding the plan update.

4 (B) The distribution system water loss quantification shall be  
5 reported in accordance with a worksheet approved or developed  
6 by the department through a public process. The water loss  
7 quantification worksheet shall be based on the water system  
8 balance methodology developed by the American Water Works  
9 Association.

10 (4) (A) If available and applicable to an urban water supplier,  
11 water use projections may display and account for the water  
12 savings estimated to result from adopted codes, standards,  
13 ordinances, or transportation and land use plans identified by the  
14 urban water supplier, as applicable to the service area.

15 (B) To the extent that an urban water supplier reports the  
16 information described in subparagraph (A), an urban water  
17 supplier shall do both of the following:

18 (i) Provide citations of the various codes, standards, ordinances,  
19 or transportation and land use plans utilized in making the  
20 projections.

21 (ii) Indicate the extent that the water use projections consider  
22 savings from codes, standards, ordinances, or transportation and  
23 land use plans. Water use projections that do not account for these  
24 water savings shall be noted of that fact.

25 (f) Provide a description of the supplier's water demand  
26 management measures. This description shall include all of the  
27 following:

28 ~~(1) A description of each water demand management measure~~  
29 ~~that is currently being implemented, or scheduled for~~  
30 ~~implementation, including the steps necessary to implement any~~  
31 ~~proposed measures, including, but not limited to, all of the~~  
32 ~~following:~~

33 ~~(A) Water survey programs for single-family residential and~~  
34 ~~multifamily residential customers.~~

35 ~~(B) Residential plumbing retrofit.~~

36 ~~(C) System water audits, leak detection, and repair.~~

37 ~~(D) Metering with commodity rates for all new connections and~~  
38 ~~retrofit of existing connections.~~

39 ~~(E) Large landscape conservation programs and incentives.~~

40 ~~(F) High-efficiency washing machine rebate programs.~~

- 1     ~~(G) Public information programs.~~  
2     ~~(H) School education programs.~~  
3     ~~(I) Conservation programs for commercial, industrial, and~~  
4     ~~institutional accounts.~~  
5     ~~(J) Wholesale agency programs.~~  
6     ~~(K) Conservation pricing.~~  
7     ~~(L) Water conservation coordinator.~~  
8     ~~(M) Water waste prohibition.~~  
9     ~~(N) Residential ultra-low-flush toilet replacement programs.~~  
10    ~~(2) A schedule of implementation for all water demand~~  
11    ~~management measures proposed or described in the plan.~~  
12    ~~(3) A description of the methods, if any, that the supplier will~~  
13    ~~use to evaluate the effectiveness of water demand management~~  
14    ~~measures implemented or described under the plan.~~  
15    ~~(4) An estimate, if available, of existing conservation savings~~  
16    ~~on water use within the supplier's service area, and the effect of~~  
17    ~~the savings on the supplier's ability to further reduce demand.~~  
18    ~~(g) An evaluation of each water demand management measure~~  
19    ~~listed in paragraph (1) of subdivision (f) that is not currently being~~  
20    ~~implemented or scheduled for implementation. In the course of~~  
21    ~~the evaluation, first consideration shall be given to water demand~~  
22    ~~management measures, or combination of measures, that offer~~  
23    ~~lower incremental costs than expanded or additional water supplies.~~  
24    ~~This evaluation shall do all of the following:~~  
25    ~~(1) Take into account economic and noneconomic factors,~~  
26    ~~including environmental, social, health, customer impact, and~~  
27    ~~technological factors.~~  
28    ~~(2) Include a cost-benefit analysis, identifying total benefits and~~  
29    ~~total costs.~~  
30    ~~(3) Include a description of funding available to implement any~~  
31    ~~planned water supply project that would provide water at a higher~~  
32    ~~unit cost.~~  
33    ~~(4) Include a description of the water supplier's legal authority~~  
34    ~~to implement the measure and efforts to work with other relevant~~  
35    ~~agencies to ensure the implementation of the measure and to share~~  
36    ~~the cost of implementation.~~  
37    ~~(1) (A) For an urban retail water supplier, as defined in Section~~  
38    ~~10608.12, a narrative description that addresses the nature and~~  
39    ~~extent of each water demand management measure implemented~~  
40    ~~over the past five years. The narrative shall describe the water~~

1 *demand management measures that the supplier plans to implement*  
2 *to achieve its water use targets pursuant to Section 10608.20.*

3 *(B) The narrative pursuant to this paragraph shall include*  
4 *descriptions of the following water demand management measures:*

5 *(i) Water waste prevention ordinances.*

6 *(ii) Metering.*

7 *(iii) Conservation pricing.*

8 *(iv) Public education and outreach.*

9 *(v) Programs to assess and manage distribution system real*  
10 *loss.*

11 *(vi) Water conservation program coordination and staffing*  
12 *support.*

13 *(vii) Other demand management measures that have a*  
14 *significant impact on water use as measured in gallons per capita*  
15 *per day, including innovative measures, if implemented.*

16 *(2) For an urban wholesale water supplier, as defined in Section*  
17 *10608.12, a narrative description of the items in clauses (ii), (iv),*  
18 *(vi), and (vii) of subparagraph (B) of paragraph (1), and a*  
19 *narrative description of its distribution system asset management*  
20 *and wholesale supplier assistance programs.*

21 ~~(h)~~

22 *(g) Include a description of all water supply projects and water*  
23 *supply programs that may be undertaken by the urban water*  
24 *supplier to meet the total projected water use, as established*  
25 *pursuant to subdivision (a) of Section 10635. The urban water*  
26 *supplier shall include a detailed description of expected future*  
27 *projects and programs, other than the demand management*  
28 *programs identified pursuant to paragraph (1) of subdivision (f),*  
29 *programs that the urban water supplier may implement to increase*  
30 *the amount of the water supply available to the urban water supplier*  
31 *in average, single-dry, and multiple-dry water years. The*  
32 *description shall identify specific projects and include a description*  
33 *of the increase in water supply that is expected to be available*  
34 *from each project. The description shall include an estimate with*  
35 *regard to the implementation timeline for each project or program.*

36 ~~(i)~~

37 *(h) Describe the opportunities for development of desalinated*  
38 *water, including, but not limited to, ocean water, brackish water,*  
39 *and groundwater, as a long-term supply.*

40 ~~(j)~~

1 (i) For purposes of this part, urban water suppliers that are  
2 members of the California Urban Water Conservation Council  
3 shall be deemed in compliance with the requirements of  
4 ~~subdivisions subdivision (f) and (g)~~ by complying with all the  
5 provisions of the “Memorandum of Understanding Regarding  
6 Urban Water Conservation in California,” dated December 10,  
7 2008, as it may be amended, and by submitting the annual reports  
8 required by Section 6.2 of that memorandum.

9 ~~(k) Urban~~

10 (j) ~~An urban water suppliers supplier that rely~~ *relies* upon a  
11 wholesale agency for a source of water shall provide the wholesale  
12 agency with water use projections from that agency for that source  
13 of water in five-year increments to 20 years or as far as data is  
14 available. The wholesale agency shall provide information to the  
15 urban water supplier for inclusion in the urban water supplier’s  
16 plan that identifies and quantifies, to the extent practicable, the  
17 existing and planned sources of water as required by subdivision  
18 (b), available from the wholesale agency to the urban water supplier  
19 over the same five-year increments, and during various water-year  
20 types in accordance with subdivision (c). An urban water supplier  
21 may rely upon water supply information provided by the wholesale  
22 agency in fulfilling the plan informational requirements of  
23 subdivisions (b) and (c).

24 SEC. 2. Section 10644 of the Water Code is amended to read:

25 10644. (a) (1) An urban water supplier shall submit to the  
26 department, the California State Library, and any city or county  
27 within which the supplier provides water supplies a copy of its  
28 plan no later than 30 days after adoption. Copies of amendments  
29 or changes to the plans shall be submitted to the department, the  
30 California State Library, and any city or county within which the  
31 supplier provides water supplies within 30 days after adoption.

32 (2) The plan, or amendments to the plan, submitted to the  
33 department pursuant to paragraph (1) shall be submitted  
34 electronically and shall include any standardized forms, tables, or  
35 displays specified by the department.

36 (b) (1) Notwithstanding Section 10231.5 of the Government  
37 Code, the department shall prepare and submit to the Legislature,  
38 on or before December 31, in the years ending in six and one, a  
39 report summarizing the status of the plans adopted pursuant to this  
40 part. The report prepared by the department shall identify the

1 exemplary elements of the individual plans. The department shall  
2 provide a copy of the report to each urban water supplier that has  
3 submitted its plan to the department. The department shall also  
4 prepare reports and provide data for any legislative hearings  
5 designed to consider the effectiveness of plans submitted pursuant  
6 to this part.

7 (2) A report to be submitted pursuant to paragraph (1) shall be  
8 submitted in compliance with Section 9795 of the Government  
9 Code.

10 (c) (1) For the purpose of identifying the exemplary elements  
11 of the individual plans, the department shall identify in the report  
12 water demand management measures adopted and implemented  
13 by specific urban water suppliers, and identified pursuant to Section  
14 10631, that achieve water savings significantly above the levels  
15 established by the department to meet the requirements of Section  
16 10631.5.

17 (2) The department shall distribute to the panel convened  
18 pursuant to Section 10631.7 the results achieved by the  
19 implementation of those water demand management measures  
20 described in paragraph (1).

21 (3) The department shall make available to the public the  
22 standard the department will use to identify exemplary water  
23 demand management measures.

24 *SEC. 3. Section 1.5 of this bill incorporates amendments to*  
25 *Section 10631 of the Water Code proposed by both this bill and*  
26 *Assembly Bill 2067. It shall only become operative if (1) both bills*  
27 *are enacted and become effective on or before January 1, 2015,*  
28 *(2) each bill amends Section 10631 of the Water Code, and (3)*  
29 *this bill is enacted after Assembly Bill 2067, in which case Section*  
30 *1 of this bill shall not become operative.*

O