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WATER AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: Timothy D. Hawkes

LONG TITLE

General Description:

This bill addresses information related to water including water conservation.

Highlighted Provisions:

This bill:

- ▶ modifies provisions related to a water conservation plan, including provisions:
 - defining terms;
 - requiring goals for water conservation to be set;
 - addressing adopting, amending, submitting, or posting a water conservation plan;
 - requiring rate structures to be submitted under certain circumstances; and
 - addressing division powers, including rulemaking;
- ▶ modifies provision related to culinary water pricing structure; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-10-32, as last amended by Laws of Utah 2007, Chapter 329

73-10-32.5, as enacted by Laws of Utah 2016, Chapter 282

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **73-10-32** is amended to read:

32 **73-10-32. Definitions -- Water conservation plan required.**

33 (1) As used in this section:

34 [~~(a) "Board" means the Board of Water Resources created under Section [73-10-1.5](#).]~~

35 [~~(b)~~] (a) "Division" means the Division of Water Resources created under Section
36 [73-10-18](#).

37 [~~(c) "Retail" means the level of distribution of culinary water that supplies culinary
38 water directly to the end user.~~]

39 [~~(d) "Retail water provider" means an entity which:~~

40 [~~(i) supplies culinary water to end users; and]~~

41 [~~(ii) has more than 500 service connections.~~]

42 [~~(e)~~] (b) "Water conservancy district" means an entity formed under Title 17B, Chapter
43 2a, Part 10, Water Conservancy District Act.

44 [~~(f)~~] (c) "Water conservation plan" means a written document that contains existing
45 and proposed water conservation measures describing what will be done by [~~retail water
46 providers, water conservancy districts~~] a water provider, and the end user of culinary water to
47 help conserve water [~~and limit or reduce its use~~] in the state in terms of per capita
48 [~~consumption~~] use of water provided through culinary water infrastructure owned or operated
49 by the water provider so that adequate supplies of water are available for future needs.

50 (d) "Water provider" means:

51 (i) a retail water supplier, as defined in Section [19-4-102](#); or

52 (ii) a water conservancy district.

53 (2) (a) [~~Each~~] A water conservation plan shall contain:

54 (i) (A) a clearly stated overall water use reduction goal that is consistent with

55 Subsection (2)(d); and

56 (B) an implementation plan for each [~~of the~~] water conservation [~~measures it~~] measure
57 a water provider chooses to use, including a timeline for action and an evaluation process to

58 measure progress;

59 ~~[(ii) a requirement that each water conservancy district and retail water provider devote~~
60 ~~part of at least one regular meeting every five years of its governing body to a discussion and~~
61 ~~formal adoption of the water conservation plan, and allow public comment on it;]~~

62 ~~[(iii)]~~ (ii) a requirement that a notification procedure be implemented that includes the
63 delivery of the water conservation plan to the media and to the governing body of each
64 municipality and county served by the ~~[water conservancy district or retail]~~ water provider;
65 [and]

66 ~~[(iv)]~~ (iii) a copy of the minutes of the meeting regarding a water conservation plan and
67 the notification procedure required in ~~[Subsections (2)(a)(ii) and (iii) which]~~ Subsection
68 (2)(a)(ii) that shall be added as an appendix to the water conservation plan[;]; and

69 (iv) for a retail water supplier, as defined in Section 19-4-102, the retail water
70 supplier's rate structure that is:

71 (A) adopted by the retail water supplier's governing body in accordance with Section
72 73-10-32.5; and

73 (B) current as of the day the retail water supplier files a water conservation plan.

74 (b) A water conservation plan may include information regarding:

75 (i) the installation and use of water efficient fixtures and appliances, including toilets,
76 shower fixtures, and faucets;

77 (ii) residential and commercial landscapes and irrigation that require less water to
78 maintain;

79 (iii) more water efficient industrial and commercial processes involving the use of
80 water;

81 (iv) water reuse systems, both potable and not potable;

82 (v) distribution system leak repair;

83 (vi) dissemination of public information regarding more efficient use of water,
84 including public education programs, customer water use audits, and water saving
85 demonstrations;

- 86 (vii) water rate structures designed to encourage more efficient use of water;
- 87 (viii) statutes, ordinances, codes, or regulations designed to encourage more efficient
- 88 use of water by means such as water efficient fixtures and landscapes;
- 89 (ix) incentives to implement water efficient techniques, including rebates to water
- 90 users to encourage the implementation of more water efficient measures; and
- 91 (x) other measures designed to conserve water.

92 (c) The ~~[Division of Water Resources]~~ division may be contacted for information and

93 technical resources regarding measures listed in ~~[Subsections (2)(b)(i) through (2)(b)(x)]~~

94 Subsection (2)(b).

95 (d) (i) The division shall adopt by rule, made in accordance with Title 63G, Chapter 3,

96 Utah Administrative Rulemaking Act, regional water conservation goals that:

- 97 (A) are developed by the division;
- 98 (B) are reevaluated by December 31, 2030, and every 10 years after December 31,
- 99 2030; and

100 (C) define what constitutes "water being conserved" under a water conservation goal

101 after considering factors such as depletion, diversion, use, consumption, or return flows.

102 (ii) As part of a water conservation plan, a water provider shall adopt one of the

103 following:

- 104 (A) the regional water conservation goal applicable to the water provider;
- 105 (B) a water conservation goal that would result in more water being conserved than
- 106 would be conserved under the regional water conservation goal; or

107 (C) a water conservation goal that would result in less water being conserved than

108 would be conserved under the regional water conservation goal with a reasonable justification

109 as to why the different water conservation goal is adopted and an explanation of the factors

110 supporting the reasonable justification, such as demographics, geography, lot sizes, make up of

111 water service classes, or availability of secondary water.

112 (3) (a) ~~[Before April 1, 1999, each water conservancy district and each retail]~~ A water

113 provider shall:

114 (i) ~~[(A)]~~ prepare and adopt a water conservation plan ~~[if one has not already been~~
115 ~~adopted; or]; and~~

116 ~~[(B) if the district or provider has already adopted a water conservation plan, review~~
117 ~~the existing water conservation plan to determine if it should be amended and, if so, amend the~~
118 ~~water conservation plan; and]~~

119 (ii) file a copy of the water conservation plan ~~[or amended water conservation plan]~~
120 with the division.

121 (b) (i) Before adopting or amending a water conservation plan, ~~[each water~~
122 ~~conservancy district or retail]~~ a water provider shall hold a public hearing with reasonable,
123 advance public notice in accordance with this Subsection (3)(b).

124 (ii) The water provider shall provide public notice at least 14 days before the date of
125 the public hearing.

126 (iii) A water provider meets the requirements of reasonable notice required by this
127 Subsection (3)(b) if the water provider posts notice of the public hearing in at least three public
128 places within the service area of the water provider and:

129 (A) if the water provider is a public entity, posts notice on the Utah Public Notice
130 Website, created in Section [63A-16-601](#); or

131 (B) if the water provider is a private entity and has a public website, posts notice on the
132 water provider's public website.

133 (iv) Proof that notice described in Subsection (3)(b)(iii) was given is prima facie
134 evidence that notice was properly given.

135 (v) If notice given under authority of this Subsection (3)(b) is not challenged within 30
136 days from the date of the public hearing for which the notice was given, the notice is
137 considered adequate and proper.

138 (c) A water provider shall:

139 (i) post the water provider's water conservation plan on a public website; or

140 (ii) if the water provider does not have a public website, make the water provider's
141 water conservation plan publically available for inspection upon request.

142 (4) (a) The ~~[board]~~ division shall:

143 (i) provide guidelines and technical resources to ~~[retail water providers and water~~
144 ~~conservancy districts to]~~ help water providers prepare and implement water conservation plans;

145 (ii) ~~[investigate alternative measures designed to conserve water]~~ assist water providers
146 by identifying water conservation methods upon request; and

147 ~~[(iii) report regarding its compliance with the act and impressions of the overall quality~~
148 ~~of the plans submitted to the Natural Resources, Agriculture, and Environment Interim~~
149 ~~Committee of the Legislature at its meeting in November 2004.]~~

150 (iii) provide an online submission form that allows for an electronic copy of the water
151 conservation plan to be filed with the division under Subsection (3)(a)(ii).

152 (b) The ~~[board]~~ division shall ~~[publish]~~ post an annual report ~~[in a paper of state-wide~~
153 ~~distribution specifying the retail water providers and water conservancy districts that do not~~
154 ~~have a current water conservation plan on file with the board]~~ at the end of ~~[the]~~ a calendar year
155 listing water providers in compliance with this section.

156 (5) A ~~[water conservancy district or retail]~~ water provider may only receive state funds
157 for water development if ~~[they comply]~~ the water provider complies with the requirements of
158 this ~~[act]~~ section.

159 (6) ~~[Each water conservancy district and retail]~~ A water provider specified under
160 Subsection (3)(a) shall:

161 (a) update ~~[its]~~ the water provider's water conservation plan no less frequently than
162 every five years; and

163 (b) follow the procedures required under Subsection (3) when updating the water
164 conservation plan.

165 (7) It is the intent of the Legislature that the water conservation plans, amendments to
166 existing water conservation plans, and the studies and report by the ~~[board]~~ division be handled
167 within the existing budgets of the respective entities or agencies.

168 Section 2. Section **73-10-32.5** is amended to read:

169 **73-10-32.5. Culinary water pricing structure.**

170 (1) As used in this section, "retail water supplier" means the same as that term is
171 defined in Section 19-4-102.

172 (2) A retail water [~~provider, as defined in Section 73-10-32;~~] supplier shall:

173 ~~[(1)]~~ (a) establish a culinary water rate structure that:

174 ~~[(a)]~~ (i) incorporates increasing block units of water used; and

175 ~~[(b)]~~ (ii) provides for an increase in the rate charged for additional block units of water
176 used as usage increases from one block unit to the next;

177 ~~[(2)]~~ (b) provide in customer billing notices, or in a notice that is distributed to
178 customers at least annually, block unit rates and the customer's billing cycle; and

179 ~~[(3)]~~ (c) include individual customer water usage in customer billing notices.