

Attachment “A”

Water Management Planning

Senate Bills 610 and 210 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 and 221 are companion measures that seek to promote more collaborative planning between local water suppliers and cities and counties. Both statutes require detailed information regarding water availability to be provided to the city and county decision-makers prior to approval of specified large development projects. Both statutes also require this detailed information be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects. Both measures recognize local control and decision-making regarding the availability of water for projects and the approval of projects.

SB 610 (Chapter 643, Statutes of 2001)

Under SB 610, water assessments must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code 10912[a]) subject to the California Environmental Quality Act. Key operating provisions of SB 610 are:

1. The project must be subject to CEQA,
2. The project must be a “project” as defined by Water Code section 10912, and

If these two questions are answered in the affirmative, then the public water supplier must have an SB 610 Assessment or an Urban Water Management Plan. If the project is not served by a “public” water system, then the Lead Agency will be responsible for the preparation of an SB 610 or an Urban Water Management Plan if one does not exist. If the project is served by a “public” water system, the water supplier is responsible for preparation of the SB 610 assessment (or UWMP). “public” water, as per Water Code section 10912, has 3,000 or more service connections and either collection, treats, stores or distributes water to the public for human consumption.

California Water Code Section 10912 defines a project as follows:

a. “Project” means any of the following:

- 1) A proposed residential development of more than 500 dwelling units.*
- 2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.*
- 3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.*
- 4) A proposed hotel or motel, or both, having more than 500 rooms.*

- 5) *A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40-acres of land, or having more than 650,000 square feet of floor area.*
 - 6) *A mixed-use project that includes one or more of the projects specified in this subdivision.*
 - 7) *A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.*
- b. *If a public water system has fewer than 5,000 service connections, then “project” means any proposed residential, business, commercial, hotel or motel, or industrial development that would account for an increase of 10 percent or more in the number of public water system’s existing service connections, or a mixed-use project that would demand an amount of water equivalent to, or greater than, the amount of water required by residential development that would represent an increase of 10 percent or more in the number of the public water system’s existing service connections.*

SB 610 Water Assessment:

Under the Water Assessment requirements of SB 610, the assessment must address whether the projected supply for the next 20-years, based on normal, single-dry and multiple-dry years forecasts, will meet the demand projected for the project plus existing and planned future uses (including agricultural and manufacturing). Three areas must be addressed in reaching the answer to this question:

- A. The assessment shall include and quantify water received in prior years from (1) existing water supply entitlements; (2) water rights; and (3) water service contracts held by the Water Supplier. These must be demonstrated by (a) written contracts; (b) capital outlay/financing program for delivery adopted by the Water Supplier; (c) Federal/State/Local permits for delivery infrastructure; (d) regulatory approval required to convey or deliver water.
- B. If no water received in prior years by Water Supplier under items identified per (A) above, identify other water suppliers or water service contract holders that receive supply or have rights to the same source identified by the Water Supplier or Agency.
- C. If the source for the project includes groundwater, factors and specifications related to groundwater source must be included. The following information must be included in the water assessment under this area as per California Water Code Section 10910, Subdivision (f):
 - 1) *A review of any information contained in the urban water management plan relevant to the identified water supply for the proposed project.*
 - 2) *A description of any groundwater basin or basins from which the proposed project will be supplied. For those basins for which a court or the board has adjudicated the rights to pump groundwater, the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has the legal right to pump under the*

order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as over-drafted or has projected that the basin will become over-drafted if present management conditions continue, in the most current bulletin of the department that characterizes the condition of groundwater basin, and a detailed description by the public water system, or the City or County if either is required to comply with this part pursuant to subdivision (b), of the efforts being undertaken in the basin or basins to eliminate the long-term overdraft condition.

- 3) A detailed description and analysis of the amount and location of groundwater pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), for the past five years from any groundwater basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.*
- 4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), from any basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.*
- 5) An analysis of the sufficiency of the groundwater from the basin or basins from which the proposed project will be supplied to meet the projected water demand associated with the proposed project. A water assessment shall not be required to include the information required by this paragraph if the public water system determines, as part of the review required by paragraph (1), that the sufficiency of groundwater necessary to meet the initial and projected water demand associated with the project was addressed in the description and analysis required by paragraph (4) of subdivision (b) of Section 10631*

SB 221 (Chapter 642, Statutes of 2001)

SB 221 is intended as a “fail safe” mechanism to ensure that collaboration on finding the needed water supplies to serve a new large development occurs prior to development approval and construction. The tests for determining the applicability of SB 211 are tied to the creation of subdivision of property:

1. The proposal for a Development Agreement includes a “subdivision” as defined by Government Code Section 66473.7(a)(1) that is not exempt under Government Code Section 66473.7(i).
2. The development includes a subdivision as defined by Government Code Section 66473.7(a)(1) that is not exempt under Government Code Section 66473.7(i).

A “subdivision” under 66473.7(a)(1) is a residential development of more than 500 dwelling units except, where the public water system has fewer than 5,000 service

connections, a “subdivision means any proposed residential development that would account for an increase of 10 percent or more in the number of service connections. The exemption under Government Code Section 66473.7(i) applies to “infill” or “low-income or very-low-income” housing subdivisions within urbanized areas surrounded by urban uses.

If the project includes a (non-exempt) residential subdivision, the agency approving the map shall adopt a condition the project with the requirement that a sufficient water supply shall be available” before the map can be recorded. I

If the project is not served by a “public” water system, then the Lead Agency will be responsible for the preparation of SB 221 “Water Supplier” requirements. If the project is served by a “public” water system, the water supplier is responsible for preparation of the SB 221 “verification” of a sufficient water supply.

SB 221 “Verification” of Sufficient Water Supply

The “Verification” must conclude whether a water supplier is able or unable to provide a sufficient water supply based on an analysis as to whether water supplies available during normal, single-dry, and multiple-dry years within a 20-year projection will meet the projected demand associated with the proposed Subdivision, in addition to existing and planned future uses, including, but not limited to, agriculture and industrial uses. All of the following must be considered in the “Verification”:

- A. Historical record for the last 20 years,
- B. Urban Water Shortage Contingency Analysis,
- C. Supply reduction for “specific water use sector” per Water Supplier’s resolution, ordinance, or contract, and
- D. Amount of water that can be reasonably relied upon from specified supply project, subject to the determination outlined in Government Code Section 66473.7(d), 66473.7(a)(2) and 66473.7(c)

A “Verification” must be based upon “substantial evidence” which may include an applicable Urban Water Management Plan or Assessment prepared per SB 610. The “Verification shall be consistent with the Water Supplier’s obligation to grant priority for water to lower-income housing projects pursuant to Government Code Section 66473.7(j).

The “Verification must describe, subject to data availability, impacts on agricultural and industrial water demand. To the extent that the “Verification” relies on “projected water supplies”, analysis must be based upon specified criteria:

GC Section 66473.7(d) When the written verification pursuant to subdivision (b) relies on projected water supplies that are not currently available to the public water system, to provide a sufficient water supply to the subdivision, the written verification as to those projected water supplies shall be based on all of the following element, to the extent each is applicable:

- 1) *Written contracts or other proof of valid rights to the identified water supply that identify the terms and conditions under which the water will be available to serve the proposed subdivision.*
- 2) *Copies of a capital outlay program for financing the delivery of sufficient water supply that has been adopted by the applicable governing body.*
- 3) *Securing of applicable federal, state, and local permits for construction of necessary infrastructure associated with supplying a sufficient water supply.*
- 4) *Any necessary regulatory approval that are required in order to be able to convey or deliver a sufficient water supply to the subdivision.*

To the extent that the verification relies on groundwater, it must include specified criteria:

GC Section 66473.7(h) Where a water supply for a proposed subdivision includes groundwater, the public water system serving the proposed subdivision shall evaluate, based on substantial evidence, the extent to which it or the landowner has the right to extract the additional groundwater needed to supply the proposed subdivision. Nothing in this subdivision is intended to modify state law with regard to groundwater rights.

The “Verification” must be provided within 90-days of date of request by the subdivision applicant. The “Verification” must be sent to the public agency approving the subdivision and is to be included in the Department of Real Estate filing.

Bridging the “Sufficiency” Gap

If a water provider concludes in the “Verification” that water supplies are not “sufficient” the city or county government may bridge any gap from the verification’s “insufficient” determination with additional supplies not accounted for by the water supplier, based on substantial evidence and findings on the record. In bridging any sufficiency gap, whether before or after issuance of the “Verification”, the city or county government may coordinate with others to identify and secure sources of supply. The “gap” supplies must be acceptable and approved by the water supplier and the city or county must work with the public water system to implement a plan to deliver the water supply to satisfy the long-term demands of the proposed subdivision.

Urban Water Management Plan

A foundational document for compliance with both SB 610 and SB 221 is the Urban Water Management Plan (UWMP). Both of these statutes repeatedly identify the UWMP as the planning document that, if properly prepared, can be used by the water supplier to meet the standards set forth in both statutes.

The Department of Water Resources DWR provides urban water management planning services to local and regional urban water suppliers. In 1983, the California Legislature enacted the *Urban Water Management Planning Act* (Water Code Sections 10610 - 10656). The Act states that every urban water supplier that provides water to 3,000 or more customers, or that provides over 3,000 acre-feet of water annually, should make

every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry years. The Act describes the contents of the UWMPs as well as how urban water suppliers should adopt and implement the plans. 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.

DWR has designed its urban planning assistance program to assist urban water suppliers to meet the requirements of the Act. Program staff assists urban water suppliers with preparing comprehensive and useful water management plans, implementing water conservation programs, and understanding the requirements of the Act.

DWR staff reviews all of the urban water management plans that are submitted to DWR in accordance with the Act. Results are provided to local and regional water suppliers through a review letter. Results are also compiled into a Legislative Report provided to California Legislature one year after plans are due to DWR.

The following is the portion of the California State Water Code, Division 6, Part 2.6 regarding the requirements for Urban Water Management Plan (UWMP).

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 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 area-wide, regional, watershed, or basin-wide 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 plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, 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. (f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions. 10621.

- (a) Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero.*
- (b) Every urban water supplier required to prepare a plan pursuant to this part shall notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.*
- (c) 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) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.*
 - (b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision*
- (a) If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:*
- (1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.*
 - (2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree*

adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as over-drafted or has projected that the basin will become over-drafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

- (3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.*
 - (4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.*
- (c) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:*
- (1) An average water year.*
 - (2) A single dry water year.*
 - (3) Multiple dry water years.*

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

- (d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.*
- (e)*
- (1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors including, but not necessarily limited to, all of the following uses:*
- (A) Single-family residential.*
 - (B) Multifamily.*
 - (C) Commercial.*
 - (D) Industrial.*

- (E) Institutional and governmental.*
- (F) Landscape.*
- (G) Sales to other agencies.*
- (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.*
- (I) Agricultural.*

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

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

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

- (A) Water survey programs for single-family residential and multifamily residential customers.*
- (B) Residential plumbing retrofit.*
- (C) System water audits, leak detection, and repair.*
- (D) Metering with commodity rates for all new connections and retrofit of existing connections.*
- (E) Large landscape conservation programs and incentives.*
- (F) High-efficiency washing machine rebate programs.*
- (G) Public information programs.*
- (H) School education programs.*
- (I) Conservation programs for commercial, industrial, and institutional accounts.*
- (J) Wholesale agency programs.*
- (K) Conservation pricing.*
- (L) Water conservation coordinator.*
- (M) Water waste prohibition.*
- (N) Residential ultra-low-flush toilet replacement programs.*

(2) A schedule of implementation for all water demand management measures proposed or described in the plan.

(3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.

(4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of the savings on the supplier's ability to further reduce demand.

- (g) *An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measures, that offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following:*
- (1) *Take into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors.*
 - (2) *Include a cost-benefit analysis, identifying total benefits and total costs.*
 - (3) *Include a description of funding available to implement any planned water supply project that would provide water at a higher unit cost.*
 - (4) *Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.*
- (h) *Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs, other than the demand management programs identified pursuant to paragraph (1) of subdivision (f), that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.*
- (i) *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 identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of subdivisions (f) and (g).*
- (j) *Urban water suppliers that rely upon a wholesale agency for a source of water, shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b),*

available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c).

10631.5. The department shall take into consideration whether the urban water supplier is implementing or scheduled for implementation, the water demand management activities that the urban water supplier identified in its urban water management plan, pursuant to Section 10631, in evaluating applications for grants and loans made available pursuant to Section 79163. The urban water supplier may submit to the department copies of its annual reports and other relevant documents to assist the department in determining whether the urban water supplier is implementing or scheduling the implementation of water demand management activities.

10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier:

- (a) 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 which are applicable to each stage.*
- (b) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.*
- (c) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.*
- (d) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.*
- (e) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.*
- (f) Penalties or charges for excessive use, where applicable.*
- (g) An analysis of the impacts of each of the actions and conditions described in subdivisions (a) to (f), inclusive, 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.

(h) A draft water shortage contingency resolution or ordinance.

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

10633. The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area, and shall include all of the following:

(a) A description of the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater 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, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

(e) A description of actions, including financial incentives, which may be taken to encourage the use of recycled water, 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, to promote re-circulating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.10634. The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability.

Article 2.5 Water Service Reliability

10635.

- (a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.*
- (b) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.*
- (c) Nothing in this article is intended to create a right or entitlement to water service or any specific level of water service.*
- (d) Nothing in this article is intended to change existing law concerning an urban water supplier's obligation to provide water service to its existing customers or to any potential future customers.*