

**WATER DISTRIBUTION EFFICIENCY**

2021 GENERAL SESSION

STATE OF UTAH

---

---

**LONG TITLE**

**General Description:**

This bill addresses water distribution efficiency.

**Highlighted Provisions:**

This bill:

- ▶ modifies requirements for water conservation plans;
- ▶ enacts the Water Distribution Efficiency Act, including:
  - defining terms;
  - providing for general powers and duties of the Division of Water Resources;
  - addressing acceptable levels of water loss;
  - addressing training; and
  - requiring reports; 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

ENACTS:

**73-10h-101**, Utah Code Annotated 1953

**73-10h-102**, Utah Code Annotated 1953

**73-10h-103**, Utah Code Annotated 1953

**73-10h-201**, Utah Code Annotated 1953

**73-10h-202**, Utah Code Annotated 1953

**73-10h-301**, Utah Code Annotated 1953

**73-10h-302**, Utah Code Annotated 1953

33           **73-10h-401**, Utah Code Annotated 1953  
 34           **73-10h-402**, Utah Code Annotated 1953  
 35           **73-10h-403**, Utah Code Annotated 1953  
 36           **73-10h-404**, Utah Code Annotated 1953

37

---

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

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

40           **73-10-32. Definitions -- Water conservation plan required.**

41           (1) As used in this section:

42           (a) "Board" means the Board of Water Resources created under Section 73-10-1.5.

43           (b) "Division" means the Division of Water Resources created under Section 73-10-18.

44           (c) "Governing body" means:

45           (i) for a political subdivision, the political subdivision governing body defined in  
 46 Section 63A-15-102; or

47           (ii) for a private entity, the entity's board of directors, managing members, partners, or  
 48 equivalent body.

49           ~~[(c)]~~ (d) "Retail" means the level of distribution of ~~[culinary]~~ drinking water that  
 50 supplies ~~[culinary]~~ drinking water directly to the end user.

51           ~~[(d)]~~ (e) "Retail water provider" means an entity ~~[which]~~ that:

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

53           (ii) has more than 500 service connections.

54           ~~[(e)]~~ (f) "Water conservancy district" means an entity formed under Title 17B, Chapter  
 55 2a, Part 10, Water Conservancy District Act.

56           ~~[(f)]~~ (g) "Water conservation plan" means a written document that contains existing  
 57 and proposed water conservation measures describing what will be done by retail water  
 58 providers, water conservancy districts, and the end user of ~~[culinary]~~ drinking water to help  
 59 conserve water and limit or reduce ~~[its]~~ water use in the state in terms of per capita  
 60 consumption so that adequate supplies of water are available for future needs.

61           (h) (i) "Water loss" means the difference between the annual volume of water entering  
 62 a water distribution system and the annual volume of metered water, unmetered water, or both  
 63 taken by registered customers, the water conservancy district, the retail water provider, and

- 64 others who are implicitly or explicitly authorized to take water.
- 65 (ii) "Water loss" includes:
- 66 (A) the annual volumes lost through leaks, breaks, and overflows on mains, service
- 67 reservoirs, and service connections, up to the point of customer metering;
- 68 (B) unauthorized consumption;
- 69 (C) metering inaccuracies; and
- 70 (D) systemic data handling errors.
- 71 (2) (a) [~~Each~~] A water conservation plan shall contain:
- 72 (i) a clearly stated overall water use reduction goal [~~and~~];
- 73 (ii) a section addressing water loss and mitigation, including:
- 74 (A) the volume of acceptable water loss determined under Section 73-10h-201;
- 75 (B) the annual volume of water loss for each of the prior five years;
- 76 (C) the actions to be taken if water loss exceeds the acceptable amount;
- 77 (D) a summary of actions taken, if any, during the prior five years to reduce the volume
- 78 of water loss in the system; and
- 79 (E) any actions that are planned for the next five-year period to address water loss;
- 80 (iii) an implementation plan for each of the water conservation measures [it] the water
- 81 conservancy district or retail water provider chooses to use, including a timeline for action and
- 82 an evaluation process to measure progress;
- 83 [~~(ii)~~] (iv) a requirement that each water conservancy district and retail water provider
- 84 devote part of at least one regular meeting every five years of [~~its~~] the water conservancy
- 85 district's or retail water provider's governing body to a discussion and formal adoption of the
- 86 water conservation plan, and allow public comment on [it] the water conservation plan;
- 87 [~~(iii)~~] (v) a requirement that a notification procedure be implemented that includes the
- 88 delivery of the water conservation plan to the media and to the governing body of each
- 89 municipality and county served by the water conservancy district or retail water provider; and
- 90 [~~(iv)~~] (vi) a copy of the minutes of the meeting and the notification procedure required
- 91 in Subsections (2)(a)[~~(ii)~~](iv) and [~~(iii)~~] (v) which shall be added as an appendix to the plan.
- 92 (b) A water conservation plan may include information regarding:
- 93 (i) the installation and use of water efficient fixtures and appliances, including toilets,
- 94 shower fixtures, and faucets;

- 95 (ii) residential and commercial landscapes and irrigation that require less water to  
96 maintain;
- 97 (iii) more water efficient industrial and commercial processes involving the use of  
98 water;
- 99 (iv) water reuse systems, both potable and not potable;
- 100 (v) ~~[distribution system leak repair]~~ dissemination of public information regarding the  
101 per capita consumption of water within the system and the water conservation goals established  
102 by the division for the region where the water conservancy district or retail water provider is  
103 located;
- 104 (vi) dissemination of public information regarding more efficient use of water,  
105 including public education programs, customer water use audits, and water saving  
106 demonstrations;
- 107 (vii) water rate structures designed to encourage more efficient use of water;
- 108 (viii) statutes, ordinances, codes, or regulations designed to encourage more efficient  
109 use of water by means such as water efficient fixtures and landscapes;
- 110 (ix) incentives to implement water efficient techniques, including rebates to water  
111 users to encourage the implementation of more water efficient measures; and
- 112 (x) other measures designed to conserve water.
- 113 (c) The Division of Water Resources may be contacted for information and technical  
114 resources regarding measures listed in Subsections (2)(b)(i) through (2)(b)(x).
- 115 (3) (a) Before April 1, 1999, each water conservancy district and each retail water  
116 provider shall:
- 117 (i) (A) prepare and adopt a water conservation plan if one has not already been  
118 adopted; or
- 119 (B) if the water conservancy district or retail water provider has already adopted a  
120 water conservation plan, review the existing water conservation plan to determine if [it] the  
121 water conservation plan should be amended and, if so, amend the water conservation plan; and
- 122 (ii) file a copy of the water conservation plan or amended water conservation plan with  
123 the division.
- 124 (b) Before adopting or amending a water conservation plan, each water conservancy  
125 district or retail water provider shall hold a public hearing with reasonable, advance public

126 notice.

127 (4) (a) The board shall:

128 (i) provide guidelines and technical resources to retail water providers and water  
129 conservancy districts to prepare and implement water conservation plans; and

130 (ii) investigate alternative measures designed to conserve water~~;~~and

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

134 (b) The board shall publish an annual report in a paper of state-wide distribution  
135 specifying the retail water providers and water conservancy districts that do not have a current  
136 water conservation plan on file with the board at the end of the calendar year.

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

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

141 (a) update ~~[its]~~ the water conservancy district's or retail water provider's water  
142 conservation plan no less frequently than every five years; and

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

145 (7) It is the intent of the Legislature that the water conservation plans, amendments to  
146 existing water conservation plans, and the studies and report by the board be handled within the  
147 existing budgets of the respective entities or agencies.

148 Section 2. Section **73-10h-101** is enacted to read:

149 **CHAPTER 10H. WATER DISTRIBUTION EFFICIENCY ACT**

150 **Part 1. General Provisions**

151 **73-10h-101. Title.**

152 This chapter is known as the "Water Distribution Efficiency Act."

153 Section 3. Section **73-10h-102** is enacted to read:

154 **73-10h-102. Definitions.**

155 As used in this chapter:

156 (1) "Data validity number" means a qualitative measure of the overall confidence and

157 accuracy of the data entered as part of a standard water loss audit.

158 (2) "Division" means the Division of Water Resources.

159 (3) "Governing body" means the same as that term is defined in Section 73-10-32.

160 (4) "Large water conservancy district" means a water conservancy district with total  
161 revenue reported to the state auditor on or before June 30, 2020, for Fiscal Year 2019 in excess  
162 of \$40,000,000.

163 (5) "Retail water provider" means the same as that term is defined in Section 73-10-32.

164 (6) "Standard water loss audit" means a water loss audit using methodology approved  
165 by the division by rule in accordance with Section 73-10h-103.

166 (7) "Water conservancy district" means the same as that term is defined in Section  
167 73-10-32.

168 (8) "Water distributor" means a retail water provider or a water conservancy district.

169 (9) "Water loss" means the same as that term is defined in Section 73-10-32.

170 Section 4. Section **73-10h-103** is enacted to read:

171 **73-10h-103. Division general powers and duties.**

172 (1) The division may assist water distributors in improving water efficiency and water  
173 conservation through the implementation of processes designed to improve distribution  
174 efficiency, including reducing water losses and conducting water loss audits.

175 (2) The division shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
176 Rulemaking Act, identify by rule a water loss audit methodology based on the most recent  
177 version of the M36 Standard for Water Audits and Loss Control Programs published by the  
178 American Water Works Association or a comparable industry accepted standard.

179 Section 5. Section **73-10h-201** is enacted to read:

180 **Part 2. Appropriate Level of Water Loss**

181 **73-10h-201. Appropriate level of water loss determined.**

182 (1) The governing body of a water distributor shall adopt a standard defining an  
183 acceptable amount of annual water loss.

184 (2) In adopting a standard under this section, a governing body may, when the  
185 governing body determines that a distinction is justified based on engineering judgment:

186 (a) adopt a separate standard for specific types of infrastructure within the system;

187 (b) adopt separate standards for specific geographic areas of the system; and

188 (c) elect to not adopt a standard for those portions of a system that are not primarily  
189 dedicated to or used to provide potable water to the public.

190 Section 6. Section **73-10h-202** is enacted to read:

191 **73-10h-202. Addressing unacceptable water loss.**

192 If a water distributor has water loss that exceeds the acceptable water loss determined in  
193 accordance with Section 73-10h-201, the governing body of the water distributor shall  
194 determine the actions to be taken to address the excessive water loss, which may include:

195 (1) a standard water loss audit;

196 (2) leak detection procedures in known problem areas;

197 (3) an aging infrastructure assessment; or

198 (4) an assessment of meter accuracy, including calibration and volumetric testing of a  
199 representative sample of:

200 (a) source meters, including deliveries from another entity; and

201 (b) bench testing of customer meters.

202 Section 7. Section **73-10h-301** is enacted to read:

203 **Part 3. Training**

204 **73-10h-301. Efficiency training for water distributors.**

205 A water distributor may obtain efficiency training in accordance with this part,  
206 including training on standard water loss audit processes.

207 Section 8. Section **73-10h-302** is enacted to read:

208 **73-10h-302. Providing training to retail water providers.**

209 (1) A large water conservancy district shall provide the training described in Section  
210 73-10h-301 at no cost to a retail water provider within the boundaries of the large water  
211 conservancy district.

212 (2) The division, water conservancy districts, associations of which retail water  
213 providers are members, or other entities that provide education and training to retail water  
214 providers may provide the training described in Section 73-10h-301, jointly or individually.

215 Section 9. Section **73-10h-401** is enacted to read:

216 **Part 4. Reporting**

217 **73-10h-401. Governing body annual reports.**

218 A water distributor shall prepare an annual written report to the water distributor's  
219 governing body addressing the amount of water loss within the water distributor's system.

220 Section 10. Section **73-10h-402** is enacted to read:

221 **73-10h-402. Water audit loss report to the state engineer.**

222 A water distributor shall annually provide the state engineer the following information,  
223 in the manner directed by the state engineer:

224 (1) whether the water distributor received training described in Part 3, Training, in the  
225 immediately preceding calendar year;

226 (2) whether the water distributor conducted a standard water loss audit in the  
227 immediately preceding calendar year;

228 (3) if the water distributor conducted a standard water loss audit in the immediately  
229 preceding calendar year, what was the data validity number for that standard water loss audit;  
230 and

231 (4) whether the water distributor conducted a water loss audit in the immediately  
232 preceding calendar year that did not qualify as a standard water loss audit.

233 Section 11. Section **73-10h-403** is enacted to read:

234 **73-10h-403. Water conservation plan water loss report.**

235 A water distributor shall include water loss information in the water distributor's water  
236 conservation plan in accordance with Section 73-10-32.

237 Section 12. Section **73-10h-404** is enacted to read:

238 **73-10h-404. Division report to Legislature.**

239 (1) Beginning in the 2022 interim, the division shall report annually to the Natural  
240 Resources, Agriculture, and Environment Interim Committee at the October or November  
241 interim meeting on water distributors' water efficiency with the following information:

242 (a) the number of water distributors conducting standard water loss audits;

243 (b) the number of standard water loss audits conducted and the associated data validity  
244 numbers for the audits;

245 (c) the number of training sessions for water distributors conducted under Section  
246 73-10h-302;

247 (d) the number of water distributors attending each training session presented by:

248 (i) a large water conservancy district;

249           (ii) an entity other than a large water conservancy district; or  
250           (iii) the division; and  
251           (e) the number of water loss audits performed that were not standard water loss audits.  
252           (2) Subject to Subsection (3), in 2026 the division shall report on or before October 31  
253 to the Natural Resources, Agriculture, and Environment Interim Committee and the Legislative  
254 Water Development Commission a summary regarding water loss data compiled from the last  
255 five years and recommendations.  
256           (3) During the 2026 interim, the Natural Resources, Agriculture, and Environment  
257 Interim Committee shall make a recommendation as to whether annual reports to the interim  
258 committee should be required under this section.