

1 **WATER DISTRIBUTION EFFICIENCY**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill addresses water distribution efficiency.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ modifies requirements for water conservation plans;
- 11 ▶ enacts the Water Distribution Efficiency Act, including:
 - 12 • defining terms;
 - 13 • providing for general powers and duties of the Division of Water Resources;
 - 14 • addressing acceptable levels of water loss;
 - 15 • addressing training; and
 - 16 • requiring reports; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **73-10-32**, as last amended by Laws of Utah 2007, Chapter 329

25 ENACTS:

26 **73-10h-101**, Utah Code Annotated 1953

27 **73-10h-102**, Utah Code Annotated 1953

28 **73-10h-103**, Utah Code Annotated 1953

29 **73-10h-201**, Utah Code Annotated 1953

30 **73-10h-202**, Utah Code Annotated 1953

31 **73-10h-301**, Utah Code Annotated 1953

32 **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 water that supplies culinary
 50 water directly to the end user.

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

52 (i) supplies culinary 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 water to help conserve
 59 water and limit or reduce ~~[its]~~ water use in the state in terms of per capita consumption so that
 60 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, with an exception
76 for any year before 2020 for which data does not exist;

77 (C) the actions to be taken if water loss exceeds the acceptable amount;

78 (D) a summary of actions taken, if any, during the prior five years to reduce the volume
79 of water loss in the system; and

80 (E) any actions that are planned for the next five-year period to address water loss;

81 (iii) an implementation plan for each of the water conservation measures [it] the water
82 conservancy district or retail water provider chooses to use, including a timeline for action and
83 an evaluation process to measure progress;

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

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

91 [~~(iv)~~] (vi) a copy of the minutes of the meeting and the notification procedure required
92 in Subsections (2)(a)[~~(ii)~~](iv) and [~~(iii)~~] (v) which shall be added as an appendix to the plan.

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

94 (i) the installation and use of water efficient fixtures and appliances, including toilets,

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

126 district or retail water provider shall hold a public hearing with reasonable, advance public
127 notice.

128 (4) (a) The board shall:

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

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

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

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

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

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

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

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

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

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

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

151 **Part 1. General Provisions**

152 **73-10h-101. Title.**

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

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

155 **73-10h-102. Definitions.**

156 As used in this chapter:

157 (1) "Data validity number" means a qualitative measure of the overall confidence and
158 accuracy of the data entered as part of a standard water loss audit.

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

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

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

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

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

167 (7) "Water conservancy district" means the same as that term is defined in Section
168 73-10-32.

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

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

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

172 **73-10h-103. Division general powers and duties.**

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

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

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

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

182 **73-10h-201. Appropriate level of water loss determined.**

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

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

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

- 188 (b) adopt separate standards for specific geographic areas of the system; and
189 (c) elect to not adopt a standard for those portions of a system that are not primarily
190 dedicated to or used to provide potable water to the public.

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

192 **73-10h-202. Addressing unacceptable water loss.**

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

- 196 (1) a standard water loss audit;
197 (2) leak detection procedures in known problem areas;
198 (3) an aging infrastructure assessment; or
199 (4) an assessment of meter accuracy, including calibration and volumetric testing of a
200 representative sample of:

- 201 (a) source meters, including deliveries from another entity; and
202 (b) bench testing of customer meters.

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

204 **Part 3. Training**

205 **73-10h-301. Efficiency training for water distributors.**

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

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

209 **73-10h-302. Providing training to retail water providers.**

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

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

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

217 **Part 4. Reporting**

218 **73-10h-401. Governing body annual reports.**

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

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

222 **73-10h-402. Water audit loss report to the state engineer.**

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

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

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

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

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

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

235 **73-10h-403. Water conservation plan water loss report.**

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

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

239 **73-10h-404. Division report to Legislature.**

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

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

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

246 (c) the number of training sessions for water distributors conducted under Section
247 73-10h-302;

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

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