

Effective 5/4/2022

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

(1) As used in this section:

- (a) "Division" means the Division of Water Resources created under Section 73-10-18.
- (b) "Water conservancy district" means an entity formed under Title 17B, Chapter 2a, Part 10, Water Conservancy District Act.
- (c) "Water conservation plan" means a written document that contains existing and proposed water conservation measures describing what will be done by a water provider, and the end user of culinary water to help conserve water in the state in terms of per capita use of water provided through culinary water infrastructure owned or operated by the water provider so that adequate supplies of water are available for future needs.
- (d) "Water provider" means:
 - (i) a retail water supplier, as defined in Section 19-4-102; or
 - (ii) a water conservancy district.

(2)

(a) A water conservation plan shall contain:

- (i)
 - (A) a clearly stated overall water use reduction goal that is consistent with Subsection (2)(d); and
 - (B) an implementation plan for each water conservation measure a water provider chooses to use, including a timeline for action and an evaluation process to measure progress;
- (ii) a requirement that a notification procedure be implemented that includes the delivery of the water conservation plan to the media and to the governing body of each municipality and county served by the water provider;
- (iii) a copy of the minutes of the meeting regarding a water conservation plan and the notification procedure required in Subsection (2)(a)(ii) that shall be added as an appendix to the water conservation plan; and
- (iv) for a retail water supplier, as defined in Section 19-4-102, the retail water supplier's rate structure that is:
 - (A) adopted by the retail water supplier's governing body in accordance with Section 73-10-32.5; and
 - (B) current as of the day the retail water supplier files a water conservation plan.

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

- (i) the installation and use of water efficient fixtures and appliances, including toilets, shower fixtures, and faucets;
- (ii) residential and commercial landscapes and irrigation that require less water to maintain;
- (iii) more water efficient industrial and commercial processes involving the use of water;
- (iv) water reuse systems, both potable and not potable;
- (v) distribution system leak repair;
- (vi) dissemination of public information regarding more efficient use of water, including public education programs, customer water use audits, and water saving demonstrations;
- (vii) water rate structures designed to encourage more efficient use of water;
- (viii) statutes, ordinances, codes, or regulations designed to encourage more efficient use of water by means such as water efficient fixtures and landscapes;
- (ix) incentives to implement water efficient techniques, including rebates to water users to encourage the implementation of more water efficient measures; and
- (x) other measures designed to conserve water.

(c) The division may be contacted for information and technical resources regarding measures listed in Subsection (2)(b).

(d)

(i) The division shall adopt by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regional water conservation goals that:

(A) are developed by the division;

(B) are reevaluated by December 31, 2030, and every 10 years after December 31, 2030; and

(C) define what constitutes "water being conserved" under a water conservation goal after considering factors such as depletion, diversion, use, consumption, or return flows.

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

(A) the regional water conservation goal applicable to the water provider;

(B) a water conservation goal that would result in more water being conserved than would be conserved under the regional water conservation goal; or

(C) a water conservation goal that would result in less water being conserved than would be conserved under the regional water conservation goal with a reasonable justification as to why the different water conservation goal is adopted and an explanation of the factors supporting the reasonable justification, such as demographics, geography, lot sizes, make up of water service classes, or availability of secondary water.

(3)

(a) A water provider shall:

(i) prepare and adopt a water conservation plan; and

(ii) file a copy of the water conservation plan with the division.

(b)

(i) Before adopting or amending a water conservation plan, a water provider shall hold a public hearing with reasonable, advance public notice in accordance with this Subsection (3)(b).

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

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

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

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

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

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

(c) A water provider shall:

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

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

(4)

(a) The division shall:

(i) provide guidelines and technical resources to help water providers prepare and implement water conservation plans;

- (ii) assist water providers by identifying water conservation methods upon request; and
 - (iii) provide an online submission form that allows for an electronic copy of the water conservation plan to be filed with the division under Subsection (3)(a)(ii).
- (b) The division shall post an annual report at the end of a calendar year listing water providers in compliance with this section.
- (5) A water provider may only receive state funds for water development if the water provider complies with the requirements of this section.
- (6) A water provider specified under Subsection (3)(a) shall:
- (a) update the water provider's water conservation plan no less frequently than every five years; and
 - (b) follow the procedures required under Subsection (3) when updating the water conservation plan.
- (7) It is the intent of the Legislature that the water conservation plans, amendments to existing water conservation plans, and the studies and report by the division be handled within the existing budgets of the respective entities or agencies.

Amended by Chapter 90, 2022 General Session