

**WATER QUALITY REVISIONS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad L. Dee**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill modifies the Water Quality Act.

**Highlighted Provisions:**

This bill:

▸ states that an inadvertent release of water from a publicly owned culinary water system is not considered to be a discharge of a pollutant, under the Water Quality Act, unless:

- the release is caused by misconduct;
  - the release is the primary cause of pollution of waters of the state; and
  - the water that is released is in violation of numeric water quality standards; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**19-5-107**, as last amended by Laws of Utah 2012, Chapter 360

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

Section 1. Section **19-5-107** is amended to read:

**19-5-107. Discharge of pollutants unlawful -- Discharge permit required.**

(1) (a) Except as provided in this chapter or rules made under it, it is unlawful for any person to discharge a pollutant into waters of the state or to cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water, or to place or cause to be placed any wastes in a location where there is probable cause to believe it will cause pollution.

(b) For purposes of injunctive relief, any violation of this subsection is a public nuisance.

(c) An inadvertent release of water from a publicly owned culinary water system is not considered to be a discharge of a pollutant under this chapter, unless:

(i) the release is caused by misconduct;

(ii) the release is the primary cause of pollution of waters of the state; and

(iii) the water that is released is in violation of numeric water quality standards.

(2) (a) A person may not generate, store, treat, process, use, transport, dispose, or otherwise manage sewage sludge, except in compliance with this chapter and rules made under it.

(b) For purposes of injunctive relief, any violation of this subsection is a public nuisance.

(3) It is unlawful for any person, without first securing a permit from the director, to:

(a) make any discharge or manage sewage sludge not authorized under an existing valid discharge permit; or

(b) construct, install, modify, or operate any treatment works or part of any treatment works or any extension or addition to any treatment works, or construct, install, or operate any establishment or extension or modification of or addition to any treatment works, the operation of which would probably result in a discharge.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**