

# SB0036S01 compared with SB0036

~~{Omitted text}~~ shows text that was in SB0036 but was omitted in SB0036S01

inserted text shows text that was not in SB0036 but was inserted into SB0036S01

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**Water Quality Board Amendments**  
2025 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Todd Weiler**  
House Sponsor:

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**LONG TITLE**

**General Description:**

This bill addresses the Utah Water Quality Board.

**Highlighted Provisions:**

This bill:

▸ establishes a process for members of the Utah Water Quality Board to ~~{review}~~ conduct a mediated settlement ~~{negotiations}~~ conference between the director and a party in alleged violation of the Utah Water Quality Act; and

▸ authorizes members of the Utah Water Quality Board to ~~{issue a final order establishing}~~ recommend a reasonable penalty ~~{in ongoing settlement negotiations}~~ amount to the director.

**Money Appropriated in this Bill:**

None

None

**AMENDS:**

**19-5-104** , as last amended by Laws of Utah 2023, Chapter 176 , as last amended by Laws of Utah 2023, Chapter 176

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20 **19-5-106** , as last amended by Laws of Utah 2023, Chapter 176 , as last amended by Laws of Utah  
21 2023, Chapter 176

21

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

23 Section 1. Section **19-5-104** is amended to read:

24 **19-5-104. Powers and duties of board.**

27 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make  
rules that:

29 (a) taking into account Subsection (6):

30 (i) implement the awarding of construction loans to political subdivisions and municipal authorities  
under Section 11-8-2, including:

32 (A) requirements pertaining to applications for a loan;

33 (B) requirements for determination of an eligible project;

34 (C) requirements for determination of the costs upon which a loan is based, which costs may  
include engineering, financial, legal, and administrative expenses necessary for the construction,  
reconstruction, and improvement of a sewage treatment plant, including a major interceptor,  
collection system, or other facility appurtenant to the plant;

39 (D) a priority schedule for awarding loans, in which the board may consider, in addition to water  
pollution control needs, any financial needs relevant, including per capita cost, in making a  
determination of priority; and

42 (E) requirements for determination of the amount of the loan;

43 (ii) implement the awarding of loans for nonpoint source projects pursuant to Section 73-10c-4.5;

45 (iii) set effluent limitations and standards subject to Section 19-5-116;

46 (iv) implement or effectuate the powers and duties of the board; and

47 (v) protect the public health for the design, construction, operation, and maintenance of underground  
wastewater disposal systems, liquid scavenger operations, and vault and earthen pit privies;

50 (b) govern inspection, monitoring, recordkeeping, and reporting requirements for underground  
injections and require permits for underground injections, to protect drinking water sources,  
except for wells, pits, and ponds covered by Section 40-6-5 regarding gas and oil, recognizing that  
underground injection endangers drinking water sources if:

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- (i) injection may result in the presence of a contaminant in underground water that supplies or can reasonably be expected to supply a public water system, as defined in Section 19-4-102; and
- 58 (ii) the presence of the contaminant may:
- 59 (A) result in the public water system not complying with any national primary drinking water standards;  
or
- 61 (B) otherwise adversely affect the health of persons;
- 62 (c) govern sewage sludge management, including permitting, inspecting, monitoring, recordkeeping,  
and reporting requirements; and
- 64 (d) notwithstanding Section 19-4-112, govern design and construction of irrigation systems that:
- 66 (i) convey sewage treatment facility effluent of human origin in pipelines under pressure, unless  
contained in surface pipes wholly on private property and for agricultural purposes; and
- 69 (ii) are constructed after May 4, 1998.
- 70 (2)
- . (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall  
adopt and enforce rules and establish fees to cover the costs of:
- 72 (i) managing the certification and testing program; and
- 73 (ii) testing for certification of operators of treatment works and sewerage systems operated by  
political subdivisions.
- 75 (b) In establishing certification rules under Subsection (2)(a), the board shall:
- 76 (i) base the requirements for certification on the size, treatment process type, and complexity of the  
treatment works and sewerage systems operated by political subdivisions;
- 79 (ii) allow operators until three years after the date of adoption of the rules to obtain initial certification;
- 81 (iii) allow a new operator one year from the date the operator is hired by a treatment plant or sewerage  
system or three years after the date of adoption of the rules, whichever occurs later, to obtain  
certification;
- 84 (iv) issue certification upon application and without testing, at a grade level comparable to the grade of  
current certification to operators who are currently certified under the voluntary certification plan  
for wastewater works operators as recognized by the board; and
- 88 (v) issue a certification upon application and without testing that is valid only at the treatment works or  
sewerage system where that operator is currently employed if the operator:
- 91 (A) is in charge of and responsible for the treatment works or sewerage system on March 16, 1991;

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- 93 (B) has been employed at least 10 years in the operation of that treatment works or sewerage system  
before March 16, 1991; and
- 95 (C) demonstrates to the board the operator's capability to operate the treatment works or sewerage  
system at which the operator is currently employed by providing employment history and references  
as required by the board.
- 98 (3) The board shall:
- 99 (a) develop programs for the prevention, control, and abatement of new or existing pollution of the  
waters of the state;
- 101 (b) adopt, modify, or repeal standards of quality of the waters of the state and classify those waters  
according to their reasonable uses in the interest of the public under conditions the board may  
prescribe for the prevention, control, and abatement of pollution;
- 105 (c) give reasonable consideration in the exercise of its powers and duties to the economic impact of  
water pollution control on industry and agriculture;
- 107 (d) meet the requirements of federal law related to water pollution;
- 108 (e) establish and conduct a continuing planning process for control of water pollution, including the  
specification and implementation of maximum daily loads of pollutants;
- 110 (f)
- . (i) review total daily maximum load reports and recommendations for water quality end points  
and implementation strategies developed by the division before submission of the report,  
recommendation, or implementation strategy to the EPA;
- 113 (ii) disapprove, approve, or approve with conditions the staff total daily maximum load  
recommendations; and
- 115 (iii) provide suggestions for further consideration to the Division of Water Quality in the event a total  
daily maximum load strategy is rejected; [~~and~~]
- 117 (g) to ensure compliance with applicable statutes and regulations:
- 118 (i) review a settlement negotiated by the director [~~in accordance with~~] under Subsection 19-5-106(2)(k)  
that requires a civil penalty of \$25,000 or more; and
- 120 (ii) approve or disapprove the settlement described in Subsection (3)(g)(i)[-]; and
- 121 (h) to ensure a prompt and fair settlement under Subsection 19-5-106(2)(k):
- 122 (i) review an ongoing {settlement} penalty negotiation between the director and {an} a publicly-  
owned alleged violator of a provision under this chapter if:

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- 122 (A) the director's proposed penalty exceeds \$25,000;  
124 ~~{(A)}~~ (B) the alleged violator requests in writing that the board review the ~~{status of the}~~ penalty  
negotiation;
- 126 ~~{(B)}~~ (C) the director and the alleged violator do not dispute the violations alleged by the director; and  
128 ~~{(C)}~~ (D) the director and the alleged violator are unable to agree on a penalty amount; and  
130 (ii) upon receiving a written request for board review that meets the requirements described in  
Subsection (3)(h)(i):
- 131 (A) assign no more than four board members to conduct a mediated settlement conference with the  
director and the alleged violator;
- 131 ~~{(A)}~~ (B) schedule ~~{an informal review of the ongoing}~~ a settlement ~~{negotiation}~~ conference for  
~~{the board's next meeting occurring}~~ no sooner than ~~{14}~~ 45 days and no later than 90 days after  
the day on which the written request is received;
- 134 ~~{(B) {receive written submissions and exhibits from the director and the alleged violator no later than~~  
~~seven days before the day on which the board meets to review the ongoing settlement negotiation;}~~  
}
- 137 (C) ~~{issue a final order establishing reasonable}~~ recommend a final order establishing reasonable  
~~{settlement amount to be paid by the alleged violator}~~ penalty amount no later than 30 days after  
the ~~{day on which the board issues the final order}~~ settlement conference; and
- 140 (D) inform the alleged violator that the ~~{alleged violator}~~ director may ~~{seek judicial review}~~  
commence a civil proceeding to assess penalties if necessary to prevent the running of a ~~{final order}~~  
statute of limitation described in ~~{Subsection (3)(h)(ii)(C) in accordance with Title 63G, Chapter~~  
4, Administrative Procedures Act} Sections 19-1-305 and 78B-2-307.5.
- 143 (4) The board may:  
144 (a) order the director to issue, modify, or revoke an order:  
145 (i) prohibiting or abating discharges;  
146 (ii)  
. (A) requiring the construction of new treatment works or any parts of the new treatment works;  
148 (B) requiring the modification, extension, or alteration of existing treatment works as specified by board  
rule or any parts of existing treatment works; or  
150 (C) the adoption of other remedial measures to prevent, control, or abate pollution;  
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- (iii) setting standards of water quality, classifying waters or evidencing any other determination by the board under this chapter; or
- 153 (iv) requiring compliance with this chapter and with rules made under this chapter;
- 154 (b) advise, consult, and cooperate with another agency of the state, the federal government, another state, an interstate agency, an affected group, an affected political subdivision, or affected industry to further the purposes of this chapter; or
- 157 (c) delegate the authority to issue an operating permit to a local health department.
- 158 (5) In performing the duties listed in Subsections (1) through (4), the board shall give priority to pollution that results in a hazard to the public health.
- 160 (6) The board shall take into consideration the availability of federal grants:
- 161 (a) in determining eligible project costs; and
- 162 (b) in establishing priorities pursuant to Subsection (1)(a)(i).
- 163 (7) The board may not issue, amend, renew, modify, revoke, or terminate any of the following that are subject to the authority granted to the director under Section 19-5-106:
- 165 (a) a permit;
- 166 (b) a license;
- 167 (c) a registration;
- 168 (d) a certification; or
- 169 (e) another administrative authorization made by the director.
- 170 (8) A board member may not speak or act for the board unless the board member is authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.
- 170 Section 2. Section **19-5-106** is amended to read:
- 171 **19-5-106. Director -- Appointment -- Duties.**
- 175 (1) The executive director shall appoint the director. The director shall serve under the administrative direction of the executive director.
- 177 (2) The director shall:
- 178 (a) develop programs for the prevention, control, and abatement of new or existing pollution of the waters of the state;
- 180 (b) advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions, and industries in furtherance of the purposes of this chapter;

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- 183 (c) develop programs for the management of sewage sludge;
- 184 (d) subject to the provisions of this chapter, enforce rules made by the board through the issuance of orders, which orders may include:
- 186 (i) prohibiting or abating discharges of wastes into the waters of the state;
- 187 (ii) requiring the construction of new control facilities or any parts of them or the modification, extension, or alteration of existing control facilities or any parts of them, or the adoption of other remedial measures to prevent, control, or abate water pollution; or
- 191 (iii) prohibiting any other violation of this chapter or rules made under this chapter;
- 192 (e) review plans, specifications, or other data relative to pollution control systems or any part of the systems provided for in this chapter;
- 194 (f) issue construction or operating permits for the installation or modification of treatment works or any parts of the treatment works;
- 196 (g) after public notice and opportunity for public hearing, issue, continue in effect, renew, revoke, modify, or deny discharge permits under reasonable conditions the board may prescribe to:
- 199 (i) control the management of sewage sludge; or
- 200 (ii) prevent or control the discharge of pollutants, including effluent limitations for the discharge of wastes into the waters of the state;
- 202 (h) meet the requirements of federal law related to water pollution;
- 203 (i) under the direction of the executive director, represent the state in all matters pertaining to water pollution, including interstate compacts and other similar agreements;
- 206 (j) collect and disseminate information relating to water pollution and the prevention, control, and abatement of water pollution;
- 208 (k) subject to [~~Subsection~~] Subsections 19-5-104(3)(g) and (h), settle or compromise any civil action initiated by the division to compel compliance with this chapter or the rules made under this chapter; and
- 211 (l)
- . (i) approve, approve in part, approve with conditions, or deny, in writing, an application for water reuse under Title 73, Chapter 3c, Wastewater Reuse Act; and
- 213 (ii) issue an operating permit for water reuse under Title 73, Chapter 3c, Wastewater Reuse Act.
- 215 (3) The director may:
- 216 (a) employ full-time employees as necessary to carry out the provisions of this chapter;

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- 217 (b) subject to the provisions of this chapter, authorize any employee or representative of the department to enter, at reasonable times and upon reasonable notice, in or upon public or private property for the purposes of inspecting and investigating conditions and plant records concerning possible water pollution;
- 221 (c) encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to water pollution and causes of water pollution as necessary for the discharge of duties assigned under this chapter, including the establishment of inventories of pollution sources;
- 225 (d) collect and disseminate information relating to water pollution and the prevention, control, and abatement of water pollution;
- 227 (e) subject to the provisions of this chapter, exercise all incidental powers necessary to carry out the purposes of this chapter, including certification to any state or federal authorities for tax purposes only if the construction, installation, or acquisition of any facility, land, building, machinery, equipment, or any part of them conforms with this chapter;
- 232 (f) cooperate with any person in studies and research regarding water pollution and its control, abatement, and prevention;
- 234 (g) encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to water pollution and causes of water pollution; or
- 236 (h) as authorized by the board and subject to the provisions of this chapter, act as executive secretary of the board under the direction of the chairman of the board.

235 Section 3. **Effective date.**

This bill takes effect on May 7, 2025.

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