

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

29 Section 1. Section **19-4-106** is amended to read:

30 **19-4-106 . Director -- Appointment -- Authority -- Duties.**

- 31 (1) The executive director shall appoint the director. The director shall serve under the
32 administrative direction of the executive director.
- 33 (2) The director shall:
- 34 (a) develop programs to promote and protect the quality of the public drinking water
35 supplies of the state;
- 36 (b) advise, consult, and cooperate with other agencies of this and other states, the federal
37 government, and with other groups, political subdivisions, and industries in
38 furtherance of the purpose of this chapter;
- 39 (c) review plans, specifications, and other data pertinent to proposed or expanded water
40 supply systems to ensure proper design and construction; ~~and~~
- 41 (d) subject to the provisions of this chapter, enforce rules made by the board through the
42 issuance of orders that may be subsequently revoked, which orders may require:
- 43 (i) discontinuance of use of unsatisfactory sources of drinking water;
- 44 (ii) suppliers to notify the public concerning the need to boil water; or
- 45 (iii) suppliers in accordance with existing rules, to take remedial actions necessary to
46 protect or improve an existing water system; and
- 47 (e) as authorized by the board and subject to the provisions of this chapter, act as
48 executive secretary of the board under the direction of the chair of the board.
- 49 (3) The director may authorize employees or agents of the department, after reasonable
50 notice and presentation of credentials, to enter any part of a public water system at
51 reasonable times to inspect the facilities and water quality records required by board
52 rules, conduct sanitary surveys, take samples, and investigate the standard of operation
53 and service delivered by public water systems.
- 54 (4) As provided in this chapter and in accordance with rules made by the board, the director
55 may:
- 56 (a) issue and enforce a notice of violation and an administrative order; and
- 57 (b) assess and make a demand for payment of an administrative penalty arising from a
58 violation of this chapter, a rule or order issued under the authority of this chapter, or
59 the terms of a permit or other administrative authorization issued under the authority
60 of this chapter.
- 61 (5) If the director brings a civil action under Subsection 19-4-109(8) that may result in a

62 court order for a receivership or divestment described in Subsection 19-4-109(8)(c), the
 63 director shall report the status of the civil action to:

64 (a) if the Legislature is not in session, the chairs of the Natural Resources, Agriculture,
 65 and Environment Interim Committee; or

66 (b) if the Legislature is in session, the chair of the House Natural Resources,
 67 Agriculture, and Environment Committee and the chair of the Senate Natural
 68 Resources, Agriculture, and Environment Committee.

69 [~~(5)(a) The director shall study how water providers, municipalities, counties, and state~~
 70 ~~agencies may find greater efficiencies through improved coordination, consolidation,~~
 71 ~~and regionalization related to:]~~

72 [~~(i) water use and conservation; and]~~

73 [~~(ii) administrative and economic efficiencies.]~~

74 [~~(b) The study under this Subsection (5) shall consider recommendations including~~
 75 ~~incentives, funding, regulatory changes, and statutory changes to promote greater~~
 76 ~~coordination and efficiency and to help meet water infrastructure needs statewide.]~~

77 [~~(e) The director shall:]~~

78 [~~(i) conduct the study in conjunction with the Division of Water Resources; and]~~

79 [~~(ii) consult with a diverse group consisting of water providers, state agencies, local~~
 80 ~~governments, and relevant stakeholders to help the director conduct the study and~~
 81 ~~develop recommendations described in this Subsection (5).]~~

82 [~~(d) On or before October 30, 2024, the director shall provide a written report of the~~
 83 ~~study's findings, including any recommended legislative action, to the Natural~~
 84 ~~Resources, Agriculture, and Environment Interim Committee.]~~

85 Section 2. Section **19-4-109** is amended to read:

86 **19-4-109 . Violations -- Penalties -- Reimbursement for expenses.**

87 (1) As used in this section[;] :

88 (a) [~~"criminal"~~] "Criminal negligence" means the same as that term is defined in Section
 89 76-2-103.

90 (b) "Receiver" means an individual appointed by the court as the court's agent to take
 91 possession of, manage, and, if authorized by this section or court order, transfer, sell,
 92 divest, lease, license, exchange, collect, or otherwise dispose of receivership property.

93 (2)(a) A person [~~who~~] that violates this chapter, a rule or order issued under the authority
 94 of this chapter, or the terms of a permit or other administrative authorization issued
 95 under the authority of this chapter is subject to an administrative penalty:

- 96 (i) not to exceed \$1,000 per day per violation, with respect to a public water system
97 serving a population of less than 10,000 individuals; or
98 (ii) exactly \$1,000 per day per violation, with respect to a public water system
99 serving a population of more than 10,000 individuals.
- 100 (b) In all cases, each day of violation is considered a separate violation.
- 101 (3) The director may assess and make a demand for payment of an administrative penalty
102 under this section and may compromise or settle that penalty.
- 103 (4) To make a demand for payment of an administrative penalty assessed under this section,
104 the director shall issue a notice of agency action, specifying, in addition to the
105 requirements for notices of agency action contained in Title 63G, Chapter 4,
106 Administrative Procedures Act:
- 107 (a) the date, facts, and nature of each act or omission charged;
108 (b) the provision of the statute, rule, order, permit, or administrative authorization that is
109 alleged to have been violated;
110 (c) each penalty that the director proposes to assess, together with the amount and date
111 of effect of that penalty; and
112 (d) that failure to pay the penalty or respond may result in a civil action for collection.
- 113 (5) A person notified according to Subsection (4) may request an adjudicative proceeding.
- 114 (6) Upon request by the director, the attorney general may institute a civil action to collect a
115 penalty assessed under this section.
- 116 (7)(a) A person who, with criminal negligence, violates any rule or order made or issued
117 pursuant to this chapter, or with criminal negligence fails to take corrective action
118 required by an order, is guilty of a class B misdemeanor and subject to a fine of not
119 more than \$5,000 per day for each day of violation.
- 120 (b) In addition, the person is subject, in a civil proceeding, to a penalty of not more than
121 \$5,000 per day for each day of violation.
- 122 (8)(a) The director may bring a civil action for appropriate relief, including a permanent
123 or temporary injunction, for a violation for which the director is authorized to issue a
124 compliance order under Subsection 19-4-106(2)(d) or Section 19-4-107.
- 125 (b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the director shall
126 bring an action under this Subsection (8) in the county where the violation occurs if
127 the director brings the action in a district court.
- 128 (c) In a civil action brought by the director under Subsection (8)(a), a court may:
- 129 (i) appoint a receiver for a supplier in accordance with Utah Rules of Civil Procedure,

- 130 Rule 66, to implement a corrective or remedial action for a violation described in
131 Subsection (8)(a) if:
- 132 (A) the violation poses a serious public health risk; and
133 (B) the supplier in violation is unwilling or unable to implement a corrective or
134 remedial action to resolve the violation in a manner consistent with this
135 chapter; and
- 136 (ii) require a supplier in violation to divest ownership of a public water system if the
137 court finds divestiture is reasonably necessary to ensure long-term compliance
138 with this chapter.
- 139 (d) Nothing in Subsection (8)(c) limits the ability of the director to seek appropriate
140 relief under Subsection (8)(a).
- 141 (9)(a) The attorney general is the legal advisor for the board and the director and shall
142 defend them in an action or proceeding brought against the board or director.
- 143 (b) The county attorney or district attorney, as appropriate under Section 17-68-302 or
144 17-68-303, in the county in which a cause of action arises, shall bring an action, civil
145 or criminal, requested by the director, to abate a condition that exists in violation of,
146 or to prosecute for the violation of, or to enforce the laws or the standards, orders,
147 and rules of the board or the director issued under this chapter.
- 148 (c) The director may initiate action under this section and be represented by the attorney
149 general.
- 150 (10) If a person fails to comply with a cease and desist order that is not subject to a stay
151 pending administrative or judicial review, the director may initiate an action for and be
152 entitled to injunctive relief to prevent further or continued violation of the order.
- 153 (11) A bond may not be required for injunctive relief under this chapter.
- 154 (12)(a) Except as provided in Subsection (12)(b), a penalty assessed and collected under
155 the authority of this section shall be deposited into the General Fund.
- 156 (b) The department may reimburse itself and local governments from money collected
157 from civil penalties for extraordinary expenses incurred in environmental
158 enforcement activities.
- 159 (c) The department shall regulate reimbursements by making rules that define:
160 (i) qualifying environmental enforcement activities; and
161 (ii) qualifying extraordinary expenses.

162 **Section 3. Effective Date.**

163 This bill takes effect on May 6, 2026.