

1 **Drinking Water Restructuring Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor:

LONG TITLE**Committee Note:**

5 The Legislative Water Development Commission recommended this bill.

6 Legislative Vote: 10 voting for 0 voting against 4 absent

General Description:

8 This bill addresses violations of the Safe Drinking Water Act.

Highlighted Provisions:

10 This bill:

11 ▶ creates and modifies terms;

12 ▶ allows a court to:

13 • appoint a receiver for a public water system to implement a corrective or remedial

14 action for a violation of the Safe Drinking Water Act (SDWA) or compliance order;

15 and

16 • require a violator to divest ownership of the public water system to ensure long-term

17 compliance with SDWA; and

18 ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

20 None

Other Special Clauses:

22 None

Utah Code Sections Affected:**AMENDS:**

25 **19-4-109**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

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

28 Section 1. Section **19-4-109** is amended to read:

29 **19-4-109 . Violations -- Penalties -- Reimbursement for expenses.**

30 (1) As used in this section[,] :

31 (a) ["criminal-] "Criminal negligence" means the same as that term is defined in Section
32 76-2-103.

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

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

39 (i) not to exceed \$1,000 per day per violation, with respect to a public water system
40 serving a population of less than 10,000 individuals; or
41 (ii) exactly \$1,000 per day per violation, with respect to a public water system
42 serving a population of more than 10,000 individuals.

43 (b) In all cases, each day of violation is considered a separate violation.

44 (3) The director may assess and make a demand for payment of an administrative penalty
45 under this section and may compromise or settle that penalty.

46 (4) To make a demand for payment of an administrative penalty assessed under this section,
47 the director shall issue a notice of agency action, specifying, in addition to the
48 requirements for notices of agency action contained in Title 63G, Chapter 4,
49 Administrative Procedures Act:

50 (a) the date, facts, and nature of each act or omission charged;
51 (b) the provision of the statute, rule, order, permit, or administrative authorization that is
52 alleged to have been violated;
53 (c) each penalty that the director proposes to assess, together with the amount and date
54 of effect of that penalty; and
55 (d) that failure to pay the penalty or respond may result in a civil action for collection.

56 (5) A person notified according to Subsection (4) may request an adjudicative proceeding.

57 (6) Upon request by the director, the attorney general may institute a civil action to collect a
58 penalty assessed under this section.

59 (7)(a) A person who, with criminal negligence, violates any rule or order made or issued
60 pursuant to this chapter, or with criminal negligence fails to take corrective action
61 required by an order, is guilty of a class B misdemeanor and subject to a fine of not
62 more than \$5,000 per day for each day of violation.

63 (b) In addition, the person is subject, in a civil proceeding, to a penalty of not more than
64 \$5,000 per day for each day of violation.

65 (8)(a) The director may bring a civil action for appropriate relief, including a permanent
66 or temporary injunction, for a violation for which the director is authorized to issue a
67 compliance order under Subsection 19-4-106(2)(d) or Section 19-4-107.

68 (b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the director shall
69 bring an action under this Subsection (8) in the county where the violation occurs if
70 the director brings the action in a district court.

71 (c) In a civil action brought by the director under Subsection (8)(a), a court may:
72 (i) appoint a receiver for a supplier in accordance with Utah Rules of Civil Procedure,
73 Rule 66, to implement a corrective or remedial action for a violation described in
74 Subsection (8)(a) if:
75 (A) the violation poses a serious public health risk; and
76 (B) the supplier in violation is unwilling or unable to implement a corrective or
77 remedial action to resolve the violation in a manner consistent with this
78 chapter; and
79 (ii) require a supplier in violation to divest ownership of a public water system if the
80 court finds divestiture is reasonably necessary to ensure long-term compliance
81 with this chapter.

82 (d) Nothing in Subsection (8)(c) limits the ability of the director to seek appropriate
83 relief under Subsection (8)(a).

84 (9)(a) The attorney general is the legal advisor for the board and the director and shall
85 defend them in an action or proceeding brought against the board or director.

86 (b) The county attorney or district attorney, as appropriate under Section 17-68-302 or
87 17-68-303, in the county in which a cause of action arises, shall bring an action, civil
88 or criminal, requested by the director, to abate a condition that exists in violation of,
89 or to prosecute for the violation of, or to enforce the laws or the standards, orders,
90 and rules of the board or the director issued under this chapter.

91 (c) The director may initiate action under this section and be represented by the attorney
92 general.

93 (10) If a person fails to comply with a cease and desist order that is not subject to a stay
94 pending administrative or judicial review, the director may initiate an action for and be
95 entitled to injunctive relief to prevent further or continued violation of the order.

96 (11) A bond may not be required for injunctive relief under this chapter.

97 (12)(a) Except as provided in Subsection (12)(b), a penalty assessed and collected under
98 the authority of this section shall be deposited into the General Fund.

- (b) The department may reimburse itself and local governments from money collected from civil penalties for extraordinary expenses incurred in environmental enforcement activities.
- (c) The department shall regulate reimbursements by making rules that define:
 - (i) qualifying environmental enforcement activities; and
 - (ii) qualifying extraordinary expenses.

Section 2. Effective Date.

This bill takes effect on May 6, 2026.