Water Infrastructure Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Thomas W. Peterson

Senate Sponsor: Calvin R. Musselman

LONG TITLE

General Description:

This bill addresses use of retention and detention basins.

Highlighted Provisions:

This bill:

- defines terms;
- limits use of retention basins within the Great Salt Lake basin;
- imposes design standards on certain detention basins within the Great Salt Lake basin; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-5-108.5, as last amended by Laws of Utah 2024, Chapter 438

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

Section 1. Section **19-5-108.5** is amended to read:

19-5-108.5 . Storm water permits.

(1) As used in this section:

(a) "Applicant" means a person who[~~is conducting or proposing~~] :

(i) conducts or proposes to conduct a use of land; and[~~who~~]

(ii) a permittee requires or allows to use low impact development.

(b) "Detention basin" means a best management practice designed to temporarily capture and store storm water runoff, releasing the storm water runoff slowly over time to:

(i) prevent downstream flooding;

(ii) reduce erosion; and

(iii) improve water quality by allowing sediment to settle out.

(c) "Great Salt Lake basin" means the area within:

(i) the surveyed meander line of the Great Salt Lake;

(ii) the drainage areas of the Bear River or the Bear River's tributaries;

(iii) the drainage areas of Bear Lake or Bear Lake's tributaries;

(iv) the drainage areas of the Weber River or the Weber River's tributaries;

(v) the drainage areas of the Jordan River or the Jordan River's tributaries;

(vi) the drainage areas of Utah Lake or Utah Lake's tributaries;

(vii) other water drainages lying between the Bear River and the Jordan River that are tributary to the Great Salt Lake and not included in the drainage areas described in Subsections (1)(c)(ii) through (vi); and

(viii) the drainage area of Tooele Valley.

[~~(b)~~] (d) "Independent review" is a review conducted:

(i) in accordance with this section; and

(ii) by an engineer[~~,~~] or engineering firm, designated by the division as having technical expertise in the area of storm water calculations.

[~~(c)~~] (e) "Low impact development" means a structural or natural engineered [~~systems~~] system located close to the source of storm water that [~~use or mimic~~] uses or mimics natural processes to encourage infiltration, evapotranspiration, or reuse of the storm water.

[~~(d)~~] (f) "Permittee" means a municipality or county with a storm water permit under the Utah Pollutant Discharge Elimination System.

(g) "Retention basin" means a best management practice designed to hold water to manage storm water runoff by capturing the storm water runoff to:

(i) reduce peak flow rates to prevent flooding; and

(ii) improve water quality through sedimentation.

[~~(e)~~] (h) "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

[~~(f)~~] (i) "Storm water permit" means a permit issued to a permittee by the division for the permittee's municipal separate storm sewer system.

[~~(g)~~] (j) "Utah Pollutant Discharge Elimination System" means the state-wide program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing [~~permits~~] a permit under this chapter.

(2) A permittee shall reduce any requirement for an applicant to manage or control storm

water runoff rates or storm water runoff volumes for flood control purposes to account for the reduction in storm water associated with approved low impact development practices.

(3) The director shall create and maintain a list of engineers, including engineering firms, capable of providing independent review of low impact development designs and storm water calculations for use by an applicant and a permittee pursuant to an appeal described in Subsection (4).

(4)(a) An applicant who appeals a permittee's determination regarding post-construction retention requirements under the permittee's storm water permit may request the permittee to refer the appeal to independent review for purposes of determining the technical aspects of the appeal, including:

(i) the required size of any low impact development system;

(ii) the calculations of reductions in storm water runoff rates or storm water runoff volumes for flood control due to the use of low impact development; and

(iii) the feasibility of constructing low impact development practices required by the permittee.

(b)(i) If an applicant makes a request under Subsection (4)(a)[~~:~~] ,

[~~(i)~~] the permittee shall:

(A) select an engineer or engineering firm from the list described in Subsection (3); and

(B) pay one-half of the cost of the independent review.

(ii) [~~An~~] A permittee may not select an engineer or engineering firm[~~ selected by the permittee~~] under Subsection (4)(b)(i)[~~ may not be~~]:

(A) associated with the application that is the subject of the appeal; or

(B) employed by the permittee.

(iii) The applicant shall pay:

(A) one-half of the cost of the independent review; and

(B) the municipality's published appeal fee.

(5)(a) For long-term storm water management control, a permittee in the Great Salt Lake basin shall prioritize a low impact development practice other than use of a retention basin, unless the applicant establishes to the satisfaction of the permittee that no feasible alternative to use of a retention basin is available.

(b) If a detention basin is required for post-construction retention requirements in the Great Salt Lake basin, the applicant shall design the detention basin to release all

water as soon as possible, except that the design of the detention basin may not interfere with flood control management or drainage system capacity.

Section 2. **Effective Date.**

This bill takes effect on May 6, 2026.