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SAFE DRINKING WATER AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sylvia S. Andersen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires counties and municipalities to adopt a drinking water source protection ordinance.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ requires counties and municipalities to adopt an ordinance protecting its public drinking water; and
 - ▶ requires the Drinking Water Board to:
 - provide guidelines and technical resources to the counties and municipalities;
- and
- report to the Legislature.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-4-102, as renumbered and amended by Chapter 112, Laws of Utah 1991

ENACTS:



28 19-4-113, Utah Code Annotated 1953



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

31 Section 1. Section 19-4-102 is amended to read:

32 **19-4-102. Definitions.**

33 As used in this chapter:

34 (1) "Board" means the Drinking Water Board appointed under Section 19-4-103.

35 (2) "Contaminant" means any physical, chemical, biological, or radiological substance
36 or matter in water.

37 (3) "Drinking water source protection ordinance" means a land use ordinance that
38 protects existing and potential public drinking water.

39 [~~(3)~~] (4) "Executive secretary" means the executive secretary of the board.

40 [~~(4)~~] (5) "Maximum contaminant level" means the maximum permissible level of a
41 contaminant in water which is delivered to any user of a public water system.

42 [~~(5)~~] (6) (a) "Public water system" means a system providing water for human
43 consumption and other domestic uses~~[, which]~~ that:

44 (i) has at least 15 service connections; or

45 (ii) serves an average of 25 individuals daily for at least 60 days of the year [and].

46 (b) "Public water system" includes:

47 (i) collection, treatment, storage, and distribution facilities under the control of the
48 operator and used primarily in connection with the system[;]; and

49 (ii) collection, pretreatment or storage facilities used primarily in connection with the
50 system but not under [his] the operator's control.

51 (7) "Retail water supplier" means an entity that:

52 (i) supplies water for human consumption and other domestic uses to end users; and

53 (ii) has more than 500 service connections.

54 [~~(6)~~] (8) "Supplier" means a person who owns or operates a public water system.

55 (9) "Wholesale water supplier" means an entity that provides most of its water to retail
56 water suppliers.

57 Section 2. Section 19-4-113 is enacted to read:

58 **19-4-113. Water source protection ordinance required.**

59 (1) (a) Before April 1, 2009, each county and municipality shall:
60 (i) adopt a drinking water source protection ordinance in compliance with this section
61 after:
62 (A) first, consulting with the wholesale water suppliers and retail water suppliers
63 providing water within the county's or municipality's jurisdiction; and
64 (B) second, holding a public hearing with reasonable, advance notice; and
65 (ii) file a copy of the drinking water source protection ordinance with the board.
66 (b) A county's drinking water source protection ordinance shall only apply to the
67 unincorporated area of the county.
68 (2) A drinking water source protection ordinance shall:
69 (a) comply with the minimum requirements established by the board in rule as
70 authorized by Section 19-4-104 to protect watersheds and water sources used for public water
71 systems;
72 (b) designate drinking water source protection zones, management areas, and
73 groundwater recharge areas for:
74 (i) all public drinking water sources located within the county's or municipality's
75 jurisdiction; and
76 (ii) public drinking water protection zones and management areas that extend into the
77 county's or municipality's jurisdiction;
78 (c) contain:
79 (i) a zoning provision regulating the storage, handling, use, or production of hazardous
80 or toxic substances in areas where public drinking water sources could be contaminated; and
81 (ii) enforcement provisions to ensure the protection of public drinking water sources
82 from contamination; and
83 (d) authorize a retail water supplier or wholesale water supplier to seek enforcement of
84 the ordinance.
85 (3) If a county, municipality, retail water supplier, or wholesale water supplier prevails
86 in an action to enforce a drinking water source protection ordinance, the prevailing party may
87 recover costs and reasonable attorney fees.
88 (4) The board shall:
89 (a) provide information, guidelines, and technical resources to a county or municipality

90 preparing and implementing a drinking water source protection ordinance; and
91 (b) report to the Natural Resources, Agriculture, and Environment Interim Committee
92 before November 30, 2009 on the compliance with this section and the effectiveness of the
93 drinking water source protection ordinances in retaining state primacy to regulate drinking
94 water.

Legislative Review Note
as of 1-23-07 10:03 AM

Office of Legislative Research and General Counsel

H.B. 140 - Safe Drinking Water Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Local governments will be required to adopt an ordinance to protect its public drinking water. Individual and businesses are not expected to be impacted.

1/31/2007, 10:30:49 AM, Lead Analyst: Bleazard, M.

Office of the Legislative Fiscal Analyst