

**STORMWATER CAPTURE AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Fred C. Cox**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill provides for the collection and use of precipitation without obtaining a water right for certain commercial, mixed use, or multifamily projects.

**Highlighted Provisions:**

This bill:

► provides for the collection and use of precipitation without obtaining a water right for certain commercial, mixed use, or multifamily projects.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**73-3-1.5**, as last amended by Laws of Utah 2011, Chapter 14

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

Section 1. Section **73-3-1.5** is amended to read:

**73-3-1.5. Capture and storage of precipitation.**

(1) As used in this section, "parcel" means an identifiable contiguous unit of property that is treated as separate for valuation or zoning purposes and includes an improvement on



28 that unit of property.

29 (2) Notwithstanding Section 73-3-2, a person may:

30 (a) (i) in accordance with Subsection (3) or (5), directly capture and store precipitation

31 on a parcel owned or leased by the person [~~in accordance with Subsection (3) or (4)~~]; and

32 [~~(b)~~] (ii) place the water captured and stored as provided in Subsection (2)(a)(i) to

33 beneficial use on the parcel on which the water is captured and stored[-]; or

34 (b) directly capture and store precipitation on the surface of or under a parcel owned or

35 leased by the person, including in a catch basin, storm drain pipe, swell, or pond, if the

36 collection or storage is part of a commercial, mixed use, or multifamily project designed to:

37 (i) slow, detain, or retain stormwater; or

38 (ii) protect watersheds from pollution.

39 (3) If a person collects or stores precipitation in an underground storage container, the

40 person may collect and store precipitation:

41 (a) in only one underground storage container for a parcel if the underground storage

42 container:

43 (i) has a maximum capacity of no more than 2,500 gallons; and

44 (ii) is installed in accordance with relevant provisions of the State Construction Code

45 or an approved code under Title 15A, State Construction and Fire Codes Act; and

46 (b) after registering for the capture and storage of precipitation in accordance with

47 Subsection [~~(5)~~] (6).

48 (4) (a) A person who directly captures or stores precipitation under Subsection (2)(b)

49 may put up to 2,500 cubic feet of the precipitation to beneficial use.

50 (b) Precipitation that is collected or stored on a landscaped surface is not considered

51 part of the beneficial use limitation under Subsection (4)(a) if the precipitation:

52 (i) absorbs into the ground; or

53 (ii) evaporates.

54 (c) A person who puts precipitation to beneficial use under Subsection (4)(a) shall

55 register for the capture and storage of precipitation in accordance with Subsection (6).

56 [~~(4)~~] (5) If a person collects or stores precipitation in a covered storage container, the

57 person may collect and store precipitation in no more than two covered storage containers, if

58 the maximum storage capacity of any one covered storage container is not greater than 100

59 gallons.

60           ~~[(5)]~~ (6) (a) The state engineer shall provide a website on which a person may register  
61 as required by Subsection (3) and (4).

62           (b) To register, a person shall complete information required by the state engineer  
63 including the:

64           (i) name and address of the person capturing or storing precipitation;

65           (ii) total capacity of all containers storing precipitation; and

66           (iii) street address or other suitable description of the location where precipitation is to  
67 be captured and stored.

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**Legislative Review Note**  
as of 1-13-12 6:46 PM

**Office of Legislative Research and General Counsel**