

2nd Sub. H.B. 67
STORM WATER CAPTURE AMENDMENTS

Representative **Fred C. Cox** proposes the following amendments:

1. *Page 2, Line 49 through Page 3, Line 60:*

49 **(b) The state engineer may not commence an enforcement action against a person**
50 **under Subsection (2)(a)(i), if the person directly captures, or stores, precipitation on the surface**
51 **of, or under, a parcel owned or leased by the person, including in a catch basin, storm drain**
52 **pipe, swell, or pond, if:**
53 **(i) the collection or storage ~~{ is part of }~~ :**
54 **(A) ~~is part of~~ a government storm water management requirement;**
55 **(B) does not interfere with any existing water right; and**
56 **~~{ (B) a commercial, mixed use, or multifamily project } (C) is~~ designed to slow, detain, or**
57 **retain**
58 **storm water or protect watersheds from pollution; and**
59 **(ii) the precipitation:**
60 **(A) absorbs into the ground;**
61 **(B) evaporates; or**
62 **(C) is released for discharge.**

2. *Page 4, Line 107 through Page 5, Line 121:*

107 (b) place the water captured and stored as provided in Subsection (2)(a) to beneficial
108 use on the parcel on which the water is captured and stored.
109 ~~{ (3) If a person collects or stores precipitation in an outdoor underground storage~~
110 ~~container, the person may collect and store precipitation:~~
111 ~~—— (a) in only one underground storage container for a parcel if the underground storage~~
112 ~~container:~~
113 ~~—— (i) has a maximum capacity of no more than 2,500 gallons; and~~
114 ~~—— (ii) is installed in accordance with relevant provisions of the State Construction Code~~
115 ~~or an approved code under Title 15A, State Construction and Fire Codes Act; and~~
116 ~~—— (b) after registering for the capture and storage of precipitation in accordance with~~
117 ~~Subsection (5). }~~ =
(3) After registering for the capture and storage of precipitation in accordance with Subsection (5), a
person may collect and store precipitation in a container installed in accordance with the State
Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act, if:
(a) for a person who uses only one container on a parcel, the total capacity of the container is no more

than 2,500 gallons; or

(b) for a person who uses more than one container on a parcel, the aggregate capacity of the containers is no more than 2,500 gallons.

118 (4) ~~{If a person collects or stores precipitation in [a] an outdoor covered storage~~
119 ~~container, the }~~ A person may collect and store precipitation , without registering under Subsection
(5), in no more than two covered storage
120 containers ~~{,}~~ if the maximum storage capacity of any one covered storage container is not greater
121 than 100 gallons.

3. *Page 5, Lines 130 through 135:*

130 (6) (a) If a person collects and stores precipitation that falls in a swimming pool, the person may,
131 within the swimming pool, beneficially use the water.

132 (b) A person may beneficially use precipitation that falls and is collected on a parcel if the water is
133 stored and used inside a business or residential structure on the parcel, in accordance with the
134 State Construction Code or an approved code under Title 15A, State Construction and Fire
135 Codes Act.