

HB0450S01 compared with HB0450

~~{deleted text}~~ shows text that was in HB0450 but was deleted in HB0450S01.

Inserted text shows text that was not in HB0450 but was inserted into HB0450S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Gage Froerer proposes the following substitute bill:

WASTEWATER REUSE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill deals with the Wastewater Reuse Act.

Highlighted Provisions:

This bill:

- ▶ modifies definitions~~;~~

▶ ~~states that a water diversion under a reuse application shall be governed by the priority date of the application for reuse;~~ and defines terms;

- ▶ states that a publically owned treatment works shall file a ~~{chance}~~change application if the point of ~~{diversion}~~discharge is moved more than 660 feet from the ~~{previously approved}~~previous point of ~~{diversion}~~discharge; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

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None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-3c-102, as enacted by Laws of Utah 2006, Chapter 179

73-3c-302, as last amended by Laws of Utah 2008, Chapter 382

73-3c-304, as enacted by Laws of Utah 2006, Chapter 179

~~{ **73-3c-401**, as enacted by Laws of Utah 2006, Chapter 179~~

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

Section 1. Section **73-3c-102** is amended to read:

73-3c-102. Definitions.

As used in this chapter:

- (1) "Domestic wastewater" or "sewage" means:
 - (a) a combination of the liquid or water-carried wastes from:
 - (i) structures with installed plumbing facilities; and
 - (ii) industrial establishments; and
 - (b) any groundwater, surface water, and storm water that is present with the waste.
- (2) "POTW" means a publicly owned treatment works as defined by Section 19-5-102.
- (3) "Public agency" means a public agency as defined by Section 11-13-103 that:
 - (a) owns or operates a POTW;
 - (b) collects and transports domestic wastewater; and
 - (c) ~~{either}~~ holds legal title to a water right~~;~~~~{}~~].

~~[(d) {} {or} is delegated the right to the beneficial use or reuse of water by the legal title holder of the water right {}];~~ { by written agreement. }

~~[(e) is a water supplier; or]~~

~~[(f) sells wholesale or retail water.]~~

(4) "Return flow requirement" means return flow required under a water right.

~~[(5) (a) "Reuse authorization contract" means a contract or contracts among:]~~

~~[(i) a public agency proposing a water reuse project;]~~

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~~[(ii) the owner or operator of a POTW that treats domestic wastewater proposed for use in a reuse project;]~~

~~[(iii) the owner of a domestic wastewater collection or transportation system if the reuse project will divert domestic wastewater directly from that entity's collection or transportation system;]~~

~~[(iv) the legal title holder of the water right designated for use in the reuse project, unless the legal title holder of the water right has delegated to another the right to the beneficial use or reuse of the water; { and; }]~~

~~[(v) each water supplier not holding legal title to the water right designated for use in the reuse project that sells or delivers water under the water right designated for use in the reuse project {f};] {s}~~

~~[(vi) each entity that will engage in the wholesale or retail sale of water from the water reuse project; and]~~

~~[(vii) the retail water supplier retailing water that will be replaced by reuse water supplied under the proposed reuse project.]~~

~~[(b) A reuse authorization contract shall:]~~

~~[(i) provide that a water supplier that is a party to the agreement consents to the use of reuse water under each water right, in which the water supplier has an interest, that is identified for use in the water reuse project; and]~~

~~[(ii) provide that any proposed water reuse project based on the contract shall be consistent with the underlying water right.]~~

~~[(6)] (5) "Reuse water" means domestic wastewater treated to a standard acceptable under rules made by the Water Quality Board under Section 19-5-104.~~

~~(6) "RPTOW" means a regional, publicly owned treatment works, as defined by Section 19-5-102, that treats municipal waste water from more than one public agency or culinary water company.~~

~~(7) "Water reuse project" or "project" means a project for the reuse of domestic wastewater that requires approval by the Water Quality Board in accordance with Section 19-5-104 and the state engineer under Section 73-3c-302.~~

~~(8) "Water right" means:~~

~~(a) a right to use water evidenced by any means identified in Section 73-1-10; or~~

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(b) a right to use water under an approved application:

- (i) to appropriate;
- (ii) for a change of use; or
- (iii) for the exchange of water.

(9) "Water supplier" means an entity engaged in the delivery of water for municipal purposes.

Section 2. Section **73-3c-302** is amended to read:

73-3c-302. Application to the state engineer.

(1) A public agency proposing water reuse shall apply to the state engineer.

(2) An application for water reuse under Subsection (1) shall be made upon forms furnished by the state engineer and shall include:

- (a) the name of the applicant;
- (b) a description of the underlying water right, including the priority date of the water right;

(c) an evaluation of the underlying water right's diversion, depletion, and return flow requirements;

(d) the estimated quantity of water to be reused;

(e) the location of the POTW;

(f) the place, purpose, and extent of the proposed water reuse;

(g) an evaluation of depletion from the hydrologic system caused by the water reuse;

and

(h) any other information consistent with this chapter that is requested by the state engineer.

~~[(3) An application under Subsection (1) shall include a copy of a reuse authorization contract for water reuse proposed by a public agency for any underlying water right not owned by the public agency.]~~

~~[(4)]~~ [(3)] In considering an application for water reuse, the state engineer shall comply with:

(a) Section 73-3-6;

(b) Section 73-3-7;

~~[(c)]~~ [(c)] Section ~~73-3-8~~;

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~~[(c)] (d) Section 73-3-10; and~~

~~{(d)} (c)~~ Section 73-3-14.

~~[(5)] (4)~~ In determining whether a proposed water reuse is consistent with the underlying water right, the state engineer shall conclude that a proposed water reuse is consistent with the underlying water right if:

- (a) the use of the reuse water does not enlarge the underlying water right; and
- (b) any return flow requirement of the underlying water right is satisfied.

~~[(6)] (5)~~ (a) The state engineer shall approve a water reuse application if the state engineer concludes that the proposed water reuse is consistent with the underlying water right.

(b) The state engineer may:

(i) deny an application for water reuse if the proposed water reuse is inconsistent with the underlying water right; or

(ii) approve the application in part or with conditions to assure consistency with the underlying water right.

~~{ (7) A diversion or use of water shall be governed by the priority date of the water reuse application.~~

~~{ (7) (8) (6)~~ A public agency with an approved reuse application shall submit a report annually, as directed by the state engineer, concerning the ongoing water reuse operation.

~~{(7) (a) A RPOTW may apply to appropriate water discharged from the POTW for use in a water reuse project, and an application to appropriate shall be made in accordance with 73-3-8.~~

~~(b) In evaluating whether there is unappropriated water in the source under that section, the state engineer shall consider the criteria set forth in Section 73-3c-302(2).~~

~~(c) The diversion and use of water for the water reuse project shall be governed by the date of the application to appropriate.~~

(8) ~~{(9)}~~ The state engineer may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this chapter.

Section 3. Section **73-3c-304** is amended to read:

73-3c-304. Change in point of discharge.

(1) The point of discharge of water from a POTW may be changed if the Water Quality Board determines that a change is necessary:

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- (a) for treatment purposes;
- (b) to enhance environmental quality;
- (c) to protect public health, safety, or welfare; or
- (d) to comply with:
 - (i) rules created by the Water Quality Board in accordance with Section 19-5-104; or
 - (ii) the POTW's discharge permit.

(2) Before changing the point of discharge from a POTW under Subsection (1), the Water Quality Board shall consult with the state engineer.

(3) A ~~{POTW shall file a }~~change application shall be filed in accordance with Section 73-3-3 if the point of ~~{diversion}~~discharge for a water reuse project is moved more than 660 feet from the ~~{previously approved}~~previous point of ~~{diversion}~~discharge.

~~{~~ Section 4. Section ~~73-3c-401~~ is amended to read:

~~73-3c-401. Priority of reuse water.~~

~~[If the use of reuse water is consistent with the underlying water right, the]~~ The priority of the reuse water [is the same as the priority of the underlying water right] shall be the date of the filing of the water reuse application.

Legislative Review Note

Office of Legislative Research and General Counsel