

## HB0226S02 compared with HB0226S01

~~{deleted text}~~ shows text that was in HB0226S01 but was deleted in HB0226S02.

inserted text shows text that was not in HB0226S01 but was inserted into HB0226S02.

**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 Casey Snider proposes the following substitute bill:

### STORM WATER PERMITTING AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

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

---

#### LONG TITLE

##### General Description:

This bill addresses effects of storm water.

##### Highlighted Provisions:

This bill:

- ▶ ~~{enacts the Storm Water Permitting Act, including:~~

~~• defining terms;~~

~~• prohibiting certain permits;~~

~~• requiring the Division of Water Quality to report on storm water; and~~

~~• requiring the legislative committee to make recommendations to the~~

~~Legislature}~~ addresses rulemaking by the board regarding storm water

discharges and implementation by the director;

- ▶ enacts provisions related to storm water permits and certain appeals related to

## HB0226S02 compared with HB0226S01

post-construction retention requirements; and

▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

~~{ This bill provides revisor instructions.~~

### ~~{ Utah Code Sections Affected:~~

#### AMENDS:

19-5-108, as last amended by Laws of Utah 2012, Chapter 360

#### ENACTS:

~~{73-31-101}~~ 19-5-108.5, Utah Code Annotated 1953

~~{ 73-31-102, Utah Code Annotated 1953~~

~~—— 73-31-201, Utah Code Annotated 1953~~

~~—— 73-31-202, Utah Code Annotated 1953~~

#### ~~Utah Code Sections Affected by Revisor Instructions:~~

~~—— 73-31-201, Utah Code Annotated 1953~~

---

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

#### Section 1. Section 19-5-108 is amended to read:

##### **19-5-108. Discharge permits -- Requirements and procedure for issuance.**

(1) The board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for and require the submission of plans, specifications, and other information to the director in connection with the issuance of discharge permits.

(2) ~~[Each]~~ A discharge permit shall have a fixed term not exceeding five years. Upon expiration of a discharge permit, a new permit may be issued by the director as authorized by the board after notice and an opportunity for public hearing and upon condition that the applicant meets or will meet all applicable requirements of this chapter, including the conditions of any permit granted by the board.

(3) The board may require notice to the director of the introduction of pollutants into publicly-owned treatment works and identification to the director of the character and volume

## HB0226S02 compared with HB0226S01

of any pollutant of any significant source subject to pretreatment standards under Subsection 307(b) of the federal Clean Water Act. The director shall provide in the permit for compliance with pretreatment standards.

(4) The director may impose as conditions in permits for the discharge of pollutants from publicly-owned treatment works appropriate measures to establish and insure compliance by industrial users with any system of user charges required under this chapter or the rules adopted under ~~[it]~~ this chapter.

(5) The director may apply and enforce against industrial users of publicly-owned treatment works, toxic effluent standards and pretreatment standards for the introduction into the treatment works of pollutants which interfere with, pass through, or otherwise are incompatible with the treatment works.

(6) The board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for the permitting of storm water discharges into waters of the state.

(7) The director may administer storm water permits to be consistent with rules established by the board.

Section ~~{1}~~2. Section ~~{73-31-101}~~19-5-108.5 is enacted to read:

### ~~{CHAPTER 31. STORM WATER PERMITTING ACT~~

#### ~~Part 1. General Provisions~~

~~———— 73-31-101. Title:~~

~~———— This chapter is known as the "Storm Water Permitting Act."~~

~~———— Section 2. Section 73-31-102 is enacted to read:~~

~~———— 73-31-102. Definitions:~~

~~———— } 19-5-108.5. Storm water permits.~~

~~(1) As used in this ~~chapter~~:~~

~~———— (1) "Division" means the Division of Water Quality.~~

~~———— (2) "Government entity" means the following within the state:~~

~~———— (a) the Department of Environmental Quality or any of the Department of Environmental Quality's divisions;~~

~~———— (b) the Department of Natural Resources or any of the Department of Natural Resource's divisions;~~

## HB0226S02 compared with HB0226S01

~~(c) a municipality or any agency of a municipality; or~~

~~(d) an entity similar to one described in this Subsection (2);~~

~~(3) section:~~

(a) "Applicant" means a person who is conducting or proposing to conduct a use of land and who a permittee requires or allows to use low impact development.

(b) "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) "Low impact development" means structural or natural engineered systems located close to the source of storm water that use or mimic natural processes to encourage infiltration, evapotranspiration, or reuse of the storm water.

(d) "Permittee" means a municipality, metro township, or county with a storm water permit under the Utah Pollutant Discharge Elimination System.

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

(f) "Storm water permit" means a permit ~~required by a governmental entity to engage in an activity that may result~~ issued to a permittee by the division for the permittee's municipal separate storm sewer system.

(g) "Utah Pollutant Discharge Elimination System" means the state-wide program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits under the Utah Water Quality Act.

(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 ~~discharges.~~

~~(4) "Subdivision" means the same as that term is defined in Section 10-9a-103.~~

~~Section 3. Section 73-31-201 is enacted to read:~~

### **Part 2. Storm Water Permits**

~~73-31-201. Prohibition of~~ associated with approved low impact development practices.

(3) The director shall create and maintain a list of engineers, including engineering

## HB0226S02 compared with HB0226S01

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 {requirements:

~~Beginning on and after the effective date of this bill, a governmental entity may not require, issue, or enforce a storm water permit related to discharges that occur after completion of construction:~~

~~Section 4. Section 73-31-202 is enacted to read:~~

~~**73-31-202. Reporting on the need for storm water containment:**~~

~~(1) The division shall report to the Natural Resources, Agriculture, and Environment Interim Committee the following:~~

~~(a) how much storm water annually makes it to the rivers from subdivisions, and what percentage of the total volume of water in rivers comes from subdivisions;~~

~~(b) what specific contaminants, and the volume of each contaminant, from subdivisions are in the rivers, not including contaminants from other sources;~~

~~(c) how contaminants from subdivisions are different than contaminants from other sources;~~

~~(d) whether there is a direct harm to the rivers from the contaminants from subdivisions; and~~

~~(e) whether there are multiple methods to remedy the established damages caused to the rivers and an estimate of the cost for each method.~~

(2) After receiving the report; 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) If an applicant makes a request under Subsection (1), the Natural Resources;

## HB0226S02 compared with HB0226S01

~~Agriculture, and Environment Interim Committee shall recommend to the Legislature that:~~

~~—— (a) the prohibition on storm water permits under Section 73-31-201 be repealed;~~

~~—— (b) the prohibition on storm water permits under Section 73-31-201 be continued;~~

~~either unchanged or with amendments;~~

~~—— (c) another method of addressing storm water containment be pursued; or~~

~~—— (d) other legislative action be pursued.~~

~~—— Section 5}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 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.~~

~~Section 3. Effective date.~~

~~{If approved by two-thirds of all the members elected to each house, this} This bill takes effect ~~{upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.~~~~

~~—— Section 6. **Revisor instructions.**~~

~~—— The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the reference in Section 73-31-201 "the effective date of this bill" to the bill's actual effective date.~~

~~}on July 1, 2020.~~