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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;
- ▶ states that a publically owned treatment works shall file a chance application if the point of diversion is moved more than 660 feet from the previously approved point of diversion; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

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



28 **73-3c-401**, as enacted by Laws of Utah 2006, Chapter 179

29

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

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

32 **73-3c-102. Definitions.**

33 As used in this chapter:

34 (1) "Domestic wastewater" or "sewage" means:

35 (a) a combination of the liquid or water-carried wastes from:

36 (i) structures with installed plumbing facilities; and

37 (ii) industrial establishments; and

38 (b) any groundwater, surface water, and storm water that is present with the waste.

39 (2) "POTW" means a publicly owned treatment works as defined by Section **19-5-102**.

40 (3) "Public agency" means a public agency as defined by Section **11-13-103** that:

41 (a) owns or operates a POTW;

42 (b) collects and transports domestic wastewater; and

43 (c) either holds legal title to a water right[~~;~~~~(d)~~] or is delegated the right to the

44 beneficial use or reuse of water by the legal title holder of the water right[~~;~~] by written

45 agreement.

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

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

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

49 (5) (a) "Reuse authorization contract" means a contract or contracts among:

50 (i) a public agency proposing a water reuse project;

51 (ii) the owner or operator of a POTW that treats domestic wastewater proposed for use

52 in a reuse project;

53 (iii) the owner of a domestic wastewater collection or transportation system if the reuse

54 project will divert domestic wastewater directly from that entity's collection or transportation

55 system;

56 (iv) the legal title holder of the water right designated for use in the reuse project,

57 unless the legal title holder of the water right has delegated to another the right to the beneficial

58 use or reuse of the water; and

59 (v) each water supplier not holding legal title to the water right designated for use in
60 the reuse project that sells or delivers water under the water right designated for use in the
61 reuse project[;].

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

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

66 (b) A reuse authorization contract shall:

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

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

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

74 (7) "Water reuse project" or "project" means a project for the reuse of domestic
75 wastewater that requires approval by the Water Quality Board in accordance with Section
76 19-5-104 and the state engineer under Section 73-3c-302.

77 (8) "Water right" means:

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

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

80 (i) to appropriate;

81 (ii) for a change of use; or

82 (iii) for the exchange of water.

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

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

86 **73-3c-302. Application to the state engineer.**

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

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

- 90 (a) the name of the applicant;
- 91 (b) a description of the underlying water right, including the priority date of the water
- 92 right;
- 93 (c) an evaluation of the underlying water right's diversion, depletion, and return flow
- 94 requirements;
- 95 (d) the estimated quantity of water to be reused;
- 96 (e) the location of the POTW;
- 97 (f) the place, purpose, and extent of the proposed water reuse;
- 98 (g) an evaluation of depletion from the hydrologic system caused by the water reuse;
- 99 and
- 100 (h) any other information consistent with this chapter that is requested by the state
- 101 engineer.

102 (3) An application under Subsection (1) shall include a copy of a reuse authorization

103 contract for water reuse proposed by a public agency for any underlying water right not owned

104 by the public agency.

105 (4) In considering an application for water reuse, the state engineer shall comply with:

- 106 (a) Section [73-3-6](#);
- 107 (b) Section [73-3-7](#);
- 108 (c) Section [73-3-8](#);
- 109 [~~(c)~~] (d) Section [73-3-10](#); and
- 110 [~~(d)~~] (e) Section [73-3-14](#).

111 (5) In determining whether a proposed water reuse is consistent with the underlying

112 water right, the state engineer shall conclude that a proposed water reuse is consistent with the

113 underlying water right if:

- 114 (a) the use of the reuse water does not enlarge the underlying water right; and
- 115 (b) any return flow requirement of the underlying water right is satisfied.
- 116 (6) (a) The state engineer shall approve a water reuse application if the state engineer
- 117 concludes that the proposed water reuse is consistent with the underlying water right.
- 118 (b) The state engineer may:
- 119 (i) deny an application for water reuse if the proposed water reuse is inconsistent with
- 120 the underlying water right; or

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

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

125 [~~(7)~~] (8) A public agency with an approved reuse application shall submit a report, as
126 directed by the state engineer, concerning the ongoing water reuse operation.

127 [~~(8)~~] (9) The state engineer may make rules in accordance with Title 63G, Chapter 3,
128 Utah Administrative Rulemaking Act, to implement the provisions of this chapter.

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

130 **73-3c-304. Change in point of discharge.**

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

133 (a) for treatment purposes;

134 (b) to enhance environmental quality;

135 (c) to protect public health, safety, or welfare; or

136 (d) to comply with:

137 (i) rules created by the Water Quality Board in accordance with Section [19-5-104](#); or

138 (ii) the POTW's discharge permit.

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

141 (3) A POTW shall file a change application in accordance with Section [73-3-3](#) if the
142 point of diversion is moved more than 660 feet from the previously approved point of
143 diversion.

144 Section 4. Section **73-3c-401** is amended to read:

145 **73-3c-401. Priority of reuse water.**

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