

WATER REUSE AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Wastewater Reuse Act.

Highlighted Provisions:

This bill:

- ▶ modifies the required parties to a reuse authorization contract;
- ▶ modifies the conditions under which a public agency may use, or contract to use, reuse water;
- ▶ states that if domestic wastewater inflow to a publicly owned treatment works consists of any infiltration water, the infiltration water is waste water; 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-201**, as enacted by Laws of Utah 2006, Chapter 179
- 73-3c-202**, as enacted by Laws of Utah 2006, Chapter 179
- 73-3c-303**, as enacted by Laws of Utah 2006, Chapter 179



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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;

(c) holds legal title to a water right;

(d) is delegated the right to the beneficial use or reuse of water by the legal title holder of the water right;

(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) a public agency proposing a water reuse project;

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

~~[(iii)]~~ (c) 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;~~

~~[(v)] each water supplier not holding legal title to the water right designated for use in~~

59 ~~the reuse project that sells or delivers water under the water right designated for use in the~~
60 ~~reuse project;]~~

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

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

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

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

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

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

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

76 (8) "Water right" means:

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

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

79 (i) to appropriate;

80 (ii) for a change of use; or

81 (iii) for the exchange of water.

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

84 Section 2. Section 73-3c-201 is amended to read:

85 **73-3c-201. Reuse by a public agency owning underlying water right.**

86 (1) A public agency ~~[owning or operating a POTW that treats domestic wastewater~~
87 ~~consisting of water supplied under a water right the public agency owns]~~ may use, or contract
88 for the use of, reuse water if:

89 (a) the water right is administered by the state engineer as a municipal water right;

90 (b) the reuse is consistent, under Subsection 73-3c-302(5), with the underlying water
91 right; [~~and~~]

92 (c) the public agency receives approval in accordance with Sections 73-3c-301 and
93 73-3c-302[~~;~~]; and

94 (d) a reuse authorization contract with a POTW or owner of collection and
95 transportation facilities is not required by Section 73-3c-202.

96 (2) A change application shall be filed in accordance with Section 73-3-3 if the public
97 agency proposes a water reuse that is inconsistent with the underlying water right.

98 Section 3. Section 73-3c-202 is amended to read:

99 **73-3c-202. Reuse by a public agency under a contract authorizing the use of**
100 **water.**

101 (1) A public agency may use or contract for the use of reuse water treated by a POTW
102 owned by another public agency, or diverted directly from a collection and transportation
103 facility owned by another public agency, if:

104 (a) the public agency enters into a reuse authorization contract;

105 [~~(a)~~] (b) the domestic wastewater;

106 (i) is in the possession of the POTW; and

107 (ii) consists of water [for which the public agency has a reuse authorization contract;]

108 that is:

109 (A) required to be treated by the POTW to meet the standards and requirements for
110 water quality set by the Water Quality Board under Title 19, Chapter 5, Water Quality Act; or

111 (B) diverted directly from a collection and transportation facility owned by another
112 public agency;

113 [~~(b)~~] (c) the water right is administered by the state engineer as a municipal water right;

114 [~~(c)~~] (d) the reuse is consistent, under Subsection 73-3c-302(5), with the underlying
115 water right; and

116 [~~(d)~~] (e) the public agency receives approval in accordance with Sections 73-3c-301
117 and 73-3c-302.

118 (2) A change application shall be filed in accordance with Section 73-3-3 if the public
119 agency proposes a water reuse that is inconsistent with the underlying water right.

120 Section 4. Section 73-3c-303 is amended to read:

121 **73-3c-303. Inflow of unappropriated water -- Application to appropriate.**
122 If domestic wastewater inflow to a POTW consists of any [~~unappropriated~~] infiltration
123 water, [~~a person may apply to the state engineer to appropriate the unappropriated infiltration~~
124 ~~water to a beneficial use in accordance with Section [73-3-8](#)] the infiltration water is domestic
125 wastewater.~~

Legislative Review Note
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Office of Legislative Research and General Counsel