

- 31 (iii) improve water quality by allowing sediment to settle out.
- 32 (c) "Great Salt Lake basin" means the area within:
- 33 (i) the surveyed meander line of the Great Salt Lake;
- 34 (ii) the drainage areas of the Bear River or the Bear River's tributaries;
- 35 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;
- 36 (iv) the drainage areas of the Weber River or the Weber River's tributaries;
- 37 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;
- 38 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;
- 39 (vii) other water drainages lying between the Bear River and the Jordan River that are
- 40 tributary to the Great Salt Lake and not included in the drainage areas described in
- 41 Subsections (1)(c)(ii) through (vi); and
- 42 (viii) the drainage area of Tooele Valley.
- 43 [(b)] (d) "Independent review" is a review conducted:
- 44 (i) in accordance with this section; and
- 45 (ii) by an engineer[;] or engineering firm, designated by the division as having
- 46 technical expertise in the area of storm water calculations.
- 47 [(e)] (e) "Low impact development" means a structural or natural engineered [systems]
- 48 system located close to the source of storm water that [~~use or mimic~~] uses or mimics
- 49 natural processes to encourage infiltration, evapotranspiration, or reuse of the storm
- 50 water.
- 51 [(d)] (f) "Permittee" means a municipality or county with a storm water permit under the
- 52 Utah Pollutant Discharge Elimination System.
- 53 (g) "Retention basin" means a best management practice designed to hold water to
- 54 manage storm water runoff by capturing the storm water runoff to:
- 55 (i) reduce peak flow rates to prevent flooding; and
- 56 (ii) improve water quality through sedimentation.
- 57 [(e)] (h) "Storm water" means storm water runoff, snow melt runoff, and surface runoff
- 58 and drainage.
- 59 [(f)] (i) "Storm water permit" means a permit issued to a permittee by the division for the
- 60 permittee's municipal separate storm sewer system.
- 61 [(g)] (j) "Utah Pollutant Discharge Elimination System" means the state-wide program
- 62 for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing [
- 63 permits] a permit under this chapter.
- 64 (2) A permittee shall reduce any requirement for an applicant to manage or control storm

65 water runoff rates or storm water runoff volumes for flood control purposes to account
 66 for the reduction in storm water associated with approved low impact development
 67 practices.

68 (3) The director shall create and maintain a list of engineers, including engineering firms,
 69 capable of providing independent review of low impact development designs and storm
 70 water calculations for use by an applicant and a permittee pursuant to an appeal
 71 described in Subsection (4).

72 (4)(a) An applicant who appeals a permittee's determination regarding post-construction
 73 retention requirements under the permittee's storm water permit may request the
 74 permittee to refer the appeal to independent review for purposes of determining the
 75 technical aspects of the appeal, including:

76 (i) the required size of any low impact development system;

77 (ii) the calculations of reductions in storm water runoff rates or storm water runoff
 78 volumes for flood control due to the use of low impact development; and

79 (iii) the feasibility of constructing low impact development practices required by the
 80 permittee.

81 (b)(i) If an applicant makes a request under Subsection (4)(a)[:],

82 [(i)] the permittee shall:

83 (A) select an engineer or engineering firm from the list described in Subsection (3);
 84 and

85 (B) pay one-half of the cost of the independent review.

86 (ii) ~~Am~~ A permittee may not select an engineer or engineering firm~~selected by the~~
 87 permittee under Subsection (4)(b)(i)~~may not be~~:

88 (A) associated with the application that is the subject of the appeal; or

89 (B) employed by the permittee.

90 (iii) The applicant shall pay:

91 (A) one-half of the cost of the independent review; and

92 (B) the municipality's published appeal fee.

93 (5)(a) For long-term storm water management control, a permittee in the Great Salt Lake
 94 basin shall prioritize a low impact development practice other than use of a retention
 95 basin, unless the applicant establishes to the satisfaction of the permittee that no
 96 feasible alternative to use of a retention basin is available.

97 (b) If a detention basin is required for post-construction retention requirements in the
 98 Great Salt Lake basin, the applicant shall design the detention basin to release all

99 water as soon as possible, except that the design of the detention basin may not
100 interfere with flood control management or drainage system capacity.

101 Section 2. **Effective Date.**

102 This bill takes effect on May 6, 2026.