

1 **Water Infrastructure Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Thomas W. Peterson**

Senate Sponsor: Calvin R. Musselman

2  
3 **LONG TITLE**

4 **General Description:**

5 This bill addresses use of retention and detention basins.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ limits use of retention basins within the Great Salt Lake basin;
- 10 ▶ imposes design standards on certain detention basins within the Great Salt Lake basin; and
- 11 ▶ makes technical and conforming changes.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **19-5-108.5**, as last amended by Laws of Utah 2024, Chapter 438

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

21 Section 1. Section **19-5-108.5** is amended to read:

22 **19-5-108.5 . Storm water permits.**

23 (1) As used in this section:

24 (a) "Applicant" means a person who~~[-is conducting or proposing-]~~ :

25 (i) conducts or proposes to conduct a use of land; and~~[-who]~~

26 (ii) a permittee requires or allows to use low impact development.

27 (b) "Detention basin" means a ~~hat~~ hat ~~[-best management practice]~~ structure ~~hat~~

27a designed to temporarily capture

28 and store storm water runoff, releasing the storm water runoff slowly over time to:

29 (i) prevent downstream flooding;

- 30           (ii) reduce erosion; and
- 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 ~~â~~ → **[best management practice] structure** ← ~~â~~
- 53a                   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                   [(+) ] 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) ~~[An] 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) ~~It~~ → **For** **On and after January 1, 2027, for** ← ~~It~~ long-term storm water

93a           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~~ **On and after January 1, 2027, if** ~~a~~ detention basin is required for  
97a post-construction retention requirements in the  
98 Great Salt Lake basin, the applicant shall design the detention basin to ~~release~~  
98a **drain** ~~all~~  
99 water ~~as soon as possible~~ ~~,~~ except that the design of the detention basin may  
99a 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.