Conservation and Use of Sewage Effluent

This act gives government entities which own and operate sewage plants the rights to apply effluent from the treatment process to agricultural crops, lawns and gardens.

Submitted as:
Utah
 HB 105
Enacted 1995.

Suggested Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title] This act may be cited as the “Conservation and Use of Sewage Effluent Act.”

Section 2. [Definitions.]
As used in this act:
(1) “DEQ” means the [department of environmental quality.]
(2) “POTW” means a publicly-owned treatment works as defined by [insert appropriate state citation.]
(3) “Regional POTW” means a publicly-owned treatment works that serves more than [one (1)] governmental entity.
(5) “Water Right” means:
(a) A right to use water evidenced by any means identified in [insert appropriate state citation.]
(b) A right to use water under an approved application:
   (I) To appropriate;
   (II) For a change of use; or
   (III) For the exchange of water; or
(c) A contract authorizing the use of water from a water wholesaler or other water supplier having a valid water right under Utah law.

Section 3. [Municipal Application.]
(1) Any municipality or other governmental entity owning and operat-
Suggested State Legislation

Section 4. [Contracting with Regional POTW’s.]

(1)(a) Any municipality or other governmental entity served by a regional POTW that treats sewage and other pollutants contained in water collected from water supplied under the governmental entity’s water rights may contract with the person responsible for administration of the regional POTW to act as its agent for the purpose of using sewage effluent discharged from the regional POTW.

(b) The sewage effluent may be applied to a beneficial use consistent with, and without enlargement of, the governmental entity’s water rights referred to in subsection (a).

(2) The person administering the regional POTW, as agent for an individual municipality or other governmental entity served by it, must file a change application with the state engineer if the person administering the POTW proposes to use sewage effluent:

(a) outside the defined place of use or for purposes other than those authorized in the underlying water rights; or

(b) in a manner otherwise inconsistent with the underlying water rights.

Section 5. [Consideration and Approval of Change Applications to Effect the Use of Effluent.] Any change application filed to effect the use of sewage effluent shall be considered and approved in accordance with [insert appropriate state citation.]

Section 6. [Priority of a Use of Sewage Effluent.]

(1) The priority of any use of sewage effluent shall be consistent with the priorities of the underlying water rights, except as provided in subsection (2).

(2) If the [state engineer] approves a change application filed in accordance with Section 2(2) or Section 3(2), the priority of the sewage effluent use shall be the date the change application was filed.