

WATER CONVEYANCE FACILITY SAFETY MANAGEMENT PLANS

2010 House Bills 60 and 298 (Utah Code Sections 73-10-33, 10-9a-211, and 17-27a-211)

What is House Bill 60?

This bill addresses **safety management plans for water conveyance facilities**. If a water conveyance facility has a potential risk location, then the facility owner or operator must adopt a safety management plan before receiving funding from the Board of Water Resources or **no later than May 1, 2013**. After adopting a plan, the facility owner must submit a letter to the Division of Water Resources declaring its compliance with the law to receive funding.



Who must comply with the requirements of the bill?

Certain facility owners and operators of water conveyance facilities must comply.

Water conveyance facility means a canal, ditch, pipeline, or other means of conveying water. The bill does not include 1) a pipeline conveying water for industrial use or municipal use within a public water system; 2) a natural channel used to convey water; or 3) a fully piped, pressurized irrigation system.

Facility owner or operator means 1) any company, operating for profit or not for profit, in which a shareholder has the right to receive a proportionate share, based on that shareholder's ownership interest, of water delivered by the company; or 2) an owner or operator of a water conveyance facility.

Does my facility have a potential risk location?

Potential risk means a condition where, if a water conveyance facility fails, the failure would create a high probability of causing 1) loss of human life; or 2) extensive economic loss, including damage to critical transportation facilities, utility facilities, or public buildings.

Potential risk location means any segment of a water conveyance facility that constitutes a potential risk due to 1) location; 2) elevation; 3) soil conditions; 4) structural instability; 5) water volume or pressure; or 6) other conditions.

What is a safety management plan?

A safety management plan is a written document that includes the following six elements of a water conveyance facility:

1. Identification: a map or drawing that identifies the municipalities or counties through which water is conveyed and shows the location of all facility components, such as points of diversion, bridges, culverts, trash racks, storm water entry points, spill points, etc.

2. Maintenance and Improvement: a maintenance and improvement plan, a schedule for the implementation of the plan, and identification of potential sources of financing for the plan.

3. Insurance: proof of insurance coverage or other means of financial responsibility against liability resulting from failure of the water conveyance facility.

4. Slope Instability Assessment: an evaluation of any potential slope instability that may cause a potential risk, including 1) failure of the facility; 2) land movement that might result in failure of the facility; or 3) land movement that might result from failure of the facility.

5. Storm Water Assessment: a statement concerning whether storm water enters the water conveyance facility, and, if so, includes 1) identification of storm water entry points; 2) the anticipated

maximum volume and flow of all water present in a six-hour, 25-year storm event; and 3) the name of each governmental agency responsible for storm water management.

6. Emergency Response: an emergency response plan that is updated annually and describes how a first responder can 1) contact the facility owner or operator, and 2) obtain the information contained in the safety management plan. The emergency response plan shall be shared with local emergency response officials.

Will a safety management plan be a public document?

No. A management plan, including the emergency response plan, is a protected record. A safety management plan is private information and is classified as protected.

What municipality requirements are related to this bill?

If a city or another entity introduces storm water into a water conveyance facility, they are required to provide an estimate of the maximum volume and flow of water that may occur at each structure.



What is House Bill 298?

This bill, titled “**Land Use Authority Notification of Canal Development**”, requires a municipal or a county land use authority to notify a canal company or canal operator of a land use application to develop within 100 feet of their canal.

Canal company requirements:

A canal company is required to provide the following information as of **July 1, 2010** to any municipality or county in which the canal company owns or operates a canal:

- Current mailing address and phone number
- Contact name
- General description of the location of each canal owned or operated by the canal company

If the information above changes, the canal company is to provide updated information to the municipality or county within 30 days.

Municipality/land use authority requirements:

Before approving any application for a subdivision within 100 feet of the centerline of a canal, the land use authority shall, within 30 days, notify the canal company responsible if the canal has provided the required information. The land use authority must then wait 10 days to approve the proposed application.

What constitutes a ‘general description’ of a canal?

The location of the canal is to be determined by use of mapping-grade GPS or is to be digitized from a current aerial photo. The intent of H.B. 298 is that cities and counties equipped to receive and use digital data should receive the canal location in a GIS or digital file.

Although not a requirement for financing from the Utah Board of Water Resources, all facility owners and operators should also comply with this bill.

To get help creating these plans, visit our website at www.water.utah.gov/safetyplans/default.html



The Utah Association of Conservation Districts also offers assistance in creating these plans. For more information, contact UACD staff:

Gordon Younker, Vice President
(435) 755-2117 x111

Kerry Van Dyke, Engineering staff
(435) 637-0041 x103

Zone 1 – Cache, Box Elder, Rich Counties

Bracken Henderson(435) 753-6029 x116

Zone 2 – Tooele, Weber, Davis, Morgan, Salt Lake Counties

Desiree Van Dyke(801) 538-7118

Zone 3 – Summit, Wasatch, Utah Counties

Daniel Gunnell(801) 377-5580 x120

Zone 4 – Juab, Millard, Sanpete, Sevier, Piute, Wayne Counties

David Pace(435) 896-8566 x103

Zone 5 – Beaver, Iron, Garfield, Kane, Washington Counties

Tyce Palmer(435) 676-8189

Zone 6 – Daggett, Duchesne, Uintah Counties

Darrell Gillman(435) 722-4621 x127

Zone 7 – Carbon, Emery, Grand, San Juan Counties

Roger Barton(435) 381-2300 x113

Utah Department of Natural Resources Division of Water Resources

Hours: 8 am to 5 pm
Monday-Friday

1594 W. North Temple, Suite 310
Salt Lake City, Utah 84116

Phone: 801-538-7231
Fax: 801-538-7279
Website: www.water.utah.gov



UTAH DIVISION OF WATER RESOURCES

Plan, Conserve, Develop and
Protect Utah's Water Resources

WATER CONVEYANCE FACILITY SAFETY MANAGEMENT PLANS:

UNDERSTANDING 2010 HOUSE BILLS 60 AND 298

