



State of Utah

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Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Water Quality Board
Myron E. Bateman, *Chair*
Clyde L. Bunker, *Vice Chair*
Merritt K. Frey
Gregg A. Galecki
Jennifer M. Grant
Leland J. Myers
Shane E. Pace
Hugo E. Rodier
Amanda Smith
Walter L. Baker
Executive Secretary

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD
Dixie Convention Center
Garden Room
1835 S. Convention Center Dr.
St. George, Utah 84790
April 30, 2014

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Myron Bateman	Merritt Frey	Shane Pace
Leland Myers	Gregg Galecki	
Hugo Rodier	Clyde Bunker	

Excused: Jennifer Grant & Amanda Smith

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Leah Ann Lamb, Faye Bell, Chris Bittner, Dan Griffin, Matt Garn, Paul Krauth,
Jennifer Robinson, John Mackey, Judy Etherington,

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Phil Heck	Brown and Caldwell
Giles Delke	SLCWRF
Douglas Nielsen	Sunrise Engineering
Lee Rawlings	South Valley WRF
Tom Ward	Salt Lake City
Jim Olson	Water Works Engineering
James Dixon	MWH
Stan Postma	MWH
Jenny Hartfelder	MWH
Jim Gordley	JUB Engineering
Lloyd Berentzen	North Logan City
Tracy Wallace	TSSD
Trevor Lindley	JUB Engineering
Dixon Abbott	Brigham City Corp
Chris Tschirki	Orem City
Clifton Specht	WWOCC
Kerry S. Eppich	WWOCC
Angela Pritchett	JBS/Hyrum

Ruben VanTassell	JBS/Hyrum
Jesse Stewart	Salt Lake City
Thomas Holstrom	Central Valley Water Reclamation
Jeffrey Jorgensen	North Logan City
Ron Roberts	Central Valley WRF
Mike Foerster	WEAU – South Valley Sewer
Jeff Beckman	Bowen Collins
Mike Luers	SBWRD
Theron Miller	North Davis Sewer
Clifton Specht	Wastewater Operator Council
Jeff Richens	Price River Water Imp District
Terral Dunn	Rural Water
Kerry Eppich	Mt. Olympus Imp. District

Myron Bateman called the Board meeting to order at 9:10 a.m. and invited the members of the audience to introduce themselves.

Welcoming the Water Quality Board: Mr. Mike Foerster, Vice President of WEAU, welcomed the Board to the WEAU Conference. He thanked the Board for its support.

APPROVAL OF MINUTES OF THE MARCH 26, 2014 MEETINGS

Mr. Pace commented that on page 2, under Executive Secretary's Report, second paragraph down, the wording reads "ten years to determine if would be", should read "ten years to determine if there would be". Noting the word "there" was left out.

Motion: It was moved by Mr. Pace and seconded by Mr. Galecki to approve the minutes of the March 26th WQ Board meeting with the noted correction. The motion was approved with Merritt Frey abstaining since she was not at the last Board meeting.

Executive Secretary's Report: Mr. Baker reported that recently a turkey truck overturned in Deer Creek Reservoir. As a result of the incident DWQ monitoring staff was sent to check for E-coli and other pollutants. The reservoir was not largely impacted by the incident. DEQ has a spill notification process for events such as this, and a 24-hour spill line that allows the agency which will be over the incident to respond to environmental-related concerns immediately. A work group has been formed with both internal and external agencies including local health departments, the Division of Oil Gas and Mining, and the Division of Environmental Response and Remediation. This work group is refining how to determine who has responsibility for spills and how to resolve them. The purpose is to improve DWQ's responsiveness to spills that happen throughout Utah. As a consequence of this effort a point-person who will work on enforcement issues will be designated.

This week will bring the closure to the proposals on the Willard Bay diesel spill. Just over \$3 million will be allocated to environmental mitigation projects. A Statewide solicitation for projects has been made. Staff will report back to the Board on this at a future Board meeting.

Wastewater Operator Certification Council 2013 Annual Report: Mr. Clifton Specht, who is the chairman of the Wastewater Operator Certification Council, presented the 2013 annual report.

Members of the audience requesting to address the Board:

Mayor Lloyd Berentzen from North Logan City asked to address the Board regarding the proposed wastewater treatment plant to be built in Logan City. North Logan City is supportive of building the plant in order to meet compliance requirements. Some concerns Smithfield, Hyde Park and No. Logan have is that the smaller communities would like to have a more evenly distributed representation in setting user rates and other items similar to this. They have found Logan would rather act as a vendor of services and that Logan City is not agreeable to form a district.

Mayor Berentzen explained his city recently completed a feasibility study on constructing a separate wastewater treatment plant for Hyde Park, North Logan and Smithfield. The cost came in about \$23 million. North Logan's preference would be to form a district so all seven communities could be represented at the existing treatment facility. The second option would be to build a treatment facility on the north side of Cache Valley according to the findings of the feasibility study. The growth rate in these smaller communities is two to three times greater than what Logan is experiencing. Mayor Berentzen asked whether a three community district could be formed on the north side if a 7-member regional district was not agreeable. Following a discussion, Mr. Baker explained this topic will be discussed at the May Board meeting.

RULEMAKING

Request to Initiate Rulemaking for R317-10, *Certification of Wastewater Works Operators*: Ms. Etherington explained that as a result of SB21 which instituted changes in the duties and responsibilities of the Water Quality Board and the director of the Division of Water Quality, Rule R317-10 was subject to intense review by the Office of the Attorney General for compliance with this bill. Several workgroup meetings were held to define and refine the rule which resulted in the changes detailed in the packet. It was recommended that the Water Quality Board approve initiation of rulemaking for the proposed rule.

Motion: **It was moved by Mr. Myers and seconded by Mr. Pace to approve staff's recommendation to proceed to rulemaking on R317-10. The motion was unanimously approved.**

Request to adopt amendments to R317-2, *Standards of Quality for Waters of the State, Site-specific total dissolved solids standard for Blue Creek and Blue Creek Reservoir, Box Elder County, Utah*: Mr. Bittner explained that the Board had previously authorized initiating the rulemaking process which closed on April 4, 2014. No one attended the public hearing. Comments were received during the comment period from the US EPA. Copies of the comments as-received were included in the packet. Staff recommended the Board approve a Change in Proposed Rule for R317-2-14 to address the comments received and adopt the amended rule with an effective date of July 2, 2014, subject to no substantive adverse comments during the public notice period.

Motion: **It was moved by Mr. Myers and seconded by Mr. Galecki to approve staff's recommendation to approve a Change in Proposed Rule for R317-1-14 to address the comments received and adopt the amended rule with an effective date of July 2, 2014 subject to no adverse comments during the public notice period. The motion was unanimously approved.**

Request to initiate Rulemaking on R317-1-3.3, *Technology-based Limits for Controlling Phosphorus Pollution (Amendment)*: Mr. Mackey explained the purpose of this memorandum is to request authorization from the Utah Water Quality Board to initiate rulemaking to amend Rule R317-1-3, "Requirements for Waste Discharges". The proposed change would institute a technology-based effluent

limit of 1 mg/L total phosphorus, applicable to all non-lagoon wastewater treatment works discharging into surface waters of the state, with exceptions as defined under the proposed rule amendment. Lagoon wastewater treatment works discharges would receive a cap on total phosphorus discharges.

Comments received from the audience:

Tom Ward, Deputy Director, Salt Lake City Public Utilities, and Jesse Stewart, Water Quality and Treatment Administrator, Salt Lake City Public Utilities, provided comments on behalf of the city. Both Mr. Ward and Mr. Stewart are participants on DWQ's Nutrient Core Team. Mr. Ward emphasized that a lot of work has gone into drafting this rule and that Salt Lake City continues to be engaged in the process. Mr. Ward stated that Salt Lake City supports going to rulemaking because nutrients are impacting Utah's waters. Salt Lake City, in conjunction with other public utilities have provided \$500,000 of voluntary funding for research on Great Salt Lake. Salt Lake City is committed to continuing to support research on the lake. Mr. Ward noted that Great Salt Lake is important to Utah both economically and ecologically. However, Great Salt Lake is unique and nutrient strategies developed for other waters may not be appropriate for Great Salt Lake. Mr. Ward noted that the Utah Nutrient Strategy – Technology Limits document correctly states that the current research is insufficient to determine appropriate response variables or what nutrient are necessary to protect the beneficial uses of the Great Salt Lake ecosystem. The City estimates that implementation of this proposed phosphorus standard will initially cost \$30,000,000 and \$2,000,000 - \$3,000,000 per year in operational costs and yet the need or benefit for Great Salt Lake is indeterminate. The City anticipates that ongoing research will be able to define the needs and benefits of nutrient controls within the next several years. Until we are sure that nutrients going to Great Salt Lake need to be controlled, we should focus our efforts on the state's Category 1 headwaters and delay implementation of phosphorus limits for Great Salt Lake. We should also delay implementing nitrogen limits for Great Salt Lake until we have a better understanding of nitrogen dynamics. DWQ staff estimates that implementing nitrogen limits may cost \$2 billion. If these expenditures are necessary to protect Great Salt Lake, Salt Lake City is committed to protecting the lake. However, as stewards of public money, more research is needed to understand if spending this money to control nutrients is necessary and beneficial for Great Salt Lake.

Theron Miller, Jordan River Farmington Bay Water Quality Council: Mr. Miller's group has been actively engaged in conducting research on water quality for the Jordan River, Farmington Bay Wetlands, and Farmington Bay itself. The research shows that Great Salt Lake's birds are healthy. While much is still unknown, currently they have found no link between nutrients and adverse effects for these waters but legacy toxic metals and hydrogen sulfide are an issue. With regards to nutrients, Great Salt Lake has great resiliency and the ability to benefit from additional nutrients. Based on these conclusions, Mr. Miller recommends that funding be used to conduct further research instead of on phosphorus reductions that may be unnecessary or even detrimental.

Thomas Holstrom, General Manager, Central Valley Water Reclamation: Mr. Holstrom recommended that research on nutrient impacts to Great Salt Lake continue. Central Valley is fully supportive of protecting water quality but is concerned that the costs and benefits of implementing these reductions have not been completely characterized. He suggested that instead of spending the money on the interim step of controlling phosphorus to 1 mg/l that the money may be better spent on additional research.

Motion: It was moved by Ms. Frey and seconded by Mr. Galecki to approve staff's recommendation to proceed to rulemaking on R317-1-3.3. The motion was unanimously approved.

Upcoming Public Hearing Officer needs (there will be a 60 day comment period which ends August 8th):

<u>Date</u>	<u>Location</u>	<u>Hearing Officer</u>
June 3 rd	Central Valley	Merritt Frey
June 12 th	Orem	Shane Pace
June 19 th	St. George	
June 24 th	Weber Basin	Merritt Frey
July 9 th	Vernal	Leland Myers
July 17 th	Price	Greg Galecki

**Next Meeting – May 28, 2014 @ 9:00 a.m.
DEQ Building Board Room #1015
195 North 1950 West
Salt Lake City, Utah 84116**

Myron Bateman, Chair
Utah Water Quality Board