



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WATER QUALITY
John K. Mackey, P.E.
Director

Water Quality Board
James Webb, Chair
Michelle Kaufusi, Vice Chair
Carly Castle
Michela Harris
Joseph Havasi
Trevor Heaton
Robert Fehr
Jill Jones
Kimberly D. Shelley
John K. Mackey
Executive Secretary

MINUTES

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD
MASOB, Redrocks Conference Room 3132
and
Via Zoom

December 13, 2023
8:30 am Meeting

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Jim Webb	Jill Jones
Carly Castle	John Mackey
Trevor Heaton	Joe Havasi
Michela Harris	
Mayor Kaufusi	
Robert Fehr	
<u>Excused</u>	
Kim Shelly	

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT & ONLINE

Emily Cantón	Skyler Davis
Ken Hoffman	Glen Lischeske
Clanci Hawks	Andrew Pompeo
Haley Sousa	Lonnie Shull
George Meados	Judy Etherington
Ben Holcomb	Dave Pierson
Beth Wondimu	Alex Heppner
Linsey Shafer	Jennifer Robinson
Robert Beers	Jeff Studenka
Dan Griffin	
Jennifer Berjikian	
Eric Castrejon	

OTHERS PRESENT & ONLINE

Rob Dubuc
Mayor Paul Erickson
Daniel Hauley
Mayor Jeffren Pei
Ren Lambert
Paul Heinzal
Mayor Stephanie Miller
Angela Pritchett
Justin Lewis
Westin

Mr. Webb, Chair, called the Meeting to order at 8:30 AM.

ROLL CALL

Mr. Webb took roll call for the members of the Board.

APPROVAL OF MINUTES OF October 25, 2023 BOARD MEETING

Mr. Webb moved to approve the minutes of the October 25, 2023 Board meeting.

Motion: Ms. Jones motioned to accept the minutes.
Mr. Heaton seconded the motion.
The motion passed unanimously to approve the October 25, 2023 meeting minutes.

APPROVAL OF 2024 WQ BOARD MEETING SCHEDULE

Motion: All members of the Board reviewed the 2024 meeting schedule and were all in agreement to proceed as noted. In the event a date needs to be changed, that will be addressed as needed.

EXECUTIVE SECRETARY REPORT

Mr. Mackey addressed the Board regarding the following:

- National News:
 - Clean Water Act Section 401 Water Quality Certification Improvement Rule. The final 2023 Clean Water Act Section 401 Water Quality Certification Improvement Rule went into effect on November 27, 2023. The final rule provides stakeholders with a clear and consistent certification process. The 2023 Rule allows time to

collaborate with federal agencies to determine the time frame for review, up to the one-year statutory maximum.

To ensure timely action and negotiation, the 2023 Rule provides a 6-month default timeframe if the certifying authority and federal agency do not agree on a timeframe.

- The State of Louisiana has filed a complaint of the validity of EPA's interpretation of Section 401 of the Clean Water Act. Mr. Mackey noted the State of Utah has not joined the complaint.
 - EPA announces plans for Wastewater Regulations and Studies, including limits for PFAS and a new study for Nutrients.
- State/Division News:
 - The Governor allotted a 20 Million Dollar budget for SRF Funding. Mr. Mackey explained the new Legislative Session is coming up and there are several bills to be discussed that involve the Division of Water Quality, such as requirements for stormwater post construction, as the state has 6600 active permits and 90 or more MS4 Permits.
 - House Bill HB513 went through the informal Public Comment session with numerous comments received from different Environmental Group. A Public Meeting is taking place on December 18, 2023 in Salt Lake City at 6:00pm, in person and online to accept informal comments regarding HB 513 Rules.
 - A number of Audits have taken place this year, mainly focusing on the Great Salt Lake Permits. Audits focus on the Division of Water Qualities performance regarding the permitting processes of the wide variety of permits the division handles. Mr. Mackey touched on the number of Stormwater construction permits, Compliance and Enforcement Actions the Division handles at any given time.
 - Mr. Mackey noted that the State of Utah has had 250 Spills Recorded and 188 of them have been reported since June of 2023.
 - Triennial Review- DWQ is required to review Utah's WQ Standards at least once every three years as required by the Clean Water Act. An Informal Public Hearing will be held on December 14, 2023 in person and online to receive comments.
 - Mr. Mackey touch on the Watershed Assessment of Water of the State. There are 130 Lakes that are monitored for WQ on a regular basis. One-half are sampled during odd numbered years and the other during even. They are sampled twice a year. Mr. Mackey encourages people to take the Water Quality Restoration & Protection Survey. Which can be found at <https://deq.utah.gov/water-quality/take-the-water-quality-restoration-protection-survey>.
 - The Division of Water Quality was awarded \$5,000,000 for the America the Beautiful Grant.
 - The Upcoming Budget has been set, we earn about \$22,000,000 a year, half comes from Federal Government and a quarter from General Funding and the remaining balance comes from fees. Mr. Mackey noted that fees become more and more important. There will be a request for improving the fee process in today's meeting.

- Mr. Mackey wanted to share with the Board that the Division has a “Hall of Fame” award. This year Toby Hooker was the recipient. Toby is an Environmental Scientist III and Chemist, whom has been with the Division for 15 years. Toby has a very important job within the Division, he ensures that proper procedures are followed to import the data of the samples and test results that come into the Division from the Monitors and other entities.

FUNDING

Financial Status Report: Ms. Hernandez presented the financial status report to the Board as indicated in the packet.

Hyrum City Planning Advance: Mr. Meados presented a request for a planning advance in the amount of \$74,900 to develop a Master Plan that will include a capital facility plan

Motion: Ms. Jones motioned to authorize funding in the amount of \$74,900 as a short-term loan with zero percent interest following the conditions in the board packet.

Mr. Heaton seconded the motion.
The motion passed unanimously.

Richmond Planning Advance: Mr. Hoffman & Ms. Wondimu presented a request for a planning advance in the amount of \$99,800 to evaluate their wastewater treatment plant capability to handle the current and future wastewater flows and loads.

Motion: Ms. Jones motioned to authorize funding in the amount \$99,800 as a short-term loan over five years starting three years after completion and following the conditions in the board packet.

Mr. Heaton seconded the motion.
The motion passed unanimously.

Hanksville Supplemental Funding Authorization: Mr. Meados presented a request for supplemental funding in the amount of \$180,000 to complete repairs to their flood damaged wastewater treatment lagoons.

Motion #1: Mr. Heaton motioned to authorize potential forgiveness on the \$36,000 following the conditions in the board packet.
Mr. Havasi seconded the motion.

Motion #2: Mr. Heaton motioned to reauthorize funding in the amount of \$143,400 following the conditions in the board packet.

Ms. Jones seconded the motion.
The motion passed unanimously.

OTHER

Public Hearing for FY25 Fee Schedule Change: Mr. Webb requested motions to open the Public Hearing for comments.

Motion: Ms. Jones motioned to open the Public Hearing for comments.
Mr. Hauvsi seconded the motion. (No roll call vote was required)

Ms. Canton provided the board with a brief explanation of what was being requested for the FY25 Fee Schedule Change and explained that a fee for “Technical review of and assistance given” is currently on the DEQ FY25 Draft Fee Schedule. Mr. Mackey explained to the board that the purpose of the hearing is to inform the public of the upcoming change, no comments will be addressed today. No Public Comments were made during the open comment session. Mr. Webb asked for a motion to close the comment session.

Motion: Ms. Jones motioned to close the comment session.
Mr. Havasi seconded the motion.

PUBLIC COMMENTS

No comments were presented.

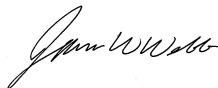
MEETING ADJOURNMENT

Motion: Ms. Jones motion to adjourn the meeting.
Mr. Heaton seconded the motion to adjourn the meeting.

Next Meeting – January 24, 2024
Meeting begins at 8:30 am

In-Person
MASOB
Board Room 1015
195 North 1950 West
Salt Lake City, UT 84116

Via Zoom
<https://us02web.zoom.us/j/7074990271>



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James Webb, Chair
Utah Water Quality Board

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