



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Tim Davis
Executive Director

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

Water Quality Board
James Webb, Chair
Michelle Kaufusi, Vice Chair
Jeannie Simmonds
Robert Fehr
Michela Harris
Joseph Havasi
Trevor Heaton
Jill Jones
Tim Davis
John K. Mackey, P.E.
Executive Secretary

Utah Water Quality Board Meeting
Wasatch Room 4121 4th Floor & Via [Zoom](#)
195 North 1950 West
Salt Lake City, UT 84116
December 10, 2025
Board Meeting Begins at 8:30 AM

AGENDA

Water Quality Board Meeting Call to Order & Roll Call

James Webb

Minutes:

Approval of Minutes for October 22, 2025
Water Quality Board Meeting

James Webb

Executive Secretary Report

John Mackey

Funding:

1. Kane County Water Conservancy District (Duck Creek)-
Reauthorization of Supplemental Funding

Syler Davies

Rule Making Action:

1. Request for Water Quality Board Approval to Adopt Changes to the Section
R317-8-10, Animal Feeding Operation (AFO) and Concentrated
Animal Feeding Operation (CAFO) Rule

Don Hall

Other:

1. Attachment -2026 Water Quality Board Meeting Schedule

James Webb

Public Comment Period

Meeting Adjournment

James Webb

Next Meeting
January 28, 2026, at 8:30 am
MASOB & Via [Zoom](#)
195 North 1950 West
Salt Lake City, Ut 84116



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MINUTES

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY UTAH WATER QUALITY BOARD MASOB OR VIA [Zoom](#)

October 22, 2025
8:30 AM

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Jim Webb
Jill Jones
Joe Havasi
Michelle Kaufusi
Michela Harris
Jeannie Simmonds
Rob Fehr

DIVISION OF WATER QUALITY STAFF MEMBERS' PRESENT

Alex Heppner	Sam Taylor	Henry Willmes
Emily Cantón	Judy Etherington	Dave Pierson
Leanna Littler-Woolf	Skyler Davies	
Clanci Hawks	Benj Morris	
Eric Castrejon	Lindsay Cowles	
Adrianna Hernandez	Allie Rockhill	
George Meados	Beth Wondimu	
Andrew Pompeo	Christa Hutchison	
Ken Hoffman	Tessa Scheuer	

OTHERS PRESENT & ONLINE

Richard Mickelsen	Matt Marziale	Holly Karren
Jack Lystle	Trevor Brooksky	Weston Bellam
Joe Santos	Liz Harris	Teresa Taylor
Weston Bellon	Jenny Calderon	Katy Reams
Paul Erickson	Briya Tolbert	Corey Twedt
Kevin Hoffman	Kurtis Shawcroft	Rob Dotson
Marcus Simons	Ashley Sumner	

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 SEPTEMBER 25, 2025 MEETING

Motion: Jill Jones moved to approve the meeting minutes.
Michela Harris seconded the motion.
The motion passed unanimously.

EXECUTIVE SECRETARY REPORT:

Ms. Cantón presented two informational items to the Board on behalf of Mr. Mackey.

- The Division of Water Quality is pleased to announce the selection of Candace Hasenyager as the new Division Director. Ms. Hasenyager, currently the Director for the Division of Water Resources, will begin her new role on January 5, 2026. We hope to introduce her formally to the Board during the December Board meeting.
- The Utah Lake Authority is hosting the Utah Lake Symposium on October 30th & 31st. This is an excellent opportunity for the public and interested parties to hear presentations on the ongoing management of the Utah Lake watershed. This year the event will include a “Monster Ball” the evening of the 30th, featuring a costume contest and a dinner where the Utah Lake Authority’s Executive Director will report on the past year’s accomplishments.

FUNDING:

Financial Status Report: Ms. Hernandez presented the financial status report to the Board.

FY 2026 Funding Request Staff Recommendations: Ken Hoffman introduced the funding process and staff presented the projects for authorization.

1. Enoch City- Beth Wondimu & Henry Willmes
2. Dutch John (Daggett County)- Beth Wondimu & Ken Hoffman
3. Hinckley Town- George Meados
4. City of Lewiston- Beth Wondimu & Ken Hoffman
5. Millville City- Beth Wondimu & Ken Hoffman

6. Richmond City- Andrew Pompeo
7. Salem City- Skyler Davies

Funding Authorizations: At the conclusion of project presentations, the Board reviewed the requests and made the following authorizations:

Enoch City

Motion: Ms. Harris moved to authorize funding for Enoch City as a \$5,846,000 loan from the Clean Water State Revolving Loan Fund for sewer system construction upgrades and a \$856,000 loan for engineering services from the Utah Wastewater Loan Fund, both loans at an interest rate of 3.61% and repayable over 20 years subject to the staff recommended special conditions.

Ms. Jones seconded the motion.

The motion passed with 6 ayes and 1 nay vote received from Mr. Havasi.

Dutch John (Daggett County)

Motion: Ms. Jones moved to authorize funding for Dutch John (Daggett County) as a \$240,000 loan from the Utah Wastewater Loan Fund at an interest rate of 2% and repayable over 20 years and a \$239,000 Hardship Grant for sewer system upgrades subject to the staff recommended special conditions.

Ms. Kaufusi seconded the motion.

The motion passed unanimously.

Hinckley Town

Motion: Ms. Harris moved to authorize that Hinckley Town's existing \$267,000 Design Advance be forgiven as a Hardship Design Grant subject to the staff recommended special conditions.

Ms. Jones seconded the motion.

The motion passed unanimously.

Motion: Ms. Harris moved to authorize funding to Hinckley Town as a \$961,000 loan at an interest rate of 1.33% for a term of up to 30 years from the Clean Water State Revolving Loan Fund, \$750,000 in Principal Forgiveness for lagoon upgrade construction, and \$113,000 in Hardship Construction Grant for engineering construction management services subject to the staff recommended special conditions.

Mr. Havasi seconded the motion.

The motion passed unanimously.

City of Lewiston

Motion: Ms. Simmonds moved to authorize funding to Lewiston City as a \$960,000 loan at 1.7% interest for a term of 30 years from the Clean Water State Revolving Loan Fund and \$1,710,000 in Principal Forgiveness for lagoon upgrade construction subject to the staff recommended special conditions listed in the packet and the following additional special conditions.

- Lewiston City shall request and receive Concept Approval from the Director to address discharge standards and compliance to address phosphorus.
- Staff may adjust the scope of work based on the Concept Approval.

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

Millville City

Motion: Ms. Jones moved to authorize funding to Millville City as a \$110,000 loan from the Utah Wastewater Loan Fund at 1.95% interest for a term of 20 years and \$1,400,000 in Hardship Grant Funds for treatment plant capacity purchase in the Hyrum Wastewater Treatment Plant subject to the staff recommended special conditions.

Ms. Kaufusi seconded the motion.
The motion passed with 6 ayes and 1 nay vote received from Mr. Havasi.

Richmond City

Motion: Mr. Havasi moved to authorize funding to Richmond City as a \$6,526,000 loan at 1.2% interest for a term of 20 years from the Clean Water State Revolving Loan Fund and \$1,700,000 of Principal Forgiveness for the construction of MBR treatment upgrades subject to the staff recommended special conditions.

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

Salem City

Motion: Ms. Simmonds moved to authorize funding to Salem City as a \$9,000,000 loan from the Utah Wastewater Loan Fund at 2.8% interest for a term of up to 30 years for treatment plant upgrades subject to the staff recommended special conditions.

Ms. Harris seconded the motion.
The motion passed with 4 ayes and 3 nay votes received from Ms. Kaufusi, Mr. Havasi, and Ms. Jones.

After the motion passed, the Board voted unanimously to withdraw the original motion. The Board continued discussion of loan terms for the funding request.

Motion: Ms. Kaufusi moved to authorize funding to Salem City as a \$9,000,000 loan from the Utah Wastewater Loan Fund at 2.4% interest for a term of up to 30 years for treatment plant upgrades subject to the staff recommended special conditions.

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

OTHER:

PUBLIC COMMENTS: None

MEETING ADJOURNMENT

Motion: Ms. Jones moved to adjourn the meeting.
Mr. Havasi seconded the motion.
The motion passed unanimously

Next Meeting
December 10, 2025
MASOB & Via Zoom
195 North 1950 West
Salt Lake City, UT 84116

Via [Zoom](#)

James Webb, Chair
Utah Water Quality Board



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TO: Water Quality Board

THROUGH: John Mackey, P.E.

FROM: Skyler C. Davies, P.E.

DATE: December 10, 2025

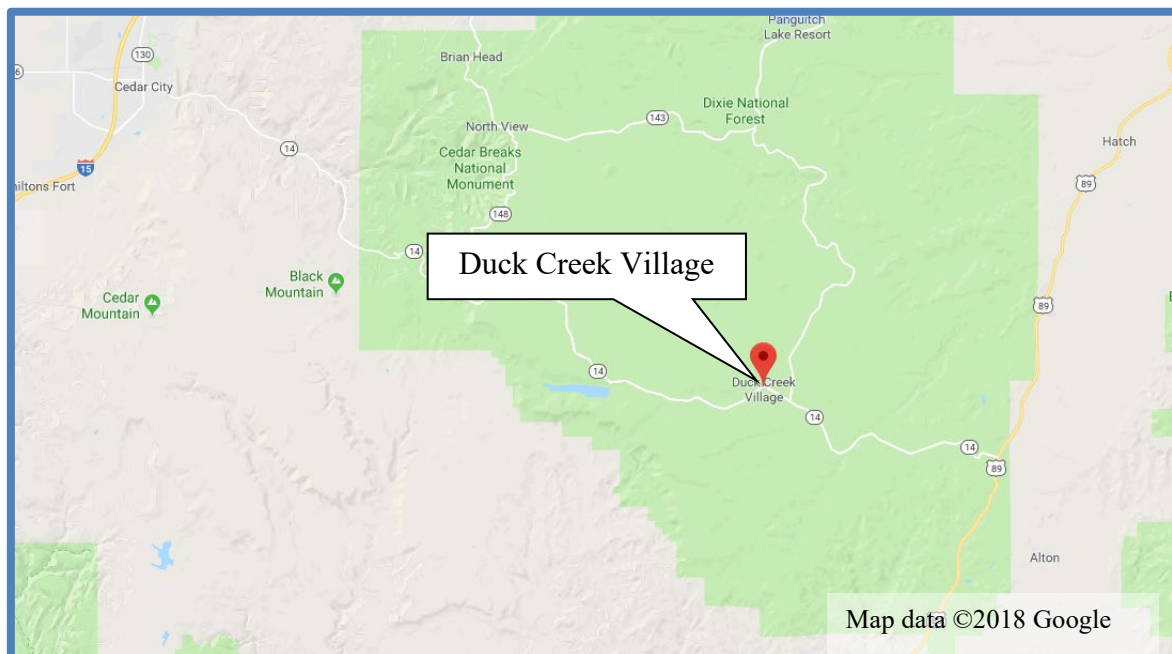
SUBJECT: Kane County Water Conservancy District Duck Creek Sewer Project
Request for Reauthorization of supplemental funding.

APPLICANTS REQUEST

Kane County Water Conservancy District (KCWCD) is requesting that the approved scope be modified to include the purchase of a backhoe and develop their asset management plan, with remaining project funds.

APPLICANT'S LOCATION

Duck Creek is an unincorporated community in Kane County located on the edge of Cedar Mountain, approximately 30 miles east of Cedar City.



PROJECT BACKGROUND

Supplemental Funding was authorized on March 27, 2024 in the amount of \$549,000 loan at 0% for 30 years and a grant in the amount of \$281,000 and the scope of work was modified to allow for the construction of a new lagoon cell. This was in addition to the previously authorized funding of \$1,310,000 loan and \$4,197,000 grant that funded the installation of the first phase of the collection system as well as rehabilitation of one of the existing lagoon cells. This brought the total funding package to a \$1,859,000 loan 0% interest for 30 years and \$4,478,000 in total grant.

Construction of the phase 1 collection system, rehabilitation of one lagoon cell, and construction of a new lagoon cell has, for the most, already been completed with the authorized funding. They still need to complete construction of the fence surrounding the Treatment Facility property.

This application is only to adjust the scope of work to allow them to use the remaining funds for the purchase of a backhoe and completion of their asset management plan.

PROJECT NEED

The backhoe that the District currently has in the Duck Creek area is on its last legs and is in need of replacement as they have relied on it for maintenance of the drinking water system, wastewater system, and snow removal. The justification for using these funds is that they will use the backhoe for maintenance of the sewer system and to install laterals for additional connections. They also need to complete an asset management plan to organize the information they have on the system and provide for proper ongoing management of their system.

PROJECT DESCRIPTION

This would expand the existing scope to include using whatever funds remain after completion of the fencing and remaining engineering work to be used for the completion of the asset management plan and to go toward the purchase of the backhoe. The District would be required to come up with the difference in cost.

STAFF COMMENTS

As this request is to expand the scope for use of previously authorized funds, financial analysis has not been completed for this Board packet. It is necessary to come back to the Board for this expansion of scope as it was not included in any of the previous Board authorizations.

In considering this application the Board should consider the precedence it sets in the use of remaining funds for purchase of mobile equipment. Funding mobile equipment has not been done by the Board in many years, as it has been the general practice of funding construction, planning, and engineering with Board authorized funds.

STAFF RECOMMENDATIONS

Staff is neutral on this authorization and leaves it up to the Board discretion to determine if they want to modify scope of work as requested. Sample language for a motion is below that the Board may use as a starting point.

The Board authorizes the expansion of the scope of work of the previously authorized funds to include the completion of the asset management plan and/or the purchase of a backhoe for use on the wastewater system, drinking water system, and snow removal with all previous conditions remaining in effect.”



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MEMORANDUM

TO: Utah Water Quality Board

THROUGH: John Mackey, P.E., Division Director

FROM: Donald Hall, AFO/CAFO Program Coordinator, General Permits Section

DATE: December 10, 2025

SUBJECT: **Rulemaking Action: Request Water Quality Board Approval to Adopt Changes to the Section R317-8-10, Animal Feeding Operation (AFO) and Concentrated Animal Feeding Operation (CAFO) Rule**

Board Action: Staff recommends the Water Quality Board approve the amendment of Section R317-8-10, the State AFO and CAFO Rule, effective immediately

Background

The impetus to amend the AFO and CAFO Rule in R317-8-10 resulted from precipitation patterns and soil saturation conditions at AFOs and CAFOs observed in recent years. These conditions were beyond the reasonable control of several CAFO operators which resulted in discharges to waters of the state. The Division of Water Quality (Division) determined that changes to the AFO and CAFO Rule were necessary to expand allowable discharges under the rule based on extreme precipitation amounts and saturated soils. The Division worked closely with the Utah Department of Agriculture and Food (UDAF) to develop the proposed rule changes. The following significant changes to the AFO and CAFO Rule have been proposed:

1. Amend the large weather event definition;
2. Add new definitions to help clarify the large weather event definition;
3. Amend the 25-year, 24-hour storm event definition; and
4. Remove content related to the Agriculture Certificate of Environmental Stewardship (ACES), a defunct compliance assistance program that was implemented by the Utah Department of Agriculture and Food (UDAF).

In addition, there were minor changes to the rule format to meet requirements of the Office of Administrative Rules.

Authorization to begin rulemaking for amendment of the AFO and CAFO Rule, R317-8-10, was requested and approved by the Water Quality Board on August 27, 2025. The rule public comment period began on October 15, 2025, and ended on November 14, 2025. The rule was public-noticed on Utah's public notice webpage and the Division's website. No public comments were received during the comment period. **At this time, staff recommends approval of the proposed amendment of R317-8-10, the AFO and CAFO Rule, to be effective immediately.** Upon Board approval, staff will notify the Office of Administrative Rules of the amendment of Section R317-8-10, the state AFO and CAFO Rule.

If authorized, the new rule will give AFO and CAFO producers following reasonable measures, new allowances for precipitation and soil conditions that qualify as penalty exemptions under the large weather event definition. Also, the new rule content will help clarify the large weather event definition. The rule provides new definitions of the 25-year, 24-hour and 100-year, 24-hour storm event that refer to updated National Oceanic and Atmospheric Administration (NOAA) precipitation data. The rule currently refers to precipitation data from the 1960s. The final significant change to the AFO and CAFO Rule includes removal of all content related to the ACES Program, which UDAF no longer implements.

R317. Environmental Quality, Water Quality.

R317-8. Utah Pollutant Discharge Elimination System (UPDES).

R317-8-10. Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs).

10.1 Applicability of Rule R317-8, Rule Compatibility, and Federal Rule Incorporation.

(1) Section R317-8-10, including the federal regulations incorporated by reference, shall be applicable to animal feeding operations and concentrated animal feeding operations.

(2) Where any requirements, definitions, or conditions in Section R317-8-10 conflict with the requirements, definitions, or conditions pertaining to animal feeding operations or concentrated animal feeding operations in other parts of Rule R317-8, the requirements, definitions, and conditions in Section R317-8-10 shall govern.

10.2 Definitions.

"25-year, 24-hour storm event" means the precipitation frequency estimate amount for a precipitation event of a 24-hour and 25-year recurrence interval found in the most current version of the NOAA Atlas Point Precipitation Frequency Estimates table for the location of the facility.

"100-year, 24-hour storm event" means the precipitation frequency estimate amount for a precipitation event of a 24-hour and 100-year recurrence interval found in the most current version of the NOAA Atlas Point Precipitation Frequency Estimates table for the location of the facility.

"Animal Feeding Operation" (AFO) means a lot or facility, other than aquatic animal production facility, where the following conditions are met:

(a) animals have been, are, or will be stabled, housed, or confined and fed or maintained for a total of 45 days or more in any 12-month period;

(b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility; and

(c) two or more AFOs under common ownership are considered to be a single AFO if they adjoin each other or if they use a common area or system for the storage or disposal of waste.

"Certified Nutrient Management Planner" means a person who is certified by the Utah Natural Resources Conservation Services (NRCS), or by an alternative certification program approved by the Director, to develop and approve nutrient management plans and comprehensive nutrient management plans.

"Concentrated Animal Feeding Operation" (CAFO) means:

(a) an AFO that is a Large CAFO; or

(b) an AFO that is a Medium CAFO; or

(c) an AFO that is Designated as a CAFO

"Designated CAFO" means an AFO that is designated as a CAFO by the Director according to criteria in 40 CFR 122.23(c) and thereby required to obtain a UPDES permit.

"Discharge" has the same meaning as "Discharge of a Pollutant" in Subsection R317-8-1(1.5), except that in Section R317-8-10, "discharge" shall refer only to the addition of pollutants to surface waters of the state.

"Irrigation Water Management Plan" means a plan to optimize water use on crop fields to minimize transport of pollutants in the soil profile and reduce sediment and contaminated runoff from fields, based on conditions and requirements in the most current practice standard of NRCS Conservation Practice Standard 449, Irrigation Water Management.

"Large CAFO" means an AFO that stables, houses, or confines the type and number of animals that fall within any of these ranges:

(a) Beef, calves, heifers, or veal: 1,000 or more

(b) Cows (milking and dry): 700 or more

(c) Layers, broilers (wet system): 30,000 or more

(d) Other than layers (dry system): 125,000 or more

(e) Layers (dry system): 82,000 or more

(f) Turkeys: 55,000 or more

(g) Swine (55 pounds or more): 2,500 or more

(h) Swine (less than 55 pounds): 10,000 or more

(i) Sheep: 10,000 or more

(j) Horses: 500 or more

(k) Ducks (dry system): 30,000 or more

(l) Ducks (wet system): 5,000 or more

"Large Weather Event" in Subsection 19-5-105.5(3)(b)(iii) means a single precipitation event or a series of precipitation events that occur in a manner that prevents an AFO or CAFO from appropriately dewatering wastewater storage, treatment or containment structures and meet one of the following criteria:

(a) the event results in an AFO or CAFO receiving precipitation amounts during the require minimum storage period that are greater than the waste storage facility's designed storage volume, so long as the facility's waste storage structures are designed and operated in accordance with:

(i) USDA-NRCS (313) Waste Storage Facility Conservation Practice Standard; and

(ii) the facility's current nutrient management plan that has been approved by a certified planner or specialist;

(b) the event results in an AFO or CAFO receiving precipitation amounts during a consecutive 15-day period that are greater than or equal to:

(i) a 100-year, 24-hour storm event for the area for a poultry, swine, or veal AFO or CAFO; or

(ii) 110% of a 25-year, 24-hour storm event for the area for any other AFO or CAFO;

(c) rapid snow melt, ice melt, or precipitation on frozen ground results in an AFO or CAFO receiving runoff during a 7-day period that is equivalent to:

(i) a 100-year, 24-hour storm event for the area for a poultry, swine, or veal AFO or CAFO; or

(ii) 110% of a 25-year, 24-hour storm event for the area for any other AFO or CAFO;

(d) the event results in an AFO or CAFO receiving the precipitation amounts in Subsection (a) or (b)(ii) and the AFO or CAFO meets the following requirements:

(i) the facility currently implements an irrigation water management plan developed in accordance with USDA-NRCS Conservation Practice Standards;

(ii) a certified nutrient management planner or nutrient management specialist has identified the practices, methods, equipment, monitoring, and recordkeeping requirements necessary for the facility to measure and demonstrate accurate soil saturation measurements and results with protocols implemented by the facility; and

(iii) the facility monitors and records soil saturation results according to the following requirements:

(A) the percent of soil saturation is monitored daily in unfrozen soils at four and eight inches in depth;

(B) the results from soil saturation monitoring is recorded on a daily basis; and

(C) soil saturation monitoring records are retained for 5 years.

"Medium AFO" means a lot or facility that is an AFO that stables, houses or confines the type and number of animals that fall within any of these ranges:

(a) Beef, calves, heifers, or veal: 300-999

(b) Cows (milking and dry): 200-699

(c) Layers or broilers (wet system): 9,000-29,999

(d) Other than layers (dry system): 37,500-124,999

(e) Layers (dry system): 25,000-81,999

(f) Turkeys: 16,500-54,999

(g) Swine (55 pounds or more): 750-2,499

(h) Swine (less than 55 pounds): 3,000-9,999

(i) Sheep: 3,000-9,999

(j) Horses: 150-499

(k) Ducks (dry system): 10,000-29,999

(l) Ducks (wet system): 1,500-4,999

"Medium CAFO" means a Medium AFO where the conditions specified in 40 CFR 122.23(b)(6)(ii) are met.

"Precipitation" means all forms of water, liquid or solid, that fall from the atmosphere and reach the ground. Precipitation includes rain, drizzle, snow, hail, graupel, sleet, and ice crystals. Precipitation does not include dew, frost, and rime since they are a result of water vapor in air condensing or freezing onto a surface.

"Reasonable Measures" in Subsection 19-5-105.5(3)(b)(iii) means the measures described in Subsection R317-8-10(10.8).

"Small AFO" means a lot or facility that is an AFO that stables, houses, or confines the type and number of animals that fall within any of these ranges:

(a) Beef, calves, heifers, or veal: 1-299

(b) Cows (milking and dry): 1-199

(c) Layers, broilers (wet system): 1-8,999

(d) Other than layers (dry system): 1-37,499

(e) Layers (dry system): 1-24,999

(f) Turkeys: 1-16,499

(g) Swine (55 pounds or more): 1-749

(h) Swine (less than 55 pounds): 1-2,999

(i) Sheep: 1-2,999

(j) Horses: 1-149

(k) Ducks (dry system): 1-9,999

(l) Ducks (wet system): 1-1,499

"Small CAFO" means a Small AFO where the following conditions are met:

(a) the Small AFO discharges:

(i) through a man-made ditch, flushing system, or other similar man-made device; or

(ii) into surface waters of the state which waters originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined at the operation; and

(b) the Director has designated the Small AFO as a CAFO according to criteria in 40 CFR 122.23(c) after consulting with the Chair of the Utah Conservation Commission.

"Surface Waters of the State" for purposes under Section R317-8-10 means Waters of the State as defined in Subsection R317-8-1(1.5) that are not ground water, except ground water that has hydrologic connection to surface waters of the state.

"Upset" for UPDES CAFO permitted facilities means an exceptional event, which is not precipitation-related, in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

10.3 UPDES Permit Requirement.

(1) The following animal feeding operations are required to apply for a UPDES permit:

(a) Large CAFOs that discharge;

(b) Medium CAFOs; and

(c) Designated CAFOs.

(2) CAFOs with land application discharges are subject to the requirements provided in 40 CFR 122.23(e) and 40 CFR 122.42(e)(1)(xi) through (ix). CAFOs that do not meet these requirements shall apply for a UPDES permit.

(3) An AFO shall be designated as a CAFO per the criteria in 40 CFR 122.23(c).

10.4 Timing of UPDES Permit Application.

(1) An animal feeding operation that has an operational change that results in a requirement to obtain a UPDES CAFO permit shall submit an application no later than 90 days after the time a facility has conditions that require CAFO permit coverage.

(2) No later than 180 days before the expiration of a permit, or as provided by the Director, a permitted CAFO shall submit an application to renew its permit in accordance with 40 CFR 122.21(d) unless the CAFO will not discharge upon expiration of the permit.

(3) For facilities in operation before April 14, 2003 that have an operational change where the facility becomes a Large CAFO that discharges, or a Medium or Designated CAFO, shall seek to obtain UPDES permit coverage no later than 90 days after the time a facility has conditions that require CAFO permit coverage.

(4) New source CAFOs that require CAFO permit coverage and CAFOs constructed after April 14, 2003 that require CAFO permit coverage shall seek to obtain UPDES CAFO permit coverage no later than 180 days prior to the time a facility commences operation with the conditions that require CAFO permit coverage.

(5) A CAFO that is required to obtain an individual permit or that is a Designated CAFO, shall apply for a permit within 60 days of notification of permit requirement by the Director, unless otherwise determined by the Director.

10.5 UPDES CAFO Permit Application Requirements.

To apply for a UPDES CAFO permit, an AFO or CAFO shall submit to the Director an application containing the information specified in 40 CFR 122.21(i). Application forms may be obtained from the Division of Water Quality. If the applicant is seeking coverage under a general permit, it shall submit a notice of intent and nutrient management plan to the Director, along with any information required under the general permit. If the Director has not issued a general permit for which the AFO or CAFO is eligible, the owner or operator shall submit an application, including a nutrient management plan, for an individual permit to the Director.

10.6 Nutrient Management Plans.

(1) Nutrient Management Plan (NMP) or Comprehensive Nutrient Management Plan (CNMP) content and requirements for compliance under this rule shall include, as applicable and needed for an AFO or CAFO, the following:

(a) the federal requirements incorporated by rule in Subsection R317-8-1(1.10);
(b) the requirements of 40 CFR 122.42(e)(1)(i) through (ix) and the technical standards needed to implement those requirements at an AFO or CAFO as specified in Subsection R317-8-10(10.7); and

(c) for permitted AFOs and CAFOs, the NMP or CNMP must also include and be consistent with the requirements of the UPDES permit.

(2) NMPs or CNMPs shall be developed and implemented for the following AFOs and CAFOs, as applicable, and shall be approved by a certified nutrient management planner:

(a) AFOs and CAFOs seeking CAFO permit coverage or with CAFO permit coverage;
(b) AFOs and CAFOs with permit by rule coverage;
(c) AFOs and CAFOs with coverage under a compliance assistance program approved by the Director for purposes of compliance to reasonable measures under Subsection 19-5-105.5(3)(b)(ii);

(d) AFOs and CAFOs seeking to receive grant or loan funding through a division funding program; or

(e) AFOs and CAFOs under an enforcement action issued by the Director.

(3) NMPs or CNMPs for AFOs and CAFOs listed in Subsections R317-8-10(10.6)(2)(a), (d), and (e), shall be signed or stamped by a Utah Professional Engineer or signed by a Natural Resources Conservation Service employee or engineer with proper engineering job approval authority delegated from the Natural Resources Conservation Service, when new or existing structures or facilities need to be designed, constructed or substantially altered at an AFO's or CAFO's production area or land application area.

10.7 Technical Standards.

(1) Technical standards for NMP or CNMP preparation, content, and implementation are:

(a) the practices, standards, and requirements of the Utah Natural Resources Conservation Service (NRCS) Practice Standard 590, Nutrient Management, dated October 2019 and the Utah Manure Application Risk Index (UMARI); and

(b) the NRCS practice standards, policies, specifications, and best management practices needed for NMP or CNMP preparation, content, or implementation for compliance with 40 CFR 122.42(e)(1)(i) through (ix), as needed for a specific AFO or CAFO.

(2) Implementation of these standards requires evaluation and nutrient management planning specific to each individual AFO or CAFO.

10.8 Reasonable Measures for Large Weather Events and Agriculture Discharges.

(1) As provided in Subsection 19-5-105.5(3)(b)(iii), no penalty shall apply with respect to an agriculture discharge resulting from a large weather event if the agriculture producer has taken reasonable measures to prevent an agriculture discharge.

(2) An AFO or CAFO will be considered to have taken reasonable measures as provided by Subsection 19-5-105.5(3)(b)(iii), if it has implemented a NMP or CNMP according to Subsection R317-8-10(10.6), as applicable to an AFO or CAFO, and is participating in any of the following:

(a) a UPDES CAFO permit;

(b) permit by rule as outlined in Subsection R317-10(10.8)(3); or

(c) a compliance assistance program approved by the Director.

(3) An AFO will be permitted by rule if:

(a) it has obtained and is in compliance with a site-specific NMP that implements Technical Standards and the requirements of 40 CFR 122.42(e)(1)(i) through (viii), and the practices and protocols identified under those provisions;

(b) it keeps records adequate to demonstrate that it has met the requirements in Subsection R317-8-10(10.8)(3) and has, upon request, made those records available for review by the Director or the Director's representative; and

(c) the facility has provided to the Director a notice of intent to be covered by this permit by rule provision and has confirmed that it is meeting the requirements of Subsection R317-8-10(10.8)(3).

KEY: water pollution, discharge permits

Date of Last Change: 2025|October 23, 2024|

Notice of Continuation: August 29, 2022

Authorizing, and Implemented or Interpreted Law: 19-5; 40 CFR 122; 40 CFR 123; 40 CFR 125; 40 CFR 412; 40 CFR 503

UTAH WATER QUALITY BOARD

2026 MEETING SCHEDULE

Date	Time	Location	Notes
Wednesday, January 28, 2026	8:30 AM	MASOB Board Room 1015/Zoom	
Wednesday, February 25, 2026	8:30 AM	MASOB Board Room 1015/Zoom	
Wednesday, March 25, 2026	8:30 AM	MASOB Board Room 1015/Zoom	
Wednesday, April 22, 2026	8:30 AM	MASOB Board Room 1015/Zoom	(WEAU is April 14th-17th)
Wednesday, May 27, 2026	8:30 AM	MASOB Board Room 1015/Zoom	
Wednesday, June 24, 2026	8:30 AM	MASOB Board Room 1015/Zoom	
No Meeting in July	---	---	
Wednesday, August 26, 2026	8:30 AM	MASOB Board Room 1015/Zoom	
Wednesday, September 23, 2026	8:30 AM	MASOB Board Room 1015/Zoom	
Wednesday, October 28, 2026	8:30 AM	MASOB Board Room 1015/Zoom	
No Meeting in November	---	---	
Wednesday, December 8, 2026	8:30 AM	MASOB Red Rocks Room 3132/Zoom	

Revised: November 10, 2025