



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Tim Davis
Commissioner

DIVISION OF WATER QUALITY
Candice A. Hasenyager, P.E.
Director

Water Quality Board
James Webb, Chair
Trevor Heaton, Vice Chair
Jill Jones
Jeannie Simmonds
Michela Harris
Joseph Havasi
Trevor Heaton
Robert Fehr
Tim Davis
Candice A. Hasenyager, P.E.
Executive Secretary

MINUTES

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY UTAH WATER QUALITY BOARD

MASOB

and

Via [Google Meet](#)

August 26, 2026

8:30 am Board Meeting

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Jill Jones
Tim Davis
Trevor Heaton
Joe Havasi
Jeannie Simmonds
Rob Fehr

DIVISION OF WATER QUALITY STAFF MEMBERS' PRESENT

Candice Hasenyager	Cambria Linville	Allie Rockhill
Paul Burnett	Emma Rodgers	Geoge Meadows
Eric Castrejon	Lonnie Shull	Skyler Davies
Jodi Gardberg	Sandy Wingert	Henry Willmes
Katie Garth	Porter Henze	Amber Loveland
Daniel Griffin	Ally Mars	Samantha Heusser
Jeff Komel	Samuel Taylor	John Schwarz
Andrew Pompeo	Clanci Hawks	Ben Holcomb
Harry Campbell		

OTHERS PRESENT

Leland Myers
Gary Vance
Haley Sousa
Curtis Nelson
Justin A.

Mr. Heaton called the meeting to order at 8:30 AM.

ROLL CALL

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

APPROVAL OF MINUTES – June 24, 2026, Meeting

Motion: Ms. Jones moved to approve the meeting minutes.
Mr. Fehr seconded the motion.
The motion passed unanimously.

EXECUTIVE SECRETARY REPORT:

Director Hasenyager addressed the Board with the following updates:

- **Legislative Interim Week Updates**
 - Commissioner Davis presented updates on the permitting process to the Natural Resources, Agriculture, and Environmental Quality (NRAE) Appropriations Subcommittee.
 - Commissioner Davis also presented on Data Center Policy to the Economic Development and Workforce Services Interim Committee.
 - Director Hasenyager presented an overview of the Division of Water Quality (DWQ) permitting process for data centers to the NRAE Interim Committee. She noted that the Department engaged M3 to review the various permitting pathways, resulting in a comprehensive fact sheet. This document is available and can be shared with the Board upon request.
- **Tooele Valley Public Infrastructure District UPDES Permit Public Hearing**
 - A public hearing was held on July 27th at 6:00 pm.
 - Ms. Hasenyager extended special thanks to Joe Havasi for serving as the Hearing Officer, as well as to all supporting staff.
 - The hearing recorded 106 physical sign-ins and peaked at 130 online participants. The Division received 46 verbal comments at the hearing and a total of 668 unique email submissions.
- **404 Feasibility Study**
 - The Request for Proposals (RFP) officially closed last week. The Division aims to award the contract quickly, with the goal of having critical sections completed prior to the upcoming legislative session.
- **Utah Hosting Upcoming Events & Conferences (September)**
 - State/EPA Water Directors Meeting
 - Region 8 (R8) Water Quality Standards Meeting
 - Region 8 (R8) Nonpoint Source (NPS) Meeting
- **Personnel and Staffing Changes**
 - Jacob Vanderlann has accepted the offer for DWQ's third Deputy Director. Jake will oversee the Standards and Technical Services, Watershed Protection, and Monitoring sections.
 - Emily Cantón will now be overseeing the Engineering section.
 - Ben Holcomb, Section Manager for Standards and Technical Services, introduced a new Water Quality Recreational Health Coordinator, Ally Mars.

- Deidre Beck, Section Manager for Groundwater Permitting section, introduced a new Environmental Scientist and Permit Writer, Emma Rodgers.

Compliance and Enforcement:

Request for Approval of Settlement Docket No. I24.08, Schreiber Foods, Inc.:

Ms. Loveland requested Board approval regarding unpermitted discharges from Amalga Cheese Plant in the amount of \$75,364.50.

Motion: Ms. Jones moved to approve the settlement in the amount of \$75,364.50.
Mr. Havasi seconded the motion.
The motion passed unanimously.

Funding:

Financial Status Report: Ms. Hutchison presented the Financial Status Report to the Board.

Mount Pleasant City Introduction: Mr. Willmes introduced a request for \$2.116 million for aeration upgrades to their existing wastewater lagoon system to accommodate growth and improve odor control.

Town of Fountain Green Request for a Design Advance: Mr. Pompeo requested Board authorization for a Design Advance for the Town of Fountain Green in the amount of \$115,000.

Motion: Ms. Jones moved to authorize the funding request in the amount of \$115,000 as recommended by staff.
Ms. Simmonds seconded the motion.
The motion passed unanimously.

Fillmore City Introduction: Mr. Pompeo introduced a request for \$4.773 million for lagoon treatment system improvements, including a new primary lagoon and headworks.

Bear Lake Special Services Introduction: Mr. Meados introduced a request for \$3 million for extending sewer lines on the east side of Bear Lake to protect the lake from septic system impacts.

Other:

Update of PFAS in Biosolids Workgroup: Mr. Harris provided an update on a PFAS in Biosolids Workgroup, which is shifting toward a more flexible guidance document approach rather than fixed thresholds.

PUBLIC COMMENTS:

A public comment was provided by Soren Simonson with the Jordan River Commission regarding PFAS and the potential need to investigate impacts on downstream waters and food chains.

MEETING ADJOURNMENT

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

Page 4
August 26, 2026
Water Quality
Minutes

The full recording of August 26, 2026, Water Quality Board Meeting may be viewed here [August Meeting Recording](#)

Next Meeting – September 24, 2026
Meeting begins at 8:30 am

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

Trevor Heaton, Vice Chair
Utah Water Quality Board



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MEMORANDUM

TO: Water Quality Board

THROUGH: Candice A. Hasenyager, P.E., Director

THROUGH: Samantha Heusser, Compliance and Enforcement Manager

FROM: Amber Loveland

DATE: September 23, 2026

SUBJECT: Request for Approval of Settlement Docket No. M25-02 for Spanish Fork City

BOARD ACTION: The Division Recommends the **Water Quality Board (“Board”)** grant **approval of settlement Docket No. M25-02 for execution by the Director.**

The Utah Water Quality Act, Utah Code Section 19-5-104(3)(g) requires that any settlement negotiated by the Director with a civil penalty of \$25,000 or more must be reviewed and approved or disapproved by the Board. The Division is requesting Board approval of a settlement with Spanish Fork City (“Spanish Fork”). Spanish Fork signed the settlement on July 20, 2026.

Spanish Fork is a municipality doing business in Utah County, Utah and is legally responsible for the operation of the Spanish Fork Wastewater Treatment Plant located at 2160 North 150 East, Spanish Fork, Utah 84660. Spanish Fork holds a UPDES permit (Permit No. UT0020109) issued by the Director on February 1, 2022.

In response to the violations, the Director issued Notice of Violation and Compliance Order (“NOV/CO”), Docket No. M25-02, to Spanish Fork on October 21, 2025 (enclosed). Spanish Fork has timely complied with the requirements in the issued NOV/CO. The purpose of the settlement agreement is to resolve the violations identified in the NOV/CO.

The total negotiated civil penalty is **\$29,331.25**. The partially signed stipulated compliance order (“SCO”) can be accessed [here](#).

The public comment period for the SCO ran from July 28, 2026, to August 27, 2026, and no comments were received.

The SCO represents what the Division believes to be a fair and reasonable settlement. It is the Division's recommendation that this settlement be granted Board approval for execution by the Director.

Attachments: M25-02 Notice of Violation and Compliance Order (DWQ-2025-007404)

**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY**

In the Matter of: Spanish Fork City Corporation Wastewater Treatment Plant UPDES Permit No. UT0020109	NOTICE OF VIOLATION AND COMPLIANCE ORDER DOCKET NO. M25-02
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This Notice of Violation and Compliance Order (“NOV/CO”) is issued to Spanish Fork City Corporation (“Spanish Fork”) in its capacity as operator and/or owner of Spanish Fork Wastewater Treatment Plant located at 2160 North 150 East, Spanish Fork, Utah 84660 (“Facility”), based upon the Facts and Determinations asserted herein. This NOV/CO is issued by the Director of the Utah Division of Water Quality (“Director”) pursuant to the Director’s authority under the Utah Water Quality Act, Utah Code §§ 19-5-101 *et seq.* (the “Act”) and Utah Admin. Code R317-1-1 *et seq.* (“Water Quality Rules”). This NOV/CO is also issued in accordance with the administrative procedures of the Utah Department of Environmental Quality, Utah Admin. Code R305-7-101 *et seq.*

A. STATUTORY AUTHORITY

1. The State of Utah’s surface water quality programs as adopted in the Act by the Utah Legislature operate with federal oversight and under delegation from the Environmental Protection Agency (“EPA”) under the Clean Water Act, 33 U.S.C. § 1342.
2. The Director is authorized to issue, continue in effect, renew, revoke, modify, or deny discharge permits and to issue orders under the Act, and in accordance with Utah Code § 19-5-106(2)(d), may enforce rules made by the Water Quality Board (“Board”) through the issuance of orders.
3. The Utah Division of Water Quality (“Division”) was created to administer the Act under the immediate direction and control of the Director pursuant to Utah Code § 19-1-105.
4. EPA delegated authority to the State of Utah to administer the National Pollutant Discharge Elimination System permit program under the Clean Water Act, known in Utah as the Utah Pollutant Discharge Elimination System (“UPDES”).
5. Pursuant to Utah Code § 19-5-111, whenever the Director determines there are reasonable grounds to believe that there has been a violation of the Act, the Water Quality Rules, or any order of the Director or the Board, the Director may issue a notice of violation. In that event, the notice of violation shall require that the matters complained of be corrected.

6. Pursuant to Utah Code § 19-5-115, violation of the Act, or any permit, rule, or order adopted under the Act, may be subject to a civil penalty of up to \$10,000 per day of violation. Higher penalties and other sanctions may arise in situations amounting to knowing violations.
7. Utah Admin. Code R317-8-5.2, the Director is authorized to specify a schedule of compliance leading to compliance with the Act, as amended, and the Water Quality Rules.

B. APPLICABLE STATUTORY AND REGULATORY PROVISIONS

1. Utah Code § 19-5-107(1)(a) states: “Except as provided in [the Act] or [Water Quality Rules], it is unlawful for any person to discharge a pollutant into waters of the state or to cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish, or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water, or to place or cause to be placed any waste in a location where there is probable cause to believe it will cause pollution.”
2. Utah Code § 19-5-102(22) defines “Waste” or “pollutant” as “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.”
3. Utah Code § 19-5-102(23)(a) defines “Waters of the state” as “streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, that are contained within, flow through, or border upon this state or any portion of the state.”
4. Utah Admin. Code R317-8-4.1(1)(a) requires that the permittee must comply with all conditions of the UPDES permit. “Any permit noncompliance is a violation of the [Act] ... and is grounds for enforcement action; permit termination, revocation and reissuance or modification; or denial of a permit renewal application.”

C. FACTS & DETERMINATIONS

1. Spanish Fork is a municipality located in Utah County, Utah, and is the legal owner and operator of the Facility.
2. Spanish Fork is a “person” as defined by Utah Code § 19-1-103(4) and is subject to all applicable provisions of the Act and the Water Quality Rules.
3. The Director issued UPDES Permit No. UT0020109 (“Permit”) to Spanish Fork on January 19, 2022; it became effective on February 1, 2022, authorizing discharges

from the Facility at Outfall 001 to Dry Creek which then flows to Utah Lake (Provo Bay). The Permit expires on January 31, 2027.

4. Utah Admin. Code R317-2-13 classifies Dry Creek as a 2B, 3E, and 4 Water of the State, establishing the following protections:
 - i. Class 2B – Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is a low likelihood of ingestion of water or a low degree of bodily contact with water.
 - ii. Class 3E – Severely habitat-limited waters. Narrative standards will be applied to protect these waters for aquatic wildlife.
 - iii. Class 4 – Protected for agricultural uses including irrigation of crops and stock watering.
5. Utah Admin. Code R317-2-13 classifies Utah Lake (Provo Bay) as a 2A, 3B, and 3D Water of the State, establishing the following protections:
 - i. Class 2A – Protected for frequent primary contact recreation where there is a high likelihood of ingestion of water or a high degree of bodily contact with water.
 - ii. Class 3B – Protected for warm water species of game fish and other warm water aquatic life, including the necessary aquatic organisms in their food chain.
 - iii. Class 3D – Protected for waterfowl, shore birds and other water-oriented wildlife not included in Classes 3A, 3B or 3C, including the necessary aquatic organisms in their food chain.
6. Permit part I.C.2.a. contains effluent concentration limitations for pollutant discharges from Outfall 001 at the Facility including, but not limited to, Nitrogen, Ammonia [NH₃-N] (“Ammonia”), Dissolved Oxygen (“DO”), Biochemical Oxygen Demand (“BOD”), Total Suspended Solids (“TSS”). Additionally, Permit part I.C.2.a. contains percent removal requirements from Outfall 001 at the Facility including, but not limited to, Suspended Solids (“SS”).
7. The certified Discharge Monitoring Reports (“DMRs”) submitted by Spanish Fork to the Division between the monitoring periods of January 2024 and July 2025 indicate effluent exceedances and removal deficiencies. Monitoring results, as reported on the certified and submitted DMR, for the Facility are summarized in the table below with violations of the Permit identified in ***bolded italics***.

Monitoring Period (Month Ending)	Parameter	Result	Permit Limit	% Exceedance
01/31/2024	Ammonia Daily Max (mg/L)	<i>25.7</i>	18	43%
01/31/2024	Ammonia Max Monthly Average (mg/L)	<i>23.63</i>	6	294%
02/29/2024	DO Daily Min (mg/L)	<i>4.3</i>	5	14%
02/29/2024	Ammonia Daily Max (mg/L)	<i>22.7</i>	18	26%

02/29/2024	Ammonia Max Monthly Average (mg/L)	20.4	6	240%
03/31/2024	Ammonia Daily Max (mg/L)	22.1	18	23%
03/31/2024	Ammonia Max Monthly Average (mg/L)	20.28	6	238%
04/30/2024	DO Daily Min (mg/L)	4.4	5	12%
04/30/2024	Ammonia Daily Max (mg/L)	25.3	18	41%
04/30/2024	Ammonia Max Monthly Average (mg/L)	22.72	9	152%
05/31/2024	DO Daily Min (mg/L)	4.1	5	18%
05/31/2024	Ammonia Daily Max (mg/L)	27.3	18	52%
05/31/2024	Ammonia Max Monthly Average (mg/L)	23.56	9	162%
06/30/2024	DO Daily Min (mg/L)	4	5	20%
06/30/2024	Ammonia Daily Max (mg/L)	29.2	18	62%
06/30/2024	Ammonia Max Monthly Average (mg/L)	22.24	9	147%
07/31/2024	DO Daily Min (mg/L)	4	5	20%
07/31/2024	Ammonia Daily Max (mg/L)	31.6	18	76%
07/31/2024	Ammonia Max Monthly Average (mg/L)	24.21	6	304%
08/31/2024	DO Daily Min (mg/L)	4	5	20%
08/31/2024	Ammonia Daily Max (mg/L)	22.3	18	24%
08/31/2024	Ammonia Max Monthly Average (mg/L)	20.86	6	248%
09/30/2024	DO Daily Min (mg/L)	4.3	5	14%
09/30/2024	Ammonia Daily Max (mg/L)	21.6	18	20%
09/30/2024	Ammonia Max Monthly Average (mg/L)	19.46	6	224%
10/31/2024	DO Daily Min (mg/L)	4.1	5	18%
10/31/2024	Ammonia Daily Max (mg/L)	21	18	17%
10/31/2024	Ammonia Max Monthly Average (mg/L)	18.98	6	216%
11/30/2024	DO Daily Min (mg/L)	4.4	5	12%
11/30/2024	Ammonia Daily Max (mg/L)	26.5	18	47%
11/30/2024	Ammonia Max Monthly Average (mg/L)	23.6	6	293%
12/31/2024	DO Daily Min (mg/L)	4	5	20%
12/31/2024	Ammonia Daily Max (mg/L)	32.8	18	82%
12/31/2024	Ammonia Max Monthly Average (mg/L)	25.2	6	320%
01/31/2025	DO Daily Min (mg/L)	4.9	5	2%
01/31/2025	Ammonia Daily Max (mg/L)	26.5	18	47%
01/31/2025	Ammonia Max Monthly Average (mg/L)	25.2	6	320%
02/28/2025	DO Daily Min (mg/L)	4.5	5	10%
02/28/2025	Ammonia Daily Max (mg/L)	33.4	18	86%
02/28/2025	Ammonia Max Monthly Average (mg/L)	28.91	6	382%
02/28/2025	BOD Max Monthly Average (mg/L)	27.13	25	9%
03/31/2025	DO Daily Min (mg/L)	4	5	20%
03/31/2025	Ammonia Daily Max (mg/L)	29.9	18	66%

03/31/2025	Ammonia Max Monthly Average (mg/L)	27.29	6	355%
04/30/2025	DO Daily Min (mg/L)	4	5	20%
04/30/2025	Ammonia Daily Max (mg/L)	31.0	18	72%
04/30/2025	Ammonia Max Monthly Average (mg/L)	25.76	9	186%
05/31/2025	DO Daily Min (mg/L)	4.2	5	16%
05/31/2025	Ammonia Daily Max (mg/L)	29.4	18	63%
05/31/2025	Ammonia Max Monthly Average (mg/L)	24.28	9	170%
06/30/2025	DO Daily Min (mg/L)	4.1	5	18%
06/30/2025	Ammonia Daily Max (mg/L)	24.4	18	36%
07/31/2025	DO Daily Min (mg/L)	4	5	20%
07/31/2025	Ammonia Daily Max (mg/L)	26.9	18	49%
07/31/2025	Ammonia Max Monthly Average (mg/L)	19.68	6	228
07/31/2025	BOD Max Monthly Average (mg/L)	27.4	25	10%
07/31/2025	BOD Max Weekly Average (mg/L)	78	35	123%
07/31/2025	TSS Max Monthly Average (mg/L)	27.3	25	9%
07/31/2025	TSS Max Weekly Average (mg/L)	93.5	35	167%
7/31/2025	SS Percent Removal (%)	77	85	9%
08/31/2025	DO Daily Min (mg/L)	4	5	20%
08/31/2025	Ammonia Daily Max (mg/L)	25.1	18	39%
08/31/2025	Ammonia Max Monthly Average (mg/L)	18.76	6	213%

8. As of October 1, 2025, a modified permit with a revised compliance schedule was on Public Notice, which is expected to end on October 31, 2025. The proposed compliance schedule removes the Ammonia Max Monthly effluent limitation and decreases the DO Daily Min to 4 mg/L until January 1, 2026.

D. VIOLATIONS

Based on the foregoing, the Director determines that Spanish Fork has violated the Act, the Water Quality Rules, or an order of the Director or the Board. Specifically, Spanish Fork has violated the following:

1. UPDES Permit No. UT0020109 part I.C.2.a. for effluent concentrations of Dissolved Oxygen that do not meet the daily minimum concentration requirement.
2. UPDES Permit No. UT0020109 part I.C.2.a. for effluent concentrations of Ammonia that exceed the permitted daily maximum limitation.
3. UPDES Permit No. UT0020109 part I.C.2.a. for effluent concentrations of Ammonia that exceed the permitted monthly maximum average limitation.

4. UPDES Permit No. UT0020109 part I.C.2.a. for effluent concentrations of BOD that exceed the permitted monthly maximum average limitation.
5. UPDES Permit No. UT0020109 part I.C.2.a. for effluent concentrations of BOD that exceed the permitted weekly maximum average limitation.
6. UPDES Permit No. UT0020109 part I.C.2.a. for effluent concentrations of TSS that exceed the permitted monthly maximum average limitation.
7. UPDES Permit No. UT0020109 part I.C.2.a. for effluent concentrations of TSS that exceed the permitted weekly maximum average limitation.
8. UPDES Permit No. UT0020109 part I.C.2.a. for removal deficiencies of SS that exceed the permitted allowance.

E. ORDER

Based on the foregoing Facts, Determinations, and Violations, and pursuant to Utah Code §§ 19-5-107 and 19-5-111, Spanish Fork is hereby **ORDERED** to:

1. As of the date of issuance of this NOV/CO, if not already initiated, initiate all action required to come into compliance with all applicable provisions of the Utah Water Quality Act in Utah Code Title 19, Chapter 5 and the Water Quality Rules in Utah Admin. Code, R317-1 *et seq.*
2. Cease and desist all unpermitted discharges that violate the Utah Water Quality Act.
3. **Within thirty (30) calendar days** of the date of issuance of this NOV/CO, submit to the Director all analytical laboratory reports that include dissolved oxygen and ammonia results for effluent grab samples, pulled between January 2024 and January 2025. This data shall be signed and certified as required by Permit part VII.G.

F. NOTICE

This NOV/CO is effective upon issuance (date signed) and shall become final unless it is administratively contested. This NOV/CO may be contested by filing and serving a written Request for Agency Action as provided by Utah Admin. Code R305-7-303 and R305-7-104(5). Even if this NOV/CO is contested, it remains effective unless a stay is issued or this NOV/CO is rescinded, vacated, or otherwise terminated.

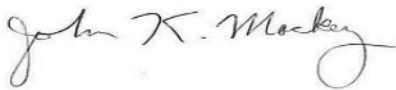
Failure to contest this NOV/CO within the time period and manner prescribed by Utah Admin. Code R305-7-303 constitutes a waiver of any right of administrative contest, reconsideration, review, or judicial appeal.

All reports required under this NOV/CO must be accompanied by the following certification, which is to be signed in accordance with Utah Admin. Code R317-8-3.4(4):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

Utah Code § 19-5-115 provides that violation of the Act, or any permit, rule, or order adopted under the Act, may be subject to a civil penalty not to exceed \$10,000 per day of violation. Failure to comply with this NOV/CO may result in additional civil penalties or criminal sanctions under Utah Code § 19-5-115.

Issued this 21 day of October 2025.

A handwritten signature in cursive script, reading "John K. Mackey". The signature is written in dark ink on a white background.

John K. Mackey, P.E.
Director, Division of Water Quality



State of Utah

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WATER QUALITY BOARD REQUEST FOR FUNDING CHANGES

APPLICANT: Hinckley Town
161 East 300 North
Hinckley, UT 84635

PRESIDING OFFICIAL: Alan Miller, Mayor

CONTACT: Tresa Taylor, Town Clerk

TREASURER/RECORDER: Chris Palmer, Treasurer

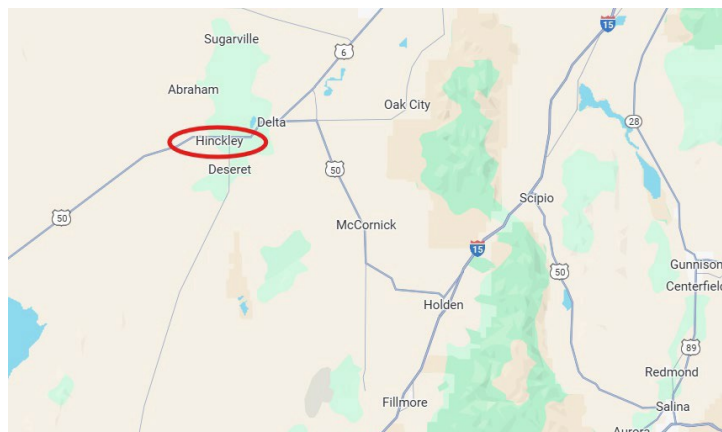
CONSULTING ENGINEER: Daniel Hawley, Project Manager

APPLICANT'S REQUEST

Hinckley Town (Hinckley) is requesting a \$47,000 increase in construction management funding and a reduction of \$256,000 in the loan amount, while maintaining the current amount of principal forgiveness.

APPLICANT'S LOCATION

Hinckley Town is in Millard County.



PROJECT BACKGROUND

In April 2025, Hinckley had Jones & DeMille Engineering complete a sanitary sewer master plan funded by the Water Quality Board (Board). This plan outlined the issues that the lagoons have and alternatives to move forward. The results of the plan showed hydraulic conductivity of the liner as the largest issue for the lagoons according to a mass balance calculation.

PROJECT NEED

Hinckley's wastewater treatment facility is classified as a non-discharging wastewater treatment lagoon under the General Operating Permit for Non-discharging Lagoons Coverage No. UTOP00119. The facility currently has two lagoons of equal size (7.17 acres). The facility would like to split the existing northern cell into two equal sized cells (3.4 acres each) and keep the existing southern cell as is. This will make the lagoons easier to operate and maintain. The lagoons require a minimum amount of water to properly operate and with the size of the current lagoons the minimum operating depth is hard to maintain without the addition of supplemental water. The breakdown of three lagoons from two larger lagoons will reduce the area in each pond to increase depth in each lagoon and decrease lagoon evaporation.

PROJECT DESCRIPTION

Hinckley is requesting a change in the type of funding and a reduction in the overall loan to rehabilitate the existing sewer treatment lagoons to meet state regulations and town needs. The rehabilitation of the lagoons would consist of rehabbing the liners that are in place and dividing the northern cell into two equal sized cells. The existing lagoons have liners that allows seepage nearly four times the state standard. With the large sizes of the lagoons and poor liners, the town cannot maintain minimum depths of water (three feet) in the lagoons without the addition of culinary water. Hinckley will also replace their flow meter as their current flow meter is not working.

ALTERNATIVES EVALUATED

The master plan outlined three alternatives: no action; rehabilitating the lagoon liners with their existing configuration, which is two seven-acre cells; or rehabilitating the lagoon liners while splitting one of their current cells into two three-acre cells and keeping the other cell for emergencies. The facility has chosen alternative number three which is to rehabilitate the existing lagoon liners while dividing one of their current cells into two three-acre cells and keeping the other cell for emergencies.

POPULATION GROWTH

Hinckley currently has a population of 643 people. The estimated population in twenty years is 738 people. The twenty-year estimated population was used for this design.

PUBLIC PARTICIPATION AND DEMONASTRATION OF PUBLIC SUPPORT

Hinckley held a public hearing on May 27, 2025, that showed positive support for the project.

EFFORTS TO SECURE FINANCING FROM OTHER SOURCES

Hinckley did not get on the Community Fund Impact Board (CIB) county capital improvements list in time. Therefore, they will need to wait until next year to apply to CIB. Hinckley does not anticipate going to CIB as the board authorized funding for this project.

IMPLEMENTATION SCHEDULE

The estimated completion date is May 2027.

APPLICANT'S CURRENT AND FUTURE USER CHARGE

Hinckley charges a base rate of \$45.00 per month per ERU. Industrial sewer service is charged \$82.00 per month. Hinckley has an impact fee of \$5,195. According to the Board criteria of 1.4% of MAGI (\$47,000 for Hinckley), a rate of \$54.83 per month for wastewater service should be exceeded for grant consideration. Hinckley has adopted the following sewer service rate schedule.

Effective Date	Residential Rate (per month)	Industrial Rate (per month)
July 1, 2027	\$50.29	\$91.64
July 1, 2028	\$52.80	\$96.22
July 1, 2029	\$55.44	\$101.03
July 1, 2030	\$58.21	\$106.08
July 1, 2031	\$61.12	\$111.38
July 1, 2032	\$64.18	\$116.95
July 1, 2033	\$67.39	\$122.80
July 1, 2034	\$70.76	\$128.94
July 1, 2035	\$74.30	\$135.38
July 1, 2036	\$78.01	\$142.15

PROJECT COSTS AND AUTHORIZATIONS

The project was bid in July 2026. There was a miscommunication at that time regarding which contract some of the expenses were under. For Engineering items to be eligible for CWSRF equivalency funds a different process for procuring Engineering services must be followed, which is not the typical process that cities follow, as was the case with this project. Project costs are, therefore, broken down into two expense types: Non-Equivalency required and Clean Water State Revolving Fund (CWSRF) equivalency eligible. On October 22, 2025, the Board authorized the Town's design advance of \$267,000 to be forgiven as a Hardship Design Grant once loan funds were spent. The Board also authorized a \$961,000 loan with 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.

Non-Equivalency Required	
Local Contribution	\$59,000
Hardship Construction Grant Fund	\$113,000
Total Funding Available	\$172,000
Construction Management Services	\$200,000
User Rate and Impact Fee Analysis	\$17,500
Total Non-Equivalency Costs	\$217,500
Difference in Funding	-\$45,500

CWSRF Equivalency Eligible	
Principal Forgiveness	\$750,000
CWSRF Loan	\$961,000
Total Funding Available	\$1,711,000
Bonding	\$15,000
Loan Origination Fee	\$10,000
Construction Bid	\$1,298,442.42
Contingency (10%)	\$130,000
Total CWSRF Equivalency Costs	\$1,453,442.42
Difference in Funding	\$257,557.58

The funding changes being requested is an overall reduction of \$209,000 in funding as the bids came in lower than anticipated. To accomplish this a reduction in the CWSRF equivalency loan of \$256,000 is required and an increase in non-equivalency construction management service funding of \$47,000 is necessary, as this was previously miscategorized as a construction expense rather than a construction management expense. The increase in construction management service funding is due to construction staking and the addition of an asset management plan. Construction management funds cannot be from the CWSRF equivalency due to procurement requirements.

ESTIMATED ANNUAL COST FOR SEWER SERVICE

Division staff developed static cost models (Attachment 1) to evaluate funding by the Board. The cost model analyzes several possible funding options. The resulting Total Annual Sewer Cost is shown for each funding option.

POSITION ON PROJECT PRIORITY LIST

Hinckley is currently ranked Number 12 of 15 on the FY2027 Wastewater Treatment Project Priority List (PPL).

UNIFIED WATER INFRASTRUCTURE PLAN (UWIP)

Beginning July 1, 2026, funding from water infrastructure fund money must follow the UWIP prioritization process. Water infrastructure fund money includes the Utah Wastewater Loan Fund and State Hardship Grant Fund. Applicants are required to submit the project through the UWIP project portal for prioritization unless the project is either an emergency water infrastructure project or a small water infrastructure project. Hinckley Town is a small community with a population of less than 10,000. Additionally, the project meets the definition of a small water infrastructure project because the hardship grant funding request is less than \$300,000. Therefore, this project is not subject to the UWIP prioritization process.

FINANCIAL BURDEN EVALUATION

The cost model shows the town may qualify for principal forgiveness consideration under the State Affordability Criteria as part of a funding package. In accordance with the Board's Financial Burden Evaluation Policy for the Utah Wastewater Project Assistance Program, Division staff utilized data from the United State Census Bureau (census) website (<https://data.census.gov/cedsci/>) to calculate the Hinckley's Financial Need Indicator (FNI). The calculated FNI is 1.69. Division staff compared this FNI to the percent modified MAGI in the Financial Burden Matrix and displayed the Financial Burden in Attachment 1. Based on the Financial Burden Evaluation Policy for the Utah Wastewater Project Assistance Program, the community has a Financial Burden of Medium. As can be seen in the cost model this project will result in a MAGI above 1.4%. Therefore, the project may be considered for grant funds.

STAFF RECCOMENDATION

Staff recommends the Board authorize the existing **\$267,000 Design Advance to Hinckley be forgiven as a Hardship Design Grant** under the following special conditions:

1. The design advance may only be forgiven once the loan is closed.

Staff recommends the Board reauthorize funding for Hinkley including **\$705,000 loan at 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 \$160,000 in Hardship Grant for engineering construction management services** to Hinkley Town subject to the following special conditions:

1. Hinckley must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. As part of the facility planning, Hinckley must complete a Water Conservation and Management Plan.
3. Hinckley must develop and implement an asset management plan that is consistent with Utah Administrative Code R317-101-3(I).
4. Hinckley must submit a useful life certification for the project. This certification determines the maximum length of the loan but not to exceed 30 years.

**HINCKLEY - Water Quality Board
20 - 30 Year Loan Static Cost Model**

Project Costs

Legal/Bonding	\$	15,000
Loan Origination Fee	\$	10,000
Planning Advance		
Engineering - Design	\$	267,000
Engineering - CMS	\$	158,500
Wastewater Treatment Plant	\$	1,300,000
Contingency (20%)	\$	130,000
Total Project Cost:	\$	1,880,500

Current Customer Base & User Charges

Initial Total Customer (ERU's)	217
MAGI for Hinckley Town (2022):	\$47,000
Affordable Monthly Rate at 1.4%	\$54.83
Impact Fee (per ERU):	\$5,195
Current Monthly Fee (per ERU)	\$45.00
Debt Service	\$0
Annual O&M expense	\$136,250

Project Funding

Local Contribution	Included IN CMS (\$59,000)
Amount to be Funded	\$ 1,880,500
WQB Grant	\$ -
Total Project Cost:	\$ 1,880,500

Funding Conditions

Reserve Funding Period:	6
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ESTIMATED COST OF SEWER SERVICE

Design Advance Forgiveness	Hardship Grant Fund	Principal Forgiveness	WQB Loan	Private Loan Amount	Loan Repayment Term	WQB Loan Interest Rate	Private Loan Interest Rate*	WQB Loan Debt Service	WQB Loan Reserve	Private Loan Debt Service	Annual Sewer	Existing Debt Service	Total Annual Sewer Cost	Monthly Sewer Cost/ ERU	Sewer Cost as % of MAGI	Financial Burden
\$0	\$ -	\$0	0	1,880,500	20	0.75%	5.20%	0	0	153,466	136,250	0	289,716	111.26	2.84%	HIGH
\$267,000	\$ 158,500	\$0	1,455,000	0	20	0.75%	5.20%	78,613	19,654	0	136,250	0	234,518	90.06	2.30%	HIGH
\$267,000	\$ 158,500	\$750,000	705,000	0	20	0.50%	5.20%	37,130	9,282	0	136,250	0	182,662	70.15	1.79%	MEDIUM
\$267,000	\$ 158,500	\$750,000	705,000	0	20	1.20%	5.20%	39,859	9,965	0	136,250	0	186,074	71.46	1.82%	MEDIUM
\$267,000	\$ 158,500	\$750,000	705,000	0	20	0.75%	5.20%	38,092	9,523	0	136,250	0	183,864	70.61	1.80%	MEDIUM
\$267,000	\$ 158,500	\$750,000	705,000	0	30	1.33%	5.20%	28,653	7,163	0	136,250	0	172,066	66.08	1.69%	MEDIUM
\$267,000	\$ 158,500	\$750,000	705,000	0	30	1.20%	5.20%	28,122	7,031	0	136,250	0	171,403	65.82	1.68%	MEDIUM
\$267,000	\$ 158,500	\$1,000,000	455,000	0	30	0.50%	5.20%	16,370	4,093	0	136,250	0	156,713	60.18	1.54%	MEDIUM

**HINCKLEY - Water Quality Board
20 - 30 Year Loan Static Cost Model**

Project Costs

Legal/Bonding	\$	15,000
Loan Origination Fee	\$	10,000
Planning Advance		
Engineering - Design	\$	267,000
Engineering - CMS	\$	158,500
Wastewater Treatment Plant	\$	1,300,000
Contingency (20%)	\$	130,000
Total Project Cost:	\$	1,880,500

Current Customer Base & User Charges

Initial Total Customer (ERU's)
MAGI for Hinckley Town (2022):
Affordable Monthly Rate at 1.4%
Impact Fee (per ERU):
Current Monthly Fee (per ERU)
Debt Service
Annual O&M expense

Project Funding

Local Contribution	Included IN CMS (\$59,000)	
Amount to be Funded	\$	1,880,500
WQB Grant	\$	-
Total Project Cost:	\$	1,880,500

Funding Conditions

Reserve Funding Period:

ESTIMATED COST OF SEWER SERVICE

Design Advance Forgiveness	Hardship Grant Fund	Principal Forgiveness	WQB Loan	Private Loan Amount	Loan Repayment Term	WQB Loan Interest Rate	Private Loan Interest Rate*	WQB Loan Debt Service	WQB Loan Reserve	Private Loan Debt Service	Annual Sewer	Existing Debt Service	Total Annual Sewer Cost
\$0	\$ -	\$0	0	1,880,500	20	0.75%	5.20%	0	0	153,466	136,250	0	289,716
\$267,000	\$ 158,500	\$0	1,455,000	0	20	0.75%	5.20%	78,615	19,654	0	136,250	0	234,518
\$267,000	\$ 158,500	\$750,000	705,000	0	20	0.50%	5.20%	37,130	9,282	0	136,250	0	182,662
\$267,000	\$ 158,500	\$750,000	705,000	0	20	1.20%	5.20%	39,859	9,965	0	136,250	0	186,074
\$267,000	\$ 158,500	\$750,000	705,000	0	20	0.75%	5.20%	38,092	9,523	0	136,250	0	183,864
\$267,000	\$ 158,500	\$750,000	705,000	0	30	1.33%	5.20%	28,653	7,163	0	136,250	0	172,066
\$267,000	\$ 158,500	\$750,000	705,000	0	30	1.20%	5.20%	28,122	7,031	0	136,250	0	171,403
\$267,000	\$ 158,500	\$1,000,000	455,000	0	30	0.50%	5.20%	16,370	4,093	0	136,250	0	156,713



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Tim Davis
Commissioner

DIVISION OF WATER QUALITY
Candice A. Hasenyager, P.E.
Director

Water Quality Board
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Trevor Heaton, Vice Chair
Jeannie Simmonds
Robert Fehr
Michela Harris
Joseph Havasi
Jill Jones
Tim Davis
Candice A. Hasenyager, P.E.
Executive Secretary

MEMORANDUM

TO: Water Quality Board

THROUGH: Candice A. Hasenyager, P.E. Director

FROM: Jim Harris, Great Salt Lake Water Quality Coordinator

DATE: September 23, 2026

SUBJECT: Request to Initiate Informal Rulemaking:
Amendments to R317-16. Great Salt Lake Mineral Extraction Facility Operator
Certification Approval

Recommended Board Action:

Motion to initiate informal rulemaking and appoint a subcommittee of one or more board members to participate in the stakeholder engagement process.

Background

H.B. 513 (2023), codified at Utah Code § 65A-6-4, requires mineral extraction operators seeking to process Great Salt Lake brines to certify that their operations will not negatively impact the biota or chemistry of Great Salt Lake, and requires DWQ and the Department of Natural Resources, Division of Forestry, Fire, and State Lands (FFSL) to approve these operator self-certifications.

On August 28, 2024, following Board approval, DWQ adopted Utah Admin. Code R317-16 Great Salt Lake Mineral Extraction Facility Operator Certification Approval to administer approval of operator certification. The rule requires project feasibility assessments, data reporting requirements, and guidelines for the self-certification of proposed extraction operations, among other requirements. FFSL concurrently developed rules for its own administration of the requirements from Utah Code § 65A-6-4.

DWQ and FFSL have now nearly completed the entire certification process from application to approval for one operator and have identified key improvements that both DWQ and FFSL propose to incorporate into their respective rules.

Expected Amendments

DWQ staff have identified two potential areas of improvement to enhance efficiency in the certification process and ensure protections for Great Salt Lake.

First, DWQ and FFSL seek to improve sister agency coordination in the certification process by aligning applications, timelines, and clarifying prefiling and submission requirements.

Second, DWQ recommends further detailing the contents of DWQ's certification decision to document expectations for ongoing monitoring, reporting, and continued verification of no negative impact to biota or chemistry of Great Salt Lake as a result of the operator's mineral extraction activities.



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MEMORANDUM

TO: Utah Water Quality Board

THROUGH: Candice Hasenyager P.E., Director

FROM Harry Campbell, P.E.,

DATE: September 23, 2026

SUBJECT: Municipal Wastewater Planning Program (MWPP) 2025 Data

The Municipal Wastewater Planning Program (MWPP) Survey is an annual survey of Publicly Owned Treatment Works (POTWs) and sewer utilities designed to gather data about:

1. Facilities and operations performance;
2. Infrastructure planning;
3. Financial performance;
4. Operators and certificates (UAC R317-10); and
5. Utah Sewer Management Program (USMP) per UAC R317-801-4.2

An overview of survey results will be presented at the Water Quality Board meeting, including response rates, financial information, and trends. Staff can provide a copy of the presentation as well as the survey questions and the responses as requested by the Board.