



## State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

## Department of Environmental Quality

L. Scott Baird  
*Interim Executive Director*

DIVISION OF WATER QUALITY  
Erica Brown Gaddis, PhD  
*Director*

**Water Quality Board**  
Jennifer Grant, Chair  
Gregg A. Galecki, Vice Chair  
Steven K. Earley  
Brandon Gordon  
Michael D. Luers  
L. Scott Baird  
Emily Niehaus  
James Webb  
Dr. James VanDerslice  
Dr. Erica Brown Gaddis  
*Executive Secretary*

### ***MINUTES***

#### ***UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY***

UTAH WATER QUALITY BOARD  
Moab Arts & Recreation Center (MARC)  
111 East 100 North  
Stage Room  
Moab, UT 84532

**November 6, 2019**

#### **UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Scott Baird	Jennifer Grant
Steven Earley	Mike Luers
Gregg Galecki	Emily Niehaus
Brandon Gordon	

Excused: Jim Vanderslice  
Jim Webb

#### **DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Robert Beers	Daniel Griffin
Jim Bowcutt	James Harris
Emily Cantón	Brenda Johnson
Skyler Davies	John Mackey
Matthew Garn	Lucy Parham

#### **OTHERS PRESENT**

##### **Name**

Jeff Adams  
Dave Erley  
Molly Marcello  
Arne Hultquist  
Sarah Stock  
John Weisheit  
Orion Rogers

##### **Organization Representing**

Canyonlands Watershed Council Board Member  
KZMU Radio Station  
UDWQ  
Living Rivers  
Living Rivers - Colorado River Keeper  
South Eastern Utah Health Department

Ms. Grant called the Board meeting to order at 1:30 pm and took roll call for the members of the Board and audience.

### **APPROVAL OF MINUTES OF AUGUST 28, 2019 MEETING**

**Motion: Mr. Galecki moved to approve the minutes of the August 28, 2019 meeting. Mr. Earley seconded the motion. The motion passed unanimously.**

### **EXECUTIVE SECRETARY REPORT**

#### *National Level*

- Dr. Gaddis updated the board on the Clean Water Act 401 Certification program. The EPA has proposed new regulations with this program that substantially limit state authority. The Division, in coordination with the Governor's office, has submitted a comment letter addressing key concerns of the proposed regulations.
- The EPA has launched a National Water Reuse Action Plan at the National ReUse Water conference that several Division staff members attended. The Division is planning to submit comments on this plan.
- Dr. Gaddis reported that there has been movement of the Waters of the US rulemaking regulations nationally. On September 11<sup>th</sup> the EPA repealed the Clean Water Rule that was put into place by the Obama administration in 2015. In January or February 2020 the EPA will roll out what will be called the Trump Rule, which will redefine the waters of the US.

#### *State Level*

- Dr. Gaddis reported that the Division has initiated a partnership with the Department of Agriculture and Food called the Agricultural Water Quality Improvement Project.
- The Division is coming close to an agreement with the Home Builders and the League of Cities and Towns regarding the post construction retention standards on the municipal stormwater permits.
- Dr. Gaddis gave an update on the Technology Based Phosphorus Effluent rule passed by the board in 2015. This rule goes into effect on January 1, 2020.
- Dr. Gaddis introduced the Reclaim 60 program. There is an estimated 15 billion dollar need across Utah over the next 40 years for water quality infrastructure.
- The EPA changed the recommended advisory concentrations for two cyanotoxins that will be adopted into the Division's Harmful Algal Bloom program this year.
- Dr. Gaddis reported that the Division is continuing to work with Millville City, which is one of the remaining unsewered communities in Cache Valley. The Board of Health put a moratorium on any further septic permitting which effectively stopped construction in the city. This has motivated the city to develop a plan for a sewer system, which will be an 8 to 10 million dollar project that will likely come before the board for financing in the next year.

- Dr. Gaddis also reported that there is a stormwater project in South Salt Lake that runs through the Central Valley Water Reclamation Facility property. The Division has been working with multiple agencies about how to pool funding to implement this project.

*Division Level*

- Dr. Gaddis gave a status report on the Water Quality Board Improvement project and introduced the Water Quality Board Member Handbook to the board members.

**FUNDING REQUESTS**

**Financial Report:** Ms. Cantón updated the Water Quality Board on the Loan Funds and Hardship Grant Funds, as indicated in the packet.

**De-obligation of DEQ – Division of Water Quality Hardship Grant Funds:** Ms. Cantón informed the Water Quality Board that the Division has concluded work on two projects, which were funded by hardship grant funds.

**Munk Dairy Interest Buy Down Request:** Mr. Bowcutt presented the Munk Dairy request for an Agricultural Resource Development Loan (ARDL) Interest Rate buy down from the Water Quality Board. Munk Dairy was recently approved for an ARDL loan from the Utah Department of Agriculture and Food (UDAF) for \$160,000. The estimated interest on this loan will be \$32,034 at 2.5%. UDAF has agreed to waive 1.25% of the interest, leaving \$16,017 in interest to be bought down by the Water Quality Board.

**Motion: Mr. Galecki moved to approve the Munk Dairy Request. Mr. Gordon seconded the motion. The motion passed unanimously.**

**RULE MAKING**

**Request to Initiate Rulemaking on Rule R317-401 Graywater Systems:** Mr. Beers presented a request for authorization to initiate rulemaking to revise Rule R317-401, Graywater Systems. The proposed amendment would:

1. Simplify the regulatory requirements for graywater system implementation, including home and business retrofits;
2. Incorporate nationally recognized standards, materials, practices and regulations;
3. Ensure proper application of graywater systems that both conserve water and protect public health and water quality; and
4. Implement regulatory processes to track, monitor, and correct permitted systems.

**Motion: Ms. Niehaus moved to approve the Graywater Rule Change Request with the following changes:**

- a. R317-401-1.5.(b) changed from "The local health department request for approval shall include a description of its plan to properly manage graywater systems to protect public health. This plan must include:" changed to "The local health department request for approval should include a description of its plan to properly manage graywater systems to protect public health. This plan should include"; and
- b. R317-401-1.5.(b)(i)(C) changed from "Local Board of Health and County Commission support for this request" changed to "Local Board of Health support for this request".

**Mr. Galecki seconded the motion. The motion passed unanimously.**

**Public Notice Rule Revision:** Mr. Garn presented the request for the Board's approval to commence rulemaking for proposed revisions to Utah's Utah Pollution Discharge Elimination System (UPDES) rules. With the approval of the Board, Division staff can initiate the formal rulemaking process with the Utah Division of Administrative Rules. The Board will be apprised of all comments received during the public comment period. After considering the comments received, staff will return to the Board with recommendations for changing or adopting the revisions.

**Motion: Mr. Luers moved to approve the Public Notice Rule Change Request.  
Mr. Earley seconded the motion. The motion passed unanimously.**

### **OTHER BUSINESS**

**San Juan Watershed Program Update:** Ms. Parham updated the Water Quality Board on the Gold King Mine spill (GKM) that occurred in August 2015 and ongoing studies to evaluate the effects of metals on the San Juan River and Lake Powell.

#### **Public Comments:**

- Mr. Dave Erley, a Canyonlands Watershed Council board member spoke in favor of the Graywater Rule.

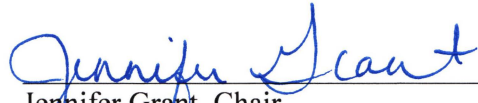
#### **Meeting Adjournment**

**Motion: Mr. Gordon moved to adjourn the meeting. Ms. Niehaus seconded the motion. The motion passed unanimously.**

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Water Quality Board  
Minutes

To listen to the full recording of the Board meeting go to: <http://www.utah.gov/pmn/index.html>

**Next Meeting – December 3, 2019**  
195 North 1950 West  
Salt Lake City, UT 84116



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Jennifer Grant, Chair  
Utah Water Quality Board

DWQ-2019-020781