



State of Utah

GARY R. HERBERT
Governor

GREG BELL
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
Ashton's Barn
2583 West Main Canyon Road
Wallsburg, Utah
September 24, 2013

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Myron Bateman Clyde Bunker Shane Pace
Jennifer Grant Leland Myers

Excused: Merritt Frey, Amanda Smith, Hugo Rodier, and Gregg Galecki

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, John Whitehead, Leah Ann Lamb, Faye Bell, Ed Macauley, Don Hall, Judy Etherington, Carl Adams, Sandy Wingert, Jim Bowcutt

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Dave Brown	USDA-NRCS
Terral Dunn	RWAU
Debbie Dunn	Guest
Dale Pierson	RWAU
Vern Steel	RWAU

Myron Bateman called the Board meeting to order at 1:45 p.m. and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE AUGUST 28, 2013 MEETING

Mr. Myers noted that on the Executive Secretary's Report, the wording "and a snail" should be added in the second paragraph behind the word "mussel", making the sentence read "The basis of the criteria is a species of mussel and a snail not found in Utah".

Motion: **It was moved by Mr. Myers and seconded by Mr. Pace to approve the minutes of the August 28, 2013 meeting with the corrected wording. The motion was unanimously approved.**

Presentation of the Cal Sudweeks Award: Mr. Bateman called Terral Dunn to the front of the room to present him with the "Calvin K. Sudweeks Award" which is presented each year to a recipient who has

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shown leadership and achievement in the field of water pollution control and/or water quality improvement in the State of Utah. These achievements have been through their employment, through work with volunteer organizations, or as a private citizen. The recipient has shown qualities of professionalism, personal integrity, and dedication to the goals and principles of improved water quality in the state of Utah.

Executive Secretary's Report: Mr. Baker said at the League of Cities and Towns annual conference during the business session they passed a resolution against the concept of a \$1/month "toilet tax". Some of the work which has been accomplished through NRCS in Wallsburg was paid using 319 dollars and state non-point source (NPS) dollars. The amount of money in the wastewater loan program to address point source pollutant is \$24 million a year while the nonpoint source program (if we combine both federal and state dollars) is less than \$2 million a year. He recommended that more resources be brought to bear on NPS activities, which is what a toilet tax would do. The resolution the League proposed was to be whole heartedly against a toilet tax. He said, collectively we are in this together, so our message back to them is, "What is the solution?" An appropriation by the legislature is not an alternative as it would not be sustainable. He said if nutrient pollution cannot be controlled through non-point source activities, then point source contributors, such as storm water and POTW discharges, will be expected to make up the difference. Other comments included finding other multi-faceted options to provide the funding. The League has identified no other funding option that it will support to solve the problem

There is a Wetlands conference currently in progress at the University of Utah through Friday. There was a tour yesterday of the Great Sal Lake wetlands which went very well. Wetlands continue to be a big issue in Utah. Most of our wetlands surround the Great Salt Lake and there are many pressures on the wetlands, not the least of which is not enough water in the Great Salt Lake to sustain them.

A water summit is coming up at the end of October in Provo. The governor appointed a group of six water experts to hold town meetings around the state to receive public input on what the future in water is in Utah. Those comments have been received. The group will be charged to explore the various issues and comments and produce a white paper for the Governor. Following this the Governor will convene a meeting with the four water directors to identify key points of what needs to be done to sustain Utah's water future. We look forward to participating in the summit.

RULEMAKING

Judy Etherington request the Board adopt the amendments to R317-1, 3, 5, 6, 7, 12, and 401 as presented to the Board previously as SB 21 changes. She explained that Dave Wham had presented these changes originally in June, and no comments were received during the comment period. It was pointed out that there are some places where further changes need to be made at a later time. Some corrections that were identified by the board were: 1) the "director" is not defined in each section; 2) on page 2.32, item 6.c., the change to "director" may not be correct since it was substituted where it previously referred to the Air Quality Committee; 3) page 2.49, bottom right has "division" as the replacement, rather than the "director"; and 4) the definition for "director" is included twice in one rule. There is still "housekeeping" that needs to be done, but the recommendation by staff is to "live with" the current inconsistencies, and approve them as they are.

Motion: It was moved by Mr. Myers and seconded by Mr. Galecki to adopt the proposed changes to these rules, which include R317-1, 3, 5, 6, 7, 12, and 401. The motion was unanimously approved.

Agricultural Certificate of Environmental Stewardship (ACES) Program: Mr. Hall explained to the Board that DWQ has been working closely with the Department of Agriculture and Food (UDAF) in the development of the ACES program to provide a permit-by-rule (PBR) option for Animal Feeding (AFOs), as detailed in the recently approved DWQ rule *R317-8-10, Animal Feeding Operations & Concentrated Animal Feeding Operations*. Given that the rulemaking process could result in changes to the ACES

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program and that the program will need to be compatible with DWQ's R317-8-10, staff recommended that the Board take no action to approve the ACES Program until the ACES rule and program have been through rulemaking and the program requirements are finalized. The last versions of the draft ACES rule and workbook reviewed by DWQ appear to be compatible to meet the "reasonable measures" specified in R317-8-10. DWQ will be supportive of ACES Program approval as long as its requirements are compatible with R317-8-10.

Motion: **It was moved by Mr. Myers and seconded by Mr. Bunker to express support of the ACES Program. The motion was unanimously approved.**

**Next Meeting – October 23, 2013 @ 11:00 a.m.
Logan City Environmental Department
1400 West 153 North
Logan, Utah**

Myron Bateman, Chair
Utah Water Quality Board