



State of Utah

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Department of
Environmental Quality

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David F. Echols
Merritt K. Frey
Darrell H. Mensel
Leland J. Myers
Amanda Smith
Gregory L. Rowley
Steven P. Simpson
Daniel C. Snarr
Phil Wright
Walter L. Baker
Executive Secretary

MINUTES

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

UTAH WATER QUALITY BOARD

Wetland Discovery Point

676 South 50 West

Kaysville, Utah

Wednesday May 27, 2009

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Paula Doughty	Jay Olsen	Lou Ann Christensen
Leland Myers	Dan Snarr	Dave Echols
Darrel Mensel	Greg Rowley	Phil Wright

ABSENT: Merritt K. Frey, Steve Simpson & Bill Sinclair

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Faye Bell, John Whitehead, Leah Ann Lamb, Ed Macauley, John Mackey, John Cook, Shelly Andrews, Mike Reichert, Emily Canton,

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Craig Neeley	Tooele County – Aqua Engineering
Bill Hopkin	UDAF
Roy Gunnell	UDAF
Lynn Moulding	Riverdale City
Kathleen Clarke	UDAF
Rusty Lundberg	DEQ
Karen Nicholls	Stantec
Nicole Cline	Tooele County
Bart Forsyth	JVWCD

Vice Chair Doughty called the Board meeting to order at 9:40 a.m. She welcomed those in attendance and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE APRIL 1, 2009 MEETING

Ms. Doughty noted one correction on page 9. It should read R317-1-9, instead of R317-109.

Motion: It was moved by Mr. Myers and seconded by Mr. Rowley to approve the minutes of the April 1, 2009 meeting, with the noted correction. The motion was unanimously approved.

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Board Elections: Ms. Doughty opened up nominations for Chair to replace outgoing Mayor Joe Piccolo. Ms. Doughty nominated Jay Olsen as the new Chair for the Water Quality Board (WQB).

Motion: **It was moved by Mr. Myers and seconded by Mr. Rowley to close nominations and approve Mr. Olsen as the new Chair. The motion was unanimously approved.**

Ms. Doughty opened up nominations for Vice Chair. Mr. Myers nominated Paula Doughty to remain as the Vice Chair for the Water Quality Board.

Motion: **It was moved by Mr. Rowley and seconded by Mayor Snarr to close nominations and approve Ms. Doughty to remain as the Vice Chair of the Water Quality Board. The motion was unanimously approved.**

Mr. Baker explained with Mayor Piccolo's departure, that the Board needed to nominate a representative to fill his vacancy on the Community Impact Board (CIB). Jay Olsen and Steve Simpson were nominated as nominees to fill the position.

Motion: **It was moved by Mr. Olsen and seconded by Mr. Mensel to appoint Mr. Simpson to represent the WQB on the CIB Council. The motion was unanimously approved.**

Executive Secretary's Report: Mr. Baker explained some of the changes occurring with Governor Huntsman leaving office in June. Lt. Governor Herbert will become the new Governor of Utah at that time.

The Department of Environmental Quality has been without a Director since Rick Sprott retired. Gov. Huntsman has selected Amanda Smith to serve as the Executive Director for the Department of Environmental Quality. The senate will hold a hearing before approving Ms. Smith as the new Executive Director. The approval should occur sometime in June.

Great Salt Lake Advisory Council: The GSL Advisory Council presented to Governor Huntsman its recommendations. The Governor was pleased with the report. Now the council will need to wait and see how, or if Gov. Herbert wants to move forward with those recommendations.

DWQ is considering fee increases which would be implemented for the 2011 budget. The legislature will need to approve the fee increases before the new fees are adopted.

PRESENTATIONS:

Presentation on a grazing improvement program initiative UDAF is instigating: Bill Hopkin from the Department of Agriculture gave a presentation inviting the Board to partner with UGIP Tech Committee in working to make unhealthy land healthy again. In the future they may return to the Board with a request for a contribution of \$50,000/year for the project.

Update on Carbon Sequestration: Mr. Lundberg with the Department of Environmental Quality gave an update on the Carbon Capture and Geologic Sequestration Administrative Rule Development progress report. S.B. 202 from the 2008 General Session, recommended developing administrative rules addressing

Carbon capture and geological sequestration. The recommended rules development process included Division of Water Quality and the Division of Air Quality on behalf of their individual Boards.

RULEMAKING:

Adopt rule revision to R317-101 Utah Wastewater Project Assistance Program: Ms. Canton presented the proposed revision R317-101-2. On April 1, 2009 the Board approved to take R317-101-2 for public notice. No comments were received on the proposed rule change. Staff is requesting the Board adopt the proposed changes. The Board suggested that the definition of principal forgiveness be added to the rule.

Motion: It was moved by Mr. Echols and seconded by Mr. Wright to approve R317-101-2. The motion was unanimously approved.

Request to adopt TMDLs by Reference R317-1-7 TMDLs: Mr. Whitehead explained to the Board that staff is recommending that all EPA approved TMDLs approved since the last adoption into Rule (R317-1-7) be incorporated by reference. The proposed rule was published in the Utah State Bulletin March 1, 2009 and the comment period closed March 30, 2009. No comments were received.

Motion: It was moved by Mr. Olsen and seconded by Mr. Echols to approve R317-1-7 per staff's recommendation. The motion was unanimously approved.

LOAN ITEMS

Financial Assistance Status Report – Ms. Canton updated the Board on the “Summary of Assistance Program Funds,” as outlined on page 3.1.

Adopt Supplemental 2009 Intended Use Plan: Ms. Andrews explained to the Board the Division is requesting approval of the FY2010 Utah Wastewater Project Priority List (PPL) and the FY2009 Supplemental Intended Use Plan (IUP). The comment period ended on May 13, 2009. No substantive comments were received on the documents. The EPA requires that these documents be maintained as a condition of funding for the State Revolving Fund (SRF) through the American Recovery and Reinvestment Act of 2009 (AARA). Due to the dynamic nature of these documents, they will continue to be updated throughout the year.

Motion: It was moved by Mr. Myers and seconded by Mr. Echols to approve the FY2009 Supplemental IUP and the FY2010 PPL. The motion was unanimously approved.

Riverdale City request for Authorization – Mr. Cook introduced Lynn Moulding from Riverdale City. Riverdale City is requesting financial assistance in the amount of a \$1,502,000 loan at an interest rate of 3.0% repayable over 20 years for the construction of the “2009 Sewer Pipeline Replacement Projects” to provide additional sewer capacity. A design advance is not being requested. Staff recommends that the Board authorize Riverdale City's request.

Motion: It was moved by Mr. Myers and seconded by Mayor Snarr to approve staff's request with a change recommending authorization of \$1,502,000 at 3% over 20 years with the special condition that only \$900,000 would be made available at loan closing for the UDOT project and the balance must wait for availability of funds. The motion was unanimously approved.

Deseret Peak SSD request for Planning Grant Advance: Mr. Cook introduced Nicole Cline from Tooele County, and Craig Neeley with Aqua Engineering. Deseret Peak SSD is requesting a Hardship Planning grant in the amount of \$30,000 to prepare a Sewer Facilities Master Plan. Deseret Peak SSD is embarking on a planning effort that will establish the municipal utility infrastructure capital improvements, upkeep and development participation needed for the next 20 years. The likelihood that this project will lead to an additional request for construction funds is low because of the commercial nature of development within the District. Staff recommends the Board authorize a \$30,000 Planning Advance to Deseret Peak SSD.

Motion: It was moved by Mr. Myers to authorize a Planning Advance of \$30,000 out of the Hardship Grant funds, subject to repayment. The motion was seconded by Mr. Wright and was unanimously approved.

Green Stimulus Project Priority Ranking System: Ms. Andrews explained to the Board that it is staff's Intention to establish the Stimulus "Green" project priority criteria and system for ranking projects that will be recommended to the board at the June 24, 2009 meeting. Staff is proposing using the follow criteria for ranking these projects:

- Project priority ranking established under R317-100(4) (alpha ranking criteria)
- General public health protection
- Water quality benefit
- Energy Efficiency
- Water Conservation/Efficiency
- Cost sharing/leveraging
- Sustainability

In addition, staff recommends that the Board use a two step process, similar to the procedure used during the April 1, 2009 Board meeting, to authorize funding for green infrastructure projects: 1) give each applicant 5 minutes to make its case; 2) establish which projects should be moved into or out of Tier 1 and authorize all Tier 1 projects; and 3) reserve ARRA funds for these projects through December 15, 2009.

NEXT MEETING –
Wednesday, June 24, 2009
168 North 1950 West, Room 101, Salt Lake City, Utah 84116
Work meeting will begin at 9:00 a.m.

Jay Olsen, Chairman
Utah Water Quality Board