



State of Utah

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Department of  
Environmental Quality

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Executive Director

DIVISION OF WATER QUALITY  
Walter L. Baker, P.E.  
Director

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Merritt K. Frey  
Darrell H. Mensel  
Leland J. Myers  
Neal L. Peacock  
Amanda Smith  
Gregory L. Rowley  
Steven P. Simpson  
Daniel C. Snarr  
Walter L. Baker  
*Executive Secretary*

**MINUTES**

**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**  
UTAH WATER QUALITY BOARD  
DEQ Building Board Room #1015  
195 North 1950 West  
Salt Lake City, Utah 84116  
Thursday, December 2, 2010

**UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Jay Olsen	Merritt Frey	Myron Bateman
Leland Myers	Steve Simpson	Neal Peacock
Greg Rowley	Paula Doughty	Dave Echols
Amanda Smith	Daniel Snarr	Darrell Mensel

**DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Walt Baker, Faye Bell, Emily Cantón, Leah Ann Lamb, John Whitehead, Ed Macauley, Scott Daly, Mike Allred, Lisa Nelson, Beth Wondimu, Chris Bittner, John Cook, Kari Lundeen, John Kennington, Jeff Ostermiller, Carl Adams, Paul Krauth.

**OTHERS PRESENT**

<u>Name</u>	<u>Organization Representing</u>
Jim Olson	Private Citizen
Trevor Lindley	J-U-B Engineers/Santaquin
Dave Tripp	East Canyon Creek Watershed – Committee Chair
Les Christensen	Upper Weber Watershed (Kamas Ed)
Issa Hamud	City of Logan
Jim Harps	City of Logan
Dwayne P. Banks	Central Valley Town
Garrett McMullin	Jones & DeMille Engineering
David C. Thurgood	J-U-B Engineers
Mayor Jim Dain	Lindon City
Theron Miller	Jr/FB WQC
Doug Nielsen	Sunrise Engineering
Ken Spiers	Bowen Collins & Assoc
Mayor Jim DeGraffenried	Santaquin City
Ben Reeves	Santaquin City
Jim Linford	Santaquin City
Johnathan Ward	Zions Bank
Ott Dameron	Lindon City

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Don Peterson	Lindon City
Mark Christensen	Lindon City
Mike Luers	SBWRD
Michael Boyle	SBWRD
Judy Fahys	Salt Lake Tribune

Chair Olsen called the Board meeting to order at 9:40 a.m. and invited the members of the audience to introduce themselves.

#### **APPROVAL OF MINUTES OF THE OCTOBER 20, 2010 MEETING**

Mr. Myers noted a few minor corrections needing to be made to the October Minutes.

**Motion:** It was moved by Mr. Rowley and seconded by Ms. Doughty to approve the minutes of the October 20, 2010 meeting with the recommended changes suggested by Mr. Myers. The motion was unanimously approved.

**Executive Secretary's Report:** Mr. Baker explained that during negotiations with Chevron's on the NOV which was issued (following the June oil spill at Red Butte Garden), some deficiencies required more information. While waiting to complete the NOV a second oil spill occurred at the same location on December 1<sup>st</sup>. Water Quality Staff is working on the recent spill and will report back to the Board.

Staff is having ongoing discussion with the Department of Agriculture on rulemaking hoping to narrow down the issues of disagreement which may require additional time before moving forward with rulemaking.

Mr. Baker asked Mr. Olsen to read a letter that was sent to the Water Quality Board Chairman from Ogden City Mayor Godfrey, explaining a misunderstanding that occurred on part of the financing that was recently approved by the Board.

**TMDL Approval Process:** Mr. Whitehead told the Board that during the October Water Quality Board work meeting, an overview of the TMDL process was presented including the current Board involvement and a proposed new process for TMDL approvals. The proposed new process that would provide Board involvement prior to EPA formal approval of TMDLs was presented but not formally adopted. The Board was requested to formally adopt the proposed new process for TMDL approvals.

**Motion:** It was moved by Mr. Myers to approve the proposed new process for TMDL approvals. The motion was seconded by Mr. Simpson. The motion was unanimously approved.

#### **RULEMAKING**

**East Canyon TMDL update – Technical Overview & Request to Initiate Rulemaking:** Ms. Lundeen introduced Erica Gaddis and Dave Tripp with the East Canyon Creek Watershed. The Division received approval in September from EPA Region 8 for the revised East Canyon Reservoir phased TMDL. The East Canyon Reservoir phased TMDL is a revision of one originally approved on September 2, 2000. A phased TMDL is appropriate for East Canyon Reservoir due to the uncertainty associated with the quantitative linkage between total phosphorus and dissolved oxygen. A phased TMDL allows for EPA approval by providing an implementation and monitoring plan and a schedule for revisiting the TMDL. Staff is recommending we proceed to rulemaking for the adoption of this TMDL into R317-1-7.

**Motion:** It was moved by Mr. Echols to approve staff's request to proceed to rulemaking for the adoption of R317-1-7 TMDL. The motion was seconded by Ms. Frey. The motion was unanimously approved.

### LOAN ITEMS

**Financial Assistance Status Report** – Ms. Cantón updated the Board on the “Summary of Assistance Program Funds,” as outlined on page 4.1.

**Santaquin request for funding reauthorization:** Ms. Nelson introduced Mayor Jim DeGraffenried, Ben Reeves and Jim Linford from Santaquin City, Trevor Lindley with J-U-B Engineers and Johnathan Ward with Zions Bank. The City of Santaquin requested financial assistance in the amount of a \$6,934,000 loan at an interest rate of 1.0% repayable over 20 years to construct a new mechanical wastewater treatment plant to meet current and future needs. A feasibility report was introduced and then authorized by the Utah Water Quality Board (WQB) on February 25, 2009 in the amount of \$4,772,000 at a 3% interest rate contingent upon qualifying for ARRA funding. Funding was not finalized from the USDA, STAG, and Central Utah Water Conservancy District in time to qualify for ARRA funding from the Water Quality Board. In addition, the Utah Division of Water Resources was not able to fund this project. Therefore, Santaquin is now asking for an increased loan amount to \$6,934,000 at a 1% interest rate to maintain the same payment as anticipated in the USDA Rural Development application. Staff recommended that the Water Quality Board authorize the City of Santaquin a loan in the amount of \$6,934,000 at a 1% interest rate with a repayment term of 20 years.

**Motion:** It was moved by Mr. Myers to approve staff's recommendation to reauthorize Santaquin City funding in the amount of \$6,934,000 at a 1% interest rate with a repayment term of 20 years. The motion was seconded by Mr. Simpson. The motion was unanimously approved with the additional special condition that funding would not be made available until Santaquin City provided documentation that the State Engineer approved of Santaquin's reuse application.

**Central Valley Town request for a Planning Advance:** Ms. Wondimu introduced Mayor Dwayne Banks with Central Valley Town and Garrett McMullin with Jones & DeMille Engineering. Central Valley Town is requesting a Planning Advance in the amount of \$17,500 to prepare a Wastewater Facilities Plan. It is estimated that the Planning Study will be completed by approximately April 1, 2011. The estimated total cost for preparing the facility plan is \$35,000. Central Valley is seeking the balance in the form of a matching grant from the Community Impact Board (CIB). Staff recommends that the Water Quality Board authorize a \$17,500 Planning Advance to Central Valley Town to complete a Wastewater Facility Plan.

**Motion:** It was moved by Mr. Simpson to approve staff's request to authorize a planning advance to Central Valley Town in the amount of \$17,500 to include all Special Conditions. The motion was seconded by Mayor Peacock. The motion was unanimously approved.

**Lindon City request for funding authorization:** Ms. Wondimu introduced Mayor James Dain, Ott Dameron and Don Peterson with Lindon City, and Mark Christensen from J-U-B Engineers. Lindon City requested financial assistance in the amount of a \$4,506,000 loan at an interest rate of 2.5% repayable over 20 years to upgrade its existing wastewater collection system. Staff recommended that the Water Quality Board authorize Lindon City a construction loan in the amount of \$4,506,000 loan at an interest rate of 2.5% repayable over 20 years.

**Motion:** It was moved by Mayor Peacock to approve Lindon City's request for a construction loan in the amount of \$4,506,000 at an interest rate of 2.5%. The motion was seconded by Mr. Echols. The motion was approved with Mr. Olsen opposing.

**Funding Request for Willard Spur Study:** The Division of Water Quality (DWQ) is requested a grant in the amount of \$1,415,000 to investigate that assimilative capacity of nutrients in the Willard Spur ecosystem. The goal of this 3-year investigation is to determine appropriate and defensible modifications to Utah's water quality standards to ensure long-term protection of Willard Spur's aquatic life uses. Once appropriate protections are determined, the UPDES permit for the Willard Perry WWTP, which allows a discharge to the Willard Spur ecosystem, can be modified, if necessary, to coincide with any changes to Utah's water quality standards. DWQ requires an immediate source of research funds to avoid further delays in issuing the UPDES permit and to ensure that data collection can begin this spring. As a result, staff recommended that the Board authorizes \$1,415,000 to DWQ from Hardship Grant funds for the design and implementation of the proposed research. As part of this authorization, \$160,000 was requested to be approved by the Board for immediate use to secure project management assistance. Once the costs for the monitoring equipment and other contracts have been negotiated staff will return to the Water Quality Board for final approval to proceed.

**Motion:** It was moved by Mr. Myers to: 1) authorize \$1,415,000 for the study; 2) release \$160,000 immediately for project management; and 3) allow other unsolicited proposals for evaluation and a cost-check, not in the form of a formal proposal. The motion was seconded by Mayor Snarr. The motion was unanimously approved.

Note: The Board said they would like to have a half day work meeting at January's meeting to discuss the nutrient criteria and then begin the actual Board meeting in the afternoon.

**-NEXT MEETING -  
Wednesday, January 26, 2010 @ 1:00 PM  
DEQ Building Board Room #1015  
195 North 1950 West  
Salt Lake City, Utah 84116**

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Jay Olsen, Chairman  
Utah Water Quality Board