



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**  
Jay I. Olsen, *Chair*  
Paula Doughty, *Vice-Chair*  
Myron E. Bateman  
David F. Echols  
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 CONFERENCE CALL**  
Department of Environmental Quality  
195 North 1950 West, Great Salt Lake West Conference Room  
Salt Lake City, Utah 84114  
Wednesday, July 14, 2010

**UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Dave Echols	Jay Olsen	Merritt Frey
Leland Myers	Steve Simpson	Myron Bateman
Greg Rowley	Paula Doughty	Darrell Mensel

Absent: Neal L. Peacock and Dan Snarr

**DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Walt Baker, Faye Bell, John Whitehead, Jeff Ostermiller (called in)

**OTHERS PRESENT**

<u>Name</u>	<u>Organization Representing</u>
Melissa Hubbel	Attorney Generals Office
Denise Chancellor	Attorney Generals Office (called in)
Erica Gaddis	SWCA

Mr. Echols called the Board meeting to order at 10:08 AM. He welcomed those in attendance and invited the members of the audience to introduce themselves. Following introductions Mr. Olsen joined the conference call and conducted with the meeting.

**Funding Request for the Nutrients Reduction Benefits Study** – Mr. Ostermiller explained to the Board that the Division of Water Quality had solicited proposals from firms to perform a study to determine the net benefits of nutrient criteria implementation. It will be the companion “benefits” study to the recently completed “cost” study of nutrients removal. Two excellent proposals were received. The State Office of Purchasing is working to complete the reviews of the proposals in preparation of awarding the contract. Since negotiations are not yet complete and the cost of the study is yet unknown, staff requested that the Water Quality Board authorize a \$526,000 grant to the Department of Environmental Quality for this effort. Mr. Mensel asked if the Board could view the proposals before authorizing the \$526,000 grant. Due to legal issues of disclosing proposals before contract award, that is not possible. Ms. Frey suggested that soon following award of the contract, staff present information on the scope of the work to the Board so that its feedback can be obtained.

**Motion:** It was moved by Mr. Myers and seconded by Ms. Frey to approve staff's request to authorize a \$526,000 grant to the Department of Environmental Quality to conduct the Nutrients Reduction Benefits study. The motion was approved with Mr. Olsen opposing.

**Request of the Board to designate the Division of Radiation Control director, Rusty Lundberg, as an Executive Secretary to the Water Quality Board for specific radiation control facilities** – Mr. Baker explained that UCA 19-5-104(1)(k) of the Utah Water Quality Act allows the Water Quality Board to delegate Department duties, as appropriate, to improve administrative efficiency. This provision is interpreted to allow designation of the Director of the Division of Radiation Control as an Executive Secretary to the Water Quality Board with the powers and duties of those stated in the Water Quality Act over a specified universe of facilities. It is recommended that Rusty Lundberg, newly appointed by the Executive Director be approved as an Executive Secretary to the Water Quality Board to: 1) exercise the powers prescribed under the provisions of UCA 19-5-106 to administer the requirements of UAC 317-6 as applied to uranium mills and low-level radioactive waste disposal facilities; and 2) for these facilities, as allowed under the provisions of UCA 19-5-104(1)(k), exercise the responsibility within the Division of Radiation Control for administering the Ground Water Protection Rules.

**Motion:** It was moved by Mr. Echols and seconded by Mr. Myers to approve Rusty Lundberg as an Executive Secretary to act in behalf of the WQ Water Quality Board for specific Radiation Control Facilities. The motion was unanimously approved.

**Inform Board of petition from Western Resource Advocates for the Board to initiate Rulemaking on R317-2-12 or R317-2-13:** Mr. Baker explained that the Board has received a petition from Western Resource Advocates to initiate rulemaking to make changes to *R317-2, Standards of Quality for Waters of the State*. This request is made under the provisions of *Title 63G-601* of the Utah Code which provides for such petitions. Under the statute the Board is obligated to place the petition on its agenda for review within 45 days of receipt and to either deny the petition in writing or initiate rulemaking proceedings within 80 days. Staff anticipates bringing the matter to the Board at its August 25, 2010 meeting to satisfy the 45-day time requirement. Ms. Smith suggested that staff develop before the August 25<sup>th</sup> Board meeting an outline of the procedure to be followed to address this type of request.

**-NEXT MEETING –  
Wednesday, August 25, 2010 12:30 p.m.  
Council Chambers (3<sup>rd</sup> Floor)  
Ogden City Municipal Building  
2549 Washington Blvd  
Ogden, Utah**

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Jay Olsen, Chairman  
Utah Water Quality Board