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Leland J. Myers
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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

Wednesday, January 26, 2011

UTAH WATER QUALITY BOARD MEMBERS PRESENT

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

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Faye Bell, Leah Ann Lamb, John Whitehead, Ed Macauley, Chris Bittner, Jeff Ostermiller, Carl Adams, Candace Cady, Kimber Hall, Bill Damery, Jim Bowcutt, Ed Hickey, Matt Garn and Dan Hall.

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Jim Olson	HDR
Karen Nichols	HDR
Jay Aguilar	Willard City
Joro Walker	Western Resource Advocates
Jeff DenBleyker	CH2M Hill
Cory Angeroth	US Geological Survey
Patrick Lambert	USGS
Douglas Nielson	USFWS
Staci Adams	?
Rob Dubuc	BD-WRA
Ken Bruegge	Willard City
Bob Bonet	FAS
Stan Pettingill	WWTP Perry/Willard
Tyson Knudsen	Perry/Willard
Ryan Tingey	Box Elder County Commission
Jenni Oman	SL County
Marian Hubbard	SL County
Howard Browsers	FWS
Theron Miller	JR/FBWQC

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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 JANUARY 26, 2011 MEETING

Mr. Olsen questioned if the discussion held in December the Board requesting holding a half day work meeting with staff in the morning of the January 26th Board meeting and then begin the regular Board meeting after lunch should have been noted in the minutes.

Motion: It was moved by Mr. Myers and seconded by Mr. Echols to approve the minutes of the December 2, 2010 meeting with the recommended changes suggested by Mr. Olsen. The motion was unanimously approved.

Executive Secretary's Report: Mr. Baker explained that Legislature is in session now and that the Legislature is proposing a 7% general fund cut across the board to all state agencies. This would mean a cut of about one million dollars to the Department of Environmental Quality, which could translate to a \$100,000 cut to the Division of Water Quality. He added that this may or may not be real depending on how the session goes. Representative Wright has a "boxcar bill" out, which presumably change the 1009-standing definition of "waters of the state" to exclude some waters from purview referring to Water Quality. Also there is a bill by Senator Sandstrom being proposed that would repeal the phosphate ban for dish washing detergent. Right now the division is not taking a position on this bill either way. Mr. Baker said a second notice of violation has been given to Chevron for the most recent oil spill. The two NOV's will likely be combined.

Introduction of new staff: Mr. Adams introduced Jim Bowcutt to the Board. Jim is replacing the vacancy left when Mike Reichert retired. He will be the coordinator for the Nonpoint Source Program. Ms. Lamb introduced Kimber Hall. She is being hired as an accounting tech and will also be doing secretarial work.

Operator Certification Council Appointments: Mr. Macauley explained the terms of service for two members of the Wastewater Operator Certification Council have expired. Those with expired terms are Dr. Brett Borup, representing Utah universities; and Dr. James Callison, representing vocational education. Recommendations to fill these two positions were solicited. Upon consideration of the recommendations submitted staff recommend that Dr. James Callison be reappointed to fill the vacancy "representing vocational training." Staff also recommended that Dr. Ramesh Goel be appointed to fill the position to be filled by "a civil or environmental engineering faculty member of a university in Utah". The terms would begin immediately and continue through December 31, 2013.

Motion: It was moved by Ms. Doughty and seconded by Mayor Peacock to approve staff's recommendations. The motion was unanimously approved.

FUNDING REQUEST

Willard Spur Study Update: Request to release additional funding from authorization. Mr. Ostermiller explained the three objectives staff has associated with the discussion on Willard Spur: 1) Provide an update on the collaborative process established for developing appropriate protections for Willard Spur; 2) Recommend a revised schedule for the site-specific standard studies; and 3) Request the release of \$340,300 to support 2011 field collection efforts.

Mr. Ostermiller stated he felt it was critical to capture a baseline starting point before the Perry/Willard WWTP starts to discharge. A Steering Committee has been formed to guide the project by affirming study design and objectives, nominate and seat science panel members, and make policy recommendations upon project completion. The Willard Spur Science Panel will help guide the scientific investigations and will interpret study results to make recommendations to the Steering Committee. Staff is asking the Board to release \$340,300 from the grant authorization to facilitate 2011 monitoring of Willard Spur. These funds will allow DWQ staff to collect key biological, chemical, and hydrology characteristics this spring through the fall of 2011. However, about 70% of these efforts will continue to support the project, because they provide key elements (e.g., database, equipment, SOPs) that will be required, irrespective of the details developed by the science panel.

Ryan Tingey, who is the former Mayor of Willard asked to propose another alternative. Explaining that ultimately the study may end up costing \$1.2 million or more. He suggested that instead of doing the study, to put the money intended for the study into building the necessary equipment needed to incorporate biological phosphorus treatment (to meet 1-1.5 mg/L effluent phosphorus) and biological nitrogen removal (to meet 8-10 mg/L effluent nitrogen) into the Perry Willard treatment plant now. Thus saving the taxpayer from paying for a study and paying for the improvements to the plant at a later date. He also stated that the cities would be willing to reclassify Willard Spur similarly as the Bird Refuge, or they could explore discharging to an alternate location that would not affect Willard Spur. Members of the audience, including Mr. Rob Dubuc from the Friends of the Great Salt Lake and Mr. Bob Barnett with the Fish and Wildlife Service, commented they would like to see the study proceed. Mr. Myers made a motion that

- 1) Delay the full release of the requested monitoring funds of \$340,300, but allow \$100,000 be released
- 2) Allow Perry/Willard to develop their engineering proposal
- 3) Engage the Willard Spur Steering Committee for recommendations
- 4) Solicit comments from other interested parties

Mr. Simpson offered a substitute motion that the Board approve the original request of \$340,300. The substitute motion failed on a vote of 9-2. Mr. Myers original motion was considered and it passed.

Motion: It was moved by Mr. Myers to approve the above proposal and was seconded by Mayor Peacock. The motion was approved with Mr. Simpson and Ms. Frey opposing.

RULEMAKING:

Approval to proceed with formal rulemaking for proposed new rule governing Administrative Proceedings, R305-6 and repeal and revision of old Rules R317-9-R317-8-6: Laura Lockhart, with the Attorney Generals, office directed the Board to Tab 4 of the Board packet. She explained that the Board is being asked to propose a new rule. Each of the DEQ Board, is being asked to propose a single rule that would be used throughout the Department and consider a repeal of the existing administrative rules and some additional changes needed to conform with the new rule. Ms. Joro Walker with the Western Resource Advocate asked to make a statement to the Board. She asserted that the standing provision in the proposed rule would violate federal requirements for citizen appeals under state programs delegated under the Clean Water Act.

Motion: It was moved by Mr. Myers to allow staff to proceed to rulemaking and encourage staff to hold an open house for the public to explain the changes to the rule and its impact. The motion was seconded by Mr. Bateman and was unanimously approved.

Initiation of Water Quality Standards Triennial Review: Process, Issues, Timeline and Request for Hearing Officer: Mr. Bittner explained that the Division of Water Quality is required to review Utah's Water Quality Standards (R317-2) at least once every three years. This process is called the Triennial Review. In addition to an internal review by DWQ, the review must include the EPA and public. A public hearing is scheduled for February 14, 2011. Ms. Frey from the Board volunteered to serve as the hearing officer. The goal is to have revisions to the Standards approved by the Board to initiate rulemaking by the end of 2011.

UPDATES:

2011 South Valley WRF Nonpoint Source Projects: Mr. Adams introduced Jenni Oman and Marian Hubbard from Salt Lake County. Mr. Adams updated the Utah Water Quality Board on the funds left in the South Valley Water Reclamation Facility's (SVWRF) Non-Point Source Program starting in 2011. Division staff has reviewed and approved the scope of work for funding the Parley's Historic Nature Preserve Restoration Plan and Implementation and the Emigration Creek Restoration Design – Westminster College projects. The current available balance of the SVWRF NPS funds is \$304,727.49. After committing funds to these studies there is \$116,477.49 remaining to be obligated to projects. DWQ anticipates using these remaining funds for a watershed scale organic matter budget in support of the next phase of Jordan River water quality studies.

Long-term ground water monitoring in Utah: Mr. Damery introduced Cory Angeroth (with the USGS) to the Board. The U.S. Geological Survey, in cooperation with the State of Utah, Department of Environmental Quality and Department of Natural Resources, operates a state-wide ground-water level and water quality monitoring network. This network has measured water levels in nearly 1,000 wells across the state since 1964. Beginning in 2005 this program was reinstated on a smaller scale. The goal of the monitoring network is to sample 100 wells annually and to collect a sample from each well every third year. Mr. Angeroth gave a short presentation on the new monitoring network to the Board.

Overview of the Magnum Gas Storage Project and Permitting Strategy, Millard County: Ms. Cady introduced David Detton from Magnum Solutions, LLC. Magnum Solutions was issued an Underground Injection Control (UIC) Class III area permit for the solution mining of four caverns north of Delta, Utah in Millard County. The caverns will be created in a bedded salt deposit and each cavern will have an open volume of approximately 56 million cubic feet corresponding to a gas storage capacity of 55 million cubic feet. The basis for issuing the UIC Class III Solution Mining area permit is to ensure compliance with the Utah UIC administrative rules for Class III injection well activities, R317-7 and with natural gas industry standards for the construction of natural gas storage wells and caverns. Mr. Detton presented an overview of the project.

**-NEXT MEETING –
Wednesday, February 23, 2011 @ 8:30 PM
DEQ Building Board Room #1015
195 North 1950 West
Salt Lake City, Utah 84116**

Jay Olsen, Chairman
Utah Water Quality Board