



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**  
Paula Doughty, *Chair*  
Steve P. Simpson, *Vice-Chair*  
Myron E. Bateman  
Clyde L. Bunker  
Merritt K. Frey  
Darrell H. Mensel  
Leland J. Myers  
Neal L. Peacock  
Gregory L. Rowley  
Amanda Smith  
Daniel C. Snarr  
Jeffery L. Tucker  
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, June 22, 2011

**UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Daniel Snarr	Merritt Frey	Clyde Bunker
Leland Myers	Jeffery Tucker	Darrell Mensel
Greg Rowley	Paula Doughty	Myron Bateman
Amanda Smith		

Absent: Steve Simpson and Neal Peacock

**DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Walt Baker, Faye Bell, John Whitehead, Ed Macauley, Bill Damery, John Cook, John Mackey, Emily Cantón, Mark Novak, Mark Schmitz, Keith Eagan,

**OTHERS PRESENT**

<u>Name</u>	<u>Organization Representing</u>
Marv Wilson	Sunrise Engineering
Doug Nielsen	Sunrise Engineering
Robert Worley	Sunrise Engineering
Dao Yang	Sunrise Engineering
Brian Kimball	Ephraim City
Regan Bolli	Ephraim City
Rachelle Blackham	Davis County Health Dept
Denise Chancellor	Attn General's Office
Mark Whitney	Mayor of Stockton
Lawrence Burton	City of Orem
Dee Jette	Davis County Health
Mike Lowe	Utah Geological Survey

Vice-Chair Doughty 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 MAY 18, 2011 MEETING**

Mr. Myers requested to add that a work meeting was held in the morning prior to the Board meeting on May 18<sup>th</sup>. Mr. Rowley noted a spelling error on page 2.

**Motion:** It was moved by Mr. Rowley and seconded by Mr. Myers to approve the minutes of the May 18, 2011 meeting with the recommended changes . The motion was unanimously approved with Mr. Bunker abstaining.

**Elections for New WQ Board Chair and Vice Chair:** Ms. Doughty asked for nominations.

**Motion:** It was moved by Mr. Rowley and seconded by Mr. Myers to elect Paula Doughty Chair of the Water Quality Board. The motion was unanimously approved.

**Motion:** It was moved by Mr. Rowley and seconded by Mayor Snarr to elect Steve Simpson Vice-Chair of the Water Quality Board. The motion was unanimously approved.

**Recognition Award:** Ms. Doughty read a letter from Amanda Smith, Director of the Department of Environmental Quality, thanking Mr. Olsen for his service on the Water Quality Board. Mr. Olsen was unable to attend the meeting. The letter and a DEQ jacket will be sent to him in recognition of his service.

**Executive Secretary's Report:** Mr. Baker told the Board that this month marks the one year anniversary since the Red Butte Oil spill occurred. At this point the division is still working with Chevron to get a satisfactory reply on the NOV issued which required Chevron to submit a Ecological Risk Assessment and a Human Health Assessment. Staff is involved with ongoing discussion with fish and wildlife, DNR, Salt Lake City and other agencies realizing it will take time for the stream to completely heal itself.

Beginning the day after Labor Day, all state agencies will return to being open from 8 a.m. to 5 p.m., Monday through Friday.

**RULEMAKING:**

**Final Adoption with rule changes: Enact new DEQ consolidated rule R305-6, Administrative Procedures. Also Final Adoption of corresponding repeal/re-enactment of R317-9, and of amendment of current rules governing administrative procedures, R317-8-6.3, and R317-8-6.8:** Ms. Chancellor from the Attorney Generals Office explained to the Board the proposed changes being made to R317-9 and the amendment of current rules governing administrative procedures, R317-8-6.3, and R317-8-6.8 included in the packet under Tab 2.

**Motion:** It was moved by Mr. Myers to adopt the proposed rule changes. The motion was seconded by Mr. Bateman. The motion was approved with Mr. Bunker abstaining.

**FUNDING REQUEST**

**Financial Assistance Status Report** – Ms. Cantón handed out two reports: 1) The Financial Statements and Reports required by the single audit act amendments of 1996, and 2) The State of Utah Water Quality

State Revolving Fund Annual Report. She also updated the Board on the “Summary of Assistance Program Funds,” as outlined on page 3.1. Ms. Cantón commented that staff mailed out letters to communities with outstanding advances as requested by the Board during the May 18, 2011 work meeting.

**Ephraim City Funding Request Introduction:** Mr. Cook introduced Regan Bolli, City Manager of Ephraim City, Brian Kimball from Ephraim City and Robert Worley with Sunrise Engineering. Ephraim City is requesting financial assistance in the amount of a \$1,001,000 loan for the construction of its 2011 Wastewater Lagoon Improvement project. The total project cost is estimated to be \$1,265,000. Ephraim has already had public meetings that have discussed the February 2011 Master Plan which also discusses the project financing and raising the monthly sewer bill. Staff recommended consolidating Ephraim’s existing 1999 Sewer Bond into this loan to keep rates affordable for the city. The 1999 Sewer Bond was in the amount of \$2,100,000 repayable over 20 years at 3.6% interest. The principal balance of this bond is approximately \$1,090,000 with nine payments remaining of approximately \$149,000. The consolidated loan would be for \$2,091,000 for 15 years at 3.0%.

**Motion:** **It was moved by Mr. Myers to authorize a consolidation loan in the amount of \$2,091,000 with a repayment term of 15 years at 3.0% interest. The consolidation loan includes \$1,001,000 for new construction, with the balance to pay off remaining principal on the 1999 sewer bond. The motion was seconded by Mr. Bunker and was unanimously approved.**

**Stockton Town Funding Request:** Mr. Mackey introduced Mark Whitney, Mayor of Stockton, and John Iverson, Marv Wilson and Dao Yang of Sunrise Engineering, Inc. Sunrise Engineering completed a geotechnical investigation of the lagoon embankment failure and issued its report on April 25, 2011. The engineering investigation concluded that the western dike of Pond Number 1 failed due to piping, i.e., internal erosion caused by seepage. The report concludes that gopher activity at the site was the principal contributor to seepage pathways that allowed piping to develop in the dike structure. Staff recommended that the Water Quality Board authorize Stockton a \$970,000 grant to remedy the piping problem apparently caused by gophers. This grant replaces the previous Board authorization to set-aside \$1,000,000 of State Hardship Grant funds through February 23, 2012 to remedy this problem.

**Motion:** **It was moved by Mr. Bateman to authorize Stockton a \$970,000 grant to remedy the piping problem at the lagoon system. The motion was seconded by Mr. Bunker and was unanimously approved.**

**Orem Request for Reauthorization of Funding Terms:** Staff recommended that the Board reauthorize Orem City’s \$11,889,000 loan without the requirement to achieve ARRA compliance in order to qualify Orem’s project for 2011 capitalization grant GPR credit and assist Orem to avoid the risks associated with ambiguity within Buy American requirements. The loan would not need to be re-closed, and all other terms of the loan would remain unchanged.

**Motion:** **It was moved by Mr. Myer’s to reauthorize Orem City’s \$11,889,000 loan without the requirement to achieve ARRA compliance. The motion was seconded by Mr. Rowley and was unanimously approved.**

**Request for Authorization to Conduct a Public Hearing for an Aquifer Classification Petition for the East Shore Area, Davis County:** Mr. Novak explained to the Board that in accordance with provisions of UAC R317-6-5, the Utah Geological Survey submitted a petition to the Utah Water Quality Board on behalf of the Davis County Health Department to classify the principal basin-fill aquifer in the east shore area of Davis County, Utah. The rule allows the Board to classify entire aquifers or parts of aquifers

according to the quality of the ground water contained therein. Staff reviewed the petition and determined that the criteria were met. With the Board's approval, the Division of Water Quality will set a date for conducting a public hearing in the county and issue the required public notice. After holding the public hearing, comments and information received will be returned to the Board for the disposition of the classification petition.

**Motion:**           **It was moved by Mr. Myer to authorize staff to initiate a public hearing in Davis County. The motion was seconded by Ms. Frey and was unanimously approved. Ms. Frey volunteered to be the hearing officer at the public hearing.**

**-NEXT MEETING –  
Monday, August 29, 2011  
Riverwoods Conference Center – Spring Hill Suites Marriott  
635 South Riverwoods Pkwy,  
Logan, UT 84321**

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Paula Doughty, Chairperson  
Utah Water Quality Board