



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

Note: The Water Quality Board and some staff from DWQ met at 10:00 a.m. at the Utah Water Research Laboratory Facility (UWRL) at Utah State University for a tour of the facility given by Mac McKee the director of UWRL.

MINUTES

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

UTAH WATER QUALITY BOARD

Marriott Springhill Suites
635 South Riverwoods Parkway
Logan, Utah
Monday Aug. 29, 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
Steve Simpson	Neal Peacock	

Absent: Amanda Smith

Walt Baker, Faye Bell, John Whitehead, Ed Macauley, Judy Etherington, Carl Adams, Beth Wondimu, Don Hall, Mike Allred,

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Rudd Conover	Forsgren Assoc Inc.
Jake Prestwich	Forsgren Assoc Inc.
Bill Mills	Mona City
Bruce Hicken	Kearns Imp. District
Pamela Gill	Kearns Imp. District
Ray Hendrickson	USDA-NRCS
Gordon Anderson	Mona City
Mike Hutchinson	Kearns Imp. District
Dustin Matsumori	George K. Baum & Co.
Clint Jensen	Granger-Hunter Imp. District

Chairperson Paula Doughty called the Board meeting to order at 2:10 p.m. and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE JUNE 22, 2011 MEETING

Mr. Myers noted his name was spelled incorrectly and in the motion to confirm the new Chair and Vice Chair, the names were in the wrong order. It should have been Greg Rowley making the motion with the seconding by Leland Myers.

Motion: **It was moved by Mr. Myers and seconded by Ms. Frey to approve the minutes of the June 22, 2011 meeting with the recommended changes .**

Executive Secretary's Report: Mr. Baker told the Board that he expects the final settlement documents with Chevron, for the two spills which occurred last year, will be ready for signing next week.

Stakeholders to discuss the state's approach in developing nutrient criteria have been selected. The kick-off meeting will be held on Sept. 21st.

Senator Dayton is working on a bill to develop criteria for qualifications of being a Board member. Her feeling is that many of the people asked to serve on the Boards do not fully understand the information being presented to make an informed decision on the issue being discussed. She is exploring possibly having one Board make decision for all of DEQ issues, or combining Boards with similar issues. More discussion on this topic is expected before the Legislature is back in session next year.

FUNDING REQUEST

Financial Assistance Status Report – Mr. Macauley updated the Board on the “Summary of Assistance Program Funds,” as outlined on page 2.1, and explained that the Board has sufficient funds on hand to fund all requests before the Board today.

Granger-Hunter Introduction: Mr. Macauley introduced Clint Jensen, General Manager of the Granger-Hunter Improvement District (GHID) and Dustin Matsumori with George K. Baum & Company. GHID is requesting financial assistance in the amount of a \$6,100,000 loan with a repayment term of 20 years at 2.5% for the construction of its 2011 Old Main Pump Station and Collection System Improvement Project. GHID presently operates a sewer system consisting of a number of pump stations and up to 40-inch diameter pipe that collects and convey municipal sewage to the Central Valley Water Reclamation Facility. Many of these facilities are aging and are in need of repair. GHID has recently undertaken the replacement of two large pump stations; Decker and Old Main. GHID self-financed the Decker pump station, and is seeking Board funding for the Old Main pump station, which is well beyond its design life and requires complete replacement. GHID will return to the Board at the September meeting to request funding authorization.

Kearns Improvement District: Mr. Macauley introduced Pam Gill, General Manager, Mike Hutchinson and Bruce Hicken, with Kearns Improvement District (KID). KID is requesting financial assistance in the amount of a \$7,615,000 loan at an interest rate of 3.0% repayable over 20 years to replace aging and dilapidated vitrified clay and reinforced concrete pipe (RCP) located within the back lots of over 3000 residential homes. Staff recommends that the Water Quality Board authorize KID A loan in the amount of \$7,615,000 at a 3.0% interest rate with a repayment term of 20 years to replace these pipelines with a new sewer system located within the public right-of-way.

Motion: **It was moved by Mr. Myers to authorize Kearns Improvement District a loan in the amount of \$7,615,000 repayable over 20 years at an interest rate of 3%,**

with special conditions as noted in the feasibility report. The motion was seconded by Mr. Simpson and was unanimously approved.

Mona Request for Additional Funding: Ms. Wondimu introduced Mayor Bill Mills and Gordon Anderson from Mona City, and Rudd Conover and Jake Prestwich with Forsgren Associates, Inc. On December 18, 2008 the Water Quality Board authorized a grant of \$4,318,000 and a loan of \$7,350,000 to Mona City for the design and construction of a new wastewater collection and Integrated Fixed Film / Activated Sludge (IFAS) wastewater treatment system. Instead of constructing the IFAS treatment system, Mona City elected to construct a Membrane Bioreactor (MBR) to be proactive in protecting the water quality and toward addressing possible future requirements for nutrient removal. Construction of the MBR cost the City an additional \$159,000 in capital cost, along with increased monthly operations and maintenance expenses, which the city paid for by increasing its monthly user charge by \$7.03 per connection above the “affordable” limit of 1.4% MAGI. Construction on the project began on October 2010. During construction of the sewer system, unforeseen utility conflicts were discovered that resulted in the need to relocate the sewer from the edge of the roadway, to within the pavement, resulting in a large cost increase to replace paved areas. Staff recommends that the previous funding authorization to Mona City be augmented with an additional grant in the amount of \$1,400,000 to allow the City to complete its project.

Motion: **It was moved by Mr. Myers to authorize Mona City’s request for an additional \$1,400,000 grant subject to the special condition that the supplemental grant funds may only be used to reimburse Mona for additional expenses identified in this request (this request consists of expenses incurred on the Collection System due to Change Orders #1 through #7, adding line items 25-33, and engineering amendment #4 to Task 3 - Collection System CMS, less the City’s \$150,000 local contribution toward road work). The motion was seconded by Mr. Peacock and was unanimously approved.**

UDAF funding request for Rich County: Mr. Adams introduced Bill Hopkin and Troy Forrest with UDAF Grazing Improvement Program. Utah Department of Agriculture and Food’s, Grazing Improvement Program is leading a comprehensive change in management on five Bureau of Land Management allotments and five Forest Service allotments. The project is west of the town of Randolph in Rich and Cache Counties. These changes will lead to improved wildlife habitat, improved water quality, improved plant diversity and improved livestock management. The funding request from the Board is for \$1,000,000 and will be used for annual operation and maintenance of the project for the next 10 years, estimated to be \$100,000 /year.

Motion: **It was moved by Mr. Myers to authorize setting aside \$1,000,000 hardship grant, gradually releasing the funds over a 10 year period. The Board would like to add the condition, that UDAF report back every couple of years on the progress of the project. The motion was seconded by Ms. Frey and was unanimously approved.**

Funding Request for Utah Association of Conservation Districts for AFO Technical and Compliance Assistance: Mr. Hall introduced Mark Peterson, Ray Loveless and Gordon Younkens from Farm Bureau. The Utah Strategy (Strategy) is a cooperative agreement between agricultural agencies, animal producer groups, and the Division of Water Quality. Since the year 2000 the Strategy has driven water quality-related compliance and technical assistance efforts for animal feeding operations (AFOs) in Utah. DWQ has relied on the partners of the strategy to do the work best suited for each respective organization. UACD and DWQ have developed a draft work plan to assist AFO producers statewide in obtaining and implementing Nutrient Management Plans (NMPs). Under the work plan, UACD will prepare new NMPs

and update outdated plans. Emphasis will be placed on UACD assisting AFOs with current or previous water quality problems. Staff recommends the Board authorize a hardship grant to UACD in the amount of \$100,000 which covers the contract work from July 1, 2011 through June 30, 2012. Many AFOs which are small operations do not have the financial resources to hire a contractor to develop a NMP. If approved, this funding would assist AFOs which otherwise would not have financial resources to develop and implement a NMP.

Motion: It was moved by Mr. Rowley to authorize \$100,000 UACD to contract work from July 1, 2011 through June 30, 2012. The motion was seconded by Mr. Bateman and was unanimously approved.

Funding Request for Utah Farm Bureau Federation for AFO Database Management Technical Assistance and Compliance Assistance Follow-up: Mr. Hall continued the discussion. The Utah Strategy (Strategy) is a cooperative agreement between agricultural agencies, animal producer groups, and the Division of Water Quality. Since the year 2000 the Strategy has driven water quality-related compliance and technical assistance efforts for animal feeding operations (AFOs) in Utah. DWQ has relied on the partners of the strategy to do the work best suited for each respective organization. The Utah Farm Bureau (UFB) has created and maintained an AFO Database which contains information on potential concentrated animal feeding operations (PCAFOs) which are AFOs that were identified by the Strategy partners as AFOs with a high potential to pollute waters of the State. The information in UFB's database is important in order to know which AFOs need to receive compliance and technical assistance through the Utah Strategy. Staff recommends the Board authorize a hardship grant to the Utah Farm Bureau in the amount of \$100,000 which covers the contract work from January 1, 2012 through December 31, 2012. DWQ believes this request will help reduce contamination of Utah's waters from animal production facilities.

Motion: It was moved by Mr. Bateman to authorize \$100,000 UFB to contract work from January 1, 2012 through December 31, 2012. The motion was seconded by Mr. Snarr and was approved. Mr. Bunker recused himself from voting.

RULEMAKING:

Request to proceed to rulemaking with revisions to R317-10, Certification of Wastewater Works Operators: Ms. Etherington directed the Board to Tab 3.1, which explains the Wastewater Operator Certification Council had unanimously recommend changes to Utah Administrative Code R317-10, "Administrative Rules for Certification of Wastewater Works Operators" that would extend the allowed reinstatement period for expired certifications for operators who were otherwise current with all CEUs required for recertification.

Motion: It was moved by Mr. Bateman to allow staff to proceed to rulemaking. The motion was seconded by Mr. Bunker and was unanimously approved.

Request to proceed to rulemaking for adoption of TMDL by reference: Mr. Adams explained to the Board this rule had already gone out to rulemaking with no comments received. However the filing deadline was missed following the 30 day DAR Public Notice period requiring this rule change to be re-noticed. Staff recommends the Board makes a motion for the adoption of the Pariette Draw TMDL into rule pending no adverse public comments.

Motion: It was moved by Mr. Simpson to adopt the proposed rule changes, pending no comments are received. The motion was seconded by Ms. Frey. The motion was unanimously approved.

Petition the board to formally adopt Emigration Creek TMDL and initiate rulemaking: Mr. Adams recommended to the Board to proceed to rulemaking for the adoption of the Upper Emigration Creek TMDL into R317-1-7. This will be the first TMDL approved by the Board prior to EPA approval. The Upper Emigration Creek TMDL includes non-point source load allocations for E.coli and identifies a 56% load reduction to meet the water quality endpoint. Implementation efforts will employ an adaptive management approach to address all anthropogenic sources of *E. coli* loading to include failing onsite septic systems, animal waste and stormwater runoff. The TMDL will be re-assessed in 8 years to evaluate completed implementation efforts and to incorporate additional monitoring data and analyses. The public comment periods ended August 19th. Staff petitioned the Board to approve the TMDL. The TMDL will be submitted to EPA for approval after the Board adopts the TMDL into rule.

Motion: It was moved by Ms. Frey to adopt the proposed rule changes. The motion was seconded by Mr. Peacock. The motion was unanimously approved.

Request to proceed to rulemaking for R317-8-9, Pesticide Discharge Permit: Mr. Whitehead explained that EPA has developed its own Pesticide General Permit (PGP) for the five states which do not have delegated UPDES programs. Utah has also developed its own PGP through its UPDES program for permitting Utah's pesticide operators by the court-imposed October 29th deadline. Although the Division already has authority to issue general permits with its existing R317-8 "UPDES" rule, it decided, for best user notification and transparency, to produce an additional section with the rule which is specific to pesticide permitting. The new rule contains basic information regarding which entities (operators) need a PGP and when they must apply for it. The Division proposes to post the rule for public comment between Sept. 15th and October 15, 2011. To meet the Court mandate for NPDES permit coverage the rule should be effective by October 29, 2011. The Board noted a few errors in the document needing to be fixed, such as formatting on page. 3.34 and 3.35. The reference to Category 3.5 waters should be changed to Category 1.

Motion: It was moved by Mr. Myers to proceed to rulemaking after the noted corrections have been made. The motion was seconded by Mr. Bateman. The motion was unanimously approved.

**-NEXT MEETING –
Wednesday, October 26, 2011
DEQ Building Board Room #1015
195 North 1950 West
Salt Lake City, Utah 84116**

Paula Doughty, Chair
Utah Water Quality Board