State of Utah

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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
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Clyde L. Bunker, *Vice Chair*
Merritt K. Frey
Gregg A. Galecki
Jennifer M. Grant
Leland J. Myers
Shane E. Pace
Hugo E. Rodier
Amanda Smith
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, August 28, 2013

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Amanda Smith	Clyde Bunker	Shane Pace
Jennifer Grant	Leland Myers	Myron Bateman
Hugo Rodier	Gregg Galecki	

Excused: Merritt Frey

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, John Whitehead, Leah Ann Lamb, Faye Bell, Emily Cantón, Beth Wondimu, Ed Macauley, Jeff Ostermiller, Dave Snyder, Don Hall, Dan Hall, Judy Etherington, John Cook, Carl Adams, Scott Daly, Jeff Studenka

OTHERS PRESENT

Name	Organization Representing
Jay Olson	Department of Agriculture
Duane Schmidt	Coalville City
Giles Deke	Salt Lake City WRP
Dale Christensen	Salt Lake City WREC
Tom Ward	Salt Lake City
Brad Petersen	Office of Outdoor Recreation
Judy Fahys	Salt Lake Tribune
Cory Angeroth	U.S.G.S.
Cindy Gowel	JUB
Trevor Lindley	JUB
Craig Giles	Coalville City
Lynn de Freitas	Friends of Great Salt Lake
Thyane Mickelson	UDAF/UCC
Eric Johnson	Bond Counsel
Christopher Thomas	HEAL Utah
Jim Goodley	Coalville City
Backen Henderson	UACD
Mark Peterson	Utah Farm Bureau

Myron Bateman called the Board meeting to order at 9:35 a.m. and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE JUNE 26, 2013 MEETING

Motion: **It was moved by Mr. Myers and seconded by Mr. Pace to approve the minutes of the June 26, 2013 meeting as written. The motion was unanimously approved.**

Executive Secretary's Report: Mr. Baker informed the Board that staff is working towards a resolution of the Chevron Willard Bay diesel spill with Chevron. An eco-risk assessment was done to allow Willard Bay State Park to partially open in July. There is still an area closed, which will take approximately two more months to verify clean-up activities before the park can be completely opened. DWQ is in negotiations with Chevron on the costs of the penalties and the financial costs of lost revenues at the park due to closure.

As discussed in the work meeting, there is a revised ammonia criteria that EPA published last week. Ammonia is a component of nitrogen and is present as wastewater is broken down. It is very toxic to fish. EPA revises the criteria periodically and this time they have made the standard much more stringent than anticipated. The basis of the criteria is a species of mussel not found in Utah. It may be appropriate for Utah to develop state-specific criteria to provide some relaxation in the stringency of the standard. Those affected by this new standard are publically-owned treatment works, particularly older treatment plants. DWQ will be performing an in-house evaluation of the impact of this change.

FUNDING REQUEST

Financial Assistance Status Report– Ms. Cantón updated the Board on the "Summary of Assistance Program Funds" as shown on page 2.1 of the Board packet.

Coalville Request for Supplemental Authorization – Ms. Nelson introduced Mayor Duane Schmidt from Coalville City and Mr. Trevor Lindley from J-U-B Engineering. On January 25, 2012 the Water Quality Board authorized Coalville funding in conjunction with financing from USDA Rural Development to build a new wastewater treatment facility to replace the existing aged plant. On July 18, 2013 bids for the plant were opened and the low bidder was more than two million dollars over the expected cost. Coalville City was able to successfully obtain additional financing from USDA-RD to help cover the short fall, however the City still needs additional funding from the Board to fully fund the project. Coalville City requested revised project funding in the form of a $4,121,000 construction grant and a $1,144,000 loan repayable over 20 years at an interest rate of 0.0%. Mr. Myers made a motion that the Board approve the request and strongly advised Coalville City and all other involved parties to manage the project effectively because the Board will be very skeptical if the City returns needing more money.

Motion: **It was moved by Mr. Myers and seconded by Mr. Bunker to approve the revised request in the form of a $4,121,000 construction grant and a $1,144,000 loan repayable over 20 years. The motion was approved unanimously with the addition of Mr. Myers special condition.**

Funding Request by the Utah Association of Conservation Districts for Nutrient Management Plan and Reasonable Measures Implementation at Animal Feeding Operations – Mr. Hall introduced Bracken Henderson with UACD. The Division of Water Quality recommended funding, in the amount of

$149,500, for AFO compliance assistance work through the Utah Association of Conservation Districts (UACD). This funding will go to help with costs in reviewing nutrient management practices at farms, funding technical assistance and sampling soils.

Motion: **It was moved by Mr. Myers and seconded by Mr. Galecki to approve the funding request as outlined. The motion was unanimously approved.**

Funding Request for Utah Farm Bureau for Reasonable Measures Implementation Assistance at Animal Feeding Operations – Mr. Hall introduced Mark Peterson from Utah Farm Bureau. The Division of Water Quality requested funding in the amount of $42,600, for AFO compliance assistance work through Utah Farm Bureau. This funding will be used in over viewing management practices, funding labor, etc., for AFO facilities.

Motion: **It was moved by Mr. Galecki and seconded by Ms. Grant to approve the funding request as outlined. The motion was unanimously approved.**

RULEMAKING

Request to adopt the amendment to R317-11, *Certification Required ..to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Soil Evaluations or Percolation Tests for Underground Wastewater Disposal Systems*: Ms. Etherington explained that as a result of S.B. 21 (2012 General Session) which instituted changes in the duties and responsibilities of the Water Quality Board and the director of the Division of Water Quality, Rule R317-11 was recently subjected to intense review by the Office of the Attorney General for compliance with this bill. These proposed changes address modifications to the rule to clarify how those duties and responsibilities will now be incorporated into the Onsite Professional Certification Program.

Motion: **It was moved by Mr. Myers and seconded by Mr. Galecki to adopt the proposed changes to R317-11. The motion was unanimously approved.**

Request to proceed with rulemaking to R317-6, *Groundwater Quality Protection*: Mr. Hall explained that with the implementation of Permit Review Adjudicative Proceedings in Utah Code the public comment period becomes more critical for preserving issues on appeal. Requests for extensions of time for public comment are becoming more common. Staff recommended that current rule language be amended to make clear the Director's authority to extend the public comment period on the proposed issuance of a Ground Water Discharge Permit. This would be done beyond 30 days by adding the words "at least" to the 30 days which shall be allowed, and deleting "30-day" from when action will be taken. Mr. Myers suggested the wording be changed to "30 days but no more than 60 days unless otherwise approved by the Water Quality Board".

Motion: **It was moved by Mr. Bunker and seconded by Mr. Galecki to approve staff's request to initiate rulemaking to R317-6 with the added wording of, "30 days but no more than 60 days unless otherwise approved by the Water Quality Board". The motion was unanimously approved.**

OTHER BUSINESS

Agricultural Certificate of Environmental Stewardship (ACES) Program: Mr. Olson and Thayne Mickelson, representing the Department of Agriculture and Food explained this program which is governed by the Utah Conservation Committee managed through the Department of Agriculture and Food. This is a voluntary, incentive-based program to improve environmental stewardship on Utah farms. UDAF staff has been working with DWQ staff on upgrading, changing and, improving this program to meet DWQ

requirements and criteria. The next step is to initiate rulemaking with the Conservation Commission in September. Mr. Olson then referred the Board to the work book explaining in more detail how the program works.

Next Meeting – September 24, 2013 @ 1:00 p.m.
Ashton's Barn
2583 West Main Canyon Road
Wallsburg, Utah

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Myron Bateman, Chair
Utah Water Quality Board