



State of Utah

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March 23, 2015

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Document Date 3/23/2015



DWQ-2015-004306

Dear Water Provider:

Subject: Proposed Changes to Surface Water Standards that affect the Class 1C Drinking Water Use

I am writing to inform you about two proposed changes to Utah's water quality standards that affect the Class 1C drinking water use. Waters that are designated as Class 1C are protected for domestic purposes with prior treatment processes approved by the Utah Division of Drinking Water.

Prior to proposing these changes to the Utah Water Quality Board, I am seeking feedback from you, the water providers. Ultimately, if changes to the standards occur, the changes will be made in accordance with the required rulemaking procedures. These procedures include initial permission from the Utah Water Quality Board to initiate rulemaking, public notice and comment, and finally, formal adoption of the changes by the Water Quality Board.

The first proposed change is to the fluoride criterion. The existing fluoride criterion ranges from 1.4-2.4 mg/l depending on the maximum air temperature (UAC R317-2-14, Table 2.14.1). This range is based on the assumption that the higher the air temperature, the more water people will drink. The more water that people drink, the lower the criterion is to provide equivalent protection from the adverse effects of fluoride. However, the current USEPA maximum contaminant level (MCL) and maximum contaminant level goal (MCLG) for fluoride in finished culinary water is 4.0 mg/l and a temperature correction is no longer recommended. The proposed change is to revise the fluoride criterion for Class 1C waters to 4.0 mg/l with no temperature correction.

The second proposed change is to the procedures for conducting antidegradation reviews (UAC R317-2-3). Antidegradation is a complicated topic. In summary, degradation occurs when the concentration of a pollutant in a discharge is higher than the background concentration in the receiving water. When degradation is permitted, the antidegradation review is intended to ensure that the least degrading, feasible treatment option is used. The existing requirements for conducting antidegradation reviews include special procedures for Class 1C waters (UAC R317-2-3.5.d.):

An Antidegradation Level II Review will be required by the Director for discharges to waters with a Class 1C drinking water use assigned.

Depending upon the locations of the discharge and its proximity to downstream drinking water diversions, additional treatment or more stringent effluent limits or additional monitoring, beyond that which may otherwise be required to meet minimum technology standards or in stream water quality

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standards, may be required by the Director in order to adequately protect public health and the environment. Such additional treatment may include additional disinfection, suspended solids removal to make the disinfection process more effective, removal of any specific contaminants for which drinking water maximum contaminant levels (MCLs) exists, and/or nutrient removal to reduce the organic content of raw water used as a source for domestic water systems.

Additional monitoring may include analyses for viruses, Giardia, Cryptosporidium, other pathogenic organisms, and/or any contaminant for which drinking water MCLs exist. Depending on the results of such monitoring, more stringent treatment may then be required.

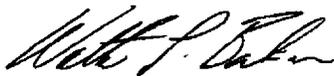
The additional treatment/effluent limits/monitoring which may be required will be determined by the Director after consultation with the Division of Drinking Water and the downstream drinking water users.

The proposed change is deletion of the requirement that "An Antidegradation Level II Review will be required by the Director for discharges to waters with a Class 1C drinking water use assigned." All of the remaining special procedures will be retained. At the time that this provision was added to the antidegradation review requirements, the requirements included several exceptions or "off ramps." The vast majority of discharge permits were issued based on these exceptions and antidegradation reviews were not required. At the explicit request of some of Utah's water providers, the requirement was added to conduct an antidegradation review and ensure the least degrading, feasible, treatment option for all discharges to Class 1C waters.

In 2010, the antidegradation review requirements were revised in response to court decisions in other states. One of these changes was to eliminate the previous exceptions to when an antidegradation review was required. Under the current requirements, an antidegradation review is required for all new discharges and for any increases in concentration or loading for existing discharges. Therefore, antidegradation reviews are required for all new or increased discharges to Class 1C waters. However, because of the requirement that "An Antidegradation Level II Review will be required by the Director for discharges to waters with a Class 1C drinking water use assigned," dischargers to Class 1C waters are still required to do an antidegradation review every time a discharge permit is renewed (every 5 years) even when the concentrations or volume of the discharge has not changed. These antidegradation reviews are perfunctory because they simply reiterate the previous antidegradation review and constitute an unnecessary regulatory burden.

Like you, the Division of Water Quality is committed to providing the highest level of protection to our drinking water source waters and these proposed changes do not decrease the existing protections for Class 1C waters. If you have any questions or concerns regarding these proposed changes, please contact Mr. Chris Bittner who is the Standards Coordinator (801-536-4371 or cbittner@utah.gov) by April 17, 2015. After this date, the revisions may be proposed to the Utah Water Quality Board.

Sincerely,



Walter L. Baker, P.E.
Director

WLB:cb:mc

cc: Ken Bousfield, Utah Division of Drinking Water

DWQ-2015-004066