



State of Utah

GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

Department of  
Environmental Quality

Amanda Smith  
Executive Director

DIVISION OF WATER QUALITY  
Walter L. Baker, P.E.  
Director

**Water Quality Board**  
Myron E. Bateman, Chair  
Shane Pace, Vice-Chair  
Clyde L. Bunker  
Merritt K. Frey  
Jennifer M. Grant  
Hugh E. Rodier  
Gregg Galecki  
Leland J. Myers  
Amanda Smith  
Walter L. Baker  
Executive Secretary

**MINUTES**  
**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**UTAH WATER QUALITY BOARD**  
**Dixie Center**  
**1835 S Convention Center Dr.**  
**St. George UT 84790**  
**April 29, 2015**

**UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Clyde Bunker	Myron Bateman
Gregg Galecki	Merritt Frey
Shane Pace	Hugo Rodier

Excused: Jennifer Grant, Leland Myers & Amanda Smith

**DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Walt Baker, Leah Ann Lamb, Erica Gaddis, Jenny Potter, Nicole Froula, Judy Etherington, John Mackey, Lisa Nelson, Emily Cantón, Mike Herkimer, Kari Lundeen, Matt Garn, Kim Shelley, Jennifer Robinson, Monique Rodriguez & Christopher Bittner

**OTHERS PRESENT**

<u>Name</u>	<u>Organization Representing</u>
Michael Foerster	WEAU
Philip Barlow	Hildale City
Justin Barlow	Hildale City
Mark Johnson	Central Davis Sewer
Jesse Stewart	Salt Lake City
Ruben VanTassell	JBS Hyrum
Tom Ward	Salt Lake City
Phil Heck	CVWRF
Angela Pritchett	JBS Swift
Dan Olson	Salt Lake City
Doug Nielsen	Sunrise Engineering
Marvin Wilson	Sunrise Engineering
Layne Jensen	Franson Civil Engineering
Mel Brown	NSPIC
Mark Judd	NSPIC
Ryan Jolley	Jones & DeMille

Myron Bateman called the Board meeting to order at 9:06 AM and took roll call for the members of the Board and audience.

### **APPROVAL OF MINUTES OF THE FEBRUARY 25, 2015 MEETING**

**Motion:** It was moved by Mr. Rodier to approve the minutes for the February 25, 2015 board meeting. Mr. Bunker seconded the motion. The motion was unanimously passed.

### **RECOGNITION AWARDS**

**Merritt Frey:** Mr. Bateman expressed appreciation for her service to the Utah Water Quality Board from July 2007-May 2015.

**Terral Dunn & Cliff Specht:** Mr. Bateman expressed appreciation for their service on the Utah Wastewater Operator Certification Council.

### **PRESENTATION**

**Annual Report:** Mr. McFarland and Ms. Etherington presented the 2014 Annual Report for the Utah Wastewater Operator Certification Council to the Water Quality Board.

### **EXECUTIVE SECRETARY REPORT**

- Mr. Baker announced that Amanda Smith has resigned as the Executive Director of DEQ. Her final day will be May 20, 2015. Amanda served for six years with DEQ. Governor Herbert will appoint a new DEQ Executive Director by the time of her departure.
- DWQ has several work groups including ones for mercury and E.coli. DWQ will be combining these two groups together and adding another that will be to address harmful algae blooms. This singular work group will engage interested stake holders and establish how to identify health related pollutants and address them.
- Union Pacific Railroad Bridge. There were two culverts along the Union Pacific Railroad (UPR) causeway in Great Salt Lake that were removed in 2013. A bridge expansion will replace the function of the culverts. DWQ was obligated to issue a 401 Certification for the removal of the culverts and construction of the bridge. The 401 Certification has been appealed by the railroad. DWQ has directed UPR to install the bridge by December 2016 or face administrative action. DWQ will keep the Board informed as this matter proceeds.
- New Board members. Two new members have been selected by the Governor to serve on the Board and their names have been forwarded to the Senate for confirmation. They are Mike Luers, to replace Leland Myers; and Steven Early, to replace Merritt Frey. Their first board meeting should be in May.
- DWQ is working on developing a strategy for optimizing wastewater treatment plants to remove nutrients that are contributing to algae blooms and reducing oxygen in our water. Rulemaking will be proposed over the next year.

## FUNDING REQUESTS

**Financial Reports:** Ms. Cantón updated the Board on the Loan Funds, and Hardship Grant Funds, as seen in the Board Packet on pages E1-E3.

**San Juan Spanish Valley SSD:** The district requested a planning grant in the amount of \$75,000 to evaluate its wastewater collection and treatment system needs and to prepare a master plan.

**Motion:**           **Following a discussion Mr. Bunker made the motion to approve the grant for San Juan Spanish Valley SSD for \$75,000. Mr. Pace seconded the motion. The motion was unanimously passed.**

**North Summit Irrigation:** North Summit Irrigation was seeking a \$350,000 hardship grant to cover the increased cost of its project. Due to delays in the project connecting the Echo Dam, the cost dramatically increased. The irrigation company does not meet the normal requirement for collateral for a loan obligation as it can only pledge water shares. Therefore, staff recommends a hardship grant for funding.

**Motion:**           **Following a discussion Ms. Frey made the motion to approve the grant for North Summit Irrigation for \$350,000. Mr. Galecki seconded the motion. The motion passed, with Mr. Bunker voting in opposition.**

**Hildale Request for Hardship Grant:** Hildale was seeking a hardship planning advance in the amount of \$40,000. It will be used to complete a wastewater treatment and collection system master plan to evaluate alternatives to address problems with the town's existing collection system and lagoon treatment facility.

**Motion:**           **Following a discussion Mr. Bunker made the motion to approve the grant for Hildale for \$40,000. Mr. Pace seconded the motion. The motion was unanimously passed.**

**Tricounty Health Department:** Tricounty Health Department was seeking a hardship planning grant for \$45,000 to complete a facility plan to evaluate alternatives that address failing onsite systems in the Stonegate Subdivision.

**Motion:**           **Following a discussion Mr. Pace made the motion to approve the hardship grant for \$45,000. Ms. Frey seconded the motion. The motion was unanimously passed.**

## SETTLEMENT AGREEMENT

**Moroni Settlement Agreement:** Wastewater overflows were not reported by Moroni Feed Company to the Division of Water Quality, as required by its permit. Instead the overflows were discovered by a DEQ District Engineer while visiting the treatment plant. DWQ issued a Notice of Violation for the overflows at the site, which happened at ten separate times. DWQ sought a penalty of \$37,003. Because the penalty exceeded \$25,000, the Board must approve the settlement.

**Motion:**           **Following a discussion, Mr. Pace made the motion to approve the settlement agreement of \$ 37, 003. Mr. Galecki seconded the motion. The motion was unanimously passed.**

## RULEMAKING

**Request to Adopt Rule Changes to Section R317-10-8:** Ms. Etherington recommended that the Water Quality Board approve the proposed amendment to *R317-10, Certification of Wastewater Works Operators*. See Board Packet pages G-1 – G-4

**Motion:** Following a discussion, Mr. Bunker made the motion to adopt the changes to R317-10. Mr. Pace seconded the motion. The motion was unanimously passed.

**Request to Proceed to Rulemaking on R317-2:** Mr. Bittner recommended that the Water Quality Board allow DWQ to initiate rulemaking on *R317-2, Standards of Quality for Waters of the State*. See Board Packet pages G-5 – G-185.

**Motion:** Following a discussion, Ms. Frey made the motion directing staff to initiate rulemaking for R317-2. Mr. Bunker seconded the motion. The motion was unanimously passed.

## OTHER BUSINESS

**Sudweeks Committee:** Mr. Baker confirmed that Mr. Galecki, Mr. Bateman, and Mr. Bunker would serve as members of the Sudweeks Committee. They will hold a conference call to discuss nominees and recommend the names of a recipient of the award.

### **Legislative Update:**

- Mr. Baker discussed the Bear River Development project. DNR is moving forward with more outreach on the project. The Great Salt Lake has nearly reached all-time low levels, and it is important for water quality to make sure there are sufficient water flows into the lake. DWQ is engaged in the process.
- Senate Bill 200, sponsored by Senator Dayton, was passed by the legislature. The position on the Board for “water quality expert” will now be slotted to a member representing special service districts.
- Other legislation affecting DEQ also passed. SB244 changed the organization and structure of DEQ. The Division of Radiation Control and the Division of Solid and Hazardous Waste will now be combined into one division and will be called the Waste Management Division. As a result of the consolidation, DWQ will assimilate a person from the Division of Radiation Control who will become the division’s spill coordinator.

**Next Meeting – May 27, 2015  
DEQ Building Board Room – 1015  
195 North 1950 West  
Salt Lake City, UT 84116**

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Myron Bateman, Chair  
Utah Water Quality Board



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Jennifer Grant  
Michael D. Luers  
Alan Matheson Jr.  
Hugo E. Rodier  
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, UT 84116

May 27, 2015

**UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Clyde Bunker	Jennifer Grant	Steven Earley
Gregg Galecki	Michael Luers	Alan Matheson
Shane Pace	Hugo Rodier	

Excused: Myron Bateman

**DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Leah Ann Lamb, Erica Gaddis, Jenny Potter, Marsha Case, Nicole Froula, Kim Shelley, Doug Wong, John Mackey, Emily Cantón, Lisa Nelson, Judy Etherington, Svetlana Kopytkovskiy, John Kennington, Jodi Gardberg, Bill Damery, Keith Eagan,

**OTHERS PRESENT**

<u>Name</u>	<u>Organization Representing</u>
Craig Ashcroft	Carollo Engineers
Lucy Jordan	Utah Geological Survey
John Guldner	Town of Alta
Jeff Beckman	Bowen Collins
Don Calderwood	Providence Mayor
James Brackner	River Heights Mayor
Issa Hamud	Logan City
Alex Buxton	Zions Public Finance
Mike Lowe	Utah Geological Survey
James Campbell	Pacific Corp
Erica Franson	Helper City Mayor

Edward Chavez  
Gary Harwood  
Chad Brown  
Del Freddo  
Ken Braegger  
Todd Godfrey  
Matt Dyll  
John Chartier  
Nate Selin  
Shawn Dustin  
Justin Maughan

Helper City  
Helper City  
Helper City  
Willard City  
Willard City  
Hodges Godfrey Bell  
Logan City  
DEQ District Engineer  
Central Utah Health Dept.  
Nibley City  
Nibley City

Shane Pace called the Board meeting to order at 9:08 AM and took roll call for the members of the Board and audience.

### **APPROVAL OF MINUTES OF THE APRIL 29, 2015 MEETING**

**Motion:** The election for chair and vice chair will be held at June 2015 Board meeting.

### **RECOGNITION AWARDS**

**Leland Myers:** was recognized for his 8+ years of service on the Board. He expressed appreciation for his opportunity to serve.

### **EXECUTIVE SECRETARY REPORT**

- This morning, May 27, 2015 at 8:00 AM, EPA and Corp of Engineers issued the final Waters of the U.S. Rule. There were over a million comments received and it will change which waters are subject to federal jurisdiction. In Utah, the Sevier River Basin will be deemed non-jurisdictional. Waters of the U.S. require 404 permits through the Corps and NPDES permits issued by DWR for pollution discharges. The State will likely need to develop a state surface water permit to protect those non-jurisdictional waters.
- On May 20, 2015 a presentation was made to the Natural Resources and Agriculture Environment Interim Committee:
  - Infrastructure- Wastewater infrastructures will be needed to accommodate future growth
  - More Stringent Standards- Increased growth and depleted flows in our rivers and streams will result in higher levels of treatment being needed
  - New and Emerging Water Quality Standards
    - A more stringent ammonia standard will be required in 2017
    - Nutrient reduction limits for POTWs and water quality standards for in our lakes and streams are forth coming
  - Spills
- The Utah Tax Review Commission meets on May 28, 2015 to consider changes to the allocation of 1/16% of the sales tax revenues to five statutory funding programs for water, wastewater, conservation and transportation infrastructures

## FUNDING REQUESTS

**Financial Reports:** Ms. Cantón updated the Board on the Loan Funds, and Hardship Grant Funds, as seen in the Board Packet on pages E1-E3.

**Central Utah Public Health Department:** Mr. Eagan presented the staff recommendation on a hardship grant for \$49,300 which would be used to complete a baseline groundwater quality study in conjunction with the Central Utah Health Department to evaluate conditions and potential sources of pollution in the vicinity of Monroe, UT.

**Motion:**        **Following a discussion Ms. Grant made the motion to approve the grant for Central Utah Public Health Dept. for \$49, 300. Mr. Luers seconded the motion. The motion passed, with Mr. Bunker voting in opposition.**

**Willard City Loan Refinancing:** Ms. Nelson presented Willard City's request for the Board to refinance the city's sewer bond for \$10,740,000. Willard City will make its bond payment for 2015, but without refinancing will be unable to make the bond payment for 2016. The new bond would be for \$10,740,000 for 30 years at 0% with the referenced graduated repayment schedule and early principal repayment clause and the following special condition: Willard City agrees to participate annually in the Municipal Wastewater Planning Program (MWPP).

**Motion:**        **Following a discussion Mr. Galecki made the motion to approve the loan refinancing for Willard City for \$10,740,000. Ms. Grant seconded the motion. The motion was unanimously passed.**

**Helper City Loan Request:** Mr. Mackey presented Helper City's loan request for \$2,314,000. Helper City is requesting the loan for 30 years with 0% for completion of a sewer project that would replace sewer mains throughout the city.

**Motion:**        **Following a discussion Ms. Grant made the motion to approve the loan for Helper City for \$2,314,000. Mr. Rodier seconded the motion. The motion was unanimously passed.**

## RULEMAKING

**R317-2 Standards of Quality for Waters of the State:** Ms. Gardberg presented a request to have a Water Quality Board member serve as a hearing officer for proposed revisions to R317-2, *Standards of Quality for Waters to the State*.

**Motion:**        **Following a discussion, Mr. Rodier noted he would attend the meeting as the public hearing officer.**

## **OTHER BUSINESS**

**Logan City Update:** Ms. Nelson updated the Board on the Logan City project. The project was initially presented to the Board on January 22, 2014 when the Board authorized a \$70,000,000 loan at 0.75% interest to replace Logan City's discharging lagoons and construct a new 18-mgd wastewater treatment plant. February 15, 2014 the mayors from six surrounding communities (Nibley, Hyde Park, North Logan, Smithfield, Providence, & River Heights) submitted a letter to the Board expressing concerns about the project. The Board extended the terms of its loan authorization project until November 2014, again to December 2014 and again to April 2015. As of the May Board meeting an agreement between the six cities and Logan City has not been reached. The Board stated final staff recommendations will need to be presented at the June 2015 Board meeting.

**Next Meeting – June 24, 2015  
DEQ Building Board Room – 1015  
195 North 1950 West  
Salt Lake City, UT 84116**

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Myron Bateman, Chair  
Utah Water Quality Board



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*Acting Executive Director*

DIVISION OF WATER QUALITY  
Walter L. Baker, P.E.  
*Director*

**MEMORANDUM**

TO: Utah Water Quality Board

FROM: Walter L. Baker  
Executive Secretary 

DATE: June 16, 2015

SUBJECT: Water Quality Board Elections

As per Title 19-5-103(7), the board must annually select a board chair and vice chair. This selection will occur at the June 24, 2015 Board meeting.

For your information, Myron Bateman has served a little over two years as chair and Shane Pace has served one year as vice-chair.

