



CARBON COUNTY PUBLIC LANDS,
ACCESS AND SAFETY DEPARTMENT

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July 17th, 2014

Ms. Amanda Smith
Environmental Quality
Water Quality Room DEQ, Third Floor
195 N 1950 W
SALT LAKE CITY, UT 84116

Re: *Section R317-1-3 Requirements for Waste Discharges Notice of Proposed Rule
DAR File No.: 38530 Filed: 05/15/2014 08:31:04 AM*

Ms. Smith,

The Board of Commissioners of Carbon County, Utah submits the following comments pertaining to the modification of this rule in an effort to relate our view as to any potential impacts in the implementation of this administrative action to the people of Carbon County. We hope that our input will assist the Utah Division of Water Quality (UDWQ) in reaching a rule reasonable and useful to reduce any perceived health or safety risks while keeping the economic impacts to our community and its citizens at a minimum.

We appreciate the fact that federal EPA standards have changed, and an agency action was essential to address these new standards that proclaimed a deterioration of state waters due to nutrient pollution. We also understand that consistent with your report, this rule modification is a first step in UDWQ's nutrient strategy to ultimately provide as written, "Permanent protection of state waters."

It is our understanding that under the current language of Subsection R317-1-3(3.3) extensions to deadlines for compliance is no longer relevant. This allowance is being replaced with new language for technology-based limits of 1.0 milligram per liter phosphorus into the Utah Pollutant Discharge Elimination System Permits for all non-lagoon treatment works that discharge into surface waters of the state. For lagoon treatment systems, the change establishes a cap of 125% times the current average annual phosphorus load being discharged.

We agree with the exceptions as defined in the rule change allowing that no technology based limits or loading cap will be applied if;

- 1) phosphorus effluent limits are established by TMDL;
- 2) receiving water phosphorus concentration will not be increased by more than 10% at the point of discharge;
- 3) economic hardship; or
- 4) effluent limits or loading cap are clearly unnecessary to protect downstream uses of the receiving water body.

It is our understanding that the financial impact of the rule for local governments, non-rural cities, towns, and service districts owning wastewater treatment works could mean an increase in annual operating expense. We have some apprehension about this issue. If it is clear by the use of non-agenda driven science that a real need exists to protect our constituency for health, safety or the welfare of the public, by implementing this rule then due diligence would demand this action be funded and implemented. The District Manager of our Water and Sewer Special Service District has determined that this rule charge would increase by \$3.50. This computes to a 10.9% increase in our resident's monthly sewer bills.

The rule states that UDWQ's estimates from a 2010 study shows statewide costs for wastewater treatment under the rule change would increase the cost by \$1.34 per month per ERU. In a companion study titled "Economic Benefits of Nutrient Reduction in Utah Waters," Final Report, completed for UDWQ, CH2M-HILL in April 2013, the Utahans surveyed were willing to pay between \$7 and \$15 per month in higher utility bills to prevent further deterioration of water quality associated with nutrient pollution. This study further states that rural communities will, in general, not be affected by this change until they have grown by at least 25% and that treatment alternatives and optimization will then minimize future costs.

The Carbon County Commissioner have found that although it is stated that rural communities will not be affected, Carbon County with a population of 20,000 residents will be entirely affected. Comparing statewide income data between 2012 and 2013 using the information supplied by the Utah Division of Workforce services, we found that while statewide average wages have risen by 2%; in Carbon County the average wage has decline by 13.5%. Considering the eminent loss of the coal fired plants that set the standards for jobs in Carbon and Emery Counties together with the loss of the trucking, mining and other indirect infrastructure with its associated jobs, the outlook for our area is poor as least.

If actions that created this need for a rule change are driven from the National pulpit then it is our strong recommendation that it should be paid for by them.

Again, if real science provides this action is needed then we support this rule change. If it doesn't we submit that the State should take punitive litigation action in defense of it citizens and the sovereign rights of Utah as a State.

In closing; although this particular rule does not speak to the requirements for plant operations, Carbon County strongly advises that all those employed and responsible for the purpose of both sewer and water plant operations be certified and required to recertify and train on a regular basis. Attendance to seminars or trade shows may be an adequate forum for training but testing and certification is the only method that knowledge gaps or job proficiency can be discovered and addressed. The infrastructure costs, losses and risks to the health, safety and welfare of the public would at minimum mandate recorded documentation supporting the knowledge and expertise of those in control of such facilities.

On behalf of the Board of Carbon County Commissioners we appreciate the ability to comment and hope that the information submitted in this comment will help in the determining adequate implementation of any changes of this rule. rls