

**PACIFIC STATES  
CAST IRON PIPE COMPANY**

DIVISION OF McWANE, INC.

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15 October 2014

Mr. Walter L. Baker, Director  
Utah Division of Water Quality  
PO Box 144870  
Salt Lake City, Utah 84114-4870  
[uwqcomments@utah.gov](mailto:uwqcomments@utah.gov)

**RE: Comments on Utah Division of Water Quality's Proposed Rulemaking – Technology-Based Limits for Controlling Nutrient Pollution DAR File 38530**

Dear Mr. Baker:

Pacific States Cast Iron Pipe Company (PSCIPCO) is a potential affected industry based upon the most recent proposed rule for Technology-Based Limits for Controlling Nutrient Pollution (Proposed Rule). PSCIPCO utilizes a once-through, non-contact cooling water system in its process and discharges this stream into waters of the state. As a potential affected industry PSCIPCO appreciates the opportunity to provide comments to the proposed rule.

**Comment 1:** The proposed rule should not apply to direct industrial discharges. Industry representatives were not identified, nor invited to participate in any aspect of this rulemaking until the last minute to provide comment during the public comment period. Representatives only from agriculture, drinking water utilities, POTWs, environmental interests, recreation, storm water interests, and academia were invited and participated in this process.

PSCIPCO acknowledges that nutrients and TDS are among the top problems regarding surface waters of the state and the Utah Division of Water Quality (DWQ) is tasked with improving water quality to achieve desired and established standards. However, DWQ did not fully evaluate the impacts imposing such regulations may produce by not assessing the science or costs of nutrient reduction technologies for industry.<sup>1</sup> DWQ focused its efforts on publically owned treatment works (POTWs) and established technology-based limits for phosphorus considering only people, households, and agriculture.

PSCIPCO concedes that DWQ has proposed a method of granting variances to facilities (of all types and in all categories), but that these variances are in lieu of preferred exemptions, limited and presume that POTW-focused, technology-based limits should apply to industries even though technology-based limits were never established for direct industrial discharges.

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<sup>1</sup> In the Utah Nutrient Strategy (April 2014), DWQ recognizes that the science to support defensible site-specific criteria is incomplete. Strategy at 2, <http://www.nutrients.utah.gov/documents/2014/05May/TechBasedLimitsImpPlan.pdf>. Similarly, the science to support limits relevant to discharging industries is incomplete.

**Comment 2:** Industry involvement and inclusion have been last minute. PSCIPCO had been renewing their UPDES permit during the time frame for developing the proposed nutrient rule. This renewal period is the expected time to review applicable regulations and proposed rules and solicit input from affected parties of how to achieve any identified standards. PSCIPCO was not informed of any new regulations which might impact their UPDES permit. In addition, PSCIPCO performed an anti-degradation review (ADR) concerning the installation and addition of cooling towers to their permit and there was neither review nor request concerning nutrients during the renewal process. In fact, PSCIPCO was not directly notified of the applicability of this potential rule until October 14<sup>th</sup>.

**Comment 3:** Clarification needs to occur regarding phosphorus in intake water. PSCIPCO previously stated that it uses once-through, non-contact cooling system water in its process. PSCIPCO pulls surface water from the Ironton Canal and returns this water slightly upstream from where was it diverted for the cooling process.

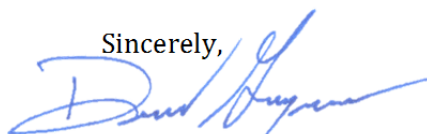
In such a case, PSCIPCO may receive water that has elevated amounts of nutrients due to agricultural or stormwater run-off that were beyond PSCIPCO's control and then exceed the standard by merely passing the water through the facilities cooling system. PSCIPCO recommends investigating and developing direct industrial discharge standards and a methodology for separating a facility's contribution from background.

**Comment 4:** The rule is too general regarding required nutrient monitoring. The proposed rule states that all discharging treatment works that has "reasonable potential to discharge nitrogen or phosphorus" are required to institute nutrient monitoring practices for influent and effluent waters. It also makes the provision that they "shall be self-implementing beginning January 1, 2015." DWQ is to take the lead in evaluating the need to include or apply additional standards, particularly regarding a "reasonable potential" as per this proposed rule and not the permittee. This evaluation should be addressed as part of the permitting process, or if necessary, use the reopener provision in an existing permit.

**Comment 5:** The proposed rule did not include an economic impact analysis regarding industries current use of phosphate containing compounds in boiler and cooling tower waters. As stated above PSCIPCO uses cooling towers. Cooling towers and boilers utilize phosphate compounds as an essential component to both corrosion and deposition control. Without the input of industry into the proposed rule, the economic costs associated with any potential restriction or change of these conditioning compounds have not been considered or evaluated.

PSCIPCO recognizes DWQ's and the current workgroups' efforts in developing the proposed rule. It is hopeful that additional nutrient management options may developed when this work includes all stakeholders in the process.

Sincerely,



David Georgeson,  
Environmental Manager