

Meeting Summary

Utah Water Quality Standards Workgroup, Antidegradation Subworkgroup

January 15, 2014

See supporting materials at <http://www.waterquality.utah.gov/WQS/AntiDegSubworkgroup.htm>

List of Attendees

Name	Affiliation
Chris Bittner	DWQ
Merritt Frey (Conference Call)	River Network
Leah Ann Lamb	DWQ
Lisa Kirschner	Parsons Behle & Latimer
Theron Miller	Jordan River-Farmington Bay Water Quality Council
Leland Myers (Conference Call)	Central Davis Sewer District
Reed Obendorfer	Central Utah Water Conservancy District
Jeff Ostermiller	DWQ
Brad Rasmussen	Aqua Engineering
Lareina Guenzel (Conference Call)	USEPA
Jesse Stewart	Salt Lake City
Nicholas von Stackelberg	DWQ

EPA Proposed Clarifications to Water Quality Standards Regulation: Antidegradation General Comments:

Reviewed the EPA's proposed clarifications to water quality standards regulations that pertain to antidegradation. DWQ stated that Utah's antidegradation rule and implementation guidance is consistent with the proposed clarifications.

Utah DWQ submitted comments in association with ACWA and did not submit comments separately. River Network submitted comments in association with Mississippi River Collaborative. EPA is currently responding to comments.

General agreement that DWQ does not need to delay revisions to the implementation guidance as a result of EPA's proposed clarifications to water quality standards regulations.

Proposed Nutrient Reduction Program and Antidegradation:

Three questions were posed that relate to applying antidegradation provisions to the proposed nutrient reduction program.

1. The proposed technology based nutrient limits will require treatment plants to address phosphorus first, followed by nitrogen at a later time. Should facilities be required to conduct a nitrogen removal optimization study in the interim?
Feedback was that this would largely be a paperwork exercise with limited potential for improvement in performance due to design and operation requirements. Need to incentivize nitrogen removal on the design side by modifying the design requirements for treatment plants.

2. Should treatment plants upgrading to meet the technology based standard be required to conduct a Level II ADR?
Feedback was that as long as the treatment plant was only upgrading, and not expanding, to meet the standard, a Level II ADR should not be required.
3. Should new facilities be required to implement biological nutrient removal (BNR) technology in order to meet nutrient standards?
Feedback was that this requirement is not necessary, because BNR is most cost effective method for new treatment plants. Do not want to be overly proscriptive about treatment technology.

Implementation Guidance Document Comments:

(File: ADR_Implementation_Guidance_Ver1.2_draft_2014-01-08.docx)

Reviewed the revisions made to implementation guidance based on comments from 9/25/2013 subworkgroup meeting.

Additional comments:

1. Add toxic weighting factor reference. Appropriate metric for antidegradation?
2. Applicant shall provide and justify the factors used to rank and weight parameters of concern.
3. Move detailed examples of ranking/weighting parameters of concern and ranking of alternatives to appendix to make guidance more concise.
4. Check usage of shall versus should.

Comments from 9/25 and responses:

1. *Replace Executive Secretary with Director throughout document.*
Replaced
2. *Identify and weight parameters of concern first, prior to conducting alternatives analysis.*
Added
3. *Assimilative capacity should be a consideration in ranking and weighting POCs, not just toxicity and exceedance of background concentration.*
Added factor to consider assimilative capacity
4. *In cases where data is not readily available to characterize background concentration, applicant may be required to conduct instream monitoring to support the identification of POCs.*
Added
5. *Revise clause on identifying POCs for GSL and terminal lakes to more general statement of special consideration, in recognition that the biogeochemical transformations and toxicity of pollutants in the GSL environment is not well understood and beyond the applicant to characterize.*
Revised
6. *Consider not using the term "treatment" in the alternatives analysis, as not all alternatives involve treatment, i.e. water reuse, land application, etc.*
Treatment deleted
7. *Other qualitative methods to rank alternatives beyond the example in the guidance may be appropriate and proposed by applicant.*
Added
8. *Applicant may propose use of alternative discount rate.*
Added

9. *Need better definition for the term “sustainability” as alternative selection criteria. In lieu of defining, consider dropping the criteria. EPA to provide guidance as to what would be acceptable considerations for net environmental benefit.*

Needs to be defined

10. *If permittee qualifies under General Permit, should not be required to complete Level II ADR. DWQ to consult with UPDES regarding the NOI process. EPA to provide Region 10 letter regarding antidegradation and General Permits.*

No change made – DWQ would like to maintain flexibility in requiring a Level II ADR from permittees under the General Permit in certain cases.

11. *The 404 Section should address all potential permitting actions – section may be missing some actions.*

Need to complete

12. *Add language that DWQ may grant a variance from the requirement that a Professional Engineer stamp the alternatives analysis.*

Added

Action Item: DWQ will revise the Implementation Guidance based on comments from the subworkgroup and redistribute for comment. Plan is to Public Notice and issue revised version in the spring.

Next Meeting: To be determined as needed.