

Meeting Summary

Utah Water Quality Standards Workgroup, Antidegradation Subworkgroup

September 25, 2013

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

List of Attendees

Name	Affiliation
Nicholas von Stackelberg	DWQ
Leah Ann Lamb	DWQ
Lisa Kirschner	Parsons Behle & Latimer
Leland Myers	Central Davis Sewer District
Brad Rasmussen	Aqua Engineering
Lareina Guenzel	USEPA
Jeff Salt	Great Salt Lakekeeper

General Comments:

1. With the EPA's proposed revisions to the Water Quality Standards Regulation currently in public comment period, this may not be the right time to be revising and reissuing the Implementation Guidance; would be better to wait to see how the rulemaking affects antidegradation. Lareina indicated the rulemaking process may be a multi-year effort. DWQ's position is that the revisions to the Implementation Guidance are meant to clarify current procedures for the benefit of the permittee, and do not represent new policy initiatives. DWQ will not issue new guidance until there are sufficient revisions to warrant an update, spring 2014 at the earliest.
2. Antidegradation considerations in the pretreatment program have not been addressed by EPA or Utah. Pretreatment program guidance is on the list of future tasks for DWQ.
3. Suggestion to provide additional outreach for the Implementation Guidance to recreation and conservation groups. Outreach currently consists of presentations and training through professional associations, i.e. WEAU. DWQ has limited resources for additional outreach; however, DWQ would be willing to give invited presentations.

Implementation Guidance Document Comments:

(File: ADR_Implementation_Guidance_Ver1.2_draft_2013-09-05.docx)

1. Replace Executive Secretary with Director throughout document.
2. Identify and weight parameters of concern first, prior to conducting alternatives analysis.
3. Assimilative capacity should be a consideration in ranking and weighting POCs, not just toxicity and exceedance of background concentration.
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.
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.
6. Consider not using the term "treatment" in the alternatives analysis, as not all alternatives involve treatment, i.e. water reuse, land application, etc.

7. Other qualitative methods to rank alternatives beyond the example in the guidance may be appropriate and proposed by applicant.
8. Applicant may propose use of alternative discount rate.
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.
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.
11. The 404 Section should address all potential permitting actions – section may be missing some actions.
12. Add language that DWQ may grant a variance from the requirement that a Professional Engineer stamp the alternatives analysis.

Action Item: DWQ will revise the Implementation Guidance based on comments from the subworkgroup and redistribute for comment prior to next meeting.

Action Item: EPA to provide the Region 10 letter regarding antidegradation for General Permits. EPA to provide guidance on acceptable criteria for considering sustainability/net environmental benefit. EPA to provide additional information on effects of the proposed revisions to the Water Quality Standards Regulations on antidegradation.

Next Meeting: January 15, 2014 from 1:30-3:30.