

Division of Water Quality Summary of the Proposed Rule for Technology-based Limits for Controlling Nutrient Pollution

On April 30, 2014, the Utah Water Quality Board gave its approval to the Division of Water Quality (DWQ) to solicit public comment on a proposed rule that will restrict discharges of phosphorus into surface waters by wastewater treatment plants. The proposed rule will be published by the [Division of Administrative Rules](#) on June 1, 2014. The 60-day public comment period will run from June 1, 2014, to August 1, 2014.

A series of [public meetings](#) will be held across the state to explain the proposed rule, answer questions, and solicit public input. The Division of Water Quality encourages members of the public to attend one of these meetings, submit written comments, and provide their input on [Utah's Nutrient Strategy](#). Residents attending these meetings can also learn more about the ways they can help protect Utah's water resources.

Proposed Rule

Under the proposed rule, all wastewater treatment plants in the state will play a role in reducing phosphorus discharges into state waters.

Non-lagoon plants

Treatment plants that do not use a lagoon or pond-based treatment technology, referred to as “non-lagoon” plants in the rule, will be required to produce treated wastewater that contains 1.0 mg/L of phosphorus or less before that water may be discharged. This new requirement becomes effective no later than January 1, 2020.

Lagoon and pond-based plants

Generally, lagoon or pond-based treatment plants that discharge into receiving waters cannot reliably meet this 1.0 mg/L phosphorus limit, and the costs to upgrade are considered to be unaffordable at this time. Under the proposed rule, each discharging lagoon will be evaluated to determine the current amount of phosphorus discharged each year—the annual “load” in pounds per year that each plant discharges. The proposed rule would restrict the amount of phosphorus that a plant could discharge to 125 percent times the current average annual total phosphorus loading to the receiving stream.

Once the lagoon's phosphorus cap has been reached, the owner of the facility would have five years to construct treatment processes or implement treatment alternatives (such as land application) to prevent the lagoon from exceeding its total phosphorus loading cap.

Exceptions

The rule contains four exceptions to the phosphorus limits for discharging facilities with the following special circumstances:

- they are currently controlled for phosphorus due to site-specific water quality protection conditions
- they can demonstrate that the discharge from the treatment works will not increase the total phosphorus concentration in the receiving water beyond 10 percent
- they can demonstrate that the proposed limitation is not necessary to protect the receiving water quality or its beneficial uses
- they meet specific conditions of economic hardship

To meet these exceptions and be exempted from the proposed phosphorus limits, the applicable conditions must be demonstrated to the satisfaction of the director of the Division of Water Quality by January 1, 2018. Otherwise, under the proposed rule the treatment plants would need to implement the technology-based limit or loading cap (as applicable) by January 1, 2020.

Monitoring

In addition to the limits on phosphorus discharges, the proposed rule would also require all discharging treatment plants to monitor their influent and effluent wastewater for phosphorus and nitrogen in their various chemical forms. For many facilities, this will be the first time they have gathered information about the amounts of nutrients they are releasing to the environment.

The data collected through this monitoring will be critical to DWQ, scientists, and the interested public for determining the ways in which nutrient pollution from towns and cities may be impacting water quality. These data will also support the good science necessary to permanently protect the waters of the state of Utah.

Further Information

The [proposed rule](#) will be available on the Division of Administrative Rules web site beginning June 1, 2014. For more information about nutrients and nutrient pollution, visit DWQ's [nutrients web page](#).