

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 the Division of Water Quality its approval to open the public comment period for a proposed new rule that will restrict discharges of the nutrient phosphorus into surface waters by wastewater treatment plants. The proposed rule will be published by the [Division of Administrative Rules](#) on June 1, 2014 with a 60 day public comment period that will close on August 1, 2014. There will be a series of [public meetings](#) throughout the state during this comment period to explain the proposed rule, its implications, and to provide the public an opportunity to ask questions and receive information about why this rule is important and needed. Public comments may also be provided to state officials at these meetings. The Division of Water Quality encourages all interested citizens to attend one of these meetings and to provide their input into [Utah's Nutrient Strategy](#) and to learn more about how you can have a role protecting Utah's water resources.

Proposed Rule Summary

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

Treatment plants that use lagoon or pond-based treatment plants that discharge (many in the state do not, relying on evaporation instead) generally cannot reliably meet this 1 mg/L phosphorus limit and costs to upgrade are considered to be unaffordable at this time. Instead, each discharging lagoon will be evaluated to determine the current amount of phosphorus discharged each year, i.e., the annual “load” in pounds per year that each plant discharges. The proposed rule would then restrict the amount of phosphorus that a plant could discharge to an amount equaling 125% times the current phosphorus loading 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 total phosphorus loading cap from being exceeded.

Four exceptions to the phosphorus limitations of the proposed rule were included for treatment plants having special circumstances. The exceptions apply to dischargers that are already controlled for phosphorus due to site specific water quality protection conditions, or that can demonstrate the proposed limitation is not necessary to protect the receiving water quality or the its beneficial uses, or that meet specific conditions of economic hardship. To meet these exceptions and be exempted from the proposed phosphorus limitations, the applicable conditions must be demonstrated to the Division of Water Quality director's satisfaction 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.

For the full text of the proposed rule, please refer to:

<http://www.rules.utah.gov/publicat/bulletin/2014/20140601/38530.htm>. In addition to the limitations on phosphorus discharges, the proposed rule would also require all discharging treatment plants to monitor their wastewater for the nutrients 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 will be critical to the Division of Water Quality, scientists, and interested public for determining how our towns and cities may be impacting water quality with nutrient pollutions and to support good science that will be necessary to permanently protect the waters of Utah.

For more information about nutrients and nutrient pollution, see the Division of Water Quality website at <http://www.nutrients.utah.gov>