



State of Utah

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Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

Water Quality Board
Jennifer Grant, Chair
Gregg A. Galecki, Vice Chair
Steven K. Earley
Brandon Gordon
Michael D. Luers
L. Scott Baird
Emily Niehaus
James Webb
Dr. James VanDerslice
Dr. Erica Brown Gaddis
Executive Secretary

MINUTES

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

UTAH WATER QUALITY BOARD

Via Adobe Connect

March 25, 2020

8:30 am

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Scott Baird	Mike Luers
Gregg Galecki	Emily Niehaus
Brandon Gordon	James VanDerslice
Jennifer Grant	James Webb

Excused: Steven Earley

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Robert Beers	Angela Gunderson
Marsha Case	James Harris
Scott Daly	Ken Hoffman
Skyler Davies	Brenda Johnson
Emily Cantón	John Mackey
Erica Gaddis	Jeff Studenka
Jodi Gardberg	Beth Wondimu

OTHERS PRESENT

Brad Rasmussen	Aqua Engineering
Scott Ericson	EDO
Julie Bergeson	Lewiston City
Kelly Field	Lewiston City
Ted King	Lewiston City
Zan Murray	Lewiston City – JUB
Chad Brown	Millville City
David Hair	Millville City
Corey Twedt	Millville City
Dal Wayment	South Davis Sewer District
Matt Myers	South Davis Sewer District
Jay Olsen	UDAF
Lance Hauser	

Ms. Grant called the Board meeting to order at 8:30 AM and took roll call for the members of the Board and audience.

APPROVAL OF MINUTES OF FEBRUARY 26, 2020 MEETING

Motion: Mr. Luers moved to approve the minutes of the February 26, 2020 meeting. Dr. VanDerslice seconded the motion. The motion passed unanimously.

EXECUTIVE SECRETARY REPORT

National Level

- Dr. Gaddis reported to the Board that Water Quality has submitted the Headwater Numeric Nutrient Criteria Package that was previously approved by the Water Quality Board to the EPA.

State Level

- Dr. Gaddis reported to the Board the issues regarding COVID-19.
 - Department of Environmental Quality is open for business.
 - There will be regulatory relief on a case-by-case basis.
 - Staff is working on identifying facilities in the state with lab capabilities.
- Dr. Gaddis updated the Board regarding the response to the recent Earthquake
 - Outreach to the affected POTWs.
 - Identified that there is a potential issue with fuel for backup generators.
- Dr. Gaddis also updated the Board about the Utah Lake Water Quality Study.
- Dr. Gaddis updated the Board about the Legislative session.
 - HB226 Storm Water Rule Revisions passed.
 - The Harmful Algal Bloom funding was restored to Water Quality for the summer season.
 - Agricultural Water Quality Incentive Program did not move forward although the Division plans to pilot the program this year.

Division

- Dr. Gaddis reported to the Board about the sustainable work expectations regarding COVID-19.

FUNDING REQUESTS

Financial Report: Ms. Cantón updated the Water Quality Board on the Loan Funds and Hardship Grant Funds, as indicated in the packet.

Intended Use Plan: Ms. Cantón requested approval from the Utah Water Quality Board to initiate the public comment period for review of the FY 2020 Intended Use Plan.

Motion: Mr. Galecki moved to approve the Intended Use Plan be send to public notice for the public comment period. Ms. Niehaus seconded the motion. The motion passed unanimously.

South Davis Sewer District - Reauthorization: Mr. Hoffman presented the South Davis Sewer District (SDSD) request for a construction loan from the Utah Water Quality Board (Board) to be used for construction of a new tertiary wastewater treatment extension at SDSD's North Plant. SDSD is requesting

a loan of \$14,176,000, including \$1,000,000 in principal reserved for SRF eligible nonpoint source project funding.

Motion: Mr. Luers moved to approve the staff recommendation with special conditions to authorize a loan of \$14,176,000 with an interest rate of 0.25% and a 20-year term, including \$1,000,000 in principal reserved for SRF eligible nonpoint source project funding, subject to the following conditions:

- 1. SDSA must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).*
- 2. SDSA must replace the innovative biological (algae) treatment with a proven conventional process, equipment, and materials capable of meeting the District's UPDES permit if the proposed project cannot consistently meet the requirements of this permit.*
- 3. SDSA is not required to fund and maintain separate emergency repair and replacement reserves for this loan so long and SDSA maintains a minimum debt coverage reserve ratio of 1.25 percent throughout the life of the loan.*

Mr. Galecki seconded the motion. The motion passed unanimously.

Lewiston City – Authorization: Mr. Mackey presented the request for financial assistance in the amount \$3,064,000 for construction of sewerage and treatment works improvements. Included in this amount is the hardship design advance of \$186,000 that the City awarded at the February 26, 2020 WQB meeting.

Motion: Mr. Galecki moved to approve the staff recommendation with special conditions to authorize Lewiston City grant in the amount of \$500,000, which includes the design advance amount, subject to the following conditions:

- 1. The City must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).*
- 2. As part of the facility planning, the City must complete a Water Conservation and Management Plan.*
- 3. Lewiston must pursue and retain remaining funding necessary to fully implement the project prior to loan closing.*
- 4. Lewiston must develop, implement, and commit to fund at plan levels, an asset management program that is consistent with EPA's Fiscal Sustainability Plan guidance.*

Ms. Niehaus seconded the motion. The motion passed unanimously.

Millville City – Authorization: Mr. Hoffman presented the Millville City request for financial assistance for the Water Quality Board in the about of \$14,300,000 to construct a new sewerage system.

Motion 1: Laterals and Septic Tank Decommissioning.

Mr. Luers moved to approve the staff recommendation with special conditions to authorize funding for a \$1,500,000 Hardship Block Grant to Millville for the construction of laterals and septic tank abandonment to be distributed to hardship qualifying residents, subject to the following special conditions:

- 1. Millville must develop a Lateral Grant Program to document, select, and award these grant funds and have the program approved by DWQ Staff.*

At a minimum, only those residents with a total household income of no greater than 150% of the Statewide MAGI are eligible under the grant program and the program shall only fund grant eligible improvements. Millville agrees to report on the program components and implementation to the Utah Water Quality Board.

- 2. If Millville elects to fund the construction of all the laterals and septic tank abandonment in the City through other financing and recoup these costs via monthly fees, then grant recipients shall be charged a reduced rate that deducts grant proceeds proportionately. This rate structure must be established in the approved Lateral Grant Program.*
- 3. Millville must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).*
- 4. Millville must pursue and retain remaining funding commitments, including homeowner participation, necessary to fully implement the "laterals project."*

Mr. Galecki seconded the motion. The motion passed unanimously.

Motion 2: Wastewater Project Authorization for the Construction of the Collection System Project.

Mr. Galecki moved to approve the staff recommendations with special conditions to authorize Millville \$2,000,000 in total funding as principal forgiveness, including the previously authorized design advance in the amount \$350,000, for the design construction of the collection system project, subject to the following special conditions:

- 1. The engineering agreement for the design advance must be approved by Division staff.*
- 2. Millville must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).*
- 3. Millville must complete a Water Conservation and Management Plan.*
- 4. Millville must execute and the Division must approve an interlocal agreement between the City and either Logan City or Hyrum City for treatment and disposal of Millville's wastewater.*
- 5. Millville must pursue and retain remaining funding necessary to fully implement the collection system project prior to loan closing.*
- 6. Millville must develop, implement, and commit to fund at plan levels, an asset management program that is consistent with EPA's Fiscal Sustainability Plan guidance.*

Dr. VanDerslice seconded the motion. The motion passed unanimously.

RULE MAKING

Rescission and replacement of rules governing graywater systems (R317-401): Mr. Beers requested the approval of the rescission and replacement of rules governing graywater systems (R317-401).

Motion: Dr. VanDerslice moved to approve the rescission and replacement of rules governing graywater systems (R317-401). Ms. Niehaus seconded the motion. The motion passed unanimously.

Adoption of new rules governing UPDES public notice requirements (R317-8): Mr. Studenka requested the approval to adopt rulemaking for the following proposed revisions to Utah's Utah Pollution Discharge Elimination System (UPDES) rules.

Motion: Mr. Luers moved to approve the adoption of new rules governing UPDES public notice requirements (R317-8). Mr. Gordon seconded the motion. The motion passed unanimously.

Public Comments: No public comments.

Meeting Adjournment

Motion: Ms. Niehaus moved to adjourn the meeting. Dr. VanDerslice seconded the motion. The motion passed unanimously.

To listen to the full recording of the Board meeting go to: <http://www.utah.gov/pmn/index.html>

Next Meeting – April 22, 2020 at 8:30 am

Via Adobe Connect

<https://utdeq.adobeconnect.com/wqb/>

877-820-7831

Passcode: 782887#


Jennifer Grant (Apr 22, 2020)

Jennifer Grant, Chair
Utah Water Quality Board