
UTAH DIVISION OF WATER QUALITY

<p>IN THE MATTER OF Magna Water District PO Box 303 8885 W 3500 S Magna, UT 84044</p> <p>UPDES PERMIT NO. UT0021440</p>	<p>PERMIT VARIANCE FOR TECHNOLOGY-BASED PHOSPHORUS EFFLUENT LIMITS</p>
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BACKGROUND

1. Magna Water District’s (“District”) wastewater treatment plant in Magna, Utah (the “Facility”) provides wastewater services within Salt Lake County.
2. District’s operations at the Facility are undertaken subject to UPDES Discharge Permit No. UT0021440 (“Permit”).
3. The Facility is required to achieve technology-based phosphorus effluent limits (“TBPEL”) on or before January 1, 2020, unless a variance is granted. *See* UAC R317-1-3.3.
4. District submitted a variance request, dated December 20, 2017 to the Utah Division of Water Quality (“DWQ”), seeking an extension of the TBPEL implementation date (the “Variance Request.”). The Variance Request is based on the fact that District is in the process of designing and constructing improvements to the Facility to meet TBPEL requirements, however such improvements cannot be completed prior to January 1, 2020, despite District’s diligence.
5. Utah law provides that DWQ may grant a variance as to the implementation date for compliance with the TBPEL in the event that the operator demonstrates due diligence toward construction of a treatment facility designed to meet TBPEL, provided that such compliance date shall not be later than January 1, 2025. *See* UAC R317-1-3.3.C.e.
6. The Director of DWQ has determined that District has met its burden to show diligence within the meaning of the UAC R317-1-3.3 and that a variance is appropriate, subject to the limitations and conditions provided herein.

AUTHORITY

7. The Director of DWQ has authority to grant a variance as to the implementation deadline for TBPEL pursuant to UAC R317-1-3.3 and the corresponding provisions of the Utah Water Quality Act.
8. The State of Utah administers the Utah Pollution Discharge Elimination System (UPDES) permit program under the Utah Water Quality Act.

DUE DILIGENCE - FINDINGS

9. The Variance Request included the following submissions, among others:
 - a. Variance Request to TBPEL Rule for Magna Water District. (December 20, 2017)
 - b. Magna Water District Wastewater Facility Plan. Carollo Engineers. (March 2017)
 - c. Minutes of the Regular Board Meeting of the Board of Trustees of Magna Water District. (May 2017)
10. Based on the foregoing submissions, the Director has determined that District has established due diligence toward construction of a facility upgrade designed to meet TBPEL, within the meaning of UAC R317-1-3.3.C.1.e.

VARIANCE

11. The Director hereby grants District a variance as to the compliance date to achieve TBPEL, until the time that its facility improvements described in the Variance Request are operational; subject to the following conditions:
 - a. This variance does not extend beyond January 1, 2025. District must comply with all TBPEL requirements by that date.
 - b. Pursuant to UAC R317-1-3.3.C.2, this variance is subject to re-evaluation in the event that there is any substantive change in the facility design or construction plans provided in the Variance Request. District must provide timely notice to DWQ of any such substantive changes.
 - c. By no later than July 1, 2022, District shall submit to DWQ an approvable complete construction permit application per UAC R317-3 for construction permitting of a Type I reuse wastewater treatment plant upgrade that includes phosphorus removal for TBPEL compliance.
 - d. Beginning no later than July 1, 2020, and for every year thereafter while this variance is in effect, the District agrees to submit to DWQ an annual report

relating to its phosphorus discharges (the “Annual Report”). The scope of the Annual Report shall include descriptions of all projects and work necessary, in reasonable detail, to achieve compliance with the TBPEL rule. The Annual Report will provide a summary of progress and milestones achieved in all construction, study, funding, planning, and design projects during the previous reporting period, projected progress and milestones scheduled to be completed during the following reporting period, and if the project(s) are on schedule. In addition, the Annual Report shall document any chemical addition for phosphorus removal including any Facility operation data collected to evaluate the effectiveness of chemical addition. The Annual Report will also provide information on effluent phosphorus concentrations to determine District’s compliance with Part 11.g and 11.h. of this variance, noted below.

- i. The Annual Report must specifically state the economic benefit per year District will receive from January 1 to December 31 of the coming year from this due diligence variance for not treating total phosphorus to 1.0 mg/L.
- e. If it is found that District has failed to comply with the requirements of this variance toward the construction of a facility upgrade the Division of Water Quality may terminate this variance.
 - i. If this variance is terminated by the Division of Water Quality, District will be immediately expected to comply with the requirements UAC R317-1-3.3.
- f. No total phosphorus effluent limitation will be added to the Permit before January 1, 2020.
- g. Effective January 1, 2020, DWQ will impose the following interim effluent limitation under the Permit: total phosphorus annual average effluent limitation of 2.3 mg/L.
- h. Effective January 1, 2021, DWQ will impose the following interim effluent limitation under the Permit: total phosphorus annual average effluent limitation of 1.8 mg/L.

Date: _____

Erica Brown Gaddis, PhD
Director
Utah Division of Water Quality

DWQ-2019-016694