
UTAH DIVISION OF WATER QUALITY

IN THE MATTER OF St. George Regional Water Reclamation Facility 175 East 200 North St. George, UT 84770	PERMIT VARIANCE FOR TECHNOLOGY-BASED PHOSPHORUS EFFLUENT LIMITS
UPDES PERMIT NO. UT0024686	

BACKGROUND

1. St. George Regional Water Reclamation Facility's ("SGRWRF") wastewater treatment plant in St. George, Utah (the "Facility") provides wastewater services within Washington County.
2. SGRWRF's operations at the Facility are undertaken subject to UPDES Discharge Permit No. UT0024384 ("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. SGRWRF submitted a variance request, dated December 14, 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 SGRWRF 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 SGRWRF'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.1.e.
6. The Director of DWQ has determined that SGRWRF 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 Pollutant 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. Request for Variance to the Technology-Based Phosphorus Effluent Limit – St. George Regional Water Reclamation Facility. (December 20, 2017)
 - b. St. George Regional Water Reclamation Facility – Expansion Master Plan. Bowen, Collins & Associates (August 2008)
 - c. St. George Regional Water Reclamation Facility Pre-Design Report. Bowen Collins & Associates, Inc. (June 2015)
 - d. SGWRF Optimization Study (Technical Memorandum No. 1 and No. 2) Bowen, Collins & Associates (November 2015)
10. Based on the foregoing submissions, the Director has determined that SGRWRF has established due diligence toward construction of Biological Phosphorus Removal treatment facility upgrade or facility replacement designed to meet TBPEL, within the meaning of UAC R317-1-3.3.C.e.

VARIANCE

11. The Director hereby grants SGRWRF 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. SGRWRF 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. SGRWRF must provide timely notice to DWQ of any such substantive changes.

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- c. By no later than October 1, 2019, SGRWRF shall submit to DWQ a complete Preliminary Design Report with the selected biological phosphorus removal technology.
 - d. By no later than October 1, 2019, SGRWRF shall submit to DWQ a resolution instructing SGRWRF staff to pursue the facility upgrade to the selected biological phosphorus removal technology. The resolution shall include the approximate budget for the facility upgrade.
 - e. By no later than January 1, 2022, SGRWRF shall submit to DWQ an approvable complete construction permit application per UAC R317-3 for construction permitting of a facility to biologically remove phosphorus to 1.0 mg/L or less.
 - f. Beginning no later than July 1, 2019, and for every year thereafter while this variance is in effect, SGRWRF 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. The Annual Report will also provide information on effluent phosphorus concentrations to determine SGRWRF's compliance with Parts 11.f. and 11.g. of this variance, noted below.
 - i. The Annual Report must specifically state the economic benefit per year SGRWRF 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.
 - g. If it is found that SGRWRF has failed to comply with the requirements of this variance toward the construction of Biological Phosphorus Removal treatment facility upgrade the Division of Water Quality may terminate this variance.
 - i. If this variance is terminated by the Division of Water Quality, SGRWRF will be immediately expected to comply with the requirements UAC R317-1-3.3.
 - h. No total phosphorus effluent limitation will be added to the Permit before January 1, 2020.

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- i. Effective January 1, 2020, DWQ will impose the following interim effluent limitation under the Permit: total phosphorus annual average effluent limitation of 2.5 mg/L.

Date: _____

Erica Brown Gaddis, PhD
Director
Utah Division of Water Quality

DWQ-2018-012570

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