**MEMORANDUM**

TO: Water Quality Standards Workgroup

FROM: Chris Bittner, Chair

DATE: October 16, 2017

SUBJECT: Proposed compliance schedule and variance provisions to R317-2-7.1

The Division of Water Quality continues to issue Utah Pollution Discharge Elimination System (UDPES) compliance schedules as authorized in R317-8. Adding a provision to R317-2-7.1 clarifies that water quality standards may not be achieved for permitted discharges with a compliance schedule.

Variances are considered water quality standards changes and therefore require USEPA approval. With the addition of this provision, the Water Quality Board may, at their discretion, approve requests for variances. To ensure that the variances considered by the Water Quality Board can be approved by USEPA, the variances must meet the requirements of 40 CFR § 131.14. DWQ will continue to develop a Utah-specific variance policy and guidance and any variances will have to be included in the Standards.

R317-2-7 Redline

R317-2-7. Water Quality Standards.

 7.1 Application of Standards

 a. The numeric criteria listed in R317-2-14 shall apply to each of the classes assigned to waters of the State as specified in R317-2-6. It shall be unlawful and a violation of these rules for any person to discharge or place any wastes or other substances in such manner as may interfere with designated uses protected by assigned classes or to cause any of the applicable standards to be violated with the following exceptions:

1. As provided in R317-1-3.1, or.

2. For the duration of a compliance schedule authorized by R317-8. The Division is authorized to use compliance schedules for establishing remedial measures in a permit leading to compliance of water quality-based effluent limits with any narrative or numeric criteria, or,

3. For the duration of a water quality standards variance approved by the Board through rulemaking. The Board may authorize variances from water quality standards that are consistent with the requirements of 40 CFR § 131.14.