



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
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
Emily Niehaus
Kimberly D. Shelley
Dr. James VanDerslice
James Webb
Dr. Erica Brown Gaddis
Executive Secretary

Utah Water Quality Board Meeting
DWQ Great Salt Lake West Room 3134
195 North 1950 West
Salt Lake City, UT 84116
and
Via Zoom

August 25, 2021
Board Meeting Begins at 8:30 am

AGENDA

Water Quality Board Meeting – Roll Call

A. Minutes:

Approval of Minutes for June 23, 2021 Water Quality Board Meeting..... Jennifer Grant

B. Executive Secretary’s Report .....

Erica Gaddis

C. Funding:

- 1. Financial Report ..... Krystol Carfaro
2. Planning Advance Request - Mount Pleasant City..... Glen Lischeske

D. Rule Making

- 1. Spring Creek (Heber) E. coli Total Maximum Daily Load Study - Initiate rule-making..... Sandy Wingert

E. Other

- 1. American Chemical, LLC Notice of Violation Settlement..... Kevin Okleberry
2. Sewer Overflow & Stormwater Reuse Municipal Grants Program (OSG) Plan..... Lisa Stevens

F. Public Comment Period

G. Meeting Adjournment

Next Meeting September 22, 2021 at 8:30 am
DEQ Board Room 1015
195 North 1950 West
Salt Lake City, UT 84116
Via Zoom

DWQ-2021-014470

Revised 8/20/2021

In compliance with the American Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Larene Wyss, Office of Human resources, at (801) 536-4281, TDD (801) 536-4284, or by email at lwyss@utah.gov at least five working days prior to the scheduled meeting.

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**MINUTES**

**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY  
UTAH WATER QUALITY BOARD  
MASOB  
and  
Via Zoom**

June 23, 2021  
8:30 am Board Meeting

**UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Steven Earley	Mike Luers
Gregg Galecki	James Webb
Jennifer Grant	

Excused      Brandon Gordon  
Emily Niehaus  
Kim Shelley  
James VanDerslice

**DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Meghan Albers	Samantha Heusser
Robert Beers	Ken Hoffman
Jennifer Berjikian	Brenda Johnson
Harry Campbell	Glen Lischeske
Emily Cantón	Leanna Littler-Woolf
Krystol Carfaro	John Mackey
Eric Castrejon	Christine Osborne
Skyler Davies	Winnie Pan
Oliva Dennis	Jen Robinson
Dan Griffin	Lonnie Shull
Angela Gunderson	Jeff Studenka
Clanci Hawks	Sarah Ward

Chris Otto	DEQ
Marian Rice	Salt Lake City Dept of Public Utilities
Jay Olsen	UDAF
Chad Van Hyning	
Justin Atkinson	

**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 May 26, 2021 BOARD MEETING**

**Motion:** Mr. Webb moved to approve the minutes of the May 26, 2021 Board meeting.

**Mr. Galecki seconded the motion. The motion passed unanimously with Mr. Early recusing himself because he was absent at the May 26, 2021 Board meeting.**

**EXECUTIVE SECRETARY REPORT**

Mr. Mackey addressed the Board as Dr. Gaddis was at the Western States Water Council Meeting.

*National*

- 50<sup>th</sup> Anniversary of the Clean Water Act (CWA) preparation

*State*

- American Rescue Plan Act (ARPA) Funding
  - \$64 million in new sewer projects
  - Harmful Algal Blooms (HABs) season

*Division Management*

- Metrics
  - FY21 fiscal year ending
- FY22 Initiatives
  - August Board meeting – rollout initiatives and priorities to Board
- Introduced new staff member
  - Meghan Albers - General Permitting Section, 401 Certification Project Manager

*Water Quality Board Upcoming*

- Ken Hoffman will be presenting the affordability and hardship criteria for the loan program
- Bryce Canyon aquifer reclassification outcome will be presented at a future meeting
- LHD Governance met regarding Source Protection
  - Board requested more information regarding Source Protection

**FUNDING REQUESTS**

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

**Adoption of Financial Burden Evaluation Policy for Utah Wastewater Project Assistance Program:** Mr. Davies and Mr. Hoffman presented the Financial Burden Evaluation Policy for adoption by the Board.

**Motion: Mr. Luers moved to approve the adoption of the policy as public noticed.**

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

**OTHER BUSINESS**

**Nonpoint Source Pollution Program Annual Report:** Mr. Bowcutt presented the State Nonpoint Source Program Annual Report for Fiscal Year 2020 to the Board.

**PUBLIC COMMENTS**

No public comments.

**MEETING ADJOURNMENT**

**Motion: Mr. Webb moved to adjourn the meeting.**

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

To view the full recording of the Water Quality Board meeting.  
<https://deq.utah.gov/boards/utah-water-quality-board-meetings>

**Next Meeting – August 25, 2021  
Meeting begins at 8:30 am**

**In-Person  
MASOB  
195 North 1950 West  
Salt Lake City, UT 84116**

**Via Zoom  
<https://us02web.zoom.us/j/7074990271>**

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Jennifer Grant, Chair  
Utah Water Quality Board

LOAN FUNDS FINANCIAL STATUS REPORT AUGUST 2021

STATE REVOLVING FUND (SRF)	State Fiscal Year 2022	State Fiscal Year 2023	State Fiscal Year 2024	State Fiscal Year 2025	State Fiscal Year 2026	State Fiscal Year 2027
<b>Funds Available</b>						
Capitalization Grants Awards (FFY19 - 21)	22,092,801	-	-	-	-	-
State Match (FFY20 - 21)	3,343,000	-	-	-	-	-
Future Capitalization Grants (estimated)	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
Future State Match (estimated)	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000
SRF - 2nd Round	50,563,122	15,712,961	2,653,905	12,865,938	42,685,234	72,582,134
Interest Earnings at 0.4252%	197,078	66,812	11,284	54,706	181,498	308,619
Loan Repayments (5255)	12,309,255	17,484,132	20,400,749	20,164,590	20,115,402	16,678,941
<b>Total Funds Available</b>	<b>98,105,256</b>	<b>42,863,905</b>	<b>32,665,938</b>	<b>42,685,234</b>	<b>72,582,134</b>	<b>99,169,694</b>
<b>Project Obligations</b>						
Central Valley Water Reclamation Facility	(33,300,000)	(6,800,000)	-	-	-	-
Duchesne City	(27,295)	-	-	-	-	-
Moab City	(80,000)	-	-	-	-	-
Provo City	(34,045,000)	(20,000,000)	(8,800,000)	-	-	-
South Salt Lake City (A)	(2,290,000)	(234,000)	-	-	-	-
Millville City	(1,150,000)	-	-	-	-	-
<b>Loan Authorizations</b>						
South Davis Sewer District (with NPS)	(7,000,000)	(7,176,000)	-	-	-	-
Mountain Green	(1,500,000)	(4,000,000)	(1,500,000)	-	-	-
Payson City		(2,000,000)	(9,500,000)	-	-	-
Millville	(3,000,000)					
<b>Planned Projects</b>						
None at this time						
<b>Total Obligations</b>	<b>(82,392,295)</b>	<b>(40,210,000)</b>	<b>(19,800,000)</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>SRF Unobligated Funds</b>	<b>\$ 15,712,961</b>	<b>\$ 2,653,905</b>	<b>\$ 12,865,938</b>	<b>\$ 42,685,234</b>	<b>\$ 72,582,134</b>	<b>\$ 99,169,694</b>

UTAH WASTEWATER LOAN FUND (UWLF)	State Fiscal Year 2022	State Fiscal Year 2023	State Fiscal Year 2024	State Fiscal Year 2025	State Fiscal Year 2026	State Fiscal Year 2027
<b>Funds Available</b>						
UWLF	19,610,779	15,926,585	12,466,473	15,263,164	18,394,299	21,372,552
Sales Tax Revenue	3,587,500	3,587,500	3,587,500	3,587,500	3,587,500	3,587,500
Loan Repayments (5260)	2,847,906	2,495,988	2,473,791	2,808,235	2,655,353	2,270,341
<b>Total Funds Available</b>	<b>26,046,185</b>	<b>22,010,073</b>	<b>18,527,764</b>	<b>21,658,899</b>	<b>24,637,152</b>	<b>27,230,393</b>
<b>General Obligations</b>						
State Match Transfers	(4,943,000)	(1,600,000)	(1,600,000)	(1,600,000)	(1,600,000)	(1,600,000)
DWQ Administrative Expenses	(1,664,600)	(1,664,600)	(1,664,600)	(1,664,600)	(1,664,600)	(1,664,600)
<b>Project Obligations</b>						
Kane Co Water Conservancy Dist (Duck Creek)	(400,000)		-	-	-	-
South Salt Lake City (B)	(3,112,000)	(1,779,000)	-	-	-	-
<b>Loan Authorizations</b>						
Spanish Fork	-	(4,500,000)	-	-	-	-

LOAN FUNDS FINANCIAL STATUS REPORT AUGUST 2021

<b>Planned Projects</b>						
None at this time		-	-	-	-	-
<b>Total Obligations</b>	(10,119,600)	(9,543,600)	(3,264,600)	(3,264,600)	(3,264,600)	(3,264,600)
<b>UWLF Unobligated Funds</b>	\$ 15,926,585	\$ 12,466,473	\$ 15,263,164	\$ 18,394,299	\$ 21,372,552	\$ 23,965,793
<b>Total Loan Fund Balance</b>	31,639,546	15,120,378	28,129,102	61,079,532	93,954,685	123,135,487
<b>Project Reserve</b>		(5,000,000)	(10,000,000)	(15,000,000)	(20,000,000)	(25,000,000)
<b>Total Available Loan Funds</b>	<b>31,639,546</b>	<b>10,120,378</b>	<b>18,129,102</b>	<b>46,079,532</b>	<b>73,954,685</b>	<b>98,135,487</b>

HARDSHIP GRANT FUNDS FINANCIAL STATUS REPORT AUGUST 2021

HARDSHIP GRANT FUNDS (HGF)	State Fiscal Year 2022	State Fiscal Year 2023	State Fiscal Year 2024	State Fiscal Year 2025	State Fiscal Year 2026	State Fiscal Year 2027
<b>Funds Available</b>						
Beginning Balance		1,588,847	1,830,138	2,209,712	2,485,859	2,595,887
Federal HGF Beginning Balance (5250)	6,342,003	-	-	-	-	-
State HGF Beginning Balance (5265)	2,259,555	-	-	-	-	-
Interest Earnings at 0.4252%	33,526	6,756	7,782	9,396	10,570	11,038
UWLF Interest Earnings at 0.4252%	76,436	67,720	53,007	64,899	78,213	90,876
Hardship Grant Assessments (5255)	734,904	1,097,077	1,021,544	926,382	767,302	690,077
Interest Payments - 5260	340,197	319,738	297,241	275,471	253,943	232,597
Advance Repayments	-	-	-	-	-	-
<b>Total Funds Available</b>	<b>9,786,623</b>	<b>3,080,138</b>	<b>3,209,712</b>	<b>3,485,859</b>	<b>3,595,887</b>	<b>3,620,475</b>
<b>Financial Assistance Project Obligations</b>						
Eagle Mountain City - Construction Grant	(510,000)	-	-	-	-	-
Emigration Sewer Imp Dist - Planning Grant	(26,158)	-	-	-	-	-
Kane Co Water Conservancy Dist (Duck Creek) - Hardship Grant	(3,034,500)	-	-	-	-	-
Lewiston City - Design and Construction	(274,000)	-	-	-	-	-
Millville City - Design and Construction	(1,000,000)	-	-	-	-	-
Spanish Fork - Hardship Grant	(250,000)	(250,000)	-	-	-	-
<b>Non-Point Source/Hardship Grant Obligations</b>						
Fitzgerald ARDL interest-rate buy down	(51,056)	-	-	-	-	-
McKees ARDL interest-rate buy down	(55,261)	-	-	-	-	-
Munk Dairy ARDL interest-rate buy down	(16,017)	-	-	-	-	-
(FY12) Utah Department of Agriculture	(246,016)	-	-	-	-	-
(FY15) DEQ - Ammonia Criteria Study	(27,242)	-	-	-	-	-
(FY17) DEQ - Utah Lake Water Quality Study	(348,301)	-	-	-	-	-
(FY20) Wasatch Co Health Dept Ground WQ Study	(18,387)	-	-	-	-	-
BYU - Bioassays to Investigate Nutrient Limitation	-	-	-	-	-	-
USU - Historic Trophic State/Nutrient Concentrations Paleo	(99,226)	-	-	-	-	-
FY 2018 - Remaining Payments	(16,000)	-	-	-	-	-
FY 2019 - Remaining Payments	(151,576)	-	-	-	-	-
FY 2020 - Remaining Payments	(447,189)	-	-	-	-	-
FY 2021 - Remaining Payments	(576,845)	-	-	-	-	-
FY 2022 - Remaining Payments	(1,000,000)	-	-	-	-	-
Future NPS Annual Allocations	-	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)
<b>Planned Projects</b>						
*Mount Pleasant Planning Advance	(50,000.00)	-	-	-	-	-
<b>Total Obligations</b>	<b>(8,197,776)</b>	<b>(1,250,000)</b>	<b>(1,000,000)</b>	<b>(1,000,000)</b>	<b>(1,000,000)</b>	<b>(1,000,000)</b>
<b>HGF Unobligated Funds</b>	<b>\$ 1,588,847</b>	<b>\$ 1,830,138</b>	<b>\$ 2,209,712</b>	<b>\$ 2,485,859</b>	<b>\$ 2,595,887</b>	<b>\$ 2,620,475</b>

**State of Utah**  
**Wastewater Project Assistance Program**  
**Project Priority List**

*As of August 9, 2021*

Rank	Project Name	Funding Authorized	Total Points	Point Categories			
				Project Need	Potential Improvement	Population Affected	Special Consideration
1	South Davis Sewer District	x	138	50	18	10	60
2	Payson	x	120	35	17	8	60
3	Spanish Fork Water Reclamation Facility	x	117	50	19	8	40
4	Millville City	x	114	45	46	3	20
5	Mountain Green	x	108	50	14	4	40
6	San Juan Spanish Valley SSD	x	86	25	0	1	60
7	Wellington City	x	74	10	21	3	40
8	Lewiston City	x	67	10	16	1	40





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**WATER QUALITY BOARD  
REQUEST FOR HARDSHIP PLANNING ADVANCE FOR  
WASTEWATER CAPITAL FACILITIES PLAN**

**APPLICANT:** Mt. Pleasant City  
115 West Main  
Mt. Pleasant, UT 84647  
Telephone: 435-462-2456

**PRESIDING OFFICIAL:** Michael T. Olsen, Mayor

**CONTACT:** Dave Oxman, Director of Finance

**TREASURER/RECORDER:** Natalie Burnside

**CONSULTING ENGINEER:** Devan J. Shields  
Sunrise Engineering  
25 East 500 North  
Fillmore, UT 84631  
Telephone: 435-253-1221

**CITY ATTORNEY:** Kevin Daniels  
642 East 70 South  
Ephraim, UT 84627  
Telephone: 801-497-1859

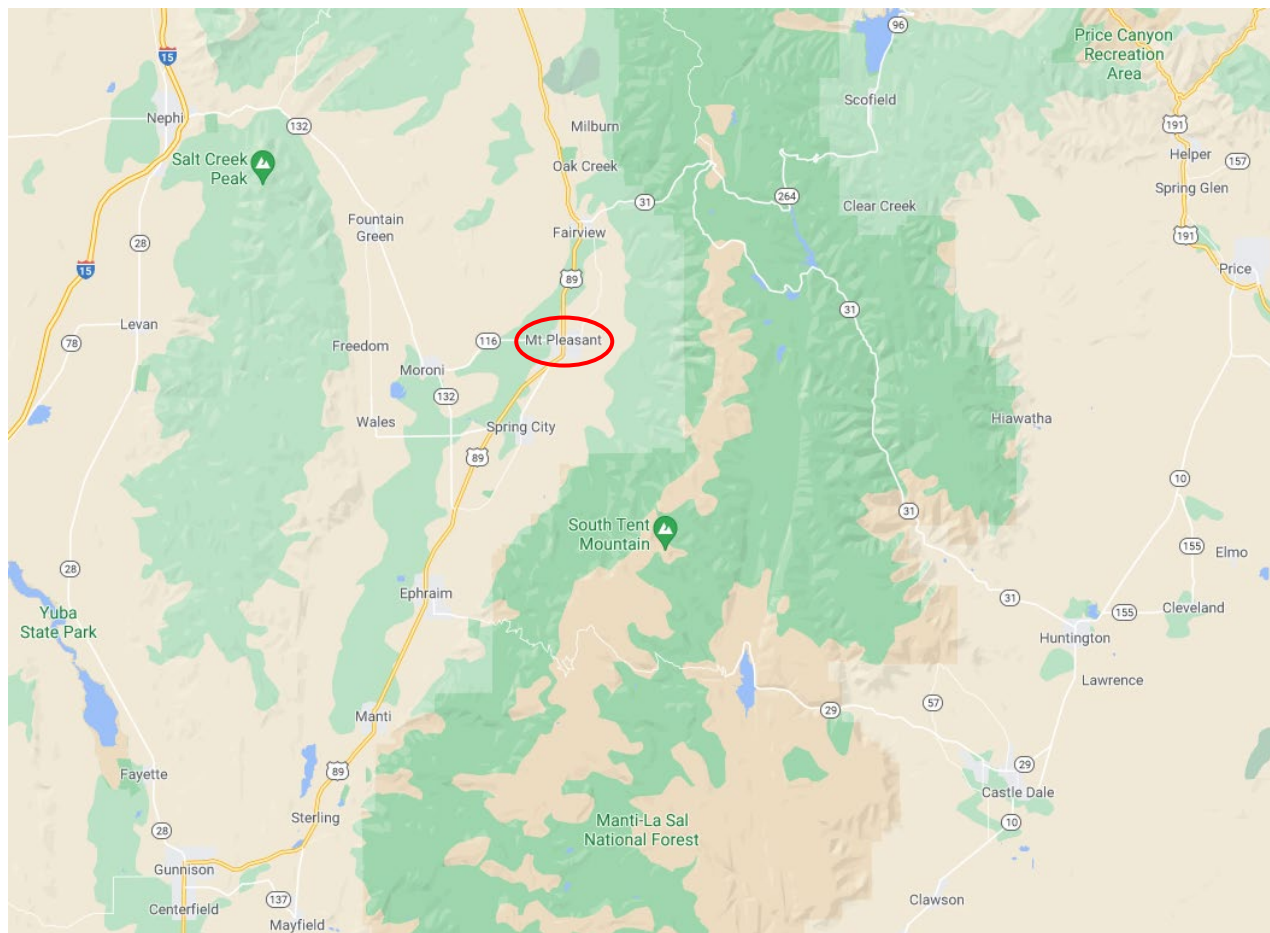
**BOND COUNSEL:** Richard Chamberlain  
Chamberlain Associates  
225 North 100 East  
Richfield, UT 84701  
Telephone: 435-896-4461

### APPLICANT’S REQUEST

Mt. Pleasant City (City) is requesting a **hardship planning advance** in the amount of **\$50,000** to develop a master plan and capital facilities plan to determine recommended collection and treatment system improvements and priorities.

### APPLICANT’S LOCATION

Mt. Pleasant City is located in Sanpete County north of Spring City.



### PROJECT NEED

Mt. Pleasant City’s wastewater treatment facility is classified as a non-discharging wastewater treatment lagoon under the General Operating Permit for Non-discharging Lagoons Coverage No. UTOP00128, serving approximately 3,610 citizens.

The facility has seen a recent increase in non-biodegradable objects entering the system, due in part to the increased usage and disposal of sanitary items since the onset of COVID-19. The City is

considering the addition of a headworks screening facility upstream of the lagoon system to mitigate the introduction of non-biodegradable materials. To that end, the city is planning to conduct a full study on the condition of the existing collection and treatment system to determine the need for capital improvement projects, including the introduction of a new headworks facility.

The treatment lagoon was constructed in 1983 and no major projects have been conducted since that time, other than a few main line extensions and regular maintenance. The City has not performed a master plan, but is currently working with Sunrise Engineering to help identify potential problems with the system. A master plan would help in providing a full analysis of the collection and treatment systems.

### **PROJECT DESCRIPTION**

The proposed project would be production of a wastewater capital facilities master plan. The completion of this plan will be put out to competitive bid. The scope of planning work would include:

- A collection system evaluation, including data review of the collection system condition assessment
- Treatment system analysis
- Review of available data on development and population growth in the service area
- Topographic survey of manholes and inverts to facilitate hydraulic modeling
- Development of a hydraulic model of the collection system
- Development of a master plan and capital facilities plan to outline recommended improvements and priorities

### **IMPLEMENTATION SCHEDULE**

The estimated plan completion date is June 30, 2022.

### **IMPLEMENTATION SCHEDULE**

This is a planning project. It will be ranked when a recommended project scope of work has been identified and a request for funding has been submitted.

### **COST ESTIMATE**

The estimated cost for the plan is \$65,000. The City is requesting \$50,000 as a planning advance, with \$15,000 coming from local contributions.

### **STAFF COMMENTS AND RECOMMENDATION**

This is a small rural community with limited capital reserves. The planning advance would allow the city to deal with unexpectedly high costs associated with the results of the master plan, should they arise.

Page 2  
August 25, 2021  
Water Quality Board  
Request for Hardship Planning Advance – Mt. Pleasant

Staff recommends the Board **authorize a hardship planning advance of \$50,000** to Mt. Pleasant City. The advance should be repaid from Project funds once the project is identified and funded or repaid expenditures.

**SPECIAL CONDITIONS**

The Division of Water Quality must approve the engineering agreement and plan of study before the advance will be executed.

DWQ-2021-015892  
Mt. Pleasant Planning Advance Feasibility Report



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James Webb  
Dr. Erica Brown Gaddis  
Executive Secretary

**MEMORANDUM**

**TO:** Water Quality Board  
**THROUGH:** Erica Brown Gaddis, Director, Division of Water Quality  
**FROM:** Sandy Wingert, Watershed Protection Section  
**DATE:** August 18, 2021  
**SUBJECT:** Total Maximum Daily Load (TMDL) for Spring Creek (Heber): Request to initiate rulemaking to adopt TMDL by reference into R317-1-7

The Division of Water Quality (DWQ) has completed a TMDL study to address water quality impairments in the Spring Creek (Heber) Assessment Unit located in Wasatch County. Since the cost of implementation is below \$10 million, Legislature involvement is not warranted for approval.

***Finalization Timeline***

August 25, 2021: Water Quality Board preliminary approval of TMDL / Petition to initial rule-making  
Sept. 15 – Oct. 15, 2021: 30-day Division of Administrative Rule Public Notice  
October 27, 2021: Petition Water Quality Board for formal adoption of TMDL into R317-1-7  
November 1, 2021: Submit TMDL to EPA for approval

***Spring Creek (Heber) TMDL Summary***

Section 303(d) of the Clean Water Act (CWA) requires states to develop TMDLs for waters that do not meet water quality standards. The TMDL process establishes allowable loadings of pollutants or other quantifiable parameters for a waterbody. This TMDL addresses the *Escherichia coli* (*E. coli*) impairment in the Spring Creek (Heber) Assessment Unit. The study is designed to assess and restore the drinking water and recreational beneficial use of Spring Creek as defined by Utah Administrative Code R317-2-6 and the CWA.

The Spring Creek Assessment Unit was listed as impaired in the Utah 2012/2014 Integrated Report and was a high priority for *E. coli* TMDL development by DWQ because the impairment included drinking water uses and possible impacts to areas of high recreational use in the Provo River downstream. *E. coli* is an indicator of recent fecal contamination, and ingestion of water containing fecal pathogens poses a public health risk.

Water quality concerns in Spring Creek were first identified in 2009 through routine monitoring. Monthly monitoring by the Provo River Watershed Council (PRWC) documented elevated levels of *E. coli* that often-exceeded numeric criteria. DWQ conducted intensive monitoring of the Spring Creek system in 2019 to identify potential *E. coli* sources, and these results provided DWQ with additional insight into the temporal and spatial extent of the *E. coli* impairment.

*E. coli* has been collected at the impaired monitoring site, Spring Creek above confluence of the Provo River, monthly from 2011 to the present. Exceedances of numeric criteria for the drinking water and infrequent contact recreation uses occur during the recreational season (May through October). Observed *E. coli* loading exceeded the TMDL threshold in every flow regime.

This study found that *E. coli* loading must be reduced by 81% to meet water quality standards during the recreation season. DWQ believes *E. coli* loading will be reduced and beneficial uses restored and protected with implementation of the best management practices identified in this TMDL study and a nine-element watershed plan.

### ***Sources***

In the Spring Creek Assessment Unit, there are nonpoint sources and one point source of *E. coli* loading. Jordanelle Special Service District Water Reclamation Facility has the potential to discharge into a tributary of Spring Creek however this facility did not start operating until a decade after the *E. coli* impairments were first determined and their wasteload allocation is set at the existing permit limit with no reduction required. The remaining sources are nonpoint source in nature and include livestock, unregulated stormwater, onsite septic systems, pet waste, and irrigated pastures. Relative bacterial contribution to Spring Creek by source is dominated by livestock at 96%, wildlife at 3%, and dogs and humans at less than 1%. This TMDL allocates a reserve capacity for future growth due to high development pressures in the Heber Valley area and the possible future need for a Municipal Separate Storm Sewer System permit.

### ***Technical Approach***

TMDL results were calculated using daily flow measurements and daily geometric means of *E. coli* concentrations. Loading capacities and observed loadings were calculated at the Spring Creek above the confluence of the Provo River site for each month and each flow regime. Analyses show that a larger reduction in loading is needed during the warmer months, coinciding with the recreation season of May through October. The geometric mean standard of 206 MPN/100mL was used to

determine the loading capacity. An overall reduction of 81% of *E. coli* loading is needed to meet water quality standards and protect culinary and recreational beneficial uses. The overall percent reduction needed was calculated by averaging and comparing the observed loading and loading capacity within these five months.

### ***Implementation Strategy and Estimated Costs***

Best Management Practices will be implemented for nonpoint source reductions to achieve TMDL endpoints. Stakeholders will employ a voluntary adaptive management approach to address all anthropogenic sources of *E. coli* loading, with a focus on improvements in agricultural, onsite septic system and stormwater management. Permitted facilities will adhere to their Utah Pollutant Discharge Elimination System permits.

Potential structural BMPs could include vegetative buffer strips, limiting unrestricted livestock access to the riparian zones, upgrades to pasture irrigation systems, repairing/replacing failing onsite septic systems, and upgrading stormwater systems to reduce *E. coli* loading. Installing pet waste collection bags and disposal bins in known recreation areas could further reduce *E. coli* contamination in high-use areas. Grazing management plans or irrigation management plans are examples of nonstructural techniques that could improve water quality. Additional nonstructural BMPs could include preservation of open space, reduction in impervious surfaces, increased street sweeping, and outreach and education campaigns. An education and outreach component is included to encourage proper waste management for pets, humans and livestock and to inform the public of the importance of good water quality and the risks associated with recreating in waters where *E. coli* standards are not being met.

The implementation strategy associated with the main part of the TMDL is voluntary and includes the general recommendations mentioned above. DWQ staff will continue to coordinate with the Wasatch Conservation District, Wasatch County Health Department, Provo River Watershed Council, Heber City and other partners to identify specific project locations on a case by case basis.

In 2020, the Wasatch Conservation District secured a Nonpoint Source grant to develop an Environmental Protection Agency nine-element watershed plan to address nonpoint source pollution. Specific BMPs and an implementation schedule to reduce nonpoint source pollution including *E. coli* will be identified in the watershed plan. TMDL endpoints will be re-evaluated within 10 years, or sooner if new dischargers begin operating in this Assessment Unit.

### ***Public Involvement***

Stakeholder participation for this TMDL process was achieved through meetings and site visits with agency representatives and private landowners.

Summer 2017:           Field tour with stakeholders to discuss water quality concerns

August 25, 2021

Water Quality Board

Request To Initiate Rulemaking To Adopt TMDL By Reference Into R317-1-7

February 5, 2018: Kickoff stakeholder meeting  
2018: Presented at Wasatch Conservation District, Wasatch County Commission  
December 3, 2018: Introduction to the Water Quality Board  
2019: Discussions with Heber City regarding stormwater; Wasatch Conservation District regarding watershed plan; quarterly updates at PRWC and monthly (as needed) updates to the Wasatch Conservation District  
2020: Discussions with stakeholders regarding source analysis and possible implementation strategy; Heber Valley stormwater coalition discussion (voluntary)  
Spring 2021: Draft analysis updates to both Wasatch Conservation District and PRWC  
June 2021: Internal review  
July 2021: Wasatch Conservation District review followed a week later by PRWC review (3 weeks to comment)  
August 11, 2021: Discussed TMDL report with Wasatch Conservation District  
August 25, 2021: Water Quality Board to initiate rulemaking

### ***Stakeholder Comments on draft TMDL***

During the summer review, DWQ received comments that were editorial in nature from PRWC Governing Board, and the EPA. Heber City commended the effort. Wasatch Conservation District wanted assurance that the implementation strategies were strictly voluntary for the outlined nonpoint sources. JSSDWRF agreed with their wasteload allocation and analysis. No comments were received to date by the Wasatch County Health Department or Utah Department of Agriculture and Food. They will comment during the 30-day public comment period pertaining to the DAR public notice.

The draft TMDL is posted online on [DWQ](#)'s and [PRWC](#)'s websites for stakeholder or public review.

### ***Active Participants***

Utah Division of Water Quality  
Utah Department of Agriculture and Food  
Wasatch Conservation District  
Wasatch County Health Department  
Natural Resources Conservation Service  
Heber City  
Provo River Watershed Council  
Private landowners





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Department of  
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DIVISION OF WATER QUALITY  
Erica Brown Gaddis, PhD  
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Kimberly D. Shelley  
Dr. James VanDerslice  
James Webb  
Dr. Erica Brown Gaddis  
Executive Secretary

**MEMORANDUM**

**TO:** Water Quality Board

**THROUGH:** Erica Brown Gaddis, PhD, Director

**FROM:** Kevin M. Okleberry

**DATE:** August 25, 2021

**SUBJECT:** Request for Approval of Settlement Agreement and Order on Consent for American Chemical, LLC

The Utah Water Quality Act, Utah Code Section 19-5-104 (3)(h)(i) and (ii), requires any settlement negotiated by the Director with a civil penalty in excess of \$25,000 must be reviewed and approved or disapproved by the Water Quality Board.

American Chemical, LLC (American Chemical) operates a chemical recycling plant near Portage, Box Elder County, Utah. The plant accepts waste from biodiesel production and refines it to separate out methanol and a solid substance which is mostly what the company calls “free fatty acids”. This process creates wastewater which contains high amounts of organic residues with an extremely high biochemical oxygen demand (BOD) value.

On August 28, 2019, a representative of the Utah Division of Water Quality (DWQ), along with representatives of the Utah Division of Waste Management and Radiation Control (DWMRC), Bear River Health Department, and Box Elder County Fire Department, inspected the plant and surrounding property. They observed industrial process wastewater and contaminated storm water from the plant being discharged into storm drains at several locations on the property; on the southern half of the property water with a greasy black tint flowed into a ditch which then flowed into a larger ditch in a pasture to the east of the American Chemical facility, and from there into the Malad River. On the northern half of the property a large amount of orange-colored wastewater flowed into storm drains which eventually flowed into several large unlined evaporation ponds located directly east of the American Chemical facility. The DWQ employee collected two samples of the greasy wastewater as it flowed from the southern end of the facility; analysis of the two samples showed they had BOD values of 1,980 milligrams per liter (mg/L) and 1,230 mg/L

Page 2  
August 25, 2021  
Water Quality Board  
American Chemical, LLC Settlement Agreement

(for comparison, untreated domestic sewage has BOD values normally ranging from 200-300 mg/L). The company did not have the required UPDES permits.

As a result of this investigation DWQ issued a Notice of Violation to American Chemical on November 18, 2019. American Chemical signed a Settlement Agreement and Order on Consent on May 28, 2021.

The negotiated penalty is \$27,519.34. Attached for your reference is the proposed Settlement Agreement and Order on Consent, Docket #I19-10.

The terms of the financial settlement are as follows:

Total Civil Penalty	\$25,810.00
Administrative Cost Reimbursement to DWQ	\$1,709.34
<b>Total Settlement</b>	<b>\$27,519.34</b>

The public comment period for the proposed Settlement Agreement and Order on Consent ran from June 23, 2021 to July 26, 2021 (<https://deq.utah.gov/public-notices-archive/water-quality-public-notices>). No comments were received.

The proposed Settlement Agreement and Order on Consent represents a fair and reasonable settlement. It is the staff's recommendation that this settlement be approved.

Attachments:

1. Settlement Agreement and Order on Consent (DWQ-2020-009623)
2. Public Notice (DWQ-2021-010639)

DWQ-2021-016568

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**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY**

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**IN THE MATTER OF:  
AMERICAN CHEMICAL LLC  
Attn: Andrew Gustafson, Registered Agent  
8082 West 24000North  
Portage, Utah 84331**

**ADMINISTRATIVE SETTLEMENT  
AGREEMENT AND ORDER OF  
CONSENT**

Docket No. I19-10

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This Administrative Settlement Agreement and Order on Consent (“Agreement” or “Order”) is entered into voluntarily by and between the Director of the Utah Division of Water Quality (“Director”), under the Director’s legal authorities described below and American Chemical, LLC in its capacity as the “Operator” who is legally responsible for the operation of the American Chemical biodiesel waste recycling plant (“Facility”), jointly referred to hereafter as “the Parties.” By entering into this Agreement, the parties wish, without further administrative or judicial proceedings, to resolve the issues arising out of alleged violations of the Utah Water Quality Act, Utah Code Section 19-5-101 *et seq.* (the “Act”), and corresponding regulations in the Utah Administrative Code R305-7 *et seq.*

**STATUTORY AND REGULATORY AUTHORITY**

1. The Director has authority to administer the Act pursuant to Utah Code Section 19-1-105(1)(e), and to enforce the Utah Water Quality Rules, Utah Administrative Code R317 through the issuance of orders, as specified in Utah Code Sections 19-5-106(2)(d) and Section 19-5-111. The Director also has authority to settle any civil action initiated to compel compliance with the Act and implementing regulations pursuant to Utah Code Section 19-5-106(2)(k).

**FACTS AND FINDINGS**

The Director issued a Notice of Violation and Order, Docket Number I19-10 (“NOV/CO”) to American Chemical, LLC on November 18, 2019. The Director relies upon the following Facts and Findings for purposes of this Agreement:

1. American Chemical LLC (**American Chemical**) is a domestic Limited-Liability Company registered and doing business in the State of Utah with a listed company address of 8082 West 24000 North in Portage, UT 84331. As of April 7, 2020, Andrew Gustafson is the registered agent for **American Chemical**, at the Facility address. When the NOV/CO was issued, Jeremiah Kingston was the registered agent with an address of 5144 Park Vista Court in West Valley City, Utah 84120.

2. On or about August 12, 2019, the Division received a report that **American Chemical** was regularly disposing of chemical wastes in ponds, sewers, storm drains, and on the ground. This report was forwarded to the Division by Region 8 of the EPA, entered into the Utah Department of Environmental Quality's (DEQ) Incident Reporting database and assigned the Incident Number 14077. According to the report, this illegal disposal had been occurring since March 2019 and was done intentionally by the company management.
3. On or about August 28, 2019, an employee of the Division, along with employees of the Utah Division of Waste Management and Radiation Control and representatives of the Bear River Health Department and Box Elder County Fire Department met with John Matthew Gustafson, John Kjelgaard, and Matthew Gustafson, representatives of **American Chemical**, at the Facility located at approximately 7950 West 24000 North, Portage, Utah (hereafter sometimes "the Facility"). After obtaining consent to enter, the DEQ employees and other representatives performed an inspection of the Facility and its affects at the adjoining properties. The results of that inspection were memorialized in in an Inspection Report dated October 21, 2019 and sent to American Chemical on October 22, 2019.
4. **American Chemical** sent a short two-page response to the inspection report on November 21, 2019, documenting several actions taken in response to poor housekeeping and best management practices listed in the inspection report. However, none of these actions stopped the illegal discharges documented in the inspection report.
5. The Division issued an NOV/CO for the issues outlined in the inspection report on November 18, 2019. Specifically, the NOV/CO ordered **American Chemical** to:
  - a. Initiate all action required to come into compliance with all applicable provisions of the Utah Water Quality Act in Utah Code Title 19 Chapter 5 and the Water Quality rules in the Utah Administrative Code, R317. This includes applying for or obtaining all necessary discharge, storm water, and groundwater permits, or providing rationale with concurrence from the Director justifying why no permits are necessary.
  - b. Cease and desist all un-permitted discharges which violate Utah Water Quality standards.
  - c. Submit a report containing the information below. The report must be submitted to the Director within thirty (30) days of the date of issuance of this NOV/CO and must provide the information listed below:
    - i. An evaluation of what caused the cited violations. This information should include the facts of the specific discharge outlined in the Facts and Determinations, as well as any other information regarding the release that occurred that may be important in resolving the violations listed in Section D of this NOV/CO.

- ii. Describe, in detail, the actions taken and/or planned to be implemented (including dates), to attain and continue to be in full compliance with this NOV/CO.
    - iii. Describe, in detail, any environmental mitigation and restoration plans for the area affected by the discharge, and the expected timetables related to these plans.
  - d. Submit a Contamination Investigation Report to the Director within 60 days of receipt of this Order that adequately defines the nature and extent of ground water contamination in accordance with R317-6-6.15 of the ground water quality protection rules.
  - e. After Director Approval of the Contamination Investigation Report, submit a Corrective Action Plan for Director approval in accordance with R317-6-6.15 of the ground water quality protection rules within 90 days. Priority should be placed on locating and removing any free phase liquid hydrocarbon product, followed by remediation of any contaminated soil and ground water above DERR Initial Screening Levels, pursuant to compliance schedule approved by the Director.

**American Chemical** responded to the NOV/CO with the same response it sent previously to the inspection report, did not apply for the required permits, and did not submit a contamination investigation report.

6. The Division sent a letter to **American Chemical** on March 30, 2020, notifying it that because it failed to properly respond to or contest the NOV/CO, the NOV/CO was final.
7. **American Chemical** responded by email on March 31, 2020. In this message the company representative requested background information about the letter and erroneously believed that the letter previously sent in response to the inspection report would also be sufficient to respond to the Notice of Violation. On November 26, 2019, the Division sent an email to the company informing them that separate responses would be required for both the Inspection Report and the Notice of Violation.

### **ORDER**

Based upon the foregoing Facts and Findings, the Agreement of **American Chemical**, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. **American Chemical** shall pay a penalty in the amount of \$25,810.00 and investigative costs in the amount of \$1,709.34, for a total of \$27,519.34. The penalty was calculated and adjusted for circumstances in conformance with the penalty policy outlined in Utah Administrative Code R317-1-8.

Payment is to be made within thirty (30) days of the effective date of this Agreement by online payment, or check made payable to the State of Utah, referencing this matter, delivered or mailed to:

Utah Department of Environmental Quality  
Division of Water Quality  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870

**2. American Chemical** shall complete the following tasks:

- a. Submit complete applications for all relevant Groundwater, Storm water, and UPDES permits deemed necessary by the Director;
- b. Submit Contamination Investigation Report to the Director within 60 days of receipt of this Order that adequately defines the nature and extent of ground water contamination in accordance with R317-6-6.15 of the ground water quality protection rules.

**3. If American Chemical** complies with this Order, it shall be relieved of any further obligation or liability under this agreement.

**GENERAL PROVISIONS**

1. The Parties recognize that this Agreement has been negotiated in good faith and nothing herein constitutes an admission of any liability. **American Chemical** does not admit, and retains the right to controvert in any subsequent proceedings other than proceedings to implement or enforce this Order, the validity of the facts and violations alleged in the NOV/CO. Operator further agrees it will not contest the basis or validity of this Order or its terms.
2. **American Chemical** agrees to the terms, conditions and requirements of this Order. By signing this Order, **American Chemical** understands, acknowledges and agrees that it waives: (1) the opportunity for an administrative hearing pursuant to Utah Code Section 19-1-301; (2) the right to contest the finding(s) in the NOV/CO; and (3) the opportunity for judicial review.
3. Compliance will be conditioned upon **American Chemical's** adherence to the requirements of this Order, the Act, and the applicable Water Quality Rules.
4. This Order includes a civil penalty in excess of \$25,000 and therefore must be presented to, reviewed by, and approved or disapproved by the Board. (Utah Code § 19-5-104(3)(h)). Final approval by the Director of this Order shall not occur until it is approved by the Board. The Effective Date shall be the date this Order is signed by the Director after it is formally approved by the Board. The Order will not be presented to the Board for final action until after the Division has provided public notice of the proposed Order and has solicited and

reviewed any public comments received. All public comments, and the Director's responses, shall be provided to the Board in connection with the Director's request for final action.

5. The Date of Issuance shall be the date this Order is executed by the Director ("Effective Date"). The Director will not sign the Consent Order until after the Division has provided public notice of the proposed Order and has solicited and reviewed any public comments received.

The dates set forth in the Order section of this Order may be extended in writing by the Director, in the Director's sole discretion, based on the Operator's showing of good cause. Good cause for an extension generally means events outside of the reasonable control of the Operator, such as force majeure, inclement weather, contractor or supplier delays, and similar circumstances. However, the Director expects the Operator to employ reasonable means to limit foreseeable causes of delay. The timeliness of the Operator's request for an extension shall constitute an important factor in the Director's evaluation.

6. Nothing in this Order shall limit the power and authority of the Division, Director or the State of Utah to take, direct, or order all actions necessary, including the assessment of civil penalties, in connection with future violations, to protect public health, welfare, or the environment, or to prevent, abate, or minimize an actual, potential, or threatened release of pollutants or contaminants to waters of the State. Further, nothing in this Order shall prevent the Director or the Water Quality Board from seeking equitable relief to enforce the terms of this Agreement, from taking other legal or equitable action as they deem appropriate and necessary in connection with future violations, or from requiring Respondent in the future to perform additional activities pursuant to the Act or any other applicable law in connection with future violations.
7. The Parties acknowledge that neither the Director nor the Board has jurisdiction regarding natural resource damage claims, causes of action, or demands. Therefore, such matters are outside the scope of this Order.
8. The person signing this Order on behalf of the Operator represents to the Director that he or she has the full legal authorization to do so and agrees that the Director may rely on that representation.
9. This Order may be amended in writing if signed by both Parties.

#### **COMPLIANCE AND PENALTY NOTICE**

As of the date of Issuance, this Order shall constitute a final administrative order. Compliance with the provisions of the Consent Order is mandatory. All violations of the Utah Water Quality Act, the Water Quality Rules, and this Consent Order will be strictly enforced during the time that this Consent Order remains in effect. The Utah Water Quality Act, Utah Code Section 19-5-115, provides that any person who violates a rule or order made or issued pursuant to the Act may be subject, in a civil proceeding, to a state district judge imposing a civil penalty per day of violation.

IT IS SO AGREED AND ORDERED:

FOR THE UTAH DIVISION OF WATER QUALITY

By: \_\_\_\_\_  
Erica B. Gaddis, PhD  
Director

Date: \_\_\_\_\_ (Effective Date)

FOR (OPERATOR)

By: Adam Gustafson

Title: CEO

Date: 5/28/2021

  
\_\_\_\_\_  
AMERICAN CHEMICAL, LLC

DWQ-2020-009623





State of Utah

SPENCER J. COX  
Governor

DEIDRE HENDERSON  
Lieutenant Governor

Department of  
Environmental Quality

Kimberly D. Shelley  
Executive Director

DIVISION OF WATER QUALITY  
Erica Brown Gaddis, PhD  
Director

**June 23, 2021**

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY

PUBLIC NOTICE OF SETTLEMENT AGREEMENT,  
AMERICAN CHEMICAL, LLC, DOCKET NO. I19-10

**PURPOSE OF PUBLIC NOTICE**

This notice is to declare that the State of Utah has issued a Settlement Agreement to American Chemical, LLC. This Public Notice is issued pursuant to Utah Administrative Code R317-8-1.9, to provide opportunity for public comment on the proposed settlement of an enforcement action. The proposed order is for the purpose of resolving alleged violations of Utah Code Annotated 19-5 (Water Quality Act), and is a resolution of enforcement proceedings brought against American Chemical, LLC.

**PUBLIC COMMENTS**

Public comments are invited any time prior to close of business **July 26, 2021**. Comments may be directed to the Department of Environmental Quality, Division of Water Quality, 195 North 1950 West, PO Box 144870, Salt Lake City, Utah 84114-4870.

**FURTHER INFORMATION**

The settlement agreement is available for public review under "Public Notices" at [www.waterquality.utah.gov/PublicNotices](http://www.waterquality.utah.gov/PublicNotices).

If internet access is not available, a copy may be obtained by calling Kevin Okleberry at 801-536-4054. Written public comments can be submitted to: Kevin Okleberry, PO Box 144870, Salt Lake City, Utah 84114-4870 or by email at: [kokleberry@utah.gov](mailto:kokleberry@utah.gov). The deadline to receive comments is close of business **July 26, 2021**. After considering public comment the Director of the Division of Water Quality may execute the settlement agreement, revise it, or abandon it.

DWQ-2021-010369



State of Utah

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Governor

DEIDRE HENDERSON  
Lieutenant Governor

Department of  
Environmental Quality

Kimberly D. Shelley  
Executive Director

DIVISION OF WATER QUALITY  
Erica Brown Gaddis, PhD  
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Dr. James VanDerslice  
James Webb  
Dr. Erica Brown Gaddis  
Executive Secretary

**MEMORANDUM**

**TO:** Utah Water Quality Board

**THROUGH:** Erica Brown Gaddis, PhD

**FROM:** Lisa Stevens

**DATE:** August 25, 2021

**SUBJECT:** Introduction of Sewer Overflow & Stormwater Reuse Municipal Grants Program (OSG) Plan

The Utah Division of Water Quality staff plans to apply for a grant from EPA's Sewer Overflow & Stormwater Grant Program (OSG) and seeks input from the Board on the plan of action to procure and manage these funds. Funds will be authorized as grants to municipalities for the design and construction of green infrastructure stormwater projects. In addition, four percent of the total funds would be used to pay for DWQ administration of the program.

**Grant Background**

The OSG is a federal program designed to provide funds for infrastructure needs to address combined sewer overflows (CSO), sanitary sewer overflows (SSO), and stormwater management. OSG awards grants to states who then sub-award the money to eligible municipal entities to support these types of projects. A total of \$336,600 in grant funding is expected to be available to Utah from the combined fiscal years of 2020 and 2021. These funds must be applied for before the end of EPA's fiscal year (September 30) 2022. After that time any new funding must be applied for in the same fiscal year that OSG receives an appropriation.

**Project Requirements and Recommendations**

The OSG program carries a number of requirements and staff have the following recommended actions.

- **Requirement:** A 20% match is required as part of the grant.
  - **Recommendation:** DWQ will require all applicants applying for consideration under the grant to provide this 20% match.

- **Requirement:** At least 20% of a state's allocation must be used for green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities which meet Green Project Reserve (GPR) requirements. Due to the limited amount of grant money available there will likely only be a couple of projects that can be funded.
  - **Recommendation:** To make sure that the 20% GPR requirement is met and to further DWQ's goal to increase green infrastructure usage for stormwater management, staff will require that all projects are predominately green infrastructure and meet the GPR requirements.
  
- **Requirement:** Grant funds must prioritize projects that are in financially disadvantaged communities, implementing a long-term control plan for CSOs or SSOs, or requesting funds for a project included on a state's Intended Use Plan for the Clean Water State Revolving Fund.
  - **Recommendation:** DWQ will prioritize financially disadvantaged communities for the first solicitation of project. However, in the future DWQ may want to utilize the State's Intended Use Plan (IUP) if demand for funding is not high enough. Financially disadvantaged communities will be determined using the same method as the IUP, when the estimated annual cost of sewer service for the average residential user exceeds 1.4% of the median adjusted gross household income.
  
- **Requirement:** The OSG carries similar requirements to the CWSRF including AIS, Davis-Bacon wages, Environmental Review, Disadvantage business enterprises (DBE), and Reporting Requirements.
  - **Recommendation:** DWQ will utilize existing staff in the Engineering and Finance Sections to oversee grant agreements, contract review, disbursements, and record keeping.
  -
  
- **Requirement:** The project/budget periods will not exceed four years.
  - **Recommendation:** DWQ will require all project to be completed within three years, started within 18 months of being awarded, and shovel ready projects prioritized using the scoring criteria.

### **Project Scoring Criteria**

Projects will be scored on a 100-point scale from the following ten elements worth up to the specified maximum number of points. Breakdowns for the scoring of each element are provided in Attachment I.

<b>Scoring Parameters</b>	<b>Maximum points</b>
Schedule and readiness to proceed (permits, commitments, etc.)	<b>30</b>
Demonstrated project need	<b>10</b>
Anticipated water quality benefits	<b>10</b>
Community benefit	<b>10</b>
Project Feasibility	<b>10</b>
Cost vs. nutrient removal benefit (e.g. Grant \$/lb of pollutant reduced)	<b>10</b>
Cost vs. pollutant removal benefit (e.g. \$/lb of pollutant reduced)	<b>5</b>
Educational or outreach elements	<b>5</b>
Local project support/endorsement/cooperation	<b>5</b>
Part of a Stormwater Master Plan/Capital Improvement Plan	<b>5</b>
<b>Total</b>	<b>100</b>

### **Awarding Projects**

Staff is recommending project awards over \$150,000 be brought before the Board for approval prior to an award being granted. Projects under this amount would be approved by staff without Board approval in accordance with the Board selected Project Scoring Criteria. This is a similar process to the nonpoint source program since project costs are expected to be similar.

### **Anticipated Schedule**

DWQ plans to apply for the grant in September of 2021 and start soliciting for projects in November 2021 so projects can be awarded and begin work in spring or summer of 2022. Below is an anticipated schedule.

September 2021	DWQ submits grant request to EPA
November 2021	Receive response from EPA (60-day review period)
November 2021	DWQ sends out Request for Projects
Winter 2022	Deadline for projects to be submitted to DWQ
Spring 2022	Get approval from Board if there are projects over \$150,000
Spring 2022	Award grants and begin projects
Spring 2022 to Spring 2025	DWQ monitors projects for progress, performs inspections, handles disbursements, and submits annual reports to EPA

Page 4

August 25, 2021

Water Quality Board

Introduction of Sewer Overflow & Stormwater Reuse Municipal Grants Program (OSG) Plan

### **Supporting Documentation**

Included with this memo are the following documents to support this plan:

- Request for projects
- Application to be used for project submittals

**ATTACHMENT I**

Schedule and readiness to proceed (permits, commitments, etc.) - 30 points

- **30-25 points:** Project will be implemented in the coming year. All required permits have been obtained, and landowners have committed to implement the project.
- **24-20 points:** Landowners have committed to the project, designs are completed, but permits have not been obtained for the project. Project may take more than one year to be completed but will be started this year.
- **19-10 points:** Project includes construction but it's not likely to start this year. Permits not obtained, some or all design work may need to be completed.
- **9-0 points:** Project has been identified, but no commitments from the landowners or land management agency have been obtained. Designs need to be completed. Construction not included as part of this grant timeframe.

Demonstrated project need – 10 points

- **10-8 points:** Project will address water quality problems that need to be addressed immediately.
- **7-4 points:** Project needs to occur, but does not need to be done in the next few years.
- **3-0 points:** No negative impacts to water quality if project does not occur.

Anticipated water quality benefits – 10 points

- **10-7 points:** Project will significantly improve or protect water quality, addressing parameters of concern identified in watershed in TMDLs or Watershed plans.
- **6-4 points:** Project will provide some water quality benefits, but may not address parameters of concern in that watershed.
- **4-0 points:** Project will provide little to no water quality benefits.

Community benefit – 10 points

- **10-8 points:** The community will directly and greatly benefit from the completion of the project through elimination of public health concerns, beautification of public areas, or increased gathering or recreation space.
- **7-4 points:** There will be some small direct or indirect benefits to the community, through improvement of public health concerns, beautification of public areas, recreation areas, or.
- **3-0 points:** Little to no benefit to the community from project completion.

Project Feasibility – 10 points

- **10-8 points:** Project is well thought out in terms of needs, schedule, and budget. No major feasibility concerns.
- **7-4 points:** Project has been thought through. There are concerns that may delay progress but would not impact completion.
- **3-0 points:** Project does not appear to be thought through in detail and there are many concerns that could hinder completion.

Cost vs. nutrient removal benefit (e.g. Grant \$/lb of pollutant reduced) – 10 points

- **10-7 points:** Project will reduce a significant amount of nutrients from waterbodies using an economical approach.
- **6-4 points:** Project will result in nutrient loading reductions in waterbodies, but it may be fairly expensive to achieve said load reductions.
- **3-0 points:** Project is fairly expensive and will result in a small nutrient loading reduction.

Cost vs. pollutant removal benefit (e.g. \$/lb of pollutant reduced) – 5 points

- **5-4 points:** Project will reduce a significant amount of pollutants from waterbodies using an economical approach.
- **3-2 points:** Project will result in pollutant loading reductions in waterbodies, but it may be fairly expensive to achieve said load reductions.
- **1-0 points:** Project is fairly expensive and will result in a small loading reduction.

Educational or outreach elements – 5 points

- **5-4 points:** Project contains educational or outreach elements for stormwater or water quality which are designed to reach a large population. Interactive educational stations, education materials in heavily trafficked or highly visible areas, usage of social media to discuss project benefits.
- **3-1 points:** Project contains education or outreach elements for stormwater or water quality designed to reach a small population. Signs placed in low traffic or low visibility areas.
- **0 points:** Project contains no educational or outreach elements for water quality.

Local project support/endorsement/cooperation – 5 points

- **5-4 points:** Letters of support for the project from other partners included in the application. Ideally more than three partners will be participating in the project.
- **3-2 points:** One or two other partners will assist with the project or project support has been demonstrated.

Page 7

August 25, 2021

Water Quality Board

Introduction of Sewer Overflow & Stormwater Reuse Municipal Grants Program (OSG) Plan

**ATTACHMENT I**

- **1-0 points:** No partners will be associated with the project.

Part of a Stormwater Master Plan/Capital Improvement Plan – 5 points

- **5 points:** Yes
- **0 points:** No

DWQ-2021-013982





## *Stormwater Grants for Financially Disadvantaged Communities*

The Division of Water Quality (DWQ) is currently accepting proposals for grant funding of stormwater projects in financially disadvantaged communities.

### **GRANT SCOPE**

DWQ has obtained \$336,600 in grant funding for select stormwater projects through the Federal Sewer Overflow & Stormwater Grant Program (OSG). Applicants must be in a financially disadvantaged community (see Eligibility). Projects must be stormwater or subsurface drainage projects which manage, reduce, treat, or recapture water through the use of green infrastructure. This money may not be used for any operation and maintenance expenses.

### **ELIGIBILITY**

- Municipalities and municipal entities (meeting 33 USC section 1362 definition) are eligible to receive these grant funds.
- This may be used for publicly or privately owned projects.
- Funds may be used for up to 80% of the total project cost. You must provide non-federal funding for at least 20% of the project.
- Projects must start within 18 months of being awarded and be substantially completed within 3 years.
- Must use green infrastructure to manage, reduce, treat, or recapture stormwater or subsurface drainage and a substantial portion of the project must meet Green Project Reserve requirements: <https://www.epa.gov/cwsrf/green-project-reserve-guidance-clean-water-state-revolving-fund-cwsrf>.
- The community must be financially disadvantaged. To qualify, the estimated annual cost of sewer service for the average residential user must exceed 1.4% of the modified median adjusted gross income (Modified MAGI) as reported on Division of Drinking Water's website: <https://deq.utah.gov/drinking-water/magi-by-city> or <https://deq.utah.gov/drinking-water/magi-zip-code> . (R317-101-4).

### **GRANT REQUIREMENTS**

Funds from this grant are federal and carry federal funding requirements such as:

- All projects are subject to federal anti-discrimination laws: Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq.; section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; and the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6102.
- All projects must comply with federal crosscutter requirements.
- Projects meeting the definition of a Treatment Works ([UAC R317-1-1](#)) require the following:
  - American Iron & Steel (AIS). This requires iron and steel products used to be produced in the United States, unless a waiver is granted.
  - Davis-Bacon wages. The prevailing wage provision known as the Davis-Bacon act must be applied.
  - Environmental Review. An Environmental Assessment must be completed for the project and submitted to DWQ for a NEPA-like review.
- Awards over \$250,000 must comply with EPA's Disadvantaged Business Enterprises (DBE) program.
- All federal procurement processes must be followed.

- Awards over \$150,000 will need to be reviewed and approved by the Utah Water Quality Board.

### ***EXAMPLES OF ACCEPTABLE PROJECTS***

- Green roofs, blue roofs, green streets, and green walls
- Rainwater harvesting collection, storage, management, and distribution systems
- Real-time control systems for harvested rainwater
- Infiltration basins (DOES NOT include extended detention basins)
- Constructed wetlands, including surface flow and subsurface flow (e.g., gravel) wetlands
- Bioretention/bioswales (e.g., rain gardens, tree boxes)
- Permeable pavement
- Wetland/riparian/shoreline creation, protection, and restoration
- Establishment/restoration of urban tree canopy
- Replacement of gray infrastructure with green infrastructure including purchase and demolition costs
- Design activity related to an eligible capital project
- Other capital projects for the purposes of mitigating or preventing the impact of stormwater on wastewater collection or treatment

### ***ANTICIPATED SCHEDULE***

Winter 2022 – Due date for proposals

Spring 2022 - Board meeting for approval of projects over \$150,000.

Spring 2022– Notification to projects on whether grant money will be awarded.

### ***PROJECT SCORING***

Projects will be scored on a 100 point scale with each of the following elements worth up to the specified number of points.

- Schedule and readiness to proceed (design, permits, commitments, etc.) - 30 points
- Demonstrated project need – 10 points
- Anticipated water quality benefits – 10 points
- Community benefit (public health, beautification, etc.) – 10 points
- Project feasibility – 10 points
- Cost vs. nutrient removal benefit (Grant \$/lb removed) – 10 points
- Cost vs. other pollutant removal benefit (Grant \$/lb removed) – 5 points
- Educational or outreach elements – 5 points
- Local project support/endorsement/cooperation – 5 points
- Part of a Stormwater Master Plan/Capital Improvement Plan – 5 points

***TO APPLY***

- Use the Application Form for Storm Water Municipal Application found at the below address:  
<https://>

All forms and questions are to be directed to Leanna Littler-Woolf at [lnlittler@utah.gov](mailto:lnlittler@utah.gov) or (801) 536-4397.

DWQ-2021-013986



## APPLICATION FORM FOR STORMWATER GREEN INFRASTRUCTURE MUNICIPAL GRANTS

### FINANCIAL HARDSHIP ELIGIBILITY CALCULATION

MONTHLY SEWER RATE : \_\_\_\_\_

ANNUAL SEWER RATE: \_\_\_\_\_

(ANNUAL RATE is sum of monthly rate and any fees assessed are part of property tax)

MODIFIED MEDIAN ADJUSTED GROSS INCOME AS REPORTED ON DEQ WEBSITE: \_\_\_\_\_

(IF COMMUNITY SERVICE AREA IS A COLOMERIZATION PLEASE CALCULATE AS A PERCENTAGE OF POPULATION IN ZIP CODES AND ATTACH BREAKDOWN.)

- <https://deq.utah.gov/drinking-water/magi-by-city>
- <https://deq.utah.gov/drinking-water/magi-zip-code>

Estimated annual cost of sewer service for the average residential user divided by the modified median adjusted gross income (Modified MAGI). \_\_\_\_\_ (this must exceed 1.4% to qualify)

### PROJECT IDENTIFICATION AND DESCRIPTION

1. APPLICANT \_\_\_\_\_  
*(Municipality, Municipal Entity (Services District))*

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone \_\_\_\_\_

EIN # \_\_\_\_\_

System for Award Management (SAM) Unique Entity Identifier (UEI) #: \_\_\_\_\_

(SAM has replaced DUNS#. See <https://sam.gov/content/home>)

2. PRESIDING OFFICIAL \_\_\_\_\_  
*(Name and Title)*

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone \_\_\_\_\_

3. CONTACT PERSON \_\_\_\_\_  
*(Name and Title)*

4. TREASURER/RECORDER \_\_\_\_\_  
*(Name and Title)*

5. CONSULTING ENGINEER \_\_\_\_\_  
*(Name and Title)*

Name of Firm \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Phone \_\_\_\_\_

For the following questions please attach explanations on a separate sheet if adequate space is not provided on this form.

6. DESCRIPTION OF PROJECT SETTING

A. Location of the Project \_\_\_\_\_

B. County \_\_\_\_\_

7. GENERAL PROJECT OVERVIEW

A. Description of the project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- (1) Year construction will be initiated \_\_\_\_\_
- (2) Year of completion \_\_\_\_\_
- (3) Total project cost \$ \_\_\_\_\_

B. Explain why project is needed.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

C. State and Federal water quality and public health regulations to be addressed by the project (if applicable). \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

D. Describe any demonstrations of public support or partnerships for the project.  
 \_\_\_\_\_  
 \_\_\_\_\_

E. Do you have a Stormwater Master Plan? When was it last updated? \_\_\_\_\_  
 \_\_\_\_\_

F. Is this project a part of the Stormwater Master Plan or a Capital Improvement Plan? \_\_\_\_\_

G. What is the expected water quality impact (flow treated, expected quantity and type of pollutants removed, etc.)?

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H. Explain any additional community benefits associated with the project (health, beautification, recreation, etc.).

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I. Will the project contain any educational or outreach elements for water quality?

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J. Is a watershed or waterbody being positively impacted by this project? If so, which one and does it have any existing impairments? (<https://surface-water-quality.ugrc.utah.gov/>)

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K. How ready is the project to proceed? Explain whether permits, design work, or commitments from other parties are still needed.

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Type of planning document prepared *(Facility plan, engineering report, etc.)*

Planning Document Date \_\_\_\_\_

**(Note: Enclose a copy of current planning document.)**

**FINANCIAL ASSESSMENT - ESTIMATED ANNUAL COST OF SEWER SERVICES**

1. PROJECT COST ESTIMATE

A.	Construction (Engineer's opinion of probable cost can be attached as well for more detail)	
(1)	Stormwater Controls	\$ _____
(2)	Landscaping	\$ _____
(3)	Land acquisition	\$ _____
(4)	Other (specify)	\$ _____
(5)	Other (specify)	\$ _____
(6)	Other (specify)	\$ _____
(7)	Other (specify)	\$ _____
(8)	Total construction costs (1.A(11))	\$ _____
B.	Other Project Costs	
(1)	Engineering - Planning	\$ _____
(2)	Engineering - Design	\$ _____
(3)	Engineering - CMS	\$ _____
(4)	Engineering - Other	\$ _____
(5)	Legal - Bonding	\$ _____
(6)	Legal - Rights of Way & Easements	\$ _____
(7)	Other (specify)	\$ _____
(8)	Other (specify)	\$ _____
(9)	Other (specify)	\$ _____
(10)	Other (specify)	\$ _____
(11)	Total Other Costs (1.B(11))	\$ _____

2. ESTIMATED ANNUAL COSTS

A.	Operation & Maintenance Costs of the Proposed Controls*	
(1)	Labor	\$ _____ per year
(2)	Utilities	\$ _____ per year
(3)	Materials	\$ _____ per year
(4)	Contracted services (i.e. laboratory)	\$ _____ per year
(5)	Miscellaneous expenses	\$ _____ per year
(6)	Equipment replacement	\$ _____ per year
(7)	Total OM&R costs(2.A)(7)	\$ _____ per year
	*Include current O&M costs which will continue with the new controls	
B.	Existing annual debt service	\$ _____ per year
	(for sewer services only, attach a copy of debt authorization schedules)	

3. FINANCING THE NEW CONTROLS

A.	Total construction cost (from 1.A(11))	\$ _____
B.	Other Project Costs (from 1.B.(11))	\$ _____
C.	TOTAL PROJECT COSTS	\$ _____

- D. Funds available for the project  
(reserve accounts, contingency, etc.) \$ \_\_\_\_\_
- E. Grants (specify agencies and status of funds)  
\_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_
- F. Other Sources of Funding (specify)  
\_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_
- G. TOTAL FUNDS AVAILABLE \$ \_\_\_\_\_
- H. AMOUNT REQUESTED FOR GRANT (from 3.C - 3.G) \$ \_\_\_\_\_

4. DEMOGRAPHIC OUTLINE

- A. Population Estimates
- (1) Current Population \_\_\_\_\_
  - (2) Population in 2020 \_\_\_\_\_
  - (3) Estimated Population in 2030 \_\_\_\_\_
  - (4) Planning Year Population \_\_\_\_\_
  - (5) Planning Year \_\_\_\_\_
  - (6) Source of Estimates \_\_\_\_\_

- B. Current Cost of Sewer Service
- (1) Current basic, monthly user charge
    - Residential \$ \_\_\_\_\_
    - Commercial \$ \_\_\_\_\_
    - Industrial \$ \_\_\_\_\_
  - (2) If user charges are based on water usage
    - Base Rate \$ \_\_\_\_\_ / \_\_\_\_\_ Gallons
    - Overage Rate \$ \_\_\_\_\_ / \_\_\_\_\_ Gallons

If property tax, or other tax, is levied to fund sewer debt, operation or maintenance

- Tax Rate (for sewer only) \_\_\_\_\_
- Assessed Valuation \$ \_\_\_\_\_
- Annual Revenue from Taxes \$ \_\_\_\_\_

Is sewer service subsidized by any other source of revenue not previously mentioned, please explain  
\_\_\_\_\_  
\_\_\_\_\_



- C. Current number of equivalent residential connections (ERCs\*)  
 \*If unknown complete one of the following two methods to estimate
- (1) Based on adding Residential Connection to Sum of Non-Residential Connection multiplied by equivalency of each Non-Residential Connection
    - (A) Residential Connections (usually 1 ERC each) \_\_\_\_\_
    - (B) Non-Residential ERC's ( $\Sigma(\text{connection} * (\text{Water Used by connection} / \text{water used by average residence}))$ ) \_\_\_\_\_
    - (C) A+B=Total ERCs \_\_\_\_\_
  - (2) Rough estimate based on user charge
    - (A) Last year's annual sewer user charge revenue \$ \_\_\_\_\_
    - (B) Last year's annual, residential, user rate \$ \_\_\_\_\_
    - (C) Revenue Divided by User Rate (1)/(2) \_\_\_\_\_
- E. Please provide a copy of your current stormwater rate ordinance/resolution and user charge system. If you do not have a stormwater fee, include a statement explaining your source of funding for stormwater infrastructure.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Signature of person responsible for completion of this form

\_\_\_\_\_

Signature of Authorized Representative

\_\_\_\_\_

REMINDER

Have you remembered to enclose the following:

1. Facility Plan or other planning documents.
2. Amortization table for each outstanding debt.
3. Current stormwater rate ordinance/resolution and user charge system.

DWQ-2021-013984