



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
Director

Water Quality Board
Steven K. Earley, Chair
James Webb, Vice Chair
Brandon Gordon
Michela Harris
Joseph Havasi
Trevor Heaton
Michael D. Luers
Emily Niehaus
Kimberly D. Shelley
Erica Brown Gaddis, PhD
Executive Secretary

MINUTES

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

January 26, 2022
8:30 am Board Meeting

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Carly Castle	Trevor Heaton
Steven Earley	Mike Luers
Brandon Gordon	James Webb
Michela Harris	

Excused Joe Havasi
 Kim Shelley

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Robert Beers	John Mackey
Jennifer Berjikian	Glen Lischeske
Emily Cantón	George Meados
Krystol Carfaro	Meg Osswald
Eric Castrejon	Winnie Pan
Skyler Davies	Dave Pierson
Amy Dickey	Andrew Pompeo
Judy Etherington	Jeanne Riley
Erica Gaddis	Jen Robinson
Dan Griffin	Danny Ryan
Dan Hall	Lonnie Shull
Clanci Hawks	Jeff Studenka
Samantha Heusser	Sarah Ward
Ken Hoffman	Beth Wondimu
Brenda Johnson	Yan Yan
Danielle Lenz	

OTHERS PRESENT

Jimmy McKnight	Provo City
Michelle Kaufusi	Provo City
Issac Paxman	Provo City
Dave Decker	Provo City
Dave Torgerson	Provo City
Gary Calder	Provo City
Cory Christiansen	Water Works Engineering (Provo City)
Dennis Pay	South Salt Lake City
Crystal Makin	South Salt Lake City
David Hair	Millville City
Corey Twedt	Millville City
Chad Brown	Millville City
Lance Houser	Millville City
Bill Wright	Payson City
David Tucket	Payson City
Travis Jockumsen	Payson City
Cathy Jensen	Payson City
Jason Broome	Forsgren Engineering (Payson City)
Brian Baker	Zions Bank (Payson City)
Trevor Schlossnagle	UGS
Kaden Figgins	Garfield County
Elise Erler	SITLA
Chris Fausett	SITLA
Matthew Kennard	Heber City
Marian Rice	SL Public Utilities
Melissa Reynolds	Holland & Hart
Renn Lambert	Limno
Jordan Mathis	Bear River Health Department
Dani Cepernich	Snow Christensen & Martineau
Jeanette	Johnson Patterson & Yellowhorse
Justin Atkinson	Sunrise Engineering
Soren Simonson	Jordan River Commission
Lance Syrett	Ruby's Inn
David Dodds	
Steve Pitts	
Ron Worley	
Justine M	
Travis Holm	
Scott Holm	

Mr. Earley called the Meeting to order at 8:30 AM.

ROLL CALL

Mr. Earley took roll call for the members of the Board and audience.

APPROVAL OF MINUTES OF DECEMBER 15, 2021 BOARD MEETING

Motion: Mr. Heaton moved to approve the minutes of the December 15, 2021 Board meeting.

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

EXECUTIVE SECRETARY REPORT

Dr. Gaddis addressed the Board with the following updates.

Water Quality Board

- Introduced and welcomed new Board member, Carly Castle

Division Management

- Introduced new Water Quality Assistant Directors, Meg Osswald and Emily Cantón
- Water Quality Section reorganization

National

- *Waters of the United States (WOTUS)*
 - Rulemaking – agencies propose to reinstate the pre-2015 definition of “Waters of the United States”

Legislative

- SB111 Permanent Community Impact Funds Board Amendments – adds 3 new local representatives and removes the positions for the Chair of the Water Quality Board and Water Resources Board.
- HB232 Utah Lake Authority – Water Quality retains all authority with respect to Clean Water Act implementation and includes a seat on the Authority for the Department of Environmental Quality (DEQ)

State

- Governor’s budget
 - Utah Lake Preservation Fund - \$25 million
 - Southern Utah Water Reuse Grant - \$5 million
 - Division of Water Quality one-time request - \$750,000

FUNDING REQUESTS

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

Provo Supplemental Funding Authorization: Mr. Meados presented the Water Quality Board with a request for additional funding in the amount of \$20,000,000 for membrane bioreactors to enable the facility to biologically remove phosphorus and nitrogen.

Motion: Mr. Luers moved to approve the staff recommendations to authorize a funding package of a \$10,000,000 in a loan at an interest rate of 0.5% repayable over 20 years plus \$5,000,000 of additional funding as principal forgiveness with the following special conditions:

1. Provo must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. Provo must pursue and retain remaining funding necessary to fully implement the project.
3. Provo must develop and implement an asset management program that is consistent with EPA's Fiscal Sustainability Plan guidance.

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

South Salt Lake City Supplemental Funding Authorization: Mr. Davies presented a request for supplemental hardship financial assistance from the Utah Water Quality Board in the amount of \$1,760,000 to cover the City's share of the cost growth associated with the BNR Basin Project, plus \$1,032,000 to cover their portion of the additional costs for the Blower Building Project.

Motion: Mr. Webb moved to approve the staff recommendations that the Board authorize \$1,760,000 of additional funding as principal forgiveness to fund the BNR Project and a Utah Wastewater Loan Fund loan of \$1,032,000 at an interest rate of 0% repayable over 20 years both with the following special conditions:

1. South Salt Lake must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. South Salt Lake must pursue and retain remaining funding necessary to fully implement the projects.
3. South Salt Lake must develop and implement an asset management program that is consistent with EPA's Fiscal Sustainability Plan guidance.

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

Millville Refinance & Supplemental Funding Authorization: Mr. Hoffman presented to the Water Quality Board a request for additional assistance to reduce the estimated monthly rate below \$100 per month per ERU. A user rate of \$100/month/ERU is 2.03% of MAGI.

Motion: Mr. Luers moved to approve the staff recommendations that the Board authorize a refinance of the \$5,011,000 USDA-RD loan comprised of \$3,750,000 million in principal forgiveness and \$1,261,000 of loan at 0% for a term of 30 years after completion of drawing USDA-RD funds. In addition, Mr. Luers moved to approve

the staff recommendation the Board authorize \$151,768 from the Hardship Grant Fund to pay off the existing UWLF debt. This is subject to the following special conditions:

- 1. Millville must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).**
- 2. As part of the facility planning, Millville must complete a Water Conservation and Management Plan.**
- 3. Millville must pursue and retain remaining funding necessary to fully implement the collection system project.**
- 4. Millville must develop and implement an asset management program that is consistent with the EPA's Fiscal Sustainability Plan guidance.**
- 5. The hardship grant funds will be awarded only after the award of the construction contract.**
- 6. The refinance and hardship grant fund authorizations will expire on May 14, 2022 if the City has not has awarded the construction contract by that date.**
- 7. Staff may negotiate with the City an escalating principal repayment schedule.**

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

Payson City Reauthorization: Mr. Pompeo presented a request by Payson City for additional funding from the Water Quality Board in the amount of \$10,000,000 in addition to the \$11,500,000 for which they were originally authorized. In addition to potential additional funding, Payson City requested that the interest rate of the previously authorized funding be re-evaluated with a term of 30 years. Mr. Pompeo also presented staff's recommendations for supplemental funding of the project as constrained by available funds. These funds will be used for the modification of their water reclamation facility to bring it into compliance with the TBPEL.

Motion: Mr. Gordon moved to approve the staff recommendations that the Board re-authorize the previous funding package as a \$13,500,000 at an interest rate of 0.5% repayable over 30 years plus \$1,000,000 of additional funding as principal forgiveness with the following special conditions:

- 1. Payson must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).**
- 2. Payson must pursue and retain remaining funding necessary to fully implement the project.**
- 3. Payson must demonstrate an overall net or effective project useful life of 30 years or more. A shorter life will result in a reduced loan term.**
- 4. Payson must develop and implement an asset management program that is consistent with EPA's Fiscal Sustainability Plan guidance.**

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

OTHER

Approval Request for Aquifer Classification Petition for Bryce Canyon Area, Garfield County, UT: Ms. Ward presented the Water Quality Board with the request to authorize Division staff to proceed with the Ground Water Classification for the Bryce Canyon Area in Garfield County, Utah, based on the petition of the Garfield County Commission.

Motion: Ms. Castle moved to approve that the Water Quality Board authorize Division staff to proceed with Ground Water Classification for the Bryce Canyon Area in Garfield County, Utah.

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

PUBLIC COMMENTS

Millville City Refinance & Supplemental Funding Authorization

Jordan Mathis, Bear River Health Department

Aquifer Classification Petition for Bryce Canyon Area, Garfield County, UT

Kaden Higgens, Garfield County

Scott Holms, Concerned Citizen

MEETING ADJOURNMENT

Motion: Mr. Gordon moved to adjourn the meeting.

Ms. Castle 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 – February 23, 2022

Meeting begins at 8:30 am

In-Person

MASOB

195 North 1950 West

Board Room 1015

Salt Lake City, UT 84116

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January 26, 2022
Water Quality Board
Minutes

Via Zoom

<https://us02web.zoom.us/j/7074990271>

Steven Earley

Steven Earley (Feb 28, 2022 17:57 MST)

Steven Earley, Chair
Utah Water Quality Board

DWQ-2022-001704