



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WATER QUALITY
John K. Mackey, P.E.
Director

Water Quality Board
Steven K. Earley, Chair
James Webb, Vice Chair
Carly Castle
Michela Harris
Joseph Havasi
Trevor Heaton
Michael D. Luers
Kimberly D. Shelley
John K. Mackey
Executive Secretary

**Utah Water Quality Board Meeting
MASOB
195 North 1950 West
Via [Zoom](#)**

**Anchor Location - Wasatch Room 4124
Salt Lake City, UT 84116**

**January 25, 2023
Board Meeting Begins at 8:30 am**

AGENDA

Water Quality Board Meeting – Roll Call

A. Minutes:

Approval of Minutes for December 14, 2022 Water Quality Board Meeting Steven Earley

B. Executive Secretary’s Report

John Mackey

1. Introduction of New Water Quality Staff..... John Mackey

C. Funding

1. ARPA – West Weber Site Sewer Infrastructure..... Glen Lischeske

D. Rulemaking

1. Request to Initiate Rulemaking: Asset Management Implementation R317-101-3 Harry Campbell

2. Request to Adopt Water Quality Standards R317-2Jacob VanderLaan

E. Other

1. Request to Appoint Wastewater Operator Certification Council Members..... Judy Etherington

2. Request to Assess Penalties in Excess of \$25,000 Samantha Heusser

F. Public Comment Period

G. Meeting Adjournment

**Next Meeting
February 22, 2023 at 8:30 am**

**Via [Zoom](#)
Anchor Location - Wasatch Room 4124
195 North 1950 West
Salt Lake City, UT 84116**

Revised 1/20/2023
DWQ-2023-000446

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 lwys@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

December 14, 2022
8:30 am Meeting

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Steve Earley	Mike Luers
Brandon Gordon	Kim Shelley
Trevor Heaton	James Webb

Excused Carly Castle
Michela Harris
Joe Havasi

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Robert Beers	Glen Lischeske
Jennifer Berjikian	John Mackey
Paul Burnett	Justine Marshall
Harry Campbell	Alan Ochoa
Krystol Carfaro	Dave Pierson
Eric Castrejon	Andrew Pompeo
Krysta Church	Jeanne Riley
Skyler Davies	Jen Robinson
Judy Etherington	Danny Ryan
Jodi Gardberg	Lonnie Shull
Dan Griffin	Jeff Studenka
Porter Henze	Beth Wondimu
Alex Hepner	Sandy Wingert
Ken Hoffman	Leanna Littler-Woolf
Brenda Johnson	

OTHERS PRESENT

Soren Simonson	Jordan River Commission
Aimee Horman	Jordan River Commission
Haley Sousa	AG's Office

Chris Otto	EDO
John Chartier	DEQ District Engineer
BreeAnn Bloomfield	UDAF
Cameron Thompson	Fairview City
Jim Ketcham-Colwill	Mount Pleasant
Amanda Buhler	Kane Co Water Conservancy District
Jesse Ralphs	Moroni City
Jeff Beckman	Bowen Collins
Curtis Nielson	
Carol Haskins	Moroni City
Eric Larson	Central Utah Health Dept
Scott Taylor	
Josh Cowden	Stantec
Drew Geiger	Horrocks
Mickey & Susan Wright	Torrey Town
Adam Richins	
Emily Kagan	Washington Co Water Conservancy District
Randy Johnson	Washington Co Water Conservancy District
Michael Larson	UACD
David Smith	
Devan Shields	Sunrise Engineering
Tom Ward	
Aimee Horman	Jordan River Commission
Soren Simonsen	Jordan River Commission

Mr. Earley called the Meeting to order at 9:00 AM. Due to technical issues the meeting began late.

ROLL CALL

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

APPROVAL OF MINUTES

Motion: Mr. Webb moved to approve the minutes of the October 26, 2022 Board meeting.

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

EXECUTIVE SECRETARY REPORT

Mr. Mackey addressed the Board regarding the following.

Region

- Utah State Budget Released
- Recipients of Utah Lake Preservation Funding To Be Announced

Water Quality Board

- Brandon Gordon's Final Board Meeting

OTHER

Sudweeks Award: Mr. Mackey presented the annual award to Ed Macauley.

RULEMAKING

Request to Adopt Rule R317-1-7: Jordan River Watershed *E.coli* Total Maximum Daily Load (TMDL): Ms. Wingert presented that the Board with a request to formally adopt TMDL into Rule R317-1-7.

Motion: Mr. Heaton moved to adopt TMDL into Rule R317-1-7.

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

FUNDING

Southern Utah Reuse ARPA Grant Program – Authorization: Mr. Pompeo present the Board with twelve funding applications. Four applications for planning projects and eight applications for construction projects.

Priority One Projects:

Motion: Mr. Luers moved to approved the staff recommendations and special conditions of the priority one projects listed below.

Fairview City

The Board authorized funding in the amount of \$1,168,000 as ARPA grant funding to Fairview City under the following special conditions:

1. Fairview must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. Fairview must develop, commit to adopt, and implement a capital asset management plan that is consistent with EPA’s Fiscal Sustainability Plan guidance.

Ash Creek Special Services District

The Board authorize funding in the amount of \$1,688,200 as ARPA grant funding to the District under the following special conditions:

1. The District must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. The District must develop, commit to adopt, and implement a capital asset management plan that is consistent with EPA’s Fiscal Sustainability Plan guidance.

Central Iron County Water Conservancy District (CICWCD)

The Board authorize funding in the amount of \$500,000 as ARPA grant funding to CICWCD under the following special conditions:

1. CICWCD must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. CICWCD must develop, commit to adopt, and implement a capital asset management plan that is consistent with EPA’s Fiscal Sustainability Plan guidance.

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

Priority Two Projects:

Motion: Mr. Heaton moved to approved the staff recommendations and special conditions of the priority two projects listed below.

Kanab City

The Board authorize funding in the amount of \$125,000 as ARPA grant funding to KCWCD under the following special conditions:

1. KCWCD must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. The Division must approve the engineering agreement and plan of study before the advance will be executed.
3. As part of the facility planning, KCWCD must complete a Water Conservation and Management Plan.

Moroni

The Board authorize funding in the amount of \$90,000 as ARPA grant funding to Moroni under the following special conditions:

1. Moroni City must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. The Division must approve the engineering agreement and plan of study before the advance will be executed.
3. As part of the facility planning, the City must complete a Water Conservation and Management Plan.

Mount Pleasant

The Board authorize funding in the amount of \$125,000 as ARPA grant funding to Mt. Pleasant under the following special conditions:

1. Mt. Pleasant City must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. The Division must approve the engineering agreement and plan of study before the advance will be executed.
3. As part of the facility planning, the City must complete a Water Conservation and Management Plan.

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

Priority Three Projects:

Washington County Water Conservation District (WCWCD) Toquer Reservoir

Motion: Mr. Webb moved that the Board authorize funding in the amount of \$4,976,000 as ARPA grant funding to WCWCD Toquer Reservoir under the following special conditions:

1. WCWCD must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. WCWCD must develop, commit to adopt, and implement a capital asset management plan that is consistent with EPA's Fiscal Sustainability Plan guidance.

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

Sherwood Shores

Motion: Mr. Webb moved that the Board authorize funding in the amount of \$595,000 as ARPA grant funding to the Sherwood Shores Subdivision Body Politic under the following special conditions:

1. The Sherwood Shores Subdivision Body Politic must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. The Sherwood Shores Subdivision Body Politic must develop, commit to adopt, and implement a capital asset management plan that is consistent with EPA's Fiscal Sustainability Plan guidance.
3. Full funding by September 1, 2023,
4. All users connect to sewer system.

Mr. Gordon seconded the motion. The motion passed with a majority vote of Mr. Webb, Mr. Gordon, Mr. Heaton and Mr. Luers and a nay vote from Mr. Earley.

Cedar City Indirect Potable Reuse (IPR)

Motion: Mr. Gordon moved that the Board authorize funding in the amount of \$1,354,000 as ARPA grant funding to Cedar City for the construction of a reuse trunk line and pump station under the following special conditions:

1. Cedar City must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. Cedar City must develop, commit to adopt, and implement a capital asset management plan that is consistent with EPA's Fiscal Sustainability Plan guidance.

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

St. George Graveyard Wash Reservoir

Motion: Mr. Luers moved that the Board authorize funding in the amount of \$1,934,000 as ARPA grant funding to St. George under the following special conditions:

1. St George must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. St George must develop, commit to adopt, and implement a capital asset management plan that is consistent with EPA's Fiscal Sustainability Plan guidance.

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

Washington County Water Conservation District (WCWCD) Dry Wash Reservoir

Motion: Mr. Gordon moved that the Board authorize funding in the amount of \$2,369,000 as ARPA grant funding to WCWCD under the following special conditions:

1. WCWCD must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. WCWCD must develop, commit to adopt, and implement a capital asset management plan that is consistent with EPA's Fiscal Sustainability Plan guidance.

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

Torrey Town

Motion: Mr. Webb moved that the Board authorize funding in the amount of \$75,000 as planning advance to Torrey Town under the following special conditions:

- 1. Torrey Town must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).**
- 2. The Division must approve the engineering agreement and plan of study before the advance will be executed.**
- 3. As part of the facility planning, the Town must complete a Water Conservation and Management Plan.**

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

PUBLIC COMMENTS

There were no public comments.

MEETING ADJOURNMENT

Motion: Mr. Webb moved to adjourn the meeting.

Mr. Gordon 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 – January, 25, 2023
Finance Committee Meeting
Meeting begins at 1:00 pm**

**In-Person
MASOB
195 North 1950 West
Great Salt Lake West Room 3134
Salt Lake City, UT 84116**

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

Steven Earley, Chair
Utah Water Quality Board



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WATER QUALITY BOARD FEASIBILITY REPORT FOR WASTEWATER TREATMENT PROJECT ARPA AUTHORIZATION

APPLICANT:

Weber County
2380 Washington Blvd, St. 240
Ogden, UT 84401
Telephone: 801-399-8374

CONTACT:

Stephanie Russell
Economic Development Director
Weber County
Telephone: 801-399-8419

CONSULTING ENGINEER:

Brad Rasmussen, P.E.
Aqua Engineering
533 W 2600 S St. 275
Bountiful, UT 84010
Telephone: 801-450-2150

BOND COUNSEL:

Randy Larsen
Gilmore & Bell
15 W S Temple #1450
Salt Lake City, UT 84101
801-364-5080

FINANCIAL ADVISOR:

Johnathan Ward, Senior Vice President
Zions Public Finance
801-844-7379

APPLICANT'S REQUEST

Weber County is requesting authorization of the ARPA funding for the West Weber Mega Site from the Water Quality Board (Board) in the amount **\$5,000,000** for new construction and upgrades associated with expansion and planned growth in West Weber County.

FUNDING BACKGROUND

The American Rescue Plan Act (ARPA) was passed to provide funds for infrastructure needs to

address the inflation and market volatility caused by the COVID-19 pandemic. The Utah State Legislature has charged the Utah Water Quality Board with administering \$5 million in ARPA grant funds for the West Weber Mega Site Sewer Infrastructure. The State Legislature describes the grant in the Compendium of Budget Information¹ (COBI) as:

“West Weber Site Sewer Infrastructure

The West Weber Mega Site is a 6,000-acre master-planned Utah Certified Mega Site. The anticipated impact of this site in the next 20 years is approximately 25,000,000 sq. ft. of industrial/commercial space 25,000 new jobs, 7000 units of adjacent workforce, mixed use, and diverse housing, and \$784 million in new state revenue, with \$63 million generated in the first five years. The site has water, utilities, and ongoing road infrastructure improvements, but inadequate sewer infrastructure. Expanded sewer infrastructure is critical for the Mega Site and housing projects to launch. We are asking \$20,000,000 to expand and upgrade the current sewer system. (Requested By: Sen. Hinkins, D.)”

The COBI shows S.B. 3 funded \$5,000,000 of this request and these funds are directed in FINET to Fund 5265. Thus, the Board has authority to obligate these funds under the guidance given by the State of Utah Legislature and in accordance with Department of Treasury Coronavirus State and Local Fiscal Recovery Funds Final Rule (Final Rule) effective April 1, 2022. The Final Rule states funding may be granted under ARPA to projects meeting the eligibility requirements of the Clean Water State Revolving Fund (CWSRF).

APPLICANT’S LOCATION

The project is primarily located along Hwy 39 in West Weber and Reese in Weber County. The upgrade is planned at the LMSA Lagoon System, and the planned lift station is shown below as the “Black Pine Lift Station”.



¹ State Legislature description: <https://cobi.utah.gov/2022/1/issues/19245>

PROJECT BACKGROUND

In response to rising interest in residential, industrial, and commercial development, a preliminary engineering report² (PER) was prepared by Aqua Engineering in December 2022 analyzing the West Weber corridor and providing wastewater recommendations to service the area. Portions of this area are serviced by the LMSA, while other portions remain without existing sewer connections. It is in the county's best interest to reduce the use of septic systems in the area, so options for connecting to existing treatment systems (i.e., LMSA and CWSID) were prioritized.

PROJECT NEED

West Weber has the potential to develop large commercial, industrial, and/or residential areas with a projected wastewater collection and treatment need of 2 MGD. Developing a sewer plan for this area will allow future development to occur. Agreements with some developers for construction, including gravity sewer lines in the area, are already in place. Currently, the LSMA lagoons do not discharge and have an average daily discharge limitation in their UPDES permit (UT0025569) of 0.245 MGD. As the lagoons do not discharge, the current influent flows are estimated to be below the evaporation and infiltration rate.

ALTERNATIVES EVALUATED

Septic systems for future development were not considered viable for the area due to soil conditions in the area, as well as the county's intention to connect sewer in the area, if possible. Expansion of the LSMA lagoons is not likely due to surrounding State land. The PER examined four alternatives:

1. LMSA Sewer Lagoons Upgrade (0.272 MGD capacity)

Influent Metering	\$ 50,000
Aeration	\$ 300,000
Chemical Injection System	\$ 150,000
UV Disinfection	\$ 75,000
General Site Work	\$ 1,413,700
Project Total	\$ 1,988,700

It is anticipated that with the enhanced treatment discussed the existing lagoon system will be able to continually meet discharge limits over the next 5 years, however it will not be sufficient to address demands placed on the system by flows beyond the capacity described.

2. LMSA Mechanical Treatment Plant (2 MGD capacity)

Collection System	\$ 36,758,000
West Weber Lift Station	\$ 1,806,000
Little Mountain Lift Station	\$ 1,504,000
2 MGD Treatment Facility	\$ 43,268,750
Project Total	\$ 83,336,750

3. Central Weber Connection (2 MGD capacity)

Connection to Central Weber Cost Summary	
Collection System	\$ 41,832,000
West Weber Lift Station	\$ 2,065,000
Black Pine Lift Station	\$ 1,623,500
Impact Fees	\$ 18,909,091
Project Total	\$ 64,429,591

4. Phased Approach

4.a. Phase 1 (0.272 MGD capacity on west; 2 MGD capacity on east)

4.b. Phase 2 (2 MGD capacity on east and west)

Collection System	\$ 19,263,000
Little Mountain Lift Station (Upgrade)	\$ 2,065,000
West Weber Lift Station	\$ 2,065,000
Black Pine Lift Station	\$ 1,623,500
LMSA Lagoon Upgrade	\$ 1,998,700
Project Total	\$ 27,015,200

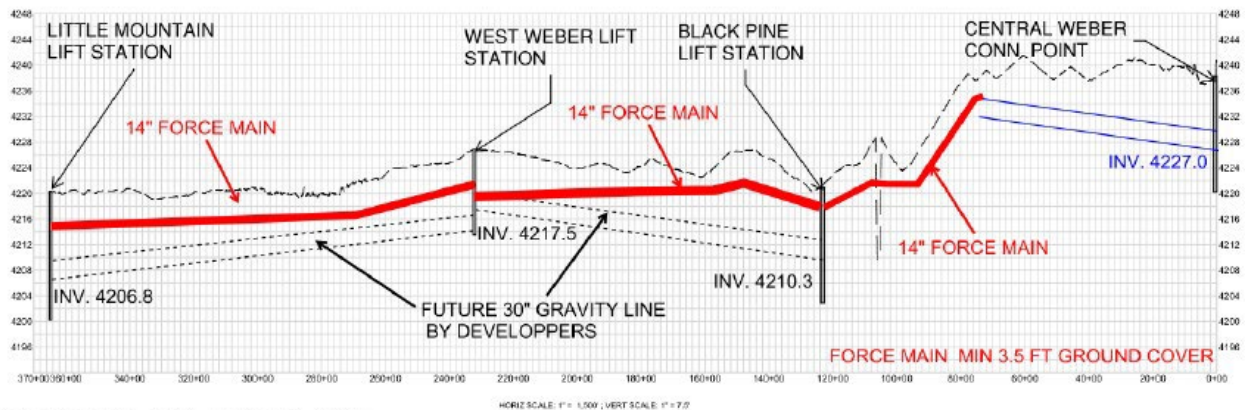
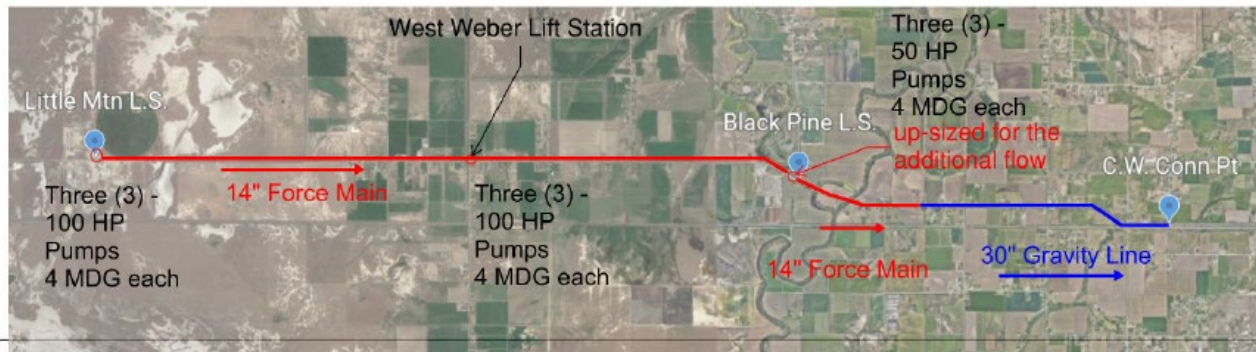
All cost estimates include a 25% contingency and 15% Engineering/ Administration fee.

PROJECT DESCRIPTION

Based on the PER, connection to Central Weber as a Phased Approach is the preferred alternative. The phased approach as outlined in the PER consists of several projects set up in two or three phases. Phase 1 includes upgrade of the current LMSA lagoons, the construction of a lift stations at 5900W (Black Pine Lift Station). In addition, the connection of the Black Pine Lift Station to the Central Weber connection point via a 14” force main and a 30” gravity sewer line. The 14” force main and part of the 30” gravity line are planned to be paid for by future developers.

Future phase(s) will include the upgrade of the existing Little Mountain influent pump station to a Lift Station, the construction of the West Weber Lift Station, and the installation of a force main connecting these lift stations. Weber County is evaluating additional funding options for these future phases from County ARPA and/or may apply to the CWSRF in June 2023.

An overview of the project at its anticipated completion is shown below:



PHASED ALTERNATIVE

Weber County is in the process of obtaining funding for the majority of the collection system. The county is requesting approval from the Water Quality Board for the following:

1. Construction of the new Black Pine Lift Station. This lift station would service future and existing customers in West Weber by providing a connection point to CWSID.
2. Upgrade of the LMSA lagoons. These lagoons currently provide service for their district in West Weber. The lagoons need upgrades to meet existing limits, including an annual phosphorus limit. After upgrade, they would provide additional capacity for development in the area before and after the connection to CWSID is finalized.
3. Additional funding for the force main/gravity sewer connection between Black Pine Lift Station and CWSID. This line would provide service for new and existing customers in the region.

IMPLEMENTATION SCHEDULE

February 2023	Presentation to the County Commission for ARPA Funding Match for Phase 1 implementation
March 2023	Interlocal agreement with LMSA for Phase 1
March 2023	RFPs sent out
May 2023	Construction Begins
December 2024	Estimated Construction End Date

APPLICANT'S CURRENT USER CHARGE

There is currently no sewer installed in the area, and therefore no current user charge. Central Weber charges a \$2,600 impact fee for 275 gallon per day connections.

COST ESTIMATE

The total cost of the project is estimated to be \$9,222,200. A breakdown of these costs follows:

Phased Approach: Phase 1	
Lagoon Upgrades	\$ 1,998,700
Black Pine Lift Station	\$ 1,623,500
14" Force Main approx. 4,000 LF	\$ 1,200,000
30" Gravity Line 8,000 LF	\$ 4,400,000
Project Total	\$ 9,222,200

PUBLIC ENGAGEMENT

All three Weber County Commissioners were consulted independently and agreed to the proposal and submittal, but there was no formal action/public meeting.

STAFF COMMENTS

Staff is supportive of the plan to construct sewer in the area and using existing treatment facilities for wastewater treatment. Staff finds the project to be eligible under the requirements of the Clean Water State Revolving Fund (CWSRF). Staff strongly supports the connection of this system to a regional treatment facility. Finally, staff appreciates Weber County being proactive to construct a service system supports growth while also having additional cost paid for by the future development projects.

STAFF RECOMMENDATION

Staff recommends that the Board authorization of funding for construction of Phase 1 in the amount of **\$5,000,000**.

SPECIAL CONDITIONS

1. The body politic must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. The body politic must develop, commit to adopt, and implement a capital asset management plan that is consistent with EPA's Fiscal Sustainability Plan guidance.
3. An interlocal agreement must be completed for treatment of the wastewater before the funding will be released.
4. Funding must be demonstrated for the remaining costs of the 14" force main from the Black Pine Lift Station and the 30" gravity line to the Central Weber connection point before the

funding will be released.

5. The Lagoon Upgrades and Black Pine Lift Station will be fully funded with remaining funds directed to the 30" gravity line.

DWQ-2023-000744



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MEMORANDUM

TO: Water Quality Board

THROUGH: John Mackey P.E., Director

FROM: Harry Campbell, P.E.

DATE: January 25, 2023

SUBJECT: Request to Initiate Rulemaking for Utah Administrative Code Rules 317-101-3

The purpose of this memorandum is to request authorization from the Utah Water Quality Board (Board) to initiate rulemaking to revise Utah Administrative Code (UAC) Rule 317-101-3. During the 2022 legislative session, the State Legislature passed House Bill 269 (HB269). HB269 amended the Utah Water Quality act to add Part 2 Sections 201 through 203. Utah Code 19-5-202 for Capital asset management states:

- (1) “As a condition of receiving state or federal financing or grants to be used for an improvement to a capital asset related to wastewater or sewer infrastructure, the governing body of a wastewater service provider shall commit to adopt a capital asset management plan.
- (2) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish the elements of a capital asset management plan required by Subsection (1).”

Cost and Benefits

Enacting this rule could have a fiscal impact for local government entities required to develop, adopt, and implement a capital asset management plan and an asset management program. Cost to develop such a plan could be as much as \$100,000 depending on wastewater system size and complexity. Annual costs could be an additional \$75,000 for wastewater system staff to manage the asset management program and maintain the asset management plan. Annual cost savings to local government entities are expected but will vary depending on system size and complexity as well as how effectively the asset management program is implemented. Cost savings may be realized through better asset maintenance, better planning for asset rehabilitation or replacement, establishing a proactive maintenance schedule based on the importance the asset has to system

operation, as well as other operations and maintenance efficiencies gained through implementing the plan.

Staff Recommendation

Staff recommends that the Board authorize initiation of rulemaking to rescind and replace UAC R317-101-3 to comply with Utah Code 19-5-202(2). Attachment 1 has a redline-strikeout version of the proposed rule for review by the Board.

Attachment 1

**Redline/Strikeout of Proposed Change to R317-101-3
Utah Water Quality Board Meeting**

R317. Environmental Quality, Water Quality.
R317-101 Utah Wastewater Project Assistance Program
R317-101-3 Application and Project Initiation Procedures.

The following procedures must normally be followed to obtain financial assistance from the Board:

- A. It is the responsibility of the applicant to obtain the necessary financial, legal and engineering counsel to prepare an effective and appropriate financial assistance agreement, including cost effectiveness evaluations of financing methods and alternatives, for consideration by the Board.
- B. A completed application form, project engineering report as appropriate, and financial capability assessment are submitted to the Board. Any comments from the local health department or association of governments should accompany the application.
- C. The staff prepares an engineering and financial feasibility report on the project for presentation to the Board.
- D. The Board authorizes financial assistance for the project on the basis of the feasibility report prepared by the staff, designates whether a loan, credit enhancement agreement, interest buy-down agreement, hardship grant or any combination thereof, is to be entered into, and approves the project schedule see Section R317-101-14. The Board shall authorize a hardship grant only if it determines that other financing alternatives are unavailable or unreasonably expensive to the applicant. If the applicant seeks financial assistance in the form of a loan of amounts in the security account established pursuant to Title 73, Chapter 10c, which loan is intended to provide direct financing of projects costs, then the Board shall authorize such loan only if it determines that credit enhancement agreements, interest buy-down agreements and other financing alternatives are unavailable or unreasonably expensive to the applicant or that a loan represents the financing alternative most economically advantageous to the state and the applicant; provided, that for purposes of this paragraph and for purposes of Subsection 73-10c-4(2), the term "loan" shall not include loans issued in connection with interest buy-down agreements as described in Section R317-101-12 hereof or in connection with any other interest buy-down arrangement.

E. Planning Advance Only - The applicant requesting a Planning Advance must attend a preapplication meeting, complete an application for a Planning Advance, prepare a plan of study, and submit a draft contract for planning services.

F. Design Advance Only - The applicant requesting a design advance must have completed an engineering plan which meets program requirements and submitted a draft contract for design services.

G. The project applicant must demonstrate public support for the project.

H. Political subdivisions which receive assistance for a wastewater project under these rules must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).

I. Political subdivisions which receive assistance for a wastewater project under these rules shall adopt a capital asset management plan. An asset management plan shall include: goals for level of service, an inventory of assets (location, condition, value, life/useful life), an analysis of assets for criticality, a plan to sustain assets (maintenance, repair, replacement), a plan for sustainable funding, and a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan.

J. Political subdivisions which receive assistance under these rules and which own a culinary water system must complete and submit a Water Conservation Plan, per Section 73-10-32.

K. The project applicant's engineer prepares a preliminary design report, as appropriate, outlining detailed design criteria for submission to the Board.

L. Upon approval of the preliminary design report by the Board, the applicant's engineer completes the plans, specifications, and contract documents for review by the Board.

M. For financial assistance mechanisms when the applicant's bond is purchased by the Board, the project applicant's bond documentation, including an opinion from legal counsel experienced in bond matters that the wastewater project obligation is a valid and binding obligation of the political subdivision, must be submitted to the Assistant Attorney General for preliminary approval and the applicant shall publish a Notice of Intent to issue bonds in a newspaper of general circulation pursuant to Section 11-14-201. For financial assistance mechanisms when the applicant's bond is not purchased by the Board, the applicant shall submit a true and correct copy of an opinion from legal counsel experienced in bond matters

ATTACHMENT 1

that the wastewater project obligation is a valid and binding obligation of the political subdivision.

NM. Hardship Grant - The Board executes a grant agreement setting forth the terms and conditions of the grant.

ON. The Director issues a Construction Permit and Plan Approval for plans and specifications, and concurs in bid advertisement.

PO. If a project is designated to be financed by a loan or an interest buy-down agreement as described in Sections R317-101-12 through R317-101-13, from the Board, to cover any part of project costs an account supervised by the applicant and the Board will be established by the applicant to assure that loan funds are used only for qualified project costs. If financial assistance for the project is provided by the Board in the form of a credit enhancement agreement as described in Section R317-101-11 all project funds will be maintained in a separate account and a quarterly report of project expenditures will be provided to the Board.

QP. A copy of the applicant's Sewer Use Ordinance or Resolution and User Charge System must be submitted to the Division for review and approval to insure adequate provisions for debt retirement, operation and maintenance, or both.

RQ. A plan of operation must be submitted by the applicant to the Division for new treatment works, sewerage systems, and projects involving upgrades that add additional treatment, e.g., advanced treatment. The Plan must address: adequate staffing, with an operator certified at the appropriate level in accordance with Rule R317-10, training, and start up procedures to assure efficient operation and maintenance of the facilities. The plan must be submitted by the applicant in draft at initiation of construction and approved in final form prior to 50% of construction completion.

SR. An Operation and Maintenance Manual (Manual) which provides long-term guidance for efficient facility operations and maintenance is submitted by the applicant and approved in draft and final form prior to, respectively, 50% and 90% of project construction completion. Existing Manuals can be submitted or amended if the existing Manual is relevant to the funded project.

TS. The applicant's contract with its engineer must be submitted to the Board for review to determine that there will be adequate engineering involvement, including project supervision and inspection, to successfully complete the project.

UF. The applicant's attorney must provide an opinion to the Board regarding legal incorporation of the applicant, valid legal title to rights-of-way and the project site, and adequacy of bidding and contract documents.

ATTACHMENT 1

V~~U~~. Credit Enhancement Agreement and Interest Buy-Down Agreement Only - The Board issues the credit enhancement agreement or interest buy-down agreement setting forth the terms and conditions of the security or other forms of assistance provided by the agreement and notifies the applicant to sell the bonds as described in Sections R317-101-11 through R317-101-12.

W~~V~~. Credit Enhancement Agreement and Interest Buy-Down Agreement Only - The applicant sells the bonds on the open market and notifies the Board of the terms of sale. If a credit enhancement agreement is being utilized, the bonds sold on the open market shall contain the legend required by Subsection 73-10c-6(2)(a). If an interest buy-down agreement is being utilized, the bonds sold on the open market shall bear a legend which makes reference to the interest buy-down agreement and states that such agreement does not constitute a pledge of or charge against the general revenues, credit or taxing powers of the state and that the holder of any such bond may look only to the applicant and the funds and revenues pledged by the applicant for the payment of interest and principal on the bonds.

X~~W~~. The applicant opens bids for the project.

Y~~X~~. Loan Only - The Board gives final approval to purchase the bonds and execute the loan contract as described in Section R317-101-13.

Z~~Y~~. Loan Only - The final closing of the loan is conducted.

AA~~Z~~. The Board gives approval to award the contract to the low responsive and responsible bidder.

BB~~AA~~. A preconstruction conference is held.

CC~~BB~~. The applicant issues a written notice to proceed to the contractor.



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WATER QUALITY
John K. Mackey, P.E.
Interim Director

Water Quality Board
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James Webb, Vice Chair
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Michela Harris
Joseph Havasi
Trevor Heaton
Michael D. Luers
Kimberly D. Shelley
John K. Mackey
Interim Executive Secretary

MEMORANDUM

TO: Utah Water Quality Board

THROUGH: John Mackey, Executive Secretary

FROM: Jake Vander Laan, DWQ Standards Coordinator

DATE: January 25, 2023

SUBJECT: Adoption of Amendments to R317-2, Standards of Quality for Waters of the State

ACTION: DWQ staff recommend that the Water Quality Board adopt rule amendments as proposed in the November 1, 2022 Bulletin as a Board Order effective immediately

The Board approved DWQ staff's request to commence rulemaking for five proposed amendments at the September 28, 2022 Water Quality Board Meeting.

The proposed amendments do the following:

1. Clarify the Director's authority to issue compliance schedules for permitted discharges
2. Extend a drinking water use on the Provo River
3. Clarify the portions of the Jordan River where site-specific dissolved oxygen criteria apply
4. Update water quality criteria for aluminum
5. Extend site-specific ammonia criteria on the Jordan River to additional river segments

Detailed information on these proposed changes is available on [DWQ's Proposed Rule Changes webpage](#).

Staff initiated rulemaking with publication in the [November 1, 2022 Utah Bulletin](#). A public hearing was held on December 15, 2022 and the public comment period ended on December 16, 2022. The only comments received were from the EPA. EPA's comments primarily conclude that the proposed amendments meet the federal requirements and expressed support for the amendments. EPA included one substantive comment regarding the effective date of the updated aluminum criteria which DWQ has responded to.

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January 25, 2023

Water Quality Board

Adoption of Amendments to R317-2, Standards of Quality for Waters of the State

The proposed amendments are unchanged since they were originally proposed to the Board. Staff recommends that the Board adopt these amendments effective immediately. A proposed Board action is provided in Attachment 1. A summary of the public engagement process including comments received, DWQ's response to comments, a summary of the public hearing, and DWQ's public notices is provided in Attachment 2.

DWQ-2022-000391

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January 25, 2023

Water Quality Board

Adoption of Amendments to R317-2, Standards of Quality for Waters of the State

ATTACHMENT 1

ATTACHMENT 1: Board Order

ORDER

BEFORE THE UTAH WATER QUALITY BOARD IN THE MATTER OF REVISING
STANDARDS OF QUALITY FOR WATERS OF THE STATE (R317-2, UTAH
ADMINISTRATIVE CODE)

This matter came for hearing before the Utah Water Quality Board pursuant to notice given under the provisions of Sections 19-5-110, Utah Code Annotated, 1953, as amended, on the 25th day of January, 2023 for the purpose of considering amendments to the Utah Administrative Code R317-2, "Standards of Quality for Waters of the State." The proposed amendments were published in the November 1, 2022 Utah Bulletin.

The Board having taken cognizance of the oral and written statements received, and having fully considered all of the facts in the matter, it is therefore ORDERED that the revised "Standards of Quality for Waters of the State" (R317-2, UAC) be reissued effective immediately with the changes as adopted by the Board.

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January 25, 2023

Water Quality Board

Adoption of Amendments to R317-2, Standards of Quality for Waters of the State

ATTACHMENT 2

ATTACHMENT 2: Public Engagement Comments, Comment Responses, Hearing, and Notices



UTAH DEPARTMENT of
ENVIRONMENTAL QUALITY

**WATER
QUALITY**

Public hearing

Time and location

December 15, 2022 6:00-7:00 PM

MASOB

1015 195 North 1950 West Salt Lake City, UT 84116

Remote option <https://utah-gov.zoom.us/j/89557267730>

Meeting ID: 895 5726 7730

Hearing summary:

Hearing officer:

Soren Simonson, Executive Director, Jordan River Commission

Recording:

A recording of this meeting is available as DWQ-2022-032935.

Attendance:

Soren Simonson, Jordan River Commission

Jake Vander Laan, Utah DWQ

Ben Holcomb, Utah DWQ

Clanci Hawks, Utah DWQ

George Parrish, US EPA Region 8

Summary:

The hearing officer opened the meeting at 6:00 PM by introducing the proposed amendments and stating the purpose of the meeting.

Mr. Simonsen:

“Hi! I'm Soren Simonson, I am here by proxy for the Water Quality Board as the public hearing officer. This is a public hearing on October 15, 2022 at 6 PM. This is a notice of proposed amendments to Utah Administrative code, R-317 Standards of Quality for Waters of the State. This is regarding some proposed amendments that are proposed by the Water Quality Board to do the following:

To clarify the director's authority to issue compliance schedules for permitted discharges, to extend the drinking water use on the Provo River, to clarify the portions of the Jordan River where site specific dissolved oxygen criteria apply, to update water quality criteria for aluminum, and to extend site specific ammonia criteria on the Jordan River to additional river segments. This hearing will continue until 7 PM this evening.”

George Parrish (US EPA Region 8) asked if Utah DWQ had received written comments submitted prior to the meeting and asked if any additional clarifications were required. Jake Vander Laan (Utah DWQ) confirmed that Utah DWQ had received US EPA Region 8's comments via email and that no additional clarification was required.

Mr. Parrish:

“Jake I assume you've already received the EPA's comments. And so I don't feel a need to repeat the written comments, unless you would like me to or clarify any points that are made in our comments.”

Mr. Vander Laan:

“We've received your comments, and they are clear.”

Mr. Vander Laan closed the public hearing at 7:00 PM by thanking the attendees for their participation and comments. US EPA Region 8 was the only external attendee. No other members of the public attended and no additional comments were received.



Response to comments

US EPA Region 8

Thank you for providing comments on Utah Division of Water Quality's proposed amendments to R317-2, Standards of Quality for Waters of the State. The commenter provided a substantive comment regarding the effectiveness date of the updated aluminum criterion, stating,

"The EPA notes that new footnote (5), sentence 2, states: "On and after [insert DATE at least 3 years from Board adoption date], ..." to denote the effective date of the new aluminum criteria. EPA practice is to not approve WQS revisions with a delayed effective date longer than 3 years. Accordingly, we recommend changing this to: 5 "On or ~~after~~ before [insert date at least 3 years after adoption of rule], ..." This aligns with footnote (5), sentence 1, so as not to afford a gap in the effectiveness of the State's aluminum criteria protecting aquatic life and ensures less than a 3-year delayed effective date for the new aluminum criteria."

As proposed, the current aluminum criteria will remain applicable through January 24, 2026, and the updated aluminum criterion will be effective "on and after" January 25, 2026, which is three years from the expected date of adoption from the Utah Water Quality Board, and will be less than three years from expected EPA approval. The recommended change in the comment would create an ambiguous time period in which the criteria potentially overlap. Therefore, the recommended change was not made and the text remains as originally proposed.

The commenter offered either no specific comments, expressed support, or provided recommendations for future work regarding the other proposed amendments.



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
John K. Mackey, P.E.
Director

October 28, 2022

**NOTICE OF PROPOSED AMENDMENTS TO UTAH ADMINISTRATIVE CODE
R317-2, STANDARDS OF QUALITY FOR WATERS OF THE STATE**

Proposed amendments

The amendments, proposed by the Water Quality Board, do the following:

- Clarify the Director's authority to issue compliance schedules for permitted discharges
- Extend a drinking water use on the Provo River
- Clarify the portions of the Jordan River where site-specific dissolved oxygen criteria apply
- Update water quality criteria for aluminum
- Extend site-specific ammonia criteria on the Jordan River to additional river segments

Public hearing

December 15, 2022 6:00-7:00 PM

MASOB

Board Room 1015

195 North 1950 West

Salt Lake City, UT 84116

Remote option

<https://utah.gov.zoom.us/j/89557267730>

Meeting ID: 895 5726 7730

Questions and comments

For more information and supporting documents for the proposed amendments, visit waterquality.utah.gov. Amendments will be published in the November 1, 2022 Utah Bulletin. For questions, contact Jake Vander Laan, jvander@utah.gov.

Written comments will be accepted until 5:00pm, December 16, 2022. Comments should be e-mailed to jvander@utah.gov, mailed to Jake Vander Laan, Utah Division of Water Quality, PO Box 144870, SLC, Utah 84114-4870, or faxed to (801) 536-4301.

DWQ-2022-029331



Division of Water Quality
DEPARTMENT of ENVIRONMENTAL QUALITY

P.O. Box 144870
Salt Lake City, Utah
84114-4870

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Notice of Proposed Amendments

to Utah Administrative Code R317-2: **Standards of Quality for Waters of the State**

The amendments, proposed by the Water Quality Board, do the following:

- Clarify the Director's authority to issue compliance schedules for permitted discharges
- Extends a drinking water use on the Provo River
- Clarifies the portions of the Jordan River that site-specific dissolved oxygen criteria apply to
- Updates water quality criteria for aluminum
- Extends site-specific ammonia criteria on the Jordan River to additional river segments



For more information, supporting documents, or to submit comments for the proposed amendments visit

waterquality.utah.gov

Questions? Contact Jake Vander Laan,
jvander@utah.gov

PUBLIC HEARING

Dec. 15, 2022, 6-7 PM
MASOB - Board Room 1015
195 North 1950 West, Salt Lake City, UT 84116

REMOTE OPTION:

<https://utah-gov.zoom.us/j/89557267730>
Meeting ID 895 5726 7730
Written comments will be accepted until 6pm
Dec. 16, 2020

Individuals with special needs (including auxiliary communicating aids and services) should contact the DEQ Office of Human Resources at (801) 536-4412 or T.D.D. (801) 536-4414.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

December 8, 2022

Ref: 8WD-CWQ

Jacob Vander Laan
Utah Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870

Re: EPA Comments on Utah's 2022 Proposed Revisions to Water Quality Standards

Dear Mr. Vander Laan:

This letter provides the U.S. Environmental Protection Agency (EPA) Region 8 Water Quality Section comments on the Utah Division of Water Quality's (UDWQ) proposed revisions to R317-2, *Standards of Quality for Waters of the State*. The proposed revisions include:

- Compliance schedule authorization;
- Extension of Class 1C drinking water use on the Provo River;
- Jordan River site-specific dissolved oxygen criteria clarification;
- Updated aluminum criteria; and
- Site-specific recalculated ammonia criteria for segments of the Jordan River and State Canal.

The EPA offers these comments in response to the UDWQ's public comment opportunity on proposed revisions to R317-2 from November 1 to December 15, 2022. Our review addresses the information and supporting materials included in the notice and the UDWQ website. The public hearing for the proposed revisions to water quality standards (WQS) is scheduled for December 15, 2022.

The EPA's Water Quality Standards Regulation (40 C.F.R. Part 131) specifies the requirements for revisions to WQS¹ and 40 C.F.R. Part 25 provides the public participation requirements for such revisions. The EPA is offering comments to assist UDWQ in ensuring that Utah's proposed revisions and supporting documentation comply with these WQS requirements before revisions are adopted by the Utah Water Quality Board (Board). Please note that our comments are preliminary in nature and should not be interpreted as a final EPA decision under Clean Water Act (CWA) § 303(c).

¹ See also EPA's Water Quality Standards Handbook, section 3.1 available at: <https://www.epa.gov/sites/production/files/2014-10/documents/handbook-chapter3.pdf>.

GENERAL COMMENTS

The EPA discussed the proposed WQS revisions with UDWQ and the Utah Water Quality Standards Workgroup. We appreciate the significant work done to characterize and document these water quality issues, and UDWQ discussing complex details of these proposals. Further, EPA thanks UDWQ for the thoughtful analyses and documentation provided in the supporting materials addressing proposed revisions. As a part of its public outreach, the UDWQ posted summaries of each revision as well as in-depth analyses and supporting materials for the more technical water quality issues. The proposals and supporting documents were shared with the public 45 days in advance of the scheduled WQS hearing and these materials are clear and of an appropriate technical scope and depth to address each water quality issue. Generally, we concur that the proposed WQS revisions appear to be appropriate for the given water quality issues, and the proposed revisions and supporting materials appear to be consistent with the federal requirements for WQS revisions. Below are more specific comments identifying our questions, concerns, and recommendations.

SPECIFIC COMMENTS

The EPA offers no specific comments to the extension of the Class 1c drinking water use from the Murdock Diversion downstream to the Provo City Diversion (at 2230 North St.) on the Provo River. The four other proposed revisions are addressed below.

Compliance Schedule Authorizing Provision

The proposed revisions include new language in 317-2-7.1 Application of Standards that authorizes the UDWQ Director “to issue schedules of compliance for dischargers to meet UPDES [Utah Pollutant Discharge Elimination System] water quality-based effluent limits” (WQBELs). The 2015 revisions to EPA’s WQS Regulation require a state intending to authorize the use of compliance schedules for WQBELs in National Pollutant Discharge Elimination System (NPDES) permits, must adopt a permit compliance schedule authorizing provision and submit it to the EPA for review and action under CWA § 303(c). (40 C.F.R. § 131.15) We note that the proposed compliance schedule authorizing provision at 317-2-7.1 appears to be consistent with these requirements. The EPA supports this proposed revision, commends the UDWQ for incorporating this change in its current rulemaking, and supports the Board adopting the revision as proposed.

Jordan River Site-Specific Dissolved Oxygen Criteria Clarification

The proposed revisions include new language in 317-2-14 Numeric Criteria added to the heading of Table 2.14.5:

SITE SPECIFIC CRITERIA FOR DISSOLVED OXYGEN
FOR JORDAN RIVER FROM FARMINGTON BAY TO CONFLUENCE WITH LITTLE
COTTONWOOD CREEK, SURPLUS CANAL, AND STATE CANAL

~~{(SEE SECTION 2.13)}~~

The new (underlined) text describes the two Jordan River segments where these site-specific dissolved oxygen (DO) criteria protecting Class 3B Aquatic Life (warm water species of game fish and other warm water aquatic life, including the necessary aquatic organisms in their food chain) are applied:

- Jordan River, from Farmington Bay to North Temple Street, Salt Lake City;
- Jordan River, from North Temple Street in Salt Lake City to confluence with Little Cottonwood Creek.

The text (in ~~strikeout~~) referencing 317-2-13 Classification of Waters of the State is no longer necessary. Previous revisions indicated the Jordan River site-specific DO criteria applied to segments in 317-2-13.5a Jordan River Drainage tables using an asterisk beside the 3B use designation. The above table heading language provides a clearer indication of the applicability of these site-specific DO criteria.

The EPA considers this a non-substantive revision in that it does not substantively change the uses, criteria, antidegradation policies or implementation, or general WQS policies applicable to these Jordan River segments. However, the revisions provide greater clarity to which waterbody segments these site-specific dissolved oxygen criteria apply. WQS updates /maintenance is a useful necessity over time to keep the document clear and readily interpreted. Such revisions (e.g., formatting, spacing, updated references, language and correction of typographical errors) aid the structure, readability and interpretation of the State's WQS. Accordingly, the EPA supports this revision and the Board adopting it as proposed.

Aluminum Criteria Update

The proposed revisions include new language adopting the 2018 EPA recommended acute and chronic criteria for aluminum in 317-2-14 Numeric Criteria at Table 2.14.2 Numeric Criteria for Aquatic Wildlife. Studies show that three water chemistry parameters – pH, total hardness, and dissolved organic carbon (DOC) – can affect the toxicity of aluminum by affecting the bioavailability of aluminum to aquatic species (e.g., fish). These acute and chronic aquatic life aluminum criteria are calculated based on the waterbody pH, total hardness, and DOC. Not all waterbodies have local data characterizing the seasonality and variability of DOC. The proposal states:

“In the absence of measured dissolved organic carbon concentrations, DWQ is proposing to estimate dissolved organic carbon with the 10th percentile of the EPA ecoregion concentrations for application in discharge permits.”

The proposed revision includes a 3-year delayed effective date for the new aluminum criteria affording time for the collection of the requisite pH, total hardness and DOC input data.

The proposed changes to the aluminum criteria in Table 2.14.2 are:

[Aquatic Life Use Class:	<u>3A</u>	<u>3B</u>	<u>3C</u>	<u>3D</u>
METALS (TOTAL RECOVERABLE, UG/L)				
Aluminum (4) (5)				
4 Day Average	87	87	87	87
1 Hour Average	750	750	750	750
METALS, METALLOIDS AND SUBSTANCES (4) (DISSOLVED, UG/L) (6)				
UG/L)(5)				
Aluminum				
4 Day Average (6)	87	87	87	87
1 Hour Average	750	750	750	750

The associated proposed changes to Table 2.14.2 footnotes are:

~~(5) The dissolved metals method involves filtration of the sample in the field, acidification of the sample in the field, no digestion process in the laboratory, and analysis by EPA approved laboratory methods for the required detection levels.~~

~~(6) The criterion for aluminum will be implemented as follows: Until (insert date 3 years after adoption of rule), where the pH is equal to or greater than 7.0 and the hardness is equal to or greater than 50 ppm as CaCO₃ in the receiving water after mixing, the 87 ug/1 chronic criterion (expressed as total recoverable) will not apply, and aluminum will be regulated based on compliance with the 750 ug/1 acute aluminum criterion (expressed as total recoverable).~~

On and after [insert DATE at least 3 years from Board adoption date], the one-hour and four-day aluminum criteria are incorporated by reference from Appendix K, Recommended Criteria for Various Water Chemistry Conditions, Final Ambient Water Quality Criteria for Aluminum 2018, EPA-822-R-18-001.

(5a) For water chemistry conditions not specifically listed in Appendix K, the criteria are the more stringent of the criteria bracketed by the two most similar water chemistry conditions or may be interpolated using the same equations used to create the Appendix K tables.

(5b) Criteria based on ambient water chemistry conditions must protect the water body over the full range of water chemistry conditions, including during conditions when aluminum is most toxic.

(5c) For characterizing ambient waters, total recoverable analytical methods may be used or different scientifically appropriate analytical methods that measure the bioavailable fraction of aluminum that includes the measurement of amorphous aluminum hydroxide yet minimizes the measurement of mineralized forms of aluminum such as aluminum silicates associated with suspended sediment particles or clays.

(6) The dissolved metals method involves filtration of the sample in the field, acidification of the sample in the field, no digestion process in the laboratory, and analysis by EPA approved laboratory methods for the required detection levels.

The EPA notes that new footnote (5), sentence 2, states: “On and after [insert DATE at least 3 years from Board adoption date], ...” to denote the effective date of the new aluminum criteria. EPA practice is to not approve WQS revisions with a delayed effective date longer than 3 years. Accordingly, we recommend changing this to:

“On or ~~after~~ before [insert date ~~at least~~ 3 years after adoption of rule], ...”

This aligns with footnote (5), sentence 1, so as not to afford a gap in the effectiveness of the State’s aluminum criteria protecting aquatic life and ensures less than a 3-year delayed effective date for the new aluminum criteria. The EPA interprets footnote (5), sentence 2, as adopting by reference the criteria lookup tables in *Final Ambient Water Quality Criteria for Aluminum, Appendix K, Recommended Criteria for Various Water Chemistry Conditions*, 2018. The EPA interprets footnote (5a) as adopting by reference and authorizing the use of the 2018 Aluminum Criteria Calculator V.2.0 for “water chemistry conditions not specifically listed” in the Appendix K criteria tables.

The proposed new criteria more accurately predict and prevent aluminum toxicity in aquatic ecosystems. With the footnote (5) edit recommended above, the EPA considers the proposed revisions adopting the 2018 acute and chronic criteria for aluminum to be a significant upgrade to aquatic life protection in Utah waters. Accordingly, the EPA supports the proposed aluminum criteria revisions and, with a caveat for the recommended footnote edit above, their adoption by the Board.

Jordan River Site-Specific Ammonia Criteria

In 2019 the Board adopted site-specific ammonia criteria protecting warm water aquatic life uses in portions of the Jordan River, Surplus Canal and Mill Creek. The 2019 revisions to these ammonia criteria were supported by *Criteria Support Document: Site-specific criteria based on recalculated aquatic life water quality criteria for ammonia for a segment of Mill Creek and the Jordan River, Salt Lake County, Utah*, 2018 (DWQ-2018-013091).² The document provides UDWQ’s rationale for the site-specific recalculated ammonia criteria based on the lack of presence and supporting habitat for unionid mussels and salmonids (trout) in the affected segment pursuant to EPA recommendations. (See: *Aquatic Life Ambient Water Quality Criteria for Ammonia – Freshwater*, 2013).³

The UDWQ 2022 proposal recommends these site-specific recalculated acute and chronic ammonia criteria in R317-2-14, Table 2.14.2, Footnote 9 are modified to extend their application to:

- The Jordan River, from Farmington Bay to 900 South;
- The State Canal, from Farmington Bay to the confluence with the Jordan River, and;
- The Jordan River, from the confluence of Mill Creek to Little Cottonwood Creek.

Additional field surveys and habitat assessments were conducted in these Jordan River and State Canal segments. The supporting documentation was shared with the public and provided in:

- *Native Unionoida Surveys, Distribution, and Metapopulation Dynamics in the Jordan River-Utah Lake Drainage, UT*, Oreohelix Ecological, May 26, 2017;

² Available at: <https://deq.utah.gov/water-quality/guidance-water-quality-standards>.

³ EPA 822-R-18-002, April 2013. See also Appendix N. Site Specific Criteria for Ammonia. Available at: <https://www.epa.gov/wqc/aquatic-life-criteria-ammonia>.

- *Lower Jordan River Mollusk Survey as it Relates to South Davis Sewer District South Plant Effluent*, January 2, 2020, Oreohelix Ecological (DWQ-2020-007383);
- *State Canal Mollusk Survey as it relates to South Davis Sewer District South Plant Effluent*, January 3, 2020, Oreohelix Ecological (DWQ-2020-012604); and
- *Jordan River Native Mussel Surveys*, April 9, 2021, Oreohelix Ecological (DWQ-2021-010122).

The EPA notes it appears the mainstem Jordan River from the confluence with Mill Creek to the confluence with Little Cottonwood Creek was sampled at a lower density than other survey locations. This segment covers 2.5–3 river miles and was sampled at 5 locations. Further, it was difficult to track the sampling survey locations for some segments with the information provided in the supporting documents and public notice. We recommend any future sampling designed to support site-specific WQS criteria revisions: 1) include sampling plans and methods pre-approved by UDWQ in advance of conducting any field sampling; and 2) provide clearer presentations of sampling/ survey locations and results shared with the public in advance of any associated WQS hearings.

UDWQ’s 2022 public notice cites its 2019 supporting materials noting unionid mussels and trout were not observed in the affected reaches and not anticipated to soon recolonize these waters:

Unionid mussels have not been discovered in recent surveyed portions of the Jordan River, but historically they were documented to be present in tributaries and were likely present in the Jordan River. Today, this segment of the Jordan River is biologically and chemically degraded as indicated by the water quality impairments identified in Utah’s Integrated Report. The mussels rely on a fish host to complete their life cycle and questions remain regarding the suitability of the fish that are present to serve as hosts. There is no evidence that these mussels are present in the identified portions of Mill Creek, Jordan River, Surplus canal, or surrounding watersheds. Therefore, these mussels are unlikely to return within a reasonable planning horizon without human intervention. Efforts to restore the Jordan River are ongoing but are unlikely to be sufficient to support the potential reintroduction of unionid mussels within the reasonable planning horizon of the next 30 years. The Utah Division of Wildlife supports this conclusion and they are responsible for identifying, protecting and reintroducing unionid mussels in Utah waters.

The proposed ammonia criteria vary with water temperature and pH, and the chronic ammonia equations vary by months when early life stages of fish are expected to occur in the affected stream reaches. UDWQ proposes extending the geographic application of the site-specific ammonia criteria protecting warm water aquatic life uses in portions of Mill Creek, Jordan River and the Surplus Canal, to additional segments of Jordan River and State Canal as follows:

[R317-2, *Standards of Quality for Waters of the State* revise] R317-2-14, Table 2.14.2, Footnote 9]

(9a) The thirty-day average concentration of total ammonia nitrogen (in mg/l as N) does not exceed, more than once every three years on the average, the chronic criterion calculated using the following equations.

Fish Early Life Stages are Present:

$$\text{mg/l as N (Chronic)} = ((0.0577/(1+10^{7.688-\text{pH}})) + (2.487/(1+10^{\text{pH}-7.688}))) * \text{MIN}(2.85, 1.45 * 10^{0.028 * (25-\text{T})})$$

Fish Early Life Stages are Absent:

$$\text{mg/l as N (Chronic)} = ((0.0577/(1+10^{7.688-\text{pH}})) + (2.487/(1+10^{\text{pH}-7.688}))) * 1.45 * 10^{0.028 * (25-\text{MAX}(\text{T},7))}$$

Mill Creek (Salt Lake County) from confluence with Jordan River to Interstate 15, Jordan River from Farmington Bay 900 South Street to confluence with Mill Creek Little Cottonwood Creek, Surplus Canal from 900 South Street to diversion from the Jordan River, State Canal, Fish Early Life Stages are Present:

$$\text{mg/l as N (Chronic)} = 0.9405 * ((0.0278/(1+10^{7.688-\text{pH}})) + ((1.1994/(1+10^{\text{pH}-7.688}))) * \text{MIN}(6.920, (7.547 * 10^{0.028 * (20-\text{T})}))$$

Mill Creek (Salt Lake County) from confluence with Jordan River to Interstate 15, Jordan River from Farmington Bay 900 South Street to confluence with Mill Creek Little Cottonwood Creek, Surplus Canal from 900 South Street to diversion from the Jordan River, State Canal, Fish Early Life Stages are Absent:

$$\text{mg/L as N (chronic)} = \underline{0.9405} \text{ } 09.405 * (((0.0278/(1+10^{7.688-\text{pH}})) + (1.1994/(1+10^{\text{pH}-7.688}))) * (7.547 * 10^{0.028 * (20-\text{MAX}(\text{T},7))})$$

(9b) The one-hour average concentration of total ammonia nitrogen (in mg/l as N) does not exceed, more than once every three years on the average the acute criterion calculated using the following equations.

Class 3A:

$$\text{mg/l as N (Acute)} = (0.275/(1+10^{7.204-\text{pH}})) + (39.0/(1+10^{\text{pH}-7.204}))$$

Class 3B, 3C, 3D:

$$\text{mg/l as N (Acute)} = 0.411/(1+10^{7.204-\text{pH}}) + (58.4/(1+10^{\text{pH}-7.204}))$$

Mill Creek (Salt Lake County) from confluence with Jordan River to Interstate 15, Jordan River from Farmington Bay 900 South Street to confluence with Mill Creek Little Cottonwood Creek, Surplus Canal from 900 South Street to diversion from the Jordan River, State Canal:

$$\text{mg/l as N (Acute)} = 0.7249 * (((0.0114/(1+10^{7.204-\text{pH}})) + (1.6181/(1+10^{\text{pH}-7.204}))) * \text{MIN}(51.93, (62.15 * 10^{0.036 * (20-\text{T})}))$$

In addition, the highest four-day average within the 30-day period should not exceed 2.5 times the chronic criterion.

The "Fish Early Life Stages are Present" 30-day average total ammonia criterion will be applied by default unless it is determined by the Director, on a site-specific basis, that it is appropriate to apply the "Fish Early Life Stages are Absent" 30-day average criterion for all or some portion of the year. At a minimum, the "Fish Early Life Stages are Present" criterion will apply from the beginning of spawning through the end of the early life stages. Early life stages include the pre-hatch embryonic stage, the post-hatch free embryo or yolk-sac fry stage, and the larval stage for the species of fish expected to occur at the site. The Director will consult with the Division of Wildlife Resources in making such determinations. The Division will maintain information regarding the waterbodies and time periods where application of the "Early Life Stages are Absent" criterion is determined to be appropriate.

The EPA notes that evidence exists of historic occurrence of unionids and salmonids within the Jordan River and its tributaries⁴ and that both species occur in distant hydrologically-connected water bodies (albeit with physical and/or habitat barriers to passage directly to the site). However, no live individuals were found at the surveyed sites despite multiple sampling methods and attempts. While definitive “absence” is difficult to establish and unionids and salmonids may recolonize water bodies as habitat and water quality improvements occur, it appears that unionids and salmonids are not currently present at the site.⁵ Further, it appears the surveyed Jordan River and State Canal sites provide poor habitat that likely will not currently support unionids and salmonids.

However, uncertainty remains about the potential for unionids and salmonids to recolonize this site, especially given the challenges of predicting future habitat and water quality conditions. The Board may find utility in having continued water quality data and habitat assessments for these sites, as well as summaries of those data and site conditions when conducting future triennial reviews. The EPA recommends that regular water quality and periodic unionid and salmonid sampling be continued at these sites, perhaps as a requirement of the associated NPDES permits for affected facilities. Such data and site condition summaries could help inform the Board’s future triennial reviews and water quality protection decisions.

The proposed revisions to the Jordan River and State Canal site-specific recalculated ammonia criteria are supported by the documents included in the proposal and shared through the public notice. These documents provide UDWQ’s rationale for extending the application of the site-specific recalculated ammonia criteria to these segments of the Jordan River and State Canal. These revisions are based on the absence of unionid mussels and salmonids (trout) and their supporting habitat conditions pursuant to EPA recommendations (see: *Aquatic Life Ambient Water Quality Criteria for Ammonia – Freshwater*, 2013).⁶ It appears UDWQ followed EPA guidance documents appropriately in developing and documenting the proposed site-specific recalculated ammonia criteria. With our recommendations above, the EPA does not object to the Board adopting the Jordan River and State Canal ammonia criteria revisions as proposed.

Conclusion

In its specific comments, the EPA has offered suggestions for revisions before a final WQS proposal and supporting rationale are adopted by the Board and submitted to the EPA for review and approval under the CWA § 303(c). We hope our comments are helpful to UDWQ and the Water Quality Board. We appreciate UDWQ’s efforts to ensure that Utah’s rulemaking complies with the EPA’s water quality

⁴ See *Criteria Support Document: Site-specific criteria based on recalculated aquatic life water quality criteria for ammonia for a segment of Mill Creek and the Jordan River, Salt Lake County, Utah*; and supporting 2014-2017 *Oreohelix* freshwater mollusk surveys.

⁵ Per *Utah Implementation Guidance for the 2013 USEPA Ammonia Criteria for the Protection of Aquatic Life*, Utah Division of Water Quality, 2017; and EPA guidance in *Technical Support Document for Conducting and Reviewing Freshwater Mussel Occurrence Surveys for the Development of Site-specific Water Quality Criteria for Ammonia*, 2013. EPA 800-R-13-003. Available at: <https://www.epa.gov/wqc/aquatic-life-criteria-ammonia>.

⁶ EPA 822-R-18-002, April 2013. See also Appendix N. Site Specific Criteria for Ammonia. Available at: <https://www.epa.gov/wqc/aquatic-life-criteria-ammonia>.

standards requirements at 40 C.F.R. Parts 25 and 131. If there are questions concerning our comments, please contact George Parrish (303-312-7027). We look forward to working with UDWQ to address these issues.

Sincerely,

Andrew Todd
Supervisor, Water Quality Section



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WATER QUALITY
John K. Mackey, P.E.
Director

October 27, 2022

Salt Lake Tribune
Attn: LaRee Whitmer

Email: legals@sltrib.com

This letter confirms authorizations to publish the attached NOTICE in the Salt Lake Tribune in the first available edition. Please mail the invoice and affidavit of publication to:

Department of Environmental Quality
Division of Water Quality
Attn: Krysta Church
PO Box 144870
Salt Lake City, Utah 84114-4870

If there are any questions, please contact Brenda Johnson at 801-536-4329. Thank you for your assistance.

Sincerely,

Brenda L Johnson
Administrative Team Lead
Division of Water Quality

BLJ/blj

Enclosures: 1. Public Notice (DWQ-2022-029331)

Cc: Krysta Church, WQ Finance

DWQ-2022-029334



Brenda Johnson <brendajohnson@utah.gov>

Thank you for placing your order with us.

1 message

orderconfirmation@sltrib.com <orderconfirmation@sltrib.com>
To: brendajohnson@utah.gov

Thu, Oct 27, 2022 at 11:11 AM

THANK YOU for your ad submission!

This is your confirmation that your order has been submitted. Below are the details of your transaction. Please save this confirmation for your records.

Job Details

Order Number: **SLT0019970**
Classification: **Other Notices**
Package: **Legals**
Order Cost: **\$131.00**
Referral Code: **DWQ-2022-029331**
Standards R317-2 Public

Notice

Account Details

WINNIE PAN
PO BOX 144870
SALT LAKE CITY, UT 84116
801-536-4400
WPAN@UTAH.GOV
DEPARTMENT OF ENVIRONMENTAL
QUALITY DIVISION OF WATER QUALITY

Schedule for ad number SLT00199700

Sun Oct 30, 2022
The Salt Lake Tribune All Zones
Legals
Tue Nov 1, 2022
The Salt Lake Tribune E- All Zones
Edition

**NOTICE OF PROPOSED AMENDMENTS
TO UTAH ADMINISTRATIVE CODE
R317-2, STANDARDS OF QUALITY FOR WATERS OF THE STATE**

Proposed amendments
The amendments, proposed by the Water Quality Board, do the following:

- Clarify the Director's authority to issue compliance schedules for permitted discharges
- Extend a drinking water use on the Provo River
- Clarify the portions of the Jordan River where site-specific dissolved oxygen criteria apply
- Update water quality criteria for aluminum
- Extend site-specific ammonia criteria on the Jordan River to additional river segments

Public hearing
December 15, 2022 6:00-7:00 PM
MASOB
Board Room 1015
195 North 1950 West
Salt Lake City, UT 84116
Remote option
<https://utah-gov.zoom.us/j/89557267730> Meeting ID: 895 5726 7730

Questions and comments
For more information and supporting documents for the proposed amendments, visit waterquality.utah.gov. Amendments will be published in the November 1, 2022 Utah Bulletin. For questions, contact Jake Vander Laan, jvander@utah.gov.

Written comments will be accepted until 5:00pm, December 16, 2022. Comments should be e-mailed to jvander@utah.gov, mailed to Jake Vander Laan, Utah Division of Water Quality, PO Box 144870, SLC, Utah 84114-4870, or faxed to (801) 536-4301.
SLT0019970

NOTICE OF PROPOSED AMENDMENTS
TO UTAH ADMINISTRATIVE CODES
5917-2, STANDARDS OF QUALITY FOR WATERS OF THE STATE

Proposed amendments

- The amendments, prepared by the Water Quality Board, do the following:
- Clarify the Director's authority to issue compliance schedules for point-source discharges
 - Amend a drinking water rule on the Provo River
 - Clarify the portions of the Jordan River where site-specific dissolved oxygen criteria apply
 - Update water quality criteria for aluminum
 - Amend site-specific ammonia criteria on the Jordan River to additional river segments

Public hearing


December 15, 2022 8:00 - 2:00 PM
MAGOE
Board Room 1045
195 North 1950 Road
Salt Lake City, UT 84116
Website: <http://utah.gov>
<https://utah.gov/zoom/join/99553257330> Meeting ID: 995 5725 7730

Questions and comments

For more information and supporting documents for the proposed amendments, visit waterquality.utah.gov. Amendments will be published in the November 1, 2023 Utah Bulletin. For questions, contact Jada Vander Leen, jvander@utah.gov.

Written comments will be accepted until 5:00pm, December 15, 2022. Comments should be e-mailed to jvander@utah.gov, mailed to Jada Vander Leen, Utah Division of Water Quality, PO Box 164870, SLC, Utah 84116-4870, or faxed to 801-536-4001.

noname
97K

 **SLT00199700.pdf**
18K



State of Utah

SPENCER J. COX
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DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WATER QUALITY
John K. Mackey, P.E.
Director

October 27, 2022

Deseret News
Attn: Lenea Tapusoa

Email: legals@deseretnews.com

This letter confirms authorizations to publish the attached NOTICE in the Deseret News in the first available edition. Please mail the invoice and affidavit of publication to:

Department of Environmental Quality
Division of Water Quality
Attn: Krysta Church
PO Box 144870
Salt Lake City, Utah 84114-4870

If there are any questions, please contact Brenda Johnson at 801-536-4329. Thank you for your assistance.

Sincerely,

Brenda L Johnson
Administrative Team Lead
Division of Water Quality

BLJ/blj

Enclosures: 1. Public Notice (DWQ-2022-029331)

DWQ-2022-029333



Brenda Johnson <brendajohnson@utah.gov>

Order modified confirmation.

1 message

legals@deseretnews.com <legals@deseretnews.com>

Thu, Oct 27, 2022 at 9:34 AM

To: brendajohnson@utah.gov

Cc: ltapusoa@deseretnews.com

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Job Details

Order Number: **DN0018080**
Classification: **Other Notices**
Package: **Legals**
Order Cost: **\$106.60**
Referral Code: **DWQ-2022-029331**

Account Details

UTAH DIVISION OF WATER QUALITY
PO Box 144870
Salt Lake City, UT 84114
801-536-4329
brendajohnson@utah.gov
UTAH DIVISION OF WATER QUALITY

Schedule for ad number DN00180800

Fri Oct 28, 2022

Deseret News Legals All Zones

October 28, 2022

NOTICE OF PROPOSED AMENDMENTS TO UTAH ADMINISTRATIVE CODE R317-2, STANDARDS OF QUALITY FOR WATERS OF THE STATE

Proposed Amendments

The amendments, proposed by the Water Quality Board, do the following:

- Clarify the Director's authority to issue compliance schedules for permitted discharges
- Extend a drinking water use on the Provo River
- Clarify the portions of the Jordan River where site-specific dissolved oxygen criteria apply
- Update water quality criteria for aluminum
- Extend site-specific ammonia criteria on the Jordan River to additional river segments

Public Hearing

December 15, 2022 6:00-7:00 PM

MASOB

Board Room 1015

195 North 1950 West

Salt Lake City, UT 84116

Remote option

<https://utah-gov.zoom.us/j/89557267730>

Meeting ID: 895 5726 7730

Questions and Comments

For more information and supporting documents for the proposed amendments, visit waterquality.utah.gov. Amendments will be published in the November 1, 2022 Utah Bulletin. For questions, contact Jake Vander Laan, jvander@utah.gov.

Written comments will be accepted until 5:00pm, December 16, 2022. Comments should be e-mailed to jvander@utah.gov, mailed to Jake Vander Laan, Utah Division of Water Quality, PO Box 144870, SLC, Utah 84114-4870, or faxed to (801) 536-4301.

DWQ-2022-029331

DN0018080



State of Utah

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DIVISION OF WATER QUALITY
John K. Mackey, P.E.
Director

Water Quality Board
Steven K. Earley, Chair
James Webb, Vice Chair
Carly Castle
Michela Harris
Joseph Havasi
Trevor Heaton
Michael D. Luers
Kimberly D. Shelley
John K. Mackey
Executive Secretary

MEMORANDUM

TO: Utah Water Quality Board

FROM: Judy Etherington, DWQ, Wastewater Certification Program Coordinator

THROUGH: John K. Mackey, P.E., Director
Emily Cantón, Assistant Director
Alexander Heppner, Data and Information Services Section Manager

DATE: January 25, 2023

SUBJECT: Recommendations for Appointment to the Utah Wastewater Operator Certification Council for February 1, 2023 through January 31, 2026

As of January 31, 2023, the terms of two members of the Utah Wastewater Operator Certification Council expire. The members with expiring terms are Dr. Jennifer Weidhaas, representing universities in Utah; and Phil Harold, representing vocational training. Other current members of the Council include Chad Burrell, Giles Demke, Rob Jaterka, Brian Lamar, and Blaine Shipley.

Recommendations for appointment to these positions were solicited from individuals and organizations in the wastewater sector and educational institutions. Individuals are appointed for a three-year term. Council members may be reappointed, but they do not automatically succeed themselves. The names recommended to the Board at this time are selected from written recommendations received by the Division of Water Quality prior to January 3, 2023.

At this time, it is recommended that *Dr. Ben Willardson*, who currently teaches all of the water related courses at Utah Valley University, and *Phil Harold*, a wastewater circuit rider for the Rural Water Association of Utah, be appointed or re-appointed, as appropriate, to serve as the two at large members who “may represent (1) an educational institution in Utah; (2) those who are currently certified as wastewater operators in the private sector; or (3) vocational training.”

This is a request for Board approval of these two individuals for the term February 1, 2023 through January 31, 2026.

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File: WWOCC/Appointments/2023
DWQ-2023-000361



State of Utah

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Joseph Havasi
Trevor Heaton
Michael D. Luers
Kimberly D. Shelley
John K. Mackey
Executive Secretary

MEMORANDUM

TO: Water Quality Board

THROUGH: John K. Mackey, P.E., Director

FROM: Samantha Heusser, Compliance & Enforcement Manager

DATE: January 25, 2023

SUBJECT: Request for Approval of Stipulated Compliance Order
IHC Health Services Docket No. I20-15

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. The Division is requesting Board approval to execute a settlement with IHC Health Services.

IHC Health Services is a domestic not for profit corporation doing business in Provo, Utah and is legally responsible for the operation of Utah Valley Hospital (Facility).

On December 3, 2020 an underground storage tank system within the Facility experienced a leak and released an estimated 1,700 gallons of diesel fuel which led to unauthorized discharges to groundwater and the Provo River. IHC Health Services quickly responded upon incident discovery and contracted EnviroCare to contain and remediate the surface water contamination. The remediation of contaminated soils and groundwater is under the oversight of the Division of Environmental Response and Remediation (DERR).

In response to the release, the Director issued a Notice of Violation and Compliance Order (NOV/CO), Docket No. I20-15, to IHC Health Services on March 30, 2021. On April 29, 2021 it was determined that IHC Health Services timely complied with the requirements of the NOV/CO.

The negotiated penalty is \$45,330.00 with \$22,665.00 held in abeyance so long as IHC Health Services meets all of the terms and conditions specified in the Order of the negotiated Stipulated

Compliance Order (SCO), which includes compliance with the DERR's process to remove and remediate area contaminated soils and groundwater as necessary for site closure.

Attached for your reference is the proposed, and partially signed, SCO Docket I20-15.

The terms of the financial settlement are as follows:

Total Civil Penalty	\$45,330.00
Penalty held in abeyance	\$22,665.00
Administrative Cost Reimbursement to DWQ	\$9,099.55
Total immediately due	\$31,764.55

The public comment period for the proposed SCO ran from December 17, 2022 to January 17, 2022 (<https://www.utah.gov/pmn/sitemap/notice/800829.html>). No comments were received.

The proposed SCO represents what the Division believes to be a fair and reasonable settlement. It is the Division's recommendation that this settlement be granted Board approval for execution by the Director.

Attachments:

1. NOV/CO Docket No. I20-15 (DWQ-2021-005255)
2. Proposed SCO Docket No. I20-15 (DWQ-2022-032023)
3. Public Notice (DWQ-2022-032019)

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

<p>In the Matter of: IHC Health Services, Inc. C/O Anne D. Armstrong, Registered Agent 36 South State Street, Suite 2200 Salt Lake City, Utah 84111</p>	<p>NOTICE OF VIOLATION AND COMPLIANCE ORDER DOCKET NO. I20-15</p>
--	--

This Notice of Violation and Compliance Order (NOV/CO) is issued to IHC Health Services, Inc. (Respondent) based upon the Facts and Determinations asserted herein. This NOV/CO is issued by the Director of the Utah Division of Water Quality (Director) pursuant to the Director's authority under the Utah Water Quality Act, as amended, Utah Code. Sections 19-5-101 to 19-5-124 (the Act). This NOV/CO is also issued in accordance with the administrative procedures of the Utah Department of Environmental Quality, Utah Administrative Code R305-7 *et. seq.*

A. STATUTORY AUTHORITY

1. The State of Utah's surface water quality programs as adopted in the Utah Water Quality Act by the Utah Legislature operate with federal oversight and under delegation from the Environmental Protection Agency (EPA) under the federal Clean Water Act, 33 U.S.C. 1342.
2. The Director is authorized to issue, continue in effect, renew, revoke, modify or deny discharge permits and to issue orders under the Act and in accordance with Utah Code Section 19-5-106(2)(d) and may enforce rules made by the Board through the issuance of orders.
3. The Utah Division of Water Quality (Division) was created to administer the Act under the immediate direction and control of the Director pursuant to Utah Code Section 19-1-105.
4. Pursuant to Utah Code Section 19-5-111, whenever the Director determines that there are reasonable grounds to believe that there has been a violation of the Act, the water quality rules, or any order of the Director or the Board, the Director may issue a notice of violation. In that event, the notice shall require that the matters complained of be corrected.
5. Utah Code Section 19-5-115 provides that any person who violates a rule or order made or issued pursuant to the Act, or any rule or order made thereunder, may be subject, in a civil proceeding, to a civil penalty of up to \$10,000 per day of violation. Higher penalties and other sanctions may arise in situations amounting to knowing or willful violations.

B. APPLICABLE STATUTORY AND REGULATORY PROVISIONS

1. Utah Code Section 19-5-107(1)(a) states: “Except as provided in the [Water Quality Act] or rules made under it, it is unlawful for any person to discharge a pollutant into waters of the state or to cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water, or to place or cause to be place any waste in a location where there is probable cause to believe it will cause pollution.”
2. Utah Code Section 19-5-102(22) defines “waste” or “pollutant” as “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial municipal, and agricultural waste . . .”
3. Utah Code Section 19-5-102(23)(a) defines “waters of the State” as “all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state.”

C. FACTS & DETERMINATIONS

1. IHC Health Services, Inc. (IHC) is a domestic company doing business in Provo, Utah as Utah Valley Hospital. Anne D. Armstrong is the Registered Agent for IHC.
2. On or about December 3, 2020 the Utah Division of Water Quality (Division) received a report of an illegal discharge of diesel fuel into a storm drain from a representative of IHC. According to the report, a hydrocarbon sheen and an odor of diesel fuel was reported in the property groundwater sump that discharges into a storm drain from the parking lot of the Utah Valley Hospital at 1034 N. 500 W., Provo, Utah. The representative reported the contaminated water was discharging into the Provo River from the hospital private storm drain outfall (outfall) located in Exchange Park approximately 600 yards to the west of the hospital at 900 N. 700 W., Provo, Utah. The report was entered into the Utah Department of Environmental Quality’s Environmental Incident Database and assigned the number 14743.
3. On or about December 3, 2020 the Spills Coordinator for the Division received a report from a fisherman of hydrocarbon sheen on the surface of the Provo River at or near 350 N. 1600 W., Provo, Utah. This location is approximately 1 mile downstream from the outfall.
4. On or about December 4, 2020, representatives of the Division inspected the hospital storm drains, the private outfall and locations along the Provo River where it flows

through Exchange Park. Additionally, the Division inspected the Provo river at Geneva Road approximately 1.5 miles downstream from the private outfall. The Division observed persistent hydrocarbon sheen on the surface of the Provo river around the private outfall and downstream for approximately 200 feet until it was trapped by absorbent booms and barriers set out by the environmental contractor hired by IHC. The Division employees detected a distinct odor of diesel fuel near the storm drain outfall. Minimal sheening and no odor were detected at the Geneva Road location.

5. On or about December 4, 2020, the Division representatives collected water samples from the private storm drain outfall and from the Provo River directly upstream from that outfall, and at three locations downstream from the outfall. These samples were submitted later that day to America West Analytical Laboratories (AWAL) in South Salt Lake, Utah, for analysis (COC ID #2012145).
6. On or about December 7, 2020, AWAL delivered to the Division the analytical report (Lab Set ID #2012145) for analysis of the water samples collected from the Provo River on December 4, 2020. The samples were analyzed for concentrations of volatile organic compounds (VOC), and organic compounds in the range of those found in diesel fuel (DRO). The results are summarized below; all concentrations are expressed in milligrams of substance per liter of water (mg/L). As only one of the samples contained detectable amounts of a single type of compound, the full results of the VOC analysis are not included in the table below:

Location	Diesel-Range Organics	Xylenes, total
Provo River upstream	<0.484	<0.002
Storm Drain Outfall	0.597	0.013.2
Downstream Above Booms	<0.481	<0.002
Downstream Below Booms	0.750	<0.002
Downstream at Geneva Road	<0.484	<0.002

7. On or about December 10, 2020, the Division employees returned and inspected the Provo River at the outfall, the area immediately downstream from the outfall, and at Geneva Road. They observed the sheen had largely dissipated and the odor of diesel fuel in the area around the outfall had decreased to mildly detectable.
8. On or about December 10, 2020, the Division employees collected water samples from the storm drain outfall and from the Provo River directly upstream from the outfall, and at three locations downstream from the outfall. These samples were submitted later that day to America West Analytical Laboratories (AWAL) in South Salt Lake, Utah, for analysis (COC #2012288).
9. On or about December 21, 2020, AWAL delivered to the Division the analytical report (Lab Set ID #2012288) for analysis of the water samples collected from the Provo River on December 10, 2020. The samples were analyzed for concentrations of volatile organic compounds (VOC), and organic compounds in the range of those

found in diesel fuel (DRO). The results are summarized below; all concentrations are expressed in milligrams of substance per liter of water (mg/L). As only one sample contained detectable amounts of a single type of compound the full results of the VOC analysis are not included in the table below:

Location	Diesel-Range Organics	Xylenes, total
Provo River upstream	<0.481	<0.002
Storm Drain Outfall	4.28	0.012.7
Downstream Above Booms	<0.474	<0.002
Downstream Below Booms	<0.486	<0.002
Downstream at Geneva Road	<0.486	<0.002

10. On or about February 1, 2021, IHC representatives collected samples from the storm drain outfall as well as upstream and downstream of that outfall. These samples were submitted to American West Analytical Laboratories (AWAL) in South Salt Lake, Utah, for analysis (COC #2102004).
11. On or about February 5, 2021, AWAL delivered to IHC representatives the analytical report (Lab Set ID #2102004) for analysis of the water samples collected on February 1, 2021. The storm drain sample was analyzed for concentrations of volatile organic compounds (VOC) and organic compounds in the range of those found in diesel fuel (DRO). Whereas the upstream and downstream samples were only analyzed for organic compounds in the range of those found in diesel fuel (DRO). The results are summarized below; all concentrations are expressed in milligrams of substance per liter of water (mg/L):

Location	Diesel-Range Organics	Xylenes, total
Storm Drain Outfall (“Provo Outfall”)	< 0.493	< 0.002
Upstream	< 0.496	No data
Downstream	< 0.489	No data

12. Given the dramatic increase in concentrations of Diesel-Range Organics and total Xylenes from the December 4 testing event to the December 10 testing event, and given the laboratory results provided by IHC on February 10 (Lab Set ID #2102004), it appears that groundwater contamination caused by the leaking underground petroleum storage tank was ongoing from December 3, 2020 to February 1, 2021.
13. During the course of its investigation, the Division learned that IHC is working with the Division of Environmental Response and Remediation to repair a leaking underground petroleum storage tank and to complete an investigation that delineates the extent of the contamination.
14. The Division also discovered, via disclosure from IHC, that when the contaminated groundwater was discovered, IHC decided against containing it and instead made the

decision to discharge the contaminated groundwater to the storm drain and outfall to the Provo River, per normal procedure of the sump.

15. The storm drain system in this area drains into the Provo River, which is classified under Utah Administrative Code R317-2-13.5(b), Classification of Waters of the State, as a 2B, 3A, 4 Water of the State. These designations protect the recreational, aquatic wildlife, and agricultural uses of water in the Provo River.

D. VIOLATIONS

Based on the foregoing, with respect to water quality and the Water Quality Act, IHC has violated the following:

1. Utah Code Section 19-5-107 for discharging a pollutant into the waters of the State.

E. ORDER

Based on the foregoing Facts and Determinations and Violations and pursuant to Utah Code Sections 19-5-107 and 19-5-111, IHC is hereby **ORDERED** to:

1. As of the date of issuance of this NOV/CO, if not already initiated, 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.
2. Cease and desist all discharges which violate Utah Water Quality statutes and rules.
3. 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:
 - A. An evaluation of what caused the cited violation. 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 violation listed in Section D of this NOV/CO.
 - B. 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.

F. NOTICE

IHC may contest this NOV/CO by filing and serving a written Request for Agency Action as provided in Utah Administrative Code R305-7-303 and R305-7-104(5). The

NOV/CO is effective upon issuance (date signed) and, even if it is contested, remains effective unless a stay is issued or the NOV/CO is rescinded, vacated or otherwise terminated.

Failure to contest this NOV/CO within the period specified in R305-7-303(5) [30 days] waives any right to contest the NOV/CO or to seek judicial review.

All reports required under this NOV/CO must be accompanied by the following certification, which is to be signed in accordance with Utah Administrative Code R317-8-3.4(4):

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.”

Utah Code Section 19-5-115 provides that violation of the Water Quality Act or a related Order may be subject to a civil penalty of up to \$10,000 per day of violation. Under certain circumstances of willfulness or gross negligence, violators may be fined up to \$25,000 per day of violation. Failure to comply with this NOV/CO may result in additional civil penalties or criminal fines under Utah Code Section 19-5-115.

Issued this 30 day of March, 2021.


John K. Mackey (Mar 30, 2021 17:51 MDT)

John K Mackey, P.E.
Acting Director, Division of Water Quality

DWQ-2021-005255

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

IN THE MATTER OF:

IHC Health Services, Inc.
36 South State Street, Suite 2200
Salt Lake City, Utah 84111

STIPULATED COMPLIANCE ORDER

Docket No. I20-15

This Stipulated Compliance Order (“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 **IHC Health Services, Inc.** (“Intermountain”) in its capacity as the “Operator” who is legally responsible for the operation of **Utah Valley Hospital** located in Provo, Utah (the “Facility”), jointly referred to hereafter as the “Parties.” By entering into this Agreement, the Parties wish, without further administrative or judicial proceedings, to establish compliance requirements and stipulate to civil penalties arising out of alleged violations of the Utah Water Quality Act, Utah Code Section 19-5-101 through 19-5-126 (the “Act”), and corresponding regulations in the Utah Administrative Code R317-1-1 through R317-801-6 and R305-7-101 through R305-7-611.

STATUTORY AND REGULATORY AUTHORITY

1. The Director has authority to administer the Act pursuant to Utah Code § 19-1-105(1)(e), and to enforce the Utah Water Quality Rules in Utah Administrative Code R317 through the issuance of orders and notices of violation, as specified in Utah Code §§ 19-5-106(2)(d) and 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 § 19-5-106(2)(k).

FACTS AND FINDINGS

The Director relies upon the following Facts and Findings for the purposes of this Agreement:

1. Intermountain is a domestic not for profit corporation doing business in Provo, Utah as Utah Valley Hospital.
2. Intermountain is a “person” as that term is defined in Utah Code § 19-1-103(4).
3. Intermountain operates a dewatering sump system within the parking structure located on the northeast corner of the Facility. Because the parking structure is partially below grade and due to the high water table in the area, the sump system must continuously pump groundwater to prevent flooding the structure. The pumped water is discharged

into the stormwater system which discharges to the Provo River (outfall), approximately 600 yards to the west of the Facility. The dewatering system serves an operational purpose and protects the integrity of the structure.

4. The Facility also operates a diesel fuel underground storage tank (“UST”) system that provides fuel for the Utah Valley Outpatient Center heating boilers and emergency generator. The UST system contains a 15,000-gallon UST and associated piping located approximately 40 feet east of the northeast corner of the parking structure.
5. On December 3, 2020, an Intermountain security guard noticed a diesel odor in the parking structure. Upon investigating, Facility management visually confirmed that red dyed diesel fuel from the UST system was impacting the Facility’s dewatering sump system. Given the continuous operation of the sump system, Facility management also confirmed an impact to the storm drain and downstream surface water. It was later determined that an estimated 1,700 gallons of diesel fuel was released from the UST.
6. On December 3, 2020, Intermountain submitted an incident report through the National Response Center and concurrently notified the Division of Environmental Response and Remediation (“DERR”).
7. On December 8, 2020, Intermountain provided a follow up written notice of the release to the Utah Division of Water Quality (the “Division”). The notification stated that a hydrocarbon sheen and an odor of diesel fuel was discovered in the storm drain located in the parking structure.
8. Intermountain later confirmed that the release came from a fuel line in a transition sump that is part of the UST system. Intermountain determined that a fitting in this fuel line had corroded and caused the release of diesel fuel into the subsurface gravel and soil near the sump system. As a result, the dewatering sump pumped an unknown amount of diesel fuel-laden groundwater into the storm drain, which was then released into the Provo River.
9. The contaminated discharge had a detectable odor and created a visible sheen on the surface of the Provo River. Water samples collected from area groundwater and the Provo River contained detectable amounts of diesel-range organic compounds and xylenes for, at minimum, twelve (12) days. Specifically, after the release on December 3rd, the Division pulled samples on December 4, 2020 and December 10, 2020 at various locations, and laboratory analyses detected diesel-range organics and xylenes (8 days). Additionally, analytical results for samples pulled by Intermountain at the groundwater sump and from the Provo River outfall contained detectable amounts of diesel-range organic compounds on December 11, 2020, February 15, 2021, March 23, 2021, and April 5, 2021 (4 days).
10. On December 3, 2020, Intermountain engaged Wasatch Environmental, Inc. to assist with the mitigation work, and contracted EnviroCare to respond to the release and assist with the cleanup. EnviroCare placed absorbent booms and pom-poms for treatment in

the sump itself, the first downstream manhole/catch basin at the entrance to the Facility, and at the Provo River Outfall. It also placed three booms across the Provo River immediately downstream of the outfall. Provo City Fire Department, in conjunction with the Central Utah Water Conservancy District, placed absorbent booms in the Provo River at Geneva Road and reported that no sheen was observed on the river downstream of that point.

11. The Director issued a Notice of Violation and Compliance Order, Docket Number I20-15 (the “NOV/CO”) to Intermountain on March 30, 2021. In the NOV/CO, the Director alleged that Intermountain violated Utah Code § 19-5-107 for discharging a pollutant into waters of the State.
12. On April 29, 2021, Intermountain timely complied with the NOV/CO requirements.
13. Intermountain implemented clean up and remediation activities with oversight by DERR and completed the following: 1) repaired the leaking underground storage tank (“LUST”); 2) completed a surface and subsurface investigation that delineates the extent and degree of contamination; and 3) cleaned up and remediated contaminated groundwater and soils caused by the LUST. Intermountain replaced the UST sumps and line where the leak occurred in early February 2021. It also upgraded the leak detection equipment to detect potential leaks in parts of the system that previously did not have leak detection. Intermountain is currently implementing final monitoring to obtain site closure from DERR.

ORDER

Based upon the foregoing Facts and Findings, the Agreement of **IHC Health Services, Inc.** and good cause appearing, the Director orders as follows:

1. A penalty in the amount of \$45,330.00 and associated investigative costs in the amount of \$9,099.55 are appropriate based on the circumstances in conformance with the penalty policy outlined in Utah Administrative Code R317-1-8. Intermountain shall pay a total of **\$31,764.55** in penalty and investigative costs, with the remainder (\$22,665.00) held in abeyance as described below. Payment is to be made **within thirty (30) calendar days** of the Effective Date of this Agreement (defined below), using one of the following options:
 - a. CHECK – Payable to the Division of Water Quality. The payment shall be sent to:

Division of Water Quality
 PO Box 144870
 Salt Lake City, Utah 84114-4870
 - b. ACH BANK TRANSFER – Contact the Division of Water Quality Finance staff at eqwqfinance@utah.gov for wiring instructions.

2. The Director agrees to hold in abeyance \$22,665.00 in civil penalties, so long as Intermountain:
 - i. Meets all payment terms outlined in Item 1 of this Order.
 - ii. Continues to comply with the DERR process related to removing or remediating area contaminated soils and groundwater, as necessary for site closure.
 - iii. **Within thirty (30) calendar days** from site closure, submits to the Director a copy of the final notification from DERR that verifies the completion of all requirements.
 - iv. **Within sixty (60) calendar days** from the Effective Date of this Agreement, submits, for Director's approval, a contingency plan or equivalent plan that outlines the measures Intermountain has taken or plans to take to prevent future releases from the Facility UST from migrating into groundwater, the dewatering sump system and the stormwater system.
3. If Intermountain fails to comply with the terms in Item 2 of this Order, the \$22,665.00 penalty amount will no longer be held in abeyance and shall become due and payable to the State of Utah **within thirty (30) calendar days** of written notification by the Division, in addition to any penalties triggered by additional enforcement action(s) resulting from new violations.

GENERAL PROVISIONS

1. The Parties recognize that this Agreement has been negotiated in good faith and nothing herein constitutes an admission of any liability. Intermountain 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. Intermountain further agrees it will not contest the basis or validity of this Order or its terms.
2. The violation described herein will constitute part of Intermountain's compliance history where such history is relevant, including any subsequent violations. Intermountain understands and agrees that this Agreement is not and cannot be raised as a defense to any other action to enforce any federal, state, or local law.
3. Intermountain agrees to the terms, conditions, and requirements of this Order. By signing this Order, Intermountain understands, acknowledges, and agrees that it waives: (1) the opportunity for an administrative hearing pursuant to Utah Code § 19-1-301; (2) the right to contest the finding(s) in the NOV/CO; and (3) the opportunity for judicial review.

4. This Agreement is subject to a thirty (30) day notice and comment period. The Parties each reserve the right to withdraw from this Agreement if comments received during the notice period result in a modification to the terms and conditions.
5. 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 Utah Water Quality Board (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 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. The "Effective Date" shall be the date this Order is signed by the Director after it is formally approved by the Board.
6. 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 a showing of good cause by Intermountain. Good cause for an extension generally means events outside of the reasonable control of Intermountain, such as force majeure, inclement weather, contractor or supplier delays, and similar circumstances. However, the Director expects Intermountain to employ reasonable means to limit foreseeable causes of delay. The timeliness of Intermountain's request for an extension shall constitute an important factor in the Director's evaluation.
7. Nothing in this Order shall preclude the Director from taking actions to include additional penalties against Intermountain for future violations of State or Federal law.
8. 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.
9. The person signing this Order on behalf of Intermountain represents to the Director that they have the full legal authorization to do so and agrees that the Director may rely on that representation.
10. This Agreement is binding upon each of the Parties and their respective heirs, successors, and assigns. Any change in ownership or corporate or legal status, including but not limited to, any transfer of assets or real or personal property, shall in no way alter the status or responsibilities of the Parties under this Agreement.
11. This Order may be amended in writing if signed by both Parties.

COMPLIANCE AND PENALTY NOTICE

As of the Effective Date, this Order shall constitute a final administrative order. Compliance with

the provisions of this Order is mandatory. All violations of the Utah Water Quality Act, the Water Quality Rules, and this Order will be strictly enforced during the time that this Order remains in effect. The Utah Water Quality Act, Utah Code § 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.

[SIGNATURE PAGE FOLLOWS]

IT IS SO AGREED AND ORDERED:

FOR THE UTAH DIVISION OF WATER QUALITY

By: _____

John K. Mackey, P.E.
Director

Date: _____(Effective Date)

FOR IHC HEALTH SERVICES, INC.

Nannette Berensen

Digitally signed by Nannette
Berensen
Date: 2022.12.15 10:36:00 -07'00'

Nannette Berensen
VP COO-Shared Clinical Services

Date: December 15, 2022



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WATER QUALITY
John K. Mackey, P.E.
Director

DECEMBER 17, 2022

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

PUBLIC NOTICE OF STIPULATED COMPLIANCE ORDER,
IHC HEALTH SERVICES, INC., DOCKET NO. I20-15

PURPOSE OF PUBLIC NOTICE

This notice is to declare that the State of Utah has proposed a Stipulated Compliance Order (SCO) to IHC Health Services, Inc. This Public Notice is issued pursuant to Utah Administrative Code R305-7-402 to provide opportunity for public comment on the proposed SCO related to an enforcement action. The proposed SCO 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 IHC Health Services, Inc.

PUBLIC COMMENTS

Public comments are invited any time prior to close of business **January 17, 2023**. Comments may be directed to the Department of Environmental Quality, Division of Water Quality, 195 North 1950 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870.

FURTHER INFORMATION

The SCO is available for public review under "Public Notices" at www.waterquality.utah.gov/PublicNotices.

If internet access is not available, a copy may be obtained by calling the Utah Division of Water Quality at (801) 536-4300. Written public comments can be submitted to: Utah Division of Water Quality, P.O. Box 144870, Salt Lake City, Utah 84114-4870 or by email at: wqcomments@utah.gov. The deadline to receive comments is close of business **January 17, 2023**. After considering public comment the Director of the Division of Water Quality may execute the SCO, revise it, or abandon it.

DWQ-2022-032019
EQ_Docs/DWQ/UPDES/UPDES Programs/Spills_ER/NOV/Intermountain Health Care