
UTAH DIVISION OF WATER QUALITY

IN THE MATTER OF City of Tremonton 102 South Tremont Street Tremonton, Utah 84337	PERMIT VARIANCE FOR TECHNOLOGY-BASED PHOSPHORUS EFFLUENT LIMITS
UPDES PERMIT NO. UT0020303	

BACKGROUND

1. Tremonton City (City) operates the Wastewater Treatment Plant in Tremonton, Utah (the “Facility”) to provide wastewater services within Box Elder County.
2. The City’s operations at the Facility are undertaken subject to Utah Pollution Discharge Elimination System (UPDES) Discharge Permit No. UT0020303(“Permit”).
3. The Facility is required to achieve technology-based phosphorus effluent limits (“TBPEL”) on or before January 1, 2020, unless a variance is granted. *See* UAC R317-1-3.3.
4. The City submitted a variance request, dated January 17, 2020 to the Utah Division of Water Quality (“DWQ”), seeking an extension of the TBPEL implementation date (the “Variance Request.”). The Variance Request is based on the fact that the City is in the process of constructing improvements to the Facility to meet TBPEL requirements; however such improvements cannot be completed prior to January 1, 2020, despite the City’s diligence.
5. Utah law provides that DWQ may grant a variance as to the implementation date for compliance with the TBPEL in the event that the operator demonstrates due diligence toward construction of a treatment facility designed to meet TBPEL, provided that such compliance date shall not be later than January 1, 2025. *See* UAC R317-1-3.3.C.e.
6. The Director of DWQ has determined that the City has met its burden to show diligence within the meaning of the UAC R317-1-3.3 and that a variance is appropriate, subject to the limitations and conditions provided herein.

AUTHORITY

7. The Director of DWQ has authority to grant a variance as to the implementation deadline for TBPEL pursuant to UAC R317-1-3.3 and the corresponding provisions of the Utah Water Quality Act.
8. The State of Utah administers the Utah Pollution Discharge Elimination System (UPDES) permit program under the Utah Water Quality Act.

DUE DILIGENCE - FINDINGS

9. The Variance Request included the following submissions, among others:
 - a. Tremonton City Wastewater Treatment Facility Upgrade for Nutrient Removal (Total Phosphorus) (January 2020).
10. Based on the foregoing submission, the Director has determined that the City has established due diligence toward biological phosphorus removal upgrades at a cost of approximately \$3 million designed to meet TBPEL, within the meaning of UAC R317-1-3.3.C.e.

VARIANCE

11. The Director hereby grants the City a variance as to the compliance date to achieve TBPEL, until the time that its facility improvements described in the Variance Request are operational; subject to the following conditions:
 - a. This variance does not extend beyond January 1, 2021. The Facility must comply with all TBPEL requirements by that date.
 - b. Pursuant to UAC R317-1-3.3.C.2, this variance is subject to re-evaluation in the event that there is any substantive change in the facility design or construction plans provided in the Variance Request. The Facility must provide timely notice to DWQ of any such substantive changes.
 - c. No later than July 1, 2020, the Facility agrees to submit to DWQ an annual report relating to its phosphorus discharges (the "Annual Report"). The scope of the Annual Report shall include descriptions of all projects and work necessary, in reasonable detail, to achieve compliance with the TBPEL rule. The Annual Report will provide a summary of progress and milestones achieved in all construction, study, funding, planning, and design projects during the previous reporting period, projected progress and milestones scheduled to be completed during the following reporting period, and if the project(s) are on schedule. The Annual Report will also provide information on effluent phosphorus concentrations to determine the Facility's compliance with Parts 11.e. and 11.f. of this variance, noted below.

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- i. The Annual Report must specifically state the **economic benefit per year** the Facility will receive from January 1, 2020 to December 31, 2020 from this variance for not treating total phosphorus to 1.0 mg/L.
 - d. If it is found that the Facility has failed comply with the requirements of this variance toward the removal of diffusers in the third oxic zone of the process basins, construction of an aerated sludge holding basin, and construction of chemical addition facilities the Division of Water Quality may terminate this variance.
 - i. If this variance is terminated by the Division of Water Quality, the Facility will be immediately expected to comply with the requirements UAC R317-1-3.3.
 - e. No total phosphorus effluent limitation will be added to the Permit before January 1, 2020.
 - f. Effective January 1, 2020, DWQ will impose the following interim effluent limitation under the Permit: total phosphorus annual average effluent limitation of 2.4 mg/L.
 - g. At the time that TBPEL becomes applicable under the Permit, treated wastewater shall be no greater than an annual average of 1.0 mg/L total phosphorus.

Date: _____

Erica Brown Gaddis, PhD
Director
Utah Division of Water Quality

DWQ-2020-007123