



WESTERN RESOURCE
ADVOCATES

February 15, 2011

Walt Baker, Executive Secretary
Utah Water Quality Board
P.O. Box 144870
Salt Lake City, UT 84114-4870

RE: Draft UPDES Permit UT0025721; Perry/Willard Regional Wastewater Treatment Plant

Walt:

Thank you for the opportunity to provide comments on the revised draft UPDES permit for the Perry/Willard Regional Wastewater Treatment Plant, UT0025721. These comments are submitted on behalf of FRIENDS of Great Salt Lake, Utah Waterfowl Association, Western Wildlife Conservancy, League of Women Voters of Utah, League of Women Voters of Salt Lake, National Audubon Society, Bridgerland Audubon Society, Utah Airboat Association, Utah Mud Motor Association, the Utah Chapter of the Sierra Club, the Great Salt Lake Yacht Club, and the Utah Physicians for a Healthy Environment (Collectively Utah Waterfowl Association).

As you know, these organizations are particularly interested in this permit because their members extensively use and enjoy Great Salt Lake and especially Willard Bay,¹ for, among other purposes, wildlife viewing, boating, hunting, photography, scientific study, and solitude. These groups are also concerned about the proposed discharge, due to the proximity of the discharge to the Bear River Migratory Bird Refuge (Refuge). The Refuge, the surrounding open waters, and wetlands provide critical habitat for migratory birds that fly the Pacific and Central Flyway of North America.

We appreciate your willingness to work with Utah Waterfowl Association throughout the permit process, and especially the Division of Water Quality's (DWQ) recognition of the significance of the Willard Spur area and its willingness to protect the Spur from harm from this discharge. In general, we agree with the provisions of the permit and support DWQ in its recommendations. We are concerned, however, about indications that the Water Quality Board may be unwilling to support the Division in its attempts to protect the Willard Spur, and we want to emphasize that DWQ has outlined a course of action in this permit that must be adhered to. If, for any reason, provisions of

¹ For the purposes of these comments, references to Willard Bay refer to the unimpounded water body north of the Great Salt Lake Minerals, Harold Crane and Willard Reservoir impounds, south of the Bear River Refuge impounds, and including the Willard Spur down to elevation 4200.

the permit were to change, DWQ would be legally obligated to re-open that permit for public notice and comment.² Ideally, that will be unnecessary.

Introduction

Perry/Willard Regional Wastewater Treatment (Perry/Willard POTW or POTW) will be a new mechanical treatment plant to replace the current treatment option, a sanitary sewer lagoon system, located to the north of the proposed facility. To account for existing needs and future growth, the cities of Perry and Willard entered into an Inter-Local City Agreement to construct a wastewater treatment facility in 2008. The existing sewer lagoon system is designed to accommodate 2200 residents; at the present time, Perry has more than 5000 residents. Additionally, the sewer lagoon system was designed to have a functional lifespan of twenty years; the sewer lagoon system is over thirty years old. The new facility will discharge, at a maximum, 2 million gallons per day (MGD). It is estimated that the facility will initially discharge between 250,000-350,000 gallons per day. However, the facility is constructed to accommodate modular additions that allow the capacity of the plant to be increased to handle up to 6-10 MGD.

On May 6, 2010, DWQ published public notice of the proposed permits necessary for the Perry/Willard POTW to operate. On June 10, 2010, Utah Waterfowl Association submitted comments on the draft permit, citing numerous deficiencies. Please refer to those comments for specific details. In response, and to its credit, DWQ entirely stepped back from the proposed permit, re-examined the possible impacts to the Spur, and concluded that a different approach needed to be taken. After conducting numerous reviews and modeling, DWQ concluded that additional testing would be required to determine the possible long-term impacts of this discharge. At the direction of the Water Quality Board, DWQ engaged the various stakeholders in the process of recommending a course of action. At the conclusion of that process, DWQ recommended a course of action to the Water Quality Board that included, among other things, a 3-4 year wetland study of the Spur. This study, along with specific mitigation measures such as phosphorous and nitrogen reduction/removal, are outlined in the draft permit and Statement of Basis (SOB).

Specific Permit Provisions

As noted above, DWQ has included specific provisions in the draft permit and SOB designed to both mitigate the impacts of this discharge, and analyze possible future impacts to the Spur from this discharge. Each of these provisions is a critical aspect of the permit and any change to those provisions would necessarily require the permit to be re-opened for public comment and review.

² Utah Admin. Code R.317-8-6.2(3).

a. Phosphorus reduction and nitrogen removal.

As outlined in the Self-Monitoring and Reporting Requirements table in the SOB, the POTW is required to implement phosphorus reduction and maximize nitrogen removal as part of its processing. To accomplish this, the POTW is required to install, operate and optimize a chemical phosphorous removal system and maximize the nitrogen removal procedures according to the schedule outlined in the SOB. The time schedule for this requires the POTW to complete installation and startup of this treatment by June 30, 2011, to submit an initial optimization report by December 31, 2011, and to submit a final optimization report by June 30, 2012. In line with this, the POTW is required to be operated for maximum removal of nitrogen and for an approximate 1 mg/l effluent total phosphorus concentration. It is critical that each of these provisions be implemented as required by the permit.

b. Discharge point.

A specific discharge point has been outlined in the permit, noting that the discharge is from the UV disinfection system into an existing ditch. We are aware that several possible alternate discharge points have and are being considered for the discharge from the POTW. While we may not necessarily be opposed to alternate discharge points – for example, we would be supportive of a discharge into northern portions of the Refuge – it is imperative that the permit be re-opened for public notice and comment if that discharge point were to change.

c. Protection of the Willard Spur.

The draft SOB notes that the entire Willard Spur of Great Salt Lake, currently classified as 5E, will be protected as 2B, 3B and 3D, according to Utah Admin. Code R317-2-13. We recognize that the exact parameters of what constitutes the Spur is open for discussion, but recommend that DWQ consider all areas of the Spur above 4200' be included. Our understanding is that the study to be conducted in association with this permit will delineate the extent of the area to be included as Willard Spur.

d. Wetland study.

The draft SOB denotes that a wetland study will be conducted on the Willard Spur of the Great Salt Lake. This study is intended to determine if site specific water quality standards for Willard Spur are warranted. As recommended to the Water Quality Board, the study is intended to be a 3-4 year process and includes oversight by a Steering Committee and input from a Science Panel. DWQ's initially recommended to the Water Quality Board that \$1,415,000 be set aside to conduct this study. Although the Board has provided some financial support for the study, members of the Board remain skeptical of the study and have recommended that alternatives to the study be considered. It is important to note that financial support from the Board is a necessary component of completing this study and that if the Board is unwilling to provide the needed financial

support, the permit must be re-opened, revised and resubmitted for public notice and comment.

Conclusion

Again, we very much appreciate the willingness of DWQ to consider our earlier comments and to modify the initial draft permit for the Perry/Willard POTW based on that input. We would like to emphasize that the current permit, as written, accurately reflects inputs from the stakeholder process and would be sufficiently protective of the Willard Spur ecosystem. However, we are concerned with what we see as various political pressures to change the permit in a number of critical aspects, along with proposals to remove financial support from the Willard Spur study. Based on this, we would like to emphasize that any changes to the proposed permit would necessitate reopening the permit process, to include public notice and comment.

Yours,

A handwritten signature in black ink, appearing to read "Rob Dubuc".

ROB DUBUC

JORO WALKER

Attorneys for Utah Waterfowl Association