MINUTES
of the
WATER QUALITY COMMITTEE

Cliff Lodge
Snowbird, Utah
June 11, 2025

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MEMBERS AND ALTERNATES PRESENT *(*via zoom)*

ALASKA	
ARIZONA	
CALIFORNIA	*Joaquin Esquivel* Jeanine Jones
COLORADO	Jason Ullman Lauren Ris
IDAHO	Jerry Rigby *Mat Weaver*
KANSAS	Connie Owen Earl Lewis Tom Stiles Matt Unruh
MONTANA	Anna Pakenham Stevenson
NEBRASKA	Justin Lavene Matt Manning
NEVADA	Jennifer Carr Cathy Erskine
NEW MEXICO	Tanya Trujillo John Rhoderick
NORTH DAKOTA	
OKLAHOMA	Julie Cunningham Sara Gibson
OREGON	
SOUTH DAKOTA	Nakaila Steen

TEXAS	
UTAH	Candice Hasenyager Teresa Wilhelmsen Mark Stratford John Mackey Todd Stonely
WASHINGTON	Ria Bearns *Leslie Connelly*
WYOMING	Chris Brown Jeff Cowley Jennifer Zygmunt

GUESTS

Tom Riley, Riley Consulting LLC
Jennifer Verleger, State of South Dakota
Christopher Estes, Instream Flow Council
John Dupnik, Texas Water Development Board
Erica Gaddis, SWCA Environnemental Consultants
Anne Cabrera, SWCA Environnemental Consultants
Hannah Singleton, Southern Nevada Water Authority
Edward Mueller, Utah Office of the State Water Agent
Andrew Hadsell, SWCA Environmental Consultants
Patrick Fridgen, North Dakota Department of Water Resources
Cori Hach, Montana Department of Natural Resources and Conservation

WESTFAST

Lauren Dempsey, U.S. Air Force
Chris Carlson, U.S. Forest Service
Chad Abel, U.S. Fish and Wildlife Service
Paula Cutillo, Bureau of Land Management
Roger Gorke, Environmental Protection Agency
Elizabeth Ossowski, National Oceanic and Atmospheric Administration

STAFF

Tony Willardson
Michelle Bushman
Elysse Campbell
Ryan James

WELCOME AND INTRODUCTIONS

Jennifer Zygmunt welcomed everyone to the meeting. In the interest of time, the introductions were foregone.

APPROVAL OF MINUTES

Jennifer noted one correction should be made to the minutes for the meetings in Lincoln, Nebraska in Spring 2025. She represented Wyoming online rather than Chris Brown, as the minutes indicated. With no other corrections offered, a motion to approve the minutes was made, seconded, and approved.

SUNSETTING POSITIONS

Jennifer addressed sunsetting Position #484, concerning hydrologic fracking. The only proposed edits were the addition of introductory "WHEREAS" clauses about what WSWC is, which were being added into all positions, as well as a minor acronym correction. She highlighted that the resolution emphasizes the need for sound science, studies, state research, and policies, as well as recognizing States' authority in allocating water resources for hydrologic fracturing. A motion to move the resolution forward to the Full Council was made, seconded, and approved unanimously.

UTAH WATER QUALITY UPDATES

John Mackey gave an overview of the State of Utah's Water Quality program. The Utah Division of Water Quality's mission is "safeguarding and enhancing Utah's waters through balanced regulation." Utah submitted its 2024 Clean Water Act (CWA) Integrated Report on time (April 1) and it was approved by the Environmental Protection Agency (EPA) on time (April 30th.) This was the second time in a row Utah achieved an on-time Integrated Report. Utah has 45 impaired waters, largely due to temperature and pH caused by low flows and elevated temperatures. Utah has invested more than $1B in water quality infrastructure since the Clean Water State Revolving Fund (CWSRF) was established in 1983. The 20-year projected need is $9.7B.

John provided an overview of the State's battle with Harmful Algal Blooms (HABs), noting a "regime shift" since Utah had been settled. Utah lake has shifted from an oligotrophic/mesotrophic ecosystem to a eutrophic system. The shift began around 1900 with the introduction of carp, which have disrupted vegetation. He noted the importance of sediment cycling. Utah Lake entrains 90-95% of the nutrients that are loaded into it. It is a shallow lake (max 14 ft, avg 8-9 ft depth), and large (150 sq. miles), so sediment mixing is significant. Understanding sediment cycling is important to understanding recovery time once the carp population is controlled and submerged aquatic vegetation is reestablished. The department believes that, although carp will never be fully eliminated from the system, it can reach stability at about 100 kilograms per hectare of carp. The lake currently has 400-600 kilograms per hectare. Utah Lake sees health advisories associated with cyanotoxins on an annual basis. The State has tried limited treatment around marinas but found an increase in cyanotoxins post-treatment.

John gave an overview of water quality issues in the Great Salt Lake (GSL). He noted the GSL's hemispheric importance as a migratory bird flyway. Utah manages flows from the freshwater south arm to the hypersaline north arm. Utah is increasingly concerned about declining water levels in the GSL. Exposure of the bed and loss of protective crusts may result in a dust bowl similar to that in California's Owens Valley, leading to adverse health effects and impacts on snowpack. Utah is trying to protect brine shrimp and brine flies, which depend on algae, and are crucial protein sources for waterfowl and other life in the ecosystem. He noted that the lake stratifies to form a deep brine layer and a shallow brine layer. He showed a graph that plotted GSL surface nutrient concentrations against those taken in the National Lakes Assessment (NLA) and the National Coastal Condition Assessment (NCCA). The graph indicated that nutrient concentrations on the GSL trend well above most other lakes and coastal estuaries covered by the CWA nationwide.

John presented findings from a study examining the effects of low impact development (LID), which intends to slow the flow to promote infiltration into groundwater and reduce nutrient loading in surface waters. He explained that undeveloped land primarily loses water through evapotranspiration, with an estimated 18 acre-feet per 100 acres per year (af/year) reaching surface waters. The State estimated that under development without an LID scenario, 71 af/year would reach the GS, compared with the 42 af/year expected to reach the GSL under the LID scenario. Although LID would channel more runoff through groundwater, it results in less total water reaching the lake. Utah's legislature is working on approving a study to understand the water quality impacts of LID.

He provided updates on permitting efforts, including directives to expand the use of general permits and permits by rule to speed up processing. He shared performance metrics showing that about 95% of permits are issued on time, with strong compliance rates, He explained the use of oxygen consumption potential (OCP) to assess the overall performance of wastewater treatment plants, representing the combined impacts of biochemical oxygen demand (BOD), nitrogen, and phosphorus on dissolved oxygen levels in receiving waters. John said the State's OCP goals are set low, low being more stringent, because they intend to reduce phosphorus, which is a major contributor to OCP. He noted setbacks during COVID-19 due to construction and supply chain delays. John said they expect significant improvements in phosphorus removal when all ongoing construction projects, including a new membrane bioreactor in Provo, are completed in 2026. He also reported increased enforcement activity and faster resolution of enforcement actions and spills.

Jennifer Zygmunt asked about Utah's Harmful Algal Bloom (HABs) program, noting the high percentage of citizens concerned about HABs. She inquired if this was measured through a statewide survey. John confirmed that these were on-the-spot surveys conducted at boat ramps and recreation areas. Jennifer praised the work done on the HABs program, noting it's a "hot topic for all the western states." John Mackey acknowledged a "fantastic team" beyond the division, including local health district engineers and the Forest Service, involved in outreach and monitoring.

Jennifer Carr asked about who oversees the Underground Injection Control (UIC) program. John Mackey stated that his team oversees all UIC classes except for Class II, which involves re-

injection of produced water and is handled by oil, gas, and mining. Jennifer noted that "lots of conversations are in our future over geothermal."

Tom Stiles commended Utah for submitting its §303(d) list to EPA on time by April 1, and EPA Region 8 for approving it within their 30 days. He encouraged other regions to benchmark Region 8's process. John stated this was the second time in a row they had submitted it on time. He said Utah has a "streamlined fine-tuned system" and he would be happy to share about their process. Tom noted that Kansas always gets theirs in on April 1 and Region 7 would get it done by April 30th. Then those people left EPA and everything came into question. He noted that institutional memory is vulnerable when staff changes. John agreed, mentioning that while they have a "mature crew," their data people are new and "amazing" at processing numbers and posting them on an interactive map. He also credited Jody Garberg, their watershed section manager, for driving the schedule.

STAFF UPDATES

Elysse Campbell introduced a seven-page summary of State comments submitted in response to EPA and Army Corps' "WOTUS Notice: The Final Response to SCOTUS" Public Comment period (Docket ID: EPA-HQ-OW-2025-0093). She said it was also available under the policy letters tab on the website and explained a table was being created to help visualize the various points made by States. Elysse highlighted significant variability in state definitions, noting that even among states that agreed on scope, each States' ideas for specific definitions were unique. She noted broad interest in regionalism, whether through language recognizing regional differences, regionally differentiated code, or regionalized guidance materials. She also mentioned that many States mentioned specific federal and state-led data measuring tools in their comments.

Michelle Bushman emphasized the need for greater engagement from States due to the increasing nuances in WOTUS and §401 issues. She suggested that the current WSWC position might not adequately address this complexity and may need to be revisited.

Elysse then provided an update on EPA's recent memo reminding states that CWA §401 authority should be water quality related. She said EPA had mentioned a forthcoming Federal Register Notice and a planned rulemaking on the matter. Michelle noted that the WSWC §401 position, once non-controversial, has become more complicated of late. She urged the Council to carefully consider whether it could maintain a unified voice on the issue or if the position needed to be re-evaluated given the current political climate.

Jennifer Zygmunt proposed that the WOTUS and §401 resolutions, though recently passed, could be revisited at the next meeting. In the interim, she suggested holding work group Zoom calls to discuss the nuances and better prepare the WSWC for providing comment letters. There was support for this approach and Jennifer invited interested members to contact Michelle or Elysse to participate in the WOTUS or §401 work groups. Michelle confirmed she would send an email to the entire water quality committee inviting participation.

EPA UPDATES

Roger Gorke began by noting the Council's elevated status on the list of agencies EPA engages with. He said WSWC is now included alongside ACWA and other major historic water quality associations. He highlighted EPA's efforts to gather input for the WOTUS rulemaking, conducting over a dozen listening sessions with diverse stakeholders including States, Tribes, industry, and local governments. He mentioned that the Council's letter and recommendations were being considered, and the EPA anticipated a final WOTUS rule by the end of the calendar year.

Regarding CWA §401, Roger clarified Elysse's explanation noting that the May 21 memo states that §401 certification authority should not be "untethered from water quality." Roger confirmed a forthcoming Federal Register Notice.

Roger explained that the EPA's Office of Research and Development was actively working on Managed Aquifer Recharge (MAR), collaborating with each of their program offices with questions about what to do with MAR, whether it should be regulated, and what the needs are. He described a presentation he gave showcasing examples from California, Texas, and Virginia, and highlighted key research areas: clogging of aquifers/wells due to high quality water causing abnormal reactions. Roger's presentation also discussed the development of decision tools to help States and communities determine if MAR is appropriate and how to regulate it.

Roger detailed an EPA initiative providing Direct Technical Assistance to Small Systems for drought, water scarcity, and cascading disasters. This program has been implemented in California, Colorado, Utah, and Nevada. It focuses on providing practical, on-the-ground help to public water systems ranging from 25 to 10,000 connections. He emphasized the diversity of issues faced by these systems, from fire suppression and generators to nitrate contamination in small, non-community private water systems that often lack grant eligibility. He noted the program's success in creating relationships from state agency to state agency, and at federal levels (with entities like Reclamation, Rural Development, and FEMA) that can endure beyond direct assistance. He expressed hope to expand the program to other Colorado River Basin States and to present it to the new assistant administrator nominee, Jess Kramer, who prioritizes small and rural systems. He noted his office's work to implement the Good Samaritan Remediation of Abandoned Hardrock Mines Act. He said the goal was to have some projects underway in Summer of 2026.

Jennifer Carr strongly endorsed this program, urging States to "jump on board." She praised its low impact on state staff and its effectiveness, noting that the program has garnered positive testimonials from rural areas despite initial skepticism of government assistance.

Roger emphasized that the program forms relationships at multiple levels that are intended to "live on past this effort." He added that the program is "relatively cheap," costing between $50,000 and $100,000 to achieve good results.

ROUNDTABLE – CURRENT STATE CHALLENGES AND OPPORTUNITIES

Tom Stiles opened the round table, noting the President's "skinny budget" and the potential "evisceration of the categorical grants," which he stated comprise 75% of Kansas' funding. He warned that if the budget passes as is, it could "decimate" their state programs, potentially forcing them to turn programs back to the EPA. Kansas is urging their regulated community to contact their congressional delegation to advocate against the proposed cuts, though he expects some level of cuts will go through. Tom then discussed water reuse initiatives in Kansas. Wichita is commissioning a study on direct potable reuse, and two cities are actively engaged in MAR with wastewater. This raises questions about potential geochemical reactions between wastewater and ambient groundwater, the probability of capturing runoff, and how the soil matrix could generate disinfection credits. Finally, he highlighted the challenge of managing currently unregulated contaminants, such as microplastics and certain PFAs, to prevent future issues and avoid cornering cities with unforeseen regulatory burdens.

Jennifer Carr reported that Nevada is preparing to handle its first expedited 28-day NEPA reviews, with three geothermal project reviews expected to be released by the Bureau of Land Management in the coming week. Jennifer anticipated that, while this did not impose federal deadlines on the State, it would create pressure for the State to match the speed and theme of the "National Energy Emergency" Executive Order. She noted that while the mining and critical minerals sectors have shown little interest in this expedited process, the energy production sector is actively pursuing it. Jennifer also provided an update on the implementation of indirect potable reuse. In Nevada the water must be injected into the ground as an environmental buffer and recovered at another well some distance away from the injection site. Jennifer highlighted an indirect potable reuse project north of Reno, that will soon begin operation after over a decade of development, where treated water will spend about a year underground before reuse. She noted growing interest in direct potable reuse in Nevada and expressed willingness to collaborate with other States as these initiatives advance.

Julie Cunningham provided a brief update from Oklahoma's Water Quality Division Chief, who indicated a focus on Contaminants of Emerging Concern, nutrients, harmful algal blooms, and climate and water issues. Julie also highlighted Oklahoma's public outreach on information and data availability. They have a statewide water quality and quantity monitoring network to help disseminate information about streams, lakes, and groundwater. This effort has been a focus for the 2025 update of the State's 50-year comprehensive water plan. Julie sought insights into how other States share data with the public, who is using it, and tips on securing funding for data collection from legislators.

John Mackey reported on how Utah is responding to the Supreme Court's decision in *Maui v. Hawaii Wildlife Fund.* He explained that Utah does encounter the groundwater-surface water nexus, seeing influences between the two in both directions. He said Utah is building their response in real-time and interested in hearing from other States' application of *Maui.* The same applies to *City of San Francisco v. EPA.* Referring to the narrative criteria for water quality standards, John said "Our narrative sounds a lot like San Francisco. We need the narrative. It's important to us. But being able to work with it given the *San Francisco* decision is important." Mackey also updated on per- and polyfluoroalkyl substances (PFAS). Utah is conducting a survey across 25 locations

looking for PFAS, Mercury, and Selenium in fish tissue. Early findings indicate some level of PFAS contamination in all tested fish and waterfowl samples, regardless of their origin.

John Rhoderick shared legislative successes regarding PFAS in New Mexico, including adding PFOA and PFOS to their RCRA hazardous waste lists, specifically targeting AFFF firefighting foam due to significant issues at federal military installations and ongoing lawsuits. New legislation also outlawed non-essential PFAS in retail commercial products. New Mexico is developing water reuse regulations including for direct and indirect potable reuse and reclaimed wastewater. Rhoderick stated that approximately 40% of New Mexico's wastewater from discharge permits is already reused. The State aims to expand industrial reuse, including treated produced water from oil and gas, to support economic development and reduce reliance on limited fresh water. New Mexico is also promoting brackish desalination to counter severe drought conditions, which are projected to reduce freshwater availability by 25% over the next 50 years.

Matt Manning reported that the Nebraska Department of Environment and Energy and the Department of Natural Resources are merging, effective July 1. He identified nitrates in groundwater as Nebraska's most significant water quality concern, with ongoing efforts to mitigate the problem.

Jennifer Zygmunt reiterated the State's concern over Lands of Exclusive Federal Jurisdiction determination in Yellowstone National Park which overturned Wyoming's §401 certifications and §402 permits. Wyoming feels the upheaval has created administrative difficulties and is detrimental to environmental protection. Wyoming is advocating for the reinstatement of its authority, engaging with Region 8 EPA for a solution. Jennifer also noted EPA's proposal to update Subpart E regulations which allow the discharge of produced water to the surface west of the 98th meridian. EPA proposes to expand that geographically and potentially establish some technology based effluent limit guidelines. Given that Wyoming holds most of these permits in the West, the State is seeking close engagement with EPA as rules are developed.

FY2025-2026 COMMITTEE WORK PLAN

Jennifer Zygmunt asked for any "mission critical concerns" with the current work plan. Hearing no discussion or concerns, a motion was made and seconded to approve the work plan, with the understanding that it would be open to revision during the strategic planning exercise.

SUNSETTING POSITIONS FOR FALL 2025 MEETINGS

Jennifer noted that Position #486, related to EPA's exercise of authority under Clean Water Act Section 404(C), which would be revisited at the fall meeting. This resolution originated from an issue brought up by Alaska regarding a §404(C) veto on a project.

OTHER MATTERS

There being no other matters, the Water Quality Committee was adjourned.