

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF WATER QUALITY

FY 2005 End of Year Report

Mission:

Protect, maintain and enhance the quality of Utah's surface water and ground water to allow appropriate beneficial uses, and protect public health while giving reasonable consideration to economic impacts.

1. Foster integrated information management and 24 hour service through the Internet.^{EIMI}

Measures:

- a. Complete enhancements to the ground water compliance database to allow electronic reporting of DMRs and generation of compliance reports. (5/30/05 Rob; will require IT contract)

The existing ground water database is obsolete and can no longer be supported or enhanced. As a result, this task was deleted. On October 1, 2005, EPA awarded a \$300,000 EIEN grant to the Utah Automated Geographic Reference Center to construct a geodatabase for the UIC program. After the UIC database has been constructed, additional layers will be added for the ground water quality protection program.

- b. Make modifications and progress in getting data into our surface water database and enhance user access
 - 1) Establish a workable mailing list system for DWQ. (12/31/04)

STATUS: *Completed by Kiran B. but will need updating and editing as we use it.*

- 2) Electronically transfer periphyton data to the system (6/30/05 Arne)

STATUS: *The contractor continues to send data hardcopy, but his current contract stipulates any future data will be electronic.*

- c. Initiate the PCS/ICIS migration by developing grant funding and a work plan. (8/31/04 Randy and Mike H.)

STATUS: *This activity has been completed.*

- d. Insure that all public notices for permits and Water Quality Board Agendas are noticed on our web site (Ongoing - Faye & Section Managers)

STATUS: *Ongoing being accomplished*

- e. Work with DEQ IT to improve relationships and IT service delivery. (10/1/04)

Walt & Randy)

STATUS: *Ongoing being accomplished*

2. Implement Core Programs in an efficient and professional manner.

Measures:

- a. Maintain high level of customer responsiveness as documented by submission of response tracking reports by the 10th of each month. (Section Managers)

STATUS: *Ongoing being accomplished*

- b. Operate programs in a manner to facilitate customer satisfaction as evidenced by minimizing complaints, permit appeals, etc., and maximizing positive feedback. (Ongoing)

STATUS: *Ongoing being accomplished*

- c. Implement programs effectively in accordance with rules and statute to protect water quality. (Ongoing)

STATUS: *Ongoing being accomplished*

- d. Maintain an effective working relationship with EPA and local health departments. (Ongoing)

STATUS: *Ongoing being accomplished*

- e. Implement a streamlined one-stop energy permitting approach under coordination of DEQ. (Ongoing, Rob, Kiran, Mike H.)

STATUS: *Ongoing being accomplished to the extent feasible between UPDES and Ground Water Quality Protection.*

3. Implement the Phase II Stormwater Program.

Measures:

- a. Develop an Annual Report form for all Phase I & II MS4s. (11/15/04_Tom R.)

STATUS: *The annual report was created and made available for the Phase I and II MS4 Permittees. The report was used for the 2004 reporting period.*

- b. Continue outreach/education activities. (Ongoing)

STATUS: *Education activities have been ongoing for the MS4's. Many activities are*

organized through the Utah Storm Water Advisory Committee Panel. The State has taken an active role to train the permitted MS4's to conduct construction site inspections. The objective is to train the municipalities to conduct the inspections in a uniform fashion statewide with the same protocol used by the State. The training includes document review and inspection of onsite storm water controls. A standardized inspection packet, including the "Expedited Settlement Offer" inspection sheet is promoted.

Other education activities included several presentations on ordinance development and an overview of the Federal ordinance examples.

4. Implement the Utah AFO/CAFO strategy.

Measures:

- a. Develop a short, easy to read fact sheet to summarize progress. (10/1/04 Rand)

STATUS: *Fact sheet was completed and distributed to the AFO/CAFO Committee. It was also included in the Nonpoint Source Program Annual report.*

- b. Promote partner funding and resources for potential CAFOs. (Ongoing Mike R.)

STATUS: *Significant 319 funds and USDA EQIP funding continues to support clean-up of Potential CAFOs.*

- c. Track annual progress of potential CAFOs and take appropriate actions. (4/1/05 Peter)

STATUS: *In January, Farm Bureau prepares an annual report on the implementation and progress of the AFO/CAFO Strategy. DWQ is following the AFO/CAFO Strategy and has permitted all but 2 CAFOs in the State. The Farm Bureau, local conservation districts, NRCS, producer groups, and Utah State University Extension are working with the pCAFOs to develop and implement CNMPs and to fund construction of waste handling and containment structures.*

- d. Prepare and distribute a progress report on the AFO/CAFO Strategy. (6/1/05 Peter) Mike R. will report information to the Utah Water Quality Board.

STATUS: *A report was presented to a combined meeting of the WQB and the SCC on September 26, 2005 by Ray Loveless at the request of DWQ.*

- e. Make a determination of proper approach and implement UPDES coverage of ground water permitted CAFOs. (4/15/05 Rob and Peter)

STATUS: *Unless a ground water permitted Concentrated Animal Feeding Operation (CAFO) can demonstrate no potential to discharge (NPTD), a separate Utah Pollutant Discharge Elimination System (UPDES) CAFO permit will be required in addition to the ground water discharge permit. The NPTD determination exempts a facility from*

coverage under the CAFO permit. The NPTD determination means that a facility has no potential to discharge to Waters of the State, regardless of any condition, or climatic condition or event. However, if the ground water permitted CAFO constructs new confinement buildings or lagoons, the NPTD exemption may need to be re-evaluated to ensure that it is still valid. This approach has been applied for the Circle Four Farms facility with the approval of a NPTD exemption.

5. Accomplish an effective program for completion and implementation of TMDLs.

Measures:

- a. Complete and track scheduled TMDLs for listed waterbodies according to approved TMDL submission schedule. (Semi-annual in May and November, Harry) The current submission schedule is shown below. Any waters listed will comply with EPA guidelines to complete TMDLs within a 12 year window. Currently all listed waters since 1998 are scheduled for completion by 2012 inclusive of those listed in 2004.

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Annual%												
Goal	4%	4%	4%	4%	12%	12%	12%	12%	9%	9%	9%	9%
Cumulative%												
Goal	4%	8%	12%	16%	28%	40%	52%	64%	73%	82%	91%	100%
% TMDLs Completed		18%		36%		65%		77%				
# TMDLs Completed							7	10				

STATUS: *Although no TMDLs were formally submitted in 2005 several were completed and are awaiting presentation to the Water Quality Board including Strawberry Reservoir, Escalante River and Paria River. Based upon current projections we anticipate 77% of the 1998 TMDLs to be complete by April 1, 2006. TMDLs to be submitted on April 1 include: Duchesne River, Antelope Creek, Indian Canyon Creek, Lake Fork River, Upper Bear River, Lyman Lake, Bridger Lake, China Lake, Marsh Lake, Matt Warner Reservoir, Calder Reservoir, Koosharem Reservoir, Otter Creek Reservoir, Lower Box Reservoir, Saleratus Creek, Echo Creek, Echo Reservoir, Thistle Creek and Soldier Creek. TMDLs currently in progress include: Jordan River, Utah Lake, Middle Bear River, Cutler Reservoir and Tony Grove Reservoir.*

- b. Incorporate by reference into Utah’s water quality standards all approved TMDLs within 120 days after the notification of approval by EPA. (Ongoing Harry)

STATUS: *All approved TMDLs have been incorporated by reference into the water quality standards.*

- c. Utilize existing in-house procedure to insure appropriate waste load and permitting assumptions and policies are incorporated into TMDL development for determination of facility WLAs. (Ongoing Harry)

STATUS: *Appropriate waste load and permitting data and policies have been incorporated into developed TMDLs for determining facility WLAs.*

- d. Watershed coordinators will monitor and manage implementation activities for completed TMDLs by establishing implementation milestones, identifying milestone leaders and tracking their completion. Tracking reports will be submitted to Division of Water Quality management annually on January 15. (Harry)^{WTR}

STATUS: *Tracking reports for all approved TMDLs are developed and submitted to the DWQ management on January 15 each year.*

- e. Maintain sound fiscal management of contracts by tracking contract amount, expenditures to date and availability of funds to meet obligations via quarterly reports. (Ongoing Harry & Stacy)

STATUS: *A spreadsheet containing contractual obligations versus available 106 funds is being updated and periodically compared against DWQs fiscal management budget for these funds to assure accuracy and sound accounting for funds set aside for development of TMDLs.*

- f. Maintain, track and report on the status of TMDL progress in support of Utah's Long-Term TMDL Submission Schedule. (November and May of each year Harry J.)

STATUS: *This is completed in relationship to supplying information to the PPA as required to track the progress of TMDL completion. In addition, this information is submitted to Region VIII staff as part of the submission of the 303(d) list and in conjunction with the submission of any TMDLs for approval.*

- g. Develop analytical components of the TMDL/GIS database for acquisition of water quality data by DWQ staff, other governmental agencies and the general public. (Harry & Jim H. 6/1/06)

STATUS: *A contract has been developed to provide technical programming services to incorporate several enhancements to the existing Utah Data Assessment and Integration Tool (UDAIT).*

6. Effectively implement the DEQ initiative on subdivisions and growth with local health departments.^{CBEF}

Measures:

- a. Establish a time schedule and mechanism to complete a model ordinance. (8/30/04 Walt & Bill D.)

STATUS: *Implementation contract will be executed by the end of January 2006.*

- b. Develop Legislation and rulemaking schedules. (8/30/04 Walt)
Completed (Utah Senate Bill 60).
- c. Develop a detailed plan and schedule to carry out education activities. (8/30/04 Walt)

STATUS: *This task will be integrated into the Implementation Contract above.*

- 7. Establish an effective Monitoring Program. ^{RGI}

Measures:

- a. Prepare an annual strategic monitoring plan for chemistry, bioassessment, physical habitat, fish, fish tissue and pathogens based upon needs and use of the data. (4/15/05 Richard & Tom)

STATUS: *The annual monitoring was completed by Richard and Tom in June 2005 for FY2006. The FY 2007 plan will be formulated beginning April 2006.*

- b. Prepare and distribute an assessment report for each water body where biological monitoring is conducted using metric or multivariate indices. (Ongoing – Richard)

STATUS: *A preliminary multi-metric model was generated for the Wasatch/Uinta Ecoregion, but insufficient data were available to be confident in model results. Additional data will be supplied by taxonomists by April 1, 2006, and both multi-metric and ,ultivariate models will be completed by August 2006. Once the models are complete, they will be used to make biological assessments for over 200 sites that have been sampled over the last 5 years. Assessment results will then be summarized.*

- c. Determine the biological sampling to be done this fall and the purpose by involving internal stakeholder participation. (7/01/04 Richard)

STATUS: *Fall 2005 sampling is complete for assessment sites which include physical, chemical, benthic, periphyton, fish, and fist tissure parameters. 60 sites were assessed including reference and impaired localities.*

- d. Establish a strategy with milestones and schedule to develop the necessary metrics and evaluation procedures to utilize and interpret biological data in Utah. (9/15/04 Richard & Jeff)

STATUS: *This task is in progress and is under the Water Quality Management Sections oversite. A draft of this strategy was completed and is partially being implemented as resources allow.*

- e. Analyze data from potential reference sites to establish a core of regional sites to

use as reference for assessment in the 305(b) assessment process. (Richard & Jeff)

STATUS: *Available data has been analyzed to date. Preliminary results are available but DWQ decided it was pre-mature to use results for the FY-2006 Integrated Report and 303(d) listing of impaired waters. The database was deemed too weak at this point to support listing of impaired waters.*

- f. Complete the E-MAP sampling and sample 50-60 potential reference sites. (10/31/04 Richard)

STATUS: *The E-MAP sampling was actually completed in 2004. Sampling beginning in 2005 was targeted at reference, impair or sites needing further data beyond water chemistry. This approach will continue as part of the long term strategy*

- g. Work with EPA to develop the long-term (5-10 years) monitoring and assessment strategy plan for Utah. (9/30/04 Richard)

STATUS: *A preliminary Long Term Monitoring and Assessment Plan was sent to EPA in September of 2005 and we received comments in November of 2005. Comments are currently under review.*

- h. Download from EPA the remaining EMAP data upon availability for use in assessments. (Ongoing Richard, Jeff)

STATUS: *All of the data that has been posted on the EPA database have been downloaded. An MS-Access database and associated metadata were created so that EMAP data could be readily compiled as needed to assess water quality. Thus far, only fish tissue and biological data have been used in water quality programs. However, the remaining data will be explored as resources all.*

- i. Establish strategy for utilization of an increase of 106 funding to enhance existing monitoring program. Potential considerations may include: temporary positions for the Utah Health Laboratory to increase nutrient analysis capacity, purchase of laboratory equipment, testing for fish tissue toxicity, increased bacteriological monitoring, or the establishment of long-term flow monitoring stations. (Richard 9/15/04)

STATUS: *The purchase of laboratory is being completed with about \$750,000 worth of equipment on the list. Some is up and running at the lab. All should be operational by February 2006. The other considerations are in discussion, but no decisions have been established.*

- j. Initiate development of measures for characterizing the beneficial use of the wetlands of Great Salt Lake. Biological measures include, but are not limited to vegetation, macroinvertebrates, and phytoplankton. Coordinate with the Department of Natural Resources of HGM and wetland reference sites. This effort contributes to the watershed planning in the Great Salt Lake Basin. EPA

will provide technical assistance. (Theron)

STATUS: *Multiple studies are underway via several contractors to develop appropriate assessment methods and procedures to assess the wetland complexes of the Great Salt Lake. Some two years of chemical and biological data have been collected to characterize and assess the beneficial use attainment of the Farmington Bay wetland complex. A Technical Advisory Committee is providing direction for the many investigations and results are being presented to the Great Salt Lake Steering Committee. Funding is coming from EPA via grants and from the SRF Program through loans to effected sewer district.*

8. Improve and Enhance DWQ Employee Resources measures.

Measures:

- a. Insure that all DWQ employees receive DEQ training (as scheduled) (Ongoing Branch Mgrs & Faye)

STATUS: *Ongoing being accomplished*

- b. Effectively utilize incentive awards and ASA's to recognize employees. (Ongoing)

STATUS: *Ongoing being accomplished*

- c. Establish and implement a Division tracking system for P.E. continuing education requirements and report progress to DEQ annually. (9/1/04 Stacy & Acct. Tech)

STATUS: *Ongoing being accomplished*

- d. Provide cross-section and Division orientation for each new employee. (Ongoing)

STATUS: *Ongoing being accomplished*

- e. Provide every employee with at least one professional development training opportunity annually. (Ongoing)

STATUS: *Ongoing being accomplished*

9. Implement a successful underground wastewater disposal system program.

Measures:

- a. Maintain a positive working relationship with the LHDs. (Ongoing)

STATUS: *Attending meeting s of the Committee on Onsite Wastewater Partnership routinely.*

- b. Continue to work with USU to provide an effective training, certification and continuing education program. (Ongoing, Kiran)

STATUS: *Applications processed, letters of approval, denial or additional information request are sent, database maintained, list of certified professionals posted on web.*

- c. Work with the on-site wastewater committee, develop a schedule of actions (including rulemaking and any other activities) needed to move this program forward. (Plan and schedule by 8/30/04 Kiran)

STATUS: *No schedule for future revisions made due to heavier commitment to get alternative systems, management strategies and variance adopted.*

- d. Develop new employee handbook to acquaint new and existing staff with current policies and procedures (12/31/04 Stacy)

STATUS: *Ongoing, in progress but not completed.*

- 10. Complete necessary rulemaking with effective stakeholder involvement.

Measures:

- a. Modify 317-4 to allow RGF treatment systems. (9/30/04 Kiran)

STATUS: *Rulemaking began with the expanded scope in June 2005, two rounds of public comments received in July and November. To be finalized on or before February.*

- b. Modify 317-2 to incorporate E. Coli and resolve UPDES permit requirements for bacteria. (6/30/05 Mike R. & Bill M.)

STATUS: *This rulemaking was completed with the rule becoming effective as adopted by the WQ Board on April 6, 2005 and formal approval by EPA on October 17, 2005.*

- c. Complete modification of 317-6 to change Class I protection levels. (8/30/04 Rob)

STATUS: *This rulemaking was completed when the Utah Water Quality Board adopted the proposed changes to R317-6 during the August 20, 2004 Utah Water Quality Board Meeting.*

- d. Modify 317-1, effluent reuse rules to allow a BOD/TSS variance for Type II water and to change monitoring requirements. (12/1/04 Walt)

STATUS: *Rulemaking with changes adopted by the Utah Water Quality Board became effective August 22, 2005.*

- e. Prepare a strategy including milestones and dates to complete NPS management plans for Mining and Stormwater. (7/15/04 Mike R., Mike H., & Rob)

STATUS: *A Draft of the Mining Plan went through initial public review. Changes in the plan are underway and will be completed this year. A rough draft of the Stormwater Plan is also done and is under internal review. This process will carry forward into FY-06.*

- f. Modify Rules to adopt TMDLs by reference. (Ongoing with TMDL approvals, Harry)

STATUS: *Ongoing, all approved TMDLs have been incorporated into rule by reference.*

- f. Establish a written enforcement guidance policy with EPA comment for CAFOs, Stormwater, and biosolids. (4/15/05 Randy & Mike H.)

STATUS: *This is presently ongoing and will be part of the revised EMS.*

- h. Initiate the development of rules for Use Attainability Analysis (UAA). (Mike/Harry 6/1/05)

STATUS: *A draft of the flow chart and the process has been developed. More refinement is underway by selected staff. Actual rulemaking will not proceed until after an extensive stakeholder outreach effort to be started in 2006.*

- i. Develop rules for the development of the 303(d) List of Impaired Waters. (Mike/Tom 4/1/05)

STATUS: *A draft of the proposed listing process and flow chart was completed. It needs further internal review and input from stakeholders before actual rulemaking is initiated. The process will continue later in 2006 after completion of the 2006 Listing cycle.*

12. Develop a Means for the Water Quality Board to assist communities with proper planning for the impacts of growth on wastewater needs as a part of Quality Growth planning.

Measures:

- a. Review and comment upon the wastewater management section of each communities Quality Growth plan. Perform the review using the checklist developed for a model sewer management plan. (ongoing)
- b. Revise and update the MWPP and foster increased participation. (Ongoing Paul – in process)
- c. Allocate funding for good wastewater infrastructure planning. (4/1/05 Ed: to

dateplanning advances were provided for these studies:

Project Name	Date Authorized	Date Funded	Project No.	Grant Description	Amount Authorized	Amount Drawn
Kane County WCD	4/6/2005	8/10/2005	na	plan adv	75,000	75,000
Daggett Co (Manila)	9/17/2003	11/6/2003	155	plan adv	21,000	21,000
Logan City	1/21/2005	5/23/2005	159	plan adv	206,000	0
Willard City SSD	11/19/2004	3/2/2005	na	plan adv	50,000	50,000
CVWRF - Jordan R. return flow study	11/19/2004	1/27/2005	na	plan grant	20,000	20,000
Wolf Creek	11/19/2004	2/9/2005	na	plan adv	52,000	52,000

- d. Strengthen community outreach activities. (Ongoing Ed, Shelly – in process)

UIC PERFORMANCE PARTNERSHIP GRANT AGREEMENT FY 2005

The Utah Department of Environmental Quality, Division of Water Quality (Utah DWQ), certifies that it maintains and implements an adequate Underground Injection Control (UIC) Program in conformance with federal and state laws, regulations, and conditions set forth in program authorization (delegation) documents.

As long as the Utah DWQ maintains an adequate program, the Regional Administrator of the United States Environmental Protection Agency (USEPA) Region VIII and the Director of the Utah Division of Water Quality agree this Agreement shall remain in effect, except as amended through mutual agreement.

Grant dollars awarded by the USEPA may be used by the Utah DWQ to perform core program activities to adequately maintain its UIC program, even when these activities are not specifically defined by goals, measures, and/or reporting requirements.

CORE PROGRAM ACTIVITIES

Utah DWQ agrees to conduct core program activities as described in and as evidenced by the submittal of the UIC Program reports itemized in Table I.

USEPA agrees to provide the following support to the Utah UIC Program:

1. One annual midyear review of Utah UIC Program.
2. Technical training, as appropriate and as funds allow. Candace attended the EPA UIC Inspector Training Course in Chicago hosted by EPA Region V and the Cased-Hole Logging for Mechanical Integrity Testing Course in Denver hosted by EPA Region VIII.
3. Seventy-five percent (maximum) of funds necessary to operate the core State UIC Program, assuming a federal budget funding level near or equal to the past three years. Should funding levels drop significantly, USEPA will review core program elements and provide appropriate revisions.

GOALS

1. To protect Underground Sources of Drinking Water (USDWs) from contamination by maintaining and implementing an effective core DWQ UIC program.

Measures:

- a. Evaluation of core program effectiveness, reported in the annual narrative program report to the Administrator. (See Table 1 for specific dates Rob/Candace) All activities associated with the core program requirements were described in detail in the annual narrative report.
 - b. Enforce the new Class V Rule regarding motor vehicle waste disposal wells and large capacity cesspools. (Ongoing, Candace) Motor Vehicle Waste Disposal Wells (MVWDs) were identified and closed as described in the annual narrative report. UDOT continues to voluntarily close their MVWDs. No large capacity cesspools were identified during FY2005.
 - c. Report the number of underground injection wells tested for mechanical integrity to assure that the injection fluid stays within the well and within the injection zone, and the number that passed. (See Table 1 for specific dates - EPA Form 7520-3) EPA Form 7520-3 was submitted according to the schedule in Table 1.
 - d. Report the number of Class IV/V injection wells (by well type) closed voluntarily and involuntarily (See Table 1 for specific dates). Provide narrative of other actions taken to identify Class V wells and to address potential endangerment from Class V wells. (See Table 1 for specific dates - narrative) Closure of endangering Class IV and Class V wells are reported on EPA Form 7520-2B semi-annually according to the schedule in Table 1 and described in detail in the semi-annual and annual narrative report.
2. To reduce violations of state Ground Water Quality Standards through permitting, pollution prevention, compliance, and enforcement measures.

Measures:

- a. Number of discharges by industrial Class V and other potentially endangering wells controlled by closure or permit. (See Table 1 for specific dates) All permits and closures are described in the annual narrative report.
 - b. Utah UIC Program monitoring activities done according to the EPA-approved Quality Assurance Project Plan (QAPP) for DWQ. (See Table 1 for specific dates) All monitoring activities conducted for UIC-regulated facilities are done so according to an EPA-approved QAPP.
3. To encourage responsible environmental behavior and promote excellence in environmental quality through environmental education, community-based partnerships and qualitative and quantitative feedback from regulated and non-regulated customers.

Measures:

- a. Number of presentations to local government groups, local health departments, public works departments, private sector groups, civil groups, etc. which include UIC concerns and opportunity for feedback. (See Table 1 for specific dates) Presentations and other outreach efforts were described in the annual narrative report.
- b. List of those contacted regarding new Class V rule. (See Table 1 for specific dates) Candace has developed and frequently updates the Utah 1422 UIC Program web site. Candace published via email the first edition of the Utah UIC Update, a quarterly (at least occasional) newsletter.

Table I - UIC Reporting Requirements FY 2005

Due Date	Reporting Cycle	Report Required
January 20 (1 st Quarter Date)	Quarterly	Quarterly Exceptions List (Form 7520-4)
April 20 (2 nd Quarter Date)	Quarterly, Semi-Annual	Compliance Evaluation and Enforcement (Form 7520-2A) Significant Non-Compliance and Enforcement (Form 7520-2B) Inspections, and Mechanical Integrity Testing (Form 7520-3) Quarterly Exceptions List (Form 7520-4) Class V Activities Narrative Number of Class IV / V Voluntary Closures Number of Class IV / V Involuntary Closures
July 20 (3 rd Quarter Date)	Quarterly	Quarterly Exceptions List (Form 7520-4)
October 20 (4 th Quarter Date)	Quarterly, Semi-Annual, Annual	Permit Review and Issuance, AOR (Form 7520-1) Compliance Evaluation and Enforcement (Form 7520-2A) Significant Non-Compliance and Enforcement (Form 7520-2B) Inspections, and Mechanical Integrity Testing (Form 7520-3) Quarterly Exceptions List (Form 7520-4) Separately for each class of well, the % of Class I, III, V wells identified in violation that are addressed by the UIC Program. % GW-based Source Water Protection Areas for

		Community Water Systems that have a Class V survey completed. % increase in the number of inspections conducted for Class V wells above a 2004 baseline. Number of Class V Motor Vehicle Waste Disposal Wells closed or permitted. Annual Program Narrative Number of Class IV / V Voluntary Closures Number of Class IV / V Involuntary Closures UIC Inventory Update Class V Inventory Progress
December 31	Annual	Final Financial Status Report (FSR)

UTAH FY2005

UPDES PERFORMANCE PARTNERSHIP GRANT AGREEMENT (PPGA)

The Utah Department of Environmental Quality(DEQ) shall fully implement and enforce its delegated UPDES program (including, as appropriate, general permitting, pretreatment, biosolids, CAFO, and storm water programs) as required by 40 CFR Parts 122-124, 403, 501 and 503, its delegation MOA July 7, 1987, SEA, Inspection Plan, and any other agreements with EPA regarding program implementation. The PPA may specify goals and objectives for activities beyond the base level of performance, but, in no way, should this be interpreted as relief from full implementation of the base program.

The DEQ certifies that it has, maintains, and implements an adequate UPDES program including pretreatment, biosolids, CAFO, and storm water in conformance with federal and state laws and regulations and conditions set forth in program authorization (delegation) documents.

As long as the DEQ maintains an adequate program, the EPA and the DEQ agree that this Agreement shall remain in effect, except as amended through mutual agreement.

Grant dollars awarded by the EPA may be used by the DWQ/PCS to perform core program activities to adequately maintain its UPDES program, even when these activities are not specifically defined by goals, measures, and/or reporting requirements.

GOAL:

Continue to fully implement the ongoing UPDES pretreatment, biosolids, CAFO, and storm water management programs as per the following “**CORE PROGRAM ACTIVITIES**” and “**COMPLIANCE AND ENFORCEMENT ACTIVITIES**” together with the annual FY’2005 Division of Water Quality, Goals and Objectives.

UPDES Program Reporting Measures Tied To Core Program Activities:

1. Number and percent of facilities that have a discharge requiring an individual permit that:^{CPM, W8}
- (a) are covered by a current UPDES permit (12/30/04 and 6/30/05 Edith)

STATUS:

25 Individual Municipal – Majors
38 Individual Municipal – Minors
8 Individual Industrial – Majors
42 Individual Industrial – Minors
1 Federal
31 Individual Biosolids
15 General Permit, Coal Mining
19 General Permit, Construction Dewatering
13 General Permit, Aquaculture (Fish Hatcheries)
49 General Permit, Concentrated Animal Feeding Operations (CAFO's)
3 General Permit, Ground Water Contamination with Petroleum Products
37 General Permit, Drinking Water Treatment Plants
1088 General Permit, Storm Water Construction
703 General Permit, Storm Water Multi Sector
60 General Permit, Phase II Municipal
1 Individual Storm Water, Salt Lake County Phase I Co-Permit (includes 13 phase II MS4's)
1 Individual Storm Water, Salt Lake City Municipal
39 Individual Industrial Storm Water (within individual permits)
1 Individual Storm Water UDOT Statewide MS4
1 Individual Storm Water Salt Lake City International Airport
2175 Total Current Permits

- (b) have expired individual permits (12/30/04 & 6/30/05 Edith)

STATUS: *Two Consolidation Coal and Salt Lake City Airport.*

- (c) have applied for, but have not yet been issued an individual permit (12/30/04 & 6/30/05 Mike)

STATUS: *One – Casper Ice Cream*

- (d) have individual permits under administrative or judicial appeal (12/30/04 & 6/30/05 Mike)

STATUS: *None*

2. Each year, 95% of priority permits and 90% of all permits are issued or reissued within the 5 year statutory time frame. If the number of expired permits is greater than 30% at any time, provide an overall permit issuance/backlog reduction plan showing how the State will expeditiously reduce the backlog to 10%. (5/1/05 Mike)

STATUS: *To our knowledge we have had only two permits backlogged. The permits backlogged are Consolidation Coal and Salt Lake International Airport. Our backlog has remained below 10%.*

3. Number of watersheds in which a watershed permit(s) has been issued. (5/1/05 Mike)
WTR

STATUS: *We do not issue a watershed permit anywhere in Utah. As was discussed last year we consider the issuance of each and every permit in a watershed and the effects those permits have on the watershed as a whole and in relation to one another.*

4. Number of storm water sources associated with industrial activity, number of construction sites over one acre, and the number of designated storm water sources (including Municipal Phase I and Phase II) that are covered by a current individual or general UPDES permit or other enforceable mechanism.^{CPM W9} (12/30/04 & 6/30/05 Tom R.)

a. # that are covered by each current storm water general permit (e.g., industrial, construction, MS4) (12/30/04 & 6/30/05 Tom R.)

Currently Active General Permit Coverages	
703	UTR000000 Multi Sector General Permit
1088	UTR100000 General Construction Permit
60	UTR090000 Phase II MS4's

b. # that are covered by current individual storm water permits (e.g., Phase I MS4s) (12/30/04 & 6/30/05 Tom R.)

1	UTS000001 SL County Co-Permit
1	UTS000002 SL City Municipal SW
1	UTS000003 UDOT Municipal SW
1	UT0024988 SLC International Airport
15	UT0400000 Coal Mine General Permit
39 Other Individual Permits With SW Provisions	

c. # of expired general or individual storm water permits (12/30/04 & 6/30/05 Tom R.)

STATUS: *Salt Lake city International Airport Permit, UT0024988 has currently expired and is under administrative extension pending effluent negotiations.*

Permit numbers are easily available for reporting to EPA. DWQ has reported the numbers to EPA.

5. Manage the application of the Storm Water Phase II Regulations. (Ongoing Tom R.)

STATUS: *The storm water Phase II regulations have been incorporated into the Utah Administrative Code, Permits have been created and are currently in the process of implementation.*

Specifically, Small MS4 permits have been issued and annual reports are being submitted by the permittees. Training activities are a current priority. Final storm water management programs are expected from the permittees by March, 2008.

Small construction activities have been included in the UPDES General Permit. An electronic NOI system has been created.

Publicly owned facilities are included under the UPDES Multi Sector General Permit. Permits have been issued to publicly owned wastewater treatment facilities, publicly owned transportation facilities and publicly owned landfills. Additional permit coverage is planned for publicly owned airports.

6. Involve regulatory agencies and the public as necessary to effectively permit storm water discharges. (Ongoing Tom R.)

a. The State program is accessible by the public and regulated entities (i.e., contact information, hotlines, web sites, etc.).

STATUS: *The State maintains a storm water program webpage which includes guidance documents, contact information, copies of permits and forms and links to additional storm water guidance.*

b. Include EPA in the review process prior to issuing general permits for storm water discharges and individual Phase I permits for large and medium size municipal separate storm sewer systems (MS4s).

STATUS: *EPA is provided with copies of draft permits and guidance prior to public notice.*

c. Track storm water general permit coverage and provide data to EPA on regulated agencies consistent with National efforts for data management (e.g., WENDB data elements within EPA's permit compliance system (PCS)).

STATUS: *Storm water general permits are tracked on PCS. Permits are also tracked on inhouse systems (Access and Oracle databases for municipal, industrial and construction permits.)*

7. Implement a process for incorporating TMDLs with storm water allocations into general permits. (Ongoing Tom R., Mike H. & Harry J.)^{W6}

STATUS: *The UPDES general permits include re-opener provisions if TMDL based limitations are required.*

8. Percentage of Significant Industrial Users (SIUs) in POTWs with Pretreatment Programs and % of known Categorical Industrial Users (CIUs) in non-pretreatment POTWs that have control mechanisms implementing applicable Pretreatment standards and requirements. (12/30/04 & 6/30/05 Jen) ^{w9}

STATUS: *100% of our SIU's in POTW's with pretreatment programs have an appropriate control mechanism implementing applicable pretreatment standards and requirements.*

ATK Thiokol discharges to Magna SID which does not have an approved pretreatment program but does have LL. ATK Thiokol is permitted by Magna and does pretreat their wastewater before discharging it to the POTW. We are currently working with the CIU and the POTW to permit the CIU and review the POTW's LL.

9. Perform audits on all approved pretreatment programs at least once every five years. (Ongoing Jen)

STATUS: *Audits are conducted annually rotating SIUs so that all SIUs are inspected during an audit at least once every five years or more often if needed.*

10. Implement the Utah AFO/CAFO Strategy to the maximum extent possible. Specific commitments include:

- a. Develop a new General Permit based on revised CAFO Rules. (11/30/04 Peter)

STATUS: *The current UPDES CAFO General Permit has been extended until a new permit is prepared. The permit has been extended so that the new permit will include the CAFO Rule revisions and changes brought by the Second Circuit Court ruling. Currently EPA estimates the CAFO Rule revisions will be implemented around March 2007. The permit will be issued as soon as possible following federal and state rule promulgation.*

- b. For all permitted CAFOs, enter permit facility data, permit event data, and inspection data into PCS. (Ongoing Peter)

STATUS: *DWQ currently inputs CAFO permit, facility, and inspection data into PCS.*

- c. Implement the process to address all animal feeding operations that are impacting water quality. Provide progress on implementation to EPA. (Ongoing Peter)

STATUS: *The Utah AFO/CAFO strategy is the process used in Utah to address water quality impacts from pCAFOs and AFOs. CNMPs have been developed and implemented at pCAFOs to improve waste containment, management, and land application. The DWQ utilizes the DWQ Enforcement Policy in any enforcement action against a facility.*

11. Upon promulgation of the Pretreatment Streamlining regulations (anticipated in 2004), examine the need to update State rules and procedures as appropriate to allow for

implementation. (11/30/04 Jen)

STATUS: *The streamlining regulations will be incorporated into the State rules by reference.*

12. Implement the Sewage Sludge (Biosolids) regulations

a. % and # of UPDES permits that contain biosolids language. (12/30/04 & 6/30/05 Mark)

STATUS: *Approximately 3% of all of our permits contain biosolids language (67).*

b. Maintain data in the Biosolids Data Management System (BDMS) or equivalent database. Submit the data electronically by May 1 each year for the proceeding monitoring year. (5/1/05 Mark)

STATUS: *ICIS, Pilot Program was done with Edith as instructed*

c. If 40 CFR 503 was adopted by reference maintain current reference. (Most recently revised as of July, 1998 and August 4, 1999) (12/30/04 Mark)

STATUS: *We are maintaining the current reference.*

UPDES Program Reporting Measures Tied To Compliance and Enforcement Activities

1. Ensure maintenance of information management systems sufficient to plan, track, assess, and make adjustments to program activities.

a. Properly enter data into the PCS data system such that the federally required data fields are kept current. (Ongoing Mike, Edith)

STATUS: *This is routinely done on a daily basis.*

b. Data is entered accurately - the PCS Data Entry Percentage Rate is at 95% or higher and includes permitting, compliance, and enforcement data required by the PCS Policy Statement. This can be measured by USEPA, as needed, for quality assurance purposes. UTDEQ addresses this in its Self Assessment. (Ongoing Mike, Edith)

STATUS: *PCS data entry rate is regularly at 97% or higher and includes permitting, compliance, and enforcement data required by the PCS Policy Statement. Utah routinely performs its own self-assessments for quality assurance.*

c. The state will respond to the Watch List monthly.

STATUS: *The Watch List is checked monthly and DWQ will notify EPA if they feel the Watch List is incorrectly completed. If necessary facilities can be removed from*

the Watch List if appropriate and agreed to by EPA.

2. Non Major Facilities Compliance Report.

Continue to report non-major facilities compliance data the same as majors through the PCS data management system. (Ongoing Mike)

STATUS: *Non-major facility data is entered into PCS. Utah handles the non-major facilities in the same manner as major facilities. The QNCR is used to determine non-compliance with permit limits and schedules. Data entered is quality checked for accuracy.*

3. Coordinate inspection activities among programs and between the State and USEPA. Incorporate targeted USEPA national and regional priority sectors, as agreed upon between UTDEQ and USEPA. Include those sectors, as agreed upon, when planning IU inspections by UTDEQ or USEPA. Consider planning inspections to complement timing and focus on watershed efforts. Inspections will be made in accordance with the mutually agreed to annual inspection plan. (Ongoing Kari, Lonnie)

- a. Submit draft inspection plan for FY06 by June 1, 2005, and final inspection plan within 30 days of receiving EPA's formal comments on the draft plan

STATUS: *The draft inspection plan was submitted by e-mail in the first week of June of 2005. The plan was signed by the Executive Secretary on August 29, 2005.*

- b. Track inspections in PCS. (Ongoing Kari, Lonnie)

STATUS: *We routinely record all inspections in PCS – major and minor.*

4. Sanitary Sewer Overflows (SSOs)

- a. SSOs in Utah are routinely handled by the sewer district and local health department. DWQ will respond when requested by these agencies or if waters of the state are threatened. (Ongoing Jen) ^{CPM E1}

STATUS: *This statement is correct.*

- b. Continue to inventory (ask questions of) permittees for SSO occurrences and resolutions through the Municipal Wastewater Planning Program (MWPP) questionnaire. This program is voluntary and the information may not be complete.

STATUS: *This is being done and will continue.*

- c. Submit to EPA Region 8 an End Of Year Report that will include :
 - i. Number of UPDES inspections at major facilities where SSO information was received. (6/30/05 Jen)

STATUS: *All SSOs were responded to and appropriately resolved by the local health*

departments and owners (cities, towns, districts, etc.) of the wastewater collection systems.

- ii An updated SSO inventory from MWPP surveys. (6/30/05 Jen)

STATUS: *A summary of the MWPP is attached*

- iii The number of SSOs reported and their cause from the MWPP inventory. (6/30/05 Jen)

STATUS: *There was 119 SSOs reported in 2004. All of these were responded to and appropriately resolved by the local health departments and owners (cities, towns, districts, etc.) of the wastewater collection systems. These SSOs were caused by tree roots in lines, equipment failure, oil and grease in lines, etc. None of these resulted in pollution of waters of the State.*

- d. The State will take enforcement action as per Utah's EMS whenever deemed necessary to protect waters of the state. (Ongoing Jen)^{CPME6}

STATUS: *In the spring of 2005 the State of Utah DEQ/DWQ issued Administrative Orders to three collection systems due to SSOs that reached waters of the State.*

5. Storm Water

- a. Division personnel will conduct at least 65 inspections of permitted and unpermitted facilities including the construction and industrial sectors I, R, AB, and AC. All inspections are entered into PCS. (Ongoing Tom R.)^{CPME5}

STATUS: *DWQ staff conducted 85 storm water inspections for the reporting period. The inspections were entered into PCS.*

- b. EPA may perform up to 75 storm water inspections in Utah in 2005. These inspections will be coordinated with DWQ and division personnel may accompany the EPA inspectors. (Ongoing Tom R.)

STATUS: *DWQ coordinated inspections with EPA. Follow-up and enforcement efforts for the conducted inspections are ongoing.*

- c. Train local agencies (Municipal Public Works Depts., County Health Depts. and District Engineers) to perform erosion and sediment control inspections at construction sites. This will increase the number of overall storm water inspections performed in the state. (Ongoing Tom R.)

STATUS: *The State has taken an active role to train the permitted MS4's to conduct construction site inspections. The objective is to train the municipalities to conduct the inspections in a uniform fashion statewide with the same protocol used by the State. The training includes document review and inspection of*

onsite storm water controls. A standardized inspection packet, including the “Expedited Settlement Offer” inspection sheet is promoted.

- c. Develop a storm water compliance and enforcement strategy by 11/30/04. (Tom R.)

STATUS: *A draft storm water enforcement guidance policy has been produced. The Utah guidance has been drafted to incorporate elements of the EPA storm water enforcement protocol. Specifically the Utah strategy includes the use of a sector-based inspection and enforcement protocol. The draft storm water guidance was prepared on 12/6/04. The plan is currently being incorporated into the overall permits and compliance “Enforcement Management Strategy.”*

- e. Provide EPA with a copy of Utah’s current storm water permit tracking system quarterly (9/30/04, 12/30/04, 3/31/05, 6/30/05), either electronically or on CD-rom. (Tom R.)

STATUS: *Permit tracking reports have been submitted to EPA.*

- 6. Assure consistent enforcement of WET requirements in permits.

- a. Following EPA’s review and comment, revise Utah’s WET policy and guidelines in order to assure alignment with EPA’s national WET policy and/or regulations. Target 120 days following receipt of EPA’s final comments. (Ongoing Peter)

STATUS: *EPA has not given Utah final comments on the State policy that was submitted. When this is done DWQ will respond by submitting a revised plan.*

- b. Utah will enforce its UPDES permit WET limits and compliance schedule violations in accordance with the enforcement guidance contained in its February 15, 1991 “Permitting and Enforcement Guidance Document for Whole Effluent Toxicity Control,” and any subsequent revisions. (Ongoing Peter)^{W8, E6}

STATUS: *This is ongoing as required.*

- 7. Biosolids-Promote the beneficial use of biosolids

- a. Continue to conduct Biosolids inspections. The goal will be to conduct inspections on 50 % of Utah’s biosolids-only permittees annually. In the End-of-Year Report, include the number of Biosolids inspections actually conducted. (Ongoing Mark)

STATUS: *Twenty biosolids inspections were completed and entered into PCS.*

- b. Reissue all 7 permits which will expire in FY2005 plus those early renewals needed to transition into consolidated permits (Ongoing Mark)

STATUS: *Work completed and ongoing.*

8. Enforcement Agreement.

Evaluate/revise/update Utah's State/EPA Enforcement Agreement as appropriate and warranted. (Ongoing Mike H.)

STATUS: *We are in the process of revising our State Penalty Policy and our Enforcement Management System (EMS). Any changes in the Enforcement Agreement will come as a result of that revision.*

9. Concentrated Animal Feeding Operations (CAFOs) (Ongoing Peter)

- a. Continue to implement "Utah's Strategy To Address Pollution From Animal Feeding Operations"

STATUS: *The Summary issued by Farm Bureau in January, 2005, provides a summary of the implementation of the Utah AFO/CAFO strategy. The DWQ continues to implement the strategy and supports the partners in their roles.*

- b. Maintain an inventory of all permitted CAFOs during FY2004

STATUS: *An inventory of CAFOs is maintained by the CAFO/AFO Program Coordinator. As of June 30, 2005, there were 50 UPDES CAFO permitted facilities in the State and only 2 known CAFOs were not permitted. One of those CAFOs is now permitted and the other was given the no potential to discharge determination in FY2005.*

- c. Inspect at least 20 CAFOs during FY2005 including those also covered by groundwater permits

STATUS: *8 CAFO inspections were conducted during FY2005. The CAFO/AFO Coordinator position was vacant about 6 months of FY2005. The new CAFO/AFO Coordinator started February 14, 2005. Of the 8 inspections, no facilities were covered by a groundwater permit. To date in FY2006, 3 facilities with groundwater permits have been inspected.*

- d. Coordinate with the Region to ensure Regional accessibility to CAFO information, including permit, inspection, and enforcement data

STATUS: *Facility and inspection information is entered in PCS. The DWQ communicates with Region 8 regarding permit-related issues and enforcement actions.*

- e. Include in the End-of-Year report for FY 2005 (Peter):

- i. Total known number of CAFOs in Utah and of these, the number of permitted CAFOs

STATUS: *There are 52 Large CAFOs in the State, of these 50 were permitted as of June 30, 2005. The two un-permitted CAFOs include; one facility which has been given the no potential to discharge determination and one facility that expanded to Large CAFO numbers and had not submitted a NOI by the end of the FY2005. In August, 2005, the facility submitted a NOI.*

- ii. Total known number of CAFOs in priority areas and of these, the number permitted

STATUS: *Twenty-three CAFOs are located in priority watersheds. Of the twenty-three CAFOs, twenty-one were permitted in FY2005. One of two un-permitted CAFOs was permitted in FY2006.*

- iii. Names and HUC codes for priority watersheds in the state

STATUS:

Priority Watershed	HUC Code
Hyrum Reservoir	16010203
Lower Little Bear River	16010203
Cub River	16010202
Newton Creek	16010202
Lower Bear River	16010204
Spring Creek	16010203
East Canyon Creek	16020102
Pineview Reservoir	16020102
Upper San Pitch River	16030004
Upper Sevier River	16030001
East Fork Sevier River	16030002
Middle Fremont River	14070003
Johnson Valley Reservoir	14070003
Forsyth Reservoir	14070003
Onion Creek	14030005
Ashley Creek	14060002
Lower Virgin River	15010008
Upper Price River	14060007
Upper Beaver River	16030007
Thistle Creek	16020202
Deer Creek Reservoir	16020203
Silver Creek	16020101
Mill Creek	16020204
Cottonwood Wash	14080201
Chalk Creek	16020101

- iv. Numbers and percent of total known CAFOs in Utah inspected

STATUS: *During FY05, 8 inspections were conducted out of 50 permitted facilities. This is 16 % of the permitted facilities and 15% of all known Large CAFOs in the State.*

v. Numbers and percent of total known CAFOs in priority areas inspected

STATUS: *Three out of eight CAFO inspections in FY2005 were in priority areas. This is approximately 38% of the inspections.*

vi. Number of enforcement actions taken against CAFOs, including:
- Number of settlements
- For each case, any penalty amount assessed and collected

STATUS: *One notice of violation (NOV) was issued in FY05 to a poultry operation. A settlement agreement and penalty were not determined in FY05. However, a settlement agreement and penalty are anticipated during FY2006.*

10. Report to EPA in the End Of Year Report the number of the following types of inspections:

- a. Majors (Lonnie, Kari)
- b. Minors (Lonnie, Kari)
- c. Storm Water (Tom)
- d. CAFOs (Peter)
- e. Biosolids (Mark)
- f. SSOs (Jen)
- g. Pretreatment (Jen)
- h. Priority Areas (Peter)

EPA will determine the number of inspections conducted at midyear (March 31, 2005) by DWQ in each category above by pulling this information from PCS. Any inspections, which do not appear in PCS by March 31, 2005, will not be counted in the midyear numbers.

STATUS:

	Number of Inspections
32	Majors
116	Minors
77	Storm water
8	CAFOs
20	Biosolids
4	SSOs
30	Pretreatment
4	SSOs (Priority Sector)
3	CAFOs (Priority Sector)

?56 Storm water (Priority Sector)

11. EPA Region 8 may propose to inspect, in consultation with the State, certain coal bed methane operations in Region 8 for compliance with the Clean Water Act.

STATUS: *These facilities are permitted, inspected and enforced against the same as any other permitted facility. This is routinely done. We would lead all inspections in the State of Utah.*

12. Submit to EPA appropriate enforcement documents at appropriate times as follows: ^{CPM}
E6

a. NOVs as they are mailed to the violator (Ongoing DWQ Staff)

STATUS: *This is routinely done and will continue.*

b. DWQ will provide penalty calculations and all necessary background documentation to EPA for enforcement actions against major facilities and for cases in priority areas (storm water and CAFOs) before the information is shared with the facility to allow EPA to evaluate the proposed penalty. EPA will provide written comments on draft settlement documents and penalty calculations within seven calendar days from the date it is received. (Ongoing DWQ Staff)

STATUS: *This is routinely done and will continue. The Enforcement Agreement allows EPA five days for review, not seven.*

c. SAs for minor permittees and unpermitted facilities as they are settled (Ongoing DWQ Staff)

STATUS: *SAs for minors and unpermitted facilities will continue to be sent to EPA as they are settled.*

FY 2005 UTAH GROUND WATER PROTECTION SECTION
PERFORMANCE PARTNERSHIP AGREEMENT

GOALS

1. Continue administration of a comprehensive ground water protection program according to priorities established in Utah Ground Water Protection Strategy and the annual FY 2005 Division of Water Quality/Goals and objectives.

Measures:

a. End-of-year report as required by 106 grant on achievement of FY 2004 DWQ/Ground Water Program Goals and objectives - due 12/31/04.

STATUS: *This EOY Report satisfies this requirement.*

- b. Statewide Permitting Program administered in accordance with strategy and state rules.

STATUS: *Currently administering 37 ground water quality discharge permits and working through the permit application process for five potential ground water quality discharge permits. Also administering or assisting other agencies with four ground water corrective action or compliance enforcement projects (Ensign-Bickford Company; Western Zirconium; Southwest Jordan Valley Ground Water Cleanup; and US Magnesium Consent Decree).*

- c. Education efforts conducted to encourage awareness of ground water protection issues.

STATUS: *Organized and held the annual Water Conference for the Utah League of Cities and Towns; gave at least two school presentations per month; gave ground water protection planning presentations to professional organizations and civic groups; and provided a water quality information booth at six conferences during the year.*

- d. Continue participation in the regional Ground Water Protection Strategy Work Group to help EPA develop a regional strategy for refocusing EPA and Region VIII States efforts on ground-water protection.

STATUS: *Candace Cady and Bill Damery of the Ground Water Protection Section participated in the regional Ground Water Protection Strategy Work Group meeting with Region VIII.*

- e. Continued efforts to encourage local governments to institute ground water protection measures.

STATUS: *Completed and received Utah Water Quality Board approval for four aquifer classifications including: Lower Castle Valley in Grand County; Navajo/Kayenta and Ash Creek in Washington County; Sanpete Valley in Sanpete County; and Moab-Spanish Valley in Grand and San Juan Counties. Currently in the process of classifying the following two additional aquifers: Upper Castle Valley in Grand County; and Morgan Valley in Weber County.*

COMMUNITY-BASED/WATERSHED APPROACH TO
WATER QUALITY MANAGEMENT
FY-05 PERFORMANCE PARTNERSHIP AGREEMENT ^{CBEP}
WQM and TMDL Sections, DWQ

GOAL:

1. Maintain strong State and local institutional capabilities to implement Watershed Approach for TMDL development and implementation of the Nonpoint Source Program:
WTR

- ◆ Continue active support of Partners for Conservation and Development (UPC&D)
- ◆ Utilize and enhance State GIS capabilities for watershed planning and implementation.
- ◆ Submit 319 mid-year and annual reports and maintain Nonpoint Source Grants Reporting and Tracking System (GRTS).
- ◆ Continue implementation of upgraded NPS Pollution Management Program Plan. Revise components related to hydrologic modification. Develop a schedule to revise/update the NPS Pollution Management Plan by 2006.
- ◆ Develop and pursue approval for stormwater/urban run-off and mining components of the Management Plan.

Measures:

- a. Continued development and revision of base data layers for watershed management unit status reports and TMDL plans including maps of 303(d) waters and other environmental features. (NPS Plan Task 26) ^{CPM W13}

STATUS: *Numerous maps have been completed in support of the upcoming listing cycle and 305(b) report for 2006. GIS technical support is also being provided for the bioassessment program development. Assistance to the UIC program is also ongoing pursuant to a new grant to build GIS environmental data layers to prioritize UIC wells in Utah.*

- b. GRTS is updated semi-annually and reports are submitted according to July 1st and January 1st deadlines. (NPS Plan Task 33)

STATUS: *Reports are being entered as received from 319 project coordinators to meet established deadlines.*

- c. Complete revisions of hydrologic modification (December 2006) and stormwater/urban run-off (December, 2004) plans.

STATUS: *Completion of these Plan is behind schedule due to competing work assignments and priorities. Work on the Hydromod Plan may begin later in 2006. A rough draft of the Storm Water Plan is currently in internal review. It should be submitted to EPA by the summer of 2006.*

- d. The planning target to complete the NPS mining plan component is May 1, 2005.

STATUS: *The draft was completed and went through preliminary Public review in June. Comments received still need to be addressed and revisions made to the Plan. Progress slowed somewhat during the summer and fall because of other 319 project activities. Comments on the Plan will be addressed and the Plan re-public noticed in January 06. The final Plan should be ready to submit to EPA for approval by Spring.*

- e. Submission of NPS Annual Report. (4/1/05 Mike R.)

STATUS: *The 2004 Nonpoint Source Annual Report was completed and sent to EPA last April and EPA approved the report in May.*

2. Ensure that federal land management is consistent with State Nonpoint Source Pollution Management Plan and watershed needs and concerns:
 - ◆ Conduct annual program/project/monitoring review meeting.
 - ◆ Conduct field audits on selected projects and review federal actions.
 - ◆ Implement cooperative monitoring programs and work jointly for consistent procedures and protocols.
 - ◆ Evaluate need and establish schedule as resources permit to revise MOUs with Forest Service and BLM.

 - ◆ Works closely with federal land management agencies to identify the 303(d) listed waters on federal lands and work jointly to develop and implement TMDL per agreement between FS and EPA.

Measures:

- a. Report those waters identified on the 2000 303(d) list of impaired waters or subsequent 303(d) lists that are primarily NPS impaired where that partially or fully attained beneficial designated uses have been attained.

STATUS: *As reported in the 2004 305(b) Report, some 78% of perennial streams as assessed were fully supporting beneficial uses. Most of these waters are impaired to a major degree by nonpoint source pollution. A very small percent is dominated by point sources.*

- b. % of stream miles and lake acres monitored which meet designated uses for aquatic life and recreation on public lands (NPS Plan Task 3) ^{CPM W4}

STATUS: *Nearly 85% of the assessed stream miles on public lands (Forest Service and BLM) are currently meeting aquatic and recreation uses. Some 88% of lake/reservoir acres assessed are meeting recreation uses. This figure includes Lake Powell which accounts for about 66% of those acres. These figures are based on the 2004 water quality assessment and will be updated for 2006.*

- c. Completed field project reviews with documented observations and recommendations summarized in NPS Program Annual Report. (NPS Plan Task 29)

STATUS: *Project tours were conducted jointly with EPA this past year in June and the results will be summarized in the NPS Annual Report. Other trip/project reviews were conducted by UDAF staff and will also be included in the Annual Report.*

- d. Number of 303(d) water bodies (streams and lakes) located on public lands (FS and BLM) and number of TMDLs developed in conjunction with and support of FS or BLM. Report results in EOY report for the PPA and NPS annual report. (NPS Plan Tasks 3 & 5)

STATUS: *(Information is based on 2004 assessment data.) There were 52 stream assessment units and 14 lakes listed on the 303(d) List (category 5A and 5B) which are located on public lands (FS and BLM). Some seven lake TMDLs are being developed in cooperation with the Forest Service via an interagency agreement with EPA.*

- e. Depending upon resource constraints related to fires and other management priorities, work jointly to revise memorandum of understanding with FS and BLM (NPS Plan Task 20)

Results: No time or staff effort could be devoted to this task during the past year.

3. Improve public awareness and support of TMDL development and implementation through the watershed approach and nonpoint source program: ^{WTR}
- ◆ Continue to work on revising the 1995 NPS I&E strategy to support development and implementation of TMDLs and Governor's Watershed Initiative.
 - ◆ Increase non-governmental partnership in implementing the Watershed Approach developed TMDLs and NPS Management Program.
 - ◆ Promote the Watershed Approach to TMDL development via conferences, newsletters and basin workshops and through the Utah Partners for Conservation and Development and the Utah Watershed Coordinating Council.

Measures:

- a. Number of new Adopt-A-Waterbody groups and number of groups linked to TMDL waters. (NPS Plan Tasks 16 & 17)

STATUS: *Some eight new Adopt-A-Waterbody groups submitted applications to DWQ and were formed in 2005.*

- b. Number and type of new partnerships, i.e. environmental and commodity groups created and their mission or purpose explained. (NPS Plan Tasks 9 & 10)

STATUS: *Two outreach groups formed last year by the Division included the Mercury Workgroup and the Best Available Technology (BAT) Workgroup to evaluate requiring liners for animal waste lagoons.*

- c. Revised NPS Program I&E Outreach Strategy. Target completion date is March, 2005. (NPS Plan Task 17)

STATUS: *The draft I & E Strategy was completed. Further evaluation and enhancement of the strategy is underway in 2006.*

- d. Document public information actions completed to promote Watershed Approach/TMDL planning process and other key program actions, i.e. WQS, and 303(d) listing. Such actions will be reported in the EOY PPA report. (NPS Plan Task 15)

STATUS: *Water Quality Standards revision and adoption process was completed in 200with adoption by the WQ Board and submission to EPA for approval. The WQS were approved by EPA on October 17, 2005. Several TMDLs are in various stages of development and are going through a public involvement and input process as described in previous reports.*

4. Implement nonpoint source best management measures on a priority water quality protection/improvement basis: ^{WTR}

- ◆ The state will continue implementation of Utah AFO/CAFO strategy.

STATUS: *The DWQ and the agricultural partners are continuing to implement the Utah AFO/CAFO strategy. The DWQ monitors the progress of the strategy implementation by the partners.*

- ◆ Solicit and review priority project proposals, PIPs and prepare 319 application.
- ◆ Monitor and evaluate project implementation jointly with local sponsors.
- ◆ Conduct watershed evaluations and write reports for selected 319 watershed projects with assistance of ‘partners’ (cooperating agencies).
- ◆ Report non-319 investment in watershed restoration projects through participation in watershed based/TMDL process.

Measures:

- a. Number and percent of lake acres and stream miles monitored which have water quality supporting designated beneficial uses (NPS Plan Tasks 3 & 5)

STATUS: *Percentages are from the FY2004 305(b) Report. Perennial stream miles assessed is 10,606. Stream miles fully supporting assessed uses is 74%; Lake acres fully supporting assessed uses is 68%; and Number of lakes is 132 with 74 or 56% fully supporting assessed uses.*

- b. Practices implemented appropriately and effectively and natural resource improvements being achieved for 319 NPS Watershed Projects. Also report on reductions in nonpoint source loadings for sediments, nitrogen and phosphorus and improvements in water quality for information available. Information will be included in project annual reports (GRTS), final project reports and NPS Program annual report. (NPS Plan Tasks 2, 6, 36 & 40) ^{CPM W5}

STATUS: *Practices are approved at the project level by either NRCS or UACD technicians prior to submission of payment requests. The UAFRRI model is being run on animal waste projects to get reductions in nitrogen and phosphorus. Data is*

stored in a database by Farm Bureau and provide to 319 project coordinators for inclusion in midyear and annual reports. In the Chalk Creek watershed, the PSIAC model was re-run to yield sediment reduction information. The data will be provided to UDAF to input to GRTS. The model needs to be re-run in other watersheds where the model was used in the planning and inventory phase of the projects such as Otter Creek, Beaver River and Little Bear River.

- c. Report non-319 funding in watershed protection / restoration projects in project annual and final reports. (NPS Plan Task 34)

STATUS: *Project sponsors are only required to report on expenditure of 319 funds and associated match. Some non-319 funding information is available to local watershed coordinators and is being reported in annual progress reports and final project reports.*

- d. Report progress in implementing Utah AFO/CAFO Strategy through semi-annual reports to ‘partners’ and an annual progress summary report. (NPS Plan Task 34)

STATUS: *Oral and sometimes written reports are given a couple of times a year to the AFO/CAFO committee. A summary fact sheet is also included in the NPS Program Annual report. An Annual Status Report is prepared by the Utah Farm Bureau Federation and the Utah Association of Conservation Districts and sent to DEQ each February.*

- e. Continue to provide information on fish consumption advisories through the National Listing of Fish and Wildlife Advisories. Such state advisories are posted on the DEQ/DWQ Web site at www.waterquality.utah.gov.^{CPM W3}

STATUS: *Fish consumption advisories are reported annually through the National Listing of Fish and Wildlife Advisories. This year several advisories were posted for Mercury in selected fish and one advisory for Mercury in a couple of duck species in the Farmington Bird Refuges.*

- f. Report (A) number of the Nation’s watersheds where: water quality standards are met in at least 80% of the assessed water segments. (Annually Mike R.) It is anticipated that Utah will have no watersheds at the HUC level requested to report this level of achievement. This level of resolution is far too large. Utah’s approach to assessment, TMDL development and implementation is on a much smaller scale. **We will report on specific TMDL approved waterbodies where restoration has restored beneficial uses (as part of the 2006 303(d) listing cycle).** In addition we will not be able to report (B) all assessed water segments maintaining their quality and at least 20 percent of assessed water segments show improvement above conditions as of 2002.^{CPM W6}

STATUS: *This information will be reported as part of the 2006 305(b) report and 303(d) Listing Integrated Report. The information was unavailable at the time this report was prepared.*

5. Implement aggressively the watershed approach to TMDL development and implementation in Utah to complete assessments and develop TMDLs for impaired waters according to the approved 303(d) list. ^{WTR}

- ◆ Provide leadership and direction in promoting the Watershed Approach in developing TMDLs for targeted areas of impairment.
- ◆ Complete water quality assessment reports for the Bear River and Weber River Basins.
- ◆ Direct the development of local basin Steering Committees and Technical Advisory groups to oversee development and implementation of TMDL watershed based plans.
- ◆ Work with USDA/NRCS to promote the integration of EQIP funding into the watershed approach basin NPS priority areas by participation in the Local Work Groups, Zone Executive Committee Meetings, State Technical Committees.
- ◆ Utilize local watershed steering and technical advisory committees to develop TMDLs or watershed plans in accordance with Utah’s Watershed Approach Framework or EPA’s FY 04 NPS Grant Guidelines.
- ◆ Establish local watershed coordinator positions for high priority watersheds.

Measures:

- a. Number of developed TMDLs or Watershed Plans and identify those in progress. (NPS Plan Task 4)

STATUS: *The following table indicates the current number of completed TMDLs at 65%.*

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Annual%												
Goal	4%	4%	4%	4%	12%	12%	12%	12%	9%	9%	9%	9%
Cumulative%												
Goal	4%	8%	12%	16%	28%	40%	52%	64%	73%	82%	91%	100%
% TMDLs Completed		18%		36%		65%		77%				
# TMDLs Completed												

Although no TMDLs were formally submitted in 2005 several were completed and are awaiting presentation to the Water Quality Board including Strawberry Reservoir, Escalante River and Paria River. Based upon current projections we anticipate 77% of the 1998 TMDLs to be complete by April 1, 2006. TMDLs currently in progress include: Duchesne River, Antelope Creek, Indian Canyon Creek, Lake Fork River, Jordan River, Utah Lake, Middle Bear River, Upper Bear River, Tony Grove Reservoir, Lyman Lake, Bridger Lake, China Lake, Marsh Lake, Matt Warner Reservoir, Calder Reservoir, Koosharem Reservoir, Otter Creek Reservoir, Lower Box Reservoir, Saleratus Creek, Echo Creek, Echo Reservoir, Thistle Creek and Soldier Creek.

- b. Number of basin steering and technical advisory committees formed and

functioning (NPS Plan Tasks 9 & 10)

STATUS: *Approximately 30 planning groups are functioning.*

- c. Number of watershed-based plans and (water miles or acres covered), supported under State NPS Management Programs since beginning of FY-2002 that have been substantially implemented per information reported in GRTS.

STATUS: *There are four watershed areas with such plans that are substantially implemented. Implementation activities have been underway in three of the watersheds for several years beginning in the early 1990s. Those watersheds include Little Bear River, Otter Creek, Chalk Creek and Newton Creek.*

- d. Number of watershed-based plans and water miles or acres covered, supported under State NPS Management Programs since beginning of FY-2002 that have been developed and number of watershed-based plans are being implemented per information reported in GRTS.

STATUS: *Some eleven watershed based plans have been developed and of those, ten are being implemented. They include the Cub River, Newton Creek, Chalk Creek, East Canyon Creek, San Pitch River, Upper Sevier River, Fremont River, Otter Creek and Beaver River.*

- e. Watershed Management Unit water quality assessment reports completed for Bear and Weber River basins. (NPS Plan Task 3)

STATUS: *These assessment reports are in progress and will be included in the 2006 305(b) Report.*

- f. Number of priority NPS watershed areas where EQIP funds are being used. (NPS Plan Task 34)

STATUS: *Approximately 15 NPS priority areas across the state received EQIP and other USDA/NRCS funding totaling about eleven million dollars in FY-2005.*

- g. Number of priority watershed coordinator positions developed and functioning according to contract work plans. (NPS Plan Task 9)

STATUS: *Currently there are local watershed coordinators located in nine priority areas across the state. They are as follow: Virgin River, Upper Sevier River, Middle/Lower Sevier River, San Pitch River, Upper Weber River, Lower Weber River, San Rafael / Price River, Jordan River, and Bear River. These positions are all funded in part with 319 funds plus the match provided by the DWQ. In many cases other sources of revenue, including NRCS Technical Service Provider, UACD funds and Extension Service are also funding a portion of these positions. The main function of these positions is to facilitate and track the implementation of TMDLs in conjunction with the local watershed committees.*

6. Maintain Water Quality Standards as the basis for effective water quality management and assessment programs.

Measures:

- a. Complete triennial review of WQS including revision of E. coli standard and other site specific criteria, and submit to the EPA Regional Administrator for review and approval. (May, 2005)

STATUS: *The revised and adopted Water Quality Standards were submitted to EPA on August 9, 2005 for approval. EPA subsequently approved the standards on October 17, 2005.*

- b. Revise Water Quality Standards and prepare for adoption by the Utah Water Quality Board. (August, 2005)

STATUS: *The Revised (Triennial Review) Water Quality Standards were adopted by the Water Quality Board on May 24, 2005.*

7. Maintain compliance with Section 303(d) list submittal requirements and completion of scheduled TMDLs as negotiated with EPA (1998).

Measures:

- a. Submit FY-2006/8 303(d) list to EPA on or before April 1, 2006/8. The list will identify TMDLs completed during reporting period and those proposed for completion during next reporting period, waters proposed for delisting based on criteria, and waters proposed for development of site specific criteria or alteration of water quality standards. (NPS Plan Task 3 & 5)^{CPM, W6}

STATUS: *The 2006 303(d) List and Integrated Report is in progress and will be submitted to EPA by April 1, 2006.*

STATUS: *We anticipate submitting 24 TMDLs currently in progress to EPA for approval by April 1, 2006.*

- b. Submit completed TMDLs to EPA for review and approval by April 1, 2006/8 according to TMDL development schedule (1998). (NPS Plan Task 4)

STATUS: *We anticipate submitting 24 TMDLs currently in progress to EPA for approval by April 1, 2006.*