

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF WATER QUALITY FY 2008 GOALS - END OF YEAR REPORT

I. ENVIRONMENT

DWQ

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.

UPDES ENGINEERING/PERMITS

Maintain an acceptable UPDES Program per agreement with EPA. 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.

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 UPDES Program 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.

- 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'2007-8 Division of Water Quality, Goals and Objectives contained in section

UPDES Core Program Activities

1. DWQ will report the number and percent of facilities that have a discharge requiring an individual permit that:
 - (a) are covered by a current UPDES permit (9/30/08 Edith)(WQ-12)

STATUS: *The number of individual permits was sent in email to Darcy O'Connor on 9/30/08. If there are any questions please contact Mike Herkimer or Edith VanVleet.*

- (b) have expired individual permits (9/30/08)

STATUS: *None (two permits expired, but were not renewed at the permittee's request).*

- (c) have applied for, but have not yet been issued an individual permit 3/31/08 & 9/30/08 Mike Herkimer or John Kennington)

STATUS: *Two entities, Blue Sky Resort and the Jordanelle Special Service District have applied for, but not received a UPDES permit.*

- (d) have individual permits under administrative or judicial appeal (3/31/08 & 9/30/08 Mike Herkimer or John Kennington)

STATUS: *One UPDES permit that for Kennecott Utah Copper Corp., is under judicial appeal.*

- 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 backlogged 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%. (9/30/08 Mike Herkimer or John Kennington)

STATUS: *Currently there are no backlogged UPDES permits.*

- 3. 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. (3/31/08 & 9/30/08 Mike H)

- a. Number that are covered by each current storm water general permit (e.g., industrial, construction, MS4) (3/31/08 & 9/30/08 (Mike H)(WQ-13)

STATUS: *The number of storm water permits for industrial, construction and municipal are constantly changing. These numbers were submitted to Jennifer Meints on 1/22/08 by email from Edith VanVleet and to Darcy O'Connor on 9/30/08 by email from Mike Herkimer.*

- b. Number that are covered by current individual storm water permits (e.g., Phase I MS4s) (3/31/08 & 9/30/08 Mike H)(WQ-13)

STATUS: *This number was emailed to Jennifer Meints on 1/22/08 by email from Edith VanVleet and to Darcy O'Connor on 9/30/08 by Mike Herkimer. There are three individual storm water permits for municipals and the rest are general permits.*

4. Continue to implement the Storm Water Phase II Regulations. (Ongoing Mike H)

STATUS: *The DWQ is continuing to implement the Phase II regulations.*

5. Involve regulatory agencies and the public as necessary to effectively permit storm water discharges. (Ongoing Mike H).
 - a. The State program is accessible by the public and regulated entities (i.e., contact information and web sites, etc.).
Status: This has been done and is ongoing.
 - b. Include EPA in the review process prior to issuing general permits for storm water discharges.
Status: This has been done and is ongoing.
 - c. Track storm water general permit coverage and provide data to EPA on regulated agencies consistent with National efforts for data management (PCS/ICIS).
Status: This is in process and ongoing.

6. Identify in ICIS the following Pretreatment Program statistics:

- a. The number of significant industrial users (SIUs) that discharge to POTWs with approved Pretreatment Programs,

STATUS: *216 SIUs of which 148 are CIUs*

- b. The number of significant industrial users (SIUs) that discharge to POTWs with approved Pretreatment Programs that have adequate control mechanisms implementing applicable pretreatment standards and requirements. (95% coverage is the Regional commitment)

STATUS: *100% have adequate control mechanisms.*

- c. The number of categorical industrial users (CIUs) in non-pretreatment programs

STATUS: *Currently there are 4 CIUs discharging to POTWs without a pretreatment program. Two of the CIUs are located in Corrine. One is not discharging and the other is permitted by DWQ. Another CIU is located in Brigham City, which DWQ is working with to get a pretreatment program approved. The fourth CIU is located in Magna and is permitted by Magna, the category the industry is subject to pretreatment regulations does not have pretreatment standards.*

- d. The number of categorical industrial users (CIUs) that have adequate control mechanisms implementing applicable pretreatment standards and requirements (9/30/08 Jen and Edith)

STATUS: *At POTWs with approved pretreatment programs 100% of the CIUs are permitted. At POTWs without an approved pretreatment program 25% are permitted although one is not discharging and one is permitted by the local POTW.*

7. a. Perform inspections on 40% of all approved pretreatment programs

STATUS: *2 of 21 programs, 10% (Although only 10% of the programs had inspection level reviews performed, the 40% inspection requirement was fulfilled with the 62% audit level coverage noted in Item 7.b. below. All of the audits performed were inclusive of all inspection level requirements.)*

- b. Perform audits on 20% of all approved pretreatment programs. (Ongoing Jen)

STATUS: *13 of 21 programs, 62%*

8. Continue to assist in implementation of the Utah AFO/CAFO Strategy. Specific commitments include:

STATUS: *All of the information below for number 8 has been addressed in an email to Darcy O'Connor on 9/30/08 from Mike Herkimer. Any questions please contact Mike Herkimer or Don Hall.*

- a. Subsequent to CAFO rule promulgation develop a new General Permit based on revised CAFO Rules. (Ongoing, Don)
- b. For all permitted CAFOs if available, enter permit facility data, permit event data, and inspection data into ICIS. (Ongoing, Don)
- c. Inform EPA of animal feeding operations that are impacting water quality annually (9-30-08). (Ongoing, Don)
- d. Conduct meetings of the AFO/CAFO committee and maintain critical partnerships with NRCS, UACD, the Farm Bureau and the agricultural community.
- e. EPA will provide CAFO rule development updates, to keep DWQ informed. (Ongoing, Don)
9. Due to promulgation of the Pretreatment Streamlining regulations update State rules and procedures as appropriate to allow for implementation. (12/30/07 Jen)

STATUS: *The streamlining rulemaking was completed on 8/7/08.*

10. Implement the Sewage Sludge (Biosolids) regulations

- a. % and # of UPDES permits that contain biosolids language. (3/31/08 & 9/30/08 Mark)

STATUS: *Thirty-one individual municipal permits have biosolids language, out of a universe of 65 municipal permits. One individual industrial permit has biosolids language to cover biosolids produced from domestic wastewater only.*

- b. Maintain data in the ICIS database.

STATUS: *This is done on an ongoing basis.*

- c. Revise or maintain current reference for regulations based on adoption of 40CFR 503. (Most recently revised as of July, 1998 and August 4, 1999) (ongoing Mark)

STATUS: *This is done on an ongoing basis. No revision is currently required.*

UPDES Compliance and Enforcement Activities

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

STATUS: *Number 1 a through d below are currently being done and ongoing.*

- a. Properly enter data into the ICS data system such that the federally required data fields are current. (Ongoing Mike Herkimer, Edith)
- b. Will provide to the maximum extent possible the RIDE elements required. This depends on information that is obtainable with the permittee's cooperation and economic restraints. (Ongoing Mike Herkimer, Edith)
- c. Data is entered accurately which includes permitting, compliance, and enforcement data. Utah DEQ addresses this in its self assessment.
- d. DWQ will continue to assess the Watch List on a quarterly basis and coordinate the QNCR with EPA. (Mike Herkimer/Edith, Ongoing)

2. Non Major Facilities Compliance Report.

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

STATUS: *This is currently being completed and ongoing.*

3. Coordinate inspection activities among programs and between the State and USEPA. Incorporate targeted USEPA national and regional priority sectors, as agreed upon between DWQ and USEPA. Include those sectors, as agreed upon, when planning IU inspections by DWQ 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 Lonnie, Jeff)

- a. Submit draft inspection plan for FFY09 by September 1, 2008, and final inspection plan by October 1, 2008 or within 15 of days of receiving EPA's formal comments on the draft plan if EPA comments are received later than September 15, 2008. (Lonnie)

STATUS: *This has been completed as indicated above.*

- b. Track inspections in ICIS. (Ongoing Lonnie, Jeff)

STATUS: *Ongoing*

- c. DWQ will conduct the following number of inspections during FY08

STATUS: *Number of inspections completed in each category;*

Industrial Majors CEI's 5
Industrial Majors RI's 0

Industrial Minors CEI's 9
Industrial Minors RI's 30

Municipal Majors CEI's 11
Municipal Majors RI's 5

Municipal Minors CEI's 7
Municipal Minors RI's 7

Majors----16 CEIs (about half of total majors) 16 completed
Minors----16 CEIs (during permit renewals) 16 completed
42 other RI inspections will be performed at minor facilities in FY08 (24 Ind., 18 Munic.). 30 Industrial RIs, 12 municipal RIs.
Pretreatment (Audits and PCIs)----12

- d. EPA Region 8 may conduct up to 10 joint/oversight inspections with DWQ in FFY08 to meet the needs of the SRF review scheduled for FFY2010.

4. Sanitary Sewer Overflows (SSOs)

- a. Respond to SSO when requested by districts, municipalities, and local health departments as requested or if waters of the State are threatened. (Ongoing Jen)

STATUS: *This is accomplished on an ongoing basis as the need arose. The Division of Water Quality took the lead on one SSO at Central Valley SID.*

Other reported SSOs did not reach Waters of the State

- b. Continue to inventory (ask questions of) permittees for SSO occurrences and

resolutions through the Municipal Wastewater Planning Program (MWPP) questionnaire.

STATUS: *The summary of the Municipal Wastewater Planning Program was submitted as stated in 4.c. by October 15, 2008.*

c. Submit to EPA Region 8 a report by October 15, 2008 that will include:

STATUS: *A Summary of the Municipal Wastewater Planning Program was submitted to EPA Region 8 on October 15, 2008.*

i Number of UPDES inspections at major facilities where SSO information was received. 9/30/08 (Jen)

STATUS: *Information was collected at 10 majors and 3 minors.*

ii An updated SSO inventory from MWPP surveys. (9/30/08Jen)

STATUS: *This information was sent to Amy Clark via e-mail on October 15, 2008.*

iii The number of SSOs reported and their cause from the MWPP inventory. (Jen)

STATUS: *This information was sent to Amy Clark via e-mail on October 15, 2008.*

iv The number and percent of SSO inspections in priority watersheds (as defined by the State) including the name of the priority watershed.

STATUS: *No inspections were done in priority watersheds*

v The number and type of informal and formal enforcement actions taken in response to SSOs;

STATUS: *One enforcement action was taken against the Central Valley Water Reclamation Facility.*

vi. The percent of enforcement actions in priority watersheds (as defined by the State) for SSO; and

STATUS: *100% (for SSOs that resulted in discharges to waters of the state.)*

vii A list of SSOs addressed including a description of how 20% of the systems in the SSO inventory were addressed.

STATUS: *One SSO reached waters of the state which was enforced upon in FY 2008.*

d. The State will take enforcement action as per Utah's EMS whenever deemed

necessary to protect waters of the state. (Ongoing Jen)

STATUS: *This is accomplished on an ongoing basis as the need arises. One enforcement action was taken against Central Valley SID regarding a SSO.*

- e. Utah will complete an inventory of its collection systems (including satellite systems) in priority watersheds (as defined by the State) and provide the inventory to EPA by December 31, 2007, (Jen).

STATUS: *The determination of priority watersheds was just recently accomplished, so the response was not possible by the stated due date. There are 96 collection systems located in the five priority watersheds of the Bear, Weber, Jordan and Virgin Rivers' and Utah Lake Watersheds. The complete inventory is furnished as an attachment to this document in Appendix A.*

- f. DWQ will coordinate with EPA Region 8 to conduct a CMOM type assessment of a medium sized POTWs (10 to 100 mgd facilities). Any facility that exhibits significant problems will be placed on an enforceable schedule to address deficiencies and assure compliance.

STATUS: *The target collection system information was forwarded to the EPA in the 2nd quarter of 2008.*

4. Storm Water

- a. Division personnel will conduct the following minimum numbers of stormwater inspections of permitted and unpermitted facilities:

Construction Phase I 138 (10% of NOI as of 8-28-07)

STATUS: *DWQ completed 59 Phase I construction inspections. We lost our construction storm water inspector for several months during this PPA agreement.*

Construction Phase II 88 (5% of NOI as of 8-28-07)

STATUS: *DWQ completed 48 Phase II construction inspections.*

Industrial 77 (10% of NOI as of 8-28-07)

STATUS: *DWQ completed 74 storm water industrial inspections.*

All inspections will be entered into ICIS and copies of inspections reports and enforcement actions will be provided to EPA Region 8. (Ongoing Mike,H).

STATUS: *The inspection reports are entered into ICIS and enforcement action are provided to EPA.*

- b. As time and resources allow train additional inspectors (DEQ Scientists and

Engineers, Municipal Public Works Depts., County Health Depts. and District Engineers) to perform erosion and sediment control inspections at construction sites. This should increase the number of overall storm water inspections performed in the state. (Ongoing Mike,H).

STATUS: *The State Storm Water Advisory Committee is in the process (with assistance from DWQ personnel) of developing a storm water inspectors training course. The course should be developed and implemented in the first part of 2009.*

- c. Provide EPA with a copy of Utah's current storm water database quarterly on 10-15-07, 1-15-08, 4-15-08, 7-15-08 , either electronically or on CD-rom. (Mike H).

STATUS: *The databases were sent twice by email, on 1/22/08 and 9/30/08.*

- d. DWQ will work with EPA Region 8 to address storm water non compliance in the construction and sand and gravel sectors with particular focus on non-filers, permitted facilities where there is water quality degradation and/or a threat to public health.

STATUS: *Ongoing*

- e. DWQ will work with EPA Region 8 to develop Utah's Enforcement Response Guide (ERG) to include stormwater within 6 months of EPA's final storm water ERG.

STATUS: *Ongoing*

- f. DWQ agrees to inspect all new sites associated with a permittee that has been cited in any national enforcement case that Utah has joined after the national consent decree is final.

STATUS: *We were unaware of any new sites.*

- 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 Jeff)

STATUS: *DWQ has tracked this closely and EPA has not submitted final comments.*

- b. Enforce 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 Jeff)

STATUS: *Ongoing.*

- c. Utah will submit as part of their annual report, a list of the facilities which have entered into a TIE/TRE during FY08 and a list of any formal enforcement actions which included WET violations, (Jeff).

STATUS: *Zero facilities in FY08 as reported via email to Darcy O'Connor on 9/30/08.*

7. Biosolids-Promote the beneficial use of biosolids

- a. Continue to conduct Biosolids inspections. The goal will be to conduct inspections on 20 % of Utah's biosolids-only permittees annually (15 sites). In the End-of-Year Report, include the number of Biosolids inspections actually conducted. (Ongoing Mark)

STATUS: *Sixteen Biosolids inspections were conducted during FY 2008 (53.3% of all facilities.)*

- b. Reissue all biosolids permits which will expire in FY2008 and transition into consolidated permits as needed. (Ongoing Mark)

STATUS: *This is ongoing. Currently all permits are consolidated*

- c. Submit an End-of-Year report to EPA (11/30/2008, Mark S.)

STATUS: *The Biosolids EOY Report was submitted on 11/17/08.*

8. Enforcement Agreement.

- a. Revise the State/EPA Enforcement Agreement as appropriate and warranted. (9/30/08, John Whitehead). DWQ chose not to revise this agreement during FY 08
- b. EPA will conduct quarterly conference calls with DWQ to discuss the Quarterly Noncompliance Report for major and minor facilities and current and projected enforcement cases to address concerns early in the process.
- c. DWQ agrees to evaluate all violations and determine an appropriate response per its EMS and take that action.

STATUS: *Ongoing*

- d. DWQ will take timely and appropriate enforcement against facilities in SNC.

STATUS: *Ongoing*

- e. DWQ understands that EPA Region 8 will continue to participate in and to initiate regional and national enforcement cases.

- f. Region 8 agrees to coordinate with states and will conduct inspections and investigations for regional and national enforcement cases.
- g. Until State resources become available, EPA will review the DMR-QA results and follow up with facilities. Utah DWQ will be copied on any follow-up.
- g. DWQ will incorporate approved compliance schedules and deadlines into enforcement actions such that these schedules and deadlines are enforceable under the NOV/Order.

STATUS: *NOV boilerplate language was revised to include this language. Item completed and ongoing.*

- i. In cooperation with DWQ, EPA Region 8 may perform inspections in regional and national priority areas according to national guidance. EPA may conduct inspections and issue enforcement actions as appropriate and will advise DWQ prior to such activity.
- j. EPA Region 8 may perform evaluations of Utah's wet weather enforcement program to determine if violations are being escalated, when appropriate, to enforcement actions.
- k. DWQ will work with EPA Region 8 to implement the National Wet Weather SNC Policy, once it is finalized. Ongoing
- l. DWQ will provide to EPA Region 8 a draft EMS policy for review and feedback by 4-31-08 (Mike Herkimer)

STATUS: *Completed on 4/31/08*

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

STATUS: *All of the information for #9 was previously submitted to Darcy O'Connor by email on 9/30/08 from Mike Herkimer.*

- a. Continue to implement "Utah's Strategy To Address Pollution From Animal Feeding Operations" (this will include continuing to submit Utah's annual AFO/CAFO Strategy report to EPA Region 8 by February 28th of each year)
- b. Maintain an inventory of all permitted CAFOs during FY2008
- c. Inspect at least 40% of the CAFOs during FY2008. (this will include, at a minimum, inspection of each CAFO at least once during the life of its permit)
- d. Inspect Utah's one unpermitted CAFO by 9-30-08.
- e. All permits, inspections and enforcement data for CAFOs are entered into ICIS. (hard copies of inspection reports and enforcement actions will be submitted)

- f. Include in the End-of-Year report for FY2008 (Don):
 - i. Total known number of CAFOs in Utah and of these, the number of permitted CAFOs
 - ii. Total known number of CAFOs in priority areas or other sensitive environmental areas/concerns (proximity to water bodies, time since last inspection and compliance history) and of these, the number permitted
 - iii. Names and HUC codes for priority watersheds in the state
 - iv. Numbers and percent of total known CAFOs in Utah inspected
 - v. Numbers and percent of total known CAFOs in priority areas or other sensitive areas/concerns inspected
 - vi. Number of enforcement actions taken against CAFOs, including:
 - Number of settlements
 - For each case, any penalty amount assessed and collected
 Number of compliance assistance workshops, training sessions, and/or presentations given for AFO/CAFO operators and/or Ag organizations.
 - vii. After rule revision and issuance of the next CAFO permit, nutrient Management Plans shall be tracked in ICIS.
 - g. EPA Region 8 may conduct up to two joint/oversight CAFOs inspections during federal FY08.
 - h. EPA may perform up to five federal lead CAFO inspections during FFY 08.
10. Report to EPA in the End Of Year Report the number of the following types of inspections:
- a. Majors (Lonnie, Jeff)
STATUS: 21
 - b. Minors (Lonnie, Jeff)
STATUS: 53
 - c. Storm Water (Mike H)
STATUS: 181
 - d. CAFOs (Don)
STATUS: 22

- e. Biosolids (Mark)

STATUS: *16*

- f. SSOs (Jen)

STATUS: *SSO questionnaire was completed at 3 minor facilities and 10 major facilities.*

- g. Pretreatment (Jen)

STATUS: *15 of 21 pretreatment programs were inspected. Thirteen of these inspections were conducted within full audits.*

- h. Priority Areas, sensitive areas/concerns. (Don)

EPA will determine the number of inspections conducted at midyear (March 31, 2008) by DWQ in each category above by pulling this information from ICIS. Any inspections, which do not appear in ICIS by March 31, 2008, will not be counted in the midyear numbers.

- 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.

- 12. Submit to EPA appropriate enforcement documents at appropriate times as follows:

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

Status: Ongoing

- b. DWQ will provide penalty calculations and all necessary background documentation to EPA for enforcement actions against major facilities and wet weather facilities (e.g. cases in priority areas; storm water, CAFOs, SSOs).. The penalty calculations and background information should be sent to EPA 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. If no comments are received within the seven day period the State will proceed to culmination of the enforcement action. (Ongoing DWQ Staff)

STATUS: *Completed and ongoing. There was one mistake where the SA and calculations were sent to the permittee before it went to EPA.*

- c. SAs for minor permittees and unpermitted facilities are sent to EPA after they are settled (Ongoing DWQ Staff)

STATUS: *This occurs on an ongoing basis.*

- d. Study and revise as required DWQ's penalty policy associated with enforcement

actions. (9/30/08, Mike Herkimer and John Kennington.)

STATUS: *The penalty policy is still under review by DWQ.*

13. Mining

EPA Region 8 will review its current inventory of mining facilities in Region 8, including sand and gravel operations. Based on that review, EPA may propose to conduct joint inspections with the State providing the lead at certain mines in Utah for compliance with the Clean Water Act.

STATUS: *Ongoing*

14. Federal Facility Inspections

- a. Region 8 will ask DWQ to conduct single and/or multimedia inspections at federal facility NPDES majors with recurrent effluent violations. Region 8 will conduct these inspections if DWQ does not plan to conduct the inspections. Region 8 will ask authorized states to work with EPA to target federal facilities for multimedia inspections. DWQ will be asked to lead the NPDES portion of a multimedia inspection at the selected federal facility. If DWQ does not want to conduct the inspection, EPA will conduct the inspection in lieu of the State.
- b. During FFY08, EPA Region 8 may perform inspections at all Federal Facility construction sites that have been awarded contract dollars for site construction, in cooperation with DWQ inspectors.

15. 404 Enforcement Actions

EPA Region 8 will take the lead on 404 enforcement actions that have associated 402 violations, except where EPA determines combined cases may not be in the best interest of litigation.

UPDES PERMITS

1. Implement the Phase II Stormwater Program.

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

STATUS: *Ongoing*

- b. Encourage DWQ staff, District Engineers and municipal and county staff to assist with inspections as allowed by time and resource constraints. (Mike H Ongoing)

STATUS: *Ongoing*

2. Implement the Utah AFO/CAFO strategy.

- a. Implement the new EPA CAFO rules in Utah within six months of issuance of final EPA CAFO rule, (Don)

STATUS: *CAFO rule has not been issued.*

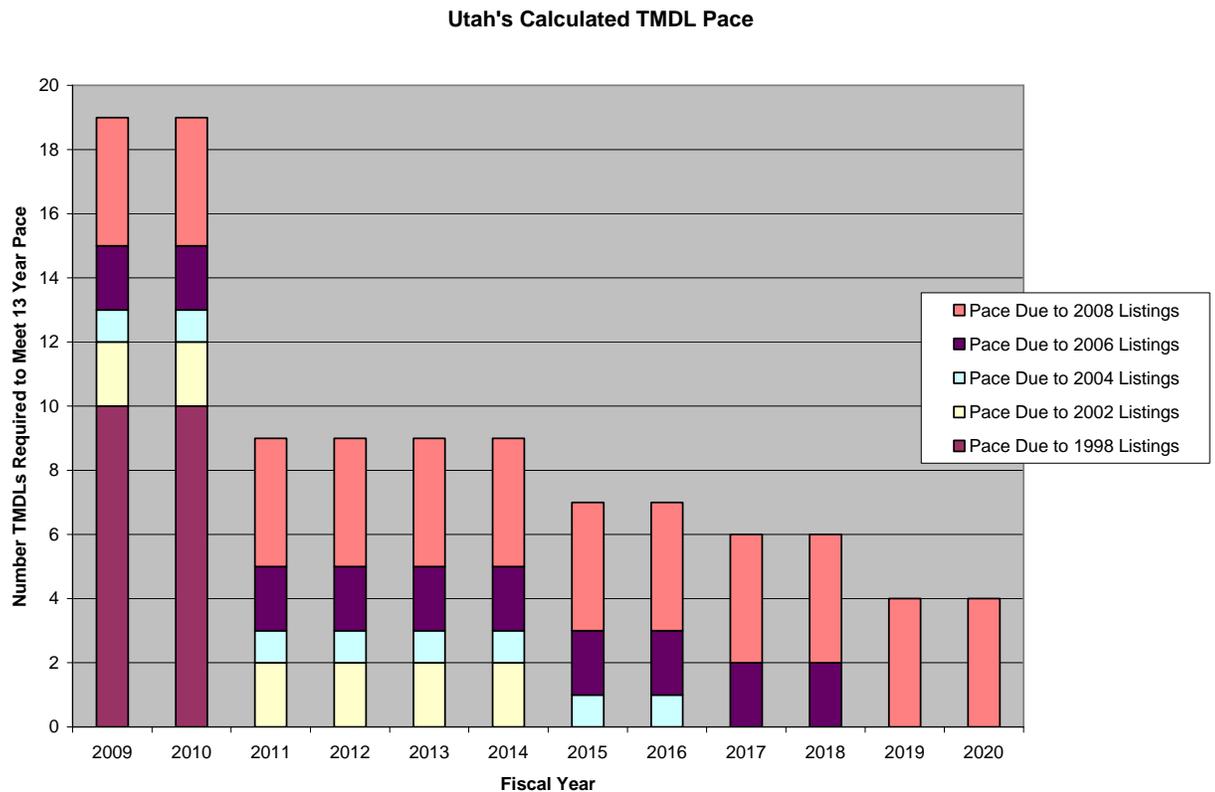
- b. Issue new CAFO UPDES permit within six months of promulgation of State rules, (Don).

STATUS: *CAFO rule has not been issued.*

TMDL/WATERSHED

- 1. Accomplish an effective program for completion and implementation of TMDLs.
 - a. Complete and track scheduled TMDLs for listed waterbodies according to approved TMDL submission pace. (Semi-annual in May and November, Carl Adams) Any waters listed will comply with EPA guidelines to complete TMDLs within a 13 year time frame. (WQ-8a-8b)

STATUS: *According to the current pace to complete TMDLs within their allotted time frame of 13 years since first listing, an average of 19 TMDLs will need to be completed by 2010. The Division anticipates completing 24 waterbody/pollutant combination TMDLs by the end of FY 2009.*



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

STATUS: *Recently approved TMDLs since April 2008 are in the process of being incorporated into Utah's water quality standards with an anticipated completion date of Feb. 1, 2009. Obtaining Water Quality Board approval to proceed to rulemaking has been delayed due to rescheduling of agenda items.*

- c. Ensure established policy for determining waste loads and permits are incorporated into TMDL development. (Ongoing Carl Adams)

STATUS: *WLA policies have been followed to ensure proper and defensible determination of facility WLAs including those developed for Hyrum, Tremonton, and Richmond. In addition a new WLA was developed for the new Jordanelle treatment facility consistent with the Deer Creek Reservoir TMDL.*

2. Monitor and manage implementation activities for completed TMDLs by establishing implementation milestones and tracking their completion. Tracking reports will be submitted to Division of Water Quality management annually on January 15. (Carl Adams)

STATUS: *TMDL implementation tracking is ongoing. Information on implementation activities is coming through several sources including local Watershed Coordinators and partner agencies such as the Dept. of Natural Resources via the Watershed Restoration Initiative and NRCS' EQIP program.*

3. Assist EPA to determine the number of waterbodies on the 2002 303(d) list that are either fully restored, partially restored or have EPA approved TMDL, 4b, or 5m documents. (SP-10, SP-11, & WQ-21) by April 1, 2008.

STATUS: *Completed.*

4. Maintain sound fiscal management of contracts by tracking contract amount, expenditures to date and availability of funds to meet contractual obligations via quarterly reports. (Ongoing Carl Adams & Stacy Carroll).

STATUS: *Contract tracking is ongoing, the contract database developed in-house has greatly improved budgeting and tracking of expenditures. Regular coordination between Carl and Stacy occurs to confirm remaining budget amounts to ensure sufficient funds are available to complete future work.*

5. Implement the watershed approach to effectively and efficiently support the development and implementation of TMDLs in Utah for impaired waters according to the approved 303(d) list.

STATUS: *Section Staff are actively implementing the watershed approach throughout the State in support of TMDL implementation and development activities. Current*

planning and coordination efforts are taking place in the Lower Bear River in preparation of a revision of that TMDL, in the Upper Weber River Watershed associated with the East Canyon Creek and Reservoir TMDL revision and the Echo Reservoir TMDL, and in the Pinto Creek Watershed associated with the Newcastle Reservoir TMDL among several other planning efforts.

ENGINEERING

1. Maintain a successful underground wastewater disposal system program.

STATUS: *Experienced staff reviews all large underground wastewater disposal systems and coordinate with local health departments who permit individual systems (Ed Macauley, Dave Snyder).*

- a. Maintain a positive working relationship with the Local Health Departments (LHDs) and meet jointly at least 10 times each year (COWP meeting).

STATUS: *Met 10 times this year with local health departments who permit individual systems (Ed Macauley, Dave Snyder).*

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

STATUS: *Experienced staff coordinate on an ongoing basis with USU to provide an effective training, certification and continuing education (Ed Macauley, Dave Snyder).*

- c. Work with the CLEHA On-site Wastewater Professionals (COWP) committee to revise the regulations governing the design and construction of onsite systems.

STATUS: *Ongoing, with most recent rule revision adopted October 23, 2007 (Ed Macauley, Dave Snyder).*

2. Maintain a CWSRF cumulative fund utilization rate of over 95%.

STATUS: *The Utah CWSRF fund utilization rate currently stands at 99% (Ed Macauley, Emily Canton).*

GROUND WATER PROTECTION

1. Maintain an acceptable Underground Injection Control Program per agreement with EPA. 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 under Section 1422 of the Safe Drinking Water Act (1422 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 1422 UIC Program, the Regional Administrator of the United States Environmental Protection Agency (USEPA) Region VIII and the Director of the

Utah DWQ 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 1422 UIC Program, even when these activities are not specifically defined by goals, measures, and/or reporting requirements. 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 1422 UIC Program:

- a. One annual midyear review of Utah 1422 UIC Program.

STATUS: *FY2008 Semi-Annual Report submitted on 6/25/08 to Dan Jackson.*

- b. Technical training, as appropriate and as funds allow.

STATUS: *See FY2008 Semi-Annual and Annual Reports.*

- c. Seventy-five percent (maximum) of funds necessary to operate the core State 1422 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.

2. To protect Underground Sources of Drinking Water (USDWs) from contamination by maintaining and implementing an effective core DWQ 1422 UIC Program.

- a. Evaluation of core program effectiveness, reported in the semi-annual and annual narrative program report to the Administrator. (See Table 1 for specific reporting dates – Semi-Annual and Annual Narratives – Candace).

STATUS: *See FY2008 Semi-Annual and Annual Reports.*

- b. Enforce the 1999 Class V Rule regarding motor vehicle waste disposal wells (MVWDWs) and large capacity cesspools (LCCs). MVWDWs and LCCs are closed as they are identified. Priority is given to identifying these wells within groundwater-based source water protection zones as delineated by the Utah Division of Drinking Water, Source Water Protection Program. (See Semi-Annual and Annual Narratives for details. (Ongoing, Candace))

STATUS: *See FY2008 Semi-Annual and Annual Reports.*

- c. Report the percent of identified Class V MVWDWs that are closed. State Grant Template Measure. EPA Region 8 2008 goal is 88%. (SCW-6)

STATUS: *See FY2008 Semi-Annual and Annual Reports.*

- d. Report the percent of deep injection wells that are used to inject industrial, municipal, or hazardous waste (Class I) that maintain mechanical integrity and thereby reduce the potential to endanger underground sources of drinking water. State Grant Template Measure. EPA Region 8 2008 goal is 95% (SCW-7) (See Table 1 for specific reporting dates - EPA Form 7520-3 - Candace).

STATUS: *See FY2008 Semi-Annual and Annual Reports.*

- e. Report the percent of deep injection wells that are used for salt solution mining (Class III) that maintain mechanical integrity and thereby reduce the potential to endanger underground sources of drinking water. State Grant Template Measure. EPA Region 8 2008 goal is 95% (SCW-7)

STATUS: *See FY2008 Semi-Annual and Annual Reports.*

- f. Report the number and percent of high priority Class V wells identified in groundwater-based community water systems source water protection zones that are closed. State Grant Template Measure. EPA Region 8 2008 goal is 85%. (SCW-8)

STATUS: *See FY2008 Semi-Annual and Annual Reports.*

- g. Ensure Utah UIC Program monitoring activities are performed according to the EPA-approved Utah DWQ Quality Assurance Plan for the UIC Program (July 5, 1990).

STATUS: *See FY2008 Semi-Annual and Annual Reports.*

- 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.
 - a. Description 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 reporting dates - Semi-Annual and Annual Narratives - Candace).

STATUS: *See FY2008 Semi-Annual and Annual Reports.*

- b. Description of all outreach activities intended to inform local government groups, local health departments, public works departments, private sector groups, civil groups, etc. about the 1999 Class V rule regarding the closure of motor vehicle waste disposal wells (MVWDWs) and large capacity cesspools (LCCs). (See Table 1 for specific reporting dates- Semi-Annual and Annual Narratives - Candace).

STATUS: *See FY2008 Semi-Annual and Annual Reports.*

Table I - UIC Reporting Requirements FY 2008

<u>Due Date</u>	<u>Reporting Cycle</u>	<u>Report Required</u>
<u>January 20</u> <u>(1st Quarter Date)</u>	<u>Quarterly</u>	<u>Quarterly Exceptions List (Form 7520-4)</u>
<u>April 20</u> <u>(2nd Quarter Date)</u>	<u>Quarterly,</u> <u>Semi-Annual</u>	<p><u>Quarterly</u> <u>Quarterly Exceptions List (Form 7520-4)</u></p> <p><u>Semi-Annual</u> <u>Compliance Evaluation and Enforcement (Form 7520-2A)</u> <u>Significant Non-Compliance and Enforcement (Form 7520-2B)</u> <u>Inspections, and Mechanical Integrity Testing (Form 7520-3)</u> <u>Program Activity Measures (PAMs) Electronic Spreadsheet Report OR "Extra Reports"</u> <u>Class V Activities Narrative</u></p>
<u>July 20</u> <u>(3rd Quarter Date)</u>	<u>Quarterly</u>	<u>Quarterly Exceptions List (Form 7520-4)</u>
<u>October 20</u> <u>(4th Quarter Date)</u>	<u>Quarterly,</u> <u>Semi-Annual,</u> <u>Annual</u>	<p><u>Quarterly</u> <u>Quarterly Exceptions List (Form 7520-4)</u></p> <p><u>Semi-Annual</u> <u>Compliance Evaluation and Enforcement (Form 7520-2A)</u> <u>Significant Non-Compliance and Enforcement (Form 7520-2B)</u> <u>Inspections, and Mechanical Integrity Testing (Form 7520-3)</u> <u>Program Activity Measures (PAMs) Electronic Spreadsheet Report OR "Extra Reports"</u></p> <p><u>Annual</u> <u>Permit Review and Issuance, AOR (Form 7520-1)</u> <u>Annual Program Narrative</u> <u>Class V Inventory Progress</u></p>
<u>December 31</u>	<u>Annual</u>	<u>Final Financial Status Report (FSR)</u>

4. Continue administration of a comprehensive ground water protection program according to priorities established in Utah Ground Water Protection Strategy and the annual FY 2008 Division of Water Quality/Goals and Objectives.

Measures:

- a. End-of-year report as required by 106 grant on achievement of FY 2008 DWQ/Ground Water Program Goals and objectives. (Rob due 9/31/08)

STATUS: *Completed.*

- b. Statewide Permitting Program administered in accordance with strategy and state rules. (Rob and Section, ongoing)

STATUS: *Ongoing.*

- c. Education outreach efforts conducted to encourage awareness of ground water protection issues. (Bill Damery ongoing)

STATUS: *Bill Damery gave over 20 presentations to educate the general public regarding ground water quality protection with audiences ranging from elementary and middle schools to the University of Utah Masters Program in Public Health. Bill serves as the DWQ liaison to the Utah League of Cities and Towns (ULCT) and uses this position to promote ground water protection at UCLT spring and annual conferences. At the invitation of ULCT, Bill arranged for a pod cast series of audio files from DEQ Division Directors on environmental issues including water quality.*

- d. Continue participation in the EPA Region VIII Ground Water Protection Strategy Work Group. The intent is to help EPA develop a regional strategy for refocusing EPA and Region VIII States efforts on ground-water protection. (Bill Damery ongoing)

STATUS: *Bill Damery participated in the Region 8 Ground Water Protection Strategy Work Group at the EPA Region 8 and Region 10 All-States Source Water Protection, UIC, and Ground Water Protection Meeting in Seattle, Washington in October 2007. This work group has evolved into a larger national group under the Ground Water Protection Council (GWPC) and has been named the GWPC National Ground Water Strategy Committee. A conference call was held on November 6, 2008 by the expanded work group.*

- e. Continued efforts to encourage local governments to institute ground water protection measures. Classifying aquifers within the State has been instrumental for local officials in implementing successful ground water protection land use ordinances. (Rob and Section ongoing)

STATUS: *Bill Damery continues to work with local governments such as Cedar Mountain, Millard County, Davis County, and the Sanpete Planning and*

Zoning Committee to help them develop a ground water protection strategy. The Salt Lake Valley Aquifer Classification was approved by the Water Quality Board after a staff technical review and public hearing were conducted. This is the 11th aquifer classification that has been approved by the Water Quality Board.

- e. Continue to seek permanent annual funding for the implementation of a state-wide ambient ground water monitoring network for the ground water classification of aquifers. (Bill Damery ongoing)

STATUS: *This is an ongoing effort by Bill Damery.*

WATER QUALITY MANAGEMENT

- 1. Maintain, develop and continue to implement the Nonpoint Source Program based on strong State and local institutional capabilities using the Watershed Approach in support of TMDL development. ^{WTR}

Measures:

- a. Conduct 319 funding process in an effective and efficient manner according established milestones.

STATUS: *The FY-08 funding cycle is complete. The grant was receive in May and contract and workplans were executed in October. Only one small PIP for \$35,500 remains to be approved and contracted.*

- b. Update GRTS semi-annually by entering mid-year and annual report information according to July 1st and January 1st deadlines. (NPS Plan Task 33)

STATUS: *Nearly all annual reports were received and sent to UDAF for GRTS entry. Four reports are pending and should be entered prior to Dec 31, 08.*

- c. Submission of NPS Annual Report by January 31 of each year.

STATUS: *The annual report was completed and sent to EPA on Feb 4, 2008 and was posted on DWQ website at www.waterquality.utah.gov.*

- d. Complete revision of the NPS stormwater/urban run-off plan by May 1, 2008.

STATUS: *The DWQ was unable to devote resources to this activity during the past year.*

- e. Complete the Abandoned and Inactive Mine component to the state's NPS Management Plan and submit to EPA for review by December 1, 2007.

STATUS: *The TAC met and reviewed the draft plan including change made to the plan relative to comments receive two year ago on the first draft. Minor revisions to the plan were made by Salt Lake County based on a thorough review by BLM*

and the Forest Service. DWQ plans to re-public notice the Plan by February 09.

- f. Participate with DWR through its Blue Ribbon Fishery program in the acquisition/protection of stream corridors.

STATUS: *A conservation easement project is underway on Beaver Creek in Summit County. The DWQ plans to provide partial support using SRF NPS financial assistance revenue leveraged through Central Weber SID SRF loan. The site draft workplan prepared by Div. of Wildlife Resources and the conservation agreement and appraisal are handled by Utah Open Land.*

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

STATUS: *These data are gathered as available and are include in project final reports.*

- h. 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: *Reports are made regularly at UtahPCD, Utah Conservation Commission and NPS Task Force meetings and the AFO/CAFO committee meetings. An annual progress report is included in the Annual NPS Program.*

- i. Obtain final project reports from project sponsors and coordinate with EPA to obtain concurrence for grant closure in a timely manner.

STATUS: *The DEQ worked closely with UDAF, local project coordinators and EPA to recently(October and November) close the FY-1999 and the FY-2000 NPS Cooperative Agreements. Some 35 projects were completed, final reports written, reviewed and approved over the past three years.*

- j. Implement best management practices appropriately and effectively and achieve natural resource improvements for 319 NPS Watershed Projects. Obtain available information of reductions in nonpoint source loadings for sediments, nitrogen and phosphorus, and improvements in water quality. Report load reduction and water quality information in project annual reports (GRTS), final project reports and NPS Program annual report. (NPS Plan Tasks 2, 6, 36 & 40, WQ9)

STATUS: *Load reductions from animal waste projects are reported using the UAFRRI model. Other simple empirical models are used by watershed coordinators to estimate load reductions. Such data are included in mid-year, annual and final project reports for selected applicable projects.*

- k. 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. (WQ-27) ^{WTR}

STATUS: *Some fifteen TMDL/watershed plans have been developed and are all being implemented.*

- l. Number of waterbodies identified by States (in 2000 or subsequent years) as being primarily nonpoint source (NPS)-impaired that are partially or fully restored. Target for FY-2008 is 2 watersheds. (WQ10)

STATUS: *Report one additional watershed that is substantially implemented – Beaver River watershed in Beaver County.*

- m. Number of developed Watershed Plans and identify those in progress. (NPS Plan Task 4) ^{WTR}

STATUS: *Fifteen watershed plans are developed and currently nine are being implemented including: Lower Bear, Middle Bear, Cub, East Canyon, San Pitch, Scofield, Upper Sevier, Fremont, and Beaver River.*

- m. Number of basin steering and technical advisory committees formed and functioning. (NPS Plan Tasks 9 & 10)

STATUS: *Approximately 28 local watershed committees are organized and functioning with DWQ in the development and implementation of TMDLs*

- n. Number of priority NPS watershed areas where EQIP funds are being used. Report allocation of EQIP funds to 303(d) waters and approved TMDL watersheds. (NPS Plan Task 34)

STATUS: *Precise information is not available from NRCS according to 12 digit HUC level or other watershed specific basis. According to EQIP allocation/contracts by county for FY-2007 and estimates of approved TMDLs for those counties, approximately 40% of EQIP funds were spent in approved TMDLs.*

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

STATUS: *Ten local watershed coordinator positions are in place and functioning with contracts with DWQ.*

2. Implement an assessment program for the waters of the State through development and submission of the Integrated Report.

Measures:

- a. Complete the Integrated Report and update the EPA Assessment Database,(ADB,version 2 or later), by April 1, 2008. (WQ7)

STATUS: *A copy of the Integrated Report (IR) was completed and released for public comment. Subsequently, numerous edits have been made to the report in response to stakeholder concerns. In consultation with EPA, a decision has been made to release the edited IR for another round of public comments.*

Among the comments received was a statement by some stakeholders that Great Salt Lake wetlands should be listed as impaired due to pH and DO criteria, however, DWQ has strong evidence that these conditions and both natural and unalterable. Moreover, other stakeholders have taken a fairly strong stand in opposition to even a temporary listing of these ecosystems until current scientific studies are completed. DWQ continues discussions with both stakeholders and EPA to determine how best to proceed with the wetland assessments.

The second round of internal comments is nearly complete and we hope to finalize the report as soon as a final resolution can be made about how to assess the Great Salt Lake wetlands.

- b. Assess and report the number and percent of lake acres and stream miles monitored which have water quality supporting designated beneficial uses. (NPS Plan Tasks 3 & 5, **SP10-13**)

STATUS: *These assessments were complete with the initial 2008 IR. They have since been edited in the thorough review that has followed.*

- c. Report those waters identified on 2000 303(d) list of impaired waters as a baseline or subsequent 303(d) lists as primarily nonpoint source impaired that where those waters have been restored to partial or full attainment of assessed beneficial uses (**WQ-10**).

STATUS: *Again, these estimated were included in the initial 2008 IR and will be included when the revised report is released for a second round of public comments.*

- d. Report the number of impaired watersheds (at the 12 digit HUC scale), where water quality conditions improve (cumulative). The target measure estimated for 2008 is 3 and estimated target for 2012 is 15. (Note: Improved means that one or more of the impairment causes identified in 2002 are removed for at least 40 per cent of the impaired assessment units or impaired miles/acres.) (**SP-12**)

STATUS: *See draft 2008 Integrated Report.*

- e. Develop a list of priority watersheds at the 12 digit HUC scale.

STATUS: *A list of priority watershed has been compiled. DWQ hopes to refine our process for identifying priority watersheds over the coming year. In particular, we would like priority lists to be program specific and identify priority areas for specific types of restoration activities. It is our view that simply identifying problem areas is not helpful unless thought is also given to solutions.*

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

Measures:

- a. Complete triennial review of water quality standards and submit to the EPA for review by June 30, 2008. **(WQ3 & WQ4)**

STATUS: *DWQ completed a thorough triennial review process wherein we directly worked with important stakeholders to identify those areas of standards that most needed updating and with the subsequent edits to rule in response to stakeholder concerns. The resulting change of rule was recently approved by Utah's Water Quality Board and will be forwarded to EPA for final approval in January 2009.*

- b. Form a long-term water quality standards (WQS) workgroup of stakeholders and partners for the WQS triennial process. Implement a collaborative triennial review process with this workgroup to solicit public input, further define the triennial review process, and identify issues for modification and update of Utah water quality standards by February 28, 2008.

STATUS: *This workgroup was formed and remains active. DWQ hope to reconvene the group in the next few months to discuss other changes that may need to be made over the coming year.*

- c. Develop a site specific water quality standard for selenium for the Great Salt Lake by June 30, 2008.

STATUS: *The selenium standard was included as part of the triennial review.*

- d. Continue development and implementation strategy of Nutrient Criteria Development Plan. The plan currently includes streams and lakes/reservoirs. Addition of the wetlands component to this plan will be completed in August 2007. Provide annual progress report to EPA in February each year. **(WQ-2)**

STATUS: *Much progress has been made in the development of nutrient criteria, especially with regard to streams. DWQ is currently working with TetraTech using EPA grant dollars to conduct analyses aimed at developing nutrient criteria; this research will be complete by the end of August. In addition, Utah's Water Quality Board recently funded a project aimed at evaluating the economic impacts of nutrient removal from MWWTPs. Over the coming year DWQ hopes to integrate the results of these studies and establish nutrient standards along with an implementation program that encourages efficient and effective nutrient removal.*

The development of nutrient criteria for wetlands and lakes/reservoirs remains a lower priority for DWQ. However, we are currently reviewing existing

wetlands data to determine devise a monitoring and assessment strategy. DWQ looks forward to continuing to work with EPA staff to determine where nutrient criteria best fits within the wetlands program. The effects of eutrophication in lakes/reservoirs are already captured with current assessment methods. Nonetheless, it is becoming increasingly evident that these methods need to be revised, which will likely cause us to rethink the approaches we initially proposed in the Nutrient Management Plan.

- e. Report whether the trend in wetland condition has been measured as defined through biological metrics and assessments. (WT4)

STATUS: *Water quality trends require long-term data that have been consistently collected. Also, these data must be placed in ecological context, particularly with regard to ties to aquatic life uses, to ascertain condition. DWQ hopes to complete draft assessment methods over the next few months that can be used to more defensively address this goal.*

- f. Report whether Utah has adopted EPA approved nutrient criteria into the water quality standards (WQ1A), or is on schedule with mutually agreed-upon plan to adopt nutrient criteria into the water quality standards (WQ1B).

STATUS: *See 3 d. Numeric criteria have not yet been adopted, but much progress has been made in the development of defensible numbers. EPA has been involved throughout the process.*

- g. Develop preliminary conclusions on nutrient loadings and their effect on Farmington Bay and its associated wetlands by June 30, 2008. Chair the Farmington Bay Technical Advisory Committee to identify data gaps and develop additional studies necessary to complete nutrient assessment and site-specific nutrient criteria development methods.

STATUS: *Last year DWQ worked with EPA to devise a strategy for generating assessment metrics for the Great Salt Lake. DWQ has begun collecting data and hopes to bring the requisite data elements together prior to the 2010 Integrated Report.*

- 4. Develop and implement a long-term biological assessment program (WQ-3):

Traditionally Utah's Division of Water Quality (UDWQ) has focused on assessing the chemical integrity of stream ecosystems. Biological samples were collected at a number of long-term locations, but these data were primarily used to monitor qualitative changes in the composition of macroinvertebrate assemblages at these sites. Recently the DWQ has moved toward creating tools that will allow the state to quantify the biological integrity of Utah's stream ecosystems. Supplemental FY-2005 CWA Section 106 grant dollars will be used for additional processing and monitoring expenses incurred with the expansion of the biological assessment program.

Increase the number of yearly biological sample locations to approximately 74 and use these data to support a number of water quality programs.

Measures:

- a. Develop an annual biological monitoring strategy that best balances the programmatic needs of stakeholders. Make the list of sites available for review and incorporated into the annual monitoring strategy. (May 15, 2009) **(WQ5)**

STATUS: *Complete.*

- b. Collect physical habitat, macroinvertebrate, and periphyton samples at 74 streams annually to provide the data necessary to augment assessment tools and fulfill long-term, TMDL and 303(d) assessment needs. (September-October, 2007)

STATUS: *Data were collected at about 55 sites in FY2008. Sampling needed to be reduced because staff resources were occupied with the NRSA project.*

- c. Digitize both field and laboratory data and store in a readily accessible database.

STATUS: *ongoing*

- d. Collect periphyton samples at all biological monitoring sites and preserve them such that diatoms can be enumerated and identified. (September-October, 2007)

STATUS: *ongoing*

- e. Compare assessments made with diatoms with those made with macroinvertebrates to determine stressors-specific responses of each assemblage.

STATUS: *ongoing*

- f. Develop an autecology table that links diatom taxa to characteristics that describe water quality.

STATUS: *DWQ continues to work with our contractor to develop this table. Much progress was made over the previous year and we hope to develop draft assessment tools prior to the 2010 IR assessments.*

- g. Develop tools that generate easily-interpretable, quantitative estimates of biological integrity from raw taxonomic lists.

STATUS: *A RIVPACS model was developed and used to make biological assessments for the 2008 IR. A pressing need remains to make model outputs more easily obtained.*

- h. Compile and utilize existing biological data to create preliminary site assessments and include these assessments in the 2008 Integrated Report. (9/15/2007)

STATUS: *Formal biological assessments were made for the first time in 2008. The*

assessment process was conveyed to stakeholders and the response has been mostly positive. While many improvements to our biological assessments program remain, Utah now has a formal process that can be used to make future improvements to this new and growing program.

- i. Develop, calibrate, and refine macroinvertebrate multi-metric indices for the major ecoregions of the State.

STATUS: *On hold. DWQ is rethinking whether development of MMIs should remain a priority now that we have a quantitative biological assessment tool.*

- j. Evaluate all assessment tools and determine appropriate thresholds of impairment and develop a procedure for incorporating these measures into the listing process. (December 2007)

STATUS: *Complete.*

- k. Document all procedures and analyses used in tool development so that all methodology is transparent. (December 2007)

STATUS: *Completed as a chapter in the 2008 IR.*

MONITORING

1. Establish an effective Monitoring Program. ^{RGI}

- a. Prepare a DWQ annual monitoring plan for chemistry, bioassessment, physical habitat, fish, fish tissue and pathogens based upon needs and use of the data. Distribute copies to EPA and post on DWQ website (4/15/2008 Jeff & Tom).

STATUS: *Ongoing. Final monitoring plan will be complete early 2009.*

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

STATUS: *Ongoing.*

- c. Implement biological and ambient ground water monitoring program using incremental 106 funding. (Jeff/Bill D. Ongoing)

STATUS: *Utah's Comprehensive Assessment of Stream Ecosystems (UCASE) sampling program is ongoing. In addition, the Groundwater Program has developed a monitoring workplan. (Bill)*

- d. Continue the program for characterizing the beneficial use of the wetlands of Great Salt Lake. Biological measures include, but are not limited to vegetation, macroinvertebrates, and phytoplankton to the extent funding is available. Coordinate with the Department of Natural Resources to develop wetland

reference sites and review and modify where necessary the HGM model and other rapid assessment methods in order to develop a wetlands rapid assessment method for Utah. This effort contributes to the watershed planning in the Great Salt Lake Basin. EPA will provide technical assistance. (Theron Miller, Ongoing)

STATUS: *We will have a draft report that includes a proposed nutrient standard and proposed assessment metrics for impounded wetlands by April 2009. However, a final confirmational season of field work (2009) is necessary to test the metrics and criteria on new data. A draft Rapid Assessment Method was submitted during June, 2008. This is currently being reviewed and modified by DEQ, DWR, UDOT and EPA for greater clarification and utility.*

- e. Continue to implement a statewide mercury in fish tissue monitoring component as part of the long-term monitoring strategy as funding is available. (John Whitehead, Ongoing) ^{MERC}

STATUS: *Utah continued to monitor mercury levels in fish tissue during FFY08.*

- 1) Develop protocol for listing of impaired waters. (John Whitehead/Tom Toole, 12/31/2007)

STATUS: *Utah's draft Integrated Report now includes the methodology for listing impaired waters for mercury. An appendix to the draft IR includes the Mercury Assessment Decision making Approach that includes a Great Salt Lake assessment plan.*

- 2) Continue to utilize the established workgroup to provide guidance and recommendations for the mercury monitoring program. (John Whitehead, Ongoing)

STATUS: *Utah's Statewide Mercury Workgroup continues to meet quarterly and provides input on mercury issues in Utah.*

- 3) Participate in the issuing of mercury fish consumption advisories as needed. (John Whitehead Ongoing)

STATUS: *Revised and new fish consumption advisories were issued in Sept. 2008 (please refer to Utah's website at <http://www.fishadvisories.utah.gov/> for details)*

- 4) Implement a mercury monitoring program for the Great Salt Lake including water, sediment, waterfowl, and waterfowl food chain as funding is made available

STATUS: *Utah has undertaken a mercury assessment and characterization effort for the GSL that includes sampling and analysis of water and sediment, waterfowl foodchain organisms, and waterfowl from three bays and the open water of the GSL. Results from this effort should be available in spring 2009.*

2. Develop a plan for the development of a new data base to replace STORET in consultation with EPA and other involved states.

STATUS: *Ongoing. Have developed a workplan with EPA and other states to develop WQX database for deployment in mid 2009.*

3. Revise the Monitoring Manual so that all procedures are reflective of current SOPs and can be more easily followed as field protocols (4/1/2008 Jeff)

STATUS: *Ongoing.*

4. Fully develop and implement a monitoring program for *E. coli* to facilitate more rigorous assessment of recreational beneficial uses (6/1/2008)

STATUS: *Ongoing. Tested and Developed SOPs for E. Coli sampling and will integrate protocols during next index period (Summer 2009)*

5. Participate in monitoring for the National Lake Assessment (EMAP) program (Jeff 8/15/2007)

STATUS: *Successfully participated in the National Lake Assessment EMAP program.*

6. Implement the long-term monitoring strategy in accordance with established schedules (WQ-5).

STATUS: *Ongoing. Currently developing revised timeline for completion of the long-term monitoring strategy for submission to EPA in May of 2009.*

SPECIAL STUDIES

1. Continue to chair the Statewide Mercury Work Group. (John Whitehead) (FS-1a)^{MERC}

II. CUSTOMER SERVICE

DWQ

1. Foster integrated information management.

Measures:

- a. Continue efforts to provide data required by ICIS (ongoing, Mike Herkimer and Edith Van Vleet).
- b. Continue efforts to implement a division document management system (ongoing, Kiran Bhayani).

Phase I – Hardware and preliminary setup completed to enable prototype

scanning of documents.

Phase II -- Integrated filing system on hold pending installation

- c. Implement the division's portion of the IT Delivery Plan. (ongoing, Harry Judd)
 - d. Investigate opportunities to more fully use video conferencing opportunities with LHDs, EPA and others (Harry Judd).
 - e. Continue to utilize Groupwise for cal
 - f. endaring, MOUs, division processes, emergency incidents, OOS travel, administrative rules, staff schedules, etc. (All)
2. Implement Core Programs

Measures:

- a. Develop an improved and division-wide means to obtain customer feedback. (John Whitehead)
- b. Continue to enhance the storm water inspection program. (John Whitehead and Mike Herkimer)
- c. Actively participate in the Legislative Water Task Force as instream flow, water conservation and water funding issues are studied.(ongoing, John Kennington)
- d. Develop rules for CAFO permits following EPA's promulgation of its regulations. (Don Hall)
- e. Renegotiate the Enforcement Agreement with EPA. (John Whitehead)
- f. Continue to effectively manage the level of federal carry-over funds. (Stacy Carroll)
- g. Develop a means to retain in our files CNMPs for all permits under the new EPA CAFO Rule. (Don Hall)
- h. Revise the UPDES Penalty Policy in conjunction with EPA. (Mike Herkimer)

III STATE-BASED REGULATION OF ENVIRONMENTAL PROGRAMS

DWQ

1. Complete rulemaking and policy making activities with effective stakeholder involvement

Measures:

- a. Develop rules to govern wastewater reuse. (John Kennington)
- b. Develop administrative rules for Use Attainability Analyses. (Dave Wham)
- c. Fully develop biological water quality indicators into the Integrated Report (Tom Toole and Jeff Ostermiller)

STATUS: *An empirical (RIVPACS) model was created. Model outputs were used to devise assessment methods that were employed to assess >100 streams throughout Utah. These methods and assessment results were documented as a chapter of the 2008 Integrated Report.*

- d. Complete Integrated Report (IR) and submit to EPA by April 1, 2008. Update Assessment Data Base (ADB) and submit to EPA by April 1, 2008. The IR will include chapters for the Statewide summary and each of the Watershed Management Units, GIS mapping, maps, charts and tables. (Tom Toole / Mark Stanger)

STATUS: *Ongoing. A draft report was completed and released for public comment. However, a number of issues have short circuited the process (see Water Quality Management 2 (a)). DWQ has been working with EPA on report revisions and hopes to resubmit the report for public comment soon.*

- e. Revise UPDES rules to allow stand-alone rules for AFO/CAFOs, storm water, pretreatment, biosolids, etc. (Ongoing Mike Herkimer)
- f. Establish a stakeholder group to make recommendations on revisions to R317-3 (Ed Macauley)

STATUS: *Stakeholder group was formed over a year ago, and has been working diligently on rule revisions to R317-3. This process is expected to continue for at least another year before the revisions will be finalized (Ed Macauley, John Mackey).*

- g. Update TMDL rules by including recently completed TMDLs (Carl Adams)
- h. Establish a stakeholder group to make recommendations on revisions to R317-4 addressing biological tools and nutrient criteria. (Bill Moellmer, Jeff Ostermiller and Theron Miller 9/1/07)

STATUS: *A water quality standards workgroup was formed last year. Also, a workgroup exists for the Great Salt Lake. It is likely that a Nutrient Workgroup will be formed over the coming year, but DWQ needs to first explore the nexus between existing groups and future groups to avoid conflict. Legislative Goals*

Measures:

- a. Develop legislation to initiate Operating Permits for all non-discharging wastewater treatment facilities. (John Kennington)
- b. Develop a plan to institute on-going funding for mercury and PCB investigations. (John Whitehead)^{MERC}

IV PARTNERSHIP WITH FEDERAL, STATE, LOCAL AND TRIBAL GOVERNMENTS

DWQ

1. Coordinate with GOPB to assist communities with proper planning for the impacts of growth on wastewater needs as a part of Quality Growth planning.

STATUS: *This is no longer done (Ed Macauley).*

- a. Review and comment upon the wastewater management section of each community's Quality Growth plan. Perform the review using the checklist developed for a model sewer management plan.

STATUS: *This is no longer done (Ed Macauley).*

- b. Revise and update the MWPP and foster increased participation.

STATUS: *This is ongoing (Ed Macauley, Paul Krauth).*

- c. Allocate funding for good wastewater infrastructure planning.

STATUS: *This is ongoing (Ed Macauley).*

- d. Strengthen community outreach activities.

STATUS: *This is ongoing (Ed Macauley, Paul Krauth, Shelly Andrews).*

V EMPLOYEES

DWQ

1. Improve DWQ Morale

Measures:

- a. Effectively utilize the incentive award program. (DWQ Administration)
 - Establish an on-going tracking procedure

- Receive periodic updates from HRM
 - Investigate means to reward division “teams”
- b. Utilize employee committees to investigate improvement opportunities that were identified in the employee survey and develop plans to address them. (Employee Committee)
 - c. Select the “Idea-of-the-Month” from the suggestion box, implement as many as practicable and respond individually to all those that presented ideas. (Employee Committee)
 - d. A personal meeting will be held with each new division employee (Walt Baker)
 - e. Investigate opportunities for intra-office activities to foster camaraderie (Employee Committee)

2. Implement Personnel Measures

Measures:

- a. Develop the division’s Employee Handbook. (Stacy Carroll)
- b. Provide every employee with at least one professional development training opportunity annually and track these opportunities. (Managers)
 - Institute means whereby employees can share with other staff the significant aspects of the training that is received
 - Investigate training that does not impinge upon the out-of-state travel budget
 - Work with EPA to incorporate needed staff travel into applicable grants
- c. Track Professional Engineer and Professional Geologist continuing education units. (Stacy/Nicole)
- d. Continue implementing the Breakfast Club” brown bags. (Employee Committee)
- e. Encourage participation in CPM classes for interested employees. (DWQ Managers)
- f. Actively participate in DEQ training events and track the participation. (Faye Bell)
- g. Work with EDO to increase DWQ OOS travel budget. (Walt Baker)
- h. Continue to hold regular in-house seminars of staff activities.

- i. Offer one class per year for scientific education advancement.

VI ENHANCE POLICYMAKERS' UNDERSTANDING OF ENVIRONMENTAL ISSUES

DWQ

1. Instruct and educate Water Quality Board members in their responsibilities
 - a. Conduct a WQB work meeting at every formal board meeting to educate board members of important program activities. (Walt Baker)
 - b. Communicate a summary of enforcement actions to the WQB. (Walt Baker)

APPENDIX A

Inventory of Collection Systems in Priority Watersheds

Facility	Watershed
Bear Lake SSD	Bear River
Bear River City	Bear River
Brigham City	Bear River
Corinne City	Bear River
Garland City	Bear River
Hyde Park City	Bear River
Hyrum	Bear River
Lewiston City	Bear River
Logan City	Bear River
Mantua, Town of	Bear River
North Logan City	Bear River
Perry City	Bear River
Providence City	Bear River
Richmond City	Bear River
River Heights City	Bear River
Smithfield City	Bear River
Wellsville City	Bear River
Central Valley WRF	Jordan River
Cottonwood ID	Jordan River
Eagle Mountain, Town of	Jordan River
Granger-Hunter ID	Jordan River
Kearns ID	Jordan River
Magna Water Co Improvement District	Jordan River
Midvalley ID	Jordan River
Murray City	Jordan River
Salt Lake City	Jordan River
Salt Lake City SSD #1	Jordan River
Salt Lake City SSD #2	Jordan River
Salt Lake County SA #3	Jordan River
Sandy SID	Jordan River
Solitude Improvement District	Jordan River

South Salt Lake	Jordan River
South Valley Sewer District	Jordan River
South Valley Water Reclamation Facility	Jordan River
Taylorsville-Bennion ID	Jordan River
West Jordan City	Jordan River
Alpine City	Utah Lake
American Fork	Utah Lake
Cedar Hills	Utah Lake
Elk Ridge Town	Utah Lake
Fountain Green City	Utah Lake
Highland City	Utah Lake
Lehi	Utah Lake
Lindon City	Utah Lake
Mapleton City	Utah Lake
Nephi City	Utah Lake
Orem, City of	Utah Lake
Payson City	Utah Lake
Pleasant Grove City	Utah Lake
Provo, City of	Utah Lake
Salem City	Utah Lake
Santaquin City	Utah Lake
Spanish Fork City	Utah Lake
Springville City	Utah Lake
Sunset City	Utah Lake
Timpanogos SSD	Utah Lake
Ash Creek Special SD	Virgin River
Ivins City	Virgin River
Saint George, City of	Virgin River
Santa Clara, City of	Virgin River
Springdale, Town of	Virgin River
Washington City	Virgin River
Bountiful, City of	Weber River
Central Davis County SD	Weber River

Central Weber	Weber River
Clearfield City	Weber River
Clinton City	Weber River
Coalville City	Weber River
Farr West City	Weber River
Francis Town	Weber River
Fruit Heights City	Weber River
Harrisville City	Weber River
Henefer	Weber River
Kamas City	Weber River
Layton	Weber River
Morgan City	Weber River
Mountain Green Sewer ID	Weber River
North Davis SD	Weber River
North Ogden City	Weber River
Oakley City	Weber River
Ogden City	Weber River
Plain City	Weber River
Pleasant View City	Weber River
Riverdale City	Weber River
Roy City	Weber River
Snyderville Basin WRF	Weber River
South Davis SD	Weber River
South Ogden City	Weber River
South Weber City	Weber River
Syracuse City	Weber River
Uintah Highlands ID	Weber River
Washington Terrace, City of	Weber River
Weber County	Weber River
Weber County ISA #1	Weber River
West Point City	Weber River
Wolf Creek Sewer Improvement District	Weber River
Altamont, Town of	

Ashley Valley SMB	
Ashley Valley Water and SID	
Aurora, City of	
Ballard Town	
Beaver City	
Blanding City	
Brain Head, Town of	
Cedar City	
Centerfield Town	
Delta City	
Duchesne, City of	
Dutch John	
East Carbon City	
Enoch City	
Enterprise, City of	
Ephraim City	
Escalante City	
Eureka City	
Fillmore	
Grand Water & Sewer Service Agency	
Grantsville City	
Green River, City of	
Gunnison City	
Hanksville SSD	
Heber City	
Heber Valley SSD	
Helper City	
Hildale City	
Hinckley Town	
Jordanella Special Service District	
Kanab, City of	
Lake Point ID	
Long Valley Sewer Improvement District	

Manila, Town of	
Manti City	
Measar WID	
Midvale	
Midway SD	
Milford, City of	
Minersville Town	
Moab, City of	
Monticello, City of	
Moroni City	
Mt. Pleasant City	
Myton City	
Neola W&SD	
Nibley City	
North Village SSD	
Panguitch City	
Parowan City	
Price City	
Price River Water ID	
Redmond Town	
Richfield City	
Roosevelt City	
Salina City	
San Juan Special Service District #1	
Scofield Town	
Spanish Valley Water & SID	
Spring City	
Standsbury Park ID	
Strawberry Lake View SSD	
Sunnyside, City of	
Tabiona, Town of	
Tooele City	
Tremonton City	

Tropic, Town of	
Twin Creeks Special Service District	
Vernal City	
Wellington City	
Wendover, City of	